



Nevada Commission on Peace Officer
Standards and Training

POST COMMISSION MEETING
THURSDAY NOVEMBER 4, 2019 – 2:00 PM

SOUTH POINT HOTEL and SPA
NAPA ROOMS C/D AT
9777 S. LAS VEGAS BLVD.
LAS VEGAS, NEVADA 89183



STATE OF NEVADA
COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

5587 Wa Pai Shone Avenue
Carson City, Nevada 89701
(775) 687-7678 FAX (775) 687-4911

STEVE SISOLAK
Governor

MICHAEL D. SHERLOCK
Executive Director

PUBLIC COMMENT HEARING NOTICE: The Commission on Peace Officer Standards and Training ("Commission") will be holding a Public Comment Hearing at 2:00 p.m., on November 4, 2019, at the South Point Hotel and Spa, NAPA Rooms C/D at 9777 S. Las Vegas Blvd. Las Vegas, Nv 89183. The purpose of the hearing is to receive comments from all interested persons regarding the adoption, amendment and repeal of regulations that pertain to Chapter 289 of the Nevada Administrative Code (NAC).

The following information is provided pursuant to the requirements of NRS 233B.0603:

1. The need for and purpose of the proposed regulations.

NRS Chapter 289 authorizes the Commission to adopt regulations setting the minimum standards for the certification, decertification, training and selection of peace officers. See NRS 289.510. The existing regulations authorize the Commission to suspend, refuse or revoke the certificate of a peace officer, if among other circumstances, the peace officer: (1) is convicted of, or pleads guilty, guilty but mentally ill or nolo contendere to a felony or gross misdemeanor; or (2) is convicted of a misdemeanor. If the peace officer is convicted of a misdemeanor and the employing agency recommends the suspension or revocation, existing regulations authorize the Commission to revoke or suspend the certificate of the peace officer. (NAC 289.290).

This regulation authorizes the Commission to suspend or revoke the certificate of the peace officer without a recommendation from the employing agency if the peace officer is convicted of a misdemeanor crime of domestic violence, as defined pursuant to federal law.

2. For a temporary regulation, the terms, or the substance of the regulation to be adopted, amended or repealed, or a description of the subjects and issues involved.

This is a permanent regulation.

3. For a proposed regulation, a statement explaining how to obtain the approved or revised text of the proposed regulation.

The proposed regulation text may be obtained by going to the Register of Administrative Regulations for 2019 and clicking the link: <http://www.leg.state.nv.us/Register/2019Register/R006-19P.pdf>.

The proposed regulation text may be obtained by contacting Scott Johnston at johnston@post.state.nv.us Or by telephone at 775-687-3335.

4. The estimated economic effect of the regulation on the business which it is to regulate and on the public. These must be stated separately and in each case must include:

(a) Both adverse and beneficial effects; and

(1) Adverse effects: None anticipated.

(2) Beneficial effects: The regulation will provide for the revocation of a peace officer's certification for a conviction a Misdemeanor Crime of Domestic Violence as defined by 18 U.S.C. §921(a)(33) without the requirement that the employing agency recommend revocation.

(b) Both immediate and long-term effects:

The immediate effects: The regulation will allow the Commission to suspend or revoke the Basic Certificate for a misdemeanor crime of domestic violence conviction without first obtaining a request from the employing agency.

The long term effects: The regulation will allow the Commission to suspend or revoke the Basic Certificate for a misdemeanor crime of domestic violence conviction without first obtaining a request from the employing agency.

5. The methods used by the agency in determining the impact on a small business.

The Commission on POST has reviewed the text of the proposed regulations. Because the regulation amends Nevada Administrative Code Chapter 289, dealing with decertification, suspension or revocation of the Basic Certificate of peace officers, the proposed amendments to NAC Chapter 289 will have no impact on small business.

6. The estimated cost to the agency for enforcement of the proposed regulation.

The Commission does not project any extra costs for enforcement of the proposed regulations.

7. A description of and citation to any regulations of other states or local governmental agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the proposed regulation overlaps or duplicates a federal regulation, the notice must include the name of the regulating federal agency.

The proposed regulation does not overlap or duplicate any regulations of state, local or federal governmental agency regulating the same activity.

8. If the regulation is required pursuant to federal law, a citation and description of the federal law.

The proposed regulation is not required by federal law. However, federal law does clearly set forth the criteria for domestic violence and this regulation amendment will allow the Commission to take action on misdemeanor domestic violence without a request from the employing agency.

9. If the regulation includes provisions which are more stringent than a federal regulation that regulates the same activity, a summary of such provision.

There are no federal regulations that regulate the same activity.

10. Whether the proposed regulation establishes a new fee or increases an existing fee.

This regulation does not involve or establish fees.

11. For a temporary regulation, each address at which the text of the regulation may be inspected and copied.

This regulation is not a temporary regulation; it is a permanent regulation.

Persons wishing to comment upon the proposed action of the Commission on Peace Officer Standards and Training (Commission on POST) may appear at the scheduled public hearing or may address their comments, data, views or arguments, in written form, to Michael D. Sherlock, Executive Director, Commission on POST, 5587 Wa Pai Shone Avenue, Carson City, Nevada 89701. **Written submissions must be received by the Commission on POST on or before 5:00 pm on August 12, 2019.** If no person who is directly affected by the proposed action appears to request time to make an oral presentation, the Commission on POST may proceed immediately to act upon any written submissions.

A copy of this notice and the regulations to be adopted, amended or repealed will be on file at the State Library, 100 Stewart Street, Carson City, Nevada for inspection by members of the public during business hours. Additional copies of the notice and regulations to be adopted, amended or repealed will be available at the Commission on POST Administrative Offices, 5587 Wai Pai Shone Avenue, Carson City, 89701, and in all counties in which an office of the agency is not maintained, at the main public library, for inspection and copying by members of the public during business hours. This notice and the text of the proposed regulations are also available in the State of Nevada Register of Administrative Regulations, which is prepared and published monthly by the Legislative Counsel Bureau pursuant to NRS 233B.0653, and on the Internet at <http://leg.state.nv.us>, the POST web site at <http://post.nv.gov> and at <https://notice.nv.gov> .

Copies of this notice and the proposed regulation will also be mailed to members of the public at no charge upon request.

Upon adoption of any regulation, the agency, if requested to do so by an interested person, either before adoption or within 30 days thereafter, shall issue a concise statement of the principal reasons for and against its adoption and incorporate therein its reason for overruling the consideration urged against its adoption.

The Notice of Hearing has been sent to all criminal justice agencies on the Commission on POST mailing list and posted at the following locations:

CARSON CITY

Blasdel Building, 209 East Musser Street
Nevada State Library, 100 Stewart Street

Capitol Building, 101 N. Carson Street
Commission on POST, 5587 Wa Pai

LAS VEGAS

Grant Sawyer State Building, 555 Washington Avenue

ELY

White Pine County Sheriff's Office, 1785 Great
Basin Blvd.

LIBRARIES (MAIN BRANCHES)

Carson City Library 900 N. Roop St Carson City, Nevada 89702	Churchill County Library 553 S. Maine Street Fallon, Nevada 89406-3387
Clark County Library 1401 E. Flamingo Rd. Las Vegas, Nevada 89119-5265	Douglas County Public Library 1625 Library Ln. PO Box 337 Minden, Nevada 89423-4420
Elko County Library 720 Court St. Elko, Nevada 89801-3331	Esmeralda County Library Goldfield Valley Library Corner of Crook & 4th Street Post Office Box 430 Gold Field, Nevada 89013-430
Eureka County Branch Library 210 South Monroe Eureka, NV 89316	Humboldt County Library 85 E. 5th Street Winnemucca, Nevada 89445-3095
Lander Co Battle Mountain Branch Library 625 S. Broad St Post Office Box 141 Battle Mountain, Nevada 89820-1920	Lincoln County Library 63 Main Street PO Box 330 Pioche, Nevada 89043
Lyon County Library System 20 Nevin Way Yerington, Nevada 89447-2399	Mineral County Library 110 1st St PO Box 1390 Hawthorne, Nevada 89415-1390
Tonopah Public Library 167 S. Central Street Post Office Box 449 Tonopah, Nevada 89049-0449	Pershing County Library 1125 Central Avenue PO Box 781 Lovelock, Nevada 89419-0781
Storey County Library 175 E. Carson Street PO Box 999 Virginia City, Nevada 89440-0999	Washoe County Downtown Reno Library 301 South Center Street Reno, Nevada 89501-2102
White Pine County Library 950 Campton Street Ely, Nevada 89301-1965	

NOTE: We are pleased to make reasonable accommodations for members of the public with disabilities who wish to attend the meeting. If special arrangements for the meeting are necessary, please notify the Commission on POST, in writing, at 5587 Wai Pai Shone Avenue, Carson City, Nevada 89701, or call Kathy Floyd at (775) 687-7678, Extension 3320, no later than five working days prior to the meeting.

**SEE ATTACHED COPIES OF THE PROPOSED
REGULATIONS**

PROPOSED REGULATION OF THE PEACE OFFICERS

STANDARDS AND TRAINING COMMISSION

LCB File No. R006-19

June 26, 2019

EXPLANATION – Matter in *italics* is new; matter in brackets ~~[omitted material]~~ is material to be omitted.

AUTHORITY: §1, NRS 289.510.

A REGULATION relating to peace officers; revising provisions governing the suspension, refusal or revocation of a certificate of a peace officer; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Peace Officers' Standards and Training Commission to adopt regulations establishing minimum standards for the certification and training of peace officers. (NRS 289.510) Existing regulations authorize the Commission to suspend, refuse or revoke the certificate of a peace officer, if, among other circumstances, the peace officer: (1) is convicted of, or pleads guilty, guilty but mentally ill or nolo contendere to a felony or gross misdemeanor; or (2) is convicted of a misdemeanor. If the peace officer is convicted of a misdemeanor and the employing agency recommends the suspension or revocation, existing regulations authorize the Commission to revoke or suspend the certificate of the peace officer. (NAC 289.290) This regulation authorizes the Commission to suspend or revoke the certificate of the peace officer without a recommendation from the employing agency if the peace officer is convicted of a misdemeanor crime of domestic violence, as defined pursuant to federal law.

Section 1. NAC 289.290 is hereby amended to read as follows:

289.290 1. Each of the following constitutes cause for the Commission to revoke, refuse or suspend the certificate of a peace officer:

(a) Willful falsification of any information provided to obtain the certificate.

(b) A permanent or chronic physical or mental disability affecting the officer's ability to perform his or her full range of duties.

(c) Chronic drinking or drunkenness on duty.

(d) Addiction to or the unlawful use or possession of narcotics or other drugs.

(e) Conviction of, or entry of a plea of guilty, guilty but mentally ill or nolo contendere to, a gross misdemeanor. Upon criminal indictment or filing of a criminal complaint, suspension may be imposed.

(f) Failure to comply with the standards established in this chapter.

(g) Conviction of, or entry of a plea of guilty, guilty but mentally ill or nolo contendere to, a felony. Upon criminal indictment or filing of a criminal complaint, suspension may be imposed. Upon conviction or entry of a plea of guilty, guilty but mentally ill or nolo contendere, the certificate will be revoked.

(h) ~~{Conviction}~~ *Except as otherwise provided in paragraph (i), conviction of a misdemeanor. If the employing agency recommends suspension or revocation following the conviction of the employee for a misdemeanor, suspension or revocation may be imposed. In determining whether to suspend or revoke the certificate, the Commission will consider the type of conviction and other information provided by the agency indicating unprofessional conduct or similar undesirable activity by the officer that resulted in disciplinary action.*

(i) Conviction of a misdemeanor crime of domestic violence as defined in 18 U.S.C. § 921(a)(33). Following the conviction of the employee for such a misdemeanor, suspension or revocation may be imposed regardless of whether the employing agency recommends suspension or revocation.

2. Denial, suspension or revocation procedures will not be considered by the Commission in cases where the employment of an officer is terminated for violations of the policies, general orders or similar guidelines of operation of the employing agency which do not constitute any of the causes for denial, suspension or revocation specified in subsection 1.

3. The employing agency shall notify the Commission any time that it becomes aware that one of its officers has been charged with a crime that could result in denial, suspension or revocation procedures. Upon receipt of information alleging any of the causes enumerated in subsection 1, the Commission will determine whether to pursue revocation or suspension of the certificate of the officer.

4. The Commission will notify the officer by certified mail at the officer's last known address of any pending revocation or suspension action and of the nature of the charges and the officer's right to appear and answer the charges. The officer shall, within 15 days after the date on the certified mail receipt, respond in writing, notifying the Commission of his or her intended action with reference to the charges.

5. If the officer fails to notify the Commission within the specified time of his or her intention to appear in answer to the pending action, the Commission will:

(a) Consider the case on its own merits, using the statement from the head of the employing agency or the substantiated information derived from any independent investigation it deems necessary;

(b) Take no action pending the outcome of possible criminal action which may be filed against the officer; and

(c) Take no action pending the outcome of an appeal.

⇒ The Commission's decision will be determined by a majority vote of the members of the Commission present.

6. When an officer notifies the Commission of his or her intention to appear and answer the charges pending against him or her, the Commission will elect to sit as a whole at a hearing or designate an independent hearing officer to hear the matter and make recommendations in writing to the Commission. The Commission will review the recommendations of any such hearing officer and arrive at a decision by majority vote of the members present.

7. The Commission will notify the officer of its decision within 15 days after the hearing.

8. An applicant for a certificate who has not been previously certified, but who would be subject to revocation for any cause set out in subsection 1, will not be granted a certificate.

9. If, upon receiving a written allegation that a peace officer is in violation of any provision of subsection 1 and that the facts and circumstances indicate that suspension rather than revocation would be in the best interests of the agency and law enforcement in general, the Commission will suspend the officer's certificate.

10. The Commission will provide each peace officer whose certificate is suspended with written notice of the suspension by certified registered mail. The suspension becomes effective 24 hours after receipt of the certified notice. The notice will contain a statement advising the officer of the right to a hearing.

11. Suspension of a certificate is not a bar to future revocation of the certificate and any prior suspensions may be considered as a factor if revocation is being considered by the Commission.

12. Five years after the revocation of a certificate, an officer may submit a written request to the Commission to allow him or her to reinstate his or her certificate. The Commission will schedule a hearing to consider whether to reinstate the officer's certificate. The Commission will notify the agency that requested the revocation of the date and time of the hearing. After the hearing, the Commission will determine whether to reinstate the certificate. If the certificate is reinstated, the Commission may establish a probationary period during which any misconduct by the officer would result in revocation.



STATE OF NEVADA
COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

5587 Wa Pai Shone Avenue
Carson City, Nevada 89701
(775) 687-7678 FAX (775) 687-4911

STEVE SISOLAK
Governor

MICHAEL D. SHERLOCK
Executive Director

NOTICE OF WORKSHOP TO SOLICIT COMMENTS ON PROPOSED REGULATIONS

The Commission on Peace Officer Standards and Training is proposing the adoption, amendment and repeal of regulations pertaining to Chapter 289 of the Nevada Administrative Code.

A workshop has been scheduled for 2:00 p.m., on November 4, 2019, at the South Point Hotel and Spa, Napa rooms C/D, 9777 S. Las Vegas Blvd, Las Vegas, Nevada 89183. The purpose of the workshop is to solicit comments from interested persons on the following general topics that may be addressed in the proposed regulations:

TOPIC

NAC REGULATION

The Commission to discuss revisions to its regulations establishing the consequences to a person's POST certification being in an inactive status for more than 5 years. Pursuant to NAC 289.200(8), a person's POST certification is placed in an inactive status when their officer employment is terminated for any reason. If the person's POST certification is in an inactive status for more than five consecutive years, they are required to successfully complete a basic training course, the State Physical Fitness Examination and the State Certification Examination. See NAC 289.200(1). The Commission is considering a revision to its regulations that would toll the running of the five year time period during the time the person is employed by a federal law enforcement agency in the State of Nevada that requires its officers to complete training recognized by the POST Commission pursuant to NAC 289.200(2), or the person is employed full time in a training officer, supervisor or manager position at a school that primarily teaches a basic training course certified by the POST Commission.

289.200

A copy of all materials for the meeting may be obtained by contacting Scott Johnston, Standards Division Chief, at (775) 687-3335, Commission on Peace Officer Standards and Training at 5587 Wa Pai Shone Avenue, Carson City, Nevada 89701. A reasonable fee for copying may be charged.

This Notice of Workshop to Solicit Comments on Proposed Regulations has been sent to all listed meeting locations, all persons on the agency's mailing list for administrative regulations, all Nevada law enforcement agencies, agency single points of contact and posted at the following:

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

Electronically Posted pursuant to NRS 241.020(4)

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



STATE OF NEVADA
COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

5587 Wa Pai Shone Avenue
Carson City, Nevada 89701
(775) 687-7678 FAX (775) 687-4911

STEVE SISOLAK
Governor

MICHAEL D. SHERLOCK
Executive Director

NOTICE OF PUBLIC MEETING (NRS 241)

NOTICE IS HEREBY GIVEN THAT STARTING AT 2:00 P.M. ON MONDAY, NOVEMBER 4, 2019 THE COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING WILL HOLD A PUBLIC COMMENT HEARING, WORKSHOP AND REGULARLY SCHEDULED MEETING AT THE SOUTH POINT HOTEL and SPA, NAPA ROOMS C/D AT 9777 S. LAS VEGAS BLVD, LAS VEGAS, NV 89183.

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

I. PUBLIC COMMENT HEARING

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

TOPIC

THE PURPOSE OF THE HEARING IS TO RECEIVE COMMENTS FROM ALL INTERESTED PERSONS REGARDING THE ADOPTION, AMENDMENT AND REPEAL OF REGULATIONS THAT PERTAIN TO CHAPTER 289 OF THE NEVADA ADMINISTRATIVE CODE (NAC). (THIS PUBLIC COMMENT HEARING HAS BEEN PREVIOUSLY NOTICED PURSUANT TO THE REQUIREMENTS OF NRS CHAPTER 233B):

The existing regulations authorize the Commission to suspend, refuse or revoke the certificate of a peace officer, if among other circumstances, the peace officer: (1) is convicted of, or pleads guilty, guilty but mentally ill or nolo contendere to a felony or gross misdemeanor; or (2) is convicted of a misdemeanor. If the peace officer is convicted of a misdemeanor and the employing agency recommends the suspension or revocation, existing regulations authorize the Commission to revoke or suspend the certificate of the peace officer. (NAC 289.290).

This proposed regulation authorizes the Commission to suspend or revoke the certificate of the peace officer without a recommendation from the employing agency if the peace officer is convicted of a misdemeanor crime of domestic violence, as defined pursuant to federal law.

3. PUBLIC COMMENTS

II. WORKSHOP

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

TOPIC

NAC REGULATION

The Commission to discuss revisions to its regulations establishing the consequences to a person's POST certification being in an inactive status for more than 5 years. Pursuant to NAC 289.200(8), a person's POST certification is placed in an inactive status when their peace officer employment is terminated for any reason. If the person's POST certification is in an inactive status for more than five consecutive years, they are required to successfully complete a basic training course, the State Physical Fitness Examination and the State Certification Examination. See NAC 289.200(1). The Commission is considering a revision to its regulations that would toll the running of the five year time period during the time the person is employed by a federal law enforcement agency in the State of Nevada that requires its officers to complete training recognized by the POST Commission pursuant to NAC 289.200(2), or the person is employed full time in a training officer, supervisor or manager position at a school that primarily teaches a basic training course certified by the POST Commission.

289.200

1. PUBLIC COMMENTS

III. REGULARLY SCHEDULED MEETING AGENDA ITEMS

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

Approval of minutes from the May 2, 2019 regularly scheduled POST Commission Meeting.

2. INFORMATION. Executive Director's report.

- a. Training Division
- b. Standards Division
- c. Administration

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

The Commission to discuss and possibly take action to continue the rule making process to change the Nevada Administrative Code Chapter 289. The Commission is considering an amendment to its regulations that would toll the running of the five year time period in NAC 289.200(8) during the time the person is employed by a federal law enforcement agency in the State of Nevada that requires its officers to complete training recognized by the POST Commission pursuant to NAC 289.200(2), or the person is employed full time in a training officer, supervisor or manager position at a school that primarily teaches a basic training course certified by the POST Commission.

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

The Commission to discuss and possibly take action to amend its regulations, as set out in LCB file No. R006-19, to provide the Commission with authority to suspend or revoke a peace officer's certification upon conviction for a misdemeanor crime of domestic violence as defined in 18 U.S.C. § 921(a)(33) without the recommendation of the employing agency.

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

The Commission to discuss and possibly take action to start the rule making process to amend NAC 289.230 to reflect the statutorily mandated continuing education/training for peace officers. The proposed amendment would remove the current 12 hour continuing education/training requirement and add the statutorily mandated training.

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

The Commission to discuss and possibly take action to delegate authority to the Executive Director to make any decision regarding litigation concerning any action or proceeding in which the Commission, or any member or employee of the Commission, is a party in an official capacity or participates or intervenes in an official capacity.

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

Hearing pursuant to NAC 289.290 (1) (g) on the revocation of Bret W. Theil, formerly of the Las Vegas Metropolitan Police Department, certification based on felony convictions including First Degree Kidnapping of a Minor, Lewdness With a Minor Under the Age of 14, Sexual Assault With a Minor Under 14 Years of Age, Sexual Assault with a Minor Under 16 Years of Age, Child Abuse, Neglect or Endangerment, and Resisting a Public Officer With Use of a Firearm. The Commission will decide whether to revoke Mr. Theil's Category I Basic Certificate.

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

Hearing pursuant to NAC 289.290 (1) (g) on the revocation of Robert J. Griffin, formerly of the Clark County School District Police Department, certification based on a conviction for Grand Larceny (a Category C Felony – NRS 205.220.1, 205.222.2). The Commission will decide whether to revoke Mr. Griffin's Category I Basic Certificate.

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

Hearing pursuant to NAC 289.290 (1) (e) on the revocation of Earl T. Mitchell, formerly of the Henderson Constables Office, certification based on a conviction for Fraudulent Conveyance (Gross Misdemeanor – NRS 205.330). The Commission will decide whether to revoke Mr. Mitchell's Category I Basic Certificate.

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

Request from the Washoe County Sheriff's Office, for their employee Deputy Chief Timothy K. O'Connor, for an Executive Certificate.

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

Request from the Washoe County Sheriff's Office, for their employee Deputy Chief Jeffery S. Clark, for an Executive Certificate.

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

Request from the Carson City Sheriff's Office, for their employee Captain James W. Primka, for an Executive Certificate.

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

Request from the Henderson Police Department, for their employee Deputy Chief David C. Burns for an Executive Certificate.

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

Request from the Carson City Alternative Sentencing, for their employee Chief Tad N. Fletcher for an Executive Certificate.

15. PUBLIC COMMENTS

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

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

Schedule upcoming February 2020 Commission Meeting.

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

Adjournment.

POSTED AT THE FOLLOWING LOCATIONS:

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

Electronically Posted pursuant to NRS 241.020(4)

Pursuant to NRS 241.020(2)(c), a copy of supporting materials for the meeting may be obtained by contacting POST Standards Division, at (775) 687-3335, Commission on Peace Officer Standards and Training at 5587 Wa Pai Shone Avenue, Carson City, Nevada 89701.

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

I. PUBLIC COMMENT HEARING

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

TOPIC

The purpose of the hearing is to receive comments from all interested persons regarding the adoption, amendment and repeal of regulations that pertain to Chapter 289 of the Nevada Administrative Code (NAC).

The existing regulations authorize the Commission to suspend, refuse or revoke the certificate of a peace officer, if among other circumstances, the peace officer: (1) is convicted of, or pleads guilty, guilty but mentally ill or nolo contendere to a felony or gross misdemeanor; or (2) is convicted of a misdemeanor. If the peace officer is convicted of a misdemeanor and the employing agency recommends the suspension or revocation, existing regulations authorize the Commission to revoke or suspend the certificate of the peace officer. (NAC 289.290).

This regulation authorizes the Commission to suspend or revoke the certificate of the peace officer without a recommendation from the employing agency if the peace officer is convicted of a misdemeanor crime of domestic violence, as defined pursuant to federal law.

3. Public Comments

II. WORKSHOP

TOPIC

The Commission to discuss revisions to its regulations establishing the consequences to a person's POST certification being in an inactive status for more than 5 years. Pursuant to NAC 289.200(8), a person's POST certification is placed in an inactive status when their peace officer employment is terminated for any reason. If the person's POST certification is in an inactive status for more than five consecutive years, they are required to successfully complete a basic training course, the State Physical Fitness Examination and the State Certification Examination. See NAC 289.200(1). The Commission is considering a revision to its regulations that would toll the running of the five year time period during the time the person is employed by a federal law enforcement agency in the State of Nevada that requires its officers to complete training recognized by the POST Commission pursuant to NAC 289.200(2), or the person is employed full time in a training officer, supervisor or manager position at a school that primarily teaches a basic training course certified by the POST Commission.

1. Public Comment

III. Regularly Scheduled Meeting Agenda Items

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

Approval of minutes from the May 2, 2019 regularly scheduled POST Commission Meeting.

In the Matter Of:
Commission on POST

Meeting
May 02, 2019



3200 COBB GALLERIA PARKWAY
SUITE 265
ATLANTA, GA 30339

1 STATE OF NEVADA
2 COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING
3
4 A Workshop and Regularly Scheduled Meeting
5 of the Commission on Peace Officer Standards and
6 Training was held on Thursday, May 2, 2019 commencing
7 at 10:00 a.m. at 5587 Wa Pai Shone Avenue, Carson City,
8 Nevada.

9
10 COMMISSIONERS:

11 Jason Soto, Chairman
12 Michele Freeman
13 James Ketsaa
14 Kevin McKinney
15 John McGrath
16 Michael Allen
17 Tim Shea
18 Ben Reed
19 George Togliatti

20 STAFF:

21 Scott Johnston, POST F
22 Mike Jensen, Attorney General's Office
23 Mike Sherlock, POST F
24

25 TRANSCRIBED BY: Paula J. Eliopoulos

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WORKSHOP

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1. Call to order

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2. Roll call of Commission Members

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Topic

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a provision that provides for revocation of

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a peace officer's certification based on a

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conviction for an offense constituting a

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Misdemeanor Crime of Domestic Violence without

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requirement to first obtain a recommendation

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for revocation from the employing agency

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REGULARLY SCHEDULED MEETING AGENDA ITEMS

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regularly scheduled POST Commission Meeting

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12	for their employee Captain Tyle Trouten	
13	for an Executive Certificate	51
14	9. The Commission may not take action on any	
15	matter considered under this item until the	
16	matter is specifically included on an agenda	
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PROCEEDINGS

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CHAIRMAN SOTO: This will be POST
Commission meeting, for the record, Jason Soto POST
Commissioner.

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POST Commission and Workshop, May 2nd,
2019. For the record, the time is 10:00, 10:00 a.m.
and I'm going to throw this over to Scott Johnston for
information on the legal postings and open meeting
compliance.

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MR. JOHNSTON: Thank you. Scott Johnston,
for the record.

