

## 1 STATE OF NEVADA

## 2 COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

3  
4 A Workshop and Regularly Scheduled Meeting of  
5 the Commission on Peace Officer Standards and Training was held  
6 on Thursday, February 9, 2023 commencing at 8:00 AM at 5587 Wa  
7 Pai Shone Avenue, Carson City, Nevada.

8  
9 COMMISSIONERS:

10 Tyler Trouten, Chairman

11 Dan Coverley

12 Oliver Miller

13 Kevin McKinney

14 Jamie Prosser

15 Tiffany Young

16 Tim Shea

17 Rob Straube

18 Russ Niel

19  
20 STAFF:

21 Kathy Floyd, POST F

22 Mike Sherlock, POST F

23 Nathan Hastings

24  
25 TRANSCRIBED BY: Marsha Steverman-Meech

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## 1 PROCEEDINGS

2 TROUTEN: Nobody's saying anything right now.

3 FLOYD: I muted it.

4 TROUTEN: You're on mute, Nate. There you go.

5 Can you hear us now?

6 HASTINGS: Yes, (inaudible). I'll leave myself on  
7 mute unless I need to speak up, but for a while I didn't have  
8 any audio from you guys.

9 TROUTEN: Yeah, you were muted. We can hear you  
10 good right now.

11 HASTINGS: Okay.

12 FLOYD: Ready whenever you are.

13 TROUTEN: Good morning. We'll go ahead and call  
14 this workshop to order for the POST Commission. Today is  
15 February 9th, 2023. For the record, the time is 0800 hours.  
16 And we'll go to Kathy for information on legal postings and open  
17 meeting law compliance.

18 FLOYD: The workshop notice and meeting agenda  
19 have been posted in compliance with NRS 241.020. These agendas  
20 were physically posted at the POST Administration Building and  
21 the Nevada State Library in Carson City, electronically posted  
22 at POST.nv.gov, state of Nevada website at notice.nv.gov,  
23 legislative website at leg.state.nv.gov, and email to all SPOC's  
24 and admins on the POST listserv.

1           TROUTEN:           Thank you. I'd like to welcome  
2 everybody out this morning. It's one of our earlier meetings,  
3 so thank you. We've got a lot of folks out here from the  
4 public. Appreciate that. We also have two new POST  
5 Commissioners and we would like to welcome them. We have  
6 Sheriff Dan Coverley from Douglas County, appreciate you being  
7 here, and Deputy Chief Oliver Miller from Reno PD. Thank you  
8 for assisting and support. With that, we'll proceed with roll  
9 call. Start with myself, Ty Trouten from Elko PD, and then  
10 we'll move to Kathy and start there and just kind of loop our  
11 way around.

12           FLOYD:           Kathy Floyd with POST.

13           SHERLOCK:       Mike Sherlock with POST.

14           MILLER:           Oliver Miller, Reno Police Department.

15           COVERLEY:       Dan Coverley, Sheriff, Douglas County

16           PROSSER:         Jamie Prosser, Deputy Chief, LVPD.

17           NIEL:            Russ Niel, Gaming Board.

18           MCKINNEY:       Kevin McKinney, Carlin Police

19 Department.

20           YOUNG:           Tiffany Young, Community member.

21           SHEA:            Tim Shea, Boulder City Police.

22           STRAUBE:         Rob Straube, City of Las Vegas

23 Department, Public Safety Assistant Chief.

24           TROUTEN:        And then we also have Nathan Hastings  
25 from the Attorney General's office via telephone. With that,

1 we'll proceed with the workshop. To be clear, the purpose of  
2 the workshop is for the members of the Board to hear comments  
3 from the public. This is not for the Board themselves to have  
4 discussions or debate that will follow in our Commission  
5 meeting. So comments from the Board should be directed towards  
6 any questions or clarifying needs from the comments made by our  
7 public. So with that we'll go ahead and start off with topic A,  
8 and this is all pursuant to the requirements of NRS Chapter  
9 233(b). This workshop is intended to solicit discussion  
10 regarding revisions to NAC 289.110, Subsection 4, Subsection B,  
11 to update or make changes as it relates to marijuana offenses.  
12 And with that, we'll go Mike Sherlock for some background  
13 information.

14           SHERLOCK:           Thank you, Chief. Mike Sherlock for the  
15 record. So as many of you know, we've been having or been  
16 hearing concerns in today's world with 289.110 under the NAC,  
17 which deals with the automatic disqualifier for any controlled-  
18 substance offenses and convictions. The example given to us  
19 recently was there was a person in background who was truthful,  
20 admitted to, and discovered, and it was discovered they had a  
21 conviction as an adult, but it was several years ago for a  
22 marijuana offense that was specified a misdemeanor. This  
23 particular candidate in this example had an otherwise stellar  
24 background and the misdemeanor conviction was for a marijuana  
25 offense that would not be criminal today. So this workshop is

1 sort of in response to those situations, and we're scheduled  
2 here today to gather any public input on that issue, on that  
3 automatic disqualifier, which would include marijuana, which we  
4 all know is still a controlled substance, and then the  
5 Commission would address it in a regular meeting after public  
6 comment. So I would say for the public's part of this, we're  
7 looking to -- looking for the best way to address the issue.

8 TROUTEN: Okay. Thank you, Mr. Sherlock. With  
9 that, we will open it up for public comments. If you do wish to  
10 have comments entered into the record, can you please come  
11 forward, state your name, and speak loudly so we can make sure  
12 it gets on the report. Are there any comments from the public  
13 regarding this issue or questions?

14 RANGEL: Good morning. Mike Rangel, Chief of  
15 police, Winnemucca, for the record. I believe that we have to  
16 keep in mind of the evolution of legislation and each of those  
17 offenses if we're looking for integrity and moral judgment and  
18 so on. Therefore, I would just ask the Commission to keep in  
19 mind that if possible, we can keep that on a case-by-case basis  
20 with marijuana. Thank you.

21 TROUTEN: Thank you, Chief. Are there any  
22 questions from the Board, for Mr. Rangel? Seeing none, any  
23 other comments on this item from the public? All right. We'll  
24 move on to Topic B. This workshop is intended solicit  
25 discussion regarding your revisions with NAC 289.200, Section 8,



1 to update the requirement to maintain a basic certificate and  
2 active status by removing "full-time peace officer" from that  
3 statute. And I'll go back again to Mike Sherlock for some  
4 background.

5           SHERLOCK:           Thanks. Mike Sherlock for the record.  
6 Again, we're looking for some public comment in this area. We  
7 have had some confusion in the past. Again, this will come to  
8 the Commission in a regular meeting but the current requirement  
9 is that you must be a full-time peace officer to maintain your  
10 basic certificate. The problem we see is we often have  
11 incumbents or veteran officers that, for instance, retire and  
12 then want to come back part-time and, you know, if you read the  
13 regulation, that certificate is not maintained by part-time  
14 work. So we are looking to get some input on that and see if --  
15 the public comments might be and the Commission's take on this  
16 on just updating that provision to allow reserves and part-time  
17 people to maintain their certificate once they retire and remove  
18 the full-time requirement at that point.

19           TROUTEN:           All right. Thank you, Mr. Sherlock,  
20 again, we'll go to the public for any comments they may have on  
21 this matter. Chief Rangel?

22           RANGEL:           Mike Rangel for the record, I do have a  
23 very healthy and a very successful reserve program. It gives a  
24 retired law-enforcement officer, CAT 1 Peace Officer, from  
25 Highway Patrol to Sheriffs to Police in my reserve program.

1 Some, even though they're retired, they do work. It's up to  
2 them to keep track of PERS (phonetic), okay, so they do work 10,  
3 20 hours a week. It keeps them involved, I don't want to say  
4 anything bad, but mentally sane and involved with the community.  
5 Us cops, we're a different breed, we understand that, so when  
6 they retire, I like to give 'em a place they can call home. And  
7 if this was the case, I wouldn't be able to do that as they're  
8 working functioning, as you can see through the audits and  
9 academy or POST audits of the agency. They keep up with their  
10 training and well, they offset my force as well. Thank you.

11 TROUTEN: Thank you, Mike. Questions moving  
12 forward?

13 YOUNG: I have a question. The first sentence  
14 says the basic -- for the record, Commissioner Young, the basic  
15 certificate of an officer whose employment is terminated. And  
16 so are we talking about retirement or are we talking about  
17 termination?

18 SHERLOCK: So Mike Sherlock for the record. For  
19 our purposes, termination means any separation. I know that  
20 gets confusing for people, termination means being fired, and  
21 under our regulatory scheme, termination is just a separation.  
22 It has nothing to do with personnel issues so. We get the  
23 confusion, but that's what that is. If someone's actually  
24 terminated, then it would trigger our revocation regulations  
25 anyway so it's really not an issue when it comes to maintaining

1 a certificate on how they left unless it was for a revocable  
2 offense.

3 YOUNG: So it's not termination in Human  
4 Resources standards that they were fired from that position?

5 SHERLOCK: Correct. Not at all.

6 TROUTEN: Any other questions from the Board? Any  
7 other comments from the public? All right, we will move onto  
8 Topic C. This workshop is intended to solicit discussion  
9 regarding revisions to NAC 289.200, Section 4, Subsection A, to  
10 update the requirement -- excuse me, the time requirement to  
11 complete the POST physical readiness test. Currently, the  
12 regulation requires it to be completed within 16 weeks of the  
13 start date of the basic training program, and we'll go back over  
14 to Mike Sherlock for information with this.

15 SHERLOCK: Thank you, Mike Sherlock for the record.  
16 So under our current regulations, someone must pass the physical  
17 readiness test at 100 percent by the 16th week of an academy.  
18 That 16-week period was developed due to the validation study.  
19 At the time of the original validation, the average length of an  
20 academy was 16 weeks. We have been contacted by some of the  
21 academies whose -- rightfully so their concern is that most of  
22 academies are much longer than 16 weeks. With you know, a 22-  
23 week or 26-week academy, whatever it may be, it would give the  
24 academies more time to physically prepare a candidate to pass  
25 that test. We looked at this, we don't believe changing that

1 would affect the validation in any way as far as the physical  
2 readiness test. It would give some flexibility to the academies  
3 if we extended that or changed the regulation in some way that  
4 allowed that passing of the test to simply occur during the  
5 academy regardless of the length of the academy so they could do  
6 it in 22 weeks or 26 weeks. So again, we don't think that would  
7 affect the validation in any way, and so we're looking for any  
8 public comment on it.

