

PEACE OFFICERS' STANDARDS AND TRAINING

PUBLIC MEETING

February 9, 2017

* a.m.

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

MEMBERS PRESENT:

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

Michele Freeman, Chief
City of LV Department of Public
Safety

Kevin McKinney, Undersheriff
Elko County Sheriff's Office

James Ketsaa, Chief
Clark County School District Police
Department

Russell Pedersen, Chief Deputy
Washoe County Sheriff's Office

Gary Schofield, Deputy Chief
Las Vegas Metropolitan Police
Department

Troy Tanner, Police Chief
Mesquite Police Department

Dan Watts, Sheriff
White Pine County Sheriff's Office

James M. Wright, Director
Department of Public Safety

STAFF PRESENT:

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

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

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

1 RONALD PIERINI: All right. We're having
2 two things today. We're going to have a workshop,
3 and also a regular meeting as, of course, the time
4 right now is at 9:30 a.m. And we're here at the
5 POST Organization Standards and Training, Classroom
6 Number 2 here in Carson City, and what I'd like to
7 do if we could right off the bat call for order and
8 to roll call, and we'd like to start with you if we
9 could.

10 TROY TANNER: Troy Tanner, Mesquite.

11 JIM KETSAA: Jim Ketsaa, Clark County
12 School, please.

13 DAN WATTS: Dan Watts, White Pine County.

14 RUSS PEDERSEN: Russ Pedersen, Washoe
15 County Sheriff's Office.

16 KEVIN MCKINNEY: Kevin McKinney, Elko
17 County Sheriff's Office.

18 JIM WRIGHT: Jim Wright, DPS.

19 RON PIERINI: Ron Pierini, Douglas County.

20 MICHAEL JENSEN: Mike Jensen, Attorney
21 General's Office.

22 MICHELE FREEMAN: Michele Freeman, City of
23 Las Vegas, DPS.

24 RON PIERINI: And Gary, you're there?

25 GARY SCHOFIELD: Gary Schofield, Las Vegas

1 Metropolitan Police Department.

2 RON PIERINI: Thank you, sir.

3 MIKE SHERLOCK: Mike Sherlock from POST.

4 SCOTT JOHNSTON: Scott Johnston from POST.

5 RON PIERINI: Okay. Good. Thank you. We
6 just want to do a couple of things if we could to
7 remind the public to sign over here the roster
8 location. So if you're going to come up and give a
9 talk, we'd like to have that if you would and what
10 agency you're from. And also we want to make sure
11 that when you're up there you say what agency you do
12 represent.

13 Want to make sure that the cell phones are
14 turned down or off. We'd like that, no
15 interruptions if we could. And reminding the
16 commissioners that when you're ready to make a
17 question or not, whatever it might be, make sure you
18 way what your name is and what agency you're --

19 All right. We also want to make sure that
20 these mics are real close to each other, and
21 sometimes when we talk to each other, the one right
22 or left that could be on the agenda as listed as
23 what we were talking about which clearly wasn't
24 acceptable.

25 Okay. What we want to do now, I'd like to

1 talk to Mike if we could and to talk a little bit
2 about a workshop and what that means.

3 MICHAEL JENSEN: Sure. Mike Jensen for
4 the record. As part of the -- the rule-making
5 process, the Commission has to go through a number
6 of steps to be able to complete that process. The
7 Commission has been given authority under its
8 statutes to adopt regulations, and in order to do
9 that, one of the first steps in the -- in the
10 process is to have a workshop. There are a couple
11 of ways that a workshop moves forward. Sometimes
12 there's some proposed language already for the
13 Commission to look at and -- and to get comment from
14 interested persons on. Or it may just be a general
15 topic where the Commission is looking at potentially
16 making a change to regulations and just wants to get
17 information, have discussion about that general
18 matter. So it's the first step in the rule-making
19 process.

20 After a workshop is held and if the
21 Commission were to decide to go forward, then there
22 would be language admitted to LCB and eventually a
23 public comment hearing before that regulation could
24 be adopted. So this isn't the point where any
25 adoption is going to happen. It's just discussion.

1 RON PIERINI: Okay. Thanks Mike.

2 Any questions that the commissioners may
3 have on that? All right. How about in the public?
4 Anybody like to make comment on that? Okay. On the
5 workshop, one of the things, Mike, what we -- we're
6 a little bit concerned about is the fact that we are
7 going to do a workshop on a topic, and obviously
8 we'll have to go to part two of that later on, but
9 none of that is going to be probably completed until
10 after the Legislature is over with. But still,
11 we're moving forward on it.

12 The topic today what we're going to talk
13 about as the Commission to discuss reservation of
14 the Category 1, 2, and 3 in reserve basic training
15 topic, and then what we're going to align similar
16 topics covered by each category with Category 1
17 requirements.

18 And I'm not sure if you're doing that,
19 Scott, or Mike, you're doing it.

20 SCOTT JOHNSTON: All of us are.

21 MICHAEL SHERLOCK: Yeah. Mike Sherlock
22 for the record. I'll -- I'll try to be as succinct
23 as possible. One of the reasons we want to look at
24 this is there is some confusion in this area.

25 So how this came about is really at the

1 request of both some rural agencies and metro,
2 frankly, asking us to take a look at the training
3 categories 1, 2, and 3, maybe realign those in terms
4 of the NAC.

