

PEACE OFFICERS' STANDARDS AND TRAINING

PUBLIC MEETING

July 23, 2015

1:31 p.m.

Prospector Hotel and Casino
Ghost Train Room
1501 E. Aultman
Ely, Nevada 89301

MEMBERS PRESENT:

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

Clair Morris,
Elko County Sheriffs' Office

Dan Watts, Sheriff
White Pine County Sheriff's Office

Troy Tanner, Police Chief
Mesquite Police Department

Russell Pedersen, Chief Deputy
Washoe County Sheriff's Office

Greg Cox, Director
Department of Corrections

Dale Liebherr, Chief Investigator
Office of the Attorney General

STAFF PRESENT:

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

Tim Bunting, POST

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

1 RONALD PIERINI: Nevada POST is having a
2 Commission Meeting here on the 23rd of July, 2015 at
3 1:31 is when we started. The location is going to
4 be at the Prospector Hotel here in Ely. I would
5 just ask all the people that are attending in the
6 audience and also for the Commissioners, remind to
7 sign in on the attendance roster, which is off to my
8 left side. If you haven't done that, be sure to go
9 do that. At the same time, if anybody in the
10 audience would like to make a comment on any of
11 those public areas, you can be sure when you sit
12 down in front of us, to say your name and also what
13 agency you're from.

14 As a courtesy of others, don't forget to
15 turn off your cellular phones and page -- pagers so
16 we don't have a disruption. Remind the
17 Commissioners that they say their name when they
18 make a comment and/or an action agenda item.

19 Another thing is is for the Commissioners,
20 the microphones are very sensitive; so if you are
21 talking to your partner next to you, it could be
22 recorded.

23 When the Commission makes a motion, please
24 clarify the motion and who made the motion.
25 Appreciate that.

1 So at this point, what I'd like to do is
2 to do a roll call and we'll get started with you,
3 Mr. Tanner.

4 TROY TANNER: Sure. Troy Tanner,
5 Mesquite.

6 GREG COX: Greg Cox, Department of
7 Corrections.

8 CLAIR MORRIS: Clair Morris, Elko County
9 Sheriff's Office.

10 MICHAEL JENSEN: Mike Jensen, Attorney
11 General's Office.

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

14 DALE LIEBHERR: Dale Liebherr, Attorney
15 General's Office.

16 DAN WATTS: Dan Watts, White Pine County
17 Sheriff.

18 RUSSELL PEDERSEN: Russ Pedersen, Washoe
19 County.

20 TIM BUNTING: Tim Bunting, POST.

21 SCOTT JOHNSTON: POST.

22 RON PIERINI: And, Scott, if you could,
23 please, mark down that Gary Schofield from Metro and
24 also James Wright are absent. And, also, on that
25 same topic, Scott, if you could tell us where you

1 posted this information for this meeting.

2 SCOTT JOHNSTON: Thank you, Mr. Chairman.

3 Scott Johnston for the record. This meeting was
4 posted in compliance with the open meeting law
5 requirements. It was posted at the POST
6 administrative office in Carson City, Nevada State
7 Capitol, Carson City, Blasdel State Building, Carson
8 City, Nevada State Library and Archives, Carson
9 City, Grant Sawyer Building, Las Vegas, Carson City
10 Sheriff's Office, White Pine County Sheriff's Office
11 and at the POST website and at the State of Nevada
12 Notice website.

13 RON PIERINI: Thank you, Scott. Move to
14 Number 3, Discussion, Public Comment, and for
15 Possible Action. Approval of the minutes from the
16 May 7, 2015, regularly scheduled POST Commission
17 Meeting. I'm hoping that all the Commissioners
18 reviewed that. Is there anyone here that would like
19 to have any corrections on that? Seeing none,
20 anybody from the public who would like to make a
21 comment on those? Seeing none, and I'm looking for
22 a motion.

23 RUSSELL PEDERSEN: Move to approve. Russ
24 Pedersen.

25 RON PIERINI: Okay, I have a motion. Do I

1 have a second?

2 DAN WATTS: Dan Watts. Second.

3 RON PIERINI: Dan, second. Any other
4 discussion. All in -- all in favor?

5 COMMISSIONERS: Aye.

6 RON PIERINI: Anybody opposed? So
7 carried. Information -- and this is from Interim
8 Executive Director. This is your time up there,
9 Tim.

10 TIM BUNTING: All right. Thank you, Mr.
11 Chairman. For the record, Tim Bunting, Interim
12 Executive Director, POST. Basically, I'm bringing
13 up to date on what we've done on the budget. With
14 the session ending, we've approved the -- for the
15 next biennium of 2.4 million dollars per year, which
16 includes replacement computers and servers for all
17 our computers -- were way outdated. Purchase of
18 \$24,000 for new smart tablets like the one I'm
19 using. We got \$4,000 for each year for out-of-state
20 travel. We also included in our budget \$12,000 per
21 year to buy used pickup trucks from DPS to use for
22 EVOC. The second year of the biennium we're
23 approved for \$17,000 to build a new shoot house out
24 at Stewart.

25 One of the things we did not get approved,

1 and it wasn't through the legislature, it was not
2 recommended by the Governor, even though it was
3 submitted, was a new training specialist position.

4 Also, this is the first time in 10 -- in
5 at least 10 years that we have not needed to take a
6 General Fund loan to start this fiscal year. And
7 that's primarily due to we have five open positions
8 right now at POST, so it's salaries savings, but
9 we've not had to take that loan, which will make it
10 easier. We usually take a couple hundred thousand
11 dollar loan to get through the first quarter, but we
12 won't have to this year.

13 And we also just were notified we got
14 approved for \$33,000 for Department of Justice
15 assistance grant. That is going to let us replace
16 our mats in our gym, get some new dummies for baton
17 training and make some updates to one of our
18 classrooms.

19 The only legislature that has changed is,
20 if you remember, we had one bill that Senator Parks
21 was sponsoring on mandatory dog behavior training.
22 That is going to require us to change the NAC.
23 Basically, it says the Commission will adopt
24 regulations regarding the minimum standards for
25 training and effective responses to instances

1 involving dogs or where dogs are present. So next
2 meeting we'll come up with the rulemaking process to
3 start that regulation change.

4 We are in the process right now of
5 recruiting a new training specialist. Karen Kendall
6 who retired beginning of June. We have five
7 applicants we're going to interview on Tuesday.
8 We're also in the process of trying to reclassify
9 our fiscal position to another training specialist.
10 Since we weren't approved for one, we've -- we've
11 contracted with Admin Services to have them do our
12 budget and do our bill paying, so it really
13 eliminates the need for the fiscal management
14 position. So we want to reclassify that to a
15 training specialist. It's just -- all our positions
16 are -- most of them are training specialist
17 positions so they can -- they're kind of dual
18 slotted.

19 And subject to any questions, that
20 concludes my update.

21 RON PIERINI: Okay, thank you, Tim. Any
22 Commissioners have any questions? Anyone from the
23 public? Okay, thank you very much. All right,
24 we're going to go onto Number 5. This is
25 Discussion, Public Comment, and for Possible Action,

1 the Commission will consider a request from the
2 Henderson Police Department for an Executive
3 Certification for Captain Marc Cassell. And I guess
4 you would do that, Tim, or --

5 TIM BUNTING: I will do that.

6 RON PIERINI: Thank you.

7 TIM BUNTING: If you look in Item Number 5
8 in your book is the application for the Executive
9 Certificate. Captain Marc Cassell meets all the
10 requirements of NAC 289.270 for the Executive
11 Certificate and Staff recommends approval of that
12 certificate.

13 RON PIERINI: Okay. Thank you, Tim. Any
14 other questions from the Commissioners? How about
15 the public? Anybody in the public like to make
16 comment? Is there anybody from Henderson here?
17 Okay, seeing none, I'm looking for a motion.

18 TROY TANNER: Troy Tanner. I'll make a
19 motion to approve the Executive Certificate for Marc
20 Cassell.

21 RON PIERINI: Okay. Chief Tanner. Do I
22 have a second?

23 DALE LIEBHERR: Dale Liebherr. I second.

24 RON PIERINI: Okay, Dale. Any other
25 discussion? All in favor?

1 COMMISSIONERS: Aye.

2 RON PIERINI: Anybody opposed? So
3 carried. Number 6, Discussion, Public Comment, and
4 for Possible Action, the Commission to consider a
5 request from the Nevada Department of Corrections
6 for an Executive Certificate for Associate Warden
7 Ronald -- and Mr. Cox, say his name, please. If you
8 could say his last name.

9 GREG COX: Ronald Schreckengost.

10 RON PIERINI: Thank you very much. I
11 appreciate that. Okay, Tim.

12 TIM BUNTING: Again, Item 6 in your book
13 is the application for Associate Warden
14 Schreckengost for Executive Certificate. And he
15 does meet the requirements of NAC 289.270 for that
16 certificate and Staff recommends approval.

17 RON PIERINI: Okay. Thank you.
18 Commissioners, any questions? To the public.
19 Seeing none, looking for a motion.

20 RUSSELL PEDERSEN: Move to approve. Russ
21 Pedersen.

22 RON PIERINI: We've got a motion. Do I
23 have a second?

24 DAN WATTS: Dan Watts. Second.

25 RON PIERINI: Okay, Dan, thank you. Any

1 other discussion? All in favor?

2 COMMISSIONERS: Aye.

3 RON PIERINI: Anybody opposed? So
4 carried. Thank you. Number 7. Okay, this is
5 Discussion, Public Comment, and for Possible Action,
6 hearing pursuant to NAC 289.290(1)(h). Revoking
7 Peter Connell, formerly with the Las Vegas
8 Metropolitan Police Department, certification based
9 on a misdemeanor conviction for Soliciting
10 Prostitution. The Commission will decide whether to
11 revoke Mr. Connell's Category I Basic Certificate.
12 Mr. Jensen is going to take over for that and if you
13 really look at this and listen to what we're doing
14 is a misdemeanor this time, which is usually what we
15 don't do, but we certainly have the power to do so.
16 And Mr. Jensen is going to outline that for us.

17 MICHAEL JENSEN: Thank you, Mr. Chairman.
18 Mike Jensen for the record. This is the time and
19 place scheduled for the hearing related to the
20 potential revocation of Peter J. Connell for the
21 misdemeanor conviction.

22 Just as background underlying the hearing
23 today, NRS 280.9510 provides for the Commission to
24 adopt regulations, establishing minimum -- minimum
25 standards for certification and de-certification of

1 officers. The NAC that was established pursuant to
2 that authorize relating to the de-certification of
3 officers is NAC 289.290 and it, essentially, sets
4 out the causes that -- for the Commission to revoke
5 or suspend a peace officer's POST certification.

6 Section (1)(h) of that regulation
7 authorizes the revocation or suspension of a POST
8 certification for a misdemeanor conviction. It
9 provides, when it is a misdemeanor conviction, that
10 the employing agency before the Commission will take
11 any action has to recommend that there be some
12 revocation or suspension action taken with that
13 particular employee or former employee.

14 If you look behind Tab 7 in your books,
15 there are a number of exhibits that I would be
16 presenting today and will request at that end that
17 the Chairman admit these as part of the record in
18 support of any action the Commission might take
19 today.

20 The first exhibit is Exhibit A that's the
21 Amended Notice of Intent to Revoke. That's the
22 notice that the Commission is required to send out
23 prior to taking any action. It informs Mr. Connell
24 that the Commission was initiating action to revoke
25 his Basic Certificate, of the law that provides for

1 the Commission to be able to do that if appropriate.
2 He was informed of the date, time and location of
3 this hearing, his right to appear at the hearing,
4 present evidence and cross-examine witnesses. He's
5 also informed of the requirement that he let the
6 Commission know 15 days prior to the hearing if he
7 intended to appear and contest the action. And
8 finally, the scope of the hearing, which is whether
9 or not his POST certification should be revoked for
10 a misdemeanor conviction.

11 Exhibit B is the Declaration of Service
12 showing that that Notice of Intent was served --
13 served on -- on him on June 17 of 2015.

14 Exhibit C is the Personnel Action Form in
15 which the agency that he -- he worked for, the Las
16 Vegas Metropolitan Police Department shows that he
17 separated or retired from that agency on August 27,
18 2013, and they also indicated that there was a
19 conviction or an arrest that could lead to the
20 revocation of his POST certification.

