

1 STATE OF NEVADA

2 COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

3
4 A Public Hearing and Regularly Scheduled Meeting
5 of the Commission on Peace Officer Standards and Training was
6 held on Thursday, October 17, 2024 commencing at 8:02 a.m. at
7 The Southpoint Hotel/Casino, 9777 Las Vegas Blvd., S. Napa Room
8 A, Las Vegas, NV 89183.

9
10 COMMISSIONERS:

11 Tyler Trouten, Chairman

12 Dan Coverley

13 Kevin McKinney

14 Oliver Miller

15 Russ Niel

16 Jamie Prosser

17 Tim Shea

18 Rob Straube

19 George Togliatti

20 STAFF:

21 Kathy Floyd, POST F

22 Jesselyn V. De Luna, Attorney General's Office

23 Mike Sherlock, POST F

24
25 TRANSCRIBED BY: Marsha Steverman-Meech

INDEX

ITEM: PAGE:

Public Hearing

1. Call to order 5

2. Roll call of Commission Members 5

3. Public Hearing on Proposed Regulations LCB File R091-24 and

R098-24 6

Topic

a. LCB R091-24 6

b. LCB R098-24 8

REGULARLY SCHEDULED MEETING AGENDA ITEMS

1. Public Comment 9

2. Approval of Minutes from May 2, 2024 9

3. Executive Director's Report 10

4. Discussion Regarding NAC 289.290(e) 15

5. Discussion and Possible Action to Adopt Regulations: 26

a. LCB R091-24 26

b. LCB R098-24 28

6. Request from the Henderson Police Department for an

Executive Certificate for their Employee, Chief Hollie

Chadwick, pursuant to NAC 289.270(1)(a) 33

7. Request from the Henderson Police Department for an

Executive Certificate for their Employee, Deputy Chief

Jonathan Boucher, pursuant to NAC 289.270(1)(a) 34

- 1 8. Request from the Henderson Police Department for an
2 Executive Certificate for their Employee, Deputy Chief
3 Itzhak Henn, pursuant to NAC 289.270(1) (a) 35
- 4 9. Request from the Las Vegas Metropolitan Police
5 Department for an Executive Certificate for their
6 employee, Undersheriff Andrew Walsh, pursuant to NAC
7 289.270(1) (b) 36
- 8 10. Request from the 4th District, Elko County Juvenile
9 Probation Department, for an Executive Certificate for
10 their employee, Chief Heather Plager, pursuant to NAC
11 289.270(1) (b) 36
- 12 11. Request from the Washoe County Sheriff's office for an
13 Executive Certificate for their employee, Chief Deputy
14 Timothy Mosley, pursuant to NAC 289.270(1) (a) 37
- 15 12. Request from the Lyon County Sheriff for a 6 month
16 extension past the one year requirement (NRS 289.550) in
17 order to meet the requirements for certification for the
18 following employees:
19 Deputy Benjamin Beck 39
20 Deputy John VanDiver, Jr. 39
- 21 13. Request from the Mineral County Sheriff for a 6-month
22 extension past the one-year requirement (NRS 289.550) in
23 order to meet the requirements for their employee Jorden
24 Ferrell 39

1	14. Hearing Pursuant to NAC 289.290(1)(g) and/or NAC	
2	289.290(1)(h) on the Revocation of George J. Head's	
3	Category I, II, and III Basic Certificate(s)	40
4	15. Hearing Pursuant to NAC 289.290(1)(g) on the Revocation	
5	of Stewart E. Handte's Category I Basic Certificate	47
6	16. Hearing Pursuant to NAC 289.290(1)(g) on the Revocation	
7	of Daniel Kelly's Category I Basic Certificate	49
8	17. Hearing Pursuant to NAC 289.290(1)(g) on the Revocation	
9	of Christopher T. Peto's Category I Basic Certificate	50
10	18. Hearing Pursuant to NAC 289.290(1)(g) on the Revocation	
11	of Chris D. Trzaska's Category I Basic Certificate	51
12	19. Request from Chief Jason Potts, City of Las Vegas	
13	Department of Public Safety, to Appeal the Decision to	
14	Deny Robert Falche Category I Reciprocity	53
15	20. Public Comment	66
16	21. Schedule Upcoming Commission Meeting	66
17	22. Adjournment	68

PROCEEDINGS

TROUTEN: Good morning. We'll call to order the POST Commission meeting and public comment hearings for October 17, 2024. For the record, the time is 8:02 AM. Go to Kathy Floyd for the legal posting information.

FLOYD: The public hearing and meeting agenda have been posted in compliance with NRS 241.020. These notices and agendas were physically posted at the POST Administration Building and the Nevada State Library in Carson City, and electronically posted at post.nv.gov, State of Nevada website at notice.nv.gov, the legislative website at leg.state.nv.gov, and emailed to all SPOCS and admins on the POST listserv.

TROUTEN: All right, thank you. We'll now commence with roll call. I'm Ty Trouten, Elko PD, Chair of POST Commission.

STRAUBE: Rob Straube, City of Las Vegas, Department of Public Safety.

PROSSER: Jamie Prosser, Las Vegas Metro.

MCKINNEY: Kevin McKinney, City of Carlin.

SHEA: Tim Shea, City of Boulder City.

COVERLEY: Dan Coverley, Douglas County Sheriff's Office.

TOGLIATTI: George Togliatti, Nevada Department of Public Safety.

MILLER: Oliver Miller, Reno Police Department.

1 NIEL: Russ Niel, State Gaming.

2 FLOYD: Kathy Floyd, Nevada POST.

3 SHERLOCK: Mike Sherlock from POST.

4 DE LUNA: Jesselyn De Luna from the Attorney
5 General's office.

6 TROUTEN: All right, thank you. We'll now start
7 with public comment and the public hearing section of this on
8 several proposed regulations. The public comment hearings will
9 address proposed regulations. The purpose of the hearing is to
10 receive comments from all interested persons regarding the
11 adoption, amendment, and repeal of regulations pertaining to
12 Chapter 289 of the Nevada Administrative Code, NAC. This public
13 comment hearing has been previously noticed as required by NRS
14 Chapter 233(b). Item A, proposed regulation file number R091-
15 24. Go to Director Sherlock for some background information,
16 please.

17 SHERLOCK: Thank you, Mike Sherlock for the record.
18 As the Commission may recall, this change was to address the
19 situation where an agency may want to bring back a former
20 officer who has been out of policing for five years, but less
21 than 10. This regulation simply creates a process to reactivate
22 their basic certificate. Internally, in anticipation, we are
23 working on the training and testing necessary to do that in this
24 situation. This is simply the time for any public comment on
25 this proposed regulation. During the regularly scheduled

1 meeting, the Commission will have a chance to discuss final
2 adoption or changes or any other action they want to take but at
3 this time, it's just public comment.

4 TROUTEN: Thank you, director. So if we have
5 public comment, if you could please come up to the table here
6 and clearly state your name for the record. Do we have public
7 comment on this item?

8 WATTS: Good morning, ladies and gentlemen. My
9 name's Jesse Watts, J-E-S-S-E, W-A-T-T-S, and I serve as the
10 sheriff of Eureka County, Nevada. My public comment is that I
11 believe that 10 years is too long. The current regulation of
12 five years is sufficient, and I don't believe that this is going
13 to address any kind of recruiting crisis or any kind of hiring
14 that we could take and articulate to justify changing complete
15 regulations of NAC and department practices. This is going to
16 impact a lot of things, not only administratively for this
17 Board, but department wise, along with the fact that you're
18 going to create some -- you have the potential of creating some
19 animosity between somebody that is coming back after, let's say,
20 eight years, four legislative changes, that's not getting
21 current on legislation because four sessions is a lot to relearn
22 practices technology, et cetera, and you have the real chance of
23 having some generational problems on training and such.
24 Furthermore, something that I was thinking about over this week
25 with others was if you get hired, have a POST Commission, don't

1 pass probation, and then eight years later you decide to come
2 back in law enforcement, why should you be entitled to the same
3 venture that you would've been if it was five years? That is a
4 long time for coming back after being gone for five to 10 years.
5 Five years is the current regulation, in my opinion, is more
6 than sufficient. I don't think that we have enough applicants
7 statewide to completely change the NAC regulations and practices
8 because of -- to help a recruiting crisis or a hiring crisis.
9 Thank you.

10 TROUTEN: Thank you, sheriff. Are there other
11 public comments on this item? Hearing none, we'll move on to
12 Item B, proposed regulation file number R098-24. Director,
13 Sherlock, could you provide some background on this item,
14 please?

15 SHERLOCK: Sure. Mike Sherlock for the record. So
16 this public comment hearing is to address changes to the
17 revocation process as it relates to domestic violence. This
18 proposed regulation would bring our regulations in line with the
19 federal definition related to domestic violence conduct. This
20 would also -- this change would also allow for personal service
21 related to revocation hearings, which is our most common
22 practice, and it just would reflect what we do in the
23 regulation. Again, this is the time for the Commission to
24 accept any public comment. This issue will be on the regular
25 scheduled meeting and the Commission can discuss this regulation

1 and determine whether they want to move forward the final
2 adoption matter, that sort of thing.

3 TROUTEN: Thank you, Director. Do we have any
4 public comments on this item? All right, hearing none, we will
5 then close out the public hearing meeting and move on to the
6 regular Commission meeting. So just let the record reflect that
7 all the members are still present and we'll move on. All right,
8 so at the beginning of this, and as advisement to the public,
9 we'll have a public comment section at the beginning of this
10 regular POST Commission meeting and then again at the end, but
11 there would not be public comment on each item within the
12 agendas. So Item Number 1, is there any public comment? This
13 is an item the Commission may not take any action on this matter
14 until considered under an item specifically included on an
15 agenda as an action item. It will also be another opportunity
16 at the end for public comment. Are there any public comments?
17 Hearing none, we'll move on to Item 2, discussion, and for
18 possible action approval of minutes from the May 2, 2024
19 regularly scheduled POST Commission meeting. Has everyone had
20 an opportunity to review the minutes and is there a motion or
21 any changes, amendments to those minutes?