5 If you understand where we came from, Cat
6 3 was developed by separate committee than Cat 1 and
7 2. So what happened is although the NAC titles are
8 different because of those separate committees, much
9 of the learning objectives are the same, and so we
10 want to fix that. If you understand, Cat 2 is fully
11 integrated into Cat 1. Cat 3 is kind of out here by
12 itself not touching -- from a regulatory standpoint
13 not touching 1 or 2. Obviously there are some
14 issues with -- with some of that. But it -- right
15 now if you attended Cat 1 academy, you're also
16 getting Cat 2 training, but you're not getting any
17 Cat 3 training by statute or by NAC.

18 Obviously there are several reasons to fix
19 that. Our intent is to make Cat 1 the highest level
20 as it relates now to Cat 2, but also put Cat 3 in
21 there from a training standpoint. Cat 1 would be
22 the highest level of training, 2 the next, 3 down at
23 the bottom, you know, to fix that -- those training
24 subjects.

25 There are some wording issues that we've

1 run into. For instance, the NRS has changed the
2 wording for -- from elder abuse to older person. We
3 need to fix the NAC, and this fixes that. The NRS
4 has changed -- removed the reference to in terms of
5 collisions removed the reference to accidents and --
6 and now in the NRS it's -- it's called crash, so we
7 need to -- you know, change the titles related to
8 that and get accident and elder out and -- and fix
9 that.

10 The other big issue to keep in mind is
11 under the current regulatory scheme and the statutes
12 for that matter, our categories are simply training
13 requirements. We've had some confusion, and frankly
14 it's POST's fault also, in terms of what a Cat 1 can
15 and can't do and Cat 3 and that kind of thing.
16 There's been a kind of a belief that, you know, if
17 you're -- if you're in a rural agency and Cat 1
18 working the street, the jail staff doesn't show up
19 and you need to move the -- that Cat 1 into the
20 jail, it's okay, because they're Cat 1. That's not
21 the case currently. Even though we may have given
22 that impression, that's not how it works. Under the
23 statutes you have to have -- or, you know, under the
24 regulatory scheme now you have to have detention
25 training to work in an detention environment. So

1 realigning this and fixing that would -- would fix
2 that. Anyone who -- who is a Cat 1 would be able to
3 work in the jail without violating our current, you
4 know, current regulations if we change those.

5 And this applies not just to rurals. For
6 instance, metro has some people may be coming
7 towards the end of their career, they want to
8 transfer from the patrol side and work detention.
9 They can't do that at all without putting them
10 through their academy, and -- and there are some
11 issues with that, and that's one reason they wanted
12 to take a look at that.

13 From the Cat 2 perspective, if you look at
14 the regulations and the training requirements, Cat 2
15 gets no detention training, and from a practical
16 standpoint, it's really more important for Cat 2s.
17 We have juvenile probations -- juvenile probation
18 that falls under Cat 2, probation in general. That
19 may also be assigned to some sort of custody
20 environment, and they get no Cat 3 at all the way
21 we're set up right now, which, you know, we think is
22 a bit of a problem.

23 And finally the other issue that was
24 brought us is currently under Cat 3 there's no
25 requirement for firearms training, yet every single

1 Cat 3 academy in the state includes firearms
2 training. There was some interest in getting that
3 changed to include firearms training in Cat 3 for a
4 lot of reasons. In your strategic plan, your jail
5 personnel are part of your force multipliers. It
6 just -- it's easier for them if they -- if, you
7 know, from a basic training standpoint that they
8 have at least had firearms training from the
9 beginning, and so this would fix that.

10 The big question, of course, is if we
11 integrate Cat 3 into Cat 1 just like Cat 2, is it
12 going to require an increase in minimum hours and
13 that kind of thing for your -- for our academies
14 throughout the state. The answer to that is no for
15 a lot of reasons. One, we have no academies in the
16 state that operate at the minimum number of hours
17 anyway. The increasing hours would be meaningless
18 in terms of the regulation.

19 The other thing is we already have
20 academies, our academies, now integrating Cat 3.
21 Southern Desert has done 3/1 for years, and they
22 already do that, so it wouldn't change anything for
23 them.

24 If you understand the regulation, our hour
25 requirements are based on the entire academy, not

1 subject. And -- and the reason for that is that we
2 allow local jurisdictions to emphasize those --
3 those areas that are most important in their
4 jurisdiction, so there's no hour requirement per
5 subject, so you can absorb those fairly easily just
6 to give you an idea.

7 And the other thing is a majority of the
8 topics that are found at Cat 3, although they're
9 titled different, are the same objectives that you
10 already find in Cat 1 and 2, just minor things. So
11 for us from a practical standpoint to -- to
12 incorporate all of Cat 3 into our 1/2 was a total of
13 16 hours increase. And -- and that's on paper.
14 Frankly, we could've absorbed it without adding
15 hours. We just didn't want to hit our performance-
16 based training hours and that kind of thing, so on
17 paper it's 16 hours.

18 So basically that's what we're looking to
19 do is integrate Cat 3 just like Cat 2 into Cat 1.
20 It streamlines it. It -- it appears that was the
21 original intent except for the separate committees.
22 It fixes some issues for agencies that would like to
23 use people in different disciplines. It does not
24 take away the ability to have a Cat 2 academy or a
25 Cat 3 only academy. It doesn't change anything at

1 all. It just changes the training category and
2 subjects, trying to fix those issues. So that's
3 what that's about.