21 The next document, Exhibit D, is his Basic
22 Post Certificate for a Category I Certificate.

23 Exhibit E is the letter from the agency
24 requesting that, based on his separation and the
25 misdemeanor conviction, that they request the

1 Commission to take action regarding Mr. Connell's
2 POST certificate. That satisfies the requirement of
3 the statute that the agency make the request before
4 the Commission take any action.

5 The next document is the Declaration of
6 Warrant or Summons. The reason I included that in
7 the exhibits is it lays out the factual basis for
8 the charges that were originally brought against
9 this officer, Mr. Connell -- the former officer. If
10 you go through that's what you will learn is the --
11 the Declaration states that Mr. Connell paid for the
12 services of a prostitute on several occasions, that
13 he normally met that individual at her apartment,
14 that the officers with the agency conducted
15 surveillance and substantiated that Mr. Connell --
16 substantiated Mr. Connell's illegal conduct. The
17 Declaration also states that the -- the officers
18 interviewed the -- the prostitute and she stated
19 that she had initially met Mr. Connell while he was
20 on duty as a peace officer and that she had
21 performed certain sexual acts on him one or more
22 times while he was on duty as a peace officer.

23 Exhibit G is the certified copy of the
24 Criminal Complaint. It shows that he was charged
25 with five counts of soliciting prostitution in

1 violation of NRS 201.345 for engaging in sexual acts
2 with the prostitute for a fee between February 7,
3 2013, and April 1, 2013.

4 Exhibit H is a certified copy of the
5 Disposition or Notice, which is the judgment that
6 shows that he was convicted of one count of
7 soliciting prostitution. As part of that, he was
8 required to pay a \$500 fine, to attend AIDS
9 awareness counseling, stay out of trouble for six
10 months and had a six-month suspended jail sentence.
11 And the other four counts of soliciting prostitution
12 were dismissed.

13 Mr. Chairman, I would request that
14 Exhibits A through H be admitted into evidence in
15 support of any action that the Commission takes with
16 regard to this Basic Certificate.

17 RON PIERINI: The exhibits are acceptable.

18 MICHAEL JENSEN: Basically, the evidence
19 here shows that Mr. Connell was convicted of one
20 count of soliciting prostitution. The Declaration
21 shows that the course of the illegal behavior that
22 began when Mr. Connell was on duty acting as a peace
23 officer and continued over a significant amount of
24 time. The conduct violates the public trust that's
25 placed, certainly, in peace officers. And given

1 that serious conduct and that continued course of
2 illegal behavior, while even in his capacity as a
3 peace officer, I would submit that Mr. Connell
4 cannot be trusted to act in the capacity of a peace
5 officer, and by his actions, that he's disqualified
6 himself from that ability -- ability to be a peace
7 officer and would recommend that his Basic
8 Certificate be revoked.

9 RON PIERINI: Okay. Thank you.
10 Commissioners have any questions?

11 RUSSELL PEDERSEN: I just want to -- I
12 just want to confirm -- Russ Pedersen for the
13 record. Just want to confirm as far as statute
14 everything has been, as far as the exhibits and what
15 the agency has done, they've met the -- the NAC
16 requirement of notifications in your opinion and
17 that we have the ability at this time to revoke if
18 we choose to do so.

19 MICHAEL JENSEN: Yes.

20 RUSSELL PEDERSEN: Thank you.

21 RON PIERINI: Thank you. Any other
22 questions from the Commission? Okay, I -- is Mr.
23 Connell in the audience? Okay. Hearing none. Do I
24 have any public comment? Looking for a motion.

25 UNIDENTIFIED SPEAKER: Move to revoke the

1 Category I of Mr. Connell.

2 RON PIERINI: Okay.

3 CLAIR MORRIS: Second it. Clair Morris.

4 RON PIERINI: Clair you did that for
5 second. Okay, any discussion? All in favor?

6 COMMISSIONERS: Aye.

7 RON PIERINI: Anybody opposed? All right.
8 Good. All right, Number 8. Discussion, Public
9 Comment, and for Possible Action. Hearing pursuant
10 to NAC 289.290(1)(g) revoke James Henry, formerly of
11 Las Vegas Metropolitan Police Department
12 Certification based on a felony conviction for
13 Possession of Visual Presentation for Sexual Conduct
14 of a Minor. The Commission will decide whether to
15 revoke Mr. Henry's Category I Basic Certificate.
16 Mr. Jensen.

17 MICHAEL JENSEN: Thank you, Mr. Chairman.
18 You guys are going to hear from me. We have four of
19 these on the agenda today, so please bear with me.

20 We're relying on the same statutes and
21 regulation that we did for the last one with the
22 exception that this involves a felony conviction.
23 The Commission's regulations provide that if an
24 individual is -- is convicted of a felony, that the
25 Commission shall revoke their POST Certification.

1 The exhibits are behind Tab Number 8 for -- for Mr.
2 Henry. I will just real quickly go through those.

3 Exhibit A is the same Notice of Intent
4 that I just described informing him of all the
5 things that I described in our earlier hearing
6 including his right to appear today at this hearing
7 to present witnesses, cross-examine witnesses; and
8 also his requirement to let the Commission know if
9 he was intending to appear today 15 days prior to
10 the hearing date.

11 Exhibit B is the Affidavit of Service
12 showing that Mr. Henry was served with the Notice of
13 Intent. And there's actually an Affidavit of
14 Service and a Declaration of Service which are
15 Exhibits B and C that show that he was provided
16 notice of the hearing today.

17 Exhibit D is the Personnel Action Report
18 showing that Mr. Henry separated from employment as
19 a peace officer from the Las Vegas Metropolitan
20 Police Department effective November 8th of 2014,
21 based on the fact that he'd been charged with
22 offenses that could lead to termination of his POST
23 certificate or revocation of his POST certificate.

24 Exhibit E is Mr. Henry's Category I Basic
25 Certificate.

1 Exhibit F is the certified copy of the
2 Criminal Information charging James William Henry
3 with Possession of Visual -- a Visual Presentation
4 Depicting Sexual Conduct of a Child in violation of
5 NRS 200.700, 200.730, a Category B felony.

6 Exhibit G is the certified copy of the
7 Criminal Information with an interlineation. They -
8 - they took out one of the words in there that's not
9 a significant word for purposes of the hearing
10 today. That's why you have two copies of the
11 information.

12 Exhibit H is the Judgment of Conviction
13 showing that Mr. Henry was convicted of Possession
14 of a Visual Presentation Depicting Sexual Conduct of
15 a Child; again, a Category B felony, that he was
16 sentenced to a minimum of 12 months, a maximum of 30
17 months with four days for time served. His prison
18 sentence was suspended and he was placed on
19 probation for a term not to exceed four years. The
20 terms and conditions applicable to him are those
21 applicable to someone who's been convicted of a
22 sexual offense.

23 Based on the Commission's regulation that
24 provides that a POST -- individual's POST
25 certification will be revoked for a felony

1 conviction and, I guess, compounded or supported by
2 the fact that the conviction in this case involves,
3 as you can see from reading through the information,
4 some very serious and outrageous behavior and a
5 gross violation of the public's trust. And I would
6 submit this is a clear case for the Commission to
7 revoke Mr. Henry's POST certification.

8 RON PIERINI: Thank you, Mr. Jensen. Any
9 questions from the Commission?

10 RUSSELL PEDERSEN: Just the same question.
11 The agency has met all the requirements of the NAC
12 for us to -- to revoke? All the paperwork is in
13 order?

14 MICHAEL JENSEN: Yes, they have.

15 RUSSELL PEDERSEN: Okay. Thank you.

16 RON PIERINI: Any other discussion from
17 the Commissioners? How about in the public
18 including that of Mr. Henry, if he's here? All
19 right, looking for a motion.

20 DALE LIEBHERR: Make a motion to revoke
21 Mr. Henry's Category I POST Certification.

22 RON PIERINI: Dale did that.

23 DALE LIEBHERR: Sorry.

24 RON PIERINI: You're okay.

25 RUSSELL PEDERSEN: Second it. Russ

1 Pedersen.

2 RON PIERINI: Russ. We have a second.

3 Any other discussion? All in favor

4 COMMISSIONERS: Aye.

5 RON PIERINI: Any opposed? So carried.

6 Going to go to Number 9. Discussion, Public
7 Comment, and for Possible Action, hearing pursuant
8 to NAC 289.290(1)(g) under revocation of Derland
9 Blake, formerly of the Nevada Department of
10 Corrections, certification based on a felony
11 conviction for Asking or Receiving Bribe by a Public
12 Officer. The Commission will decide whether to
13 revoke Mr. Blake's Category 3 Basic Certificate.
14 Mr. Jensen.

15 MICHAEL JENSEN: Thank you, Mr. Chairman.
16 This is the third of our revocation hearings for
17 this morning. This case involves a felony
18 conviction, so it falls under the same regulations
19 of the last hearing, Section (1)(g) that provides
20 the Commission shall revoke the POST certification
21 for a felony conviction. The exhibits for this
22 particular item are found behind Tab Number 9. And
23 I would just real quickly, again, go through those,
24 and I ask that they be made a part of the record for
25 this -- for any action that the Commission may take

1 on this particular item.

2 Exhibit A is the Notice of Intent to
3 Revoke, again, providing all the information that
4 the prior -- were described in the prior hearings
5 including the right to appear today at this hearing
6 to cross-examine witnesses, present evidence and to
7 attend and to hear what occurs at this hearing. His
8 legal requirement that he inform the Commission
9 within 15 days of the letter of any intent to
10 contest and the scope of the hearing today.

11 Exhibit B and C are, again, the Affidavits
12 of Service and the Declaration of Service showing
13 that Mr. Blake was served with the Notice of Intent
14 on June 18, 2015, and that the Commission has
15 complied with the legal notice requirements found
16 both in the Open Meeting Law and POST regulations.

17 Exhibit D is the Personnel Action Report
18 showing that Mr. Henry separated from employment
19 with the Nevada Department of Corrections effective
20 October 25th of 2012.

21 Exhibit E is his Category III Basic
22 Certificate.

23 Exhibit F is the certified copy of the
24 charging document, the Criminal Information,
25 charging Derland Blake with one count of Asking or

1 Receiving a Bribe by a Public Officer. It's a
2 Category C felony in violation of NRS 197.040 and
3 alleges that on May 9, 2014, Mr. Blake asked and/or
4 received cash or compensated -- compensation in
5 order to use his position as a correctional officer
6 to smuggle cellular telephones, food and -- and/or
7 alcohol into a prison and/or provide the contraband
8 and cellular phones to inmates at the institution.

9 Exhibit G is his guilty plea agreement
10 where he agrees to plead to the single count of the
11 information that I just described to you.

12 Exhibit H is the Judgment of Conviction
13 showing that he's been convicted of that felony
14 offense of Asking or Receiving a Bribe by a Public
15 Officer. He was sentenced to a minimum of 24 months
16 and a maximum of 60 months, which was suspended. He
17 was placed on a term of probation not to exceed five
18 years. And there were terms and conditions attached
19 to that.

20 The evidence here shows that Mr. Blake was
21 convicted of a felony offense. It involved -- or
22 occurred while he was acting in his position as a
23 correctional officer at a correctional institution.
24 This is a very serious offense. Again, the type of
25 offense that is a clear violation of the public's

1 trust. And based on this being a felony conviction,
2 I would move and recommend that -- not move -- I
3 would recommend that the Commission revoke his
4 Category III Basic Certificate.

5 RON PIERINI: Okay, and then also I'd like
6 to, Mr. Jensen, on the exhibits, accept it. I think
7 we normally do that.

8 MICHAEL JENSEN: Yeah.

9 RON PIERINI: I think I forgot last time,
10 but anyway, here we go. Do I have any -- any
11 questions from the Commission? Okay, and how about
12 to the public? Is Mr. Blake is here by chance?
13 Okay. Not getting any, then what we're going to do
14 is ask for a motion.