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The Workshop that we will be holding today
as well as the regularly scheduled Commission meeting
were both sent out to POST administrative offices.
They were posted there, the Nevada State Capitol
Building, Blasdel State Building, Nevada State Library
and Archives, Grant Sawyer Building in Las Vegas,
Carson City Sheriff's Office, White Pine County
Sheriff's Office in Ely, Nevada, on POST website at
Post.nv.gov and the notice website at notice.nv.gov and
it was sent out electronically to all of the law
enforcement agencies that we have a point of contact
listed for.

25

CHAIRMAN SOTO: Thank you.

1 All right. We'll get into roll call
2 starting with myself, Jason Soto, Reno P.D. and I'm
3 just going to go around the table and let you all
4 introduce yourself.

5 We'll start with Chief Michele Freeman.

6 COMMISSIONER FREEMAN: Michele Freeman,
7 City of Las Vegas Department of Public Safety.

8 COMMISSIONER SHEA: I'm Tim Shea from the
9 City of Boulder City.

10 COMMISSIONER TOGLIATTI: George Togliatti,
11 Nevada Department of Public Safety.

12 COMMISSIONER MCKINNEY: Kevin McKinney,
13 Elko County Sheriff's Office.

14 COMMISSIONER ALLEN: Mike Allen, Humboldt
15 County Sheriff's Office.

16 COMMISSIONER MCGRATH: John McGrath, Las
17 Vegas Metro.

18 COMMISSIONER KETSAA: James Ketsaa, Clark
19 County School District Police.

20 COMMISSIONER REED: Ben Reed with Elko PD.

21 MR. MIKE JENSEN: Mike Jensen with the
22 Attorney General's Office.

23 MR. SHERLOCK: Mike Sherlock with POST.

24 MR. JOHNSTON: Scott Johnston with POST.

25 CHAIRMAN SOTO: Okay. So this morning

1 we're going to begin this with a Workshop.

2 I'm going to explain the purpose of this
3 Workshop. It's to solicit comments from interested
4 persons on the following general topic that may be
5 addressed in the proposed regulations.

6 This Workshop has been previously noticed
7 pursuant to the requirements of NRS Chapter 233B.

8 A. The Commission to consider whether to
9 add a provision that provides for revocation of a peace
10 officer's certification based on a conviction for an
11 offense constitute a Misdemeanor Crime of Domestic
12 Violence without a requirement to first obtain a
13 recommendation for revocation from the employee agency.

14 Under NAC 289.290, and I'm -- again, I'm
15 going to throw this over to Mike Sherlock for an
16 explanation on that.

17 MR. SHERLOCK: Thank you, Chief. Mike
18 Sherlock for the record.

19 So as the Commission may remember, last
20 meeting we proposed that perhaps this particular NAC
21 needed updating.

22 Under the current NAC, if a certified
23 officer is convicted of a Misdemeanor Crime of domestic
24 violence, the Commission may only consider or take
25 action related to revocation if that employing agency

1 requests the action.

2 Obviously there are several issues with
3 that requirement. Often times the officer has resigned
4 or been terminated leaving no employing agency to
5 request that. Further, under Federal Law, a person
6 who's convicted of a crime where the underlying facts
7 established meet the Federal definition of domestic
8 violence, they are prohibited from carrying a firearm
9 and also an entity would be violating the law should
10 they issue that person a firearm.

11 As such, staff believes our revocation
12 regulation should be updated to allow revocation for
13 such a conviction without that request by the employing
14 agency. Currently, again, the Commission may initiate
15 revocation for felonies without a request, but not
16 domestic violence convictions.

17 And frankly that provision that allows the
18 Commission to take actions for felonies also, at least
19 some of those elements apply to a conviction of
20 domestic violence, the prohibition on firearm
21 possession and that kind of thing.

22 We did take a look at what surrounding
23 states do, and every state in the west that has the
24 power to revoke, revokes for domestic violence
25 convictions without a request. It's within their

1 authority to revoke.

2 I believe in your books we have provided
3 some sample language in that, but at this time it would
4 be up to the Commission for any comments or public
5 comments related to this proposed change.

6 CHAIRMAN SOTO: Okay. So I think that's a
7 pretty good explanation as to what we were talking
8 about last time.

9 I know that some of the Commissioners may
10 have had some questions that they brought forward, so
11 I'm going to send it to our Commissioners first and ask
12 if any of you have any questions or comments specific
13 to this.

14 CHAIRMAN SOTO: No?

15 COMMISSIONER REED: Ben Reed for the
16 record. So, Mike, the process for this, this would go
17 into a BDR for the next session two years from now or
18 change it more expeditiously somehow?

19 MR. SHERLOCK: No. Again, Mike Sherlock
20 for the record. This is a regulation--

21 COMMISSIONER REED: A regulation that's
22 proposed.

23 MR. SHERLOCK: --that is within the scope
24 of authority of the Commission itself and so it's
25 simply a language change in a current NAC Regulation

1 that we'd be looking to update.

2 So no BDR. It doesn't go to the
3 Legislature.

4 COMMISSIONER REED: Got you. Got you. And
5 --

6 COMMISSIONER MCGRATH: John McGrath for
7 the record.

8 So this would be for people that are
9 convicted after we pass the regulation. There's no
10 chance of looking back at employees that are currently,
11 that might have a conviction? Now after the last
12 meeting we went back and checked all of our employees.
13 We didn't have any, but that was a concern I had after
14 the last meeting.

15 MR. SHERLOCK: Mike Sherlock for the
16 record. I'd probably pass that to Mike Jensen for his
17 thoughts on that issue.

18 MR. MIKE JENSEN: Sure. Mike Jensen for
19 the record.

20 The Commission has the discretion through
21 this process to make it retroactive if that was your
22 desire. I think there might be reasons not to do that,
23 but you could also specifically provide that it's only
24 prospective in application.

25 And that would mean that only those who

1 were convicted of these types of offenses after the
2 effective date of the Regulation would come under this
3 provision.

4 COMMISSIONER MCGRATH: Okay.

5 MR. MIKE JENSEN: However, I guess, let me
6 give a caveat to that.

7 We already have a Reg in place that says
8 that an individual can be revoked for a misdemeanor
9 conviction. That's already in there. So any agency
10 that had someone who has this type of conviction could
11 make a request to the Commission at this point to have
12 that person's certificate revoked.

13 CHAIRMAN SOTO: Any other discussion from
14 the Commission?

15 COMMISSIONER FREEMAN: Just one quick
16 question. Michele Freeman for the record.

17 Just for clarity. So this would be final
18 conviction not or -- or if it was pled down it would
19 not include a plea?

20 MR. MIKE JENSEN: Mike Jensen for the
21 record.

22 That's correct. We talked a little bit
23 about that internally with Staff. And I think it's
24 important in this context that it actually be for a
25 conviction because that's actually what triggers the

1 Statute is a conviction and not -- it fits the
2 definition as opposed to a plea that something is --

3 COMMISSIONER FREEMAN: Thank you.

4 MR. SHERLOCK: And Mike Sherlock for the
5 record.

6 To kind of give you -- it is a problem for
7 us and the language is important because when we look
8 at the Federal Statute, the Federal Statute really
9 doesn't -- it doesn't care what the conviction is for.
10 If the underlying facts are sustained that meet the
11 Federal definition of domestic violence, it does apply
12 to the firearm possession.

13 Our problem, I think, is being able to, you
14 know, from Mike Jensen's standpoint is we want to say
15 that conviction in there just so it's clear in terms of
16 your ability to revoke.

17 CHAIRMAN SOTO: And then one more, for the
18 record, Chief Jason Soto, just one more question so
19 that I'm fluid on this.

20 In the past if the, as you stated earlier,
21 the employee, if he or she no longer worked for the
22 agency, how have we been handling that up to this
23 point?

24 MR. SHERLOCK: Mike Sherlock for the
25 record.

1 On the domestic violence --

2 CHAIRMAN SOTO: Uh-huh.

3 MR. SHERLOCK: --specifically?

4 We would still accept the previous
5 employer's request to revoke should it happen. This
6 would just be a change that we wouldn't have to require
7 the agency to request that revocation.

8 CHAIRMAN SOTO: And then --

9 COMMISSIONER MCGRATH: John McGrath for
10 the record. So that's people that we've had, they've
11 resigned and then pretty much we don't care. But we
12 don't want them to go to another agency with their POST
13 certificate. So that's why I think this is a great,
14 you know, change for us to make as the Nevada POST.

15 MR. SHERLOCK: Yeah, thank you -- Mike
16 Sherlock for the record.

17 That is our concern, is officers moving
18 from one agency to another with no, you know, the
19 ability to do that. This would prevent that.

20 COMMISSIONER MCKINNEY: Kevin McKinney for
21 the record.

22 I totally agree with this change. I think
23 we ought to look into also changing 289.110 regarding
24 minimum qualifications for certification that have the
25 same language.

1 It might, I think would help, clarify
2 things. Because it says here, it just says a history
3 of physical violence. I think the language should be
4 similar in the NAC.

5 MR. SHERLOCK: Mike Sherlock for the
6 record.

7 Yeah, I appreciate -- we can certainly look
8 at that, understanding that would be another Workshop.
9 And you're right. Right now if there's a documented
10 history of physical violence, they are prohibited from
11 employment, but if that could be cleaned up.

12 And we can look at that for sure.

13 CHAIRMAN SOTO: All right. Do we have any
14 public comment from this Workshop that we wanted to
15 address?

16 (no response)

17 CHAIRMAN SOTO: All right. We will move on
18 then to item 1, Discussion, Public Comment and for
19 Possible Action. Approval of minutes from the February
20 5th, 2019 regularly scheduled POST Commission Meeting.

21 So do we have -- on those minutes I do have
22 one comment.

23 Chief Jason Soto. There's one correction.
24 It just listed me as James Soto. It's Jason Soto.
25 Sometimes I wish I was James. That's the only comment

1 I have.

2 Any other comments from any of the
3 Commissioners related to the minutes?

4 (no response)

5 CHAIRMAN SOTO: Any comments from -- any
6 public comments?

7 (no response)

8 CHAIRMAN SOTO: Okay. So I'm looking for a
9 motion to approve the minutes.

10 COMMISSIONER ALLEN: Mike Allen, I make a
11 motion to approve the minutes from the last meeting.

12 KETSAA: Second.

13 CHAIRMAN SOTO: So we have a motion and a
14 second. All those in favor?

15 (all say aye)

16 CHAIRMAN SOTO: Opposed?

17 (no response)

18 CHAIRMAN SOTO: Motion carries unanimously.

19 Item 2, Executive Director report. And,
20 again, I'm going to turn it over to Mike Sherlock.

21 MR. SHERLOCK: Thank you. Mike Sherlock
22 for the record.

23 I did promise Chief Freeman that we would
24 get out of here in time for her to make it over to the
25 memorial, so I'll try to be brief.

1 We have a lot to share with you today.

2 First let me welcome our two newest
3 Commissioners. Chief Tim Shea is replacing the
4 outgoing Troy Tanner as the non-metropolitan Clark
5 County CAT 1 that's required under the Statute.

6 Tim is the Chief of Police at Boulder City.

7 Also joining the Commission is George
8 Togliatti who is replacing Jim Wright and will be
9 filling the State Category 1 Commission position.

10 Director Togliatti has previous experience
11 on the Commission and is once again the Director of
12 DPS. I won't go into each of their extensive
13 experience and qualifications, we do have a memorial to
14 go to.

15 I would just like to thank both of them for
16 their willingness to serve on this Commission.

17 So first let me talk about the Training
18 Division. So we have a couple of supervisor's classes
19 coming. They're apparently both full at this point.
20 We are looking to schedule these more regularly. We
21 get a lot of requests for the supervisor class. We are
22 in the middle of an update of that particular
23 curriculum and hopefully we'll be able to get that done
24 soon.

25 We have a basic instructor development

1 coming up also. Those classes are -- they fill up fast
2 and they are full at this point. But if you have staff
3 that are interested, just check with our training
4 division because we do have people that cancel.

5 Our current Academy graduates on May 22nd.
6 We continue our philosophy of increasing the discipline
7 and stress decision making. As expected, we have lost
8 -- we have not lost anyone due to academic issues.
9 Generally speaking, a more disciplined Academy improves
10 academic success. You may weed out some that just are
11 not interested in the profession.

12 But we're doing pretty good from the
13 academic side. Just that discipline and stress forces
14 people to study and prepare. And so we're seeing some
15 of that now.

16 Our next Academy begins July 22nd. It is
17 filling up pretty fast if you have staff that want to
18 get into that Academy, get ahold of our Basic Training
19 people, get those backgrounds done so you can reserve a
20 spot and that kind of thing.

21 It looks like it probably will fill up.

22 Over in Standards, we're looking to update
23 the Regulation today that we spoke about. Also on the
24 Agenda, the Commission will be looking at the
25 Commission to perhaps begin the rule making on another

1 NAC that we'll talk about.

2 We are working on updating our data storage
3 system. And as you, your staff probably knows, we have
4 been having some serious IT problems as of late.

5 Please understand that we are at the mercy of State IT.

6 It's -- we just don't have control of some of that.

7 And I do apologize, but we're doing what we can
8 considering the circumstances.

9 Over on the Administrative side, as you all
10 well know we are in the middle of the Legislative
11 session. It has been challenging, to say the least, to
12 this point. We do have our budget closing hearing next
13 week.

14 I'll just say that we don't expect any help
15 on what the recommended budget was. There have been no
16 changes in our recommended budget. And at this point
17 I'll leave it at that.

18 As many of you know, there are many Bills
19 out there that will affect us in terms of training and
20 certification and, of course, policing in general.
21 I'll go through a couple of those relevant to the POST
22 Commission.

23 First that pops up in terms of importance
24 is AB478. This Bill passed out of the Assembly and is
25 currently in the Senate. It's over in Senate

1 Government Affairs Committee. It was heard yesterday.

2 Unfortunately I remain the only opposition
3 to this Bill that testified or spoke to the sponsor.
4 This Bill requires 12 hours of training each year in
5 specific areas for Certified Officers.

6 Those areas are: Racial profiling,
7 intrinsic bias, de-escalation, officer well being and
8 firearm. It places the requirements in Statute.
9 Unfortunately both Metro and the Sheriff's and Chiefs
10 supported the Bill because, in their testimony their
11 belief is we already do these things.

12 I opposed the Bill for essentially the same
13 reason, we already do these things. But there's more
14 to it than that.

15 It takes away the authority of the
16 Commission who is tasked with deciding the training
17 needs of the State. Secondly, it puts the requirements
18 in Statute which takes away any discretion for Local
19 Agencies in terms of that continuing education that we
20 currently have, and what those training needs might be
21 for your particular community, what the community needs
22 are.

23 And third, you know, from a training
24 standpoint much of these type of Statutes really show a
25 misunderstanding of the duty and authority of Peace

1 Officers, right. So from a Constitutional sense, use
2 of force is not determined by the officer. So it's
3 tough for us to train these things, right?

4 Use of force from a purely realistic
5 standpoint is decided by the individual contacted,
6 right. And finally, there are really good studies that
7 have been completed out there that show the constant
8 rhetoric and terminology and specifically de-escalation
9 and intrinsic bias is putting Officers and the public
10 in danger.

11 There's a good study out of the University
12 of Washington, Spokane that really looked deep into
13 this.

14 And so that's my concerns with it, beyond
15 the actual immediate affects for training.

16 Now that said, we could still affect this
17 bill if we hurry. It's over on the Senate side.
18 Senator Parks is the Committee Chair from that
19 perspective if anybody would like to get ahold of him
20 or anybody on the Senate side.

21 But as a fall back for POST, I think we do
22 cover most of these things. So, for example, we
23 already require firearms proficiency and the 12 hours
24 for the year.

25 If your Use of Force Policy complies with

1 Graham v. Connor, you're covering de-escalation to a
2 sense, you know. If you require probable cause to make
3 an arrest or reasonable suspicion to detain someone
4 you're essentially covering some of those issues with
5 racial bias or intrinsic bias.

6 So ultimately our goal, and we're already
7 being asked about this, would be to not place further
8 burden on an Agency in terms of training.

9 It may be that we come back to the
10 Commission and look for some direction. Because if we
11 -- if there's a belief by the Commission that our
12 current NAC mandates do not comply with what will be
13 the new NRS demands, we may have to look at that.

14 Because if that's the case, we're talking
15 about two different things, 12 hours that we already
16 require of Agencies at their discretion what that
17 training is, but they have to do 12 hours. And if you
18 don't accept that, then this other 12 hours would
19 include an additional burden on those Agencies, so they
20 would be up to 24 hours if there's not an agreement
21 that we already cover those.

22 So it may be something that we have to come
23 and talk about again in terms of our Regulation if it
24 passes how it's currently written.

25 Now, I have met with the sponsor twice,

1 which is Speaker Frierson. And his feelings are that
2 it needs to be in Statute, so I don't think we're going
3 to make a lot of head-way.

4 But I think he may be amenable to some
5 language changes and so we'll have to see if that's the
6 desire.

7 But any help, if you feel that there needs
8 to be a change here, any help would be appreciated.
9 And that's a big one for us in terms of mandates on
10 POST requirements out there going out.

11 SB 182 is a Bill that has cleared the Senate
12 and would give tribal peace officers peace officer
13 powers in the State under certain circumstances.

14 One of those circumstances is they must
15 meet and maintain POST standards and be POST certified.
16 So we did not oppose this Bill with the understanding
17 that any time you create new peace officers in our
18 State they must at least meet the minimum standards
19 established by the POST Commission, and this Bill does
20 that.

21 There's some other requirements under that.
22 There has to be an interlocal or an MOU with the local
23 agency and that jurisdiction. Without that they don't
24 have peace officer powers. So there are some other
25 requirements for them to exercise peace officer powers.

1 So far I don't think there's any opposition
2 to that Bill as it stands. It is being heard -- it's
3 passed out of the Senate and is being heard over in
4 Assembly Government Affairs Committee right now, in
5 fact.

6 SB 169 is an appropriation Bill sponsored by
7 Senator Settlemeyer that allocates 4 million dollars to
8 POST to begin the ELOC facility that was pulled out 11
9 years ago. That said, I would not hold my breath. The
10 Bill is still alive because it's in exempt status.

11 But frankly, considering the makeup and
12 who's sponsored it and the number of Bills, without
13 some pressure I would be surprised to see it move
14 forward. I'm hopeful, but we'll see what happens with
15 that one.

16 And that, again, would help us with the
17 EVOC facility that we've proposed year after year after
18 year after year.

19 AB 236 is a Bill that requires two hours of
20 training in mental health each year for officers to be
21 paid through grant money managed by POST. Our fiscal
22 note on this one is a grant manager position to be able
23 to -- for us to be able to do it.

24 So, again, this is a much larger Bill.
25 Obviously this is just a small part of that Bill. So

1 if it is funded, we're not opposed. Frankly, it may
2 finally be a way of funneling more funds through POST
3 from that position.

4 That said, our current budget does not
5 include that position. So if the Bill passes, we have
6 no way of implementing it without that position any
7 way.

8 Again, understand, this is a small part of
9 that Bill. I'm sure most of you are well aware of
10 AB 236. There are many areas within that Bill that will
11 affect training from one end to the other for us. So
12 it will be a big impact on POST training requirements
13 and that kind of thing.

14 AB 129 requires training in the dealing with
15 the developmental disabilities prior to an officer
16 being certified. What's interesting about this Bill is
17 failure to get this training would remove officer
18 immunity in certain circumstances.

19 So that being said, understand that our
20 Academies are currently required to provide this
21 training -- or training in this area any way currently.
22 But as this Bill moves forward, we'll keep an eye on it
23 and we will simply have to insure that our performance
24 objectives for that topic meet the new law should it
25 pass. And it is specific what has to be trained and

1 we're looking at that to see if that is what we train.

2 And so that's coming out -- it did pass out
3 of the Assembly and it's now over at the Senate
4 Committee on Health and Human Services.

5 Finally there are many Bills out there
6 that, again, will require us to change nearly every
7 single topic that we now mandate in terms of Basic
8 Training. Every single one of them.

9 It will be a large impact on POST, and
10 frankly our budget does not address any of that. And
11 you at the table here are probably aware of a lot more
12 Bills. Those are just specific for POST.

13 A couple more just that you may not be
14 aware of that don't directly affect post, but I hope
15 you're aware of. SB 242 makes some big changes in terms
16 of POB, Peace Officer Bill of Rights. It talks about
17 back pay for suspended officers that are presumably
18 exonerated.

19 It changes the interview procedures in
20 Internal Affairs. And so there's some pretty big
21 things in it for Agencies, I believe, for that one. It
22 did pass the Senate and is heading over to the
23 Assembly.

24 AB462 requires certain Constables to be
25 certified before filing to run. It also clarifies that

1 when a vacancy occurs, or does occur, if they fail to
2 get certified or they lose certification. Again, we
3 simply ask that where someone is a peace officer in
4 this State that they at least the minimum standard.
5 This Bill begins to move Constables in that direction,
6 so I think it's probably a good thing.

7 One last thing. We have been, me in
8 particular, inundated with reporters from, it's the
9 Marshal Project. They are a media group that seeks to
10 change criminal justice systems through the media.

11 And just so everybody knows, one thing they
12 come to Nevada about is that our rules allow waivers.
13 And what they read is we allow waivers and then they
14 look at the mandates or the requirements to be a peace
15 officer or to be certified. So what they do is they
16 take the fact that we allow waivers and then they look
17 at our prohibition of felons being employed as peace
18 officers.

19 And so they report that Nevada will waive
20 your felony conviction. So we've gone around and
21 around with them about this. I try to explain to them
22 from a practical standard, you know, standpoint it's
23 meaningless. Ex-felons can't possess firearms and all
24 of those things.

25 But one of the things the reporter told me

1 yesterday is their next move now in Nevada because we
2 allow waivers, and I explained we wouldn't waive a
3 felon, you know, but they want to go to individual
4 agencies and do public records requests on criminal
5 history of your peace officer employees.

6 I'm just throwing that out there that
7 that's their next goal. Not that it's a big deal, but
8 that's what happens regardless of what I try to give
9 them and tell them from that standpoint.

10 So, I know that was long. That's kind of a
11 quick overview of what's going on at POST and I can
12 take any questions if you have any.

13 COMMISSIONER REED: Ben Reed for the
14 record. Mike, do you see that if a number of these
15 training mandates are signed into law, do you see one
16 fallout would be having to extend the length of the
17 basic Academy?

18 MR. SHERLOCK: Mike Sherlock for the
19 record.

20 COMMISSIONER REED: As far as the time? Do
21 you know what I mean, like add another week to it or
22 something? Is that what we'll have to do to fit it all
23 in?

24 MR. SHERLOCK: Mike Sherlock for the
25 record.

1 Two things about that. One, we really
2 don't know how big the impact is. It really depends on
3 what gets passed through the Legislature. The other
4 thing is, we really aren't budgeted to extend the
5 Academy any way, so we would have to figure out a way
6 to get that information into our basic Academies, at
7 least for us internally without extending the length of
8 the Academy.

9 So I don't see us changing that right now.
10 And I know that's a concern for some of the local
11 agencies, but I don't see that right now.

12 COMMISSIONER MCGRATH: John McGrath for
13 the record.

14 So, I'm not that familiar with the waivers.
15 But why wouldn't the waiver say no waivers will be
16 granted for felony convictions?

17 MR. SHERLOCK: Mike Sherlock for the
18 record.

19 This is a difficult one to explain
20 sometimes, especially to the media. So under the
21 Statutes, the Commission -- and jump in, Mike, if I
22 mess anything up.

23 The Commission can waive any provisions of
24 the Chapter, okay. So one of the areas is -- is 110
25 which determines minimum standards. And that's where

1 -- for hiring. And that's where you find the
2 prohibition of felony convictions.

3 The waiver requires, again, as we spoke
4 earlier, requires the employing Agency to go before you
5 and ask for a waiver. Well, if a person has never been
6 hired because they have a felony conviction, there is
7 no Agency to come before you and ask for a waiver.

8 So that's what I tell the media. From a
9 practical standpoint, there is no way to waive the
10 felony conviction unless they're employed. And they're
11 not employed.

12 So that's what we run into with this waiver
13 provision. But I see what you're getting at. And it
14 may reduce the headaches for me if that was in there.

15 COMMISSIONER MCGRATH: That's what I was
16 -- if they find a way around a different rule -- sorry,
17 John McGrath for the record.

18 If they find a way around that to get you
19 to try to say, well, you guys are doing this when
20 you've prohibited it over here in a different
21 regulation.

22 MR. SHERLOCK: Right. Yeah. Mike Sherlock
23 for the record.

24 And I would agree with you. Maybe that is
25 something that we can look at.

1 But, again, I just -- from a media
2 standpoint, I try real hard to make them understand
3 that we are not hiring felons as peace officers in the
4 State of Nevada. We're not.

5 COMMISSIONER MCGRATH: John McGrath for
6 the record.

7 What if the waiver just said hiring felons
8 is prohibited under this prior, whatever the Regulation
9 is.

10 MR. SHERLOCK: Mike Sherlock for the
11 record. It certain --

12 COMMISSIONER MCGRATH: Not even a change
13 to the waiver. Just like in parenthesis addressing it.
14 Do you know what I'm saying? I'm not sure if --

15 MR. SHERLOCK: Just adding that -- Mike
16 Sherlock for the record --

17 COMMISSIONER MCGRATH: Yes, just adding
18 that.

19 MR. SHERLOCK: Just adding that little
20 language. And we might -- and we can talk with Mike
21 Jensen after.

22 But, yeah, that may be a way of cleaning
23 that up, you're right.

24 CHAIRMAN SOTO: Any other questions for
25 Mike Sherlock?

1 COMMISSIONER REED: Yeah, Ben Reed.

2 Mike, I've lost track. You had mentioned
3 it earlier, I'm just wondering where we're at on that
4 dispatcher course that you guys were developing and I
5 lost track.

6 MR. SHERLOCK: Mike Sherlock for the
7 record.

8 Yes. Sorry, I forgot to mention that, it
9 was such a long time coming.

10 The dispatcher course is done. I think we
11 -- at last count I think we've had six or seven that
12 have completed the course.

13 COMMISSIONER REED: Okay.

14 MR. SHERLOCK: Haven't asked for the
15 certificate from us yet, but they have completed.

16 We have a process in place now. We've put
17 that out and advertised that quite a bit so I hope
18 everybody is getting that.

19 But it's completely on-line. There's no
20 charge and it's done. So --

21 COMMISSIONER REED: The announcement
22 probably went to my dispatch center instead of me. I
23 lost track. So it's on the POST portal, the website?

24 MR. SHERLOCK: Mike Sherlock for the
25 record. It is on our website. Yes.

1 COMMISSIONER REED: Got it. Thank you for
2 that.

3 CHAIRMAN SOTO: Any other questions from
4 the Commission?

5 Comments?

6 I just have one real quick comment just
7 based off of your report, Mike.

8 One is on the budget piece. And I would
9 just ask the Commission, as I stated in our last
10 meeting in terms of budget, I know this has been
11 challenging for POST for a while now and I really think
12 we do need some added attention to the budget.

13 And I think the way that I have explained
14 it and I'll continue to explain it when talking to
15 elected officials is this is the training portion of
16 what we do in our profession. And that is the most
17 single highest liability that we could ever come
18 across.