22 MCKINNEY: Kevin McKinney for the record. I'll
23 make a motion that we approve the minutes.

24 TROUTEN: Have a motion to approve. Is there a
25 second?

1 SHEA: Tim Shea, I'll second.

2 TROUTEN: Have a motion and second. All those in
3 favor of approving the minutes, please say aye.

4 MEMBERS: Aye.

5 TROUTEN: Any opposed? I also vote aye. Minutes
6 are approved. Item Number 3, the Executive Director's Report.
7 Director?

8 SHERLOCK: Thanks. Mike Sherlock for the record.
9 Just a few items. We're trying to figure out the best way to
10 get the word out on SB 225 issues. This was not a bill that we
11 proposed or wrote but it is the law and there's things in there
12 related to the National Decertification Index. Many of you are
13 already aware of the affidavit required by that bill on new
14 hires and activating their basic certificate. There's
15 provisions related to IAs and the result of the IA. I think
16 there's some confusion out there. It requires reporting to
17 POST, and it gets a little confusing for us because it doesn't
18 discriminate between what is a revocable or suspension issue.
19 It still has to be reported to us, you know, so there's some
20 concerns on our part to make sure we get the word out to
21 agencies. We don't want agencies to get into some sort of issue
22 over that. I would suggest that agencies take a look at that
23 bill because it would seem to require that agencies complete an
24 IA even in cases where you have someone resign in lieu, but I
25 would leave that up to the agency's legal to determine that and

1 we don't get involved, but it is reported to us and that's the
2 only reason I bring it up. So that's a pretty extensive bill.
3 I know most of you know SB 225, but we're seeing where some
4 agencies are reporting things to us and others aren't, and we
5 just don't want to get in the middle of that. So we're looking
6 at maybe putting things out on SB 225 just as an educational
7 posting so agencies understand how extensive that bill was out
8 there. We are ramping up for the next legislative session,
9 budget, and that sort of thing. We already have BDRs coming our
10 way and looking to us for some advice and that kind of thing. I
11 can say from staff's perspective that we encourage legislators
12 to not use the BDR process for standards or training. We have a
13 Commission, the Commission's mission is to do that, and they're
14 the experts in policing. We're not always very successful in
15 requesting that of our legislators, but that's what we try, and
16 that's our take. I have spoken to a couple people on some BDRs
17 that I think they've agreed to leave that to the Commission, and
18 so it benefits us in the long run, not putting things in
19 statute. I recently attended a federally facilitated meeting
20 with all POST directors. I should say 36 states attended plus
21 US Virgin Islands and Guam. It was quite interesting to see
22 what's going on across the country. I was asked to speak in
23 reference to disciplined academy environments and how that
24 works, and many states that had moved away from a disciplined
25 academy or stress academy are going back to it so they're

1 looking at our structure at POST and going that way. So that
2 was an interesting time with what's going on across the country.
3 And with that, I'll yield back.

4 TROUTEN: Any questions for the director on those
5 items?

6 PROSSER: No. Jamie Prosser for the record. I'm
7 not sure if this falls into that area, but in our book
8 reference, the quarterly audit report, can I ask a couple
9 questions about that?

10 SHERLOCK: Sure.

11 PROSSER: Is this the time? Can you just -- just
12 for my knowledge, can you explain how the audits work and what
13 do we do when we have a agency who is deficient in either
14 backgrounds or training, and what's the follow up from POST
15 ensuring that they do become compliant?

16 SHERLOCK: Sure. Mike Sherlock for the record. So
17 it is kind of a difficult area for us sometimes. We seek to
18 educate agencies, not punish 'em and teach them, you know, what
19 is required under the regulations. The other issue, if you
20 think of it just from a logical standpoint, let's say that, you
21 know, an agency didn't complete a psych or a truth verification
22 poly or CVSA and we discover that in an audit, which is not
23 unusual, we do find those on occasion. The issue becomes the
24 regulations are clear that that must be completed prior to
25 employment and it wasn't. There's no way for us to go back in

1 time, right? We can't say, go ahead and give 'em a poly now, or
2 do the psych now. Still not in compliance with the regulation
3 because they're already employed. And so generally we do an
4 audit report, that is a public document, that documents those
5 deficiencies and work with the agencies on how they can
6 accomplish the psych or the poly prior to that conditional job
7 offer and that sort of thing. So really, for us, our only
8 recourse is that public document, the audit, and then working
9 with those agencies. Generally we'll give a timeframe to either
10 correct their policy in their hiring process and we will come
11 back 30 days later, you know, 45 days later and ensure that that
12 policy was updated and changed and not a lot of recourse other
13 than that in that public document, which by the way, I think is
14 pretty powerful. Don't get me wrong. You don't want out there
15 a public document that indicates that you're in violation of the
16 regulation in the hiring process, right? In terms of audits
17 themselves, we are mandated to physically audit every academy
18 every year, and so that's a lot of our time. And most academies
19 have been running for a long time now in the state and there's
20 not a lot that we see with the academies in terms of their
21 operation, but we are mandated to do that so we do visit the
22 academies once a year. As far as agencies, 33 percent, right,
23 still we attempt to do a third of the agencies a year. And
24 hopefully that answered your question.

1 PROSSER: So two particular questions. In regards
2 to the Yerington Paiute tribal that was not compliant for their
3 training for 2023, and it said that they were to get it done in
4 2024, which would not count towards 2024's training, and it
5 states that the audit is now closed. Is there a plan in place
6 to go back and ensure that they not only finished what they
7 needed to for 2023, but that they do 2024 as well?

8 FLOYD: We emailed the information.

9 PROSSER: Okay.

10 SHERLOCK: Yeah. So we did get an update from
11 them. We do check on them. When there's a deficiency, we do
12 return or at least do it electronically and that's what we've
13 done with them. There is another issue, sort of the same issue,
14 with annual compliance training in that you have to do the
15 training during the calendar year and same thing. There's no
16 way to go back. And so one of the things we look at is is there
17 really a benefit to say you didn't do 2023 and so 2024, we're
18 going to make you do it twice, right, and there's no real
19 benefit to that. So, you know, for us it's more, again, the
20 documentation route and then, you know, constant contact with
21 that agency till they come up to speed in that area. And as far
22 as annual compliance training, that is an individual issue too,
23 not just the agency and so we look at it from both perspectives.

1 PROSSER: And finally, can you advise whether or
2 not Esmeralda County Sheriff's Office has finished their
3 backgrounds on the four officers that did not have --

4 SHERLOCK: No. And I believe they're gone, right,
5 some of 'em?

6 FLOYD: I don't know.

7 SHERLOCK: We're still working with them on this.
8 I think two of 'em are no longer employed there, and so we're
9 still -- well, without getting too far into it, there's some
10 other issues related to that.

11 PROSSER: Thank you.

12 TROUTEN: Other questions from the Board? All
13 right, hearing none. We'll move on to Item Number 4, discussion
14 for possible action. The Commission to discuss and take
15 possible action related to NAC 289.290(e), revocation process.
16 Director Sherlock, some background information, please.

17 SHERLOCK: Sure. Mike Sherlock for the record.
18 So, again, as I just mentioned, SB 225 made changes in regards
19 to revocations and reporting and that sort of thing but even
20 without those changes, historically, we've had a very specific
21 procedure in terms of regulation and that procedure, again, is,
22 is based on those regulations. First, I think the Commission
23 needs to know that our regulations leave revocation decisions
24 solely to the Commission, not to staff. We don't revoke
25 anybody, we have no authority to do so obviously although in

1 many states that's not the way it works, which was interesting
2 to hear. That said, the only way for us to allow the Commission
3 to consider revocation is to put those listed issues that are
4 listed in the NAC on the agenda. As a Commission, you can then
5 weigh that evidence and decide whether or not to revoke, suspend
6 suspension is always an option except in felonies, and so just
7 so the Commission understands that from a regulatory standpoint.
8 Once a felony conviction has been shown, the regs don't leave
9 discretion and everybody knows that. Where it's a gross
10 misdemeanor conviction, the staff brings those to the Commission
11 for consideration and again, you can revoke, suspend, not
12 revoke, that sort of thing. The hearing is about the revocation
13 and the outcome of that revocation hearing is completely up to
14 the Commission. Where the conviction of the person is for a
15 misdemeanor where it's domestic violence, that is brought to the
16 Commission. Where it's a conviction for specifically domestic
17 violence, currently under the regs, that is brought to the
18 Commission by staff. Where it is any other misdemeanor
19 conviction, staff can only bring that to you if the agency, the
20 employing agency, requests. Staff doesn't have and the
21 Commission doesn't have independent authority to revoke for
22 misdemeanor convictions, right, and so if the agency that
23 employed that person once is requesting revocation, then that's
24 how we do that, we bring that to you. So understand that these
25 are based on the current regulations, right? So due to some

1 discussion staff has had, we'd like to be sure that the
2 Commission is satisfied with that procedure. If there's a
3 desire for change, we would ask for some direction as it would
4 likely require a rule change in the regulation. After speaking
5 to our DAG, you know, there was some discussion, something like
6 some sort of gatekeeping in terms of what's brought forward in a
7 revocation hearing. I think if that was done outside of full
8 Commission that would require a reg change. That said, we've
9 heard some may like to have the opportunity to vet some of these
10 possible revocations before an actual revocation hearing, things
11 like an agenda item, that sort of allows staff to provide a
12 blind sort of presentation on the reason the hearing would occur
13 and whether or not the Commission wants to go forward with the
14 hearing, and I think that might be able to be accomplished under
15 current structure. I'd have to talk to, you know, the AG's
16 Office a little bit about it, but we're just looking for some
17 direction. Let me just add that the perception out there, that
18 POST somehow wants to influence personnel decisions, and we hear
19 this often, is wrong. It's actually the opposite for us if you
20 think about it logically. We often hear agencies who would like
21 to use the POST Commission's decisions for their personnel
22 decisions rather than the other way around and as you can
23 imagine, we really don't want to be involved in personnel
24 decisions or anything like that, and that's why, if you'll
25 notice that nearly every revocation hearing we bring forward,

1 personnel decisions have already been made and almost every
2 case, they've been terminated. Not all, but almost every case
3 that person has been terminated, and I think that's the right
4 way to go. So we're not involved in that, but we're just
5 looking for some direction on how we deal with -- and part of it
6 with SB 225, we're getting more and more notices of possible
7 disciplinary action and much more than we have historically. So
8 we're just looking for if you're satisfied with the way we're
9 doing it and the way you're receiving those, we're fine with
10 that, it's just we're looking for some direction on where what
11 best fits the Commission and their plan.