9 TROUTEN: Thank you, Mr. Sherlock. Comments from  
10 the public?

11 CRAWFORTH: Good morning. Chris Crawforth for the  
12 record, Sparks Police Chief. The only thing that I'll throw out  
13 to the Commission is just to consider that's four months of  
14 training. So why have we not got to that point? I have a big  
15 question of why someone is not -- in physical-fitness standards,  
16 is going to do a 30-year career and they can't commit -- and our  
17 academies can't commit in four months to train someone so.  
18 Highly trained people for marathons and things like that are --  
19 they can get in shape in much less time than that so I would  
20 just throw that out there. I think either way is fine, but  
21 where's the commitment from the individual and agency after four  
22 months? Thank you.

23 TROUTEN: Thank you, Chief.

24 SHERLOCK: Mike Sherlock for the record, Chief, if  
25 I may. Just so everyone knows, so an academy -- for instance,

1 our academy would probably keep this right? The regulations are  
2 guidance and the minimum standard for academies. If they want  
3 stricter standards, under our regulatory scheme, they can do  
4 that.

5 TROUTEN: Any questions from the Board reference  
6 Chief Crawford's comments?

7 MILLER: Yeah, Ollie Miller for the record, Reno  
8 Police Department. So it would be at the discretion of each  
9 individual academy to set the standard more stringent or to keep  
10 it as is?

11 SHERLOCK: Mike Sherlock for the record. Yes. So  
12 it would have to be during the academy under our current  
13 regulations. Well, we're looking to remove that 16-week time  
14 period. So again, if an academy wants to do it at -- frankly,  
15 if an academy says you have to pass it 10 weeks, it would still  
16 be within the regulation. We establish the minimum and so if we  
17 said during the academy, then they would have the discretion of  
18 make it what point they want that.

19 MILLER: That's good. Thank you.

20 PROSSER: Jamie Prosser for the record. Would we  
21 be getting rid of about 30 days prior and 14? Okay.

22 SHERLOCK: Mike Sherlock. That's our next  
23 workshop, by the way.

24 PROSSER: Oh, okay. Sorry.

1           TROUTEN:           Ty Trouten again. Any further comments  
2 from the public? Questions from the Board? All right, we'll  
3 move on to Topic D. This workshop is intended to solicit a  
4 discussion regarding revisions to NAC 289.300, Section 1,  
5 Subsection B to update the requirement for the basic training  
6 entrance POST physical readiness test, and once again we'll go  
7 to Mike Sherlock for more information.

8           SHERLOCK:           So Mike Sherlock for the record.  
9 Currently it is mandated that a person pass the entrance level  
10 physical readiness test at an 80 percent of the certification  
11 level to enter an academy, and that's 30 days before up to two  
12 weeks into the academy for them to continue that. We're looking  
13 for public comment on this. Again, that standard was developed  
14 through the validation that said if you -- in a 16-week academy,  
15 if you pass at 80 percent on entrance within the 16 weeks, you  
16 could pass it a hundred percent. Again, with the longer  
17 academies, we believe it's still a good measuring tool but we  
18 would suggest -- staff would suggest removing the mandate and  
19 allow agencies to use that for their own measurement but not  
20 mandated for that academy entrance as it currently is, and we're  
21 looking public comment on that.

22           TROUTEN:           All right. Thank you. Once again we'll  
23 go to the public for comments, questions they may have.

24           CRAWFORTH:           Good morning. Again, Chris Crawforth  
25 for the record, Sparks Police Chief. Same thing that I'll throw

1 out to the Commission. Changing these standards, where's the  
2 dedication from these people? And on the long end, we're asking  
3 them for a 30-year healthy career, and we're not going to  
4 establish them for training and for physical fitness that is  
5 going to have them making the right decisions and things of that  
6 nature. So I believe holding these standards within POST  
7 Commission is where it needs to stay so that we're not changing  
8 academies, so that we're just getting people through. I don't  
9 think that makes an appropriate officer with appropriate things  
10 for a 30-year career. So thank you.

11 TROUTEN: Thank you, Chief. Any questions for  
12 Chief Crawforth on his comments? Other public comment? All  
13 right. Well, with no further comments from the public, that  
14 will conclude the workshop and we'll move over now to our  
15 regular POST Commission meeting. Item Number 1, discussion,  
16 public comment, possible action, approval of minutes from the  
17 November 17, 2022, regularly scheduled POST Commission meeting.  
18 Has everyone had a chance to review the minutes from that POST  
19 Commission meeting? Are there any public comments on minutes?  
20 Any comments from the Board? Seeing none, I'd entertain a  
21 motion to approve the minutes.

22 SHEA: Tim Shea, I'll make a motion to approve  
23 the minutes.

24 PROSSER: Jamie Prosser, second.

1           TROUTEN:           Thank you. All of those in favor,  
2 please say aye.

3           MEMBERS:           Aye.

4           TROUTEN:           I also say aye. Any opposed? Okay.  
5 Motion carries. Item 2, information from the Executive Director  
6 of POST. Mike, we'll turn this over to you for update on all  
7 things related.

8           SHERLOCK:           Thank you. Mike Sherlock for the  
9 record. First, let staff welcome our two new Commissioners and  
10 let me say this, that over the years we have generally had to  
11 beg people, Commissioners, and chairperson for that matter. It  
12 is pretty refreshing and frankly new to us to have people reach  
13 out and express interest in being a Commissioner and we  
14 appreciate that. I'd also like to thank our new governor for  
15 being responsive on this. We had reached out to see if we could  
16 possibly get the appointments done before this meeting. Based  
17 on our history, we weren't holding our breath as appointments  
18 traditionally take quite a bit of time, and I'm talking months  
19 to over a year, yet this was -- our new governor did this in,  
20 like, five days so we truly appreciate that. And I also want to  
21 thank the Sheriff's and Chief's Association for nominating and  
22 providing a letter of recommendation for these two great law-  
23 enforcement professionals. So first, to represent Washoe County  
24 Area Category 1, Commissioner Reno Police Deputy Chief Oliver  
25 Miller was appointed, and representing the Rural Category 1



1 Commissioner position, Sheriff Dan Coverley. Both of these new  
2 Commissioners bring an impressive background -- backgrounds and  
3 experience to the Commission. We're happy to have 'em. Next  
4 thing I want to talk about real quick is we only have a draft of  
5 the audit done of POST, apparently the final takes six months,  
6 but we had an open meeting on it, so I think we can release it.  
7 I have a copy here. Our copy machine died, so I don't have a  
8 copy for you, but I'll give you this one or email it to you.  
9 The audit identifies several areas of improvement. A vast  
10 majority addresses funding and budget. Hopefully the Commission  
11 can continue to advocate for us on this. You know, as staff, we  
12 don't have the direct authority to increase our budget or change  
13 the funding source or anything like that, but the audit does a  
14 good job of recognizing our funding crisis, no doubt about it.  
15 The audit identified that many of our performance measures do  
16 not directly correlate with improving public safety. If you  
17 understand the state system performance measures are part of the  
18 budget process, and they're highly controlled by GFO, so we have  
19 attempted many times over the years to change those performance  
20 measures. We think this audit could help in that area, though  
21 hopefully. The audit did expose that our auditing from POST  
22 lack the ability or the process to change behavior when we do  
23 find deficiencies and we need to share those, which we do quite  
24 often, but it's not in policy and we're fixing that, and we have  
25 in fact updated our policy and that's why you'll hear me today

1 providing you with some of the common deficiencies we found in  
2 the period from the last Commission meeting, and you'll hear the  
3 same things over and over again, to provide a synopsis for all  
4 those audits. They also wanted us to give our audits more bite,  
5 as it were, so we have added -- there's not a lot that POST as  
6 an entity can do in terms of, you know, discipline or anything  
7 like that but we're adding a minimum time to our policy to  
8 rectify any deficiencies that are discovered during an audit,  
9 and we'll see how that goes, and I have a synopsis for you here  
10 in a second. But I will say that during the governor's audit  
11 meeting, we received comments that this was the best audit  
12 they'd ever seen from the standpoint that it zeroed in on  
13 budgeting only, and so we're really hoping that that will help  
14 us in the budget process. We'll see. And again, I have a copy  
15 of it and I can email that to you. So along those lines, since  
16 January, we have conducted a total of 11 agency and academy  
17 audits. Many of those had no deficiencies. The deficiencies  
18 that we did see in the audits are fairly typical. They're  
19 incomplete backgrounds, training compliance, record keeping  
20 itself, and the methods of record keeping. As a result, we  
21 scheduled a follow-up to review records and background policy  
22 and recommended background investigator training for three  
23 agencies, and each of these incidents where there were  
24 deficiencies, the agencies were given 30 days to make changes or  
25 enroll in classes, and that's probably what you'll hear over and

1 over is what we find when we do audit. So off to training  
2 issues, we have developed and created a POST leadership  
3 institute training course. We contracted with a nationally  
4 recognized curriculum or leadership curriculum developers who  
5 have helped us create this training. This is a facilitated  
6 learning environment that will be two and three days per month  
7 for four months. We are scheduling the first one for after July  
8 to allow for new budget years for agencies. We'll have a sign-  
9 up on our website and expect it will fill up fast. We're pretty  
10 excited about to get that going. The first one we'll be in the  
11 north. And if you understand leadership institute type  
12 training, the goal is to get different people into that. So  
13 we're hopeful to get some from the south and some from the  
14 north, some from the east, all in the same class to share  
15 experiences and get that going. By the way, these hours can be  
16 used towards the management certificate. Again, leadership  
17 institute training is for that transition from line-level  
18 supervision to mid-management or so sergeant to lieutenant type  
19 transition and that's what it's designed for.

20 TROUTEN: Mike, if I could interrupt you with a  
21 question real quick?

22 SHERLOCK: Sure.

23 TROUTEN: Ty Trouten for the record. Is that an  
24 in-person class or a mixed class or online? How's that going to  
25 (inaudible)?