19 And it's important that we are able to have
20 frank conversations about our budget with our
21 Governor's office and all of these individuals that are
22 making decisions based on the budget report.

23 That being said, I would just ask the
24 Commission when they have the opportunity to make sure
25 that stays in the front of their things to do list

1 because I think it's very important.

2 I think we're several, several years
3 behind. And I'll continue to beat that drum.

4 And I'd just ask the Commission to remember that
5 because we're lacking there.

6 And the other just comment that I wanted to
7 make was on the Legislative, some of the Legislative
8 discussion that we had.

9 I applaud you. Sometimes POST has
10 different concerns than Chiefs and Sheriffs and I think
11 that when we have those different discussions that it
12 opens it up and it gives all of us a little bit of
13 insight as to what the challenges could be for agencies
14 maybe that aren't the size of some of our larger
15 agencies where they have some concerns that we may not
16 have because we simply have bigger budgets.

17 So, again, thank you for your work on this
18 Legislative session. I know it's been -- I've been
19 told it's been very involved.

20 MR. SHERLOCK: Thanks, Chief.

21 CHAIRMAN SOTO: Any other public comments?
22 Any public comments from anybody in the audience?

23 (no response)

24 CHAIRMAN SOTO: Okay. With that we're
25 going to move on to Item 3, Discussion, Public Comments

1 and for Possible Action.

2 It looks like this is what our Workshop is
3 about. The Commission to consider continuing the rule
4 making process and start developing final language for
5 adoption to NAC 289.290. The language is to provide for
6 the revocation of POST certification for a conviction
7 constituting a Misdemeanor Crime of Domestic Violence
8 without a request from the Agency.

9 Any further public comments on this from
10 our Commission or Commissioners?

11 (no response)

12 CHAIRMAN SOTO: Seeing as there are none,
13 I'm looking for a motion to continue the rule making
14 process.

15 COMMISSIONER SHEA: I'll make the motion to
16 continue the process. Tim Shea for the record. Sorry.

17 CHAIRMAN SOTO: I have a motion that.

18 COMMISSIONER REED: I'll second that.

19 CHAIRMAN SOTO: Second.

20 COMMISSIONER REED: Ben Reed, for the
21 record, second.

22 CHAIRMAN SOTO: So we have a motion and a
23 second. All those in favor?

24 (all say aye)

25 CHAIRMAN SOTO: Opposed?

1 (no response)

2 CHAIRMAN SOTO: Motion carries.

3 Item 4. Discussion, Public Comment and For
4 Possible Action. The Commission to consider starting
5 the rule making process to change the Nevada
6 Administrative Code 289. The change would allow a
7 Nevada certified Category 1 peace officer to leave
8 employment with a Nevada agency and go to a Federal Law
9 Enforcement Agency as a Federal Officer within Nevada
10 or a Nevada Law Enforcement Academy certified by the
11 Commission on a Peace Officers Standards and Training
12 without their Nevada Peace Officer Certification
13 expiring while employed.

14 Did you want to explain this, Mike?

15 MR. SHERLOCK: Sure. Mike Sherlock for the
16 record. Real quick.

17 So under the current rules, a person who
18 leaves employment as a peace officer in Nevada has
19 their basic certificate moved to inactive. If they
20 remain in inactive status for five years or more, they
21 expire. It's as if they were never a peace officer in
22 the State of Nevada.

23 Once the certificate expires, there's no
24 mechanism to renew it and they, again, have to start
25 over, full basic Academy, again as if they had never

1 been here.

2 And, again, we -- from Staff's perspective,
3 we have no issue with that. I think that's a very
4 generous rule that we have here in Nevada, perhaps more
5 generous than other states. Many are three or two
6 years.

7 But the basis for that rule is that
8 policing changes, laws change. Someone who's outside
9 of the profession for five years or more no longer
10 possesses that working knowledge that an Academy would
11 give back to them.

12 With that said, I spoke to a former
13 Commissioner, Gary Schofield who most of you know, I
14 think. He's a former Deputy Chief at Metro and is
15 currently the Nevada U.S. Marshal. So he is interested
16 and asked about making a rule change regarding that
17 expiration time for a Nevada POST certificate.

18 And believe it or not, it's not for him,
19 although it may sound -- or me, for that matter, by the
20 way.

21 He explained that he has had U.S. Marshals
22 who were previously Nevada, you know, Cat 1 certified
23 officers who wanted to return to State service but were
24 expired.

25 They had been gone for more than five

1 years. In speaking to our Staff, Warren who handles a
2 lot of this, he has had calls on other occasions where
3 Nevada previously certified officers had moved to the
4 Federal level, for example, vested themselves in the
5 Federal system then looked to return but, you know,
6 they didn't want to start over and it had been more
7 than five years.

8 In fact, one of them I believe was wanting
9 to go back to Clark County School District.

10 So if you think of the basis of the rule,
11 right, when an officer goes to a Federal law
12 enforcement employment and they are assigned in the
13 State of Nevada, which would be our desire in any
14 language change, they're still making arrests,
15 they're testifying in State Court, they're doing all of
16 those things.

17 That officer essentially has not lost any
18 of that knowledge as they continue to work in law
19 enforcement in the State of Nevada.

20 Along the same lines, on the other end of
21 that, if an officer decides to go into training at a
22 fulltime Academy such as POST, they -- and
23 we are not sworn. They're intimately involved in
24 changes in policing in the State of Nevada. They know
25 the trends because they teach them.

1 So with an NAC update that would perhaps
2 say something along the lines that a Category 1 Officer
3 who goes to work for a Federal law enforcement agency
4 and is assigned to an within the State of Nevada or in
5 a training position with the State of Nevada Academy
6 fulltime, that Category 1 certificate will still move
7 to inactive, but will not expire as long as they remain
8 in that category of working in Nevada or training in
9 Nevada.

10 It's not a big number, but I can tell you
11 that for me, just from my own perspective in terms of
12 recruitment, it would help some. We have officers that
13 would like to come to work here, are worried about
14 their status moving inactive if they stay here five
15 years, they're done. So it would help me in terms of
16 recruitment.

17 And we know for a fact out there for some
18 of the Agencies that they have missed some prospective
19 candidates because their certificate had expired.

20 So, you know, we're looking that hopefully
21 the Commission may see it that way. Again, it's not a
22 big number, we understand that. But it would open that
23 pool up just a little bit in terms of being able to
24 recruit and we're looking to the Commission to perhaps
25 direct us to begin the rule making process in that

1 area.

2 COMMISSIONER FREEMAN: So, Michele Freeman.
3 Question for you. If I piggyback off of what you just
4 said and the example you gave with the Academy should
5 we, if we are considering this, should we not -- should
6 we limit it to Category 1 or should we extend it to
7 more than just Category 1 Peace Officers.

8 MR. SHERLOCK: Mike Sherlock for the
9 record.

10 I mean, again, that would be a Commission,
11 something for you guys to decide.

12 I can tell you that we look at, for
13 instance, reciprocity. Reciprocity, although we allow
14 Category 2 on reciprocity, it is really designed for
15 Category 1.

16 And the other end of that is, I don't know
17 how many Category 2 officers -- well, I shouldn't say
18 that. I was going to say Category 2 officers going
19 into a Federal Category 2 position, it could happen.

20 But ultimately that would be up to the
21 Commission on what we include. We put Category 1
22 because we kind of wanted to match the reciprocity
23 idea.

24 COMMISSIONER FREEMAN: Michele Freeman
25 again.

1 And I guess I was just going on to the back
2 end of the conversation, not so much the Federal end,
3 but the training.

4 And so if someone is in training and their
5 Cat 1, 2 or 3, they're still getting that knowledge,
6 experience, exposure, understanding. So they have that
7 baseline.

8 So I would think that it would potentially
9 be something that we should look at, just from, you
10 know, the explanation, I'm going off of what you just
11 said. And if we use that educational piece and they
12 wouldn't be outdated, they're training it even if
13 they're not the one -- even if they're not Cat 1
14 certified.

15 Does that make sense?

16 MR. SHERLOCK: Yeah. Mike Sherlock for the
17 record.

18 Just to understand from a practical -- and
19 I wouldn't be opposed to that. I understand what
20 you're saying.

21 But just understand from a practical
22 standpoint --

23 COMMISSIONER FREEMAN: Sure.

24 MR. SHERLOCK: One thing we would want to
25 prevent is so many officers retire and teach part time.

1 COMMISSIONER FREEMAN: Uh-huh.

2 MR. SHERLOCK: But the problem with that is
3 they teach one subject. So we would have to have
4 language, at least from our standpoint, that says it's
5 a fulltime position at a basic Academy, not an
6 instructor but a training officer, one.

7 Two, frankly, that leaves POST. Because
8 all of the other Academies, and I think even yours, all
9 the training officers are sworn any way.

10 COMMISSIONER FREEMAN: Uh-huh.

11 MR. SHERLOCK: They don't lose their status
12 and go inactive. So from a practical standpoint, we
13 have no 2, Cat 2 or Cat 3s training -- fulltime
14 trainers at an Academy who are, their certificate is in
15 jeopardy.

16 There are none that I know of right now.

17 COMMISSIONER FREEMAN: Uh-huh.

18 MR. SHERLOCK: But, again, your reasoning
19 makes sense. I mean, again, I would agree with that.
20 But there just aren't any right now in Nevada, that I
21 know of.

22 COMMISSIONER FREEMAN: Yeah, I guess --
23 Michele Freeman again.

24 I guess just, I'm thinking, and I'll use
25 our Academy as an example, which is our Regional

1 Academy, inclusive of other departments, and our
2 officers who are TAC officers out there, training
3 officers are -- could be a variety. It could be
4 typically 1 or 3. Usually not 2. 1 or 3.

5 And, therefore, if they're exposed to that
6 and they're doing it fulltime, it would still fall into
7 the explanation that you provided, I feel like.

8 And if they decided, like let's say they
9 decided to leave and they were doing this fulltime and
10 they've been doing this fulltime, they would be exempt
11 from being able to fit into this, meaning the Cat 2 or
12 3, we'll use

13 MR. SHERLOCK: Mike Sherlock for the
14 record.

15 No, no, I -- you're right. You're
16 absolutely right. Without including in the language 3s
17 --

18 COMMISSIONER FREEMAN: Correct.

19 MR. SHERLOCK: That would be correct.

20 And, again, that would be completely up to
21 the Commission in terms of what language you would want
22 and accept that kind of thing.

23 COMMISSIONER SHEA: Tim Shea for the
24 record.

25 What Michele was saying, I liken it to

1 larger agencies you can easily get assigned to
2 positions that have really no practical application of
3 what we consider law enforcement work.

4 You can get assigned as a polygraph
5 examiner for 15 years. You can go train at the Academy
6 for 10 or 12 years. It has nothing to do with your
7 certification.

8 So if you no longer work for a Department
9 but you're training at the Academy, what's the
10 difference between that person sitting right next to a
11 guy who works for a Department training at the exact
12 same Academy?

13 It has no impact on that officer's
14 certification because he's employed by a Agency doing
15 the exact same thing the other person was.

16 So I agree with Michele. Why would it make
17 any difference?

18 MR. SHERLOCK: Right. Yeah, and I -- Mike
19 Sherlock for the record.

20 You're making (inaudible) for my argument.
21 I have -- we have here training officers that left
22 employment and it does bother them that, you know, they
23 need to make a decision on whether they want to stay in
24 training within that five years or go back to an Agency
25 and we end up losing them.

1 And, again, we can't recruit for those
2 reasons, you know. There's other positions and they
3 are intimately involved in policing from a training
4 standpoint.

5 COMMISSIONER SHEA: What I'm saying -- Tim
6 Shea again -- is if that same exact person still worked
7 for, let's say, my Agency, I didn't see him for five
8 years because he's training with you guys up here, has
9 no impact.

10 But if he leaves my Agency and works for
11 you doing the exact same job, then it does? What's the
12 difference?

13 I'm just paying him instead of you, or
14 maybe you're even paying my Agency to have him up here.
15 So I think what Michele says makes absolute sense.

16 If they're involved in the training, why
17 should it have a negative impact on their certification
18 just because they're not getting their pay check from
19 this Agency. They're doing the exact same job.

20 MR. SHERLOCK: Right. Yes. Right.

21 CHAIRMAN SOTO: Any other comments from the
22 Commission?

23 (no response)

24 CHAIRMAN SOTO: Any public comments on
25 this?

1 (no response)

2 CHAIRMAN SOTO: All right. Seeing as
3 though we have none, I'm looking for a motion to start
4 the rule making process related to NAC 289 and the
5 status of certain basic certificates.

6 Do I have a motion?

7 COMMISSIONER FREEMAN: I'll make a motion.
8 Michele Freeman.

9 CHAIRMAN SOTO: I have a motion. Do I have
10 a second?

11 COMMISSIONER SHEA: I'll second.

12 CHAIRMAN SOTO: I have a motion and a
13 second. All those in favor?

14 (participants say aye)

15 CHAIRMAN SOTO: Opposed?

16 TAGLIATTI: Oppose.

17 CHAIRMAN SOTO: Motion carries. Did you
18 get a count on that? We have one opposed.

19 All right. Moving on to Item 5. We have
20 Discussion, Public Comment and For Possible Action.
21 Hearing pursuant to NAC 289.290 (1)(g) on the revocation
22 of Steven Daryl Miller, formerly of the Clark County
23 Juvenile Justice Services, certification based on a
24 conviction for a felony.

25 The Commission will decide whether to

1 revoke Mr. Miller's Category II Basic Certificate.

2 And I'm going to turn it over to Mike
3 Jensen.

4 MR. MIKE JENSEN: Thank you, Mr. Chairman.

5 So this is a hearing today under the
6 authority of NRS 289.510. Just to real quickly go over
7 the basis for the hearing which provides for the
8 Commission to adopt regulations establishing the
9 standards for certification and de-certification of
10 officers.

11 The Commission has done that through NAC
12 289.290 which specifically provides that the Commission
13 will revoke the officer's certification if they have a
14 felony conviction. That's in 289.290 (1)(g).

15 With regard to this particular case, in
16 your packets there's a number of documents that I'll go
17 through real quickly and ask if the -- that these be
18 admitted into the record to be part of any action that
19 the Commission may take today.

20 Starting with Exhibit 1, that's our --
21 that's your Notice of Intent to Revoke that's sent out
22 to Mr, in this case Mr. Miller, indicating to him the
23 opportunity to come forward, letting him know that the
24 Commission intends to take this action potentially to
25 revoke his Basic Certificate, the felony conviction

1 that it's based on and gives him the opportunity to
2 appear today, although I think that might be difficult
3 for this particular individual.

4 It provides for the legal requirement that
5 he respond within 15 days, which I understand he did
6 not do in this particular case, if he intended to
7 appear and provide any kind of evidence or testimony
8 with regard to this action.

9 Exhibit B is the Declaration of Service
10 which shows that Mr. Miller was served with this
11 notice. And so the Commission has complied with both
12 the requirements of your own regulations as well as the
13 open meeting law which requires you to give advanced
14 notice to anyone who you would be taking any kind of
15 action against.

16 Exhibit C is the personnel action report
17 that shows that Mr. Miller's employment was terminated
18 effective May 17th of 2017 as a Peace Officer.

19 Exhibit D is a certified copy of his Basic
20 Certificate, which is the certification that the
21 Commission would be taking action on today.

22 Exhibit E is the actual court document that
23 deals with the charge. It's a certified copy of an
24 amended information that charged Mr. Miller with one
25 felony count of murder in the second degree, a Category

1 A Felony.

2 The amended information alleges that on or
3 about the 23rd of April, 2017 in Clark County he did
4 willfully, unlawfully and feloniously and with malice
5 kill a person by stabbing.

6 Exhibit F is the guilty plea memorandum
7 where he has agreed to plead guilty to that murder in
8 the second degree as set out in the amended
9 information.

10 Exhibit G is the judgment of conviction
11 which shows that he has been convicted of murder in the
12 second degree, a Category A Felony.

13 Through that judgment of conviction he was
14 sentenced to a maximum of 25 years and a minimum of 10
15 years in the Nevada Department of Corrections which is
16 where I understand he still resides.

17 The evidence in this particular case is
18 pretty straightforward I think for the Commission.
19 Certainly the conduct is extreme and it's serious
20 criminal conduct and is a gross violation of the public
21 trust that we place in Peace Officers, and would make a
22 recommendation that Mr. Miller's POST Certification be
23 revoked.

24 CHAIRMAN SOTO: Okay. Do we have any
25 comments from the Commission?

1 (no response)

2 CHAIRMAN SOTO: Any public comment?

3 (no response)

4 CHAIRMAN SOTO: Seeing as there is none,
5 we're looking for a motion to revoke Mr. Miller's POST
6 Certificate.

7 COMMISSIONER KETSAA: Jim Ketsaa, for the
8 record. I make a motion.

9 CHAIRMAN SOTO: Second?

10 COMMISSIONER REED: Ben Reed, second the
11 motion.

12 CHAIRMAN SOTO: Motion and a second. All
13 those in favor?

14 (all say aye)

15 CHAIRMAN SOTO: Opposed?

16 (no response)

17 CHAIRMAN SOTO: Motion carries unanimously.
18 All right. Item 6, on a happier note.

19 Discussion, Public Comment and For Possible Action. We
20 have a request from the Las Vegas Metropolitan Police
21 Department for their employee, Deputy Chief Christopher
22 Darcy for an Executive Certificate.

23 MR. SHERLOCK: Thank you, Mr. Chairman.

24 Mike Sherlock, for the record.

25 So Staff did in fact receive an application

1 for an Executive Certificate for Deputy Chief
2 Christopher Darcy of the Las Vegas Metropolitan Police
3 Department.

4 The Executive Certificate Committee
5 reviewed the application and found Deputy Chief Darcy
6 meets all the requirements necessary and Staff would
7 recommend the issuance of the Executive Certificate to
8 Deputy Chief Darcy.

9 CHAIRMAN SOTO: Okay. Any comments from
10 the Commission?

11 (no response)

12 CHAIRMAN SOTO: Any public comments?

13 (no response)

14 CHAIRMAN SOTO: Seeing as there's none,
15 looking for a motion to grant an Executive Certificate
16 to Deputy Chief Christopher Darcy of the Las Vegas
17 Metro Police Department.

18 COMMISSIONER MCGRATH: John McGrath. I
19 make a motion to approve the Executive Certificate for
20 Chris Darcy.

21 COMMISSIONER TOGLIATTI: George Togliatti.
22 I'll second.

23 CHAIRMAN SOTO: I have a motion and a
24 second. All those in favor say aye.

25 (all say aye)

1 CHAIRMAN SOTO: Opposed?

2 (no response)

3 CHAIRMAN SOTO: Motion carries unanimously.

4 Okay. Item 7. Again, Discussion, Public
5 Comment and For Possible Action. This is a request
6 from the Las Vegas Metro Police Department for their
7 employee Captain William Scott for an Executive
8 Certificate.

9 I'll turn this one over as well.

10 MR. SHERLOCK: Thank you, Mr. Chairman.

11 Mike Sherlock for the record. Again, Staff
12 received an application for an Executive Certificate
13 for Captain William Scott of the Las Vegas Metropolitan
14 Police Department.

15 The Executive Certificate committee again
16 reviewed the application and found Captain Scott meets
17 all of the requirements necessary and again would
18 recommend the issuance of the Executive Certificate to
19 Captain Scott.

20 CHAIRMAN SOTO: Okay. Any comments from
21 the Commission?

22 (no response)

23 CHAIRMAN SOTO: Any public comments?

24 (no response)

25 CHAIRMAN SOTO: Seeing as there's none, I'm

1 looking for a motion.

2 COMMISSIONER MCGRATH: Yeah. John
3 McGrath. I'll make another motion to approve Captain
4 Scott's Executive Certificate.

5 COMMISSIONER FREEMAN: Michele Freeman.
6 Second.

7 CHAIRMAN SOTO: We have a motion and a
8 second. All of those in favor say aye.

9 (all say aye)

10 CHAIRMAN SOTO: Opposed?

11 (no response)

12 CHAIRMAN SOTO: Motion carries unanimously.

13 And Item 8, Discussion, Public Comment and
14 For Possible Action, a request from the Elko Police
15 Department for their employee Captain Tyler Trouten to
16 receive an Executive Certificate. And you have that
17 one as well

18 MR. SHERLOCK: Mike Sherlock for the record
19 once again. Staff also received an application for an
20 Executive Certificate for Captain Tyler Trouten of the
21 Elko Police Department.

22 The Executive Certificate Committee
23 reviewed the application and again found that Captain
24 Trouten meets all of the requirements necessary and
25 Staff would recommend the issuance of that Executive

1 Certificate to Captain Trouten.

2 CHAIRMAN SOTO: Any comments from the
3 Commission?

4 COMMISSIONER REED: I'd like to comment,
5 Mr. Chairman. This is my Captain and he is in the
6 audience here today. I appreciate him coming before
7 the Commission and I'll keep it brief. My comments are
8 already in there, but just that I've seen this
9 individual grow professionally to quite an extent in
10 the last six years or so.

11 And he's moved up in rank and is actually
12 the number 2 in our Agency and has come quite far. So
13 it's a privilege to recommend him to the Commission for
14 an Executive Certificate. He is here today.

15 CHAIRMAN SOTO: Any comments from -- public
16 comment?

17 (no response)

18 Seeing as though there's none, I'm looking
19 for a motion.

20 COMMISSIONER REED: I'll be glad to make
21 the motion. Ben Reed for the record. Motion to
22 approve and grant Captain Tyler Trouten from the Elko
23 Police Department to receive a POST Executive
24 Certificate.

25 COMMISSIONER TOGLIATTI: George Togliatti,

1 I'll second.

2 CHAIRMAN SOTO: We have a motion and a
3 second. All those in favor say aye.

4 (all say aye)

5 CHAIRMAN SOTO: Opposed?

6 (no response)

7 CHAIRMAN SOTO: Motion carries unanimously.
8 Congratulations to all three of them.

9 Okay. Item 9. Public comments. Do we
10 have any public comments that anybody wants to give us
11 today?

12 (no response)

13 CHAIRMAN SOTO: Okay. There are none.

14 Item 10. Discussion, Public Comment and
15 For Possible Action. We're going to schedule our
16 upcoming Commission meeting. I will turn that over to
17 Mr. Sherlock.

18 MR. SHERLOCK: Mike Sherlock for the
19 record.

20 So as some of you know, the Commission by
21 Statute must meet regularly. Traditionally we meet
22 four times a year to meet that requirement. Some of
23 you were here and you may remember that the Commission
24 agreed to begin meeting twice in the south and twice in
25 the north foregoing the July Ely meeting, nothing

1 against the east, it's just -- it's difficult for
2 witnesses to get out there and travel and all of that
3 kind of thing.

4 So with that in mind, and considering some
5 of the weather concerns and that kind of thing, Staff
6 believes the best course of action is to do the
7 November, which we traditionally do in Clark County any
8 way, but also the February meeting in the south.

9 And then the May meeting in the north as
10 we're doing today and then a late summer meeting also
11 in the north to match that.

12 So that said, Staff recommends that the
13 next meeting be August 15th and then in November we
14 would be in the south, in conjunction with the Sheriffs
15 and Chiefs annual conference.

16 And if that works, we will put out -- what
17 we hope to do is put out a meeting schedule for the
18 next fiscal year so that everybody will have that in
19 advance any way.

20 So that's what staff is recommending at
21 this point.

22 CHAIRMAN SOTO: You said August 15th?

23 MR. SHERLOCK: August 15th being the next
24 meeting here in the north. And it may be Reno or
25 something like that, which is a little bit easier for

1 people flying in and would be a good thing, too.

2 CHAIRMAN SOTO: Okay. Any comments from
3 the Commission?

4 COMMISSIONER MCGRATH: John McGrath for
5 the record.

6 I just want to say the last meeting it took
7 me an hour and 15 minutes to get to the airport in Reno
8 in the blizzard that was happening here. So I
9 definitely agree with changing the --

10 MR. SHERLOCK: Chief, that's only because
11 you've never seen snow, so --

12 COMMISSIONER MCGRATH: So I'm from New
13 Hampshire, so believe me there was a lot of people up
14 here that hadn't seen snow that didn't know how to
15 drive.

16 MR. SHERLOCK: Good point.

17 COMMISSIONER MCGRATH: But you still have
18 to go slow when you can't see.

19 CHAIRMAN SOTO: Any other comments, public
20 comments?

21 Can I get a motion for our next meeting on
22 August 15th.

23 COMMISSIONER MCKINNEY: Kevin McKinney. I
24 move we schedule the next meeting for August 15th.

25 CHAIRMAN SOTO: All right. Second.

1 COMMISSIONER ALLEN: Mike Allen, I'll
2 second.

3 CHAIRMAN SOTO: So we have a motion and a
4 second. All those in favor say aye.

5 (all say aye)

6 CHAIRMAN SOTO: Opposed?

7 (no response)

8 CHAIRMAN SOTO: Motion carries unanimously.

9 MR. SHERLOCK: Chief, real quick before
10 adjournment.

11 Perhaps you'd like to present these
12 Executive Certificates on the record for anybody that's
13 here.

14 I'll actually pass them back to you.

15 CHAIRMAN SOTO: Okay.

16 MR. SHERLOCK: You're more important than I
17 am.

18 CHAIRMAN SOTO: So we have -- I know we
19 have Tyler here. Congratulations.

20 MR. TROUTEN: Thank you, sir.

21 MR. SHERLOCK: Good job.

22 (applause from the audience)

23 CHAIRMAN SOTO: Before I make a motion to
24 adjourn, I just want to -- I know everybody here is
25 here for the memorial and I just want to thank

1 everybody for being participants in police week this
2 week and thank you for coming up north for those that
3 have paid the ultimate sacrifice.

4 And I want to thank you all for being here.

5 So now I'm looking for a motion to adjourn.

6 COMMISSIONER SHEA: Tim Shea for the

7 record. I'll make a motion to adjourn.

8 CHAIRMAN SOTO: Second?

9 COMMISSIONER REED: Ben Reed, second.

10 CHAIRMAN SOTO: Motion carries.

11 (Hearing concluded)

12

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3 STATE OF MARYLAND

4 CITY OF BALTIMORE: ss

5

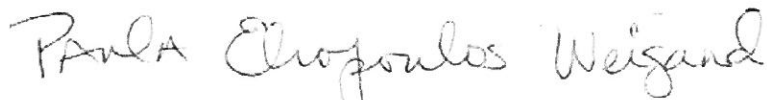
6 I, Paula J. Eliopoulos, a Notary Public in and
7 for the State of Maryland, Baltimore City, do hereby
8 certify that the foregoing is a true and accurate
9 transcription of the recording to the best of my
10 ability.

11 I further certify that I am not of counsel to
12 any of the parties nor in any way interested in the
13 outcome of these proceedings.