4 And I can take any questions if you have
5 any.

6 RON PIERINI: Okay. Any commissioners
7 have any questions or comments? I think -- I just
8 want to make one comment, and that is the fact is I
9 think most of us believe that if you had a Category
10 1 you did put them back in the jail it doesn't
11 matter. That was the top of all tops. So boy, I
12 was wrong on that one, so I have to say I did that
13 one time and glad we cleaned that up. So that's a
14 good idea to do that.

15 Anybody have any comments or questions?
16 Okay. How about to the public? Is there anyone
17 here who would like to make a comment on that?
18 Questions? Okay. Seeing none, we're going to move
19 on to the regular meeting if we could.

20 Okay. This is discussion and public
21 comment and also possible action approval of the
22 minutes from the November 1, 2016 regular scheduled
23 POST Commission meeting. So any of the
24 commissioners would like to have any comment on the
25 -- on the actual minutes? Do we have any changes we

1 should have? And to the public, anyone would like
2 to make comment on that if you happen to see that?
3 Okay. Hearing none, do I have a -- like to make a
4 motion?

5 RUSSELL PEDERSEN: Russ Pedersen approve.

6 RON PIERINI: Thank you. Second?

7 TROY TANNER: Troy Tanner, second.

8 RON PIERINI: Any other questions?

9 Comments? All in favor?

10 COMMISSIONERS: Aye.

11 RON PIERINI: Anybody opposed? Okay.

12 Thank you.

13 Information, Mike.

14 MICHAEL SHERLOCK: All right. I'll try to

15 zip through this. You know, as many of you know, we

16 are in budget season. I know we've talked about it

17 here at the Commission a few times. We here at POST

18 realize there is a limited pool of court assessment

19 money, and we are 100 percent funded by that court

20 assessment money, so, you know, we understand that.

21 But, you know, that being said, we are a bit

22 disappointed at this point that we, and I mean

23 training and standards, did not receive high

24 priority when you consider the national focus on

25 policing and -- and standards of presentation, but

1 beyond that, we were just hoping for more support.
2 Particularly we had provided some ideas on improving
3 our funding, other funding mechanisms, and those did
4 not past muster.

5 So that being said under the Governor's
6 recommended budget, we have no real change in our
7 budget. On paper we're actually taking about a nine
8 percent reduction over the biennium. At this point
9 we do believe that it may affect our services to
10 some extent.

11 So I'll start with basic training. We are
12 budgeted for 24 cadets twice a year. That's 48 for
13 the year. We essentially have 32 seats. We're
14 currently dealing with waiting lists to get into our
15 academy. We would anticipate to be running at full
16 capacity, that means 32, 64 for the year, not 48
17 perhaps for the entire biennium coming up, which
18 would be 64 cadets a year. That doesn't include our
19 reserve training or some of the other basic training
20 stuff that we provide.

21 But under the current budget, if that's
22 the case, we will run out of things like food
23 allowance money. We pay a partial per diem or food
24 allowance for those attending the academy. We would
25 not have enough money to -- to -- to do that at this

1 point. And when that -- if that should occur, we
2 will likely pass that along to the agencies, some of
3 those costs.

4 But again, you know, we've -- we've been
5 able to deal with that for the last couple of years.
6 We'll cross that bridge when we get there, but
7 there's no doubt that we're going to, at least for
8 the short term, have full academies. We're not
9 budgeted for full academies. That's just the
10 reality of it.

11 We've handled that. Obviously state
12 agencies don't get food allowance. We try to limit
13 it to those that are actually paying into court
14 assessment fees get that food allowance and that
15 kind of thing, so -- and we've been able to deal
16 with that, but just so everyone knows that -- that
17 is an issue for us.

18 You know, we had requested a few things.
19 The new use of force trainers, some new training
20 space monies, you know, some other equipment needs
21 that were not approved we'll deal with as time goes
22 on.

23 In terms of the basic training, we have
24 along those lines of being full all the time, I
25 created an updated policy that -- that really makes

1 our priorities known. Again, because we do have
2 more people wanting to get into the academy than we
3 have seats, we also instituted an alternate
4 enrollment option at the request of Carson, I saw
5 the sheriff here somewhere, there, Sheriff Furlong
6 made a good suggestion. We are accepting alternates
7 now.

8 Basically what that is, is we allow up to
9 four people show up ready to go for our academy.
10 Our big fear is when we have this many people
11 wanting to get into the academy and starting day one
12 with empty seats is not -- it's not something I
13 want, so we allow up to four people -- it's -- it's
14 a bit of a strain on agencies, because you don't
15 know if that person is actually going to get into
16 the academy, but they show up with their uniforms
17 and their ammo and all that whatever equipment needs
18 they have, and if we have failures, because we
19 always do, on that entrance exam, then they can
20 start right there. And it worked out. We had three
21 alternates show up at this current academy we have
22 going, and all three of them got in. So we are
23 happy about that. We had no empty seats for day
24 one. We have empty seats now; don't get me wrong.
25 But day one we didn't have any empty seats, so we'll

1 continue to do that --

2 RON PIERINI: If I -- if I could interrupt
3 you. You know what, Sheriff? I'm going to bring a
4 bunch of people to mine. We're going to take over
5 some of those spots.