1           SHERLOCK:           Mike Sherlock for the record. So it's  
2 in-person. That's the idea is to get different experiences  
3 together. We're looking at venues right now, but generally what  
4 you want to do is have it at a hotel where all attendees stay at  
5 the same hotel so there's activity after-hours and that kind of  
6 thing, but yeah, it's in person. And we had split -- you know,  
7 we hear the complaints about we can't afford to send somebody  
8 for 40 hours or 80 hours and that kind of thing. This is once a  
9 month for two and three days. So we're hoping that -- and  
10 that's generally how leadership institute type training is run  
11 anyway but we're hoping we'll get more participation by doing  
12 that. And again, those hours would go towards the management  
13 certificate. Along those lines, we're look -- and I know the  
14 Commission has asked us to do this, but we're looking into  
15 making changes to the management certificate requirements. We  
16 have tried many different things. First there was a complaint  
17 about the 80-hour class. The agencies couldn't afford to send  
18 their people. We changed it to online. And then 40-hour  
19 classes, nothing has worked. We have -- with the online we get  
20 100 people will sign up before their lieutenants oral, and then  
21 after they never finish it. We had one person finish the online  
22 training. So, you know, we're just looking at how do we change  
23 the culture here to get people to attend training, but that  
24 said, we also have to consider the management certificate and  
25 the ability to get that, to attain what's required of that. So

1 we are looking at -- it's already within the regulations of what  
2 we can do as staff to help make improvements there, we are  
3 leaning to and we'll look for guidance at some point from the  
4 Commission, the two-track system where first staff would review  
5 training that you went to that's already been obtained, you  
6 know, NA, Northwestern, Command Call, whatever it may be,  
7 compare that to our current core-management competencies, and  
8 give credit for that, or if you don't have that, to attend an  
9 80-hour class that we have already, and allow people to get  
10 credit for the training that they've already attended and not  
11 demand that they only go to the POST training to obtain the  
12 training hours required for the management certificate. Self-  
13 study has not been the solution. Go ahead.

14           YOUNG:           Commissioner Young for the record. Is  
15 it that the challenge is that they don't see the value in the  
16 training? Because I guess I'm concerned about responsibility  
17 and opportunity in the form of education, and if we have  
18 provided various forms of training opportunities and people are  
19 still not taking advantage of it and is it mandatory, is it not  
20 of value, how does it apply? Like, what justification are we  
21 using to modify, shift, and continue to provide?

22           SHERLOCK:        So Mike Sherlock for the record. So I  
23 think it's a combination of many things, right? So quality is  
24 always an issue. We hear it all the time. I think that's  
25 unfair. We have some of the top curriculum developers in the

1 country that have helped with our management program, in terms  
2 of curriculum. So normally what we hear is there's a staffing  
3 issue and they can't send people to training. That's the  
4 normal. So that was our response in providing self-study. You  
5 know, the problem with self-study is life goes on and, you know,  
6 without, you know, consequences, it doesn't get done and then on  
7 the flip side of that, we weren't recognizing the quality  
8 training that someone does attend, right? Because it's a Nevada  
9 management certificate, we said you had to have Nevada training  
10 and I think that was a problem. So it was a combination of a  
11 lot of things, and I think by recognizing some of that outside  
12 training will help us in the long run. Certainly will help in  
13 recruitment when we're bringing people from outside the state  
14 that we can recognize their training from that other state that  
15 they came from and they can obtain that management certificate  
16 here, but I think it was a combination of a lot of things. So  
17 with that, we'll keep looking at and bring that to the  
18 Commission as we move forward in terms of that management  
19 training and the management certificate itself.

20 SHEA: So Mike is it -- can I make a comment on  
21 that or is this --

22 SHERLOCK: Sure.

23 SHEA: So I hear what you're saying and I agree  
24 with this 100 percent, and you're talking about how to make it  
25 meaningful. The only way to make it meaningful is for the

1 agencies themselves to make it meaningful and, again as we know  
2 in California, we went through our POST certificate levels as  
3 fast as we could because in San Diego, it meant something and we  
4 got more money. So when I went to Seattle, they didn't have  
5 that system up in Washington State, they didn't have different  
6 levels, but they had management and leadership ones. To get  
7 promoted, you had to have those. You couldn't get promoted.  
8 Some agencies would say well, you have to have a bachelor's  
9 degree to do this. The problem we found is we didn't have a  
10 large enough personnel pool with that degree so if we gave you  
11 lieutenant's test, we may only have, you know, out of our almost  
12 900 commissioned people, it's only a very small pool of people  
13 that actually had a bachelor's degree that could go out. When I  
14 came down here, when I went to Boulder City, I looked at the --  
15 went into POST and looked to see where people were and I found I  
16 had people that have been here 20 years and still only had a  
17 basic. They hadn't bothered. So this year what I did is I  
18 finally convinced the city is say, okay, educational incentive,  
19 include the certificates because everybody can get a  
20 certificate. Not everybody may have the opportunity to go get  
21 their bachelor's degree. So they did. So now we have a host of  
22 people completing all the requirements of things to get the  
23 degree. If you make them worth something, either -- and the  
24 agencies have to do it themselves, then you get the people there  
25 to get the training done and you just have to facilitate it.

1 When it doesn't mean a thing, why bother? And I don't believe  
2 that philosophy, I do it cause I think it's the right thing to  
3 do, but that's how we got that.

4           SHERLOCK:           Yeah. Hundred percent we agree. So  
5 Mike Sherlock for the record. I'll continue on just because I  
6 don't want you guys late for lunch or whatever over at Sheriffs  
7 and Chiefs. Continuing with training real quick, we are  
8 contracting with some outside experts to develop curriculum  
9 related to AB 478, annual training requirements. So the plan at  
10 this point is we're in the process of creating a Train the  
11 Trainer program, we will deliver this around the state, we have  
12 some grant money for this, and the plan at this point, talking  
13 to the experts, is the class will be combined -- a combined  
14 instructor-development class with the AB 478 basic material. In  
15 addition and part of this grant, we will be reimbursing agencies  
16 up to \$200 per student to send their people to the Train the  
17 Trainer class on this, and again, we will be doing it around the  
18 state, but to send the people there, we will -- we do have some  
19 money to reimburse the per-diem tuition, whatever it is. Well,  
20 there won't be any tuition, but the per-diem and travel and  
21 backfill, whatever it may be at only \$200 per student but it's  
22 more than -- that's new for us and we wanted to get that into  
23 the grant and we were able to. We are also in the process of  
24 conducting an integration study on our Academy curriculum. This  
25 will be looking at minimum hours for each mandated subject and



1 again, it's not we would come to the Commission for any  
2 regulatory change, we're just looking at best practices. We  
3 don't currently, as many of you know, mandate any specific hour  
4 for any subject, just overall for the entire academy, but also  
5 we're looking at best practices in terms of when a subject  
6 should be taught in the whole scheme of a basic training  
7 program, right, and a lot of states have already done this on  
8 these integration studies on, you know, what the succession of  
9 training should be in a basic program. So we are in the process  
10 of doing that right now. Hopefully we'll have most of that done  
11 by July actually. Obviously the legislative session is well  
12 underway. We have already met with some legislators who wish to  
13 meet with staff on BDRs and Bills. So far we have been  
14 contacted on US citizen requirements, citizenship requirements  
15 I've talked to so many of you about, NDI, the National  
16 Decertification Index, a little bit on dispatchers we were  
17 contacted. That said, there are many BDRs and bills, as most of  
18 you know, relating to policing in general and POST. We'll see  
19 and try to keep up as best we can, and I'll try to keep the  
20 Commission updated. We did meet just the other day with Senator  
21 Harris. It was actually a very productive meeting on the  
22 Decertification Index. We'll have to look at the wording of  
23 that bill, but I thought it was a very productive meeting on her  
24 part last week actually. And so that's the update from POST.

1           TROUTEN:           Thank you, Mr. Sherlock. Any questions  
2 from the Board? Any comments from the public on that?

3           BANKS:            Hi, Carol Banks with the City of  
4 Henderson. I was just inquiring whether or not there's any  
5 updates with regards to the criteria for Assembly Bill 336  
6 regarding the mental-health assessment that's mandatory for  
7 peace officers and whether or not it's going to be on any  
8 upcoming agendas.

9           SHERLOCK:        So Mike Sherlock for the record. That  
10 language is at LCB, right?

11          FLOYD:           Correct.

12          SHERLOCK:        Right. So the rulemaking from this body  
13 is to the point where language has been sent to LCB, the  
14 Legislative Committee Bureau. They now go in slow mode because  
15 of the session. We have just created, or we are creating  
16 something for our website to help people -- help agencies on  
17 this issue but the language has already been submitted and the  
18 only thing left is once that comes back from LCB, there will be  
19 a public comment hearing and then the Commission will vote  
20 whether or not to adopt that LCB language. We suspect that the  
21 language will be pretty close to what we submitted, which is  
22 basically what the bill requires, with just some minor  
23 regulatory changes, but it's there and we are advising agencies  
24 that that bill went into effect January 1st so it is mandated by  
25 NRS even without the regulation, and we're just trying to give

1 guidance on which way to go with that. But we're -- it's moving  
2 right along.

3 TROUTEN: Anything further? All right. We'll  
4 move on to Item Number 3, discussion, public comment, and for  
5 possible action, discussion with this Commission to decide  
6 whether to continue the rulemaking process to revise NAC  
7 289.110, Section 4, Subsection B to update or make changes  
8 related to marijuana offenses. So back to you, Mike.

9 SHERLOCK: So Mike Sherlock for the record. As was  
10 stated in the workshop, we're looking to update our regulation  
11 related to controlled-substance convictions. So staff would  
12 really like some direction from the Commission on language if  
13 the Commission decides to continue the rulemaking. Just our  
14 staff thoughts are either we carve out an exception for those  
15 specified misdemeanor convictions or those other offenses that  
16 are not criminal or treated criminally today. You know, some of  
17 the fears have been expressed to us that the exception is so  
18 broad that we allow -- you know, where something's pled, where  
19 it's a trafficking arrest and it's pled down to possession and,  
20 you know, there's a fear that those would slip through the  
21 cracks in terms of hiring and, you know, so we're looking for  
22 some direction on language and where the Commission sees  
23 limiting that should you vote to continue the rule meeting, and  
24 I'll leave it at that.