12 PROSSER: Jamie Prosser for the record. Just for
13 clarification, as it stands right now, revocations are brought
14 before us if they're convicted of a felony or convicted of
15 domestic violence?

16 SHERLOCK: Or a gross misdemeanor.

17 PROSSER: Or a gross misdemeanor.

18 SHERLOCK: Yeah.

19 PROSSER: And otherwise, it's up to the agency to
20 request the revocation hearing if they're convicted of a
21 misdemeanor?

22 SHERLOCK: Correct. Yes.

23 PROSSER: And to your point, I see that, you know,
24 some agencies, they would like POST to hold their people
25 accountable before they hold them accountable.

1 SHERLOCK: Correct.

2 PROSSER: And in my opinion, I think, my opinion
3 is that continue with the felonies that are convictions as well
4 as the domestic batteries and then any misdemeanor or gross
5 misdemeanor that's turned over to you, it's up to the agency to
6 request a revocation hearing. That would be my request, my
7 suggestion.

8 SHERLOCK: And we're good with that. Understand
9 that would require rule change, which, you know, that's what we
10 do. We can certainly bring that to the Commission in terms of a
11 rule change if that's what, you know, the Commission wants. No
12 problem.

13 COVERLEY: Chairman, Dan Coverley for the record.
14 I agree with Ms. Prosser. I don't like the arrest, I think we
15 need to stick with the conviction because there's a lot that
16 goes into the judicial process from the time of arrest until
17 they're convicted and things change, and I don't know why we
18 would hold peace officers to a different standard than a regular
19 citizen as far as that.

20 SHERLOCK: Yeah. Mike Sherlock for the record.
21 It's only convictions. For most --

22 COVERLEY: And proposed changed, does it have some
23 language, was arrested and then regardless of what the
24 conviction is, is that not (inaudible)?

1 SHERLOCK: Oh, okay. So you're talking about the
2 proposed regulation and we will get to that I think shortly, but
3 just to clarify, that still requires a conviction. Under the
4 current regs and if you adopt that one, it still requires a
5 conviction.

6 COVERLEY: Okay.

7 SHERLOCK: It may not be domestic violence, I
8 understand that, but it's still a conviction. And that's the
9 way our regs are set up, that we have to have a -- barring very
10 specific things, it has to be a conviction for us to move
11 forward with revocation.

12 COVERLEY: Thank you.

13 SHERLOCK: So that's not a change in the regs.

14 DE LUNA: And then Jesselyn De Luna from the
15 Attorney General's Office for the record. Just to confirm,
16 there are different tiers for it. So for felonies upon the
17 criminal indictment or the filing of the criminal complaint, the
18 suspension may be imposed, and then upon conviction, then the
19 certificate will be revoked. So there's no discretion there.
20 If someone's convicted of a felony, then the certificate will be
21 revoked. When it comes to gross misdemeanors, upon criminal
22 indictment or filing of a criminal complaint, the suspension may
23 be imposed. And then when it comes to regular misdemeanors, the
24 employee agency actually has to recommend the suspension or
25 revocation following the conviction.

1 TROUTEN: So Ty Trouten for the record. I'm
2 curious of the Board, is there -- as we have in every Commission
3 meeting, we have an update from POST on training and different
4 things have come up. This is a requirement of the agencies to
5 report arrests. Without, it has nothing to compel the Board to
6 take action. Is there any appetite, as we were just discussing
7 with, like, the audits of having, you know, an update on the
8 quarterly meetings that we've received these many notifications
9 pursuant to arrests, or to have the staff give an update of
10 we're monitoring or following to see what happens with them and
11 so forth, or just to let that be handled by the POST staff?

12 MCKINNEY: Kevin McKinney for record? I'll start.
13 I would not be opposed to getting an update on the numbers or
14 the, you know, types of referrals. I'm just not sure anything
15 needs to be changed in this. It sounds like we're almost just
16 specifically looking at gross misdemeanors, which I don't see
17 why we can't review those if they occur, but I'm not opposed of
18 being notified of those.

19 SHERLOCK: Mike Sherlock for the record. So that's
20 part of the issue. Under SB 225, it's required that we get
21 notified, so we're getting notified of things that we don't have
22 the authority to revoke on and that's part of the confusion for
23 us right now and for agencies, frankly but, yeah, certainly I
24 think, as was suggested, that we make gross misdemeanors the
25 same as misdemeanors in terms of bringing them forward. That

1 would be a reg change and we're looking for -- we would need the
2 Commission to authorize that or recommend that via a motion.

3 DE LUNA: Jesselyn De Luna for the record. To
4 Director Sherlock's point, the way that the regulation is
5 currently written, it's NAC 289.290(3), it says that the
6 employing agency shall notify the Commission of any time that it
7 becomes aware that one of its officers has been charged with a
8 crime that could result in denial, suspension, or revocation
9 procedures, so misdemeanors, gross misdemeanors, or anything
10 that falls under the 289.290(1) violation, I guess. And then
11 upon receipt of that information then the Commission as a whole,
12 the way that I understand it to be written, will determine
13 whether to pursue revocation or suspension.

14 PROSSER: Jamie Prosser for the record. To Mr.
15 Sherlock's point, POST doesn't get to do the revocations,
16 Commission that does, and I truly believe that it's good to keep
17 the felonies obviously, and the domestic violence, but I also
18 believe that there are so many intricate gross misdemeanors out
19 there that it should rely on the agency to decide whether or not
20 they would like to move forward with revocation of a
21 certificate, and so I would move to make that motion that if we
22 were to move forward with a revocation for a gross misdemeanor,
23 conviction, or a misdemeanor conviction, it's based on the
24 agency's request. To Chief Trouten's point, I do think that as
25 a Commission, we do hold a responsibility to monitor agencies

1 that are having arrests and I think it wouldn't -- I don't know
2 from POST perspective, Mr. Sherlock, if it would be too much of
3 a lift for an audit report similar to what we get from you guys
4 that simply says Las Vegas Metro reported they had six arrests,
5 three for domestic violence, and three for DUI, and not give any
6 specifics to the people, and then as a Commission, we could move
7 forward with what we need to do.

8 SHERLOCK: Yeah, Mike Sherlock for the record. We
9 could certainly do that.

10 PROSSER: I don't know what kind of numbers you're
11 getting, so I don't want --

12 SHERLOCK: Yeah, frankly, we don't know. You know,
13 we're not sure what the compliance level is of SB 225 right now,
14 but we are getting notified right now. We do have statistics
15 that we keep as best we can on those notifications. I mean, we
16 can -- let me just say we could do that. I don't know that
17 everybody wants their agency, you know --

18 PROSSER: So --

19 SHERLOCK: -- publicly noticed like that, but we
20 could certainly do it.

21 PROSSER: Does anyone from the Commission have any
22 other suggestions? I mean, do you just want to see so many
23 gross misdemeanors were reported and so many misdemeanors across
24 the state?

1 SHERLOCK: Yeah, and we could certainly do that.
2 It is a little bit surprising, to be honest with you, the number
3 of reports that we're getting right now.

4 MCKINNEY: My question is, I'm sorry, Kevin
5 McKinney for the record, does NAC 289.290, does it conflict with
6 SB 255 in any real way?

7 SHERLOCK: No. Mike Sherlock for the record. So
8 really, it just requires more reporting than we currently
9 require, doesn't change the revocation authority at all. It
10 does change some hiring issues, but it doesn't change revocation
11 at all and it's really not on POST, it's demands that agencies
12 report those things to us, even though, you know, they're not
13 revocable or they're not actionable on our part based on our
14 regulations, but we still have to accept those reports from the
15 agency. But, no, it does not change what you can revoke for or
16 suspend or anything. So, just to clarify too, we would need a
17 motion to continue the rulemaking or start the rulemaking in
18 relation to the gross misdemeanor if that's the appetite of the
19 Commission.

20 PROSSER: All right. Jamie Prosser. I would like
21 to make a motion to continue the rulemaking process.

22 SHEA: Tim Shea. I'll second.

23 TROUTEN: We have a motion and a second. Is there
24 any further discussion?

1 SHEA: I just have a hard time. I was looking
2 at the wrong page, which I was one event ahead of where we are.
3 So when you do this, would it be possible to kind of clearly
4 state what the issue is you're seeing cause I'm having a little
5 hard time grasping what the problem we're facing and why we need
6 a real change, and that would help for me at least. I have a
7 hard time figuring out where we're having a deficiency.

8 SHERLOCK: So --

9 PROSSER: Jamie Prosser for the record. I think I
10 can clarify this. So currently, as it stands, if your officer
11 is convicted of a gross misdemeanor, they will automatically
12 come before this Board for a revocation hearing whether or not
13 you choose for them to or not as the chief of the police
14 department. So the rulemaking process that I'm proposing is
15 that it will go to the same way the misdemeanors are currently,
16 whereas if your officer's convicted of a misdemeanor, it's up to
17 the agency to request POST for the revocation hearing. So my
18 recommendation is to allow for gross misdemeanors and
19 misdemeanors to be at the request of the agency to go before
20 revocation, not an automatic revocation for a gross misdemeanor.

21 SHEA: And these are those that are outside of
22 the mandatory requirements for DV and things like that?

23 PROSSER: Correct.

24 SHEA: Thank you.

1 PROSSER: It would still mandate that felony
2 arrests, convictions, and DV arrests would come before us.

3 TROUTEN: Okay, nothing further, all those in
4 favor say aye.

5 MEMBERS: Aye.

6 TROUTEN: Any opposed? I also vote aye. Motion
7 carries to continue rulemaking process. Now we will move on to
8 Item Number 5, discussion and for possible action. This is for
9 the Commission to discuss and take possible action to adopt the
10 following regulations, and there are two of these, and we also
11 need to consider so before we get going, any written and or
12 other comments that have come forward on these? Kathy?

13 UNIDENTIFIED: (Inaudible.)

14 TROUTEN: All right. So with that we'll start
15 specifically with item a. This is LCB R091-24, which amends NAC
16 289.200, and creates a recertification program for officers
17 whose basic certificate expired, but has not been out of law
18 enforcement for more than 10 years. Director Sherlock.