6 MICHAEL SHERLOCK: It's a good thing. I
7 mean, again, you just don't want empty seats when
8 you have such a need for -- for basic training right
9 now. So we've done that.

10 Our policy kind of lays out what our
11 priorities should we have a full academy at 32, then
12 we drop into our priority policy, which obviously
13 are those that have gotten extensions from the
14 Commission are up on their one year, they're from
15 rural agencies, and we have a -- we have a -- a
16 priority list that -- that people can look at.

17 The only other I'd add in terms of basic
18 training is we aware of a BDR that, I think, the
19 Commission is aware of, the use of -- the Commission
20 supported in terms of dispatchers and some training
21 standards and being included. There is a BDR on
22 that. We don't see any fiscal impact at this point.
23 Not seeing the entire BDR, but talking to those that
24 are dealing with that, and I know if there are
25 issues that DPS has agreed to provide some help in

1 terms of tracking and all that. So we'll see what
2 happens with that one.

3 In advanced training we will continue to
4 provide those core courses that we do; supervisor,
5 management, basic instructor development, executive,
6 those things for sure. We did, again, get no help
7 in the budget in terms of expanding that. My
8 thoughts at this point are we will probably suspend
9 things like blue courage training and some of the
10 other ideas that we had, standardizing FTO and
11 leadership training. We're just not going to have
12 the funds at this point if our budget stays the way
13 it is to expand in -- in those areas or other things
14 we were considering.

15 In terms of standards, we have completed
16 our administrative manual. We're -- we're rolling
17 it up today, I think. We really think this will
18 help agencies understand POST regulations and how
19 they can demonstrate compliance to us. The manual
20 has instructions and information on everything from,
21 you know, hiring, background requirements, you know,
22 how you demonstrate compliance with backgrounds,
23 which is a big headache out there for agencies, and
24 all the way, you know, how to do PARS and basic
25 certificate applications. All those things that --

1 that are important to the agencies, and we'll get
2 that out there, be on our website, that kind of
3 thing. It's just really good resources for
4 agencies.

5 Again, in terms of the budget with
6 standards, really on that side, it could affect
7 travel, staff training, and that kind of thing
8 depending on how -- how it all falls down.

9 You know, again, I -- I think we do a good
10 job with the monies we had. We're just hopeful that
11 we could kind of expand and -- and make some other
12 improvements. That currently doesn't look like
13 we'll be able to do that.

14 One other thing from standards, it's
15 compliance season right now. We're doing okay, I
16 think, as far as compliance. One area that's a big
17 confusion that -- that -- that's come up this time,
18 and there's different things every time, but in
19 terms of firearms training, try not to look at you,
20 Director, but, you know, there -- what -- what the
21 regulations say is you must demonstrate proficiency
22 for all firearms authorized twice yearly.

23 So what we have sometimes is, you know,
24 you change -- you change guns midseason or you hire
25 someone at the end of the calendar year. You know,

1 does it really make sense for them to shoot twice on
2 December 31st? You know, from our perspective the
3 answer to that is no. You know, demonstrate
4 proficiency, you can't demonstrate proficiency twice
5 on the same day. You've already demonstrated
6 proficiency. So we understand that.

7 In terms of, you know, particular firearms
8 if -- if you're shooting a semiauto and you get
9 newer model or buy a new gun and you shoot that one,
10 you don't have to shoot the old one again and then
11 shoot the new one twice. I mean, we're okay with
12 it. We set the minimum standard. The agency
13 decides, you know, what's -- what's appropriate for
14 you in terms of training and that kind of thing. So
15 I just want to make sure that's clear.

16 Along those lines I'm thinking that
17 perhaps we should take a look at the language
18 related to yearly maintenance training and how we
19 word that. Again, I don't know that -- that every
20 gun authorized is the best wording. I -- I don't
21 know what is better, but there is some confusion out
22 there. And so we'll take a look at that and maybe
23 bring that to -- to the Commission to move forward
24 on maybe fixing some of that.

25 One final item, sometime ago the

1 Commission amended the -- amended the NAC and
2 created the ability for staff to receive voluntary -
3 - voluntary surrenders of -- of basic certificates.
4 Under that regulation, once that's accepted by our
5 staff, we are required to notify the Commission at
6 the next available meeting that we received a
7 voluntary surrender. We did have one from one
8 Andrew Casacca formerly employed by the Washoe
9 County Sheriff's Department. He voluntarily
10 surrendered his basic certificate as part of a plea
11 agreement in a -- it's a criminal court case. The
12 plea was for misconduct by a public officer. This
13 occurred and was approved by the court -- courts at
14 the end of September, but we weren't notified until
15 after the November meeting.

16 He's been entered into the National
17 Decertification Index. I won't go into the facts.
18 It was voluntary surrender, part of a plea
19 agreement. There is more information in the -- in
20 the Commission books on that if you're interested,
21 but we did accept it.

22 It is an expedited way of dealing with
23 some of these cases that, I think, saves the
24 Commission some time, so we're happy that it was
25 able to work, so --

1 That's all I have.

2 RON PIERINI: One thing it does is it
3 saves Mike a lot of time, because he has to go
4 through that, and we're going to have more, I think,
5 today.