15 TROY TANNER: Troy Tanner. I make a
16 motion to revoke Mr. Blake's Category I Basic
17 Certificate.

18 RON PIERINI: Okay, thank you. I've got a
19 motion. Do I have a second?

20 DAN WATTS: Dan Watts. Second.

21 RON PIERINI: Okay.

22 TROY TANNER: I'd like to amend that to
23 Category III Certificate.

24 UNIDENTIFIED SPEAKER: Okay. It says Cat
25 I on here. It's (inaudible) Cat I on the item.

1 That's -- I thought the same thing (inaudible) CO,
2 but it says Cat I right here.

3 MICHAEL JENSEN: Yeah, his Basic
4 Certificate is an exhibit and I believe it's Cat --

5 UNIDENTIFIED SPEAKER: It's Cat III.

6 MICHAEL JENSEN: -- Cat III Certificate.

7 RON PIERINI: Cat III?

8 MICHAEL JENSEN: That's Exhibit E.

9 RON PIERINI: All right. Okay, so, yeah,
10 so clean that up a little bit. Why don't we start
11 over again? Mr. Tanner.

12 TROY TANNER: Yeah. I'll make a motion to
13 revoke Mr. Blake's Category III Certificate.

14 RON PIERINI: Okay. Thank you. Do I have
15 a second again?

16 DAN WATTS: Dan Watts. Second.

17 RON PIERINI: Thank you, Dan. Any other
18 discussion? All in favor?

19 COMMISSIONERS: Aye.

20 RON PIERINI: Anybody opposed? So
21 carried. Okay, Number 10. This is Discussion,
22 Public Comment, and for Possible Action. Hearing
23 pursuant to NAC 289.290 (1)(g) on revoking Benjamin
24 Kyker, formerly of the Nevada Department of
25 Corrections, certification based on a felony

1 conviction for Brandishing of a Firearm in
2 Furtherance of a Crime of Violence. The Commission
3 will decide whether to revoke Mr. Kyker's Category
4 III Basic Certificate. Mr. Jensen.

5 MICHAEL JENSEN: Thank you, Mr. Chairman.
6 This is the last of the four hearings. This is the
7 time and place to -- to take evidence with regard to
8 the potential revocation of Mr. Kyker's POST
9 certification. We're proceeding under the same
10 regulation as the last hearing, Section (1)(g),
11 again, providing for the Commission to revoke a POST
12 certification for a felony conviction. The exhibits
13 that are being presented are behind -- at Tab Number
14 10. And I'll just real briefly go through those
15 again.

16 First is the Amended Notice of Intent to
17 Revoke, Exhibit A. Again, it informs Mr. Kyker of
18 the time and place of this hearing, his right to
19 appear and his requirement that he provide 15 days
20 notice if he intends to contest the action, and the
21 scope of the hearing.

22 Exhibit B is the Declaration of Service
23 showing that that Amended Notice of Intent was
24 served on him on June 18, 2015, and that the
25 Commission has complied with the legal requirements

1 for notification of both the Open Meeting Law and
2 the Commission's regulations.

3 Exhibit C is the Personnel Action Report
4 from the agency showing that Mr. Kyker was separated
5 from employment as a peace officer at the Nevada
6 Department of Corrections on May 31, 2013, and
7 indicating that he had been charged with an offense
8 that could lead to his -- the revocation of his POST
9 certification.

10 Exhibit D is Mr. Kyker's Category III
11 Basic Certificate.

12 Exhibit E is the certified copy of the
13 Criminal Indictment. In this case, the indictment
14 was in Federal Court. So the crime is a federal
15 crime, but it is a felony -- or multiple felony
16 account -- of felony accounts. The first is a count
17 for Conspiracy to Interfere with Commerce by
18 Robbery, a violation of 18 USC, Section 1951. Count
19 2 was Use of a Firearm During the Relation -- During
20 and in Relation to a Crime of Violence. That is a
21 violation of 18 USC Section 924C (1)(a)(2). Count
22 3, again, was another count for interference. This
23 one is not for conspiracy, but the actual
24 Interference with Commerce by Robbery, another
25 violation of 18 USC Section 951. And count 4 is

1 another Use of a Firearm During and in Relation to
2 the Crime of Violence in violation of 18 USC Section
3 924(c)(1)(a)(2).

4 Essentially, these are robbery charges in
5 this case. They're based on an allegation that Mr.
6 Kyker and a person by the name of William Stack
7 agreed to unlawfully take and obtain property which
8 consisted of \$21,000 and 84 books of U.S. Postal
9 Stamps belonging to the Wells Fargo Bank against
10 their will with actual and threatened force of
11 physical violence and fear of injury. Use of
12 Firearms charge are related to the Use and
13 Brandishing of a Firearm during the commission of
14 that robbery.

15 Exhibit F is a guilty plea agreement by
16 Mr. Kyker agreeing to Count -- to plead guilty to
17 Count 2, Brandishing a Firearm in Furtherance of a
18 Crime of Violence, which is a felony. Part of that
19 guilty plea agreement sets out the facts that
20 support the -- the plea. Essentially --

21 Before I get to that, Exhibit G is the
22 judgment of Conviction where he is convicted of that
23 crime. Essentially, the facts in this case show
24 that Mr. Kyker was convicted of felony offense for
25 using a firearm during the commission of a crime of

1 violence or during a robbery. This is a very
2 serious crime, obviously, and probably is one of
3 those real clear cases -- or is one of those clear
4 cases where I would recommend Mr. Kyker's POST
5 certification be revoked.

6 Finally, I'd ask, Mr. Chairman, that the
7 exhibits be admitted into evidence.

8 RON PIERINI: The exhibits are accepted.
9 Do we have any questions from the Commission? Okay,
10 to the public. Do we have anybody who would like to
11 make a comment on that particular agenda item?
12 Okay. And I don't see him. Is -- is Kyker here by
13 chance? Mr. Kyker? No.

14 UNIDENTIFIED SPEAKER: He's in prison.

15 RON PIERINI: He's in prison, so he's not
16 here. Okay. All right. Looking for a motion,
17 please.

18 CLAIR MORRIS: This is Clair Morris. I
19 make a move -- a motion to revoke Mr. Kyker's
20 Category III Basic Certificate.

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

23 DAN WATTS: Dan Watts. Second.

24 RON PIERINI: Dan Watts second. Any other
25 discussion? All in favor?

1 COMMISSIONERS: Aye.

2 RON PIERINI: Anybody opposed? So
3 carried. Okay, now, we go on to Number 11. And
4 this is a Discussion, Public Comment, and for
5 Possible Action. This is pursuant to NRS 289.520.
6 The Commission will conduct interviews for the
7 following candidates for the position of POST
8 Executive Director including that of Thomas W. Finn
9 and Michael D. Sherlock. What I'd like to do is to
10 have a -- give it to Mike Jensen and go over the
11 overview of what we started some eight months ago
12 and what we're going to accomplish today.

13 MICHAEL JENSEN: All right, thanks, Mr.
14 Chairman. You're going to get real tired of hearing
15 from me today. As we did in the last meeting, I
16 thought -- the Chairman asked and thought that it
17 would be useful to quickly go through some of the
18 background on how we got here today in terms of the
19 interviews for the Executive Director position and
20 the recruitment process is.

21 On October 6 of 2014, at that meeting of
22 the Commission, there was an agenda item that
23 provided for a discussion, public comment and action
24 to establish the recruitment, vetting and selection
25 process for the appointment of an Executive

1 Director, which is done pursuant to NRS 289.520. I
2 gave you guys copies of the -- I gave the
3 Commissioners copies of that statute just so you
4 could see what that looks like. Also provided a
5 copy of the -- the statute that sets out the powers
6 and duties of the Executive Director.

7 In that meeting, the Commission approved
8 the unclassified job announcement for the position
9 including the minimum qualifications for that
10 position. There was a nationwide recruitment done.
11 It was open on the 10th of October and was open for
12 45 days.

13 The Commission authorized the Chairman to
14 work with State of Nevada Division of Human
15 Resources Management to select subject matter
16 experts who would work in conjunction with the State
17 Human Resources to vet all of the applications that
18 had been received. They then selected five
19 applicants to be brought before the Commission for
20 interviews. That group, with those five, came up
21 with five candidates and two alternatives that met
22 the criteria that the Commission had established for
23 that position selection criteria, and the
24 applications were provided to the Chairman. The two
25 out-of-state applicants withdrew from the process

1 really early on.

2 The Department of Public Safety conducted
3 background investigations on those candidates. Each
4 of the candidates signed an acknowledgment and a
5 release and a part of that release they were
6 informed that their background investigation report
7 would become public.

8 The Chairman solicited proposed questions
9 from the Commissioners and received proposed
10 questions from the State Human Resources, and from
11 those, as you'll recall, there were nine questions
12 that were selected to be asked each of the five
13 candidates.

14 Those interviews took place on May 7 of
15 2015. The five candidates were interviewed. At the
16 end of the meeting, the Commission voted to bring
17 back two candidates, Tom Finn and Michael Sherlock,
18 to ask additional questions of them. Again, the
19 Chairman's listed questions from the members, the
20 Commission, and received several questions from
21 different members of the Commission and from those,
22 there was a copy of questions put together for the
23 interviews today. We have those. I don't know if
24 they've been passed out, yet, for each of the
25 Commissioners. Why don't we go ahead and pass those

1 out now? If each of you would take two of those,
2 one for each candidate. Those are the -- the
3 questions that were submitted by members of the
4 Commission for the interview process today. The
5 questions that are going to be asked today that the
6 Chairman has selected from those that were submitted
7 are only a starting point for the interviews today.
8 The Commissioners, of course, can ask any follow-up
9 questions to those questions. And at the end of all
10 of the questions, the Commissioners are going to be
11 given the opportunity to ask any question that you
12 would like to pose to -- to each of the candidates.

13 In addition to that, the Commission has
14 received during the gap of time that we had from the
15 last interviews to this particular day today, a
16 number of unsolicited letters and emails related to
17 the appointment of the two remaining candidates.
18 Those unsolicited letters and emails have been
19 included in the Commission's packets. With those
20 letters, the Commission provide -- provided to each
21 of you and is providing to the public the following
22 disclaimer the Chairman has asked that I -- I read
23 as part of this meeting today. It states that the
24 following documents have been submitted by members
25 of the public and candidates for the Executive

1 Director position in conjunction with the
2 appointment of a new Executive Director for the
3 Commission on Peace Officers Standards and Training.
4 The views and opinions expressed in those documents
5 are solely those of the authors and do not reflect
6 in any way the views or opinions of the State of
7 Nevada, the Commission on Peace Officer Standards
8 and Training, the Commissioners, Staff members or
9 others related thereto. The Commission, its -- its
10 Commissioners, Staff members and others related to
11 the Commission do not endorse, support or vouch for
12 the accuracy of any of the information that was
13 received in those unsolicited letters and e-mails,
14 not only from members of the public, but also from
15 the candidates.

16 RON PIERINI: Thank you, Mr. Jensen.

17 MICHAEL JENSEN: In terms of the
18 procedure, Mr. Chairman, the -- the -- would you
19 like me to (inaudible) --

20 RON PIERINI: Yes, absolutely.

21 MICHAEL JENSEN: -- that for today?

22 RON PIERINI: Sure.

23 MICHAEL JENSEN: As was the procedure
24 followed in the last interview process to try to
25 make this process as fair as possible and not to

1 give anyone an advantage by hearing what the
2 questions are in advance, the Chairman has asked
3 that the following procedure be followed. So the
4 two candidates are going to be asked to wait in a
5 separate room while the interviews are taking place.
6 They will be brought into the room one at a time.
7 They -- each of them will be given a copy of the
8 questions that will be asked today and be given an
9 opportunity to think -- think about those for a
10 period of 10 minutes before the interview. They
11 have an opportunity to formulate their answers
12 prior.

13 Each of you have been given a set of those
14 questions as well with some comments. Just a
15 reminder that if you put comments on that form, it
16 may be discoverable at some point in time and maybe
17 turned in. So just keep that in mind. And, of
18 course, the general reminder that's -- that's given
19 any time we're doing interviews that I know you guys
20 all know already. And that is that it would -- it's
21 improper and questions should be avoided that relate
22 to things such as religion, national origin, race,
23 marital status, parental status, age, disability,
24 gender, political affiliation. Also shouldn't be
25 based on a candidate's exercise of constitutional or

1 statutory rights such as filing employee grievances,
2 union activities, or accessing the judicial system
3 through filing lawsuits.