19 SHERLOCK: Mike Sherlock for the record. So I'll
20 just remind the Commission where this is at and what this means.
21 So when we're at this point, the proposed reg was initiated due
22 to the Commission's motion to start the rulemaking. There was a
23 workshop. Result of that workshop was proposed language, which
24 has previously been approved or has now been approved by the
25 Commission. That language goes to LCB, who looks at it from a

1 legal standpoint and brings it back to us. We've had the public
2 hearing, comment hearing on the regulation as it is currently
3 written, and now we're back to the Commission for final adoption
4 should you choose. This regulation change would allow
5 previously certified Nevada officer who has expired under the
6 current rules of 60 months, but has been out of employment as a
7 peace officer for up to but less than 10 years, and their
8 certificate was in good standing, this creates a pathway to
9 reactivate their basic certificate and as written, staff would
10 recommend that the final adoption is approved.

11 TROUTEN: So, clarification, if I remember a
12 discussion, Director, if an officer comes back at this point,
13 within 60 months of being out of law enforcement, they have to
14 immediately recertify in their use of force tools and the
15 required yearly trainings for all those things. It seems in our
16 discussion, we've talked about having a more in depth
17 recertification program when they come out. Now, that would
18 include such things as basically an update on what has changed
19 in the legal world, which would include both case law and
20 codified law. Is that correct?

21 SHERLOCK: Yeah, Mike Sherlock for the record. So
22 that's how staff has looked at this, that up to five years there
23 is no retraining required. They have to demonstrate proficiency
24 and critical skills before resuming, but there's no training up
25 to 60 months out. After 60 months, this change would

1 essentially put them, from our perspective, similar to
2 reciprocity, be an online training, basic training type program,
3 and we're still discussing any hands-on, but there would be some
4 recertification but not a full academy to meet with this
5 requirement.

6 TROUTEN: Thank you. Comments from the Board?
7 Hearing none, I would entertain a motion.

8 PROSSER: Jamie Prosser. I move to approve the
9 changes as written.

10 TROUTEN: I have a motion. Is there a second?

11 STRAUBE: Rob Straube. I'll second.

12 TROUTEN: So we have motion and a second. All
13 those in favor, please say aye.

14 MEMBERS: Aye.

15 TROUTEN: Those opposed? I also vote aye. Motion
16 carries. Over to item b. This is the one concerning domestic
17 violence. Director Sherlock, some more background on this one,
18 please.

19 SHERLOCK: So Mike Sherlock for the record. Again
20 so similarly, this regulation is in the same position where it's
21 now back to the Commission to decide whether they want to final
22 move forward with adoption. This regulation attempts to clean
23 up the language that we have currently related to domestic
24 violence and frankly the definition and tries to mirror the
25 current state of law in federal definition. You know, it's not

1 an easy thing I know with domestic violence, but essentially
2 what this regulation does is match the federal definition of the
3 act of domestic violence, so it's about an act of violence and
4 the requisite victim meeting the definition under federal law.
5 So, you know, it's not unusual for someone to commit an act of
6 domestic violence and through plea bargaining and that sort of
7 thing, you know, final outcome of that criminal case is
8 something other than domestic violence. Under federal law, it
9 doesn't matter what the conviction is for as long as the act
10 itself meets the definition, and that's what this language
11 attempts to do. It's even harder in Nevada because of our
12 domestic violence law, and so we spend a lot of time looking at
13 the facts of a case. Under federal law, it requires an act of
14 violence with the requisite victim meeting that, or the suspect
15 meeting that definition. Unfortunately in Nevada, we have
16 things like burglary, stalking, vandalism as domestic violence.
17 Under federal law, those are not domestic violence so it's a
18 struggle sometimes for us in Nevada I think, you know, to
19 determine whether they fall under our revocation authority, and
20 this language seeks to clear that up, and staff will recommend
21 that the Commission adopt that language.

22 TROUTEN: Comments from the Board?

23 PROSSER: Jamie Prosser for the record, I don't
24 agree with the language in J. I believe that it makes it more
25 convoluted than necessary. It's already covered in I, where it

1 talks about the conviction of a misdemeanor crime of domestic
2 violence automatically comes before us. We already discussed
3 that with the rulemaking process moving forward on the previous
4 discussion topic, so I believe it should be up to an agency
5 dependent on if their employee is convicted of a misdemeanor or
6 a gross misdemeanor up to the agency to bring before the Board
7 for revocation.

8 SHEA: Yeah. Tim Shea. I agree with Chief
9 Prosser, Assistant Sheriff Prosser, sorry. Good morning.

10 PROSSER: It's okay.

11 SHEA: I mean, I looked at different scenarios
12 that could fall under this, and one of my civilian guy gets
13 stopped and picked up for DUI and he's got a spouse with him who
14 claims in the process they had a fight in the car and she's
15 claiming she was assaulted so he is also charged with assault
16 and DV, but that's all dropped, that all goes away because it
17 didn't happen, never occurred, but he pleads guilty to a DUI.
18 According to this, he was arrested for a misdemeanor crime of
19 DV, but he pled guilty to DUI. It still fall under this. And,
20 I mean, I can find also ludicrous scenarios that would fall
21 under this and I agree with Assistant Sheriff Prosser that I
22 think this is already covered, and if we wanted to cover what
23 the federal government's saying is a DV, then why not just say
24 something along those lines that if it meets the federal
25 requirement for domestic violence, therefore it would come

1 before us without. Then it wouldn't matter what our state law
2 is if that's what you're trying to cover.

3 MCKINNEY: Kevin McKinney. I echo Chief Shea's
4 comments that, you know, my concern is that some of these
5 circumstances, we might be relying on the opinion of a police
6 officer who's been a cop for five minutes making a decision and
7 making an arrest on a domestic violence when there's really no
8 cause for it, but we're relying on that decision. I have an
9 issue with that. I think the language about an arrest for DV,
10 regardless of the conviction, violates some due process rights
11 for the accused.

12 SHEA: And Tim Shea again for the record. The
13 other thing I find myself at odds with is in cases like this, I
14 believe the agency should be making the request that the
15 totality of the circumstances they're faced with. In this case,
16 the agency has done the things they need to do to do the proper
17 disciplinary or corrective action and what we're saying is well,
18 whether you want to or not, we're going to look at -- basically
19 decertify this person, meaning we're going to fire this person
20 for you and I think that that's a slippery slope to start going
21 to, and we're going to start firing people for agencies that had
22 no intent of firing somebody and righteously so, they didn't
23 need to in this case, and I would hate to start down that path.

24 TROUTEN: Other comments from the Board?

1 COVERLEY: Dan Coverley for the record. I kind of
2 jumped the gun on this but -- and I agree with what's been said
3 today, and I just have an issue with the judicial process is
4 complicated and rightfully so I guess. There should be time and
5 thought and careful consideration to any conviction of any
6 person and police officers are no different. So I think we
7 should rely on the conviction, not what the arrest was cause as
8 we all know, people are arrested for a lot of different things
9 and ultimately even not convicted of anything or convicted of
10 something different than what they were initially arrested for
11 for a variety of reasons. So I think we need to stick with that
12 and, and deal with the conviction only and not what the original
13 arrest was for.,

14 TOGLIATTI: George Togliatti for the record. I
15 concur with Sheriff Coverley and all the other comments. I
16 think my concern is again, that the whole process has to be
17 taken into consideration (inaudible) before we make a decision,
18 and also I think it's important to always keep the agencies
19 involved as well.

20 MILLER: Ollie Miller, for the record. Go back
21 to it. I concur with all of my counterparts and go back to the
22 initial comment made by Assistant Sheriff Prosser, it does seem
23 to convolute Item -- Subsection J does seem to convolute the
24 issue and is contained within subsection I. I think that giving

1 latitude to the agency and relying on the conviction is the
2 proper path.

3 NIEL: Russ Niel for the record. I agree with
4 my colleagues. I got no further comment.

5 TROUTEN: So we're hearing all these comments from
6 the Board. I guess now I would ask, is there somebody want to
7 make a stab at a motion on this to either continue with rule
8 making language, removing Subsection I, or some other action?

9 PROSSER: Jamie Prosser for the record, I make a
10 motion to remove all verbiage that's contained in this proposed
11 LCB, except for Number 4, the Commission will notify the officer
12 by personal service or by certified mail.

13 SHEA: Tim Shea. I'll second.

14 TROUTEN: Any further discussion? All those in
15 favor please say aye.

16 MEMBERS: Aye.

17 TROUTEN: Any opposed? And I also vote aye. Move
18 on to Item 6, discussion and for possible action. This is a
19 request from the Henderson Police Department for an executive
20 certificate for their employee, Chief Hollie Chadwick, pursuant
21 to NAC 289.270(1)(a). This will be for action to include
22 approval or denial of the requested executive certificate.
23 Director Sherlock, background please.

24 SHERLOCK: Mike Sherlock for the record. So staff
25 has reviewed Chief Chadwick's application for an executive

1 certificate and we do find she meets or exceeds the
2 requirements, and would recommend the Commission approve. I
3 don't know if she's here, but I don't think so. We recommend
4 approval.

5 TROUTEN: Any discussion from the Board and if
6 not, motion please?

7 PROSSER: Jamie Prosser moves to approve the
8 executive certificate for Chief Chadwick.

9 SHEA: Tim Shea, I'll second.

10 TROUTEN: Have a motion and a second. All in
11 favor?

12 MEMBERS: Aye.

13 TROUTEN: And opposed? And I also vote aye. Item
14 Number 7, request from Henderson Police Department for executive
15 certificate for their employee, Deputy Chief Jonathan Boucher,
16 pursuant to NAC 289.270(1)(a), again for action, approval or
17 denial. Director Sherlock.

18 SHERLOCK: Again, Mike Sherlock for the record.
19 Staff again did review Deputy Chief Boucher's application for
20 the executive certificate and find that they meet or exceed the
21 requirements and would recommend that the Commission approve the
22 certificate.

23 TROUTEN: Is the deputy chief present? All right,
24 discussion by the Board? Would entertain a motion.

1 MCKINNEY: Kevin McKinney, I'll move to approve
2 Jonathan Boucher's executive certificate.

3 COVERLEY: Dan Coverley, second.

4 TROUTEN: Have a motion, second. All in favor
5 please say aye.

6 MEMBERS: Aye.

7 TROUTEN: Any opposed? I also vote aye. That
8 motion carries. Item Number 8, request for Henderson Police
9 Department for executive certificate for their employee, Deputy
10 Chief Itzhak Henn, pursuant to NAC 289.270(1)(a), possible
11 action, approval or denial of the executive certificate.
12 Director Sherlock.