6 Anybody have any comments or questions on
7 Mike? Thank you very much. Maybe we should ask the
8 public. Anybody have any questions on -- to Mike on
9 this particular topic? Okay. Hearing none, we're
10 going to move on to Number Three.

11 Discussion, public comment, and for
12 possible action, the Commission to discuss and take
13 possible action to continue the rule-making process
14 to revised the training subject of academies one,
15 two, and three and reserve basic training programs
16 by similar topics in each category with category 1.
17 And that's part of what we just did in the workshop.
18 So Mike, did you want to talk anything more about
19 that?

20 MICHAEL SHERLOCK: Well, no. I think -- I
21 think the information is out there. I think at this
22 point Mike would be looking for a motion to move to
23 the rule-making -- continue the rule-making process.

24 MICHAEL JENSEN: Continue -- Mike Jensen
25 for the record. This is just the opportunity for

1 the Commission to let staff know if you wanted to
2 move forward in the process making of a regulation.

3 UNIDENTIFIED MALE: Okay.

4 RON PIERINI: Looking at any comments or
5 topics you'd like to talk about on that if we could.

6 Anybody here with the commissioners? Okay.

7 Reaching out to the -- the public, if they would
8 like to make comment on that. Okay. Then we're
9 looking for a motion.

10 TROY TANNER: Troy Tanner, Mesquite. I
11 make a motion to continue the rule-making process to
12 revise the training subjects for category 1, 2, and
13 3.

14 RON PIERINI: Thank you, Troy. Do we have
15 a second?

16 JIM WRIGHT: I'll second.

17 RON PIERINI: Thank you. Okay. Any other
18 comments? Okay. All in favor?

19 COMMISSIONERS: Aye.

20 RON PIERINI: Anybody opposed?

21 GARY SCHOFIELD: Aye.

22 RON PIERINI: Thank you. All right. Gone
23 through.

24 Okay. Number Four, discussion, public
25 comment, and for possible action request from the

1 11th Judicial District Youth and Family Services for
2 the community of Nicole Mathias for a six-month
3 extension coming right up there (inaudible) past a
4 one-year requirement to November 30th, 2017 in order
5 to meet the requirements for certification, so thank
6 you.

7 CRAIG TIPPENS: Good morning. Craig
8 Tippens. I'm the chief juvenile probation officer
9 for the 11th Judicial District.

10 NICHOLE MATHIAS: Nicole Mathias, juvenile
11 probation officer for 11th Judicial District Family
12 Services.

13 RON PIERINI: Okay. Before we do that, we
14 have Scott. Do you want to make an outline of that,
15 please?

16 SCOTT JOHNSTON: No. We -- Scott Johnston
17 for the record. We received a letter, it's in your
18 commission book, making this request for the six-
19 month extension and the circumstances behind it, and
20 we've ensured that their staff is going to be
21 present to make their case before the Commission.

22 RON PIERINI: Okay. Give us an outline,
23 please.

24 NICOLE MATHIAS: Oh, okay. I attended
25 POST in July of 2016 and made it to the beginning of

1 week three, and due to a preexisting knee injury, I
2 just was unable to make it through. I have seen a
3 couple of doctors since then. They were not willing
4 to do surgery. I just have to fight through it, do
5 some rehabilitation, and try to get through in July
6 of this year.

7 RON PIERINI: Any questions, Commission?
8 Anybody in the public? Okay. So we're in pretty
9 good shape on that, right, Scott?

10 SCOTT JOHNSTON: May I make one more
11 addition to that? Scott Johnston for the record.
12 If the Commission does approve the six-month
13 extension, it would -- it would extend the one-year
14 requirement to be certified, out -- six more months
15 out to November 30th of this year, which would --
16 would allow the adequate time for attendance to the
17 academy and fulfilling all the certification
18 requirements.

19 RON PIERINI: Thank you. All right. Do I
20 have a motion?

21 KEVIN MCKINNEY: Kevin McKinney. I'll --
22 I'll move to approve the six-month extension.

23 RON PIERINI: Thank you. Do I have a
24 second?

25 RUSSELL PEDERSEN: Russ Pedersen, second.

1 RON PIERINI: All right. Any other
2 questions or comments? All in favor? Or, excuse
3 me. (Inaudible).

4 JAMES KETSAA: Question. 2017 academy,
5 will there be a seat for her?

6 MICHAEL SHERLOCK: At this point, yes.

7 UNIDENTIFIED MALE: Okay.

8 MICHAEL SHERLOCK: Again, because of the
9 extension --

10 UNIDENTIFIED MALE: Okay.

11 MICHAEL SHERLOCK: -- even if we hit --
12 Mike Sherlock for the record. If we hit the 32, our
13 maximum, then we drop into the priorities. One of
14 the -- the top priority is someone who has an
15 extension and needs to get the training before that
16 extension expires. Yes.

17 RON PIERINI: Okay. So we're okay on
18 that. So we have a motion and it was seconded. All
19 in favor?

20 COMMISSIONERS: Aye.

21 RON PIERINI: Anybody opposed?

22 GARY SCHOFIELD: Aye.

23 RON PIERINI: Okay. Thank you very much.

24 NICOLE MATHIAS: Thank you.

25 RON PIERINI: Okay. We're going to go to

1 Number Five. Discussion, public comment, and for
2 possible action, request from the Nevada Gaming
3 Control Board their employee Justin Yugas for a six-
4 month extension past one year requirement to
5 November 2nd, 2017 in order to -- to meet the
6 requirements for certification. Scott?