1           TROUTEN:           Thank you, Director Sherlock. So we'll  
2 go to the Board for comments and discussion at this point.

3           SHEA:           Tim Shea. What if you put something in  
4 here, Mike, that said along the lines of civil possession of a  
5 controlled substance, which would be a criminal violation if  
6 committed in this state at the time of application and or  
7 appointment, or something along those lines? So if you did  
8 something five years ago and it was no longer a crime when you  
9 applied or were appointed, then it would be negated. And I know  
10 what you're saying about something might slip through. I  
11 believe agencies do their due diligence in doing backgrounds on  
12 people and when they pull out all the information and make those  
13 decisions, I trust agencies to make proper decisions since  
14 they're the ones that got an answer for the people they hire.  
15 So you need enough flexibility in here to cover the changes in  
16 the laws as they keep occurring but if we made it that way, it  
17 kind of mirrors the language we have when dealing with Arizona  
18 going 25 miles into the border. If it's a crime in Nevada, and  
19 it's a crime in Arizona, we can arrest for it and vice versa,  
20 Arizona can arrest in Nevada. So it's got to be a crime in both  
21 states. So this would be if it's a crime here when you apply  
22 it, then it's a criminal violation and it would be an exclusion.

23           TROUTEN:           Thank you, Chief. Other comments?

1 COVERLEY: Would -- Dan Coverley. Wouldn't we have  
2 to change the definition of what a controlled substance is? As  
3 long as marijuana remains a controlled substance, then --

4 SHERLOCK: So Mike Sherlock for the record. So  
5 what it says, in addition to sales, use, possession is any  
6 conviction for a controlled-substance offense. So from our  
7 perspective, we would carve out an exception, you know, as a  
8 disqualifier any conviction of a controlled-substance offense  
9 except, you know, whatever it is, a sale or that would stay in  
10 there, and that's why I'm leaning the other way, is not  
11 identifying which marijuana convictions would be a disqualifier,  
12 but rather which ones wouldn't. And so you would say, you know,  
13 except for, you know, minor possession of -- you know, I don't  
14 know what the wording is, we'd have to really look at that, but  
15 -- or what is not a crime today which is more difficult, right?  
16 We'd have to put in there after January 1 or whatever, but  
17 something along those lines where we could still keep  
18 controlled-substance convictions and just carve out an exception  
19 for those minor marijuana convictions. And let me tell you,  
20 there's a lot of confusion out there. Again, speaking to  
21 Senator Harris, there's, there's a big difference between use  
22 and conviction, right? There's a push in the legislature to  
23 deal with marijuana use. Well, we don't deal with that, right?  
24 We look at convictions only. Marijuana use and how long it's  
25 been since they last used is an agency issue we do not get

1 involved with. That's a policy issue so. Just so everyone  
2 knows, there's some confusion out there and there's some bills  
3 related to that right now that we're trying to head off to  
4 explain to 'em what the rules are. But that's what it would be  
5 is trying to carve out an exception.

6 COVERLEY: I think the problem that I have with  
7 this is not that, you know, marijuana is a minor offense or, you  
8 know, that looking at it from that perspective is that, you  
9 know, if you want to be -- have a career in law enforcement,  
10 then your decision making needs to be on track at an early age  
11 if that's what you want to do. If you don't have an interest in  
12 being in law enforcement, then maybe your -- you know, your  
13 definition of right and wrong and the decisions you make as a  
14 young person are a little more open. So I think if we want to  
15 hold a high standard in everything, then I think we have to, you  
16 know, kind of leave this -- you know, leave this alone, and if  
17 your hiring, it pivots on whether or not this changes, I think  
18 you've got a bigger issue there also. So that's kind of my  
19 opinion.

20 SHERLOCK: So, yeah, Mike Sherlock for the record.  
21 Yeah, our opinion doesn't matter over here. We bring this out  
22 because we've been contacting it and all of you know the  
23 pressure on trying to hire people. I mean, it's -- and we get  
24 the calls.

1           TROUTEN:           Ty Trouten for the record. I concur  
2 with what you're saying, that it is concerning. You would  
3 expect that someone who desires to be in law enforcement would  
4 live their lives prior to that point in-line, that they, you  
5 know, don't go out and get in trouble and do stupid things.  
6 However, I will tell you, and I'm not sure why this is  
7 occurring, but we have a generation of folks that we're seeing  
8 now who do not look beyond next week, and many of them don't --  
9 they just know that in the state of Nevada, personal use of  
10 marijuana, you know, it's legal. Many of 'em don't even  
11 understand they can't do it in public. They just -- they go  
12 with the headlines and the little blips on social media,  
13 marijuana's legalized. They don't understand the disparity that  
14 on the federal level, it's still, you know, a Schedule I  
15 controlled substance. They really do not comprehend that. And  
16 so the concern would be is there could be folks who sometimes  
17 just, I guess, being unlucky, they get caught with, you know, an  
18 ounce and a half not knowing that there's limit on the ounce.  
19 Things like this where it's a misdemeanor conviction or, you  
20 know, for possession, for use. There's a vast disparity between  
21 somebody who has some marijuana, different things, versus  
22 somebody who's selling it, possession for sale, trafficking,  
23 these things. Those are still significant. That's intentional  
24 criminal activity. You know, if you're going to sell marijuana  
25 in this state, you better be a dispensary or have your license

1 in order of such. So there is a differentiation there. I think  
2 many of us here remember when marijuana was still listed felony  
3 in this state. I don't know that I'm aware of anyone ever got  
4 sent to prison just for, you know, possession of a couple, you  
5 know, joints or, you know, a little bit of marijuana but we  
6 could come across these folks. They're probably holding up now  
7 they want to start a career as cops here. I do think that  
8 probably bears some discussion and some consideration about how  
9 do we give agencies the authority that if somebody got picked up  
10 on a simple possession the year before it's legalized, that does  
11 not preclude somebody otherwise who may be a decent cop.

12 YOUNG: And Commissioner Young for the record.  
13 I think that was what I was discussing last time and it was on  
14 the phone with the challenges and concerns I had about  
15 unintentional barriers for potential candidates to come into the  
16 system. And so I do believe that it warrants some greater  
17 conversation and some language around it and I agree with some  
18 of the sentiments shared by Commissioner Shea in that we have to  
19 -- I mean, there's the challenge of the law, I mean, the  
20 challenge of the systems that are changing, but I think there's  
21 some gray where we potentially create some unintentional  
22 barriers with opportunities to recruit, hire, and maintain  
23 people based on that line. That's very gray.

24 SHERLOCK: Mike Sherlock for the record. So I just  
25 remind -- I would remind the Commission that regardless of what



1 you do, the agency policy can always be stricter than the  
2 regulation one-two under the decriminalization. It's really not  
3 decriminalization. Under the current marijuana laws, the  
4 agencies have the authority to prohibit use of marijuana for all  
5 law-enforcement employees on or off-duty. So that wouldn't  
6 change, right? And again, the agency discretion, no matter what  
7 you decide here, would still apply if that helps.

8           MILLER:           Ollie Miller for the record. That  
9 actually does help me. I like the idea or notion that each  
10 individual agency has the discretion to, you know, look at this  
11 law and, you know, basically set a more strict guideline for  
12 hiring people. You know I absolutely get what the sheriff was  
13 talking about with maintaining a high standard of personnel but  
14 I also give some weight to those individuals who are 18 to 21 to  
15 22, younger folks that make mistakes, you know, that are  
16 experimenting. You know, should this preclude them from having  
17 an opportunity in this career field for the rest of their lives,  
18 you know, and that's a big decision to make, you know, and a big  
19 rule to live by. So I'm open to evaluating, you know, what we  
20 would allow in in terms of the new state law here in terms of  
21 marijuana.

22           SHERLOCK:       And Mike Sherlock for the record. To be  
23 clear, there is no discretion right now, and that's why it's  
24 been brought to us, right? If there is a conviction for

1 misdemeanor marijuana possession, they are disqualified under  
2 the current rules so everyone's clear on that.

3           SHEA:                   Tim Shea for the record. I -- again,  
4 coming from a place where we struggled that this is one of the  
5 first states in the union that did this, we basically had to  
6 come to the conclusion that we had to treat it like alcohol. So  
7 if you're 17 and you get a ticket for alcohol, you're not  
8 disqualified. If you get a ticket for possession of marijuana,  
9 you are. If you have a ticket for possession of tobacco at 15,  
10 you're not disqualified but if it's for marijuana, you are. So  
11 if we don't treat them the same, I don't know why once the law  
12 says they're not any worse than the other, so why would we treat  
13 them any worse than the other? Because again, when I was  
14 youngster, a single seed in a car was a felony in the state of  
15 California. So, and if you've ever been around southern  
16 California, there's a tree called the pepper tree and the little  
17 peppers looked just like marijuana seeds and we were always  
18 scared to death that we were going to get hauled in because when  
19 they pulled us out of our car cause they thought we were doing  
20 something improper, which deputies could do back then, and found  
21 a pepper seed, we were gone. So I just think that we need to  
22 take a look at this. And qualifications for our job have  
23 changed significantly. When I first got hired, this finger  
24 almost kept me out because the end of it's gone, but two doctors  
25 grabbed it, I can move the end, it's got a fingernail, so it's a

1 full finger. Vision requirements were 20/70, correctable 20/20.  
2 I was the absolute minimum height you could be at 5'10" and  
3 there were other things. Women, there were no women in patrol  
4 anywhere in this country. The only women we hired were matrons  
5 or jail. That was it. So things have changed significantly,  
6 and I think we need to evolve as society evolves and not punish  
7 kids who really don't commit a crime. They haven't really  
8 committed a crime. They've created -- according to the law,  
9 they've created a no worse than drinking a beer at a fraternity  
10 party before they're 21.

11 SHERLOCK: Chief, Mike Sherlock for the record. If  
12 I can just, just so my staff doesn't get yelled at, yeah, if  
13 they're juveniles, they're not convicted. So juveniles are  
14 adjudicated. So we are not -- we're not pro -- in our current  
15 regulation, if it was a juvenile adjudication for our purposes,  
16 our regulation says conviction, they are not precluded right now  
17 anyway, so I just -- I don't want someone calling and yelling at  
18 us that --

19 SHEA: Okay.

20 SHERLOCK: -- but I see what you're saying. You  
21 know, I agree.

22 PROSSER: Jamie Prosser for the record. I agree  
23 with Chief Shea's statement earlier that the blanket statement  
24 of hey, if it is not a crime now, it's at least up to us as  
25 agencies to determine what we're accepting and what we're not.