13 SHERLOCK: Mike Sherlock for the record. I should
14 have this memorized by the time we get through these, but staff
15 did review Deputy Chief Henn's application for an executive
16 certificate and find he does meet or exceed the requirements and
17 recommend the Commission approve, and I think he Deputy Chief's
18 here. No, not here. We recommend approval.

19 TROUTEN: Discussion and/or motion?

20 SHEA: Tim Shea, I'll make a motion to approve.

21 TROUTEN: Have a motion. Is there a second?

22 NIEL: Russ Niel, I'll second.

23 TROUTEN: All right, we have motion and second.

24 All those in favor, please say aye.

25 MEMBERS: Aye.

1 TROUTEN: Any opposed? And I also vote aye. Item
2 Number 9, request from the Las Vegas Metropolitan Police
3 Department for executive certificate for their employee,
4 Undersheriff Andrew Walsh, pursuant to NAC 289.270(1)(b),
5 possible action, approval or denial. Director Sherlock.

6 SHERLOCK: Again, Mike Sherlock for the record.
7 Staff reviewed Assistant Sheriff Walsh application for an
8 executive certificate and find they meet or exceed the
9 requirements and would recommend the Commission approve that
10 certificate.

11 TROUTEN: All right. Discussion and/or motion?

12 SHEA: Tim Shea. I'll make a motion to
13 approve.

14 TROUTEN: Second?

15 MCKINNEY: Kevin McKinney. I'll second.

16 TROUTEN: Motion and second. All in favor, please
17 say aye.

18 MEMBERS: Aye.

19 TROUTEN: Any opposed? I also vote aye. Motion
20 carries. Item 10, discussion, for possible action. Request
21 from the 4th District, Elko County Juvenile Probation
22 Department, for an executive certificate for their employee,
23 Chief Heather Plager, pursuant to NAC 289.270(1)(b), action to
24 approve or deny. Director Sherlock.

1 SHERLOCK: Mike Sherlock for the record. Staff did
2 review Chief Plager's application for an executive certificate
3 and find she meets or exceeds the requirements, and staff
4 recommends issuance of that certificate.

5 TROUTEN: Thank you. Discussion by the Board or a
6 motion?

7 MCKINNEY: Kevin McKinney I'll move to approve
8 Chief Plager's executive certificate.

9 TROUTEN: Is there a second?

10 STRAUBE: Rob Straube, I'll second.

11 TROUTEN: We have a motion, second. All in favor,
12 please say aye.

13 MEMBERS: Aye.

14 TROUTEN: Any opposed? And I also vote aye. Item
15 11, discussion, possible action request from Washoe County
16 Sheriff's Office for an executive certificate for their
17 employee, Chief Deputy Timothy Mosley, pursuant to NAC
18 289.270(1)(a), approval or denial. Is there a discussion? Oh,
19 I'm sorry, getting ahead of myself. Director Sherlock.

20 SHERLOCK: Again, Mike Sherlock for the record.
21 Staff once again reviewed Chief Deputy Mosley's application for
22 an executive certificate and find he meets or exceeds the
23 requirements and would recommend that the Commission approve
24 that certificate.

1 TROUTEN: Thank you. Now discussion and/or
2 motion.

3 MILLER: Ollie Miller for the record. I'll move
4 to approve Chief Deputy Tim Mosley's executive certificate.

5 TROUTEN: Have a motion? Do I have a second?

6 SHEA: Tim Shea. I'll second.

7 TROUTEN: Motion and second. All those in favor,
8 please say aye.

9 MEMBERS: Aye.

10 TROUTEN: Any opposed? And I also vote aye.
11 Moving on to Item 12, request from Lyon County Sheriff's Office
12 for six month extension past the one year requirement pursuant
13 to NRS 289.550 in order to meet the requirements for
14 certification for the following employees: Deputy Benjamin Beck.
15 Date of hire, November 13, 2023, extension to May 23 of 2025;
16 Deputy Jonathan VanDiver, Jr., date of his Cat I position,
17 November 16, 2023, extension May 16, 2025. So this is for
18 possible action to include approval or denial. Director
19 Sherlock, some background information if you have some.

20 SHERLOCK: Mike Sherlock for the record. I see
21 Sheriff Pope is here if the Commission has any questions, but
22 based on the information found in your book, staff recommends
23 the requested extension be approved.

24 TROUTEN: Thank you. Discussion of the Board?
25 Hearing none, do we have a motion?

1 COVERLEY: Dan Coverley for the record. I will
2 move that we grant the six-month extension for employees,
3 Benjamin Beck and deputy John VanDiver Jr. to May 23rd, 2025 for
4 Mr. Beck and May 16th, 2025 for Mr. VanDiver.

5 TROUTEN: Thank you. Do I have a second?

6 SHEA: Tim Shea. I'll second.

7 TROUTEN: We have a motion, second. All those in
8 favor, please say aye.

9 MEMBERS: Aye.

10 TROUTEN: Any opposed? And I also vote aye. Item
11 13, request from Mineral County Sheriff's Office for a six-month
12 extension past the one-year requirement pursuant to NRS 289.550
13 in order to meet the requirements of the certification for their
14 employee, Jordan Ferrell, date of hire, October 30, 2023, which
15 would extend it to April 30, 2025 for action, approval, or
16 denial. Director Sherlock (inaudible).

17 SHERLOCK: Again, Mike Sherlock for the record.
18 And based on information provided by Sheriff Ferguson (phonetic)
19 and also the letter found in your books, staff would recommend
20 that the requested extension be approved.

21 TROUTEN: Thank you. Any discussion by the Board?
22 Do we have a motion?

23 MCKINNEY: Kevin McKinney. I'll make a motion to
24 extend Jordan Ferrell's time for six months.

1 TROUTEN: All right, have a motion. Is there a
2 second?

3 SHEA: Tim Shea. I'll second.

4 TROUTEN: Motion and second. All those in favor,
5 please say aye.

6 MEMBERS: Aye.

7 TROUTEN: Any opposed? I also vote aye. Motion
8 carries. Moving on to Item 14, discussion, for possible action.
9 This way a hearing pursuant to NAC 289.290(1)(g), and/or NAC
10 289.290(1)(h) on the revocation of George J. Head's, formerly
11 employed with White Pine County Sheriff's Office, Category I,
12 II, and III basic certificates. NAC 289.290(1) allows the
13 Commission to revoke, refuse, or suspend the certificate of a
14 peace officer for, under Item G, conviction of or entry of a
15 plea of guilty, guilty but mentally ill, or nolo contendere to a
16 felony and/or section H except as otherwise provided in
17 Paragraph Section I, conviction of a misdemeanor. If the
18 employing agency recommends suspension or revocation following
19 the conviction of the employee for a misdemeanor, suspension or
20 revocation may be imposed. The convictions which have led to
21 this action are case number 091500069: charge 1, burglary,
22 second degree felony; charge 2, theft, third degree felony;
23 charge 3, criminal mischief, third degree felony; case number
24 091500075, charge 1, burglary, third degree felony. And this is
25 for possible action to be the revocation of the Category I, II,

1 and III basic certificates. And I'll move to our Attorney
2 General's representative.

3 DE LUNA: Thank you, Commissioner. Jesselyn De
4 Luna for the record. So we're on Item 14, but just for all of
5 the revocation items, so Item 14 through Item 18, I'd just like
6 to take a minute to lay a basis, a foundation for the
7 admissibility and validity of the materials that you're going to
8 refer to and rely on in making any decisions here. So I'm going
9 to ask Chief Floyd some questions about these documents to
10 establish a record for what they are, their validity and
11 viability for purposes of Agenda Items 14 through 18. Chief
12 Floyd, for the records or documents that are contained in these
13 meeting materials for the offenses addressed in Agenda Items 14
14 to 18, did you obtain these items or records directly from the
15 courts or the employing agencies?

16 FLOYD: Yes, I did.

17 DE LUNA: And have you maintained these documents
18 in the ordinary course of your record keeping since you obtained
19 them from the courts?

20 FLOYD: Yes, I have.

21 DE LUNA: And are the versions of those documents
22 that are contained in the meeting materials true and accurate
23 copies of those materials?

24 FLOYD: Yes, they are.

1 DE LUNA: Thank you. Based on Chief Floyd's
2 testimony, I advise you that the materials provided for Agenda
3 Items 14 through 18 constitute valid public records of charges
4 and convictions that uphold the regulatory standard for
5 revocation in these matters and that these materials may be
6 admitted for your consideration as to these five agenda items.
7 So having advised us to that, does anyone have any questions for
8 me about the admissibility or legal validity of the items that
9 were provided to you? Hearing none, we'll go ahead to the Item
10 14. I guess just by way of explanation, there were three
11 subcategories that were listed here and I'd like to turn your
12 attention to the notice of intent to revoke. So it reiterates
13 what was just said about the four different counts and so
14 originally, if you turn to Exhibit G, this is for the case
15 ending in 0069, Page 13 of that, that shows that the original
16 convictions were for felonies. And if you turn to Page 15 of
17 Exhibit G, it shows that after successful completion of his
18 probation, the charges were reduced to Class A misdemeanors.
19 This was a Utah case. And similarly, for case 0075, if you turn
20 to Exhibit G, Page 10, that's the original conviction. It's a
21 felony and Page 15 also shows that after successful completion
22 of probation, the charges were reduced to Class A misdemeanors.
23 So Class A misdemeanors in Utah, Utah has different -- they have
24 different classes for misdemeanors, where here we have gross and
25 just regular misdemeanors. Class A misdemeanors, my

1 understanding is that they're more similar to gross misdemeanors
2 in Nevada because of the time, potential time spent incarcerated
3 for them, which is the six months to the 364 days. So that is
4 why you have the different versions of felony, gross
5 misdemeanor, or misdemeanor. I will advise that even if the
6 Commission wants to look at it as just a regular misdemeanor,
7 for regular misdemeanor, the employing agency needs to recommend
8 suspension or revocation, and here we also have that. So if you
9 look at Exhibit E, that's the recommending letter from White
10 Pine to revoke, and it's my understanding that Mr. Head was
11 served and then Exhibit F, he filed an appeal and sent us
12 various letters recommending him.