7 SCOTT JOHNSTON: Scott Johnston for the
8 record. Yes, we received from the agency a letter
9 making this request for the six-month extension.
10 Their officer was scheduled in 2016 to attend the
11 academy, but sustained an injury before going, and
12 has gone through the treatment program for that and
13 should be fit for the July 2017 academy. The
14 extension would extend his time period to become
15 certified out to November 2nd of 2017, which would
16 be sufficient for obtaining the certification and
17 maintaining peace officer status.

18 RON PIERINI: Thank you, Scott. All
19 right, sir.

20 DAVE ANDREWS: Dave Andrews, deputy chief
21 with the Nevada Gaming Control Board. Mr. Yugas is
22 stationed in our Elko office currently, and as Mr.
23 Johnston said, we hired him on May 2nd of 2016
24 anticipating he would enter the July 25th, 2016 POST
25 academy. On June 29th we ran him through the

1 physical fitness testing at the gymnasium next door
2 here, and during that testing he tripped, and when
3 he landed, he broke his little finger on his right
4 hand. It was a compound fracture. It required
5 surgery with pins in it. And then later last year
6 he actually went through a second surgery to remove
7 the pins and reassess the bone, make sure he still
8 had mobility. We were anticipating and we had him
9 scheduled in the academy that is currently occurring
10 that started on January 23rd.

11 On January 4th of 2017, he went for a
12 doctor's visit for his final release, and the doctor
13 indicated the patient is full duty, but cannot
14 attend the police academy this round. The doctor's
15 opinion was the increased physical exercise
16 activities in the POST academy could reinjure the
17 finger where he would no longer have mobility for
18 the rest of his life.

19 So we schedule him hopefully for the July
20 17th academy this year, and just last week he
21 transferred from the Reno to the Elko office, went
22 to see his doctor, again, and he received a full
23 release. So about two weeks after our academy
24 started here, he does have a full release, but he's
25 ready to go for the July 17th academy.

1 RON PIERINI: Thank you. Any questions,
2 comments Commission? How about out to the public?
3 Seeing none, do we have a motion?

4 RUSSELL PEDERSEN: Russ Pedersen move to
5 approve.

6 RON PIERINI: Thank you. Do I have a
7 second?

8 DAN WATTS: Dan Watts, second.

9 RON PIERINI: Thank you, Dan. Any other
10 questions, comments? All in favor?

11 COMMISSIONERS: Aye.

12 RON PIERINI: Anybody oppose? So carried.
13 Thank you.

14 DAVE ANDREWS: Thank you.

15 RON PIERINI: One thing I just wanted to
16 as a note is as to people came up here is that they
17 at least showed up here and gave reasons why we
18 could have that extension. I appreciate that very
19 much.

20 Okay. On Number Six is discussion, public
21 comment, and for possible action, request from the
22 Las Vegas Metro Police Department for the employee
23 of Captain Fred W. Myer for Executive Certificate.
24 So what do we have on that?

25 MICHAEL SHERLOCK: Mike Sherlock for the

1 record. POST staff received an application for
2 Executive Certificate from the Las Vegas
3 Metropolitan Police Department for Captain Fred W.
4 Myer. The POST Executive Certificate committee met
5 and found that Captain Myer meets the position,
6 training, education, and experience requirements
7 under the NAC and recommends the Commission issue
8 the Executive Certificate to Captain Myer.

9 RON PIERINI: Thank you very much. Do we
10 have any questions or comments? Gary, would you
11 like to make any discussion (inaudible)?

12 GARY SCHOFIELD: No. I'd like to make a
13 motion to accept the or grant that Executive
14 Certificate.

15 RON PIERINI: Okay. Your motion is to do
16 that. Okay. Do we have a second?

17 MICHELE FREEMAN: Michele Freeman, second.

18 RON PIERINI: Okay. You're second. Any
19 other questions or comments? How about in the
20 public? Hearing none, all in favor?

21 COMMISSIONERS: Aye.

22 RON PIERINI: Anybody opposed. So
23 carried. Thank you.

24 Number Seven we're going to talk about
25 discussion, public comment, and for possible action,

1 request from the Henderson Police Department for
2 their employee Captain Bryan Dunaway for an
3 Executive Certificate.

4 MICHAEL SHERLOCK: Again, Mike Sherlock,
5 for the record. POST staff received an application
6 for an Executive Certificate from the City of
7 Henderson Police Department for Captain Bryan K.
8 Dunaway. Again, the POST Executive Certificate
9 committee met and found that Captain Dunaway meets
10 the position, training, education, and experience
11 requirements under the NAC, and recommends the
12 Commission issue the Executive Certificate to
13 Captain Dunaway.

14 RON PIERINI: Okay. Thank you. Do we
15 have anybody from Henderson want to talk about that?
16 I don't think so. Okay. Any comments or questions
17 from our Commission? Looking for a motion.