1           SHERLOCK:           Okay.

2           PROSSER:           So with that being said, are you looking  
3 for a motion today or are we just still having a conversation  
4 and then we come back and vote?

5           TROUTEN:           So what we be looking for is a motion to  
6 continue the basically rule-making process on this and change  
7 the language that we could accept, but want to have the  
8 Commissioners comments. We were kind of precluded in basically  
9 the workshop cause it's not an action item in the workshop so  
10 now this is our time for actions and also, again, give the  
11 public another chance to comment on anything that they now want  
12 to share.

13          SHERLOCK:           Mike Sherlock for the record. And then  
14 we would come back with you -- back to you with sample language,  
15 and if that's the way the Commission wants to go, and then you  
16 would vote on that language if it meets what, what you're -- and  
17 we may bring different ones, but -- and then you would vote on  
18 that.

19          PROSSER:           Okay.

20          STRAUBE:           Rob Straube for the record. I also  
21 agree with just on that language and everything that was said.  
22 Also, I think it's incumbent upon such as my department, our  
23 background investigators to, you know, those that are  
24 questionable, really look at, get those court cases, really take  
25 a look, deep dive and so we have those hiring meetings, we're

1 asking information, we're getting clarity that can help  
2 (inaudible).

3 TROUTEN: Okay. Any further comments from the  
4 Board?

5 COVERLEY: I just have a question. This is Dan  
6 Coverley? What -- so we're just make a recommendation, but the  
7 law has to go through to be changed, it has to go through the  
8 legislature, correct? How does that work I guess?

9 SHERLOCK: So Michael Sherlock for the record. So  
10 at this point we're looking to the Commission to authorize staff  
11 or ask staff to continue the process. So the next thing we  
12 would do on this is to create some sample language and bring  
13 that back to you. Whatever the language that you approve then  
14 would go over to legislature, not -- it's -- the Legislative  
15 Council Bureau would look at it from a legal standpoint, where  
16 it fits in our regulations. They do sometimes change the  
17 wording a little bit, we argue back and forth with 'em on the  
18 wording, but their job is really not what your job is. Their  
19 job is to see where it fits in the regulatory scheme. Then they  
20 would send it back to us and you guys then would do the final  
21 adoption of the language in the end, right, after they've  
22 massaged it, after you've approved a basic language, they  
23 massage it, send it back to us, and we go to you. It takes a  
24 while, which sometimes is frustrating for us, but it ultimately

1 ends up with the Commission and they make the final -- you guys  
2 make the final decision.

3 TROUTEN: No further comments from the Board. Are  
4 there any public comments on this item?

5 WALKER: I'll make public comment on that. My  
6 name is Jason Walker. I work for the Washoe County Sheriff's  
7 Office. I'm a sergeant over backgrounds. And I agree with  
8 everything that you have all said. Lastly, with Mr. Straube,  
9 what you had talked about the background investigators doing a  
10 complete investigation, you have a conviction for marijuana.  
11 Those of us that are police in the room, you know that there's  
12 more to that if you have a conviction for marijuana; it's not an  
13 eighth, it's not a joint, it's not a I have a seed, there's much  
14 more to that investigation that goes on to get that conviction.  
15 The totality of the investigation is what the Washoe County  
16 Sheriff's Office looks at. We can agree that physical standards  
17 need to be met. Somebody needs to make a better decision-making  
18 process, whether they're a young man or if they're 21, 22, 23  
19 years old. All that plays into your hiring decision. I think  
20 another thing that's written on this line is also the two words  
21 moral turpitude. That's a pretty big lane. What we do on our  
22 end, and I'll speak for Sheriff Balaam right now, he's highly  
23 opposed to marijuana usage, but he does also understand that  
24 four years ago somebody made a bad decision and on our  
25 (inaudible) investigative questionnaire it says any drug use

1 within five years, write that out there, let's talk about it,  
2 let's get 'em on a CVSA, let's look at the entire thing. So I  
3 agree with what Chief Shea says with if it wasn't then, and it  
4 is now, and I agree with what Sheriff says and the chiefs and  
5 all that, I believe it bears more conversation. That's my two  
6 cents on that.

7 TROUTEN: Thank you. Other comments? Seeing  
8 none, I would entertain a motion to continue the rulemaking  
9 process.

10 MCKINNEY: Kevin McKinney, I'll so move.

11 TROUTEN: Do I have a second?

12 NIEL: Russ Niel, I'll second.

13 TROUTEN: All members in favor, say aye.

14 MEMBERS: Aye.

15 TROUTEN: I also vote aye. Any opposed? Thank  
16 you. Moving on, Item Number 4, discussion, public comment, and  
17 for possible action, discussion with the Commission to decide  
18 whether to continue the rulemaking process to revise NAC  
19 289.200, Section 8 to update the requirements to maintain the  
20 basic certificate and active status by removing the words full-  
21 time peace officer, that requirement. Once again, back to you.

22 SHERLOCK: So Mike Sherlock for the record.  
23 Hopefully this will be a lot faster. This one I think is fairly  
24 easy. Again, under our current regulations and when someone is  
25 terminated, which is what all our regs say way, before our time,

1 I don't know why it says that, where someone terminates their  
2 full-time status as a peace officer, they have to maintain full-  
3 time status or that certificate goes inactive and the clock  
4 starts on that. So once you move to inactive, you have 60  
5 months to come back full-time, or you start all over, right,  
6 under our current regulations. So to be completely frank, we  
7 have not been aware of this or putting that out to agencies. We  
8 are aware of agencies that currently have retired people that  
9 they've brought back on a part-time status that we have left  
10 active, which would be in violation of the regulation. We want  
11 to rectify that. So we would simply suggest that language is  
12 included that a person with a basic POST certificate maintains  
13 that certificate in an active status if they move to part-time.  
14 That would allow agencies to use veteran people, experienced  
15 officers, whatever for those things they need without affecting  
16 that particular officer's certificate. And so we'd be looking  
17 to continue the rulemaking on that and to clear that regulation  
18 up.

19 TROUTEN: So essentially this is matching the NAC  
20 to actual practice --

21 SHERLOCK: Right.

22 TROUTEN: And I don't know that there's anyone in  
23 here that's not in a staffing crisis to some degree, and it's  
24 nice to pull in the veterans for some of the cold-case,



1 background type stuff. So is there any public comment on this  
2 item? Comments from the Board? Oh, excuse me. Sorry.

3 MCGILL: Sheriff Joe McGill, Nye County. I might  
4 be shooting myself in the foot on this, but I myself was in this  
5 position. I retired after 26 years, went back part-time,  
6 reserve part-time. I think that there needs to be some clarity  
7 as to the consideration of part-time is assumed to be for pay  
8 reserve is, I believe, assumed to be not paid. That needs to be  
9 taken into consideration in the language, but I think it just  
10 should make perfect sense that if we've got somebody who's  
11 retired and comes back in in either capacity, it needs to be  
12 considered that their certificate does not expire during that  
13 period. So that's all I have. Thank you.

14 TROUTEN: Thank you. Other public comment?

15 SHERLOCK: Chief, Mike Sherlock for the record. I  
16 just -- we don't look at pay so for us, reserve is a certificate  
17 issue, not -- you know, nothing to do with paying Sheriff, so we  
18 would simply look at removing that one sentence, full-time  
19 equivalent and just remove that and make it part-time or full-  
20 time.

21 NIEL: Russ Niel for the record. Mike, did --  
22 in all the research you've done, are other states doing this?  
23 Are they removing this full-time requirement? And did you  
24 solicit any of the other departments and agencies around the  
25 state to see what they have to say about it?

1           SHERLOCK:           So Mike Sherlock for the record. So  
2 that's really a moving target. Some states, reserve is a very  
3 specific category, so you can't move from full-time peace  
4 officer to reserve. The POST agency will recognize you as a  
5 reserve, not as a full-time officer. Our regulatory scheme is  
6 different than most states in that regard. Frankly, reserve's  
7 fairly new for Nevada. When I say new, it's, like, 12, 15  
8 years, something like that but so it is hard to say, but some  
9 states very much do what we're talking about, that if you've  
10 completed all the full-time requirements, you were full-time and  
11 you move to a part-time or reserve position, your certificate is  
12 good. So those states that do that, we would be consistent with  
13 that.

14           TROUTEN:           I would just say too, having started as  
15 a reserve initially and what would be considered basically the  
16 Category IV level or that reserve level now, there's limitations  
17 on what they can do. They have to be basically directly  
18 attached, almost up the hip, to a CAT-I officer for performance  
19 of peace officer duties because their training is so much less.  
20 Whereas if you have a retired CAT-I officer who's in your  
21 Reserve Corps, there's still a valid CAT-I officer that not only  
22 has all the training, but all the years of service with that.  
23 All right. Other comments from the Board?

24           PROSSER:           Jamie Prosser for the record. Are we  
25 going to consider break-in employment? If an officer retires

1 after 25 years, takes a few months, and then decides to come  
2 back part-time, are we going to take into consideration that  
3 it's not switching from full-time to part-time?

4 SHERLOCK: Yeah. So Mike Sherlock for the record.  
5 So as long as they had a CAT-I basic certificate and that  
6 separation is less than 60 months and they come back, if we  
7 change this and they come back as a reserve, they're still a CAT  
8 I as long as 60 months hasn't lapsed. And so they'll be okay.

9 TROUTEN: And clarification, Ty Trouten for the  
10 record. Clarification, they're still required, if they come  
11 back --

12 PROSSER: Mm-hmm.

13 TROUTEN: -- at some point in that six months to  
14 keep updated on their yearly training and certifications.

15 SHERLOCK: So Mike Sherlock for the record. That's  
16 correct. And if there is a separation before they can resume  
17 duties a separate regulation that requires them to go through  
18 perishable skills before they resume duty, so that's all covered  
19 in the regulation as it stands now.

20 STRAUBE: Rob Straube for the record. Has there  
21 been any consideration for the Cat III? Because the jails and  
22 prisons are in very similar situations with possibly looking at  
23 some of those that retired try to come back? I don't know the  
24 language on that if there is language.