4 Following the interviews of the two
5 candidates, the public will be given the opportunity
6 to provide public comments and following that public
7 comment, the Commission will then proceed with its
8 deliberations, motions and voting.

9 RON PIERINI: Thank you, Mr. Jensen.

10 MICHAEL JENSEN: I'm done.

11 RON PIERINI: No, you're not.

12 MICHAEL JENSEN: Not yet?

13 RON PIERINI: Let me ask Commissioners, do
14 you have any questions of Mr. Jensen, then, about
15 what we're doing on the protocol? And I also want
16 to mention that the two candidates, then, will be
17 asked to go to -- to another -- two separate rooms.
18 Mr. Johnston will bring that first approximately 10
19 questions. We do alphabetical, so Mr. Finn will be
20 up first. Yes, Mr. Finn?

21 THOMAS FINN: Sheriff, (inaudible).

22 RON PIERINI: Yes, sir.

23 THOMAS FINN: (Inaudible).

24 RON PIERINI: Absolutely.

25 THOMAS FINN: I appreciate your

1 indulgence. I apologize for having to bring this
2 clunky computer up here, the printer and the
3 (inaudible) wasn't cooperating at all this morning.

4 Good afternoon, gentlemen. As
5 Commissioners appointed by the Governor, POST is
6 your responsibility. And you own the good, the bad,
7 and the ugly of its operations. The problems I
8 found at POST during the past few months while
9 putting together a business model for the future,
10 some of which you are now aware of, are very
11 troubling and extremely disheartening.

12 I was particularly disgusted by the
13 unprovoked and cowardly attack on Sharon Daniels.
14 Normally, this is not the proper forum for airing
15 dirty laundry on an agency we have all devoted our
16 efforts to in a desire to better serve Nevada law
17 enforcement.

18 The problems I found happened on your
19 watch and on mine, too, since I served as a
20 Commissioner for five years until 2012. However, I
21 was not aware of the internal problems. And I
22 strongly believe that most, if not all of you, were
23 unaware as well. My comments today are not intended
24 to be an indictment of any of you or the POST staff
25 including Mr. Sherlock.

1 Although I believe in my heart that all of
2 you want POST to succeed, somewhere along the way,
3 the Commission's focus on ethics, integrity and
4 doing the right thing became blurred to the point
5 where the public trust has been violated, in my
6 opinion. Multiple serious and ethical violations
7 have been brought to light recently involving my
8 competitor and yet, we are all here pretending
9 nothing is wrong and we continue this charade for
10 new Executive Director, who I believe was selected
11 before this process even began.

12 Martin Luther King stated that the time is
13 always right to do what is right. Doing what is
14 right and ethical are often extremely costly, both
15 personally and professionally. I have paid that
16 price many times in my life, but it is a check I
17 never hesitate to write. I cannot and will not work
18 for an agency where unethical, inappropriate and
19 improper behavior is systemic, well entrenched and
20 from what I have seen over the past few months, that
21 behavior is endorsed or at the very least condoned
22 by the Commission.

23 I honor and respect my oath, what the
24 badge I wore for 32 years represents and, mostly
25 importantly, the rule of law. To do anything less

1 is an affront to everything I stand for and what
2 POST should always stand for. I'm not walking away
3 from the competition, but I will not work in an
4 environment where doing what is right and ethical is
5 the exception and not the rule.

6 Therefore, I will not accept this position
7 if it is offered, I will not participate further in
8 this preordained choreographed process, and I will
9 walk away today with my integrity and my ethics
10 intact. Robert Noy stated if ethics are poor at the
11 top, that behavior is copied down through the
12 organization. Nowhere more clearly is that axiom
13 demonstrated than at the Nevada Commission of Peace
14 Officers' Standards and Training. All of you have a
15 great deal of work to do.

16 To my friends in this room, I bid you all
17 farewell. Thank you. Thank you, Sheriff.

18 RON PIERINI: I'd like to make a comment,
19 if I could, and maybe, Tom, you ought to stay here a
20 little bit just for a second, if you don't mind.

21 You know, we've worked extremely hard for
22 the eight, nine months putting this thing together,
23 and I can tell you this, that Mr. Jensen worked
24 extremely hard on this. And I give him an A plus.
25 And we went through all the different NRS's, the

1 NAC's working with the Human Resources. We've done
2 everything we could to be absolutely free of any
3 kind of things that weren't right. And I can't tell
4 you what -- what the agency may have some issues,
5 but I can tell you this Commission is together and
6 wanted to do exactly what we wanted to do. And that
7 was to select the best person for this and be in a
8 fair position to say we did not take sides on either
9 one.

10 Some of the paperwork that was actually
11 sent to us from different individuals throughout the
12 State of Nevada. We didn't respond to that. We had
13 to look into some investigation things on some of
14 the things that were -- were -- were people were
15 saying what happened. But I can tell you this, Tom,
16 we took it seriously, ethically, and this Commission
17 worked extremely hard to try to select a position
18 for the right job.

19 Now, you might have had some bad things
20 that have happened to you on this particular thing,
21 but I feel as good as I can ever be in saying we've
22 been fair and very professional. I just wanted to
23 mention that to you, Tom.

24 THOMAS FINN: I appreciate that, Sheriff
25 Pierini. You and I have been friends for a long

1 time. And I consider the members of this Commission
2 who I served with to be friends. All I wanted to
3 say, though, was I'm not the right guy for this job.
4 And I --

5 RON PIERINI: All right, sir. Well, I
6 want to thank you for -- for putting your
7 application in and being with us. Thank you, sir.

8 THOMAS FINN: Thank you.

9 RON PIERINI: All right. Okay, what we're
10 going to have to do now is that we're going to go to
11 Mr. Sherlock. Please come on up here. What we're
12 going to do at this point is is that Scott Johnston
13 will escort you in handcuffs -- no, not handcuffs.
14 We're going to bring you over to the back over there
15 and we're going to give you those 10 questions,
16 okay. Just like what we did the last time when we
17 did our first vote. And we'll give you exactly 10
18 minutes. And at that time, you'll come up and Mr.
19 Johnston, then, will give you those questions one at
20 a time. And again, a county Commission -- or not
21 county, but the POST Commission can then ask any
22 questions about that which you're talking about,
23 even go out to wherever they want to and ask any
24 questions that they wish or desire. Okay? So what
25 I'm going to do is the public out here is we're

1 going to take a 10-minute break and we're going to
2 start asking you those questions. Thank you.

3 (Off the Record.)

4 RON PIERINI: The Commissioners are here.
5 Everybody is all accounted for. Mr. Jensen, did you
6 want to say anything on the handout or?

7 MICHAEL JENSEN: Mike Jensen for the
8 record. Just in addition to the documents that were
9 part of the -- the record for today in terms of
10 information received from third parties, one of the
11 outstanding issues that was out there still was
12 whether or not there was any pending investigation
13 against any of the candidates by the Attorney
14 General's Office.

15 And we received a copy today of a letter
16 dated July 21, 2015, from the Attorney General's
17 Office which is addressed to an individual who had
18 made a complaint to the Attorney General's Office.
19 And this letter indicates that the -- there was a
20 review of that submission and that there was
21 insufficient evidence to open an investigation. So
22 that matter is -- is closed and so we'll include
23 this in the supporting materials as well, and that
24 information is available also to anyone from the
25 public who would like a copy of that.

1 RON PIERINI: Okay, Mr. Sherlock.

2 MICHAEL SHERLOCK: I may like a copy of
3 that.

4 RON PIERINI: We have them here. All
5 right. All right, what we're going to do again is
6 to, not to be redundant, is that Scott has going
7 ahead, and we're going to start off with Number 1.
8 There's approximately 9 to 10 different questions,
9 we're going to give them to you. And at that time,
10 the Commissioners can, again, ask any questions
11 again dealing with that particular question or they
12 can say anything they wish. So Scott, go ahead and
13 start with Number 1.

14 SCOTT JOHNSTON: Thank you. Question
15 Number 1. Describe your short and long-term vision
16 for POST.

17 MICHAEL SHERLOCK: I'm going to try to be
18 brief, but I've been at POST for a while, so I'm
19 going to -- I'm going to try to go quickly through
20 this. And also, I have to mention that I wrote this
21 on 3, 5 -- 3 by 5 cards real quick because my little
22 girls wanted me to bring their bright, florescent
23 cards.

24 I'm terms of a short-term plan, the first
25 thing I'd look at is the structure of POST. We have

1 seven -- a total of 17 authorized employees. We
2 have six supervisors. Perhaps at a time there was a
3 need for that, but now I believe that's a bit
4 inefficient, really doesn't fit best practices.
5 There's a lot of supervisors and not very many of
6 staff members. So I look at -- I would look at very
7 quickly realignment. Try to make some improvements
8 in our organizational structure along those lines.

9 In terms of training, obviously, I get a
10 lot of calls about basic training. Let me just say
11 that this -- the Academy will quickly rival Metro,
12 Southern Desert, you know, NNLEA, DPS, as one of the
13 best academies in the state. I know what premiere
14 academies look like. I know how to create a
15 premiere academy and we will have premiere academy.

16 In terms of advance training, I would like
17 to quickly see that our classrooms are used
18 continually as much as we possibly can. As Mr.
19 Bunting mentioned, the possibility of -- of an
20 additional training specialist. I would like to be
21 able to use those classrooms, provide a service for
22 agencies to, not only for professional development
23 training, but help meet the needs in the annual
24 compliance and that kind of thing to -- to help
25 other agencies.

1 In the area of standards and compliance,
2 my short-term goal would be to create what's called
3 a PAM manual; POST Administrative Manual; both for
4 internal and external uses. In fact, Tim Bunting
5 has started a similar project or same thing. I
6 really believe that agencies and officers should
7 have a resource that they can refer to to not only
8 understand the regulations and the statutes, but how
9 we interpret those statutes. More importantly, when
10 someone calls into POST, no matter who they call,
11 they should get the same answer. And so that would
12 be my short-term goals.

13 In term of -- in terms of long-term goals,
14 you know, I mentioned at the last interview or
15 meeting, that we need to create or -- or increase
16 the relevance of POST. And what I mean is
17 politically. I believe it will help us keep us, you
18 know, help to keep us out of the spotlight of the
19 federal government, but also assist in budgeting.
20 We are fee-based agency. We are funded by court-
21 assessment fees, as most of you know. This is very
22 similar to many states with a POST entity. But the
23 difference is in places like California and Michigan
24 and a few others who are also court-assessment fee
25 funded, they reimburse agencies for not only

1 training tuition, but backfill overtime, you know,
2 travel expenses, per diem, and yet they're funded
3 the same as us. And part of that is not having that
4 political clout, I guess, or relevance that I would
5 like to see us increase.

6 So my long-term goal will be to bring us
7 more in line with those other fee-based POST
8 entities. And perhaps, at least have the funding of
9 maybe not to pay for all of your agency's training
10 or all of the costs of that training, the backfill
11 and tuition and everything else and travel, but at
12 least the fund that would assist agencies in meeting
13 their training goals. That would be my long-term
14 goals.

15 RON PIERINI: Okay. Do I have any
16 questions from the Commissioners? Okay, let me ask
17 you a question, then, is that, you know, we've got
18 17 percent of that fees that we get from -- from our
19 -- from our -- our pot that we have and it's all
20 been taken away from different agencies. And so,
21 what kind of a battle would you have with 51 percent
22 of the -- the justice courts and the supreme courts
23 and the district courts allow us to get more money?
24 How would we ever develop that?

25 MICHAEL SHERLOCK: Right. And granted,

1 it's even worse than that. I think we -- we split
2 48 percent, something like that, and we end up with
3 about 14 percent --

4 RON PIERINI: Is it 14?

5 MICHAEL SHERLOCK: -- of what's left over
6 after the courts get their 52 percent and the state,
7 I believe, gets five bucks right off the top of
8 every, you know, traffic citation. So really, we're
9 not even getting 48 percent of that because you've
10 got to take \$5 off of that.

11 So, you know, a couple things. As we
12 know, training and -- and, at least from a national
13 standpoint, there's a lot of emphasis and a lot of
14 spotlighting on -- on law enforcement today. And I
15 think we need to do a better job of using that
16 national sentiment to get to the legislature and,
17 frankly, the Governor's office and put pressure on
18 to -- to try to get a bigger piece of that pie.