14 As witness, my hand and notarial seal this
15 16th day of May, 2019.

16

17



18

Paula J. Eliopoulos

19

20

21

22

23 My commission expires: June 15, 2020

24

25

III. Regularly Scheduled Meeting Agenda Items

2. **INFORMATION**

Executive Directors Report

III. Regularly Scheduled Meeting Agenda Items

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

The Commission to discuss and possibly take action to continue the rule making process to change the Nevada Administrative Code Chapter 289. The Commission is considering an amendment to its regulations that would toll the running of the five year time period in NAC 289.200(8) during the time the person is employed by a federal law enforcement agency in the State of Nevada that requires its officers to complete training recognized by the POST Commission pursuant to NAC 289.200(2), or the person is employed full time in a training officer, supervisor or manager position at a school that primarily teaches a basic training course certified by the POST Commission.

III. Regularly Scheduled Meeting Agenda Items

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

The Commission to discuss and possibly take action to amend its regulations, as set out in LCB file No. R006-19, to provide the Commission with authority to suspend or revoke a peace officer's certification upon conviction for a misdemeanor crime of domestic violence as defined in 18 U.S.C. § 921(a)(33) without the recommendation of the employing agency.

**PROPOSED REGULATION OF THE PEACE OFFICERS
STANDARDS AND TRAINING COMMISSION**

LCB File No. R006-19

June 26, 2019

EXPLANATION – Matter in *italics* is new; matter in brackets ~~omitted material~~ is material to be omitted.

AUTHORITY: §1, NRS 289.510.

A REGULATION relating to peace officers; revising provisions governing the suspension, refusal or revocation of a certificate of a peace officer; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Peace Officers' Standards and Training Commission to adopt regulations establishing minimum standards for the certification and training of peace officers. (NRS 289.510) Existing regulations authorize the Commission to suspend, refuse or revoke the certificate of a peace officer, if, among other circumstances, the peace officer: (1) is convicted of, or pleads guilty, guilty but mentally ill or nolo contendere to a felony or gross misdemeanor; or (2) is convicted of a misdemeanor. If the peace officer is convicted of a misdemeanor and the employing agency recommends the suspension or revocation, existing regulations authorize the Commission to revoke or suspend the certificate of the peace officer. (NAC 289.290) This regulation authorizes the Commission to suspend or revoke the certificate of the peace officer without a recommendation from the employing agency if the peace officer is convicted of a misdemeanor crime of domestic violence, as defined pursuant to federal law.

Section 1. NAC 289.290 is hereby amended to read as follows:

289.290 1. Each of the following constitutes cause for the Commission to revoke, refuse or suspend the certificate of a peace officer:

(a) Willful falsification of any information provided to obtain the certificate.

(b) A permanent or chronic physical or mental disability affecting the officer's ability to perform his or her full range of duties.

(c) Chronic drinking or drunkenness on duty.

(d) Addiction to or the unlawful use or possession of narcotics or other drugs.

(e) Conviction of, or entry of a plea of guilty, guilty but mentally ill or nolo contendere to, a gross misdemeanor. Upon criminal indictment or filing of a criminal complaint, suspension may be imposed.

(f) Failure to comply with the standards established in this chapter.

(g) Conviction of, or entry of a plea of guilty, guilty but mentally ill or nolo contendere to, a felony. Upon criminal indictment or filing of a criminal complaint, suspension may be imposed. Upon conviction or entry of a plea of guilty, guilty but mentally ill or nolo contendere, the certificate will be revoked.

(h) ~~[Conviction]~~ *Except as otherwise provided in paragraph (i), conviction* of a misdemeanor. If the employing agency recommends suspension or revocation following *the* conviction of the employee for a misdemeanor, suspension or revocation may be imposed. In determining whether to suspend or revoke the certificate, the Commission will consider the type of conviction and other information provided by the agency indicating unprofessional conduct or similar undesirable activity by the officer that resulted in disciplinary action.

(i) Conviction of a misdemeanor crime of domestic violence as defined in 18 U.S.C. § 921(a)(33). Following the conviction of the employee for such a misdemeanor, suspension or revocation may be imposed regardless of whether the employing agency recommends suspension or revocation.

2. Denial, suspension or revocation procedures will not be considered by the Commission in cases where the employment of an officer is terminated for violations of the policies, general orders or similar guidelines of operation of the employing agency which do not constitute any of the causes for denial, suspension or revocation specified in subsection 1.

3. The employing agency shall notify the Commission any time that it becomes aware that one of its officers has been charged with a crime that could result in denial, suspension or revocation procedures. Upon receipt of information alleging any of the causes enumerated in subsection 1, the Commission will determine whether to pursue revocation or suspension of the certificate of the officer.

4. The Commission will notify the officer by certified mail at the officer's last known address of any pending revocation or suspension action and of the nature of the charges and the officer's right to appear and answer the charges. The officer shall, within 15 days after the date on the certified mail receipt, respond in writing, notifying the Commission of his or her intended action with reference to the charges.

5. If the officer fails to notify the Commission within the specified time of his or her intention to appear in answer to the pending action, the Commission will:

(a) Consider the case on its own merits, using the statement from the head of the employing agency or the substantiated information derived from any independent investigation it deems necessary;

(b) Take no action pending the outcome of possible criminal action which may be filed against the officer; and

(c) Take no action pending the outcome of an appeal.

➡ The Commission's decision will be determined by a majority vote of the members of the Commission present.

6. When an officer notifies the Commission of his or her intention to appear and answer the charges pending against him or her, the Commission will elect to sit as a whole at a hearing or designate an independent hearing officer to hear the matter and make recommendations in writing to the Commission. The Commission will review the recommendations of any such hearing officer and arrive at a decision by majority vote of the members present.

7. The Commission will notify the officer of its decision within 15 days after the hearing.

8. An applicant for a certificate who has not been previously certified, but who would be subject to revocation for any cause set out in subsection 1, will not be granted a certificate.

9. If, upon receiving a written allegation that a peace officer is in violation of any provision of subsection 1 and that the facts and circumstances indicate that suspension rather than revocation would be in the best interests of the agency and law enforcement in general, the Commission will suspend the officer's certificate.

10. The Commission will provide each peace officer whose certificate is suspended with written notice of the suspension by certified registered mail. The suspension becomes effective 24 hours after receipt of the certified notice. The notice will contain a statement advising the officer of the right to a hearing.

11. Suspension of a certificate is not a bar to future revocation of the certificate and any prior suspensions may be considered as a factor if revocation is being considered by the Commission.

12. Five years after the revocation of a certificate, an officer may submit a written request to the Commission to allow him or her to reinstate his or her certificate. The Commission will schedule a hearing to consider whether to reinstate the officer's certificate. The Commission will notify the agency that requested the revocation of the date and time of the hearing. After the hearing, the Commission will determine whether to reinstate the certificate. If the certificate is reinstated, the Commission may establish a probationary period during which any misconduct by the officer would result in revocation.

III. Regularly Scheduled Meeting Agenda Items

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

The Commission to discuss and possibly take action to start the rule making process to amend NAC 289.230 to reflect the statutorily mandated continuing education/training for peace officers. The proposed amendment would remove the current 12 hour continuing education/training requirement and add the statutorily mandated training.

III. Regularly Scheduled Meeting Agenda Items

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

The Commission to discuss and possibly take action to delegate authority to the Executive Director to make any decision regarding litigation concerning any action or proceeding in which the Commission, or any member or employee of the Commission, is a party in an official capacity or participates or intervenes in any official capacity.

III. Regularly Scheduled Meeting Agenda Items

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

Hearing pursuant to NAC 289.290 (1) (g) on the revocation of Bret W. Theil, formerly of the Las Vegas Metropolitan Police Department, certification based on a conviction for 28 felonies. The Commission will decide whether to revoke Mr. Theil's Category I Basic Certificate.



EXHIBIT A

STATE OF NEVADA
COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

5587 Wa Pai Shone Avenue
Carson City, Nevada 89701
(775) 687-7678 FAX (775) 687-4911

STEVE SISOLAK
Governor

MICHAEL D. SHERLOCK
Executive Director

NOTICE OF INTENT TO REVOKE

September 5, 2019

Bret W. Theil, NDOC# 1217401
Lovelock State Prison
Lovelock, NV

Dear Mr. Theil:
POST PIN #: 21127

Based upon documentation received by the Nevada Peace Officer Standards and Training Commission and in accordance with Nevada Administrative Code 289.290 and Nevada Revised Statute 241.033, you are hereby notified that the Commission has initiated action to revoke your Nevada Peace Officer Certificate that authorizes the holder to be employed as a peace officer in the state of Nevada.

I have included a copy of Nevada Administrative Code 289.290 for your convenience.

The Commission's regulations provide that a person's POST certification may be revoked pursuant to NAC 289.290(1)(g) based on a conviction for a felony. The conviction(s) which have led to this action are as follows:

Counts 1, 4, 7, 10, 18, and 21: First Degree Kidnapping of a Minor (Category A Felony), in violation of NRS 200.310, 200.320.

Counts 2, 3, 8, 9 and 11: Lewdness With A Child Under The Age Of 14 (Category A Felony), in violation of NRS 201.230.

Counts 5, 6, 12, 13, 14 and 15: Sexual Assault With A Minor Under Fourteen Years Of Age (Category A Felony) in violation of NRS 200.364, 200.366.

Counts 16, 17, 19 and 20: Sexual Assault With A Minor under Sixteen Years Of Age (Category A Felony) in violation of NRS 200.364, 200.366;

Counts 22, 25, 26, and 27: Sexual Assault (Category A Felony) in violation of NRS 200.364, 200.366;

Counts 23, 24, and 28: Child Abuse, Neglect or Endangerment (Category B Felony) in violation of NRS 200.508.1; and

Case No: **C-18-329725-1**

Dept No: **XXIII**

Jurisdiction: **District Court of Clark County, Nevada**

You are further advised that you have the right to appear before the POST Commission to contest the revocation of your Nevada POST certification. To exercise your rights, you must within fifteen (15) days from the date of the Certified Mail receipt, provide written notice to the POST Commission of your intended action concerning these charges.

Written requests can be made to:

NEVADA COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

**5587 Wa Pai Shone Avenue
Carson City, NV 89701**

The POST Commission will determine whether your Nevada POST certification should be revoked at the meeting listed below:

Date: November 4, 2019

Time: 2:00 pm

Location: South Point Hotel and Spa, NAPA Rooms C/D at 9777 S. Las Vegas Blvd. Las Vegas, NV 89183.

If you fail to respond, the Commission will proceed in accordance with Nevada Administrative Code Chapter 289.

If you choose to appeal and answer the charges against you, the Commission may elect to sit as a whole or a number that is practicable at a hearing, or designate an independent hearing officer to hear the matter. You will be given the opportunity to present evidence and cross-examine witnesses as applicable. If you wish, you may be represented by an attorney; however, this would be at your own expense.

The hearing will cover the following: NAC 289.290 (1)(g). Revocation of a certificate based upon a felony conviction.

You will be notified of the Commission's decision within 15 days after said hearing, or as soon thereafter as is practicable.

If you need additional information concerning this matter, contact P.O.S.T. at (775) 687-7678.

Sincerely,



Donald S. Johnston, Division Chief
Peace Officer Standards and Training

MS/dsj

Cc: Sr. Dep. - Attorney General Michael Jensen
File

sec. 2. NAC 289.290 is hereby amended to read as follows:

289.290 1. Each of the following constitutes cause for the Commission to revoke, refuse or suspend the certificate of a peace officer:

- (a) Willful falsification of any information provided to obtain the certificate.
- (b) A permanent or chronic physical or mental disability affecting the officer's ability to perform his or her full range of duties.
- (c) Chronic drinking or drunkenness on duty.
- (d) Addiction to or the unlawful use or possession of narcotics or other drugs.
- (e) Conviction of, or entry of a plea of guilty, guilty but mentally ill or nolo contendere to, a gross misdemeanor. Upon criminal indictment or filing of a criminal complaint, suspension may be imposed.
- (f) Failure to comply with the standards established in this chapter.
- (g) Conviction of, or entry of a plea of guilty, guilty but mentally ill or nolo contendere to, a felony. Upon criminal indictment or filing of a criminal complaint, suspension may be imposed. Upon conviction or entry of a plea of guilty, guilty but mentally ill or nolo contendere, the certificate will be revoked.
- (h) Conviction of a misdemeanor. If the employing agency recommends suspension or revocation following conviction of the employee for a misdemeanor, suspension or revocation may be imposed. In determining whether to suspend or revoke the certificate, the Commission will consider the type of conviction and other information provided by the agency indicating unprofessional conduct or similar undesirable activity by the officer that resulted in disciplinary action.

2. Denial, suspension or revocation procedures will not be considered by the Commission in cases where the employment of an officer is terminated for violations of the policies, general orders or similar guidelines of operation of the employing agency which do not constitute any of the causes for denial, suspension or revocation specified in subsection 1.

3. The employing agency shall notify the Commission any time that it becomes aware that one of its officers has been charged with a crime that could result in denial, suspension or revocation procedures. Upon receipt of information alleging any of the causes enumerated in subsection 1, the Commission will determine whether to pursue revocation or suspension of the certificate of the officer.

4. The Commission will notify the officer by certified mail at the officer's last known address of any pending revocation or suspension action and of the nature of the charges and the officer's right to appear and answer the charges. The officer shall, within 15 days after the date on the certified mail receipt, respond in writing, notifying the Commission of his or her intended action with reference to the charges.

5. If the officer fails to notify the Commission within the specified time of his or her intention to appear in answer to the pending action, the Commission will:

(a) Consider the case on its own merits, using the statement from the head of the employing agency or the substantiated information derived from any independent investigation it deems necessary;

(b) Take no action pending the outcome of possible criminal action which may be filed against the officer; and

(c) Take no action pending the outcome of an appeal.

➔ The Commission's decision will be determined by a majority vote of the members of the Commission present.

6. When an officer notifies the Commission of his or her intention to appear and answer the charges pending against him or her, the Commission will elect to sit as a whole at a hearing or designate an independent hearing officer to hear the matter and make recommendations in writing to the Commission. The Commission will review the recommendations of any such hearing officer and arrive at a decision by majority vote of the members present.

7. The Commission will notify the officer of its decision within 15 days after the hearing.

8. An applicant for a certificate who has not been previously certified, but who would be subject to revocation for any cause set out in subsection 1, will not be granted a certificate.

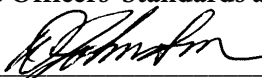
9. If, upon receiving a written allegation that a peace officer is in violation of any provision of subsection 1 and that the facts and circumstances indicate that suspension rather than revocation would be in the best interests of the agency and law enforcement in general, the Commission will suspend the officer's certificate.

10. The Commission will provide each peace officer whose certificate is suspended with written notice of the suspension by certified registered mail. The suspension becomes effective 24 hours after receipt of the certified notice. The notice will contain a statement advising the officer of the right to a hearing.

11. Suspension of a certificate is not a bar to future revocation of the certificate and any prior suspensions may be considered as a factor if revocation is being considered by the Commission.

12. Five years after the revocation of a certificate, an officer may submit a written request to the Commission to allow him or her to reinstate his or her certificate. The Commission will schedule a hearing to consider whether to reinstate the officer's certificate. The Commission will notify the agency that requested the revocation of the date and time of the hearing. After the hearing, the Commission will determine whether to reinstate the certificate. If the certificate is reinstated, the Commission may establish a probationary period during which any misconduct by the officer would result in revocation.

I hereby certify that this record is a true and correct copy of the original on file at the office of the Commission on Peace Officers' Standards and Training.

By  Date 10/14/2019
Division Chief



STATE OF NEVADA

COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

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

STEVE SISOLAK
Governor

MICHAEL D. SHERLOCK
Executive Director

DECLARATION OF SERVICE

I, Kelly Belanger, served the foregoing Notice of Intent to Revoke
Print name of the person serving this document

Pursuant to NAC 289.290 by personally serving:

Individual's Name: **BRET W. THEIL**

at LOVELOCK STATE PRISON on this
(location)

9 day of Sept, 2019.
Day Month Year

I declare under penalty of perjury that the forgoing is true and correct.

Executed on this 9 day of Sept, 2019.
Day Month Year

[Signature]
Signature of person serving the Notice
Kelly Belanger
Printed name of person serving the Notice

****RETURN THE SIGNED ORIGINAL OF THIS FORM TO POST WITHIN 15 DAYS****

I hereby certify that this record is a true and correct copy
of the original on file at the office of the Commission on
Peace Officers' Standards and Training.

EXHIBIT B

By [Signature] Date 10/14/2019
Division Chief

State of Nevada - POST
UPDATE - Personnel Action Report (PAR)

Post ID Number:

Last Name:

First Name:

MI:

Suffix:

☐ Name Change?

Last Name:

First Name:

MI:

Suffix:

☒ Address Change?

Street Address:

City:

State:

Zip Code:

County:

E-Mail:

Level Change?

☐ Line

☐ Supervisor

☐ Management

☐ Executive

☐ Part Time

☐ Full Time

Status Change?

☐ Deceased

☐ Retired

☒ Separated

NAC289.290 Notification (Cause For Commission Action)

Pursuant to NAC 289.290(3) "The employing agency shall notify the Commission any time that it becomes aware that one of its officers has been charged with a crime that could result in denial, suspension or revocation procedures. Upon receipt of information alleging any of the causes enumerated in subsection 1, the Commission will determine whether to pursue revocation or suspension of the certificate of the officer."

Does the above NAC apply? ☐ No

☒ Yes

****If you selected YES, ensure it is correct and provide details in the Comment field.****

Comments\Additional Information:

Theil was convicted of 28 Felonies. District Court Case #183297251

Effective Date:

Submitters E-Mail:

Submitters Name:

Submitters Phone:

EXHIBIT C

POST Update PAR form
Revised 01/01/2016

I hereby certify that this record is a true and correct copy
of the original on file at the office of the Commission on
Peace Officers Standards and Training.

Submission number: 126649

By

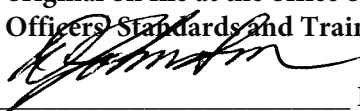
 Date 10/14/2019

EXHIBIT D

STATE OF NEVADA

COMMISSION ON PEACE OFFICERS' STANDARDS AND TRAINING

Hereby Awards the

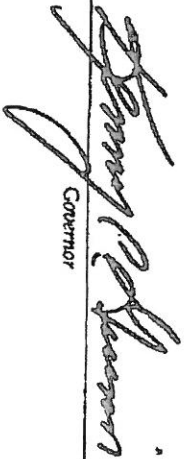
Basic Certificate

To
BART W. THEIL

For having fulfilled the requirements for Basic Certification
as prescribed by Nevada Revised Statutes.

CATEGORY I

Governor



Presented this 3rd day of August, 2001

Executive Director, Commission on Peace Officers'
Standards and Training



I hereby certify that this record is a true and correct copy of
the original on file at the office of the Commission on Peace
Officers' Standards and Training.

By


Division Chief

Date 10/14/2019

EXHIBIT E

ORIGINAL

FILED IN OPEN COURT
STEVEN D. GRIERSON
CLERK OF THE COURT

FEB 07 2018

BY 
DULCE MARIE ROMEA, DEPUTY

1 IND
2 STEVEN B. WOLFSON
3 Clark County District Attorney
4 Nevada Bar #001565
5 STACEY KOLLINS
6 Chief Deputy District Attorney
7 Nevada Bar #05391
8 200 Lewis Avenue
9 Las Vegas, Nevada 89155-2212
10 (702) 671-2500
11 Attorney for Plaintiff

DISTRICT COURT
CLARK COUNTY, NEVADA

9 THE STATE OF NEVADA,
10 Plaintiff,

11 -vs-

12 BRETT THEIL, #1458225
13 Defendant.

CASE NO: C-18-329725-1

DEPT NO: XXIII

INDICTMENT

15 STATE OF NEVADA }
16 COUNTY OF CLARK } ss.

17 The Defendant above named, BRETT THEIL, accused by the Clark County Grand Jury
18 of the crime(s) of FIRST DEGREE KIDNAPPING OF A MINOR (Category A Felony - NRS
19 200.310, 200.320 - NOC 50053), LEWDNESS WITH A CHILD UNDER THE AGE OF 14
20 (Category A Felony - NRS 201.230 - NOC 50975), SEXUAL ASSAULT WITH A MINOR
21 UNDER FOURTEEN YEARS OF AGE (Category A Felony - NRS 200.364, 200.366 - NOC
22 50105), SEXUAL ASSAULT WITH A MINOR UNDER SIXTEEN YEARS OF AGE
23 (Category A Felony - NRS 200.364, 200.366 - NOC 50106), SEXUAL ASSAULT (Category
24 A Felony - NRS 200.364, 200.366 - NOC 50095), CHILD ABUSE, NEGLECT, OR
25 ENDANGERMENT (Category B Felony - NRS 200.508.1 - NOC 55226), committed at and
26 within the County of Clark, State of Nevada, on or between August 26, 2005 and January 5,
27 2017, as follows:

28 //

C-18-329725-1
IND
Indictment
4718627



W:\2017\2017A\G03717AG037-IND-002.docx

1 COUNT 1 - FIRST DEGREE KIDNAPPING OF A MINOR

2 did, on or between August 26, 2005 and August 25, 2006, willfully, unlawfully and
3 feloniously, lead, take, entice, carry away or kidnap [REDACTED] a minor, with the intent to keep,
4 imprison, or confine said [REDACTED] from the parents, guardians, or other person or persons having
5 lawful custody of [REDACTED] or with the intent to hold [REDACTED] to unlawful service, or to perpetrate
6 upon the person of [REDACTED] any unlawful act, to-wit: lewdness with a minor under fourteen years
7 of age.

8 COUNT 2 - LEWDNESS WITH A CHILD UNDER THE AGE OF 14

9 did, on or between August 26, 2005 and August 25, 2006, then and there, willfully,
10 lewdly, unlawfully, and feloniously commit a lewd or lascivious act upon or with the body, or
11 any part or member thereof, a child, to-wit: [REDACTED], said child being under the age of fourteen
12 years, by said Defendant using his hand(s) and/or finger(s) to touch and/or rub and or fondle
13 the breast(s) and/or area of the breast(s) of the said [REDACTED] with the intent of arousing, appealing
14 to, or gratifying the lust, passions, or sexual desires of said Defendant, or said child.

15 COUNT 3 - LEWDNESS WITH A CHILD UNDER THE AGE OF 14

16 did, on or between August 26, 2005 and August 25, 2006, then and there, willfully,
17 lewdly, unlawfully, and feloniously commit a lewd or lascivious act upon or with the body, or
18 any part or member thereof, a child, to-wit: [REDACTED] said child being under the age of fourteen
19 years, by said Defendant using his hand(s) and/or finger(s) to touch and/or rub and or fondle
20 the genital area of the said [REDACTED], with the intent of arousing, appealing to, or gratifying the
21 lust, passions, or sexual desires of said Defendant, or said child.

22 COUNT 4- FIRST DEGREE KIDNAPPING OF A MINOR

23 did, on or between August 26, 2006 and August 25, 2007, willfully, unlawfully and
24 feloniously, lead, take, entice, carry away or kidnap [REDACTED], a minor, with the intent to keep,
25 imprison, or confine said [REDACTED], from the parents, guardians, or other person or persons having
26 lawful custody of [REDACTED] or with the intent to hold [REDACTED] to unlawful service, or to perpetrate
27 upon the person of [REDACTED] any unlawful act, to-wit: sexual assault with a minor under fourteen
28 years of age.

1 COUNT 5 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF
2 AGE

3 did, on or between August 26, 2006 and August 25, 2007, then and there, willfully,
4 unlawfully, and feloniously sexually assault and subject [REDACTED], a child under fourteen years of
5 age, to sexual penetration, to-wit: fellatio, by said Defendant causing the said [REDACTED] to have the
6 penis of the said Defendant on and/or in the mouth of the said [REDACTED] against the will of the said
7 [REDACTED] or under conditions in which Defendant knew, or should have known, that [REDACTED] was
8 mentally or physically incapable of resisting or understanding the nature of Defendant's
9 conduct.

10 COUNT 6 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF
11 AGE

12 did, on or between August 26, 2007 and August 25, 2008, then and there, willfully,
13 unlawfully, and feloniously sexually assault and subject [REDACTED], a child under fourteen years of
14 age, to sexual penetration, to-wit: fellatio, by said Defendant causing the said [REDACTED] to have the
15 penis of the said Defendant on and/or in the mouth of the said [REDACTED], against the will of the said
16 [REDACTED], or under conditions in which Defendant knew, or should have known, that [REDACTED] was
17 mentally or physically incapable of resisting or understanding the nature of Defendant's
18 conduct.

19 COUNT 7- FIRST DEGREE KIDNAPPING OF A MINOR

20 did, on or between August 26, 2008 and August 25, 2009, willfully, unlawfully and
21 feloniously, lead, take, entice, carry away or kidnap [REDACTED], a minor, with the intent to keep,
22 imprison, or confine said [REDACTED] from the parents, guardians, or other person or persons having
23 lawful custody of [REDACTED], or with the intent to hold [REDACTED] to unlawful service, or to perpetrate
24 upon the person of [REDACTED] any unlawful act, to-wit: lewdness with a minor under the age of
25 fourteen and or child abuse, neglect or endangerment.

26 COUNT 8 - LEWDNESS WITH A CHILD UNDER THE AGE OF 14

27 did, on or between August 26, 2008 and August 25, 2009, then and there, willfully,
28 lewdly, unlawfully, and feloniously commit a lewd or lascivious act upon or with the body, or

1 any part or member thereof, a child, to-wit: [REDACTED], said child being under the age of fourteen
2 years, by said Defendant using his hand(s) and/or finger(s) to touch and/or rub and or fondle
3 the breast(s) and/or area of the breast(s) and or place clothespins on the breast(s) of the said
4 [REDACTED] with the intent of arousing, appealing to, or gratifying the lust, passions, or sexual desires
5 of said Defendant, or said child.

6 COUNT 9 - LEWDNESS WITH A CHILD UNDER THE AGE OF 14

7 did, on or between August 26, 2008 and August 25, 2009, then and there, willfully,
8 lewdly, unlawfully, and feloniously commit a lewd or lascivious act upon or with the body, or
9 any part or member thereof, a child, to-wit: [REDACTED], said child being under the age of fourteen
10 years, by said Defendant masturbating in the presence of [REDACTED] and ejaculating on her unclothed
11 breasts and or stomach and or body of the said [REDACTED] with the intent of arousing, appealing to,
12 or gratifying the lust, passions, or sexual desires of said Defendant, or said child.

13 COUNT 10- FIRST DEGREE KIDNAPPING OF A MINOR

14 did, on or between August 26, 2009 and August 25, 2010, willfully, unlawfully and
15 feloniously, lead, take, entice, carry away or kidnap [REDACTED], a minor, with the intent to keep,
16 imprison, or confine said [REDACTED] from the parents, guardians, or other person or persons having
17 lawful custody of [REDACTED] or with the intent to hold [REDACTED] to unlawful service, or to perpetrate
18 upon the person of [REDACTED] any unlawful act, to-wit: sexual assault with a minor under fourteen
19 years of age and or lewdness with a minor under the age of fourteen.

20 COUNT 11 - LEWDNESS WITH A CHILD UNDER THE AGE OF 14

21 did, on or between August 26, 2009 and August 25, 2010, then and there, willfully,
22 lewdly, unlawfully, and feloniously commit a lewd or lascivious act upon or with the body, or
23 any part or member thereof, a child, to-wit: [REDACTED], said child being under the age of fourteen
24 years, by said Defendant masturbating in the presence of [REDACTED] and ejaculating on the face and
25 or head of the said [REDACTED], with the intent of arousing, appealing to, or gratifying the lust,
26 passions, or sexual desires of said Defendant, or said child.