25 FLOYD: I don't think there's differentiation.

1           SHERLOCK:           Yeah, Mike Sherlock for the record. I  
2 think this would -- this change would apply to all categories,  
3 all I, II, and III, so I think it would be okay for those too.  
4 And, and you get into some weird areas because we don't have  
5 reserves technically for Cat IIs and IIIs and so you get into a  
6 weird area but when you're talking full-time CAT III, I think  
7 this change pertains to all -- would pertain to all of those.  
8 Yeah. And so it would affect IIs and IIIs.

9           SHEA:               Tim Shea for the record. I inherited  
10 some people in this category when I first came here. In fact, I  
11 called you about it because I had a part-time officer who'd only  
12 -- always been a part-time officer who had an advanced  
13 certificate. I said how in the world did you get that? And  
14 POST doesn't know if they're full-time or part-time really, they  
15 just know they're in a classification of peace officer. So and  
16 I have some part-time officers now that are conservation  
17 marshals, one of which is a retired lieutenant from Metro who  
18 they fill a necessary position. At one point the Supreme Court  
19 ruled an emergency in the courts, which allowed officers to go  
20 work in the courts in (inaudible) positions because of the  
21 shortage of staffing. Changing this language does help us out a  
22 great deal in certain areas and what you classify them at, I  
23 think it's kind of immaterial. I don't pay reserves, the FSLA  
24 is pretty strict on what you do with reserves and reserves can  
25 normally only get paid for very special occasions and special

1 reasons under the Fair Labor Standards Act, so these people have  
2 a different title, they call 'em marshals, but I think if you  
3 just write something in here that basically they're reappointed  
4 or appointed as a peace officer as to defined in our statute,  
5 that covers everybody and it covers every situation.

6           SHERLOCK:           Yeah. Mike Sherlock for the record.  
7 Thanks for snitching us off, Chief, but that is the problem.  
8 But the -- you know, Chief Trouten touched on this, that is the  
9 huge issue, that if you have a reserve certificate, it's  
10 completely different under the regulation. Those reserves are  
11 not allowed to work by themselves, they have to be under the  
12 direct supervision of a Category-I officer. By changing this,  
13 we allow those Category Is to work as Category Is, you know,  
14 sole officers, whatever, in those reserve or part-time  
15 positions.

16           SHEA:               Tim Shea for the record, I've had had a  
17 Category I officer, who was classified in our structure as a  
18 reserve. He was an unpaid volunteer, but he was running under  
19 his Cat-I POST certificate. And how I employed him was up to me  
20 but -- and he maintained all of the standards to keep his  
21 Category I cause there's nothing that says we have to pay  
22 somebody for them to maintain their Category I, it just says  
23 they have to meet these minimum standards every year. It's an  
24 interesting -- yeah.

25           SHERLOCK:           Yeah. I know.

1           TROUTEN:           Any further comments? All right, I will  
2 entertain a motion then.

3           SHEA:               I'll make a motion to continue the rule  
4 making.

5           YOUNG:             Commissioner Young. I'll second.

6           TROUTEN:           Thank you. All members in favor, please  
7 say aye.

8           MEMBERS:           Aye.

9           TROUTEN:           I also vote aye. And opposed? Thank  
10 you. Was that a little bit shorter?

11          SHERLOCK:          Not like I thought.

12          TROUTEN:          Item 5, discussion, public comment, and  
13 for possible action, discussion with the Commission to decide  
14 whether to continue the rulemaking process to revise NAC  
15 289.200, Section 4, Subsection A, to update the time in which a  
16 person must pass the POST physical readiness test.

17          SHERLOCK:          So again, Mike Sherlock for the record.  
18 We talked about it in the workshop. We're asking whether the  
19 Commission has a desire to continue the rulemaking to remove the  
20 time limit on the physical-readiness passing. Right? It's  
21 currently 16 weeks. By the 16th week of the academy, they must  
22 currently pass at 100 percent. We are asking if the Commission  
23 would entertain removing that 16-week limit and simply required  
24 to be passed during the academy. This would allow for longer  
25 academies to spend more time working on their physical issues

1 with a candidate and give them some flex flexibility. Our  
2 concern, we know there's been a lot of conversation about our  
3 physical readiness test but at this point, we're just looking at  
4 this change. We can talk about that at another time, but we  
5 believe this will not affect the validation. For us that's a  
6 big issue in terms of liability on that particular test, and  
7 this change, if the Commission decides wants to continue won't  
8 affect that validation, and leave the -- we will be able to  
9 continue with the defensibility of that particular test.

10 TROUTEN: So I'll open it first. Public comment  
11 on this item? Board comments?

12 PROSSER: Jamie Prosser for the record. I am  
13 definitely for changing the time limit and allowing it to just  
14 simply state that you have to pass at 100 percent by completion  
15 of the academy. I agree with the statements that were made  
16 earlier and I know as our agency, we will still represent  
17 completing 80 percent to ensure that by the time we get to the  
18 end, they will be at 100 percent. Just for the record, the  
19 problem that we have, and the reason we want this verbiage  
20 changed from our standpoint is the physical agility, as it's  
21 written, is required to be completed, the entire thing, 100  
22 percent, and if someone misses one push-up, they're failed. And  
23 it just -- that stringent of a agility test is what sometimes  
24 sets us back a little bit and we oftentimes lose someone, or if  
25 we have a recruit that passes at 100 within four weeks of the

1 academy and then blows a knee, he's not going to graduate the  
2 academy based on, you know, wherever he ends up. So if we could  
3 just do a flat language, I know that I would be supportive of  
4 that and I know you said that we're not talking about changing  
5 the standards for the physical agility at this meeting, but I  
6 would like to propose that we at least talk about removing the  
7 serpentine, what you call the agility run, because that's where  
8 we are blowing our knees.

9 STRAUBE: Rob Straube for the record. Just along  
10 with what you just said, I was thinking to myself the medical  
11 component to it, right, and having that extra time on a 22-week  
12 academy or whatever it may be that agencies have is -- and help  
13 me clarify, does that help if somebody blows out their knee and  
14 they can recover by the end of the academy, then allows them to  
15 now pass and remain in that status?

16 SHERLOCK: Mike Sherlock for the record? Yeah.  
17 Yeah. It would. Let me be clear, though: if it's an in injury,  
18 staff can extend that. That's the one time we can go right now  
19 beyond the 16 weeks if there's a bona fide injury is what the  
20 regulation says, but this way it alleviates some of that, true.  
21 Yeah.

22 SHEA: Tim Shea. As you know that the fitness  
23 test has been one of my (inaudible) for 10 years. I agree that,  
24 Chief Prosser, this really needs to be looked at. I went and  
25 did some research. There's no -- I don't know why the language



1 was changed, but it was changed for January 2010 and prior to  
2 that, it just said the requirement was you had to pass while  
3 enrolled in a basic-training course, certified or approved,  
4 pursued to NAC 289.300. Now it changed in January when they  
5 changed the test. The test you're taking now was not the test  
6 prior to January of '10, or January of 2010. January 28, 2010  
7 is when this was adopted. There was only one test for everybody  
8 and every category and some of the things when they did this in  
9 January doubled. So now if you're going to be Category I, it  
10 doubled. So some things doubled, some things just decreased in  
11 time, but it became different also for every Category. So if  
12 you are a lateral and you passed the test in 2009, you did not  
13 pass the current test, you passed a different one at different  
14 standards. So again, I don't know why it was changed. So I  
15 think it should be. Also, I don't know why we have to take it  
16 multiple times. If a guy is going to the academy or gal and  
17 they pass it at 100 percent, why did they have to do it again?  
18 This is not a hiring requirement. This is a certification  
19 requirement. Agencies can choose to do this however -- I do it  
20 during the hiring process cause I don't want to waste time going  
21 through the entire background and everything else and have a  
22 person that can't pass this. So during the hiring process, they  
23 must complete it at at least 80 percent or I don't go any  
24 further. I can't put the time and effort into it. I don't have  
25 the resources to spend investigating people, doing all the

1 background, send 'em to psychologicals, all the stuff we have to  
2 do. But again, then they take it again when they get ready to  
3 go to the academy, if they pass it at 100 percent, it doesn't  
4 count, they've got to do it again. And again, we're talking  
5 about a certification process, not a hiring process. So I  
6 believe we do need to be looking at this and looking at the  
7 entire process and especially when we have large agencies that,  
8 you know, have massive vacancies and we're losing people during  
9 the academy to a certification requirement.

10 SHERLOCK: Yeah. So Mike Sherlock for the record.  
11 So that -- so we don't require it for hiring in any way.

12 SHEA: Nope.

13 SHERLOCK: (Inaudible.) So we don't require it for  
14 hiring, that's true. It's a good measuring tool I hope that --  
15 cause to get through the academy, you have to pass it but -- and  
16 just be clear, if at any point, from a regulatory standpoint, at  
17 any point that they pass that during the academy, that they  
18 pass, they're done with us. That's an academy issue, right, so  
19 when you're saying they have to take it again when they go, if  
20 they -- if the academy is started and they're taking their  
21 entrance and they pass it 100 percent, they have met the  
22 regulatory and there's a lot of confusion about this. They've  
23 met our requirements, it's not -- we are done with them. So if  
24 they pass at 100 percent and on day two they get injured, it's  
25 not a PT issue. They've already passed at 100 percent during an

1 academy. So that doesn't change. This would just extend how  
2 long they have to pass it at 100 percent if that makes sense.

3 SHEA: That's a very good explanation, Mike,  
4 and I didn't realize that. I think the academies may have  
5 misinterpreted too cause I know some of the cadets have taken it  
6 more than once and passed it. But if they failed it at the 16-  
7 week thing, just like one push-up, one sit up on the third --  
8 on, you know, doing their little jump, they're out and then we  
9 have to go through the extension process.