19 RON PIERINI: Okay, again, anybody have
20 any questions?

21 DALE LIEBHERR: Dale Liebherr for the
22 record. Mr. Sherlock, you indicated that you want
23 to rework POST. And you also indicated that you
24 want to increase relevance. Can you elaborate on
25 those two?

1 MICHAEL SHERLOCK: Well, again, I think
2 working with the Commission to have a better or a
3 bigger footprint at legislation, you know, during
4 session would help us. In terms of reorganization,
5 you know, that's things like the new training
6 specialist and that -- that particular position
7 maybe being able to work with other experts within
8 your agencies and other agencies across the state.
9 That kind of thing to try to, again, get more
10 relevance for POST to show that we're interested and
11 honor or increase the use of experts that we don't
12 have that belong to your agency. Things like that.

13 RON PIERINI: Okay. Scott.

14 SCOTT JOHNSTON: Question Number 2. Given
15 the State's strains and restraints on funding for
16 POST, what are some of your ideas on how to achieve
17 long-term stabilization for POST funding?

18 MICHAEL SHERLOCK: Well, and we just spoke
19 about this, but there's not a lot of room. I know
20 Mr. Bunting had a good idea and attempted to get the
21 disposition that I'm speaking on today into -- to be
22 funded from the General Fund. That would allow us
23 some flexibility when the fees aren't there, that
24 kind of thing, getting money from the General Fund.

25 Beyond that, you know, we could beg

1 everyone to write more tickets. You know, we're
2 fee-based, court-assessment fees. Again, that's why
3 I think it's more a political issue, a relevance
4 issue, really in trying to get a bigger piece of
5 that pie, those court-assessment fees.

6 RON PIERINI: Okay. Commissioners? Okay.
7 Number 3.

8 SCOTT JOHNSTON: Number 3. Are there any
9 changes you believe should be made to improve POST
10 including the POST standards? If so, please
11 describe your proposed changes.

12 MICHAEL SHERLOCK: There's several areas
13 that I would look -- and I'm going to -- I'm going
14 to narrow it down to just a couple now, because
15 later on I talk about another one. But, you know,
16 at this point I -- I -- I deal with the academies a
17 lot and I deal with training a lot in my position.
18 And one of the biggest problems that we're having
19 right now is we create performance objectives for
20 all the academies, yet we don't provide any
21 resources that describe or -- or provide information
22 on those performance objectives.

23 So one area that I'm very interested in is
24 creating lesson plans that meet our performance
25 objectives so when someone is doing training or at

1 the academies, there's no issue with whether or not
2 they've covered what will be tested on the state
3 certification test. So that's one area that I would
4 look at.

5 As far as the standards go, in general,
6 you know, I don't see any big changes. I would,
7 again, refer back to my short-term plan of creating
8 a PAM manual, a POST Administrative Manual, that
9 would provide a resource and also would help us and,
10 hopefully, prevent having to come to the Commission
11 for insignificant minor changes. In other words,
12 things like name changes of Fletzy (phonetic),
13 having to come to the Commission and that kind of
14 thing and I would look

15 RON PIERINI: Any questions from the
16 Commission? Number 4.

17 SCOTT JOHNSTON: Number 4. How would you
18 ensure law enforcement agencies throughout the state
19 who are involved in significant changes to POST
20 standards and regulations?

21 MICHAEL SHERLOCK: Again, and right now
22 we're working on a project with Cat III, which comes
23 up later, again. You know, we have experts around
24 the state; we need to tap into those experts. So,
25 you know, I would like to see, much like we do with

1 NALET and SNALET, which is the advanced training
2 functions of agencies, I'd like to see us at least
3 network in the basic training arena to share
4 resources and share information and that kind of
5 thing.

6 Again, I think with the addition of a
7 training specialist, we will be able to network
8 better with -- with agencies across the state and
9 maybe create some better training, maybe deal with
10 some federal issues, that kind of thing. But we've
11 done other things recently. We've created a
12 newsletter that we're getting good feedback on. Any
13 time there's a change in POST or a change in a
14 regulation. People are actually reading it and we
15 appreciate that. Things like that I think to just
16 get the word out. And again, let agencies know that
17 we appreciate the subject matter experts and we want
18 them to speak to us.

19 RON PIERINI: Any questions? Okay, Number
20 5.

21 SCOTT JOHNSTON: Number 5. Please
22 describe your law enforcement experience both line
23 and supervisor including any experience providing
24 departmental training.

25 MICHAEL SHERLOCK: Okay. I'll to be brief

1 again. With 31 years in law enforcement, I have
2 worked -- I worked the jail, I was in patrol, I was
3 a canine officer, I was a field training officer, I
4 worked narcotics a good portion of my career, I
5 worked Vice, I was a domestic -- I worked the
6 domestic violence desk, I worked robbery homicide, I
7 was a sergeant, I was a lieutenant, I was a
8 commander, I was second in command of our academy, I
9 worked in advance training and did -- we had to do
10 six -- two weeks of training every year for advanced
11 training, and I was on the officer involved shooting
12 team. I have been recognized as an expert in
13 managing specialized units and many other areas of
14 law enforcement.

15 In terms of training, again, I worked at
16 the academy, I helped run the academy, but beyond
17 that, I did our yearly advanced officer training,
18 created many classes dealing with that. Everything
19 from, you know, search warrant service to patrol
20 issues. I created a class on undercover officers'
21 interaction with uniform officers and just a lot of
22 different training in those areas. I'll leave it at
23 that. I don't want to go crazy.

24 RON PIERINI: Let me ask you a question.
25 You've got -- you've got a lot of different things

1 that you've done and you've moved around quite a
2 bit. Why was there so much movement in your career?

3 MICHAEL SHERLOCK: I started here in
4 Nevada in Lyon County and it wasn't exciting for me.
5 And I actually grew up in Orange County, so I moved
6 back down to Orange County. Worked for Garden
7 Grove. Great place. Great police department, but I
8 had a son up here and I was driving back and forth
9 from Orange County to Yerington, actually. And had
10 an opportunity in Roseville. It was a growing
11 department. I wanted to go to a growing department.
12 And went to Roseville. Had a great time there. I
13 was there 18 years. Something like that.

14 After that, I went to law school. I, you
15 know, when you go to law school and I -- and I got
16 my law degree and I passed the bar. To be honest
17 with you, I thought I could go be an attorney. And
18 I quickly found out that I'm not a good attorney.
19 I'm a good cop, but I'm not a good attorney. You
20 know, I just couldn't, you know, I just -- I
21 couldn't be the salesman. You know, you have to be
22 a car salesman. If someone doesn't want a trust,
23 I'm not going to browbeat them into, you know,
24 buying a trust from me. So, it just, it was, you
25 know, I tried it a few times.

1 And so I -- a buddy of mine was a chief in
2 small agency in Lincoln. I went over, started a new
3 unit for him. Actually, ran the Operations Division
4 and started a narcotics unit and a gang unit for
5 him.

6 I ended up moving to Nevada and had an
7 opportunity to run Boat Patrol in -- in -- in
8 Truckee. Thought it would be fun in a -- in a, you
9 know, resort tourist town. And I went up there, and
10 was a sergeant up there, ran their Boat Patrol in
11 the summer and played in the snow in the winter till
12 I got tired of driving up. That's it.

13 RON PIERINI: Let me ask you a personal
14 question. You've got a lot of side jobs. Why?

15 MICHAEL SHERLOCK: You know, I worked
16 narcotics most of my career. I worked 60, 70 hours
17 a week. I am a workaholic. But let me be clear
18 about this. You know, I don't have a law firm. And
19 when I say in the last meeting, you know, I'm an
20 attorney and my -- my authorization is attorney
21 work. Look, I do a couple of divorce decrees a
22 year, maybe, for buddies, and I've done a trust.
23 And so, it's -- really was nothing.

24 Legislative Police, I've worked -- I think
25 I worked two Saturdays this Session. Something like

1 that. I take that back. Maybe more. To get some
2 training in the beginning. So as I've gotten older,
3 I've cut back on that. I'm not such a work --
4 workaholic. But other -- I want you to be
5 comfortable. The NRS is clear. I cannot have
6 outside employment for profit as an Executive
7 Director without your permission. I will have no
8 outside employment if I'm appointed. And I don't
9 foresee coming to ask you for permission. I want to
10 see what this job entails. I have no desire anymore
11 to work 20 hours a day. And that's basically it.

12 RON PIERINI: So if you were Director, how
13 long you going to stay?

14 MICHAEL SHERLOCK: I'd like to -- I will
15 commit, for sure, five years. I'd like to probably
16 stay eight. And then, I -- I can tell you this, I
17 want to be honest, I'm not going to be Dick Clark.
18 I -- there's no way I'm to going to work until I'm
19 70. It's -- it's just not going to happen. It's
20 not my long-term plan. But I think in five years,
21 probably eight years, we can accomplish quite a bit
22 as far as my long-term goals. And it, you know, who
23 knows from there, but?

24 RON PIERINI: Any other questions? Okay.
25 I think we're on Number 5, right? Six? Okay.

1 SCOTT JOHNSTON: Six.

2 RON PIERINI: Six, I mean.

3 SCOTT JOHNSTON: Question 6. Presently,
4 POST will not honor training towards POST
5 Intermediate, Advanced, Management or Executive
6 Certificates that is not POST certified including
7 FBI National Academy, Southwest Command College,
8 National Sheriffs Institute or International
9 Association of Chiefs of Police. Would you consider
10 revisiting this issue and addressing it? If so, how
11 would you address it?

12 MICHAEL SHERLOCK: You guys want me to
13 make you mad. I mean, we get this a lot. I see
14 Northwestern is not on here because we do have them
15 now. You know, a couple things. We talked about
16 relevance, right? And here's the problem for us.
17 It's not unusual for us to have people go to Utah or
18 Arizona or California or Idaho and go to training.
19 And then, they want to use that training for a
20 Nevada POST Intermediate. If we're going to, you
21 know, increase our relevance and increase the
22 knowledge of POST and the purpose of POST, I was for
23 that -- having it only POST certified. Now, but
24 understand, that all of these can easily get their
25 program certified with us. I mean, every one of

1 them easily meets our minimum requirement. And so,
2 what we've been doing is when someone calls us, we -
3 - we've been say, "Look, you have -- you have a
4 contact at Northwester," I use them because we have
5 them now. You know, "Can you call them? Have them
6 call us. We will walk them through the process."

7 We can easily get these -- these classes POST
8 certified. And many of them want to be POST
9 certified. They're just a little bit confused on
10 what our process is. And it's not a tough process.

11 So I don't know that it's -- it's --
12 there's a need to change the policy, there's a need
13 to -- there's more of a need to educate these
14 training providers. Many of them want state
15 certification because it gives them credibility
16 also. So I think we're probably better to -- to try
17 to get those providers educated on how they can get
18 their -- their -- their courses certified than
19 really changing that policy.

20 And part of that is, I know these are good
21 courses, but do we make an exception just for them?
22 And then what happens when -- when a private vendor
23 in Utah says, well, you know, without us vetting it,
24 there's no way, you know what I'm saying, we can't
25 vet those and allow only some, but not others

1 without causing ourselves problems. So, if that
2 makes sense. And I'll answer any questions. And I
3 know you're mad.

4 RON PIERINI: Okay. How about it? Some
5 Commissioners?

6 RUSSELL PEDERSEN: Russ Pedersen. So
7 you're answer that is no, you won't reconsider it or
8 yes, you would revisit?

9 MICHAEL SHERLOCK: I would revisit it if
10 you can come up with a criteria that doesn't cause
11 us issues that, you know, if you're going to certify
12 this outside of Nevada training, how come you won't
13 certify this outside of Nevada training? And I'll
14 tell you this. I just did a webinar with **IADLEST**
15 and there's a national certification program. And
16 so this may be, you know, a mute point at this
17 point, but they have created a national
18 certification program. They would like every state
19 on board. And so, there may be an opening here for
20 courses like this who do get nationally certified
21 and we accept them through that national
22 certification. So I know that's not clear, but I
23 would accept that. I mean, I would look at that.
24 And we are looking at that even now. And, you know,
25 so from that standpoint, yes.