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1 COUNT 12 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF
2 AGE

3 did, on or between August 26, 2009 and August 25, 2010, then and there, willfully,
4 unlawfully, and feloniously sexually assault and subject [REDACTED] a child under fourteen years of
5 age, to sexual penetration, to-wit: fellatio, by said Defendant causing the said [REDACTED] to have the
6 penis of the said Defendant on and/or in the mouth of the said [REDACTED] against the will of the said
7 [REDACTED], or under conditions in which Defendant knew, or should have known, that [REDACTED] was
8 mentally or physically incapable of resisting or understanding the nature of Defendant's
9 conduct.

10 COUNT 13 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF
11 AGE

12 did, on or between August 26, 2009 and August 25, 2010, then and there, willfully,
13 unlawfully, and feloniously sexually assault and subject [REDACTED] a child under fourteen years of
14 age, to sexual penetration, to-wit: digital penetration, by said Defendant inserting his finger(s)
15 into the genital opening of the said, against the will of the said [REDACTED], or under conditions in
16 which Defendant knew, or should have known, that [REDACTED] was mentally or physically incapable
17 of resisting or understanding the nature of Defendant's conduct.

18 COUNT 14 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF
19 AGE

20 did, on or between August 26, 2010 and August 25, 2011, then and there, willfully,
21 unlawfully, and feloniously sexually assault and subject [REDACTED], a child under fourteen years of
22 age, to sexual penetration, to-wit: fellatio, by said Defendant causing the said [REDACTED] to have the
23 penis of the said Defendant on and/or in the mouth of the said [REDACTED] against the will of the said
24 [REDACTED], or under conditions in which Defendant knew, or should have known, that [REDACTED] was
25 mentally or physically incapable of resisting or understanding the nature of Defendant's
26 conduct.

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1 COUNT 15 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF
2 AGE

3 did, on or between August 26, 2010 and August 25, 2011, then and there, willfully,
4 unlawfully, and feloniously sexually assault and subject [REDACTED] a child under fourteen years of
5 age, to sexual penetration, to-wit: digital penetration, by said Defendant inserting his finger(s)
6 into the genital opening of the said, against the will of the said [REDACTED] or under conditions in
7 which Defendant knew, or should have known, that [REDACTED] was mentally or physically incapable
8 of resisting or understanding the nature of Defendant's conduct.

9 COUNT 16 - SEXUAL ASSAULT WITH A MINOR UNDER SIXTEEN YEARS OF
10 AGE

11 did, on or between August 26, 2011 and August 25, 2012, then and there, willfully,
12 unlawfully, and feloniously sexually assault and subject [REDACTED], a child under fourteen years of
13 age, to sexual penetration, to-wit: fellatio, by said Defendant causing the said [REDACTED] to have the
14 penis of the said Defendant on and/or in the mouth of the said [REDACTED], against the will of the said
15 [REDACTED] or under conditions in which Defendant knew, or should have known, that [REDACTED] was
16 mentally or physically incapable of resisting or understanding the nature of Defendant's
17 conduct.

18 COUNT 17 - SEXUAL ASSAULT WITH A MINOR UNDER SIXTEEN YEARS OF
19 AGE

20 did, on or between August 26, 2011 and August 25, 2012, then and there, willfully,
21 unlawfully, and feloniously sexually assault and subject [REDACTED], a child under fourteen years of
22 age, to sexual penetration, to-wit: digital penetration, by said Defendant inserting his finger(s)
23 into the genital opening of the said, against the will of the said [REDACTED] or under conditions in
24 which Defendant knew, or should have known, that [REDACTED] was mentally or physically incapable
25 of resisting or understanding the nature of Defendant's conduct.

26 COUNT 18- FIRST DEGREE KIDNAPPING OF A MINOR

27 did, on or between August 26, 2012 and August 25, 2013, willfully, unlawfully and
28 feloniously, lead, take, entice, carry away or kidnap [REDACTED], a minor, with the intent to keep,

1 imprison, or confine said [REDACTED], from the parents, guardians, or other person or persons having
2 lawful custody of [REDACTED], or with the intent to hold [REDACTED] to unlawful service, or to perpetrate
3 upon the person of [REDACTED] any unlawful act, to-wit: sexual assault with a minor under sixteen.

4 COUNT 19 - SEXUAL ASSAULT WITH A MINOR UNDER SIXTEEN YEARS OF
5 AGE

6 did, on or between August 26, 2012 and August 25, 2013, then and there, willfully,
7 unlawfully, and feloniously sexually assault and subject [REDACTED], a child under fourteen years of
8 age, to sexual penetration, to-wit: fellatio, by said Defendant causing the said [REDACTED] to have the
9 penis of the said Defendant on and/or in the mouth of the said [REDACTED], against the will of the said
10 [REDACTED] or under conditions in which Defendant knew, or should have known, that [REDACTED] was
11 mentally or physically incapable of resisting or understanding the nature of Defendant's
12 conduct.

13 COUNT 20 - SEXUAL ASSAULT WITH A MINOR UNDER SIXTEEN YEARS OF
14 AGE

15 did, on or between August 26, 2012 and August 25, 2013, then and there, willfully,
16 unlawfully, and feloniously sexually assault and subject [REDACTED] a child under fourteen years of
17 age, to sexual penetration, to-wit: digital penetration, by said Defendant inserting his finger(s)
18 into the genital opening of the said, against the will of the said [REDACTED], or under conditions in
19 which Defendant knew, or should have known, that [REDACTED] was mentally or physically incapable
20 of resisting or understanding the nature of Defendant's conduct.

21 COUNT 21- FIRST DEGREE KIDNAPPING OF A MINOR

22 did, on or between August 26, 2013 and August 25, 2014, willfully, unlawfully and
23 feloniously, lead, take, entice, carry away or kidnap [REDACTED], a minor, with the intent to keep,
24 imprison, or confine said [REDACTED] from the parents, guardians, or other person or persons having
25 lawful custody of [REDACTED] or with the intent to hold [REDACTED] to unlawful service, or to perpetrate
26 upon the person of [REDACTED] any unlawful act, to-wit: sexual assault and or child abuse neglect or
27 endangerment.

28 //

1 COUNT 22 - SEXUAL ASSAULT

2 did, on or between August 26, 2013 and August 25, 2014, then and there, willfully,
3 unlawfully, and feloniously sexually assault and subject [REDACTED] to sexual penetration, to-wit:
4 fellatio, by said Defendant causing the said [REDACTED] to have the penis of the said Defendant on
5 and/or in the mouth of the said [REDACTED] against the will of the said [REDACTED], or under conditions in
6 which Defendant knew, or should have known, that [REDACTED] was mentally or physically incapable
7 of resisting or understanding the nature of Defendant's conduct.

8 COUNT 23 - CHILD ABUSE, NEGLECT, OR ENDANGERMENT-SEXUAL
9 EXPLOITATION

10 did, on or between August 26, 2013 and August 25, 2014, did willfully, unlawfully,
11 and feloniously cause a child under the age of 18 years, to wit: [REDACTED] being approximately 16
12 year(s) of age, to suffer unjustifiable physical pain or mental suffering as a result of abuse or
13 neglect, to wit: sexual abuse, and/or cause [REDACTED] to be placed in a situation where he or she
14 might have suffered unjustifiable physical pain or mental suffering as a result of abuse or
15 neglect, to wit: sexual abuse, by committing open and gross lewdness by striking her genital
16 area with a whip and or leather device and or placing clothespins on her breast(s), resulting in
17 substantial bodily or mental harm.

18 COUNT 24 - CHILD ABUSE, NEGLECT, OR ENDANGERMENT - SEXUAL
19 EXPLOITATION

20 did, on or between August 26, 2014 and August 25, 2015, willfully, unlawfully and
21 feloniously cause a child under the age of 18 years, to-wit: [REDACTED] being approximately 17 years
22 of age, to suffer unjustifiable physical pain or mental suffering as a result of abuse or neglect,
23 to wit: sexual abuse, and/or cause [REDACTED] to be placed in a situation where she might have
24 suffered unjustifiable physical pain or mental suffering as a result of abuse or neglect, to wit:
25 sexual abuse, by committing open and gross lewdness by encouraging and/or directing and/or
26 causing the said [REDACTED] to touch and/or rub and/or fondle his penis.

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1 COUNT 25 - SEXUAL ASSAULT

2 did, on or between August 26, 2014 and August 25, 2015, then and there, willfully,
3 unlawfully, and feloniously sexually assault and subject [REDACTED], to sexual penetration, to-wit:
4 fellatio, by said Defendant causing the said [REDACTED] to have the penis of the said Defendant on
5 and/or in the mouth of the said [REDACTED], against the will of the said [REDACTED], or under conditions in
6 which Defendant knew, or should have known, that [REDACTED] was mentally or physically incapable
7 of resisting or understanding the nature of Defendant's conduct.

8 COUNT 26 - SEXUAL ASSAULT

9 did, on or between August 26, 2015 and August 25, 2016, then and there, willfully,
10 unlawfully, and feloniously sexually assault and subject [REDACTED] to sexual penetration, to-wit:
11 fellatio, by said Defendant causing the said [REDACTED] to have the penis of the said Defendant on
12 and/or in the mouth of the said [REDACTED], against the will of the said [REDACTED], or under conditions in
13 which Defendant knew, or should have known, that [REDACTED] was mentally or physically incapable
14 of resisting or understanding the nature of Defendant's conduct.

15 COUNT 27 - SEXUAL ASSAULT

16 did, on or between August 26, 2016 and January 4, 2017, then and there, willfully,
17 unlawfully, and feloniously sexually assault and subject [REDACTED], to sexual penetration, to-wit:
18 fellatio, by said Defendant causing the said [REDACTED] to have the penis of the said Defendant on
19 and/or in the mouth of the said [REDACTED] against the will of the said [REDACTED], or under conditions in

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1 which Defendant knew, or should have known, that [REDACTED] was mentally or physically incapable
2 of resisting or understanding the nature of Defendant's conduct


3 DATED this 16th day of February, 2018.

4 STEVEN B. WOLFSON
5 Clark County District Attorney
6 Nevada Bar #001565

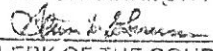
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8 
9 STACEY COLLINS
10 Deputy District Attorney
11 Nevada Bar #05391

12 ENDORSEMENT: A True Bill

13 
14 Foreperson, Clark County Grand Jury

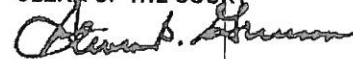
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MAY 29 2019

EXHIBIT F

Electronically Filed
5/20/2019 8:31 AM
Steven D. Grierson
CLERK OF THE COURT



JOC

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

BRETT THEIL
#1458225

Defendant.

CASE NO. C-18-329725-1

DEPT. NO. XXIII

JUDGMENT OF CONVICTION
(JURY TRIAL)

The Defendant previously entered a plea of not guilty to the crimes of COUNTS 1, 4, 7, 10, 18 and 21 – FIRST DEGREE KIDNAPPING OF A MINOR (Category A Felony) in violation of NRS 200.310, 200.320; COUNTS 2, 3, 8, 9 and 11 – LEWDNESS WITH A CHILD UNDER THE AGE OF 14 (Category A Felony) in violation of NRS 201.230; COUNTS 5, 6, 12, 13, 14 and 15 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF AGE (Category A Felony) in violation of NRS 200.364, 200.366; COUNTS 16, 17, 19 and 20 – SEXUAL ASSAULT WITH A MINOR UNDER SIXTEEN

1 YEARS OF AGE (Category A Felony) in violation of NRS 200.364, 200.366; COUNTS 22,
2 25, 26 and 27 - SEXUAL ASSAULT (Category A Felony) in violation of NRS 200.364,
3 200.366; COUNTS 23, 24 and 28 – CHILD ABUSE, NEGLECT OR ENDANGERMENT
4 (Category B Felony) in violation of NRS 200.508.1; and COUNT 29 – RESISTING PUBLIC
5 OFFICER WITH USE OF A FIREARM (Category C Felony) in violation of NRS 199.280;
6 and the matter having been tried before a jury and the Defendant having been found guilty of
7 the crimes of COUNTS 1, 4, 7, 10, 18 and 21 – FIRST DEGREE KIDNAPPING OF A MINOR
8 (Category A Felony) in violation of NRS 200.310, 200.320; COUNTS 2, 3, 8, 9 and 11 –
9 LEWDNESS WITH A CHILD UNDER THE AGE OF 14 (Category A Felony) in violation of
10 NRS 201.230; COUNTS 5, 6, 12, 13, 14 and 15 - SEXUAL ASSAULT WITH A MINOR
11 UNDER FOURTEEN YEARS OF AGE (Category A Felony) in violation of NRS 200.364,
12 200.366; COUNTS 16, 17, 19 and 20 – SEXUAL ASSAULT WITH A MINOR UNDER
13 SIXTEEN YEARS OF AGE (Category A Felony) in violation of NRS 200.364, 200.366;
14 COUNTS 22, 25, 26 and 27 - SEXUAL ASSAULT (Category A Felony) in violation of NRS
15 200.364, 200.366; and COUNTS 23, 24 and 28 – CHILD ABUSE, NEGLECT OR
16 ENDANGERMENT (Category B Felony) in violation of NRS 200.508.1; thereafter, on the 15th
17 day of May, 2019, the Defendant was present in court for sentencing with counsel CRAIG A.
18 MUELLER, ESQ., and good cause appearing.

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23 THE DEFENDANT IS HEREBY ADJUDGED guilty of said offenses and, in addition
24 to the \$25.00 Administrative Assessment Fee and \$150.00 DNA Analysis Fee including testing
25 to determine genetic markers plus \$3.00 DNA Collection Fee, the Defendant is SENTENCED
26 to the Nevada Department of Corrections (NDC) as follows: **COUNT 1 – LIFE** with the
27 eligibility for parole after serving a MINIMUM of FIVE YEARS (5) YEARS; **COUNT 2 –**
28

1 LIFE with the eligibility for parole after serving a MINIMUM of TEN (10) YEARS.
2 CONCURRENT with COUNT 1; **COUNT 3** - LIFE with the eligibility for parole after
3 serving a MINIMUM of TEN (10) YEARS. CONSECUTIVE to COUNT 2; and **COUNT 4** -
4 LIFE with the eligibility for parole after serving a MINIMUM of FIVE YEARS (5) YEARS.
5 CONSECUTIVE to COUNT 3; **COUNT 5** - LIFE with the eligibility for parole after serving a
6 MINIMUM of TWENTY (20) YEARS. CONCURRENT with COUNT 4; **COUNT 6** - LIFE
7 with the eligibility for parole after serving a MINIMUM of TWENTY (20) YEARS.
8 CONSECUTIVE to COUNT 5; **COUNT 7** - LIFE with the eligibility for parole after serving a
9 MINIMUM of FIVE YEARS (5) YEARS. CONSECUTIVE to COUNT 6; **COUNT 8** - LIFE
10 with the eligibility for parole after serving a MINIMUM of TEN (10) YEARS. CONCURRENT
11 with COUNT 7; **COUNT 9** - LIFE with the eligibility for parole after serving a MINIMUM of
12 TEN (10) YEARS. CONSECUTIVE to COUNT 8; **COUNT 10** - LIFE with the eligibility for
13 parole after serving a MINIMUM of FIVE YEARS (5) YEARS. CONSECUTIVE to COUNT
14 9; **COUNT 11** - LIFE with the eligibility for parole after serving a MINIMUM of TEN (10)
15 YEARS. CONCURRENT with COUNT 10; **COUNT 12** - LIFE with the eligibility for parole
16 after serving a MINIMUM of THIRTY-FIVE YEARS (35) YEARS. CONSECUTIVE to
17 COUNT 11; **COUNT 13** - LIFE with the eligibility for parole after serving a MINIMUM of
18 THIRTY-FIVE YEARS (35) YEARS. CONSECUTIVE to COUNT 12; **COUNT 14** - LIFE
19 with the eligibility for parole after serving a MINIMUM of THIRTY-FIVE YEARS (35)
20 YEARS. CONSECUTIVE to COUNT 13; **COUNT 15** - LIFE with the eligibility for parole
21 after serving a MINIMUM of THIRTY-FIVE YEARS (35) YEARS. CONSECUTIVE to
22 COUNT 14; **COUNT 16** - LIFE with the eligibility for parole after serving a MINIMUM of
23 TWENTY-FIVE YEARS (25) YEARS. CONSECUTIVE to COUNT 15; **COUNT 17** - LIFE

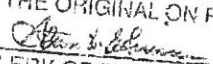
1 with the eligibility for parole after serving a MINIMUM of TWENTY-FIVE YEARS (25)
2 YEARS. CONSECUTIVE to COUNT 16: **COUNT 18** - LIFE with the eligibility for parole
3 after serving a MINIMUM of FIVE YEARS (5) YEARS, CONSECUTIVE to COUNT 17:
4 **COUNT 19** - LIFE with the eligibility for parole after serving a MINIMUM of TWENTY-
5 FIVE (25) YEARS, CONCURRENT with COUNT 18; **COUNT 20** - LIFE with the eligibility
6 for parole after serving a MINIMUM of TWENTY-FIVE YEARS (25) YEARS.
7 CONSECUTIVE to COUNT 19; **COUNT 21** - LIFE with the eligibility for parole after serving
8 a MINIMUM of FIVE YEARS (5) YEARS, CONSECUTIVE to COUNT 20; **COUNT 22** -
9 LIFE with the eligibility for parole after serving a MINIMUM of TEN (10) YEARS.
10 CONCURRENT with COUNT 21; **COUNT 23** - a MAXIMUM of THIRTY-SIX (36)
11 MONTHS with a MINIMUM parole eligibility of TWELVE (12) MONTHS. CONSECUTIVE
12 to COUNT 22; **COUNT 24** - a MAXIMUM of THIRTY-SIX (36) MONTHS with a
13 MINIMUM parole eligibility of TWELVE (12) MONTHS. CONSECUTIVE to COUNT 23;
14 **COUNT 25** - LIFE with the eligibility for parole after serving a MINIMUM of TEN (10)
15 YEARS. CONSECUTIVE to COUNT 24; **COUNT 26** - LIFE with the eligibility for parole
16 after serving a MINIMUM of TEN (10) YEARS. CONSECUTIVE to COUNT 25; **COUNT 27**
17 - LIFE with the eligibility for parole after serving a MINIMUM of TEN (10) YEARS,
18 CONSECUTIVE to COUNT 26; **COUNT 28** - a MAXIMUM of THIRTY-SIX (36) MONTHS
19 with a MINIMUM parole eligibility of TWELVE (12) MONTHS. CONSECUTIVE to COUNT
20 27; with FOUR HUNDRED TWENTY (420) DAYS credit for time served. The
21 AGGREGATE TOTAL sentence is LIFE with ELIGIBILITY for PAROLE AFTER SERVING
22 a MINIMUM of THREE HUNDRED TWENTY-THREE (323) YEARS. **COUNT 29** -
23 DISMISSED.
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1 FURTHER ORDERED, a SPECIAL SENTENCE of LIFETIME SUPERVISION is
2 imposed to commence upon release from any term of imprisonment, probation or parole. In
3 addition, before the Defendant is eligible for parole, a panel consisting of the Administrator of
4 the Mental Health and Development Services of the Department of Human Resources or his
5 designee; the Director of the Department of corrections or his designee; and a psychologist
6 licensed to practice in this state; or a psychiatrist licensed to practice medicine in Nevada must
7 certify that the Defendant does not represent a high risk to re-offend based on current accepted
8 standards of assessment.
9

10
11 ADDITIONALLY, the Defendant is ORDERED to REGISTER as a sex offender in
12 accordance with NRS 179D.460 within FORTY-EIGHT (48) HOURS after any release from
13 custody.

14 DATED this 17th day of May, 2019.

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19 STEFANY MILEY
20 DISTRICT COURT JUDGE

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23 DOCUMENT ATTACHED IS A
24 TRUE AND CORRECT COPY
25 OF THE ORIGINAL ON FILE
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27 
28 CLERK OF THE COURT

MAY 29 2019

III. Regularly Scheduled Meeting Agenda Items

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

Hearing pursuant to NAC 289.290 (1) (g) on the revocation of Robert J. Griffin, formerly of the Clark County School District Police Department, certification based on a conviction for Grand Larceny (Category C Felony – NRS 205.220.1, 205.222.2). The Commission will decide whether to revoke Mr. Griffin's Category I Basic Certificate.



EXHIBIT A

STATE OF NEVADA
COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

5587 Wa Pai Shone Avenue
Carson City, Nevada 89701
(775) 687-7678 FAX (775) 687-4911

STEVE SISOLAK
Governor

MICHAEL D. SHERLOCK
Executive Director

NOTICE OF INTENT TO REVOKE

September 9, 2019

Robert J. Griffin
[REDACTED]

Dear Mr. Griffin:
POST PIN #: 26198

Based upon documentation received by the Nevada Peace Officer Standards and Training Commission and in accordance with Nevada Administrative Code 289.290 and Nevada Revised Statute 241.033, you are hereby notified that the Commission has initiated action to revoke your Nevada Peace Officer Certificate that authorizes the holder to be employed as a peace officer in the state of Nevada.

I have included a copy of Nevada Administrative Code 289.290 for your convenience.

The Commission's regulations provide that a person's POST certification may be revoked pursuant to NAC 289.290(1)(g) based on a conviction for a felony. The conviction(s) which have led to this action are as follows:

Grand Larceny (Category C Felony – NRS 205.220.1, 205.222.2)

Case No: **C-19-338731-1**

Dept No: **XXIII**

Jurisdiction: **District Court of Clark County, Nevada**

You are further advised that you have the right to appear before the POST Commission to contest the revocation of your Nevada POST certification. To exercise your rights, you must, within fifteen (15) days from the date of the Certified Mail receipt, provide written notice to the POST Commission of your intended action concerning these charges.

Written requests can be made to:

NEVADA COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

**5587 Wa Pai Shone Avenue
Carson City, NV 89701**

The POST Commission will determine whether your Nevada POST certification should be revoked at the meeting listed below:

Date: November 4, 2019

Time: 2:00 pm

Location: South Point Hotel and Spa, NAPA Rooms C/D at 9777 S. Las Vegas Blvd. Las Vegas, Nv 89183

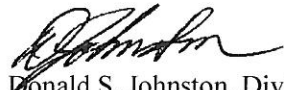
If you choose to appeal and answer the charges against you, the Commission may elect to sit as a whole or a number that is practicable at a hearing, or designate an independent hearing officer to hear the matter. You will be given the opportunity to present evidence and cross-examine witnesses as applicable. If you wish, you may be represented by an attorney; however, this would be at your own expense.

The hearing will cover the following: NAC 289.290 (1)(g), Revocation of a certificate based upon a felony conviction.

You will be notified of the Commission's decision within 15 days after said hearing, or as soon thereafter as is practicable.

If you need additional information concerning this matter, contact P.O.S.T. at (775) 687-7678.

Sincerely,



Donald S. Johnston, Division Chief
Peace Officer Standards and Training

MS/dsj

Cc: Sr. Dep. - Attorney General Michael Jensen
File

Sec. 2. NAC 289.290 is hereby amended to read as follows:

289.290 1. Each of the following constitutes cause for the Commission to revoke, refuse or suspend the certificate of a peace officer:

- (a) Willful falsification of any information provided to obtain the certificate.
- (b) A permanent or chronic physical or mental disability affecting the officer's ability to perform his or her full range of duties.
- (c) Chronic drinking or drunkenness on duty.
- (d) Addiction to or the unlawful use or possession of narcotics or other drugs.
- (e) Conviction of, or entry of a plea of guilty, guilty but mentally ill or nolo contendere to, a gross misdemeanor. Upon criminal indictment or filing of a criminal complaint, suspension may be imposed.
- (f) Failure to comply with the standards established in this chapter.
- (g) Conviction of, or entry of a plea of guilty, guilty but mentally ill or nolo contendere to, a felony. Upon criminal indictment or filing of a criminal complaint, suspension may be imposed. Upon conviction or entry of a plea of guilty, guilty but mentally ill or nolo contendere, the certificate will be revoked.
- (h) Conviction of a misdemeanor. If the employing agency recommends suspension or revocation following conviction of the employee for a misdemeanor, suspension or revocation may be imposed. In determining whether to suspend or revoke the certificate, the Commission will consider the type of conviction and other information provided by the agency indicating unprofessional conduct or similar undesirable activity by the officer that resulted in disciplinary action.

2. Denial, suspension or revocation procedures will not be considered by the Commission in cases where the employment of an officer is terminated for violations of the policies, general orders or similar guidelines of operation of the employing agency which do not constitute any of the causes for denial, suspension or revocation specified in subsection 1.

3. The employing agency shall notify the Commission any time that it becomes aware that one of its officers has been charged with a crime that could result in denial, suspension or revocation procedures. Upon receipt of information alleging any of the causes enumerated in subsection 1, the Commission will determine whether to pursue revocation or suspension of the certificate of the officer.

4. The Commission will notify the officer by certified mail at the officer's last known address of any pending revocation or suspension action and of the nature of the charges and the officer's right to appear and answer the charges. The officer shall, within 15 days after the date on the certified mail receipt, respond in writing, notifying the Commission of his or her intended action with reference to the charges.

5. If the officer fails to notify the Commission within the specified time of his or her intention to appear in answer to the pending action, the Commission will:

(a) Consider the case on its own merits, using the statement from the head of the employing agency or the substantiated information derived from any independent investigation it deems necessary;

(b) Take no action pending the outcome of possible criminal action which may be filed against the officer; and

(c) Take no action pending the outcome of an appeal.

↪ The Commission's decision will be determined by a majority vote of the members of the Commission present.

6. When an officer notifies the Commission of his or her intention to appear and answer the charges pending against him or her, the Commission will elect to sit as a whole at a hearing or designate an independent hearing officer to hear the matter and make recommendations in writing to the Commission. The Commission will review the recommendations of any such hearing officer and arrive at a decision by majority vote of the members present.

7. The Commission will notify the officer of its decision within 15 days after the hearing.

8. An applicant for a certificate who has not been previously certified, but who would be subject to revocation for any cause set out in subsection 1, will not be granted a certificate.

9. If, upon receiving a written allegation that a peace officer is in violation of any provision of subsection 1 and that the facts and circumstances indicate that suspension rather than revocation would be in the best interests of the agency and law enforcement in general, the Commission will suspend the officer's certificate.

10. The Commission will provide each peace officer whose certificate is suspended with written notice of the suspension by certified registered mail. The suspension becomes effective 24 hours after receipt of the certified notice. The notice will contain a statement advising the officer of the right to a hearing.

11. Suspension of a certificate is not a bar to future revocation of the certificate and any prior suspensions may be considered as a factor if revocation is being considered by the Commission.

12. Five years after the revocation of a certificate, an officer may submit a written request to the Commission to allow him or her to reinstate his or her certificate. The Commission will schedule a hearing to consider whether to reinstate the officer's certificate. The Commission will notify the agency that requested the revocation of the date and time of the hearing. After the hearing, the Commission will determine whether to reinstate the certificate. If the certificate is reinstated, the Commission may establish a probationary period during which any misconduct by the officer would result in revocation.