10 SHERLOCK: True. So Mike Sherlock for the record.  
11 So one of the reasons this came up is we had -- in fact we're  
12 dealing it with it right now at an academy where an applicant or  
13 a candidate or recruit in the academy is missing one of the  
14 runs, I don't know if it was a sprint or the mile-and-a-half by,  
15 like, 22 seconds, right? So and they're running up on the 16  
16 weeks. We understand that. On the other hand, you have from  
17 staff's perspective, we can't just say, yeah, ignore the 22  
18 seconds because then what do we do when it's 50 seconds? Or  
19 what do we do when it's three minutes? You know what I mean?  
20 So that's why we're looking at this to try to alleviate some of  
21 those issues and not, you know, waiver on our minimum standards  
22 or whatever it may be, and this would allow us to do that and  
23 allow the academies to do that.

24 SHEA: Well, Tim Shea, Mike, I agree with you.  
25 I don't think we should change the standards or ignore them or

1 waive them. That's a whole different discussion. But to me,  
2 giving this test in the middle of an academy is like giving them  
3 the POST one certification test at 16 weeks and say here you  
4 have to pass this. This is a certification requirement and  
5 it's, you know, a little bit over halfway through the academy.

6 SHERLOCK: Sure. Yeah.

7 TROUTEN: So Ty Trouten for the record. I can see  
8 both sides of this issue. And I believe also the fact that  
9 staffing levels what they are bring issues like this to the  
10 forefront. Yes, it is just a qualification to get certified,  
11 however, when I was hired, the standard was much higher, I think  
12 it was 14 minutes, 14 seconds for the mile-and-a-half rather  
13 than almost 17. As I've watched the standard change over the  
14 years, the number of people that we lose, and we always test at  
15 the exit standard for hiring, knowing that they should then be  
16 able to meet the 80 percent when months later to go to the  
17 academy, we still lose the same percentage of people. And one  
18 of the things that irritates me is when you see someone who is  
19 one push-up, one sit-up away from something and they essentially  
20 give up, they can't give you one more and it makes me question  
21 what will they be like on the street as an officer when they are  
22 in a difficult situation? Do they give up? And while it's yes,  
23 a physical-readiness test, to me it is also a measure of  
24 character and commitment. So again, and I like Chief  
25 Crawforth's analogy, I did prepare for marathons and you can do

1 a lot of things in 16 weeks. So I guess I have to question, and  
2 I know, like, this academy they go through physical training  
3 together, I believe all the other academies do, or at least  
4 should, how is it a person cannot get there within that period  
5 of time? And the other comment would be for some of these  
6 agencies, I know several agencies run their own academies. If  
7 there's concerns on that level and you have somebody you think  
8 is going to struggle throughout on this thing and it would be  
9 hard, model active military, they bring you in to do pre-  
10 training with you before the academy starts to at least get you  
11 to some level of physical fitness, then you would be able to  
12 pass within that. There's no conclusion on that. So I guess  
13 that's where I come down.

14           MILLER:           So Ollie Miller for the record. I'm  
15 sorry, I didn't mean to cut you off. I agree with what you're  
16 saying and I agree with the comments here on the Commission. I  
17 would add that we're making an investment in people. Everyone's  
18 different. You know, you're going to have folks that aren't  
19 able to necessarily make that 100 percent within the 16 weeks.  
20 You know, with that being said, if I've got another five weeks  
21 or if I've got a longer academy at 31 weeks, you know, I want to  
22 give my talented staff the opportunity to get that individual  
23 who I've done a background on, who I've been training for the  
24 past 16 weeks, an opportunity to succeed, you know, and I, I do  
25 think that there are people that give up in the academy, but I

1 also think that there are folks that give it their all and, you  
2 know, they can't make that extra push-up in the timeframe it  
3 gives. The organizations, the academy itself a little more in  
4 latitude to get things done. You know, so that's the one point  
5 I would make. I agree with what you're saying, sir. I'd make  
6 that point that folks are different.

7           SHERLOCK:           Mike Sherlock, real quick, for the  
8 record. Just to give you a sense of how an academy, and we see  
9 it here a lot is, look, if the legislature keeps mandating new  
10 training topics and we can't extend our academy, it does affect  
11 our ability for lifetime fitness and physical fitness and that  
12 kind of thing, and so academies deal with that a lot, and this  
13 may be why they're coming to us with this issue. You know from  
14 our perspective we do see that to a certain extent, and believe  
15 me, we value physical fitness here at our academy at POST, it's  
16 extremely important, but you have a lot of other pressures in  
17 the academy.

18           MCKINNEY:           Kevin McKinney for the record. There's  
19 also a fiscal issue here because, you know, we invest a lot of  
20 money into training these subjects and, you know, if it's a 20-  
21 week academy or 24-week academy and we're failing people out  
22 after 16 weeks, there's a fiscal impact there. So we have to  
23 consider that as well.

1           TROUTEN:           Any other comments from the Board? Any  
2 more from the public? Somebody has a motion to make, I'd  
3 entertain that now.

4           PROSSER:           I move to continue on with the -- well,  
5 you know what.

6           SHEA:               I'll second either way.

7           SHERLOCK:          We'll figure that out I guess,  
8 (inaudible).

9           TROUTEN:          So we have a motion that's been seconded  
10 to continue the rule making process. All those in favor, say  
11 aye.

12          MEMBERS:          Aye.

13          TROUTEN:          I'll also vote aye. Any opposed? Item  
14 Number 6, discussion, public comment, and for possible actions,  
15 discussion with the Commission to decide whether to continue the  
16 rulemaking process, revise NAC 289.300, Section 1, subsection B,  
17 to update or modify the requirement for a person to pass the  
18 basic training entrance physical readiness test. And now I'll  
19 go to Mike Sherlock.

20          SHERLOCK:          So Mike Sherlock for the record.  
21 Hopefully we've beat a dead horse pretty good here. This is  
22 just related to the last item. We would simply, based on  
23 suggestions to us, remove the mandatory part of the entrance --  
24 academy entrance requirement. It's simply a measurement for  
25 academies to use it that frankly may not be valid at this point

1 because academies are much longer than 16 weeks, and that's what  
2 that advisory or that mandated entrance test was about. So  
3 staff would suggest that we continue the rulemaking and look at  
4 making that an advisory tool rather than a mandated tool to give  
5 agent -- or give academies some flexibility. You know, again,  
6 we go back to missing the push-up by one. This would give them  
7 some flexibility on whether or not they want to continue with  
8 that candidate into the academy.

9 TROUTEN: Thank you Mr. Sherlock. Public comment?  
10 Board comment?

11 PROSSER: Jamie Prosser for the record. I think  
12 we beat that dead horse. Can I move to go forward with the rule  
13 making process?

14 TROUTEN: If there's no Board comments, you may.

15 SHERLOCK: The public. Any public?

16 TROUTEN: I already asked.

17 SHERLOCK: Oh, sorry. Sorry.

18 MILLER: Ollie Miller, second.

19 TROUTEN: Okay. We have a first and a second.

20 All those in favor, say aye.

21 MEMBERS: Aye.

22 TROUTEN: I also vote aye. Any opposed? Motion  
23 carries. Look that one was quick.

24 SHERLOCK: Problem is the next one's not.



1           TROUTEN:           Board okay? Do we need to take a short  
2 recess or anything or can we continue? All right, we shall  
3 continue then. Item Number 7, discussion, public comment, and  
4 for possible action, discussion regarding the creation of a new  
5 basic POST certificate category of executive level. Mike, I'll  
6 let you get all the background.

7           SHERLOCK:           So Mike Sherlock for the record. I  
8 thought this would be the long one, and so I'll try to explain  
9 what we're getting at this from staff's perspective, some of the  
10 comments made by Commissioners, some of the issues we have going  
11 on with the elections and that kind of thing. So we are looking  
12 to whether or not the Commission wants to continue rulemaking or  
13 begin the rulemaking process on a very specific area and that is  
14 command staff recruitment and reciprocity in general. So, you  
15 know, what's happened with the last election, we have had  
16 several elected sheriffs that are in need of certification,  
17 right? We've also had agencies hiring command staff from  
18 outside of Nevada, right? So with this in mind, you know, using  
19 some of the ideas that the Commission has already brought to us,  
20 we are asking whether there's an appetite to create an executive  
21 level basic certificate. For one, we have the sheriff's  
22 departments that are trying to put together a full academy for  
23 their newly elected sheriffs that need to go to an academy, and  
24 in some cases their undersheriff. You know, beyond just the  
25 really poor perception of creating an academy just for the

1 sheriff that's run by the sheriff, it also causes work for us as  
2 staff that we are going to have to go out and certify these  
3 academies for one or two people that we know will never be put  
4 on again, and that's a lot of staff work for that. And so we  
5 looked at this -- you know, and it's just a lot of wasted man  
6 hours, from our perspective, in these very specific areas to get  
7 their own people to go through the certification process of the  
8 academy, all that. We're also sensitive to the issues raised by  
9 Chief Shea and others on the ability to get experienced command  
10 staff that are either from out of state or have been out of  
11 policing for more than five years, which is our cutoff, right?  
12 So we believe the best answer and to maintain our minimum  
13 standards and without lowering standards is perhaps to create a  
14 basic certificate for these situations, which other states have  
15 done. So we would look at language that would incorporate the  
16 idea that it must be the agency head and maybe the Number 2, no  
17 more than two certificates per agency to keep that integrity,  
18 and the big thing here would be that that basic certificate is  
19 only active while they hold the position. If they leave the  
20 position -- as we've spoke over and over again, our fear with  
21 our basic certificates right now is we create some bifurcated or  
22 shortened process even, and they're done with the agency they  
23 came into, and now they can go work patrol at Metro or Henderson  
24 or Reno because they have a basic certificate, yet they haven't  
25 met the same requirements. So we're looking at how can we do

1 that, meet the needs of what's been expressed to us in those  
2 areas? So by creating this basic certificate for these  
3 situations I think kind accomplishes all those things that have  
4 been brought to us. Again, you know, our suggestion would be to  
5 use an 80-hour online class that we do now for reciprocity.  
6 Again, it would require state certification tests, that's part  
7 of the regulations all over, and then add the flexibility based  
8 on the concern over a physical test, perhaps have a choice  
9 between our validated physical readiness test for that  
10 applicant, or the Cooper test. So Cooper, as many of you know,  
11 is scaled for age and gender, which again, would go back to some  
12 of the concerns we've heard about hey, this person's working in  
13 a command level, they're not out doing, you know, what a person  
14 on the street's doing and so the physical test is invalid. The  
15 Cooper test would be a physical fitness test rather than a  
16 readiness test that's scale for age and gender, so we think that  
17 would accomplish some of the concerns there, and again, it would  
18 just alleviate some of those concerns about people taking  
19 shortcuts and ending up in patrol. But believe it or not, we do  
20 see on occasion, but really creating a better pathway for the  
21 certification in those limited areas of the chief executive,  
22 that we make that process more realistic, and this would apply  
23 to, you know, cities where they're hiring from outside the  
24 state, where, you know, there's a need for that person, they're  
25 certified outside the state where they could come in in this

1 process rather than our other process, which is designed frankly  
2 for a patrol level, that kind of thing. So we are simply asking  
3 for the Commission -- asking if the Commission has some appetite  
4 to begin the rule making on that so we can move forward with  
5 that. Our preference would be to get this done as quickly as  
6 possible. We have three sheriffs, maybe something like that,  
7 three or four that are looking to create their own academy for  
8 one person, and again, I just don't think that's the best use of  
9 our staff in these type of situations and we're looking for some  
10 help there.