13 TROUTEN: Thank you. Questions, discussion of the
14 Board?

15 PROSSER: Jamie Prosser for the record. So just
16 for clarification purposes, Mr. Head was arrested for felonies
17 in 2009, served his probation, which were dropped down to
18 misdemeanors. He then went to the police academy 10 years later
19 and got his POST certification in 2019, which is five years ago,
20 so it's technically expired anyway. The only reason that this
21 came before the Board is because he attempted to get employment
22 with another agency in Utah doing a lateral, at which time they
23 ran his background and asked why the hell we even arrested him -
24 - or why we even hired him in the first place because he had
25 previously been arrested for felonies. I struggle a little bit

1 because five years expired right now anyway, and the last
2 sentence of the Chief Sherif Henriod (phonetic), his letter
3 says at the request of Chief Floyd and the newly discovered
4 information, I'm requesting the revocation of his POST
5 certification. He's not even employed by White Pine any longer,
6 and his POST certification is technically expired. So they
7 hired him with that background. We approved his certification.
8 He hasn't been arrested since or convicted of anything since. I
9 just feel allow the man some dignity that he successfully
10 overcame whatever trials and tribulations he had at the age of
11 18.

12 SHERLOCK: Chairman, if I might, just to clarify,
13 Mike Sherlock for the record. So the five years is not expired.
14 He left in 2023, so he still has three years left and so I just
15 want to clarify that and would agree with you, although it
16 wasn't the arrest was the conviction of a felony and the reason
17 we bring these to you is had we been aware of that felony, we
18 would've never certified him, and we only became aware of it
19 because Utah called us just to clarify. Otherwise that's the
20 truth.

21 PROSSER: Based on the audit report, as provided
22 earlier in the number of agencies that don't have the
23 appropriate documents in their background files, there's
24 probably a contingency of other officers that we've given POST
25 certifications to that shouldn't have them.

1 SHEA: Tim Shea. Assistant Sheriff brought up
2 -- Prosser brought up something that made me wonder that too.
3 The person resigned and moved on to wherever months prior to
4 this information becoming aware. So basically the past employee
5 agency says oh, I think you ought to remove this person's
6 certification. If you just take the circumstance, remove it,
7 does the past agency have standing to request removing someone's
8 certification when they're not an employee and haven't been an
9 employee for a while, and when they left their separation paper
10 that (inaudible) says it's not an NAC incident? So he left
11 without it being a disqualifying component of his dismissal or
12 termination, whatever occurred. So we're really looking at
13 something that the POST Commission found out about through
14 another agency doing a background and saying why did you certify
15 this person, why was he certified with a felony conviction, and
16 whether or not we go back and decertify people that are no
17 longer employed with their certification is still intact is what
18 I'm saying. And then again, we have a conviction, but then a
19 conviction that is basically reduced by the same court of
20 jurisdiction for someone that did something when they were a
21 teenager.

22 TROUTEN: Other comments from the Board?

23 MCKINNEY: Kevin McKinney. I'll comment. Well, I
24 to some degree agree with Chief Shea. I see this as really an
25 opportunity to right an error that we made or that the White

1 Pine County Sheriff's Office made in allowing him to be
2 certified when he probably shouldn't have qualified for
3 certification. So I think it needs to be reviewed and make a
4 determination. You know, right, wrong or indifferent, it
5 slipped through the cracks and, you know, now we have an
6 opportunity to correct that. The issue I have is later on,
7 like, he is applying to a department in Utah, I believe, or had
8 been at that time, you know, the de-certification index is a
9 national thing that, you know, people rely on us to do our due
10 diligence and I think we need to do our due diligence in this
11 situation and determine whether he's qualified to be a peace
12 officer in Nevada or not.

13 TROUTEN: Other comments from the Board?

14 STRAUBE: Rob Straube for the record. Just for
15 clarity, Director Sherlock, you had said that had this been
16 discovered, they had done their due diligence and he would not
17 have received a certificate, correct?

18 SHERLOCK: Correct. Mike Sherlock for the record.
19 So he would be ineligible to serve. I realize it was reduced to
20 a misdemeanor, but the fact remains he was convicted of a felony
21 and from our perspective, then they're ineligible to serve as a
22 peace officer.

23 TROUTEN: Are there questions or discussion by the
24 Board or is there a motion?

1 PROSSER: Jamie Prosser for the record. What
2 occurs if we just vote to suspend his Commission status for the
3 next two, three years? Then he'd have to come before the Board
4 if he applies for another agency inside the state of Nevada.

5 SHERLOCK: So Mike Sherlock for the record. So you
6 certainly have that authority and that that is an option and,
7 you know, we look at it from a, you know, national perspective
8 of preventing or at least notifying, as was mentioned, other
9 states. So we would enter him into NDI as a suspension rather
10 than a revocation, but it would at least give notice to agencies
11 outside of Nevada to look into the background before they, you
12 know, hire them and that kind of thing. So it is a good option.

13 PROSSER: Jamie Prosser moves to suspend Mr.
14 Head's Commission status.

15 TROUTEN: So we have a motion to suspend the
16 Category I, II, and III certificates for George Head. Is there
17 a second?

18 MILLER: Ollie Miller second.

19 TROUTEN: I have a motion and a second. All in
20 favor, please say aye.

21 MEMBERS: Aye.

22 TROUTEN: Are there any opposed? I also vote aye.
23 Motion carries. Now we're onto Item 15. This is the hearing
24 pursuant to NAC 289.290(1)(g) on revocation of Stewart E.
25 Handte's, formerly employed with the Reno Sparks Indian Colony

1 Police, Category I basic certificate based on a conviction of,
2 or entry of a plea of guilty, guilty but mentally ill, or nolo
3 contendere to a felony. The conviction which has led to this
4 action is Count II, burglary, a violation of NRS 205.060 a
5 Category B felony. So we already have our items for
6 notification and such substantiated. Anything further on this
7 one?

8 DE LUNA: I would just like for to point out for
9 the record just the different exhibits. So Exhibit G is the
10 amended indictment, and then Exhibit H is his plea of nolo
11 contendere, and then Exhibit J is the judgment of conviction.

12 TROUTEN: Thank you. Discussion, questions of the
13 Board?

14 MILLER: Oliver Miller for the record. I want to
15 add to the record that the Reno Police Department conducted the
16 criminal investigation on Mr. Handte. I participated in the
17 investigation and provided court testimony. As such, I'll be
18 abstaining from making any comments, motions, and/or votes
19 regarding this item.

20 TROUTEN: So noted. Thank you. Is there
21 discussion, comments from the Board? Hearing none, is there a
22 motion?

23 COVERLEY: Dan Coverley for the record. I move
24 that we revoke Stewart Handte's Category I basic certificate
25 based on the conviction of a felony burglary.

1 TROUTEN: We have a motion to revoke. Is there a
2 second?

3 NIEL: Russ Niel. I second it.

4 TROUTEN: A motion and a second. All those in
5 favor, please say aye.

6 MEMBERS: Aye.

7 TROUTEN: Any opposed? And I also vote aye. Item
8 16, discussion, for possible action, hearing pursuant to NAC
9 289.290(1)(g) on the revocation of Daniel Kelly's, formerly
10 employed with Las Vegas Metropolitan Police Department, Category
11 I basic certificate based on a conviction of, or entry of a plea
12 of guilty, guilty but mentally ill, or nolo contendere to a
13 felony. The convictions which have led to this count are Count
14 I, attempt lewdness with a child under the age of 14, a Category
15 B felony in violation of NRS 201.230(2)-NOC 60471, and possible
16 action may be revocation of the Category I certificate. Back to
17 our Attorney General's rep.

18 DE LUNA: Yep, same thing. Jesselyn De Luna for
19 the record. Same thing for this one. Just like to point out
20 Exhibit A is the notice, Exhibit B it looks like he was served
21 but didn't respond. Is that correct, Chief Floyd?

22 FLOYD: Yes, he was served. We don't require
23 any sort of a response.

24 DE LUNA: Okay. And then let's see. And so then
25 there's Exhibit F, the amended indictment. Exhibit H is his

1 guilty plea of the felony, and Exhibit I is the judgment of
2 conviction.

3 TROUTEN: All right, thank you. Discussion or
4 comments from the Board? Hearing none, is there a motion by the
5 Board?

6 COVERLEY: Dan Coverley for the record, I move
7 that we revoke Daniel Kelly's Category I basic certificate based
8 on the conviction of attempted lewdness with a child under the
9 age of 14.

10 TROUTEN: We have a motion to revoke. Is there a
11 second?

12 MILLER: Oliver Miller. Second.

13 TROUTEN: Motion and a second. All those in
14 favor, please say aye.

15 MEMBERS: Aye.

16 TROUTEN: Any opposed? And I also vote aye.
17 Motion carries to revoke. Item 17, hearing pursuant to NAC
18 289.290(1)(g) on the revocation of Christopher T. Peto's,
19 formerly of the Las Vegas Metropolitan Police Department,
20 Category I basic certificate based on a conviction of or entry
21 of a plea of guilty, guilty but mentally ill, or nolo contendere
22 to a felony. The convictions which have led to this action are:
23 Count 1, Attempt Lewdness with a Child Under the Age of 16,
24 Category C felony in violation of NRS 201.230, 193.153; and
25 Count 2, Second Degree Kidnapping, a Category B felony in

1 violation of NRS 200.310 and 200.330. Possible action may be
2 revocation of Category I basic certificate. Back to our
3 Attorney General.

4 DE LUNA: Jesselyn De Luna for the record.
5 Exhibit A is the notice, Exhibit B will show that he wasn't
6 found, Exhibit F is the amended indictment, Exhibit G is the
7 guilty plea agreement, and Exhibit H is a judgment of conviction
8 for the two felonies.

9 TROUTEN: All right, thank you. Discussion,
10 comments by the board. Hearing none, is there a motion?

11 MCKINNEY: Kevin McKinney. I'll move to revoke
12 Christopher Peto's basic certificate.

13 TROUTEN: I have a motion to revoke. Is there a
14 second?

15 SHEA: Tim Shea. I'll second.

16 TROUTEN: Motion and a second to revoke. All
17 those in favor, please say aye.

18 MEMBERS: Aye.

19 TROUTEN: Any opposed? I also vote aye. Motion
20 carries. Item 18, discussion and for possible action, hearing
21 pursuant to NAC 289.290(1)(d) on the revocation of Chris D, and
22 I'm probably going to slaughter this name, Trzaska's -- does
23 anybody know how to say that?