18 TROY TANNER: Troy Tanner will make a
19 motion to approve Captain Bryan Dunaway for his
20 Executive Certificate.

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

23 JAMES KETSAA: Jim Ketsaa, second.

24 RON PIERINI: James, thank you. Any other
25 questions on that? All in favor?

1 COMMISSIONERS: Aye.

2 RON PIERINI: Okay. So carried. Thank
3 you.

4 Okay. Number Eight, discussion, public
5 comment, and for possible action, hearing pursuant
6 to NAC 289.290(1)(g). Okay. Kaleo Gedge formerly
7 of the Nevada Department of Corrections and this is
8 certification for two felony convictions of
9 furnishing a controlled substance to a state
10 prisoner and transport for a controlled substance.
11 The Commission will either decide to revoke this
12 person's category 3 basic certificate, but Mike,
13 this is all yours.

14 MICHAEL JENSEN: All right. Thank you,
15 Mr. Chairman. Mike Jensen for the record. As we've
16 done in the past, this is one of our hearings for
17 possible revocation of POST certification. Just as
18 a background, NRS 289.510 provides the Commission
19 with authority to adopt minimum standards for
20 certification and decertification of officers.
21 Under that authority the Commission adopted are
22 regulation in 289.290, which establishes the causes
23 for which the Commission would revoke, refuse, or
24 suspend a certificate of a peace officer.

25 With regard to this particular case,

1 Section (1)(g) is the relevant provision which
2 authorizes revocation for a felony conviction. In
3 the packet you have a number of exhibits that would
4 be -- that I'll just briefly go through, it is a
5 pretty straight forward case, I think, that I would
6 ask to be admitted after we've gone through those
7 and be made part of the record for any action the
8 Commission may take today.

9 Exhibit A is the Notice of Intent to
10 Revoke, which by our regulation and open meeting law
11 we're required to provide to the individual. It was
12 provided to Mr. Gedge. It was personally served on
13 him. It basically, as you can see, sets out his
14 rights in this particular case. It identifies the
15 convictions that the Commission would be taking an
16 action based on and his opportunity, although he
17 doesn't really have -- he's incarcerated right now,
18 doesn't really have a opportunity, but I understand
19 he hasn't asked to appear or made any request of the
20 Commission to appear today. The scope of the
21 hearing is whether or not he should -- his
22 certificate should be revoked for the -- the felony
23 conviction.

24 Exhibit B is our proof that he was served
25 with that particular notice giving him that

1 information.

2 Exhibit C it shows -- Exhibit B shows he
3 was served on January 19th, 2017, which is within
4 the legal requirements to take action today.

5 Exhibit C is the personnel action report
6 showing Mr. Gedge was separated from employment as a
7 peace officer effective November 23rd of 2016, is
8 the date that I've got on his -- his Personnel
9 Action Report.

10 Exhibit D is the POST certificate that the
11 Commission would be taking action if it does today
12 to revoke.

13 The next documents are the criminal
14 documents evidencing the conviction that took place
15 in this case. Exhibit E is the certified copy of
16 the information that shows the two charges, which is
17 -- the Chairman has already set out in the agenda
18 item are count one, furnishing a controlled
19 substance to a state prisoner, and count two,
20 transport of controlled substance both of which are
21 -- are felonies.

22 It outlines under that information the
23 basic facts of what occurred, really general facts,
24 but it states that Mr. Gedge did -- did unlawfully,
25 feloniously furnish, attempt to furnish to a state

1 prisoner confined in an institution of the
2 Department of Corrections a controlled substance.
3 That on or about on September 5th, 2016, he
4 transported or furnished or attempted to furnish
5 methamphetamine to prisoners confined at the High
6 Desert State Prison.

7 The next document, Exhibit F, is the
8 guilty plea agreement where Mr. Gedge agreed to
9 plead guilty to both of those counts.

10 And finally the last exhibit is the -- is
11 the judgment of conviction showing that there was a
12 conviction entered by the court on both counts, both
13 furnishing a controlled substance to a state
14 prisoner and transport of controlled substance both
15 felony convictions. It shows here that he was
16 sentenced on those two counts to incarceration
17 Nevada Department of Corrections for a minimum of --
18 a maximum of 48 months, a minimum of 18 months. And
19 those two were to run concurrent.

20 I think that's a pretty straightforward
21 case. An individual who was employed as a peace
22 officer in corrections who brought controlled
23 substance into a correctional facility certainly is
24 a serious criminal offense. It's inconsistent with
25 and certainly incompatible with a person who's

1 placed in the position of a peace officer, and a
2 clear violation of the trust that's placed in those
3 peace officers. Also because he has a felony
4 conviction that disqualifies him from being a peace
5 officer in the state of Nevada, and based on that
6 evidence, Mr. Chairman, I'd ask that that be
7 admitted into the record, and we'd recommend that
8 Mr. Gedge's Basic Certificate be revoked.

9 RON PIERINI: Thank you. Exhibits are
10 approved. Okay. Do we have any questions or
11 comments from the Commission? Okay. How about out
12 in the audience? Okay. Do I have a motion?

13 RUSSELL PEDERSEN: Russ Pedersen move to
14 revoke Mr. Gedge's certificate.

15 RON PIERINI: Thank you. Do I have a
16 second?

17 JIM WRIGHT: Jim Wright, second. Jim
18 Wright, second.

19 RON PIERINI: Okay, Jim. Thank you. Any
20 other comments or questions? All in favor.

21 COMMISSIONERS: Aye.

22 RON PIERINI: Any opposed? So carried.
23 Thank you. Thanks, Mike. (Inaudible). Appreciate
24 it.

25 Okay. Number Nine, discussion, public

1 comment, and for possible action, request from the
2 Carson Reno City Sheriff's Office for their employee
3 Karlyn Jones for a six-month extension past one year
4 requirement to August 19th, 2017, in order to meet
5 the requirements of certification. Kenny.