11 TROUTEN: Thank you, Mike. Open up first for  
12 public comment.

13 MCGILL: Sheriff Joe McGill, Nye County. We're  
14 in that position right now. Myself, my POST certificate hadn't  
15 expired prior to my election. However, my undersheriff was  
16 expired. He was a POST I. Also Esmeralda sheriff is having to  
17 get a full certification cause his is also, if I'm not mistaken,  
18 expired from California, I believe and he's trying to come into  
19 our program so that he can get certified because he doesn't have  
20 staff to put on an academy. So I think that this just makes  
21 perfect sense. I would say to make sure that the wording is for  
22 an elected or an appointed by the elected official position.  
23 Anybody below that, I don't think you're going to bring anybody  
24 from the outside and try to do that, but sheriff, undersheriff,  
25 chief, assistant chief, something like that. Thank you.

1 TROUTEN: Thank you. Other public comments?

2 CRAWFORTH: Chris Crawford for the record. The  
3 only thing is what you said, Mike, is just I think where you  
4 make it as long as they're in that position. So just make sure  
5 you stick to that is what I would say. Thank you.

6 TROUTEN: Thank you. Any other public comment?  
7 Go to Board member comments.

8 YOUNG: Commissioner Young for the record. I  
9 agree with some of the public comment and I'm just trying to  
10 make sure I understand what you're saying is that any elected  
11 official or anyone outside of our state coming into this  
12 executive level position would go through this certification  
13 process and it's mandatory?

14 SHERLOCK: Mike Sherlock for the record, yes.

15 YOUNG: Okay.

16 MILLER: Ollie Miller for the record. Clarifying  
17 question to you, Mr. Sherlock. Specifically with regard to the  
18 executive POST, we all know that Sheriffs and Chiefs are not  
19 going to generally be doing any law enforcement unless they're  
20 on a ride-along, but if it means something does happen, you  
21 know, at the corner of walk and don't walk when they're not  
22 expecting it, does it put the organization in risk and  
23 liability? Does that POST certificate have the same authority  
24 as any other Category-I peace officer certificate, you know, in  
25 the state if they had to get out on something on their own?

1           SHERLOCK:            Sure.  So Mike Sherlock for the record.  
2  So I would -- you know, we looked at this.  This is simply  
3  modifying our current reciprocity process anyway, and at the  
4  same time recognizing the essential functions of the command  
5  level, so I think it does give them full authority, but also  
6  recognizes their limited exercising of peace officer powers.  So  
7  I think, from that perspective, it does give 'em full authority,  
8  but it is no different than reciprocity and we believe that  
9  there's no issue there.

10           MILLER:            Thank you.

11           SHEA:             Tim Shea for the record.  I'd say this  
12  is something we've discussed a couple times when it comes to  
13  executive appointments and cities go through a great deal  
14  searching nationwide to find chiefs, they hire somebody and if  
15  they break their toe and they can't run the run as quick as  
16  they're supposed to, what's the city supposed to do with them?  
17  Perhaps we could look at a system very similar to the  
18  reciprocity and for people that have been expired more than  
19  five, put 'em through basically the in lieu-of course that used  
20  to be taught in person and now is done online if you wanted to  
21  have some sort of refresh and again, I think that putting them  
22  through the physical ability test is not appropriate for  
23  electeds or the chief of police, but that's my opinion.  So I  
24  think this is a good move and I agree that it should only remain  
25  in place while the person's in the position but there's a little

1 part of me that says, well, this guy was a cop for 32 years, he  
2 spent 17 years in patrol, he was a detective, he was a  
3 lieutenant, he was a captain retired seven years ago and now he  
4 forgot everything he learned somehow some way. I'm just a  
5 little -- I don't know. So that's where I'm kind of, whether or  
6 not it should be that position only or, you know, we refresh it,  
7 we bring 'em back up to standard and then while they're in  
8 office, they have to maintain the same Category I standards  
9 anyway so it's not like they're not refreshing it for a sheriff  
10 that's going to be for at least four years and for a police  
11 chief, you might get eight or nine months out of 'em, who knows  
12 nowadays, but I just think it's a good move, Mike.

13 TROUTEN: Any other comments?

14 PROSSER: Jamie Prosser for the record. I agree.  
15 I would just like us to keep in mind the consideration that all  
16 of our agencies are built differently and if we follow what  
17 Sheriff McGill said about the appointed by the sheriff or chief  
18 of that agency, I think that that would cover that spectrum  
19 depending on how your agency is built.

20 SHERLOCK: Yeah, Mike Sherlock for the record. We  
21 agree with that. We realize there's, you know, different areas  
22 and maybe that's what the language is, that that appointing --  
23 that appointed executive may appoint one -- you know, one more  
24 that falls under this exception or something like that, whatever

1 the language may be, but yeah, we recognize that not everyone's  
2 elected and that kind of thing.

3 SHEA: Tim Shea. I'd be a little leery about  
4 saying one or two because we are talking about some agencies  
5 that are very large. This may be a -- Mr. Togliatti's not here,  
6 but that may be a difficulty for some place like DPS with  
7 multiple different divisions and things, Metro also with quite a  
8 number of people that could be put into appointed slots, and to  
9 be held at the same standard for an agency that has 14 people is  
10 pretty restrictive.

11 SHERLOCK: Yeah. Mike Sherlock for the record. We  
12 looked at that and, you know, from a realistic standpoint, you  
13 know, how many people from outside is Metro going to bring in at  
14 command, not very many. And even when you look at DPS, DPS for  
15 us is not one agency. So just so everyone knows, that would  
16 apply to Chief of Probation or Chief of, you know, whatever else  
17 they have, Fire Services, they have, you know, NDI, I don't  
18 know. In our concept, that chief executive would be an agency  
19 that we recognize as an agency so, right, DPS is split into a  
20 whole -- so they would cover them is what I'm getting at.

21 FLOYD: They have different divisions.

22 TROUTEN: If there's no further comment, I would  
23 entertain a motion.

24 SHEA: I can't quite do it as eloquently as  
25 Chief Prosser, but I'll make a motion to extend the rulemaking.



1           PROSSER:           I'll second that.

2           TROUTEN:           All those in favor, say aye.

3           MEMBERS:           Aye.

4           TROUTEN:           I also vote aye. Any opposed, nay?

5           FLOYD:           Who was nay? Oh, got you. Thank you.

6           TROUTEN:           This will be a good one. Item Number 8,  
7 discussion, public comment, and for possible action, discussion  
8 with the Commission to decide whether to award POST executive  
9 certificate to Fernley Municipal Court Marshall, Daniel Lynch.  
10 Mike, we'll go back to you once again.

11           SHERLOCK:           Mike Sherlock for the record. I know  
12 this will be a short one. I really do. Staff has reviewed an  
13 application for an executive certificate for Fernley Municipal  
14 Court Marshall, Daniel Lynch. Staff finds Marshall Lynch meets  
15 the requirements for the executive certificate and recommends  
16 the Commission issue that executive certificate.

17           TROUTEN:           Thank you. Director, is Mr. Lynch here?  
18 Okay, I do find it good to have one of these come before us  
19 again. I believe this is the first one since we've changed a  
20 bunch of things to clarify for folks. Are there any public  
21 comments on this topic? Any Board member comments? Hearing  
22 none, do we have a motion?

23           SHEA:           Tim Shea, I'll make a motion to award  
24 the certificate.

25           MCKINNEY:           Kevin McKinney. I'll second.

1           TROUTEN:           All right. All Board members in favor,  
2 please say aye.

3           MEMBERS:           Aye.

4           TROUTEN:           I vote aye as well. Old habits. All  
5 right, thank you. Item Number 9, public comment. The  
6 Commission not act on any manner considered under this item  
7 until the matter is specifically agenda'd on a future agenda or  
8 future meeting time, but this time is open for public comment.  
9 Is there any public comment? All righty, we'll move on then to  
10 Item Number 10, discussion, public comment, and for possible  
11 action, scheduling of the next meeting. Mr. Sherlock?

12           SHERLOCK:           So Mike Sherlock for the record. So we  
13 -- traditionally and historically we do the meeting during the  
14 police memorial week and day of the actual memorial, which is  
15 May 4th, so we would ask that we tentatively schedule it for May  
16 4th. Uh, generally we want to do it in the morning. The  
17 memorial's usually at 1:00, sometimes 12:00, I haven't seen what  
18 time they're going to do it, but if we do it at 9:00 AM it will  
19 allow everyone to get over to the memorial on May 4th.

20           TROUTEN:           Thank you, sir. Any public comment?  
21 Board member comment? Do we have a motion?

22           SHEA:           Tim Shea, I'll make a motion to schedule  
23 for May 4th.

24           TROUTEN:           Is there a second?

25           PROSSER:           I'll second.

1           TROUTEN:           Thank you. All those in favor, say aye.

2           MEMBERS:           Aye.

3           TROUTEN:           And I also vote aye. Item Number 11,  
4 looking for a motion to adjournment if there is no further  
5 comment, public or Board.

6           YOUNG:           So moved.

7           TROUTEN:           Second?

8           MILLER:           Second, Ollie Miller.

9           TROUTEN:           Thank you. All those favor, say aye.

10          MEMBERS:           Aye.

11          TROUTEN:           Thank you, all, we are adjourned.

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