**I hearby certify that this record is a true and correct copy of
the original on file at the office of the Commission on Peace
Officers' Standards and Training.**

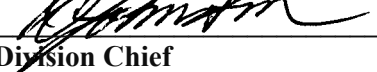
By  Date 10/14/2019
Division Chief

EXHIBIT B

OFFICE OF THE SHERIFF CLARK COUNTY DETENTION CIVIL PROCESS SECTION

NEVADA COMMISSION ON PEACE OFFICER)
STANDARDS AND TRAINING)
PLAINTIFF)
Vs)
ROBERT J GRIFFIN)
)
DEFENDANT)

CASE No. POST# 26198
SHERIFF CIVIL NO.: 19006744

AFFIDAVIT OF SERVICE

STATE OF NEVADA }
 } ss:
COUNTY OF CLARK }

JEFFREY BERGSTROM, being first duly sworn, deposes and says: That he/she is, and was at all times hereinafter mentioned, a duly appointed, qualified and acting Deputy Sheriff in and for the County of Clark, State of Nevada, a citizen of the United States, over the age of twenty-one years and not a party to, nor interested in, the above entitled action; that on **9/10/2019**, at the hour of **9:00 AM**, affiant as such Deputy Sheriff served a copy/copies of **NOTICE OF INTENT TO REVOKE** issued in the above entitled action upon the defendant **ROBERT J GRIFFIN** named therein, by delivering to and leaving with said defendant **ROBERT J GRIFFIN**, personally, at [REDACTED] within the County of Clark, State of Nevada, copy/copies of **NOTICE OF INTENT TO REVOKE**

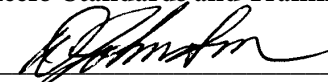
I, DECLARE UNDER PENALTY OF PERJURY UNDER THE LAW OF THE STATE OF NEVADA THAT THE FOREGOING IS TRUE AND CORRECT.

DATED: September 10, 2019.

Joseph M. Lombardo, Sheriff

By: 
JEFFREY BERGSTROM
Deputy Sheriff

I hereby certify that this record is a true and correct copy of the original on file at the office of the Commission on Peace Officers' Standards and Training.

By  Date **10/14/2019**
Division Chief

State of Nevada - POST
UPDATE - Personnel Action Report (PAR)

Post ID Number:

Last Name:

First Name:

MI:

Suffix:

☐ **Name Change?**

Last Name:

First Name:

MI:

Suffix:

☐ **Address Change?**

Street Address:

City:

State:

Zip Code:

County:

E-Mail:

Level Change?

☐ Line ☐ Supervisor ☐ Management ☐ Executive
☐ Part Time ☐ Full Time

Status Change?

☐ Deceased ☐ Retired ☒ Separated

NAC289.290 Notification (Cause For Commission Action)

Pursuant to NAC 289.290(3) "The employing agency shall notify the Commission any time that it becomes aware that one of its officers has been charged with a crime that could result in denial, suspension or revocation procedures. Upon receipt of information alleging any of the causes enumerated in subsection 1, the Commission will determine whether to pursue revocation or suspension of the certificate of the officer."

Does the above NAC apply? ☐ No ☒ Yes

*****If you selected YES, ensure it is correct and provide details in the Comment field.*****

Comments\Additional Information:

SGT Griffin voluntarily resigned effective 12/05/2018 after being arrested for Burglary, and being investigated for over 60 additional charges (Clark County Case #C-19-338731-1). On March 20, Sgt Griffin pled guilty to

Effective Date:

Submitters Name:

Submitters Phone:

Submitters E-Mail:

EXHIBIT C

I hereby certify that this record is a true and correct
copy of the original on file at the office of the
Commission on Peace Officers' Standards and Training.

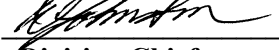
By  Date 10/14/2019
Division Chief

EXHIBIT D

STATE OF NEVADA

Commission On Peace Officers' Standards And Training

Hereby Awards the Basic Certificate

To

ROBERT J. GRIFFIN
CATEGORY I

For having fulfilled all the requirements for Basic Certification
as prescribed by Nevada Revised Statutes



Governor


Executive Director

June 29, 2007

Issuance Date

I hereby certify that this record is a true and correct copy of the original on file at the office of the Commission on Peace Officers' Standards and Training.

By  Date 10/14/2019
Division Chief

STATE OF NEVADA

Commission On Peace Officers' Standards And Training

Hereby Awards the Basic Certificate

To

ROBERT J. GRIFFIN
CATEGORY I

For having fulfilled all the requirements for Basic Certification
as prescribed by Nevada Revised Statutes


Governor


Executive Director

June 29, 2007
Issuance Date

Nevada Commission on Peace Officers' Standards and Training
Peace Officer Basic Certification and Training Identification Card

Name **ROBERT J. GRIFFIN** POST ID No. **26198**

This is your POST Identification Number (PIN). In order to reduce the chance of identity theft, please use this number for all correspondence with POST and when you sign in on a POST course roster. The use of your SSN on POST course rosters is no longer mandatory.

It is your responsibility to receive the required annual continuing education as outlined in NAC 289.230. If you fail to meet the annual POST training requirement, the POST Commission may take action against your Basic Certificate. This could adversely affect your ability to carry out your duties as a peace officer.

If found, please deliver to any law enforcement agency or mail to:

Nevada Commission on Peace Officers' Standards and Training,
5587 Wai Pui Shoue Avenue
Carson City, NV 89701
775-687-7678 (POST)

INSTRUCTIONS

This is your POST Basic Certificate and Identification Card.

The large certificate is for the officer and suitable for framing.

The smaller certificate is for the agency to place in the officer's file for record.

The identification card is for the officer to carry at all times. The POST ID number assigned to this officer is for POST identification and identity security purposes. This number will be used when signing in on the POST roster at any POST certified training. The use of SSN are now optional on training rosters. This number can also be used by the agency for correspondence to POST regarding the officer's POST file.

EXHIBIT E

Electronically Filed
3/12/2019 7:14 AM
Steven D. Grierson
CLERK OF THE COURT



INFM
STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001565
STEPHANIE GETLER
Deputy District Attorney
Nevada Bar #14203
200 Lewis Avenue
Las Vegas, Nevada 89155-2212
(702) 671-2500
Attorney for Plaintiff

I.A. 3/20/19
10:00 AM
PD

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,
Plaintiff,

-vs-

ROBERT JOHN GRIFFIN,
#5709513

Defendant.

CASE NO: C-19-338731-1

DEPT NO: XXVIII

INFORMATION

STATE OF NEVADA }
COUNTY OF CLARK } ss.

STEVEN B. WOLFSON, District Attorney within and for the County of Clark, State of Nevada, in the name and by the authority of the State of Nevada, informs the Court:

That ROBERT JOHN GRIFFIN, the Defendant(s) above named, having committed the crime of **GRAND LARCENY (Category C Felony - NRS 205.220.1, 205.222.2 - NOC 56004)**, on or between November 30, 2018 and December 1, 2018, within the County of Clark, State of Nevada, contrary to the form, force and effect of statutes in such cases made and provided, and against the peace and dignity of the State of Nevada, did then and there willfully, unlawfully, and feloniously with intent to deprive the owner permanently thereof, steal, take

///

///

///

///

W:\2018\2018F22799\18F22799-INFM-001.DOCX

1 and carry away, lead away or drive away property owned by WEST CAREER AND
2 TECHNICAL ACADEMY, having a value of \$650.00 or more, to wit: a Canon camera.

3 STEVEN B. WOLFSON
4 Clark County District Attorney
5 Nevada Bar #001565

6 BY

7 STEPHANIE GETLER
8 Deputy District Attorney
9 Nevada Bar #14203

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20
21
22 *Stephanie Getler*

23 JUL 19 2019

24 CERTIFIED COPY
25 DOCUMENT ATTACHED IS A
26 TRUE AND CORRECT COPY
27 OF THE DOCUMENT ON FILE

28 18F22799X/jm/L2
CCSDPD EV#18062961
(TK10)

EXHIBIT F

GPA
STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001565
STEPHANIE GETLER
Deputy District Attorney
Nevada Bar #14203
200 Lewis Avenue
Las Vegas, NV 89155-2212
(702) 671-2500
Attorney for Plaintiff

FILED IN OPEN COURT
STEVEN D. GRIERSON
CLERK OF THE COURT

MAR 20 2019

BY Kristen Brown
KRISTEN BROWN, DEPUTY

DISTRICT COURT
CLARK COUNTY, NEVADA

C-19-338731-1
GPA
Guilty Plea Agreement
4824683



THE STATE OF NEVADA,
Plaintiff,

-vs-

ROBERT JOHN GRIFFIN,
#5709513

Defendant.

CASE NO: C-19-338731-1

DEPT NO: XXVIII

GUILTY PLEA AGREEMENT

I hereby agree to plead guilty to: GRAND LARCENY (Category C Felony - NRS 205.220.1, 205.222.2 - NOC 56004), as more fully alleged in the charging document attached hereto as Exhibit "1".

My decision to plead guilty is based upon the plea agreement in this case which is as follows:

The State has no opposition to probation in the instant case. The Defendant agrees to pay restitution in the amount of \$43,473.02 to the Clark County School District. Lastly, the State ~~will not oppose dismissal of Case No. 19F04154X₁~~ ^{agrees to dismiss} and file no new charges arising from Event No. 18-062961.

I agree to the forfeiture of any and all weapons or any interest in any weapons seized and/or impounded in connection with the instant case and/or any other case negotiated in whole or in part in conjunction with this plea agreement.

I understand and agree that, if I fail to interview with the Department of Parole and Probation, fail to appear at any subsequent hearings in this case, or an independent magistrate,

1 by affidavit review, confirms probable cause against me for new criminal charges including
2 reckless driving or DUI, but excluding minor traffic violations, the State will have the
3 unqualified right to argue for any legal sentence and term of confinement allowable for the
4 crime(s) to which I am pleading guilty, including the use of any prior convictions I may have
5 to increase my sentence as an habitual criminal to five (5) to twenty (20) years, life without
6 the possibility of parole, life with the possibility of parole after ten (10) years, or a definite
7 twenty-five (25) year term with the possibility of parole after ten (10) years.

8 Otherwise I am entitled to receive the benefits of these negotiations as stated in this
9 plea agreement.

10 CONSEQUENCES OF THE PLEA

11 I understand that by pleading guilty I admit the facts which support all the elements of
12 the offense(s) to which I now plead as set forth in Exhibit "1".

13 I understand that as a consequence of my plea of guilty, The Court must sentence me
14 to imprisonment in the Nevada Department of Corrections for a minimum term of not less than
15 ONE (1) year and a maximum term of not more than FIVE (5) years. The minimum term of
16 imprisonment may not exceed forty percent (40%) of the maximum term of imprisonment. I
17 understand that I may also be fined up to \$10,000.00. I understand that the law requires me to
18 pay an Administrative Assessment Fee.

19 I understand that, if appropriate, I will be ordered to make restitution to the victim of
20 the offense(s) to which I am pleading guilty and to the victim of any related offense which is
21 being dismissed or not prosecuted pursuant to this agreement. I will also be ordered to
22 reimburse the State of Nevada for any expenses related to my extradition, if any.

23 I understand that I am eligible for probation for the offense to which I am pleading
24 guilty. I understand that, except as otherwise provided by statute, the question of whether I
25 receive probation is in the discretion of the sentencing judge.

26 I understand that I must submit to blood and/or saliva tests under the Direction of the
27 Division of Parole and Probation to determine genetic markers and/or secretor status.

28 ///

1 I understand that if I am pleading guilty to charges of Burglary, Invasion of the Home,
2 Possession of a Controlled Substance with Intent to Sell, Sale of a Controlled Substance, or
3 Gaming Crimes, for which I have prior felony conviction(s), I will not be eligible for probation
4 and may receive a higher sentencing range.

5 I understand that if more than one sentence of imprisonment is imposed and I am
6 eligible to serve the sentences concurrently, the sentencing judge has the discretion to order
7 the sentences served concurrently or consecutively.

8 I understand that information regarding charges not filed, dismissed charges, or charges
9 to be dismissed pursuant to this agreement may be considered by the judge at sentencing.

10 I have not been promised or guaranteed any particular sentence by anyone. I know that
11 my sentence is to be determined by the Court within the limits prescribed by statute.

12 I understand that if my attorney or the State of Nevada or both recommend any specific
13 punishment to the Court, the Court is not obligated to accept the recommendation.

14 I understand that if the offense(s) to which I am pleading guilty was committed while I
15 was incarcerated on another charge or while I was on probation or parole that I am not eligible
16 for credit for time served toward the instant offense(s).

17 I understand that if I am not a United States citizen, any criminal conviction will likely
18 result in serious negative immigration consequences including but not limited to:

- 19 1. The removal from the United States through deportation;
- 20 2. An inability to reenter the United States;
- 21 3. The inability to gain United States citizenship or legal residency;
- 22 4. An inability to renew and/or retain any legal residency status; and/or
- 23 5. An indeterminate term of confinement, with the United States Federal
24 Government based on my conviction and immigration status.

25 Regardless of what I have been told by any attorney, no one can promise me that this
26 conviction will not result in negative immigration consequences and/or impact my ability to
27 become a United States citizen and/or a legal resident.

28 ///

1 I understand that the Division of Parole and Probation will prepare a report for the
2 sentencing judge prior to sentencing. This report will include matters relevant to the issue of
3 sentencing, including my criminal history. This report may contain hearsay information
4 regarding my background and criminal history. My attorney and I will each have the
5 opportunity to comment on the information contained in the report at the time of sentencing.
6 Unless the District Attorney has specifically agreed otherwise, the District Attorney may also
7 comment on this report.

8 WAIVER OF RIGHTS

9 By entering my plea of guilty, I understand that I am waiving and forever giving up the
10 following rights and privileges:

- 11 1. The constitutional privilege against self-incrimination, including the right
12 to refuse to testify at trial, in which event the prosecution would not be
allowed to comment to the jury about my refusal to testify.
- 13 2. The constitutional right to a speedy and public trial by an impartial jury,
14 free of excessive pretrial publicity prejudicial to the defense, at which
trial I would be entitled to the assistance of an attorney, either appointed
15 or retained. At trial the State would bear the burden of proving beyond
a reasonable doubt each element of the offense(s) charged.
- 16 3. The constitutional right to confront and cross-examine any witnesses who
17 would testify against me.
- 18 4. The constitutional right to subpoena witnesses to testify on my behalf.
- 19 5. The constitutional right to testify in my own defense.
- 20 6. The right to appeal the conviction with the assistance of an attorney,
21 either appointed or retained, unless specifically reserved in writing and
agreed upon as provided in NRS 174.035(3). I understand this means I
22 am unconditionally waiving my right to a direct appeal of this conviction,
including any challenge based upon reasonable constitutional,
23 jurisdictional or other grounds that challenge the legality of the
proceedings as stated in NRS 177.015(4). However, I remain free to
24 challenge my conviction through other post-conviction remedies
including a habeas corpus petition pursuant to NRS Chapter 34.

25 VOLUNTARINESS OF PLEA

26 I have discussed the elements of all of the original charge(s) against me with my
27 attorney and I understand the nature of the charge(s) against me.

28 ///

1 I understand that the State would have to prove each element of the charge(s) against
2 me at trial.

3 I have discussed with my attorney any possible defenses, defense strategies and
4 circumstances which might be in my favor.

5 All of the foregoing elements, consequences, rights, and waiver of rights have been
6 thoroughly explained to me by my attorney.

7 I believe that pleading guilty and accepting this plea bargain is in my best interest, and
8 that a trial would be contrary to my best interest.

9 I am signing this agreement voluntarily, after consultation with my attorney, and I am
10 not acting under duress or coercion or by virtue of any promises of leniency, except for those
11 set forth in this agreement.

12 I am not now under the influence of any intoxicating liquor, a controlled substance or
13 other drug which would in any manner impair my ability to comprehend or understand this
14 agreement or the proceedings surrounding my entry of this plea.

15 My attorney has answered all my questions regarding this guilty plea agreement and its
16 consequences to my satisfaction and I am satisfied with the services provided by my attorney.

17 DATED this 20 day of March, 2019.

18
19
20 
ROBERT JOHN GRIFFIN
Defendant

21 AGREED TO BY:

22 
23
24 STEPHANIE GETLER
Deputy District Attorney
25 Nevada Bar #14203
26
27
28

1 CERTIFICATE OF COUNSEL:

2 I, the undersigned, as the attorney for the Defendant named herein and as an officer of the court
3 hereby certify that:

- 4 1. I have fully explained to the Defendant the allegations contained in the
5 charge(s) to which guilty pleas are being entered.
6 2. I have advised the Defendant of the penalties for each charge and the restitution
7 that the Defendant may be ordered to pay.
8 3. I have inquired of Defendant facts concerning Defendant's immigration status
9 and explained to Defendant that if Defendant is not a United States citizen any
10 criminal conviction will most likely result in serious negative immigration
11 consequences including but not limited to:
12 a. The removal from the United States through deportation;
13 b. An inability to reenter the United States;
14 c. The inability to gain United States citizenship or legal residency;
15 d. An inability to renew and/or retain any legal residency status; and/or
16 e. An indeterminate term of confinement, by with United States Federal
17 Government based on the conviction and immigration status.

18 Moreover, I have explained that regardless of what Defendant may have been
19 told by any attorney, no one can promise Defendant that this conviction will not
20 result in negative immigration consequences and/or impact Defendant's ability
21 to become a United States citizen and/or legal resident.

- 22 4. All pleas of guilty offered by the Defendant pursuant to this agreement are
23 consistent with the facts known to me and are made with my advice to the
24 Defendant.
25 5. To the best of my knowledge and belief, the Defendant:
26 a. Is competent and understands the charges and the consequences of
27 pleading guilty as provided in this agreement,
28 b. Executed this agreement and will enter all guilty pleas pursuant hereto
voluntarily, and
c. Was not under the influence of intoxicating liquor, a controlled
substance or other drug at the time I consulted with the Defendant as
certified in paragraphs 1 and 2 above.

Dated: This 20 day of March, 2019.


DEPUTY PUBLIC DEFENDER

jm/L2

Steven D. Grierson

1 INFM
2 STEVEN B. WOLFSON
3 Clark County District Attorney
4 Nevada Bar #001565
5 STEPHANIE GETLER
6 Deputy District Attorney
7 Nevada Bar #14203
8 200 Lewis Avenue
9 Las Vegas, Nevada 89155-2212
10 (702) 671-2500
11 Attorney for Plaintiff

12 I.A. 3/20/19
13 10:00 AM
14 PD

DISTRICT COURT
CLARK COUNTY, NEVADA

15 THE STATE OF NEVADA,
16 Plaintiff,

17 -vs-

18 ROBERT JOHN GRIFFIN,
19 #5709513

20 Defendant.

CASE NO: C-19-338731-1

DEPT NO: XXVIII

INFORMATION

21 STATE OF NEVADA }
22 COUNTY OF CLARK } ss.

23 STEVEN B. WOLFSON, District Attorney within and for the County of Clark, State
24 of Nevada, in the name and by the authority of the State of Nevada, informs the Court:

25 That ROBERT JOHN GRIFFIN, the Defendant(s) above named, having committed the
26 crime of GRAND LARCENY (Category C Felony - NRS 205.220.1, 205.222.2 - NOC
27 56004), on or between November 30, 2018 and December 1, 2018, within the County of Clark,
28 State of Nevada, contrary to the form, force and effect of statutes in such cases made and
provided, and against the peace and dignity of the State of Nevada, did then and there willfully,
unlawfully, and feloniously with intent to deprive the owner permanently thereof, steal, take

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1 and carry away, lead away or drive away property owned by WEST CAREER AND
2 TECHNICAL ACADEMY, having a value of \$650.00 or more, to wit: a Canon camera.

3 STEVEN B. WOLFSON
4 Clark County District Attorney
5 Nevada Bar #001565

6 BY

7 STEPHANIE GETLER
8 Deputy District Attorney
9 Nevada Bar #14203

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21 *Stephanie Getler*

22 JUL 19 2019

23 CERTIFIED COPY
24 DOCUMENT ATTACHED IS A
25 TRUE AND CORRECT COPY
26 OF THE DOCUMENT ON FILE

27 18F22799X/jm/L2
28 CCSDPD EV#18062961
(TK10)

EXHIBIT G

DISTRICT COURT CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor

COURT MINUTES

March 20, 2019

C-19-338731-1 State of Nevada
 vs
 Robert Griffin

March 20, 2019 10:00 AM Initial Arraignment

HEARD BY: Wittenberger, Shannon **COURTROOM:** RJC Lower Level Arraignment

COURT CLERK:
 Rem Lord

RECORDER: Sharon Nichols

REPORTER:

PARTIES

PRESENT: Griffin, Robert John Defendant
 Wiersch, Catherine Attorney

JOURNAL ENTRIES

- Deputy Law Clerk a Elliot Anderson present on behalf of the State.

NEGOTIATIONS are as contained in the Guilty Plea Agreement FILED IN OPEN COURT. DEFT. GRIFFIN ARRAIGNED AND PLED GUILTY TO GRAND LARCENY (F). Court ACCEPTED plea and, ORDERED, matter referred to the Division of Parole and Probation (P&P) and set for SENTENCING. Court DIRECTED Deft. To report to P&P within 24 hours.

O.R. / I.S.

7/15/19 9:00 AM SENTENCING (DEPT 28)

EXHIBIT H

DISTRICT COURT

CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor

COURT MINUTES

July 15, 2019

C-19-338731-1

State of Nevada

vs

Robert Griffin

July 15, 2019

9:00 AM

Sentencing

HEARD BY: Israel, Ronald J.

COURTROOM: RJC Courtroom 15C

COURT CLERK: Kathy Thomas

RECORDER: Judy Chappell

REPORTER:

PARTIES

PRESENT:	Griffin, Robert John	Defendant
	State of Nevada	Plaintiff
	Wiersch, Catherine	Attorney
	Zadrowski, Bernard B.	Attorney

JOURNAL ENTRIES

- Deft. GRIFFIN present, not in custody with intensive supervision. State agreed to probation. Argument by Ms. Wiersch. Colloquy regarding restitution. Statement by Deft. Ms. Wiersch explained Deft's statement. DEFT GRIFFIN ADJUDGED GUILTY of GRAND LARCENY (F). COURT ORDERED, in addition to the \$25.00 Administrative Assessment fee, a \$150.00 DNA Analysis fee including testing to determine genetic markers, \$3.00 DNA Collection fee and Restitution in the amount of \$43,473.02 payable to the Clark County School District (CCSD). Deft. SENTENCED to a MINIMUM of TWELVE (12) MONTHS and a MAXIMUM of THIRTY-FOUR (34) MONTHS in the Nevada Department of Corrections (NDC), with 7 DAYS credit for time served; SUSPENDED; placed on PROBATION for an indeterminate period not to exceed 5 YEARS. In addition to the Standard Conditions of the Division of Parole and Probation (P & P), which are IMPOSED. Deft. Must comply with the following SPECIAL CONDITIONS:

. Pay Restitution in the amount of \$43,473.02 payable to the Clark County School District (CCSD).

PRINT DATE: 07/19/2019

Page 2 of 3

Minutes Date: March 20, 2019

2. Serve THIRTY (30) DAYS FLAT TIME in Clark County Detention Center (CCDC), from today.
3. You shall submit your digital storage media or any digital storage media that you have access or use, including computers, handheld communication devices and any network applications associated with those devices, including social media and remote storage services to a search and shall provide all passwords, unlock codes and account information associated with those items, with or without a search warrant, by the Division of Parole and Probation or its agent.
4. Disclose this conviction to present/potential employers.
5. Comply with an imposed curfew by Parole and Probation as deemed necessary.

COURT FURTHER ORDERED, Intensive Supervision, REMOVED. BOND, if any, EXONERATED.

Sharon A. Griffin

JUL 19 2019

CERTIFIED COPY
DOCUMENT ATTACHED IS A
TRUE AND CORRECT COPY
OF THE DOCUMENT ON FILE

III. Regularly Scheduled Meeting Agenda Items

9. **DISCUSSION, PUBLIC COMMENT, AND FOR POSSIBLE ACTION.** Hearing pursuant to NAC 289.290 (1) (e) on the revocation of Earl T. Mitchell, formerly of the Henderson Constables Office, certification based on a conviction for Fraudulent Conveyance (Gross Misdemeanor – NRS 205.330). The Commission will decide whether to revoke Mr. Mitchell's Category I Basic Certificate.

HEARING CONTINUED AT THE REQUEST OF MR.
MITCHELL'S ATTORNEY.

III. Regularly Scheduled Meeting Agenda Items

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

Request from the Washoe County Sheriff's Office, for their employee Deputy Chief Timothy K. O'Connor, for an Executive Certificate.

EXECUTIVE CERTIFICATE REVIEW

Name: O'Connor, Timothy K.

Agency: Washoe County SO

Hired: 01/10/1997

- A. Current Basic Certificate ☒ Yes ☐ No 04/25/1998
Category I & III
- B. Current Intermediate Certificate ☒ Yes ☐ No 01/31/2000
- C. Current Advanced Certificate ☒ Yes ☐ No 02/28/2003
- D. Current Supervisor Certificate ☐ Yes ☐ No N/A
- E. Current Management Certificate ☒ Yes ☐ No 12/03/2007
- F. 6 years experience as peace officer ☒ Yes ☐ No 19+ years
including 1 year at executive level ☒ Yes ☐ No 2 yrs 11 months

24rs 3 months Served as Captain in Operation Bureau, supervised 5 Lt, 14 Sgt and 76 Deputies 09/19/2016 to 01/06/2019 *7 months CHIEF DEPUTY*
Orgchart:

- G. 200 hours of training in advanced management in addition to the requirements of A-F.
- | | |
|--|--------------------|
| Executive Strategic Management | 120 hrs 06/23/2011 |
| SWAT Command | 40 hrs 12/12/2014 |
| Advanced Incident Command System (ICS 300) | 24 Hrs 08/27/2008 |
| Advanced Incident Command System (ICS 400) | 16 Hrs 08/29/2008 |

☒ Yes ☐ No

- H. Proof meeting the requirements in NAC 289.047 Executive Level position

☒ Yes ☐ No

- I. Conflicts with Management Certificate: NONE

State of Nevada - POST

Professional Certificate Application

Officer's Name

POST ID#

14808

O'Connor Timothy K

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

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

Meets the following requirements:

☐ Intermediate (NAC 289.240)

Has an Intermediate Certificate and meets the following requirements:

☐ Advanced (NAC 289.250)

Meets the following requirements:

☐ Supervisor (NAC 289.255)

Has Advanced and Supervisor Certificates and meets the following:

☐ Management (NAC 289.260)

Has a Management Certificate and meets the following:

☒ Executive (NAC 289.270)

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

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

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

Additional Information or comments:

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

Submitters Name:

Yolanda LeBlanc

Submitters Phone:

(775) 328-3040

Submitters E-Mail:

yleblanc@washoeconomy.us

Submission number: 125516

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

Education

Credit Hours

Date Achieved

Approved By:

200 hrs

08/12/14

Comments:

Certification Date:

08/15/2019



April 3, 2019

Commission on Peace Officer Standard and Training
5587 Wa Pai Shone Avenue
Carson City, Nevada 89701

Dear P.O.S.T. Commission:

Chief Deputy Timothy K. O'Connor POST #14808 is applying for the P.O.S.T. Executive Certificate. Please accept this letter as confirmation that Chief Deputy O'Connor meets all POST requirements for the Executive Certificate.