24 UNIDENTIFIED: Trzaska?

1 TROUTEN: Trzaska? All right, formerly with the
2 Henderson Police Department, Category I basic certificate based
3 on a request and documentation submitted by the Henderson Police
4 Department, which details the finding of an IA investigation,
5 which concluded November 25, 2019, with a determination to
6 terminate the employment due to six policy violations, which
7 include: using any illicit or illegal drugs, violation of NAC
8 289.290(1)(d). Possible action may be revocation or suspension
9 of Category I basic certificate. Back to our Attorney General's
10 representative.

11 DE LUNA: So for this one -- Jesselyn De Luna for
12 the record. For this one we have some documents that weren't
13 included in the meeting materials just for confidentiality
14 purposes. I will point you to Exhibit B, which is a letter from
15 the Chief of Police, Chief Chadwick from the Henderson Police
16 Department, confirming that office confirming that Chris Trzaska
17 was terminated due to being under the influence. Some of the
18 confidential materials that weren't in the booklet, I can
19 confirm that I reviewed them, there's a lab test showing that he
20 tested positive for controlled substances, and various other
21 materials that shows that there was an internal affairs
22 investigation in which he was found in violation of the conduct
23 unbecoming and code of conduct regarding drugs, and affirmation
24 of that decision by the Chief Operating Officer Deputy City
25 Manager.

1 TROUTEN: All right, thank you. Comments or
2 discussion by the Board? hearing no comments or discussion, is
3 there a motion?

4 SHEA: Tim Shea, I'll make a motion to revoke.

5 PROSSER: Jamie Prosser. Second.

6 TROUTEN: We have motion and second to revoke.
7 All those in favor, please say aye.

8 MEMBERS: Aye.

9 TROUTEN: Any opposed? I also vote aye and the
10 motion carries. Item 19, discussion for possible action.
11 Request from Chief Jason Potts, City of Las Vegas Department of
12 Public Safety, to appeal the decision to deny Robert Falche
13 Category I reciprocity pursuant to NAC 289.200(2). Robert
14 Falche's employment and certification makes him eligible for
15 Category II reciprocity. The Commission is to determine whether
16 POST staff decision was valid. And do we have Chief Potts here?

17 WARD: He's not here. I'm Deputy Chief Ward on
18 behalf.

19 TROUTEN: Okay, please, sir.

20 WARD: Good morning, Executive Board. Make it
21 brief. So he's the current special agent right now, and I'm the
22 Deputy Chief on the record, Kyle Ward, for City of Las Vegas
23 Department of Public Safety. I oversee our professional support
24 services, which includes hiring, recruitment, and retention.
25 And we had this lateral candidate come to us from California.

1 Originally, he had five years as far as his training and
2 experience. He went through the LA County Sheriff's Department
3 back in '97, and he went between three different agencies, so
4 one county agency and two city departments in California. And
5 he had the training but per California POST, you have to
6 complete probation in order to get your certificate. But here
7 in Nevada, you have to -- of course, we know with the status
8 here, once you complete your academy, then you get your
9 certificate. So he has, since then, for those five years of
10 2002, he started with Homeland Security Investigations. He
11 completed FLETC (phonetic), which is a federal law enforcement
12 training center certification as a special agent. So for the
13 last 22 years, he's been a special agent. He's worked in the
14 office of OIG as well. Also, he's done some other undercover
15 investigations. He's taught at FLETC for the last 15 years, and
16 he has a lot of experience, but based on Nevada's current status
17 right now, as far as his training, it only ranks him at a
18 Category II. So we are requesting on behalf of Chief Potts and
19 City of Las Vegas DPS, based on his training and experience as
20 well, and I'll kind of recap some of those things. So five
21 years with total training from that. So each one of those
22 different agencies that he worked with, the three agencies, he
23 didn't meet that probationary status with those agencies. So by
24 the time he left, he didn't get off probation at that time. So
25 he didn't approve that probation clearance status so he would

1 get his POST certificate. He completed Federal Law Enforcement
2 Training Center. He also has a lot of experience there doing
3 undercover investigations. He's still teaching at the academy
4 there between Glenco and in other areas as well with the Army.
5 He also has a lot of certifications there in training. So he
6 came to us as a recruit trying to do his lateral and California
7 POST did with him being outside of that timeframe with the five
8 years where he would have expired, said that he can complete and
9 get recertified within three weeks through California standards
10 right now as far as to have that reinstated. But so I'll leave
11 it up to that portion of it right now and just conclude with our
12 field training programs, and I know with our hiring standards
13 right now with Nevada and other places around the country, we're
14 just trying to get quality candidates. We've had a lot of
15 candidates that came through in the past year or so that did not
16 really meet that, and we think with his experience there based
17 on what he's done and has some patrol investigations as well
18 with his criminal background as investigators, that we're
19 seeking for you to review that. And possibly it may not be a
20 waiver, but it may be a regulatory change and requesting your
21 insight for that. I'll yield to any questions and thank you for
22 your time.

23 TROUTEN: Any direct questions at this time?

24 SHERLOCK: Chairman, do you want me to go through
25 what's required of that?

1 TROUTEN: Yes, please.

2 SHERLOCK: So Mike Sherlock for the record.

3 There's a lot of confusion, reciprocity. Hopefully this will
4 help you out that under the regulation, POST may award a basic
5 certificate to someone who has been awarded a basic certificate
6 in another state. The requirements of that to apply under the
7 regulations currently are that POST must evaluate the basic
8 training requirements in that state, that their basic
9 certificate in that state was in good standing and that they
10 have worked in the capacity as a Category I officer within the
11 last 60 months. So in this incident case, the applicant -- and
12 I did talk to the chief for quite some time, had a good
13 conversation. The applicant first and foremost does not have a
14 basic certificate that we can recognize to grant reciprocity for
15 that basic certificate. In other words, there's no reciprocity
16 where there isn't a basic certificate under our regulations. He
17 was never certified in that other state, which is the basis of
18 reciprocity. So in this case, the basic academy for this
19 applicant from the state he was coming from does meet our
20 equivalency. The applicant attended that basic academy 28 years
21 ago and was never able to receive certification. In addition,
22 that applicant had not worked in the capacity of a Cat I officer
23 for more than 24 years which again, under our regulation
24 requires 60 months and the applicant's beyond that 60 months.
25 So of the two of the three requirements for us to recognize that

1 other state's basic were not here. So just so we all understand
2 that should the Commission waive those requirements for
3 reciprocity, both the fact that they have to have a basic
4 certificate and they had to work within the last 60 months would
5 be the basis of that waiver. Just historically, POST, going
6 back long before my time, has never waived a regulation
7 standard. I'm sure as the Commission, and as the chief, we
8 talked, you know, once you waive a standard, there is no
9 standard, staff would have a difficult time evaluating for
10 reciprocity going forward, so we would recommend that the
11 Commission does not issue a waiver in this case for those
12 requirements. We would also note that the applicant is eligible
13 for Category II reciprocity and could be certified as a Category
14 II officer and clearly the applicant is not barred from getting
15 his Cat I, just not via reciprocity under our current structure
16 without a waiver. It does shine a light at a deficiency in our
17 regulations in terms of certification. The fact that California
18 requires a person to complete probation before being certified.
19 And again, don't misunderstand me, this is not any reflection on
20 this applicant at all, but it does serve as a gatekeeper for us,
21 and we don't provide that same service to other states based on
22 how we get our basic certificates, simply that we don't require
23 that they finish a probationary period as other states do. And
24 so from that perspective, it is interesting to have that light
25 shine on that sort of a weakness in our regulatory process on

1 reciprocity. Anyway, so that's the basis of denial of that, two
2 of the three requirements were not met. Staff would recommend
3 that no waiver be issued but also would seek some direction from
4 the Commission on perhaps regulatory change to have us meet what
5 other states are doing in terms of when a person gets certified.

6 TROUTEN: Thank you, Director. Comments,
7 discussion from the Board?

8 STRAUBE: Rob Straube for the record. Director
9 Sherlock, on what you had just mentioned was my question. On
10 the other states, do you find that we are a outlier as far as
11 issuing that certificate right after the academy versus a
12 training or probationary or whatever they may call it?

13 SHERLOCK: Yeah, Mike Sherlock for the record, we
14 are definitely the minority in that area. States either require
15 -- some states you have to finish field training, but I would
16 say a majority require you complete probation to receive a
17 certificate, and so we're in the minority there.

18 SHEA: Tim Shea. I have a question also. So
19 talking over about maybe something we have to look at in the
20 future, but so the LA Sheriff's Academy would meet our POST I
21 requirement as for an academy if it stood alone, that meets it.
22 Does FLETC meet it for Category I or only Category II?

23 SHERLOCK: So there have been -- Mike Sherlock for
24 the record. So this particular course that this applicant went
25 through at FLETC, let me back up a little bit, I believe it was

1 2004, 2009, 2002. Yeah. So the particular FLETC training that
2 this applicant went through in 2002 at the time did not meet any
3 of our reciprocity. Since that time, it has been reevaluated
4 and does meet our Category II requirement, and that's why he's
5 eligible as a Category II reciprocity and he could do that.

6 SHEA: So if the Category I Academy requirement
7 is met by the LA Sheriff's Office standalone, does the job
8 experience with the federal government that is current, does
9 that meet Category I requirements that employment? So in other
10 words, he had a Category I academy, he went to state law
11 enforcement agencies, but he moved into federal employment. If
12 he went straight from the LA Sheriff's Academy into federal
13 employment and stayed for federal employment until today, would
14 that federal employment meet Category I standards?

15 SHERLOCK: Mike Sherlock for the record. No, his
16 work history is a Category II work history.

17 SHEA: Okay. So that's a category work level
18 standard. So we have a Category I academy, a 20-year break, and
19 a Category II academy and Category II employment.

20 SHERLOCK: Yeah, as I recall, Mike Sherlock for the
21 record, so he actually went through, but you're right in terms
22 of employment, yeah, I'll lean with that. Yeah.