1 RON PIERINI: Okay. Anyone else? Number
2 7.

3 SCOTT JOHNSTON: Question 7. What process
4 of assessment would you take in order to evaluate
5 and improve Category III Peace Officer Training
6 requirements?

7 MICHAEL SHERLOCK: Well, and as you know,
8 Cat III right now I don't think has anything to do
9 with PREA, which is a big deal and it should. But
10 what we've done recently, and we are working on this
11 right now is we have asked -- Department of
12 Corrections is helping us now and Metro Detention
13 has -- has offered some help. We are currently
14 looking at our Cat III performance objectives.
15 We've -- we've known there's a problem. The
16 performance objectives refers to case law that's not
17 even out there any more. So we're trying to use
18 experts from -- from Department of Corrections to
19 help us update those performance objectives and move
20 forward from there. And we are actually working on
21 that right now.

22 RON PIERINI: Mr. Cox.

23 GREG COX: Yeah, Mr. Chairman. I would
24 certainly appreciate that Mr. Sherlock and, you
25 know, and I know your staff and my staff -- I've

1 advised my staff to continue to work with you. I
2 know that we've worked with various sheriffs and
3 others in other counties in regards to PREA.
4 Certainly, it's one of our concerns, I think, just
5 for the knowledge of the (inaudible) the Commission.
6 You've done a very good job. You've been in
7 compliance. We just recently had some more audits
8 and haven't got the formal report back, but they do
9 look good for our institutions in Nevada. So, I
10 think we're ahead of that game, and, certainly, want
11 to help POST any way we can making Category III
12 training the best we can make it.

13 MICHAEL SHERLOCK: And you are, by the
14 way. They -- we are working with your staff and
15 creating at least performance objectives.

16 RON PIERINI: Okay.

17 TROY TANNER: Yeah. Troy Tanner. Hey, I
18 agree, POST should lead the way and be one of the
19 academies that pass some things down to, say, the
20 south, for example, and other academies. What are
21 some of the ways on the Cat I side of it? You
22 talked about your improve and change. Can you give
23 us some examples what you're going to do different
24 than what's going on right now?

25 MICHAEL SHERLOCK: Wow. There's a lot,

1 Chief. But, you know, me -- for me, it's more
2 philosophical. But one of the ways is -- and
3 understand at our academy, they are not our
4 employees. Right? We -- we have cadets and
5 recruits that are coming from the agencies, rural
6 agencies primarily, but also state agencies. So,
7 there is some issues with that. There's no doubt
8 about.

9 But just to give you a big over bill --
10 overview, standards and objectives and policies will
11 be looked at and they will be adhered to. And
12 violation of policy and standards will result in
13 action. We need to have a close working
14 relationship with those agencies that send people to
15 us, but they have to understand that the integrity
16 of the academy is the most important thing. So
17 we'll have rules and they'll be followed.

18 I don't want to go into specific as far as
19 staff or anything like that, but philosophically,
20 there will be standards and -- and policies will be
21 adhered to.

22 TROY TANNER: One more follow-up question.
23 So are you going to -- I know it all costs money, of
24 course, and the budget is not that great this year,
25 but are you going to work on any more comparable --

1 you said the south, for example. Most academies
2 down there are 20 weeks. We're -- we're down to 12
3 or 13 weeks here. We have all these new problems --

4 MICHAEL SHERLOCK: Right.

5 TROY TANNER: -- you know, across the
6 nation --

7 MICHAEL SHERLOCK: Right.

8 TROY TANNER: -- with different things we
9 haven't dealt with in the past. We keep doing the
10 same thing over and over again. But everything is
11 changing in law enforcement constantly.

12 MICHAEL SHERLOCK: Right. Right. From a
13 budget standpoint, which you know, we're -- we're --
14 it's set, that's difficult proposition, no doubt
15 about it, but as far as increasing the length of the
16 academy. So, I, you know, I'd have to look at that.

17 TROY TANNER: Yeah, the quality and
18 quantity of training.

19 MICHAEL SHERLOCK: And I don't know if
20 that can -- right. I'm hopeful for another training
21 specialist will -- will help us. And we'll see how
22 it goes there.

23 RON PIERINI: Anyone else?

24 DAN WATTS: Dan Watts for the record.

25 Instructors within the Academy that are volunteering

1 and coming in, I've been -- we see that a lot of
2 them are not coming back. There's some issues
3 there. What can we do to address that?

4 MICHAEL SHERLOCK: Well, a couple things.
5 And I think that's a big problem and I will talk
6 about that a little bit. I don't want, you know,
7 there's an issue with buy-in. But, you know, tact
8 staff should not teach academic subjects in an
9 academy. Our problem is -- and part of it is
10 budgets for agencies that help us, too. So, don't
11 misunderstand me, and being able to free up some
12 instructors and that kind of thing.

13 But I would like to see, again, the
14 Academy Commander to meet with all the agencies that
15 we serve and determine what expertise they may have
16 within their agency and who can teach. And if
17 there's a reason that they don't want to teach, I
18 want to know about it. Why are they not teaching?

19 You know, and again, from my -- my
20 perspective, people don't call us. We do our
21 surveys at the end of the Academy, nobody complains,
22 nobody says anything. But then they call me
23 afterwards, you know. Or -- or they call someone on
24 staff. You know, we need that feedback if we are to
25 make any changes in that academy. We need people to

1 stand up and tell us where do you think we should
2 improve, what are the issues and that kind of thing.
3 I mean, it's a two-way street. It is a concern. We
4 have lost most of our -- most -- we've lost a lot of
5 our instructors for a variety of reasons and we will
6 work on bringing agency experts, where we can, back
7 in to teach. We want them.

8 RON PIERINI: Okay.

9 GREG COX: Mr. Chairman, Greg Cox for the
10 record. There was some testimony -- prior testimony
11 on vacancies. I'm kind of concerned. I think you
12 had five; is that correct? And what are your plans
13 or what do you -- why do we have so many vacancies
14 and what are your plans to fill those vacancies?
15 And if there are issues that we can help you with,
16 you know, certainly, I think we would like to know.
17 I think five vacancies for -- for POST is
18 significant.

19 MICHAEL SHERLOCK: It is significant.

20 GREG COX: And certainly -- and it
21 certainly impacts the other agencies, too, that are
22 providing assistance to your help. So.

23 MICHAEL SHERLOCK: Well, you could help us
24 make POST pers exam. That would help us a lot. But
25 beyond that, first of all, understand our vacancies.

1 We had two retirements in June to -- to mid-June.
2 So it really hasn't been that long. We're talking
3 about one month. We had -- we advertised. And --
4 and, frankly, and I think Mr. Bunting mentioned that
5 we are doing interviews on Tuesday. Potentially --
6 potentially, three of those positions will be filled
7 by that testing Tuesday. They are all training
8 specialist positions. So that, you know, skews the
9 numbers a little bit.

10 The other issue is that, well, frankly,
11 we've -- we've been in limbo a little bit, clearly,
12 with the -- with the budget, what's going on and all
13 that kind of thing.

14 The other positions are -- are internal
15 promotion positions. We have sent that out and so
16 we can post that and those should be filled fairly
17 quickly. So. There's just circumstances, It
18 doesn't happen usually like that.

19 RUSSELL PEDERSEN: Russ Pedersen. Follow-
20 up. And maybe I misunderstood you. You said
21 there's two positions that are promotional
22 positions. And your original -- you were talking
23 about readdressing the org charts. So if you're
24 offered this position, will those two positions be
25 frozen so you -- you're not --

1 MICHAEL SHERLOCK: No.

2 RUSS PEDERSEN: -- top heavy if you want
3 to call it that?

4 MICHAEL SHERLOCK: Well, no. And let me
5 be clear, what we're talking about that AA position
6 is an administrative assistant position, so moving
7 from one to a higher -- internally. That's what
8 those are.

9 RUSS PEDERSEN: Okay.

10 MICHAEL SHERLOCK: And the other ones are
11 training specialists.

12 RON PIERINI: Number 8.

13 SCOTT JOHNSTON: Question 8. What role do
14 you believe POST should play in addressing
15 significant challenges facing law enforcement
16 related to use of force, allegations of racial bias
17 and community relations?

18 MICHAEL SHERLOCK: Well, first let me --
19 let me tell you that I read the latest consent
20 decree, which I'm sure some of you have also out of
21 Cleveland, 155 pages, but it reads like most of
22 them. Pretty much the same thing, right? Whether
23 it's New Orleans, L.A., Cleveland. What that
24 consent -- consent decree forces Cleveland to do is
25 have training on community relations, training on

1 use of force issues with people that are handcuffed,
2 shooting at or from moving vehicles, and you
3 probably know that one was Cleveland's issue in the
4 beginning. Even though they did have a policy on
5 that, by the way. Tracking, use of force and having
6 use of force review boards. That's always a big
7 issue. And I thought the interesting one as far as
8 Cleveland was requirement that they increase their
9 budgeting and investment in technology. And if you
10 look deeper in that, they're specifically talking
11 about MDTs or MDCs in -- in their patrol vehicles
12 and that kind of thing. So I thought that was
13 interesting.

14 But what can we do in Nevada to maybe
15 preempt that and prevent problems? Again, I think
16 that having the ability to increase that -- that
17 training specialist number gives us some flexibility
18 that we can have people working with experts across
19 the state on those specific issues and preempt this.
20 Maybe create training that we know DOJ and the Civil
21 Rights Division always include in their consent
22 decrees. So that would be one area that I would
23 look at in those terms.

24 Again, looking to IADLEST on their
25 national certification. One -- one interesting part

1 about their standards for certification courses is
2 determining whether or not that training has any --
3 or is what's called bias-free training. And so, I
4 would look at that. And again, trying to keep us
5 ahead of the -- ahead of the game and out of the
6 crosshairs.

7 And, finally, and I know I spoke about
8 this earlier and that I would bring it up. But
9 nationally right now -- national news services are
10 doing a big story on POST regulations. I know Mr.
11 Bunting has talked to them. I've talked to the AP,
12 they did a public records access request from us.
13 That -- that is still coming. And what -- what this
14 news story is about is how do we revoke
15 certification? How are peace officers revoked? And
16 I can tell you that the tact of that continues and
17 is that if you require a criminal conviction for
18 revocation, they are going -- that's going to put a
19 spotlight on us. I mean, that's just the way it is.
20 From their standpoint. So, it may be something that
21 in the future we may want to look at because it's
22 coming. You know, at least the media is on it. And
23 again, in an attempt to keep us out of the national
24 spotlight and all that -- that kind of thing. So.
25 It may -- it may be that we want to look at that

1 regulation in terms of revocation and make sure
2 we're good there. Without, you know, any analysis
3 at this point, I'm just saying the media is looking
4 at that right now. So.

5 RON PIERINI: Any questions? The word
6 culture of an organization that does all these bad
7 things. How do you change culture?

8 MICHAEL SHERLOCK: Well, first -- first,
9 let me -- I want to say I don't think POST does bad
10 things. I -- I --

11 RON PIERINI: Not talking about POST.

12 MICHAEL SHERLOCK: Oh, okay.

13 RON PIERINI: I'm talking about law
14 enforcement.

15 MICHAEL SHERLOCK: Well, revocation
16 regulations, one. I have always had a problem with
17 -- or, you know, I'd like to see us be able to
18 revoke where we can in terms of culture. I think
19 that from -- from an organizational standpoint in
20 changing that culture, at least what POST can do,
21 is, again, do these things that we've already talked
22 about today. You know, look at the national
23 certification. What are they doing? Provide that
24 training that we know is relevant and increases
25 professionalism. And I got to tell you, I mean, I

1 see it from the Academy level, those Academy
2 recruits need to know from day one what Brady is.
3 And we need to do a better job of -- of -- of
4 getting that across, I think, from the start.

5 And backgrounds. We've got to ensure that
6 our agencies are doing at least what's required
7 under the NAC in terms of backgrounds. And again,
8 if we're able to create that PAM manual, just to
9 talk a little bit about backgrounds, what I'd like
10 to do is have it clear. We are authorized to
11 inspect backgrounds. We don't because too often
12 agencies have prohibitive material in their
13 backgrounds that we can't look at. So, with the PAM
14 manual, we'll be able to instruct agencies on how to
15 create their backgrounds that will allow us for
16 inspection to ensure that they're meeting the
17 requirements under NACs. So, that's what I would
18 say.