6 KEN FURLONG: Good morning, all. This is
7 a request for an extension for Deputy -- Deputy
8 Sheriff Karlyn Jones. She was scheduled to attend a
9 POST Academy coming up on her one year probation
10 mark. Unfortunately the weather outside she was
11 involved in a automobile accident in between Carson,
12 and we know that she was going home from duty and
13 pretty severely broke her femur. So while we do
14 have her anticipated, and I use the word
15 anticipated, for the July academy, we will need
16 approved extension for her certification processes.

17 RON PIERINI: Okay.

18 SCOTT JOHNSTON: Scott Johnston for the
19 record. If the Commission does approve the request
20 that Sheriff Furlong is making, this would provide
21 an extension out to November 19th, 2017, which would
22 be adequate time for the attendance at the academy
23 and fulfilling the requirements for certification.
24 Staff has -- staff would recommend approval on this.

25 RON PIERINI: So you're okay with that?

1 SCOTT JOHNSTON: Yes, sir.

2 RON PIERINI: All right, Scott. Thank
3 you. Any comments or questions from the Commission?
4 Move to the public. Looking for a motion.

5 DAN WATTS: Dan Watts, I make a motion
6 that we approve the extension for Deputy Jones.

7 RON PIERINI: Thanks, Dan. Second?

8 MICHELE FREEMAN: Michele Freeman, second
9 the motion.

10 RON PIERINI: Thank you, Michele. Any
11 other questions or comments? Okay. All in favor?

12 COMMISSIONERS: Aye.

13 RON PIERINI: Any opposed? So carried.

14 KEN FURLONG: Thank you.

15 RON PIERINI: Thank you. Okay. Now we go
16 to for public comment. Does anybody out in the --
17 in the -- in the public area here would like to make
18 a comment on something that we have not agendized?
19 Okay. Seeing none, we're going to go to scheduling.

20 MICHAEL SHERLOCK: Mike Sherlock for the
21 record. We -- looking at the calendar, we're going
22 to suggest the next meeting for May 4th. We're
23 hoping at 8:30 here in Carson City. Just so
24 everyone knows, that is the date of the peace
25 officer memorial ceremony. That begins at 12 noon.

1 In addition, the sheriffs and chiefs meeting is on
2 May 3rd. Our -- our thoughts are most of the
3 commissioners, you know, likely will be up here the
4 day before anyway.

5 In addition to that, the -- the agenda may
6 include the continuation of a waiver request. You
7 know, I want to make sure that we do not run late.
8 I want everyone to make sure, you know, get to the
9 memorial on time. That's why we're -- we're kind of
10 thinking maybe 8:30 for a start time. We'll leave
11 that to the Commission.

12 That's what we look at.

13 RON PIERINI: But to understand that on
14 the 4th at 8:30, what do we do later on that day?

15 MICHAEL SHERLOCK: At 12 noon is the
16 memorial.

17 RON PIERINI: Yeah. So that would work
18 probably for everybody I would think, huh? Okay.
19 Good. Thank you.

20 I don't know we -- we always talk about
21 having a public comment and for possible action, I'm
22 not sure we need to do that (inaudible) get final
23 things done. Do we have quite an outline more
24 topics that we're going to probably have on that day
25 or is it pretty small?

1 MICHAEL SHERLOCK: Well, you know how --
2 Mike Sherlock for the record. Right now I think
3 that that one item may be fairly time consuming --

4 RON PIERINI: Oh.

5 MICHAEL SHERLOCK: -- so I'm hoping to
6 keep the agenda light, so we can address that one
7 topic and -- and make sure that everybody gets to
8 the memorial on time.

9 RON PIERINI: Well, then we would go ahead
10 and get a possible action for a motion on that if we
11 could (inaudible).

12 TROY TANNER: I just have a quick comment.
13 Troy Tanner from Mesquite. Will you make sure too
14 that you sent it to Bob from Chiefs and Sheriffs.
15 On this meeting he didn't know about it. And he'll
16 send it out to our membership too. Just so we all
17 stay on the same page, because we all make other
18 meetings, so I know it came up, so not a big deal,
19 but maybe you could send him one.

20 MICHAEL SHERLOCK: Sure.

21 TROY TANNER: That would be great.

22 RON PIERINI: Okay. All right. So do I
23 have a motion? Okay. I'll make a motion for
24 approval of May 4th at 8:30 a.m. for our next
25 meeting. Do I have a second?

1 JAMES WRIGHT: Jim Wright, I'll second.

2 RON PIERINI: Thank you, Jim. All in
3 favor?

4 COMMISSIONERS: Aye.

5 RON PIERINI: Thank you. Okay. Finally
6 this is the biggest thing. It's, you know,
7 discussion, public comment, and for possible action
8 for adjournment. Does anybody want to make that?
9 Thank you, Dan. Do I have a second? Thank you.

10 (MEETING ADJOURNED AT * a.m.)

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

_/s/ Kimberly Padgett_____

2/14/2017

Kimberly Padgett

DATE

TrustPoint Reporting