As Chief Deputy of the Administrative Bureau, he has operational command of Administrative Services (Records and Civil), the Regional Public Safety Training Center, Training Division, Research and Development, Backgrounds, Community Relations, Dispatch and Fleet Services. He has command over two Lieutenants, two sergeants, ten deputy sheriffs and multiple civilian staff.

Prior to being promoted he was a Captain in our Operations Bureau where he oversaw our Patrol Division, from September 19, 2016 to January 6, 2019. During that time he oversaw five Lieutenants, fourteen sergeants and 76 deputy sheriffs.

Chief Deputy O'Connor's duties and responsibilities include but are not limited to administrative responsibility for the Administrative Bureau, management over the Administrative Bureau, and issues related to our Administrative Bureau staff.

Please accept this as part of the application requirements for the issuance of the P.O.S.T. Executive Certificate for Chief Deputy O'Connor. If you have any questions, please don't hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "D. Balaam", written over a horizontal line.

Darin Balaam, Sheriff

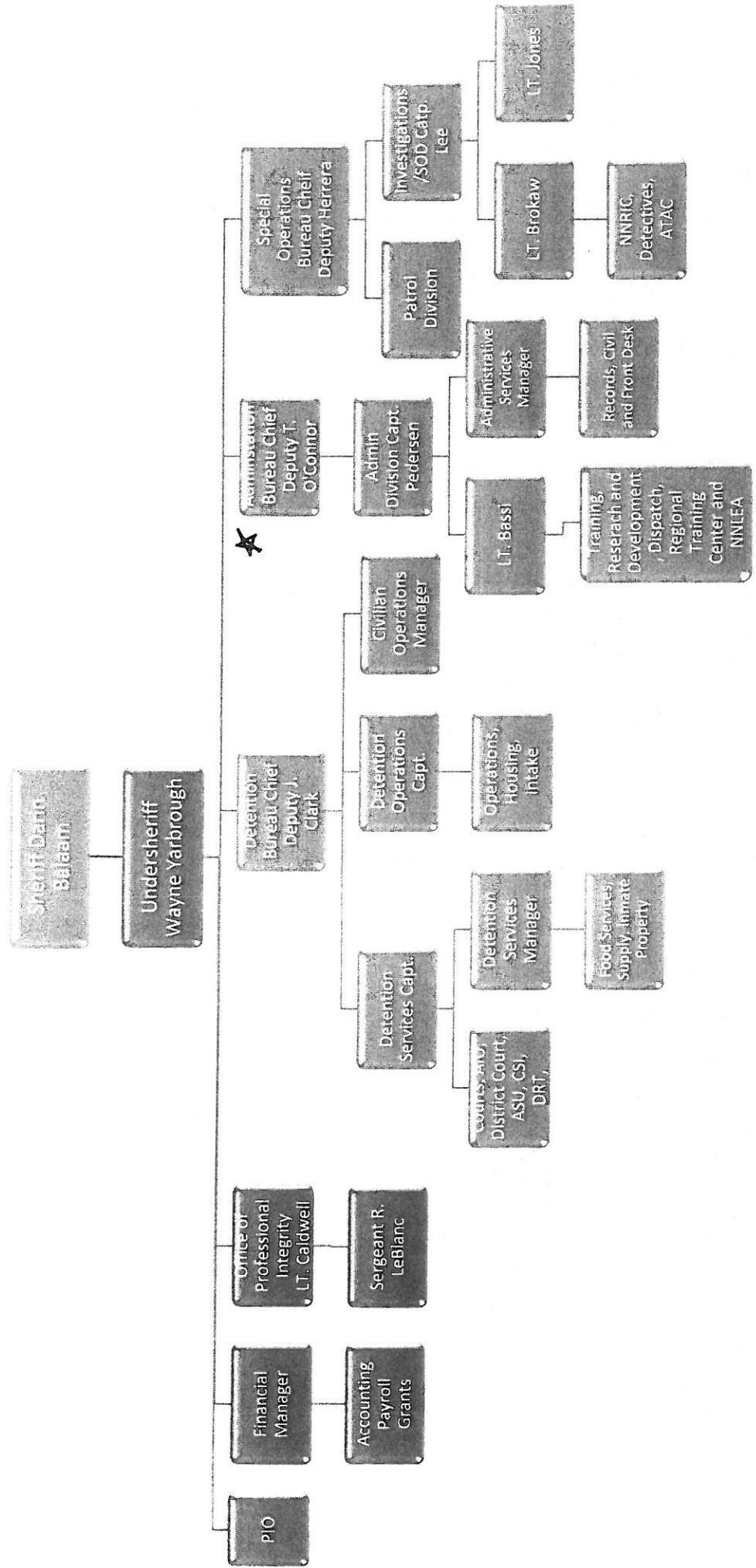
O'Connor, Timothy K. (14808)

Certification

Date	Status	Certified	Expires	Probation	Cert #
Professional: Management 12-03-2007	Active	12-03-2007			
Professional: Advanced 2-28-2003	Active	2-28-2003			
Professional: Intermediate 1-31-2000	Active	1-31-2000			
Basic: Category III 5-02-1998	Active	5-02-1998			
Basic: Category I 4-25-1998	Active	4-25-1998			



WASHOE COUNTY SHERIFF OFFICE



ICS 300

Click here to access training calendar http://dem.nv.gov/training_calendar/

Description Advanced Incident Command System (ICS 300) Course Description: Intermediate Incident Command System I-300 (24 hours). The basic concepts presented in I-200 are expanded and discussed in detail. The single command organization is stressed and students will be exposed to resource management and the role and function of each ICS position, including air operations. Through a series of small group exercises students will be provided examples of how the essential system principles and components are used in incident planning. Prerequisites: ICS 100-200 Target Audience: Emergency Management staff; Local, County and State Government Units; Fire, Law Enforcement, EMS, and Hospital providers; School Staff and Administrators; Volunteer Agencies active in disaster or exercise. Additional Information: This course includes modules 7-11 of the National Incident Management System curriculum.

Registration: Register via the Nevada Division of Emergency Management training website or copy and paste the following link to your browser:

http://dem.nv.gov/training/NDEM_Course_Registration_Form/

This course is listed under **EMERGENCY MANAGEMENT BASIC COURSES (A) CODE**. You will receive a confirmation email approximately one week prior to the class. Applicants experiencing difficulties online should call NDEM Training: Darlene Loff, Support Specialist at dloff@dps.state.nv.us (775) 687-0374 or Michele Candee, State Training Officer at mcandee@dps.state.nv.us (775) 687-0320

When completed please provide Training with your certificate.

ICS 400 (Pre-requisites ICS 300) – Two day Course 16 hours

Click here to access training calendar http://dem.nv.gov/training_calendar/

Description Advanced Incident Command System (ICS 400) Course Description: The target audience for this course is senior personnel who are expected to perform in a management capacity in an Area Command or Multi-agency Coordination Entity. This course provides training on and resources for personnel who require advanced application of the Incident Command System (ICS). This course expands upon information covered in ICS-100 through ICS-300 courses. This course will include but not be limited to: major and/or complex incident/event management, area command, and multi-agency coordination. This course is designed to provide overall management skills rather than tactical expertise.

Course Length: 16 hours Pre-Requisites: ICS-300 (Intermediate ICS)

Registration: Register via the Nevada Division of Emergency Management training website or copy and paste the following link to your browser:

http://dem.nv.gov/training/NDEM_Course_Registration_Form/

This course is listed under EMERGENCY MANAGEMENT BASIC COURSES (A) CODE. You will receive a confirmation email approximately one week prior to the class. Applicants experiencing difficulties online should call NDEM Training: Darlene Loff, Support Specialist at dloff@dps.state.nv.us (775) 687-0374 or Michele Candee, State Training Officer at mcandee@dps.state.nv.us (775) 687-0320

Center for Domestic Preparedness



FEMA

This is to certify that

Timothy K. O'Connor

has reaffirmed a dedication to serve in times of crisis through continued professional development and completion of the:

Emergency Management Institute's ICS-300
Intermediate ICS for Expanding Incidents

24hrs (1.8 Continuing Education Units)

Reno, NV

Issued this 27th day of August, 2008



Lisa Lofton
Lisa Lofton, Acting Director
Center for Domestic Preparedness

Center for Domestic Preparedness



This is to certify that

Timothy K. O'Connor

has reaffirmed a dedication to serve in times of crisis through continued professional development and completion of the:

Emergency Management Institute's ICS-400

Advanced ICS Command and General Staff-Complex Incidents

16 hrs (1.4 Continuing Education Units)

Reno, NV

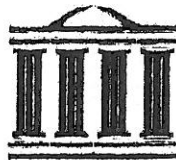
Issued this 29th day of August, 2008



Lisa Lofton
Lisa Lofton, Acting Director
Center for Domestic Preparedness

120 HRS

Senior Management Institute for Police



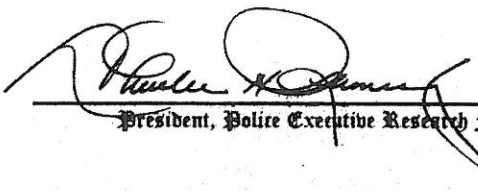
POLICE EXECUTIVE
RESEARCH FORUM

hereby certifies that

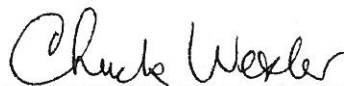
Timothy K. O'Connor

is a graduate of this course of study in
executive strategic management.

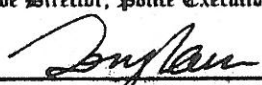
Presented this Twenty-Third day of June, 2011.



President, Police Executive Research Forum



Executive Director, Police Executive Research Forum



Institute Director, Senior Management Institute for Police

National Tactical Officers Association



Is pleased to present this Certificate to

Tim O'Connor
Washoe County Sheriff's Office

In recognition of your successful completion of the 40-hour
SWAT Command Decision-Making and Leadership Course

Henderson, NV

December 8-12, 2014

40 Hrs

Mark Lomax, Executive Director

III. Regularly Scheduled Meeting Agenda Items

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

Request from the Washoe County Sheriff's Office, for their employee Deputy Chief Jeffery S. Clark, for an Executive Certificate.



April 3, 2019

Commission on Peace Officer Standard and Training
5587 Wa Pai Shone Avenue
Carson City, Nevada 89701

Dear P.O.S.T. Commission:

Chief Deputy Jeffery S. Clark POST #13442 is applying for the P.O.S.T. Executive Certificate. Please accept this letter as confirmation that Chief Deputy Clark meets all POST requirements for the Executive Certificate.

Chief Deputy Clark was recently promoted on January 7, 2019 and now oversees our Detention Bureau. He currently is in charge of two Captains, five Lieutenants, twenty sergeants and 216 deputy sheriffs. He also oversees over our civilian staff in the Detention Bureau, which consist of 153 employees.

Prior to being promoted he was a Captain in our Detention Division, from May 1, 2017 to January 6, 2019. During that time he oversaw two Lieutenants, ten sergeants and 113 deputy sheriffs.

Chief Deputy Clark's duties and responsibilities include but are not limited to administrative responsibility for the Detention Bureau, management over the Detention Bureau, and issues related to our Detention Bureau staff.

Please accept this as part of the application requirements for the issuance of the P.O.S.T. Executive Certificate for Chief Deputy Clark. If you have any questions, please don't hesitate to contact me.

Respectfully,

A handwritten signature in dark ink, appearing to read "Darin Balaam", written over a horizontal line.

Darin Balaam, Sheriff

EXECUTIVE CERTIFICATE REVIEW

Name: Clark, Jeffery S.

Agency: Washoe County SO

Hired: 01/16/1996

- A. Current Basic Certificate ☒ Yes ☐ No 05/05/1996
B. Current Intermediate Certificate ☒ Yes ☐ No 12/15/2004
C. Current Advanced Certificate ☒ Yes ☐ No 10/07/2009
D. Current Supervisor Certificate ☒ Yes ☐ No 05/10/2011
E. Current Management Certificate ☒ Yes ☐ No 05/11/2011
F. 6 years experience as peace officer ☒ Yes ☐ No 23+ years
including 1 year at executive level ☒ Yes ☐ No

Captain in Detention Division May 1, 2017 to Jan 6/ 2019 performing management responsibilities and staffing issues.

January 7, 2019 promoted to Chief Deputy of the Detention Division.

Orgchart:

- G. 200 hours of training in advanced management in addition to the requirements of A-F.

Southern Police Institute: Police Executive Leadership Graduate Program
05/09/2013 480 hrs

☒ Yes ☐ No

- H. Proof meeting the requirements in NAC 289.047 Executive Level position

☒ Yes ☐ No

- I. Conflicts with Management Certificate: NONE

State of Nevada - POST

Professional Certificate Application

POST ID#

13442

Officer's Name

Clark Jeffery S

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

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

Meets the following requirements:

☐ Intermediate (NAC 289.240)

Has an Intermediate Certificate and meets the following requirements:

☐ Advanced (NAC 289.250)

Meets the following requirements:

☐ Supervisor (NAC 289.255)

Has Advanced and Supervisor Certificates and meets the following:

☐ Management (NAC 289.260)

Has a Management Certificate and meets the following:

☒ Executive (NAC 289.270)

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

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

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

Additional Information or comments:

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

Submitters Name:

Yolanda LeBlanc

Submitters Phone:

(775) 328-3040

Submitters E-Mail:

yleblanc@washoeconomy.us

Submission number: 125514

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

Education


Credit Hours

480

Date Achieved

5/1/2017

Approved By:



Comments:

Certification Date:

08/15/2019

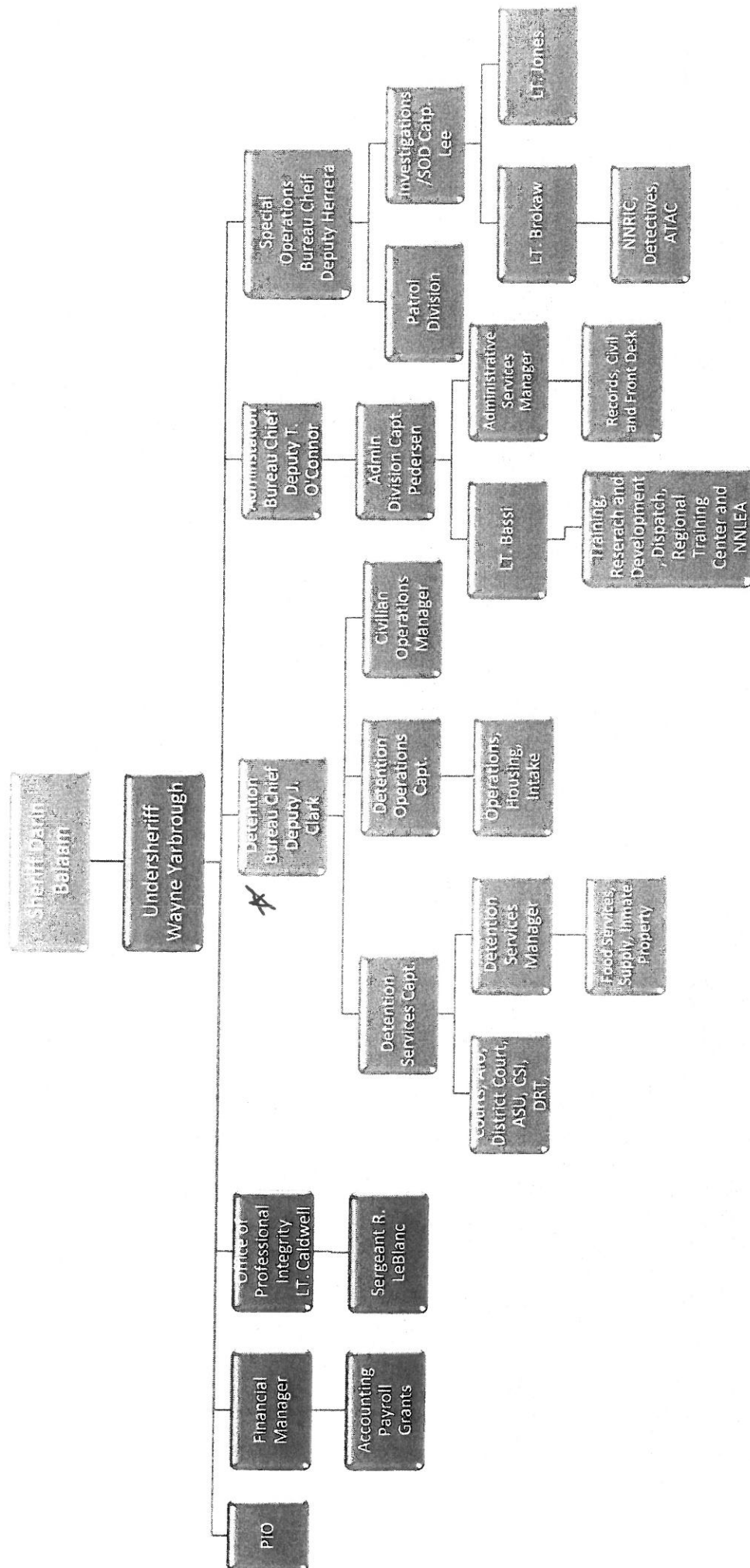
Clark, Jeffery S. (13442)

Certification

Date	Status	Certified	Expires	Probation	Cert #
Professional: Management 5-11-2011	Active	5-11-2011			
Professional: Supervisor 5-10-2011	Active	5-10-2011			
Professional: Advanced 10-07-2009	Active	10-07-2009			
DRE Basic 2-01-2006	EXPIRED	2-01-2004	2-01-2006	2-01-2006	011003
Professional: Intermediate 12-15-2004	Active	12-15-2004			
Basic: Category I 5-05-1996	Active	5-05-1996			
Basic: Category III 5-05-1996	Active	5-05-1996			



WASHOE COUNTY SHERIFF OFFICE



The Southern Police Institute

*Department of Justice Administration
College of Arts and Sciences
University of Louisville*

on recommendation of its faculty and by virtue of the authority
vested in it by the trustees of the university has awarded to

Jeffery S. Clark

this certificate as evidence of the satisfactory completion of the

Police Executive Leadership Graduate Program

5/9/2013

*Given in the City of Louisville in the Commonwealth of Kentucky
in the United States of America in the year of Our Lord two thousand
and thirteen on this ninth day of May.*



James A. Moore

President of the University of Louisville

J. Blaine Anderson

Dean of the College of Arts and Sciences

D. G. Kating

Chair, Justice Administration

Sam Hughes


Director of the Southern Police Institute

480 Hrs

III. Regularly Scheduled Meeting Agenda Items

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

Request from the Carson City Sheriff's Office, for their employee Captain James W. Primka, for an Executive Certificate.

Approved 

PRM

EXECUTIVE CERTIFICATE REVIEW

Name: JAMES W. PRIMKA, CAPTAIN

Agency: CARSON CITY SHERIFFS OFFICE

Hired: 06/28/1996

- | | | | |
|--|---|-----------------------------|------------|
| A. Current Basic Certificate | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No | 12/15/1996 |
| B. Current Intermediate Certificate | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No | 10/12/2001 |
| C. Current Advanced Certificate | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No | 10/10/2002 |
| D. Current Supervisor Certificate | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No | 06/27/2013 |
| E. Current Management Certificate | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No | 03/09/2009 |
| F. 6 years experience as peace officer | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No | 23+ years |
| including 1 year at executive level | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No | 08/16/2018 |

Orgchart: Yes

G. 200 hours of training in advanced management in addition to the requirements of A-F.

☒ Yes ☐ No

H. Proof meeting the requirements in NAC 289.047 Executive Level position

☐ Yes ☒ No

The Agency's Personnel Order Letter 18-38 promoting Primka to Lieutenant with the Detention Division and reporting to the Undersheriff effective August 16, 2018. Personnel Order letter dated January 23, 2019 promotes from Lieutenant to Captain still assigned to the Detention Division, and reporting to the same Assistant Sheriff.

Effective August 16, 2019 Captain Primka met his one year experience in an Executive Position.

I. Conflicts with Management Certificate:

None.

State of Nevada - POST

Professional Certificate Application

POST ID#

12352

Officer's Name

Primka James W

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

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

Meets the following requirements:

☐ Intermediate (NAC 289.240)

Has an Intermediate Certificate and meets the following requirements:

☐ Advanced (NAC 289.250)

Meets the following requirements:

☐ Supervisor (NAC 289.255)

Has Advanced and Supervisor Certificates and meets the following:

☐ Management (NAC 289.260)

Has a Management Certificate and meets the following:

☒ Executive (NAC 289.270)

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

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

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

Additional Information or comments:

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

Submitters Name:

Sharon Daniels

Submitters Phone:

(775) 283-7805

Submitters E-Mail:

sdaniels@carson.org

Submission number: 132591

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

Education

Credit Hours

Date Achieved

Approved By:

Comments:

Certification Date:

JUL 25,2019
10:54AM

Nevada Commission on POST
Employee Profile

Page: 1

Primka, James W. (12352)

Certification

Date	Status	Certified	Expires	Probation	Cert #
Professional: Supervisor 6-27-2013	Active	6-27-2013			
Professional: Management 3-09-2009	Active	3-09-2009			
Instructor 12-23-2008	Active	12-23-2008			
Professional: Advanced 10-10-2002	Active	10-10-2002			
Professional: Intermediate 10-12-2001	Active	10-12-2001			
Basic: Category I 12-15-1996	Active	12-15-1996			
Basic: Category III 12-15-1996	Active	12-15-1996			



PERSONNEL ORDER

"Action, Urgency, Excellence"

Issue Date: August 21, 2018

PO#: 18-38

Effective Date: August 16, 2018

Distribution: All Divisions

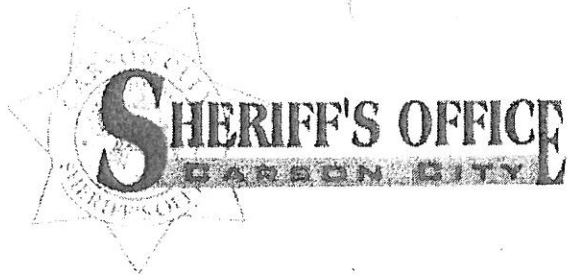
Authorization: Sheriff Ken Furlong

Effective August 16, 2018, SERGEANT JIM PRIMKA is promoted to LIEUTENANT with assignment to the Detention Division.

LIEUTENANT PRIMKA will report to Assistant Sheriff Jerome Tushbani or his designee for specific assignment.

(Employee #2226)

Authorizing Authority Signature



PERSONNEL ORDER

"Action, Urgency, Excellence"

Issue Date: January 30, 2019

PO#: 19-5

Effective Date: January 23, 2019 ✓

Distribution: All Divisions

Authorization: Sheriff Ken Furlong

Effective January 23, 2019, LIEUTENANT JIM PRIMKA is promoted to CAPTAIN with assignment to the Detention Division.

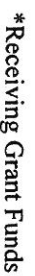
CAPTAIN PRIMKA will report to Assistant Sheriff Jerome Tushbant or his designee for specific assignment.

(Employee #2226)



Authorizing Authority Signature

***Ken Furlong, Sheriff
Ken Sandage, Undersheriff***



911 E. Musser St.
Carson City, NV
89701



Ken Furlong
Sheriff

775-887-2500
Fax: 775-887-2026

January 3, 2019

TO: State of Nevada
Peace Officers Standards & Training Commission
Carson City, NV

RE: Recommendation for Award of Executive POST Certificate
Lieutenant Jim Primka

From: Sheriff Ken Furlong

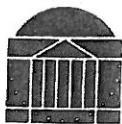
It is a pleasure to recommend Lieutenant Jim Primka to be awarded his Executive POST Certificate from the Nevada POST Commission. Lieutenant Primka has fulfilled all of the requirements established by the Commission, as well as by this agency, and has very well earned this recognition.

Lieutenant Primka is an integral member of this organization, providing qualified policy direction, formulation of policy procedures, and implementation of instructions based on interpretations of law. Since being promoted to upper level management reporting to the Sheriff, Lieutenant Primka has taken on the roles of executive direction enforcement operations, personnel accountability, equipment, and single point of contact for health, safety and welfare operations. It is noteworthy that his leadership has provided for the foundations for many of the Carson City Sheriff's Office programs and critical field operations. In a very short period of time, Lt. Primka has already taken on manager task responsibilities for Detention, Operations, and Investigations units. He is a committed and well educated professional officer.

Lieutenant Primka has achieved greater milestones by devoting time and attention to career development that has enhanced his own well-being, as well as created an internal and external mentor role model for others to follow. He is highly respected among his peers and one of the most effective leaders in the Carson City Sheriff's Office.

I am fully supportive of Lieutenant Jim Primka's pursuit of career milestones and strongly recommend the award of an Executive POST Certificate. Thank you for your consideration.


Ken Furlong
Sheriff



UNIVERSITY OF VIRGINIA
OFFICE OF THE UNIVERSITY REGISTRAR
P.O. BOX 400203
CHARLOTTESVILLE, VA 22904-4203
www.virginia.edu/registrar

James William Primka

07/17/2018

Date Printed

COURSE NUMBER	COURSE TITLE	GRADE	CREDITS	COURSE NUMBER	COURSE TITLE	GRADE	CREDITS
---------------	--------------	-------	---------	---------------	--------------	-------	---------

Issued / Mailed To:

JAMES PRIMKA

National Id: *****1666
Birthdate: 07/13/XX

Degrees Conferred

Confer Date: 03/16/2018
Degree: Certificate
Certificate: Criminal Justice Education

Beginning of Undergraduate Record

2018 Spring

School:	Continuing & Prof Studies				
Certificate:	Criminal Justice Education				
CJ 3210	Contemporary Issues in LE	A+	3.0	45	
CJ 3400	Fitness in Law Enforcement	A	2.0		
CJ 3490	Lgl Issues Impact Law Enf Ops	A	3.0	45	
CJ 3890	Law Enforcement Essentials	A	3.0	45	
CJ 4670	Law Enf Approaches to CT	A-	3.0	45	
CJ 4730	Forensic Sci for Admin & Mgrs	A-	3.0	45	
Curr Credits	17.0	Grd Pts	66.200	GPA	3.894
Cuml Credits	17.0	Grd Pts	66.200	GPA	3.894

225 HRS

End of Undergraduate Record



Louisa Hawthorne
UNIVERSITY REGISTRAR

Undergraduate Record 2018-2019

Contemporary Issues in Law Enforcement

[ARCHIVED RECORD]

CJ 3210 - Contemporary Issues in Law Enforcement

Provides educational opportunities and experiences focused on global challenges and concerns facing law enforcement leaders today and into the future. Exposes students to organizational and professional growth opportunities through case studies that will enhance their knowledge and education for positions of greater responsibility to build strong partnerships across the global law enforcement community.