19 RON PIERINI: Okay. Anybody else have a
20 question? Okay. And now we're at Number 9 and that
21 is for any additional questions by the Commission.
22 Anybody want to make any question or you okay?

23 RUSSELL PEDERSEN: Russ Pedersen here. So
24 during this process, there was a lot of -- I'm going
25 to call it mudslinging back and forth between -- and

1 I'm going to say the camps. And camp, what I mean
2 could be family members, could be relatives, it
3 could be just concerned citizens who took interest
4 in the process.

5 During that, though, I would say there
6 were questions or concerns on, from both sides of
7 issues. You know, one, it's a two-part question.
8 One, do you feel that you ethically held to a high
9 standard during this process? And two, how do you
10 plan on overcoming, because I do believe both sides
11 if Finn was still a candidate, if he didn't pull
12 back, you know, how are you going to manage that
13 with not only staff, but with concerned citizens and
14 did we hire the -- or did we offer the position to
15 the right candidate? So how do you overcome?

16 MICHAEL SHERLOCK: Two things. Well,
17 first of all, I'm fairly certain I have full support
18 of Staff, and I know there's some question or
19 something on that, but -- so I'm not concerned with
20 that.

21 As far as the, you know, allegations, it's
22 tough. I have never worked anywhere during the day
23 other than POST. So I don't even know how to
24 address that. I, you know, if, you know, I taught
25 at the Academy and I taught criminal law classes.

1 So I'm not real -- real sure on -- on how to address
2 this. You know, without being defensive. I didn't
3 do anything wrong. I don't know what to say. You
4 know. It is what it is.

5 As far as the public is concerned, you
6 know, at least in the law enforcement community in
7 terms of our public, everyone has been very
8 supportive -- supportive of me.

9 And as far as my ethics during this
10 process, I can tell that my wife didn't write a
11 thing because she wouldn't. You know, I didn't
12 write one thing. My sister-in-law did. In fact, if
13 she would have come to me first, I would have told
14 her to mail each of you that -- the letter that she
15 wrote. But she didn't tell me till after the fact.
16 Did she mail it to the Governor because she, you
17 know, she had a statement she wanted to make. I
18 don't know.

19 So, I feel very comfortable that, from an
20 ethical standpoint, I kept to the high road.

21 RUSS PEDERSEN: Thank you.

22 RON PIERINI: Any other questions? Okay,
23 what I'm going to do now is ask the public. So why
24 don't you go ahead and sit down over here? And you
25 may have to be called back up to answer a question

1 or two. I'm not sure. So I'm reaching out to the
2 public here in this room. Is there anybody that
3 would like to make any comment? Please. You have
4 to come up here, please, and say your name and --

5 GREG BENALAK: My name is Greg Benalak
6 (phonetic). I have 31 years experience in law
7 enforcement. I have a master's degree. I just want
8 to let you to know you're not talking to some idiot
9 here.

10 Mr. Sherlock was talking about funding. I
11 believe there -- there is money out there for POST
12 with the national, you know, spotlight is on the use
13 of force, community relations, use of force, the
14 Cleveland study I'm sure you're familiar with.
15 There is money out there. There is going to be
16 money out there. If POST did have a grant writer,
17 there are grants that POST can get for training --
18 for this type of training. There are grants that
19 the individual law enforcement agencies can get for
20 this type of training. So there is money out there
21 and there is going to be more money out there in
22 reference to this type of training.

23 I mean, the law enforcement culture has
24 changed. I mean, from when you -- everybody sitting
25 here, including myself, when we were young officers,

1 there's things we did and we had a great time that
2 we kind of think back now and go hmm, that wouldn't
3 fly these days. Not at all. So the culture of law
4 enforcement has to be changed.

5 I'm thinking maybe in the Academy there
6 should be a class about the culture of law
7 enforcement and how the law enforcement has to
8 change in order to fit the problems and the issues
9 these days, you know, facing law enforcement. That
10 would be a good course. If not in the Academy,
11 maybe in advanced officer training.

12 As far as lesson plans, I know that was
13 hit on in relationship to performance objectives.
14 In POST, lesson plans are commensurate with the
15 performance objectives, however, they need to be in
16 more detail. I hate to bring up California.
17 California does this or does that. Well, they have
18 volumes and volumes of their lesson plans, which are
19 commensurate with performance objectives. I
20 attended an instructor development course. It was a
21 very, very intense course, in order to get just a
22 certificate. And you cannot delineate from
23 anything. They will take you into a room with
24 volumes of performance objectives that have to be
25 commensurate with their lessons plans.

1 As far as advanced officer training, I
2 would like to see POST get more involved, take more
3 of an active role in advanced officer training. I'm
4 not sure what the requirements are for your
5 departments, whether they have to do a certain
6 amount of hours a year. Again, this advanced
7 officer training should be required, but it also
8 should go towards your POST certificate, too;
9 towards your POST certification.

10 Cultivating instructors. I was able to
11 work with some of the instructors from Douglas
12 County. Tell you what, I was impressed. When I --
13 I briefly worked at POST as a training officer and I
14 was impressed with the guys from Douglas County.
15 They were great trainers. Very thorough, very
16 personable with the Academy recruits. And my
17 compliments to Douglas County.

18 I just want to close, you know. There was
19 a lot of mudslinging. I was rather appalled, being
20 an outsider and looking in. Sometimes you have to
21 go on the defense when situations like this occur.
22 And I'd like to say one thing. Mr. Sherlock has two
23 three-year-old daughters, they're going to be going
24 to college so I believe he's going to be at POST
25 longer than five to eight years to put his kids

1 through college. So. Thank you very much for
2 letting me speak.

3 RON PIERINI: Thank you. Anybody else in
4 the audience would like to talk? Okay. We're going
5 to -- seeing none, we're going to move on, then, to
6 discussion from the Commissioners. If you wish, you
7 can tell us what you feel.

8 RUSSELL PEDERSEN: Russ Pedersen here. My
9 only concern moving forward here is to make sure
10 that we have addressed any issues or all the issues
11 have been addressed. There's, again, I'm not
12 calling it mudslinging. There's been quite a few
13 allegations made. I don't know if all those
14 allegations have been investigated all the way
15 through. I know we had some closure here today. I
16 know there's been some public information requests
17 that -- that may or may not have been addressed in -
18 - in these various documents that have been provided
19 to us. So at the end of the day, I just want to --
20 and this has nothing to do with Mr. Sherlock, I just
21 want to make sure before we appoint somebody, if it
22 is him or it is not, and we go back out and retest,
23 is that have we addressed everything? Because at
24 the end of the day, you know, this Commission has to
25 answer for it. We have to answer to the Governor.

1 We have to make sure it's defensible. I want to
2 make sure that we have addressed all these concerns.
3 And I don't know if we have yet or not in these
4 documents.

5 RON PIERINI: I don't know if it's fair to
6 ask Mr. Jensen this, but what are you -- what's your
7 feeling on that? Have we done everything we
8 possibly could?

9 MICHAEL JENSEN: Yeah, it's probably not
10 fair. I think probably you'd have to talk to POST
11 staff in terms of responding to -- to public records
12 requests. I know there were a number of questions
13 about whether documents that have been requested had
14 been provided. And I have -- I can say that I have
15 advised and worked with POST staff on that, but
16 they'd be probably more appropriate ones to talk
17 about that.

18 In terms of individual allegations made in
19 all of these documents, it would be pretty difficult
20 to go out and investigate every allegation that was
21 thrown out in the course of those documents. I --
22 the document that I brought to -- to your attention
23 this morning was one that was provided by the
24 Attorney General's Office this morning was with
25 regard to one of those allegations that was

1 submitted by a member of the public to the Attorney
2 General's Office and I'll say on the record I wasn't
3 involved at all in that process of looking at that
4 allegation. But I can say that they have responded
5 from the Attorney General's Office to that one
6 particular allegation, which had to do with, I think
7 had to do with secondary employment and whether or
8 not there was any kind of a criminal element to --
9 to that. And they responded that they weren't going
10 to -- to go forward with the investigation I think
11 is -- I don't want to paraphrase the letter. The
12 letter speaks for itself, but they've responded to -
13 - my office has responded to that.

14 RON PIERINI: Thank you.

15 TIM BUNTING: I can address the public
16 records request. Excuse me. Tim Bunting for the
17 record. We had one public records request from
18 Joseph Kraniak (phonetic) of Boulder City. We
19 provided all the information that he asked for. The
20 last thing we did was, for those who are in state
21 service, we fall under the Enterprise Information
22 Technology Service. And we went through them to
23 have them search their database for e-mails. They
24 came up with 21 e-mails that were between the
25 Chairman and myself dealing with bagpiper updates

1 and pretty -- everything had nothing to do with what
2 he was looking for. He was looking for e-mail and
3 any memos between or about Mr. Sherlock's outside
4 employment.

5 So we had to mail that to him because
6 every time we sent it to him, it went out encrypted
7 because there were numbers in the subject line and
8 we couldn't -- Kathy Floyd, my executive assistant,
9 was not able to talk him through how to get the free
10 software to open up the e-mails. He just didn't
11 have that capability. So we have provided
12 everything that they have asked for. And then some.
13 We try to be cooperative. He is not the most easy
14 individual to work with. So. But we gave him what
15 he wanted.

16 RUSSELL PEDERSEN: Thank you. Russ
17 Pedersen. I just want to, you know, and I
18 appreciate that. Thank you. I just want to make
19 sure that, A, if Mr. Sherlock is offered the
20 position, that we set him up on the right path as
21 well as I think we owe it to all the POST -- members
22 of POST that -- that we start everyone on the right
23 foot and we move forward and not continue to review
24 past issues, allegations, etcetera, etcetera. So.
25 Appreciate it. I just, again, I just want to make

1 sure that we, to the best of our ability, that we've
2 addressed these issues. No one has a crystal ball,
3 but that we've done our due diligence as we --
4 should we make a motion.

5 RON PIERINI: Okay. Thanks, Russ. Dan,
6 would you like to say anything?

7 DAN WATTS: Yeah. Yeah, I'd like to put
8 on the record that --

9 RON PIERINI: Is that Dale?

10 DALE LIEBHERR: Dale Liebherr. But when
11 the complaint was submitted by Mr. Kraniak, it was
12 submitted to my office. As being part of this
13 Commission, I immediately discover -- you know,
14 determined it was -- I wanted a conflict out on that
15 investigation. So I did relinquish that to another
16 part of my office. So I was not involved in any
17 type of that investigation and I don't know what
18 occurred. Today was the first time I saw this
19 letter. I stayed out of that. So I just wanted to
20 put that on the record.

21 RON PIERINI: Okay. Mr. Watts, would you
22 like to say anything? Go ahead.

23 GREG COX: Mr. Chairman.

24 RON PIERINI: Yeah.

25 GREG COX: Greg Cox for the record. Are

1 there any outstanding public information requests
2 that we -- that you haven't responded to?

3 TIM BUNTING: Tim Bunting for the record.
4 No. There is -- there are none. The last thing we
5 had, like I said, we had to send him the -- the CD
6 disk that EITS provided us was what they gave us and
7 he just could not open it, so we just mailed it to
8 him this morning.

9 RON PIERINI: Thank you. Chief, anything?

10 UNIDENTIFIED SPEAKER: I don't have any
11 comments.

12 RON PIERINI: Okay. So, what we have to
13 do is decide today -- is there somebody going to
14 make a motion on where we're going?

15 RUSSELL PEDERSEN: Russ Pedersen. From a
16 defendable and human resource, really, question, do
17 we make that motion now or do we wait and -- and
18 determine that there are no other issues,
19 outstanding issues, and then move forward? Not that
20 we want to delay this any longer than it has been,
21 but you know, from a defendable position from the
22 State, is there any justification to postpone to see
23 what other issues may arise?