23 SHEA: Okay. So his employment only qualifies
24 for Category II.

1 SHERLOCK: Yeah, that -- yeah, Mike Sherlock for
2 the record. So for us, when you're looking at the regulation,
3 it's more about that basic certificate. The federal side throws
4 a wrench into sort of area. We've just out of consideration
5 have been recognizing the federal side. But when you look at
6 the definition of our Category I, the employment with the
7 federal side, and his particular position was Category II
8 related, not Category I. And I should say, Mike Sherlock for
9 the record, there are federal jobs and federal training that do
10 now meet our Category I, and that's some of their uniform
11 services and their academies that are related to that.

12 SHEA: But these positions that he was in and
13 the jobs he did, would not correspond to a Category I?

14 SHERLOCK: Correct. That's correct.

15 SHEA: So I take it things such as the FBI
16 would, DEA would, and some of the other ones?

17 SHERLOCK: Again, it's related to basic training
18 and what program they went through, and I would say FBI and DEA
19 do not attend that particular training and are not uniformed,
20 and so don't fit into our Category I reciprocity, but do fit
21 into Category II.

22 PROSSER: Jamie Prosser for the record. Can you
23 explain the statement that California POST will allow him to
24 reactivate his certification following a three week POST

1 requalification program? Have they since changed their POST
2 requirements that you don't have to get off probation?

3 SHERLOCK: No, Mike Sherlock for the record. So
4 just because I happen to know, and we deal with California a
5 lot, obviously that's where I came from, what they're talking
6 about is it will revalidate his basic training, it will not
7 allow him to be certified. So he could do a three-week program
8 and get updated, but then he would have to get hired and
9 complete a probationary period before he receives certification.
10 So he can't get re-certified because he's never been certified
11 in California, but California would allow him to use his basic
12 training to get employed again and if he was able to complete a
13 probationary period, my understanding is they would issue him a
14 basic certificate, but the issue is not having completed that
15 probationary period and that remains the same.

16 SHEA: Tim Shea. I have another question.
17 Then would our POST in lieu course be equivalent to the three
18 week recertification process in California that would allow him
19 to reactivate basically his basic training, then complete his
20 probationary period, which would then give him a POST
21 certificate? Would it be very similar in this state then that
22 this would reactivate his basic training by going to our POST in
23 lieu class and then he'd be on a probationary period just like
24 he would be in California?

1 SHERLOCK: I don't know that I can answer that, and
2 by the way, I think California just moved their retraining to
3 five weeks I believe now, but I can't speak to their content.
4 For us, from a regulatory standpoint, is he still wouldn't have
5 a basic certificate for us to recognize for reciprocity.

6 MCKINNEY: Kevin McKinney, I have a question for
7 Deputy Chief. I'm sorry.

8 WARD: Kyle Ward, WARD.

9 MCKINNEY: Deputy Chief Ward, just for
10 clarification, are you requesting reconsideration for a Category
11 I reciprocity or are you now asking for a Category II
12 reciprocity?

13 WARD: Chief, so I'm looking for, we're
14 actually requesting for actually review of his federal training
15 cause the hours that he's accrued over that time too, which
16 should be substantiated with those years of service. Every year
17 from what we review from his training, he's an instructor at
18 FLETC, he's been instructor for a number of years. He accrues a
19 lot of hours there from those patrol investigation
20 investigations as well cause he teaches DEA, CID, all of the
21 federal counterparts as well in their hours. So he has to be
22 trained and certified in those as well. So what actually
23 constitutes is my question, what constitutes if you do qualify
24 for Cat I based on the hours? He accrues hours through the LA
25 County Sheriff's Department initially, which will meet our

1 requirements in Nevada, but his 22 years on the federal side,
2 he's been doing recertifications as a trainer and teaching
3 there, so that should -- undercover investigation, patrol
4 operations, that should constitute -- so what actually
5 constitutes him not getting Cat I from the federal side?

6 PROSSER: Jamie Prosser for the record. He met
7 the standards that we require here in Nevada, whether he didn't
8 finish his probation or not, but he's got such a long, extensive
9 federal career, even working with Las Vegas Metro and
10 supervising gang task force, so I don't think we can disqualify
11 that he hasn't been doing the job that we need him to do.

12 TROUTEN: So if I understand this correctly, Ty
13 Trouten for the record, we've had in the past where people would
14 challenge the standard. I think it occurred with FLETC. Here's
15 what I was trained in at this time, and does that meet the
16 criteria per the topics of our Cat I Academy? Is that correct?

17 SHERLOCK: Yes.

18 TROUTEN: And so if I'm understanding correctly,
19 that challenge was made, was found deficient by what training
20 topics he had had I guess through the FLETC side as the federal
21 side, and then that's what you're asking to be reviewed. Is
22 that correct?

23 SHERLOCK: So Mike Sherlock. Correct. So what we
24 -- on the federal side, yes because there is no basic
25 certificate, we're talking about reciprocity that because of the

1 uniqueness of the federal law enforcement, we looked at their
2 training in terms of reciprocity, knowing that we can't require
3 a federal officer to have a basic certificate cause they don't
4 do that on the federal side. And again, I have to go back to
5 the reciprocity is about that certificate. We're recognizing
6 the certificate. And so when we evaluate the federal side,
7 that's what it's based on.

8 TROUTEN: So we're really not talking about a
9 reciprocity consideration here, we're talking about a challenge
10 from the federal side that still falls deficient. Is that
11 correct? If this was regardless of whatever alphabet entity or
12 academy they went to, somebody comes into Nevada, wants to work
13 as Cat I officer and says, here's the training I've had, here's
14 the topics I've been training in, does this meet the standard
15 under the federal challenge I guess that we've had in the past.

16 SHERLOCK: So the federal academy he went to does
17 not meet our Cat I requirement. That's true.

18 TROUTEN: Yeah. Okay. That's what I'm getting
19 at. It's interesting because it also begs the discussion and of
20 continuing education training for this state, you know, POST
21 number of classes and stuff that would allow you to elevate
22 certificates, I guess, you know, through additional trainings,
23 but I don't know that we have that process in order and legally
24 do we have that latitude as it stands now under NACs?

1 SHERLOCK: Well, the Commission can waive any
2 provision under the NAC. It's your regulations. Just from our
3 perspective, from staff perspective, I think we have to be
4 careful because if you waive the requirement to have that basic
5 certificate going forward, we don't know how to deal with other
6 applicants.

7 PROSSER: Jamie Prosser for the record.

8 SHERLOCK: And what the standard is.

9 PROSSER: We review them individually like we are
10 right now. So the two points of contention are that he didn't
11 receive the certification because he didn't finish probation,
12 but he went through the class, which mimics what we would
13 require here in the state of Nevada; and the other thing is that
14 he wasn't a police officer for more than 60 months, 60 months
15 has lapsed since he was a police officer, but he's been a
16 federal agent for 20 plus years, conducting law enforcement
17 operations and investigations. So as a Board, we can waive
18 those two options. He still has to finish the minimum 80 hours
19 of training that we require, and the state certification, and
20 the physical fitness, correct?

21 SHERLOCK: Yeah. Not physical fitness. Yeah,
22 that's correct except for the -- yeah, except for the physical.
23 Yeah. As a reciprocity.

24 COVERLEY: Dan Coverley for the record. Are you
25 ready for a motion?

1 TROUTEN: If you've got one, absolutely.

2 COVERLEY: Yeah. So I move that we waive the
3 requirements and grant him as Category I peace officer based on
4 his experience with the HSI.

5 SHEA: Tim Shea. I'll second.

6 TROUTEN: We have a motion and a second. All
7 those in favor, please signify by saying aye.

8 MEMBERS: Aye.

9 TROUTEN: Any opposed? I also vote aye. And
10 motion carries. We are now on Item 20, public comment. The
11 Commission cannot take any action on any matters considered
12 under this item until it's specifically included on a future
13 agenda as an action item. Are there any public comments?
14 Hearing none. We'll move on to Item 21, discussion and possible
15 action, upcoming meetings for February and location. Director
16 Sherlock.

17 SHERLOCK: Mike Sherlock for the record. So I
18 think everybody knows we're going into legislative session,
19 Sheriffs and Chiefs. Well, legislature starts February 3rd.
20 Sheriffs and Chiefs have a afternoon meeting and legislative
21 mixer, I think is the same day on February 6th. So staff would
22 recommend our next meeting, February 6th, maybe 9:00 AM to allow
23 everyone to get to the other functions in Carson City where
24 Sheriffs and Chiefs is already going to be.

1 TROUTEN: Any concerns from the Board at that date
2 and time?

3 PROSSER: The weather is of concern.

4 TROUTEN: I have no control on that at all.

5 UNIDENTIFIED: February what?

6 PROSSER: February 6th.

7 TROUTEN: Sixth.

8 SHEA: I lived in Seattle for 32 years. What
9 weather? We don't have weather here.

10 TROUTEN: All right. So it sounds like that will
11 be about as good as can be predictably. So that time and date,
12 the 6th at 9:00. All right. Do we have a motion to approve
13 that?

14 PROSSER: I'll move to approve February 6th at
15 9:00 AM.

16 TROUTEN: Pending weather? Second?

17 SHEA: Tim Shea. I'll second.

18 TROUTEN: Shea seconds. All those in favor say
19 aye.

20 MEMBERS: Aye.

21 TROUTEN: I also vote aye. And lastly,
22 adjournment.

23 SHEA: I have pre-discussion though before we
24 do that. I just wanted to make a comment that I think today was
25 the most executive certificates that we've ever had come through

1 our system. So I, for one, believe that the changes we made are
2 showing the positive results now, I'm happy to see 'em, and I
3 think these are all fine people that came before us. So I'm
4 glad to see they've gotten this opportunity that before we had
5 made this change, would not have been open to them, which again,
6 puts our people on an equal playing field with people, our peers
7 in other states when it comes to executive positions. So I, for
8 one, am happy to see this.

9 TROUTEN: I concur with that. Thank you. Other
10 comments?

11 SHEA: I'll make a motion that we adjourn.

12 PROSSER: I'll second that.

13 TROUTEN: A motion and second. All in favor,
14 please say aye.

15 MEMBERS: Aye.

16 TROUTEN: Motion carries. We stand adjourned at
17 9:50 AM.