24 RON PIERINI: Well, if I could, I don't
25 know if I'm saying this right.

1 RUSSELL PEDERSEN: Nor am I.

2 RON PIERINI: So, you know, we have been
3 working this, as I mentioned earlier, about eight or
4 nine months. We've been getting some kind of
5 information that come to us, some of it doesn't --
6 is relevant of what we can even do with it. You
7 know, we -- we've got to make a decision whether or
8 not we're going to -- to go ahead with Mr. Sherlock
9 or we're going to go ahead and -- and you have the
10 option, obviously, to say that -- that we're going
11 to have to look in the future for other ways to do
12 this. But I think that we've -- we've gone long
13 enough. I'm going to tell you, the resources that
14 we've put into this, the time we've put into it, the
15 hard work, everything else. It's got to come to an
16 end one way or another. I'm not suggesting that you
17 should say Sherlock or nothing. It is whatever you
18 want to do, that's what we should really do.
19 Because you know what, as these letters come in,
20 most of them are -- are something you can't follow
21 on. And I don't think that we have the resources to
22 do so or the time. So what I -- I'm looking at is
23 that -- that we should -- we should try to come up
24 with something today in which direction we're going
25 to go.

1 RUSSELL PEDERSEN: Russ Pedersen, again.
2 Based off the interview process both back in May, I
3 believe it was, and the interview process today, I
4 do believe we have a candidate in front of us that
5 is -- that meets the requirements who is -- who has
6 a desire to be the Director and -- and so I will
7 make a motion to approve his appoint -- or I guess
8 that's the wrong -- or recommend the appointment of
9 -- of Mr. Sherlock to the POST Director position.

10 RON PIERINI: If I could clarify, it's
11 going to be an appointment.

12 RUSSELL PEDERSEN: Or, appointment.
13 Sorry. Thank you.

14 RON PIERINI: So, if we go forward with
15 that and that's done, it's an appointment. However,
16 I feel I have the -- I'm just talking out loud. I
17 don't know if this is the right time to do it. But
18 I think as respect to our Governor, that I will,
19 then, if that was happening, if we do vote for that,
20 then I would go see the Governor and say this is who
21 we selected. Even though the statute says we can, I
22 want to make sure that we did everything thorough
23 with him and he's okay with it. So that's just my
24 opinion.

25 So we have a motion.

1 RUSSELL PEDERSEN: And I will be happy to
2 amend that to include that -- that the final
3 approval process will be after discussion with the -
4 - with Governor Sandoval.

5 TIM BUNTING: It's not, though. The
6 Commission -- excuse me. Tim Bunting for the
7 record. Read the NRS. This Commission is the --
8 the body that appoints the Executive Director. What
9 Sheriff Pierini is talking about is he's just
10 telling he Governor who got appointed. The Governor
11 didn't --

12 RON PIERINI: Yeah, we're going to --
13 exactly right, Tim. What I want to do is to inform
14 him on that. Obviously, he's the head of the
15 Executive Director, of everything in the state, so I
16 mean, he can always change his way. All right? So,
17 I'm just trying to be -- courtesy towards the
18 Governor of the State Nevada. And I don't --- I
19 don't see that being a problem. Whatever. That's
20 what we're going to do.

21 TROY TANNNER: Troy Tanner. I'll -- I'll
22 do a second and then second -- I just have one more
23 thing of -- I'm not trying to mess up your motion,
24 but --

25 UNIDENTIFIED SPEAKER: No, no, it's good.

1 TROY TANNER: Can we -- can we put in
2 there that, some of the things that Mr. Sherlock
3 talked about today, that we visit that in one year
4 from now to make sure we're going in that direction?
5 I read this clearly, too, when it was provided to us
6 on the Executive Director position NRS 289.520. And
7 it says, of course, may be removed by the Commission
8 by a majority vote with its members anytime for
9 cause. I'd just like to have some kind of direction
10 feature rather than say go with it and we'll see you
11 in 15 years. So -- or five years or eight years,
12 whatever it is. So some of the things he talked
13 about, maybe put those down as goals. And, like, a
14 lot of our departments do is department heads is
15 come up with a yearly plan of goals and objectives
16 instead of in the past, we haven't really been
17 involved in that. And so, like we talk about,
18 people are -- it's on our watch right now. So I
19 just want to hold whoever it is, which would be
20 Sherlock, more accountable in the future just so we
21 know what's going on and we agree with the direction
22 POST is going. So -- because there's a lot of
23 things we heard during this process we all talked
24 about. I've heard more than I've ever known about
25 POST in over 20-something years now in this last few

1 months. Of things I hear, I don't know what's true,
2 what's not, but I'd like our involvement to be a
3 little more than it's been in the past. If my name
4 is going to be on it.

5 RON PIERINI: I appreciate that, Chief. I
6 think that's a good idea. Clair.

7 CLAIR MORRIS: Clair Morris for the
8 record. I think that's important we do that.
9 (Inaudible) being chief of police pretty -- pretty
10 (inaudible) time. You know, you go before the city
11 council on a yearly basis to evaluate your job for
12 the past year. I think that's important. I think
13 Mr. Sherlock has answered a lot of our questions and
14 concerns and we're satisfied, but we just want to
15 make sure that he follows through with what he --
16 what he said he's going to do.

17 I used to joke with the Sheriff that, you
18 know, he has to run for election every four years.
19 I had to run for city council every other Tuesday.
20 So, you know, you got to -- you got to make sure
21 that, you know, that we hold him accountable for
22 what -- what he said he's going to do.

23 RON PIERINI: Okay. Thank you. Anyone
24 else like to make a comment?

25 DALE LIEBHERR: Dale Liebherr for the

1 record. Is it a possibility that we can have Mr.
2 Sherlock come up with performance objectives for the
3 next year, what he wants to attain or his goal for
4 the next year in writing?

5 TROY TANNER: Troy Tanner. I think that's
6 a great idea. And like we just talked about, maybe
7 have our ideas written down when we (inaudible) that
8 meeting and bring those there also and implement
9 those as our short-term, long-term goals. You know,
10 and then he report how he -- the progress on those,
11 but I think all of us have a lot of great ideas,
12 too, and understand not what's just going on
13 nationally, but all the laws changing, too, just to
14 stay up to date and also feel good about what's
15 going on at POST to make sure it is the academy one
16 is looking to, like he talked about. You know, I'm
17 excited for that -- to look that direction for help
18 rather than say staffing is low, can't do it, budget
19 is bad, you know, on and on. It needs to be the
20 leader.

21 You know, I had some conversations with
22 Gary when I first came on this board. He's not here
23 today, but talked about that should be the leader.
24 You know, there's a leader, they're Nevada POST. We
25 should all support them and that a lot of discussion

1 coming out of there that doesn't right now. And
2 that, you know, there's many reasons, I'm sure, but
3 we should help work on that like the Sheriff talked
4 about -- the Chair, he talked about it the other day
5 in our Chiefs' meeting about more support for POST.

6 RON PIERINI: I think one of the things
7 that we could do and maybe we could put that down,
8 Scott, is our next meeting and, Tim, if you would.
9 And what we should do is to have a workshop and to
10 be able to discuss that and talk about it and see
11 what kind of goals that we want to do. So if we
12 could, I don't know when the next meeting, we'll
13 talk about that shortly. But what the point of it
14 is is that maybe we could have a workshop for a
15 couple of hours maybe, and we could discuss the
16 things that we would like to have done.

17 So, okay, does anybody else have any more
18 comments? I think we're okay on the -- on the
19 public end of it, Mike, huh? I think we've gone
20 through that.

21 So we've got a motion, we have a second
22 and I want to ask are you in favor? Say, "Aye."

23 COMMISSIONERS: Aye.

24 RON PIERINI: Anyone opposed?

25 Congratulations. Well, after our workshop, you

1 might be running out the door. All right. Thank
2 you. We're going to public comments. If there's
3 anybody else in the audience that would like to make
4 a comment of any item or any topic that wasn't
5 discussed on our agenda. Sir.

6 GREG BENALAK: Very briefly. Greg Benalak
7 again. I just want to say this is -- this is great.
8 The points that Troy brought up with bringing the
9 POST Commission with POST more communication, more
10 training objectives, you know, as a collective
11 together. This is awesome. This is a revelation.
12 And I think this is going to be a new age with
13 training and the State of Nevada to make Nevada POST
14 number one, but we can't do it without a collective
15 with all you guys helping out. You guys were
16 appointed to your positions because you're above
17 everybody else in your departments. Everybody is
18 looking at you to, as leaders, and I think it's
19 going to work out great.

20 RON PIERINI: Thank you very much. Anyone
21 else like to make a comment? Okay, going onto
22 Number 13. As it stands right now, Tim Bunting,
23 what are we doing as far maybe the next one? Okay,
24 we have anything that's coming up ahead that we need
25 to --

1 TIM BUNTING: Tim Bunting for the record.
2 The only thing we have is NAC change and the
3 workshop you just mentioned. So. We cleaned up all
4 the revocations or most of it. There's still at
5 least one more revocation. So.

6 RON PIERINI: Okay, because I think the
7 only thing that we have with the Sheriffs and Chiefs
8 I believe, Bob, I think, the only one we're going to
9 be doing for -- would be November. So is that, you
10 know, that's when we're going to have -- you're
11 going to have another Sheriffs and Chiefs meeting is
12 on November 2 with Sheriffs and Chiefs, right?

13 BOB ROSHAK: Bob Roshak for the record.
14 That's correct.

15 RON PIERINI: And you don't have one
16 coming up earlier than that.

17 BOB ROSHAK: There's none scheduled until
18 the November meeting.

19 RON PIERINI: Okay. So would it be fair
20 for everybody here -- thank you, Bob, I appreciate
21 it.

22 BOB ROSHAK: I do have a question.

23 RON PIERINI: Yes.

24 BOB ROSHAK: If you are intending on
25 having a POST meeting, I'll need to know because

1 sometimes you did some, sometimes you didn't and we
2 have to make arrangements with the Palace Station to
3 get that room and space for you.

4 RON PIERINI: Okay. Well, the staff will
5 take care of that.

6 BOB ROSHAK: Thank you.

7 RON PIERINI: I would think we probably --
8 we could probably last unless there's an emergency
9 that happens that we need to discuss to kind of deal
10 with. I think our next meeting, even though it's a
11 long ways away, but I think we'll do it on that
12 November time. If that's okay. But we've still got
13 some work to do on that, so we really -- yes, sir.

14 UNIDENTIFIED SPEAKER: Would it be
15 possible for us to either e-mail our thoughts on the
16 workshop to you and different topic points, so since
17 the meeting is not till November, that maybe some
18 research can be done and so we can have a more, you
19 know, distinct discussion during that workshop or to
20 staff? Whatever your direction is.

21 RON PIERINI: I think that, you know,
22 normally, if I could, is that I do have another job.

23 UNIDENTIFIED SPEAKER: Yeah.

24 RON PIERINI: So what I'm saying is --

25 UNIDENTIFIED SPEAKER: Or your designee.

1 RON PIERINI: They handle that.

2 UNIDENTIFIED SPEAKER: Yeah.

3 RON PIERINI: So, you know, you go ahead
4 and put all those down there and then, you know, I
5 would appreciate anything that you would like to
6 send it to them and they can get kind of an idea
7 where we're going.

8 UNIDENTIFIED SPEAKER: Yes, sir.

9 TROY TANNER: Troy Tanner. I have one
10 more comment. Can POST staff put together the dates
11 to make sure it runs in alignment with budgeting, so
12 that -- so, basically, they can come with their
13 ideas, we can have our ideas at that workshop so he
14 has enough time to act on them as a collective unit
15 rather than always falling behind and trying to
16 hurry. So if we can come up with those dates staff
17 could, that would be great for us as far maybe to
18 be, you know, and we'd have that. And then, also,
19 when you guys would have your goals and objectives
20 together maybe ahead of time so we can review those
21 before we come up with ours. That -- that would
22 help.

23 RON PIERINI: Okay. Good thinking. Okay.
24 I wonder if anybody has any problem with Number 14.
25 And that is Discussion, Public Comment and for

1 Possible Action, adjournment? I need a -- I need
2 somebody to say we're ready to go.

3 UNIDENTIFIED SPEAKER: I'm ready.

4 RON PIERINI: All right. We got a first
5 and second. All in favor.

6 COMMISSIONERS: Aye.

7 RON PIERINI: Thank you.

8

9 (MEETING ADJOURNED AT 3:46 p.m.)

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C-E-R-T-I-F-I-C-A-T-I-O-N

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

MICHELE BOYLES
COURT REPORTING SERVICES

8/4/15

DATE