Credits: 3 = 45 hrs L38

Legal Issues Impacting Law Enforcement Operations

Undergraduate Record 2018-2019

[ARCHIVED RECORD]

CJ 3490 - Legal Issues Impacting Law Enforcement Operations

Addresses legal issues arising under federal law that are commonly confronted by command level police supervisors during policy implementation and operational decision-making. Emphasizes recent decisions by the U.S. Supreme Court impacting the rights of criminal defendants under the Fourth, Fifth and Sixth Amendments. Employs a 'case-progression' method of instruction.

Credits: 3 = 45 hrs D58

Essentials for Law Enforcement Leaders

Undergraduate Record 2018-2019

[ARCHIVED RECORD]

CJ 3890 - Essentials for Law Enforcement Leaders

Examine leadership issues with participants evaluating themselves, others, and their communities; students apply theories and strategies that identify law enforcement leadership challenges based upon the findings of "The President's Task Force on 21st Century Policing", in conjunction with other scholarly articles and books. The goal is to formulate considered solutions that lead to positive changes in law enforcement leadership.

Credits: 3 = 45 hrs d s u

Law Enforcement Approaches to Counterterrorism Undergraduate Record 2018-2019

[ARCHIVED RECORD]

CJ 4670 - Law Enforcement Approaches to Counterterrorism

Increases appreciation of the complex nature of terrorism and counterterrorism. Provides students a solid understanding of the implications of terrorism, while developing their own thoughts about this subject as leaders in law enforcement. Consists of four blocks: 1. The Foundations of Terrorism; 2. The Mechanisms of Contemporary Terrorism; 3. International and Domestic Terrorists Groups and Organizations; and 4. Countering Terrorism.

Credits: 3 = 45 hrs dsr

Overview of Forensic Science for Police Administrators
and Managers

Undergraduate Record
2018-2019

[ARCHIVED RECORD]

CJ 4730 - Overview of Forensic Science for Police Administrators and Managers

Addresses forensic science issues, such as managing a crime scene, the role and value of different types of physical evidence, and current trends and issues. Provides a basic overview of forensic science.

Credits: 3 = 45 hrs dsf

III. Regularly Scheduled Meeting Agenda Items

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

Request from the Henderson Police Department, for their employee Deputy Chief David C. Burns for an Executive Certificate.

EXECUTIVE CERTIFICATE REVIEW

Name: Burns, David C.

Agency: Henderson PD

Hired: 02/19/1991

- | | | | |
|--|---|-----------------------------|---------------|
| A. Current Basic Certificate | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No | 06/28/1992 |
| B. Current Intermediate Certificate | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No | 07/08/2003 |
| C. Current Advanced Certificate | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No | 07/02/2009 |
| D. Current Supervisor Certificate | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No | 06/12/2013 |
| E. Current Management Certificate | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No | 07/03/2014 |
| F. 6 years experience as peace officer | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No | 28+ years |
| including 1 year at executive level | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No | 1 yr 4 months |

Hired as Chief of Staff (Executive position) April 23, 2018 and reported directly to the Chief of Police. In June 2019, agency had restructuring dissolving Chief of Staff position and restructured to Deputy Chief of Police Field Operations Bureau. Executive position experience started April 23, 2018 to present.

Orgchart: Yes.

- G. 200 hours of training in advanced management in addition to the requirements of A-F.

FBI National Academy 255 Hrs

☒ Yes ☐ No

- H. Proof meeting the requirements in NAC 289.047 Executive Level position

☒ Yes ☐ No

- I. Conflicts with Management Certificate: NONE

State of Nevada - POST

Professional Certificate Application

POST ID#

12308

Officer's Name

Burns David C

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

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

Meets the following requirements:

☐ Intermediate (NAC 289.240)

Has an Intermediate Certificate and meets the following requirements:

☐ Advanced (NAC 289.250)

Meets the following requirements:

☐ Supervisor (NAC 289.255)

Has Advanced and Supervisor Certificates and meets the following:

☐ Management (NAC 289.260)

Has a Management Certificate and meets the following:

☒ Executive (NAC 289.270)

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

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

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

Additional Information or comments:

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

Submitters Name:

Camille Shields

Submitters Phone:

(702) 267-4863

Submitters E-Mail:

camille.shields@cityofhenderson.com

Submission number: 133561

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

Education

Credit Hours


Date Achieved

FBI NA
12-15-2017

255

April 23, 2019

Approved By:



Comments:

Certification Date:

11/4/19

AUG 15,2019
07:36AM

Nevada Commission on POST
Employee Profile

Page: 1

Burns, David C. (12308)

Certification

Date	Status	Certified	Expires	Probation	Cert #
Professional: Management 7-03-2014	Active	7-03-2014			
Professional: Supervisor 6-12-2013	Active	6-12-2013			
Professional: Advanced 7-02-2009	Active	7-02-2009			
Professional: Intermediate 7-08-2003	Active	7-08-2003			
Basic: Category I 6-28-1992	Active	6-28-1992			



CITY OF HENDERSON
POLICE DEPARTMENT

THEDRICK R. ANDRES, SR.
Chief of Police



July 29, 2019

Commission of Peace Officer's Standards and Training
Records and Certification Section
State of Nevada
5587 Wa Pai Shone Avenue
Carson City, NV 89701

To Whom It May Concern,

This is to confirm that Deputy Chief David Burns is authorized to develop and approve policies for the Henderson Police Department and is an executive over a major division of the department.

Deputy Chief Burns' position includes the process of policy development and approval. Additionally, policies and procedures for the Henderson Police Department are funneled through the Deputy Chiefs for their review and approval, prior to going to the Chief's office for final approval.

Deputy Chief Burns, as Deputy Chief of Field Operations, also supervises s staff of executives, including captains and administrators.

If you have any questions regarding Deputy Chief Burns' POST Executive Certification process, please contact the Training Bureau at 702-267-4850, or you may contact my office at 702-267-4786.

Sincerely,

A handwritten signature in black ink, appearing to read "Thedrick R. Andres, Sr.", written over a horizontal line.

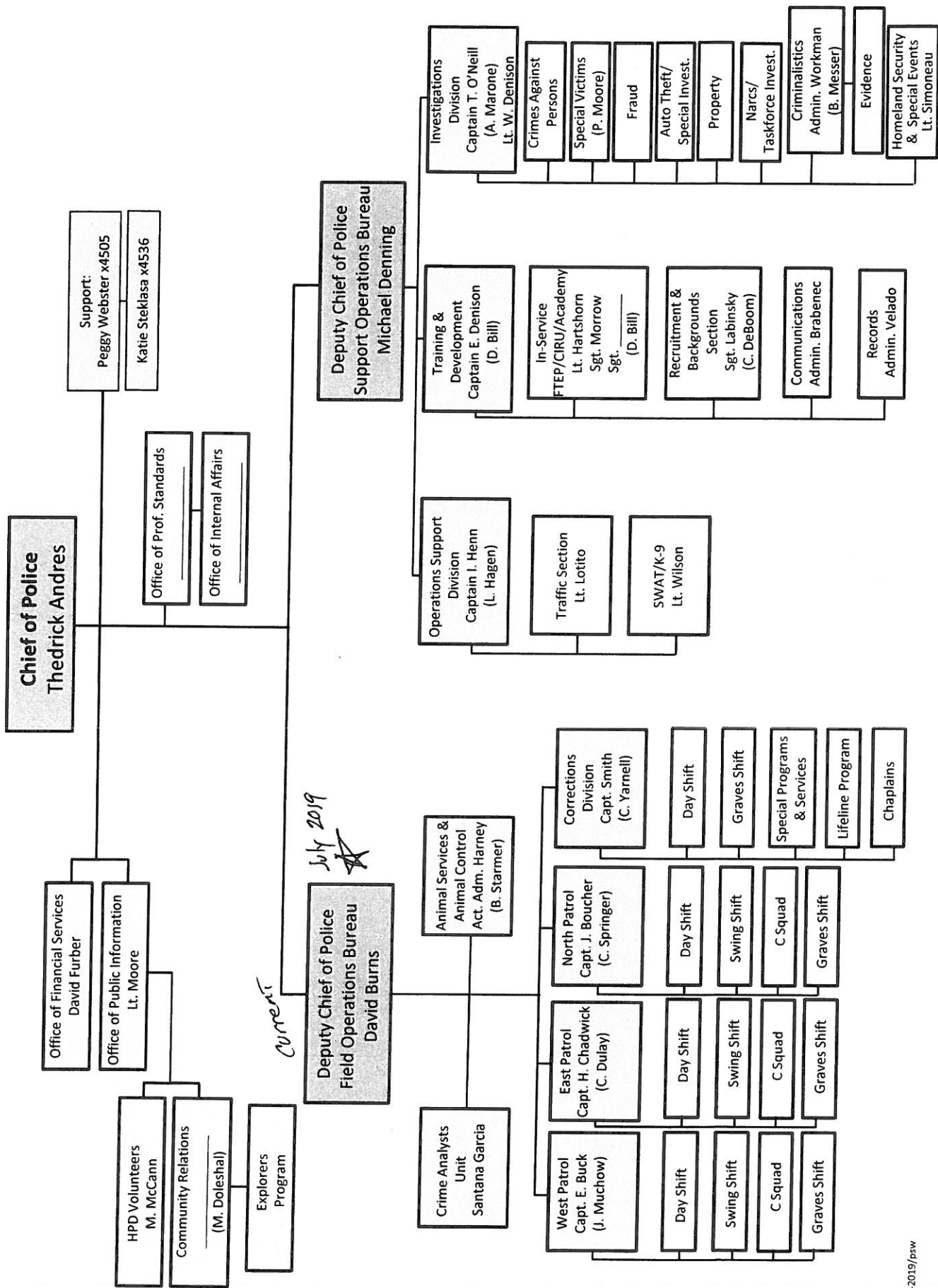
Thedrick R. Andres, Sr.
Chief of Police

TRA/psw

cc: David Burns, Deputy Chief
E. Denison, Captain
C. Shields, Training Officer

CURRENT ALLS LISTING

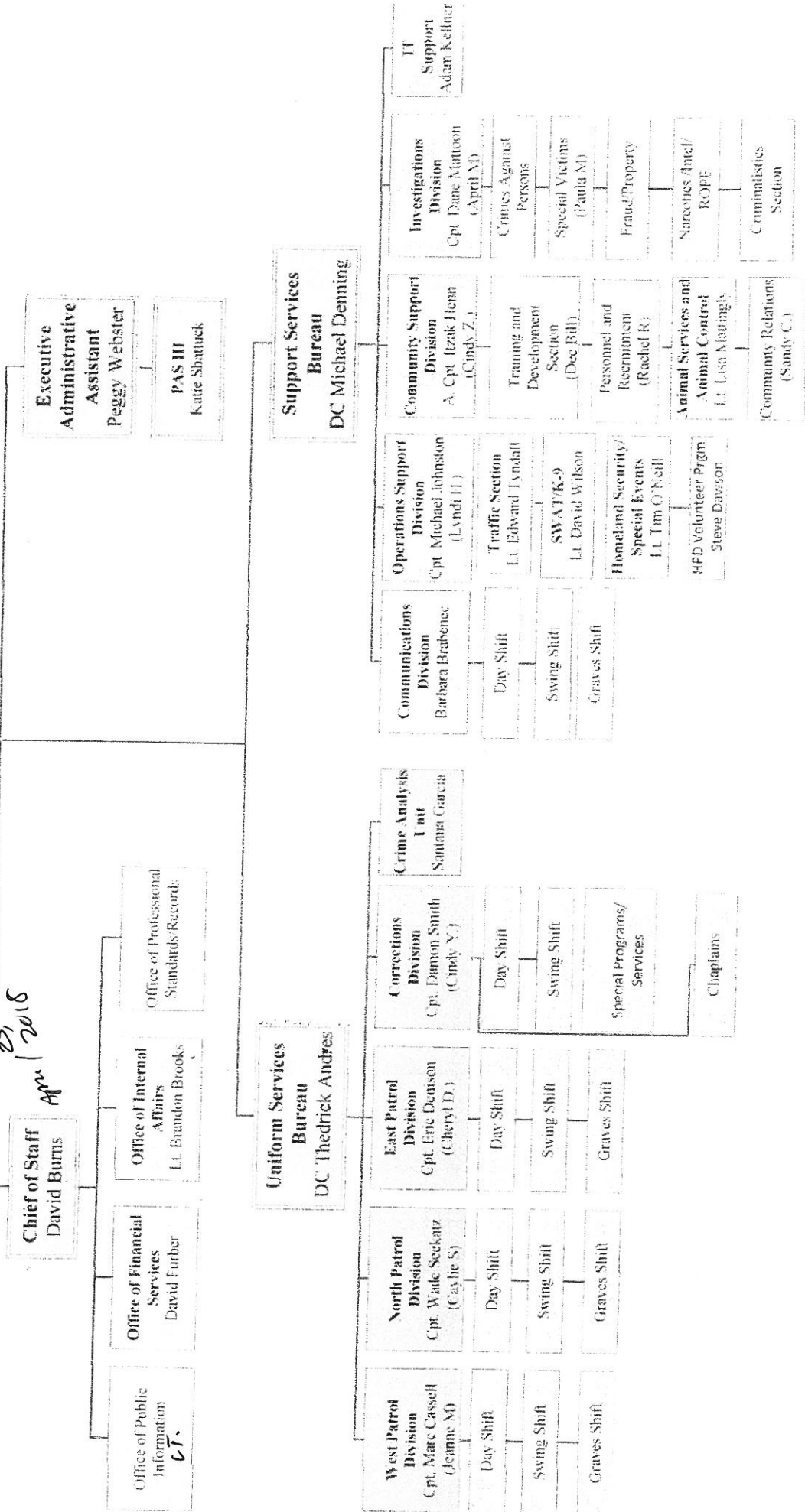
HENDERSON POLICE DEPARTMENT



Henderson Police Department

Previous ORG CHART

2/1/2018
APR



March 2018

UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION



Issues this award thereby certifying that

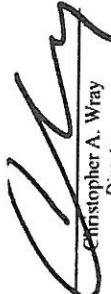
David C. Burns IV
Henderson Police Department, Henderson, Nevada

has completed a general course of instruction afforded by the

FBI National Academy

255 Hrs

*at Quantico in the state of Virginia for a period of eleven weeks
ending the fifteenth day of December in the year of two thousand and seventeen.*


Christopher A. Wray
Director
Federal Bureau of Investigation


David T. Resch
Assistant Director
Training Division



FBI National Academy Student Transcript

David Burns

FBI Academy, Quantico, Virginia
Session: NA270 - 10/02/2017 - 12/15/2017

This is to certify the student listed above attended the following courses of the FBI National Academy.

Course Number	Course Title	Classroom Hours	Semester Hours
3210	Contemporary Issues in Law Enforcement Seminar	45	3
3290	Emotional Intelligence	45	3
3400	Fitness in Law Enforcement	30	2
3690	Public Speaking	45	3
3890	Essentials for Law Enforcement Leaders	45	3
4490	Critical Incident Leadership: Crisis Negotiations	45	3

Total Credits: 17

In addition to the above identified course of study, all students participated in several plenary sessions dealing with selected National Law Enforcement issues, additional time was allocated for staff consultation, study and research and voluntary participation in the National Academy enrichment and physical fitness challenge programs.

III. Regularly Scheduled Meeting Agenda Items

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

Request from the Carson City Alternative Sentencing, for their employee Chief Tad Fletcher for an Executive Certificate.

EXECUTIVE CERTIFICATE REVIEW

Name: **FLETCHER, Tad N**

Agency: **Carson City Alternative Sentencing** Hired: **09/30/2013**

- | | | | |
|--|---|-----------------------------|------------|
| A. Current Basic Certificate | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No | 12/15/1996 |
| B. Current Intermediate Certificate | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No | 08/15/2006 |
| C. Current Advanced Certificate | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No | 08/15/2006 |
| D. Current Supervisor Certificate | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No | 05/10/2011 |
| E. Current Management Certificate | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No | 08/16/2012 |
| F. 6 years experience as peace officer | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No | 22+ years |
| including 1 year at executive level | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No | 6 years |

Orgchart: Yes

G. 200 hours of training in advanced management in addition to the requirements of A-F.

☒ Yes ☐ No

H. Proof meeting the requirements in NAC 289.047 Executive Level position

☒ Yes ☐ No

I. Conflicts with Management Certificate: NONE

State of Nevada - POST

Professional Certificate Application

POST ID#

16614

Officer's Name

Fletcher Tad N

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

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

Meets the following requirements:

☐ Intermediate (NAC 289.240)

Has an Intermediate Certificate and meets the following requirements:

☐ Advanced (NAC 289.250)

Meets the following requirements:

☐ Supervisor (NAC 289.255)

Has Advanced and Supervisor Certificates and meets the following:

☐ Management (NAC 289.260)

Has a Management Certificate and meets the following:

☒ Executive (NAC 289.270)

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

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

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

Additional Information or comments:

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

Submitters Name:

Tad Fletcher

Submitters Phone:

(775) 283-7029

Submitters E-Mail:

tfletcher@carson.org

Submission number: 132325

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

Education

Credit Hours

Date Achieved

222

11

Approved By:

Comments:

Certification Date:

11



DEPARTMENT OF ALTERNATIVE SENTENCING

885 East Musser Street, Suite 2080
Carson City, Nevada 89701
Phone (775) 887-2528 Fax (775) 887-2302

Tad Fletcher, Chief



Date: 8-12-2019

To: State of Nevada
Commission on Peace Officer's Standards and Training
Records and Certification Section


From: Chief Tad Fletcher
Carson City Department of Alternative Sentencing
885 East Musser Street
Carson City, Nevada 89701

Hello,

I am submitting my request to obtain my State of Nevada Executive P.O.S.T. Certification. I am the Chief of the Carson City Department of Alternative Sentencing and I meet the requirements under NRS. 289.270 and NAC. 289.047.

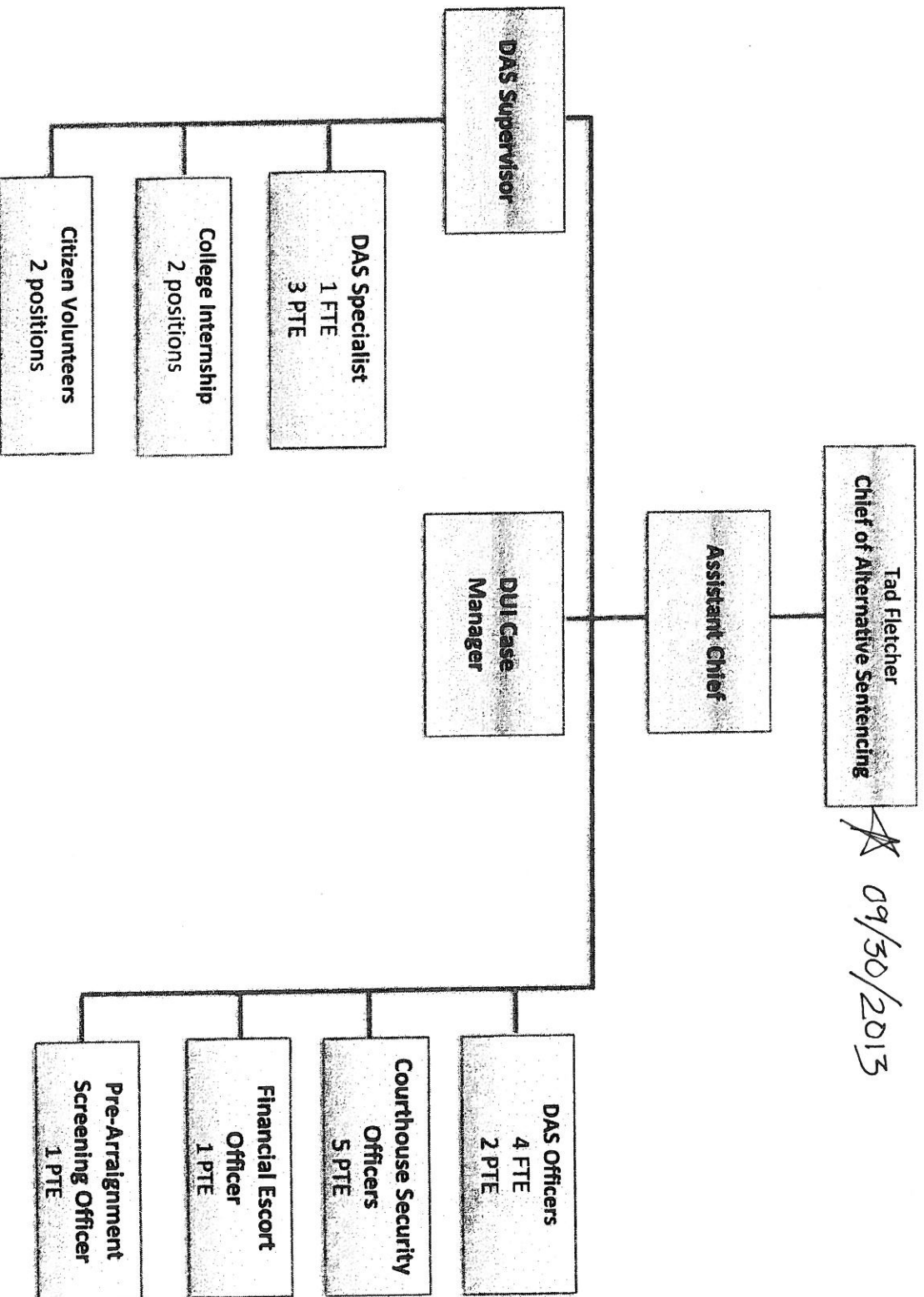
I have attached copies of my P.O.S.T. Certifications, copies of my college degrees and transcripts, along with copies of all of my certificates from training I have attended. I have also attached a copy of the organizational chart of my department.

Please let me know if you have any questions, or if you need anything else from me,


Tad Fletcher, Chief

8-12-2019
Date

2019 Carson City Department of Alternative Sentencing Organizational Chart



STATE OF NEVADA

PEACE OFFICER STANDARDS AND TRAINING COMMITTEE



For having fulfilled the requirements for Basic Certification
as prescribed by Nevada Revised Statutes.

CATEGORY I AND III HIGH SHERIFF LAW ENFORCEMENT ACADEMY 680 HRS

Governor

Bob Miller

Director, Department of
Motor Vehicles and Public Safety

Donald D. ...

Presented this 15 day of December, 1996

STATE OF NEVADA

COMMISSION ON PEACE OFFICERS' STANDARDS AND TRAINING

Hereby Awards the


Intermediate Certificate

To

TAD N. FLETCHER

*For having fulfilled the requirements for Intermediate Certification
as prescribed by Nevada Revised Statutes.*


Governor


Executive Director, Commission on Peace Officers'
Standards and Training

Presented this 15th day of August, 2006

STATE OF NEVADA

COMMISSION ON PEACE OFFICERS' STANDARDS AND TRAINING

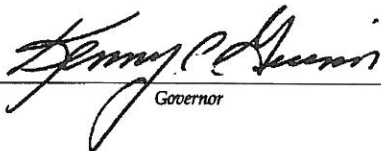
Hereby Awards the

Advanced Certificate

To

TAD N. FLETCHER

*For having fulfilled the requirements for Advanced Certification
as prescribed by Nevada Revised Statutes.*


Governor
Executive Director, Commission on Peace Officers'
Standards and Training

Presented this 15th day of

August

, 2006

STATE OF NEVADA

COMMISSION ON PEACE OFFICERS' STANDARDS AND TRAINING

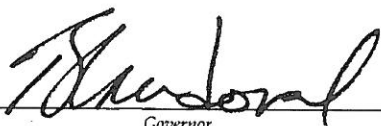
Hereby Awards the

Supervisor Certificate

To

TAD N. FLETCHER

*For having fulfilled the requirements for Supervisor Certification
as prescribed by Nevada Revised Statutes.*



Governor



Executive Director, Commission on Peace Officers'
Standards and Training

Presented this 10th day of May, 2011

STATE OF NEVADA

COMMISSION ON PEACE OFFICERS' STANDARDS AND TRAINING

Hereby Awards the

Management Certificate

To

TAD N. FLETCHER

*For having fulfilled the requirements for Management Certification
as prescribed by Nevada Revised Statutes.*



Governor



Executive Director, Commission on Peace Officers'
Standards and Training

Presented this 16th day of August, 2012

Nevada P.O.S.T. Certifications

- Basic Category I & III
- Intermediate
- Advanced
- Supervisory
- Management

College Degrees

Bachelor of Science
Associate of Arts

Justice Studies
Criminal Justice

Grand Canyon University
University of Phoenix

<u>Course</u>	<u>Institution</u>	<u>Dates</u>
✓ Orientation for Probation and Parole Executives ✓ - 40 hours	National Institution of Corrections	July 14-17, 2014
✓ Orientation for New Pretrial Executives ✓ - 40 hours	National Institution of Corrections	July 27-31, 2014
✓ 2011 Rural Law Enforcement Institute ✓ - 40 hours	U.S. Dept. of Justice	5-1-2011 to 5-5-2011
✓ Performance Management (P0000454) ✓ - 6 hours	State of Nevada	3-22-13
✓ Project Management (P0000401) ✓ - 6 hours	State of Nevada	3-26-2013
✓ Workplace Diversity (P0000421) ✓ - 6 hours	State of Nevada	2-25-2014
Talent Management (P0000457) - 6 hours	State of Nevada	2-7-2014
Employee Onboarding (P0000451) - 6 hours	State of Nevada	2-18-2014
✓ Employee Recruitment (P0000452) ✓ - 6 hours	State of Nevada	7-23-2019
✓ Organizational Skills (P0000487) ✓ - 6 hours	State of Nevada	7-25-2019
✓ Negotiation Skills (P0000387) ✓ - 6 hours	State of Nevada	11-16-2017
✓ Change Management (P0000354) ✓ - 6 hours	State of Nevada	4-1-2013
Middle Manager (P0000385) - 6 hours	State of Nevada	7-23-2019
✓ Meeting Management (P0000384) ✓ - 6 hours	State of Nevada	3-22-2013
✓ Succession Planning (P0000352) ✓ - 6 hours	State of Nevada	4-1-2013
✓ Knowledge Management (P0000379) ✓ - 6 hours	State of Nevada	7-26-2019
Business Ethics (P0000350) ✓ - 6 hours	State of Nevada	2-7-2014
✓ Business Writing (P0000353) ✓ - 6 hours	State of Nevada	3-25-2013
Work-Life Balance (P0000467) 6 hours	State of Nevada	7-29-2019
Supervising Others (P0000410) 6 hours	State of Nevada	8-1-2019
✓ Delivering Constructive Criticism (P0000492) ✓ 6 hours	State of Nevada	11-16-2017
✓ Measuring Results from Training (P0000382) ✓ 6 hours	State of Nevada	08-12-2019

222 HRS



Certificate of Completion

Tad Fletcher

has completed the program

Orientation for Probation and Parole Executives

Presented by the National Institute of Corrections

14-17 July, 2014
Aurora, CO.



Acting Director

40 HES
WJ

Enrollment Information

 Login

▼ Session Information

Event Type	Instructor Led Training Session
Name	Orientation for New Probation and Parole Chief Executives, 15C4001
Description	Assurance: Please note that by applying for this program, you acknowledge that (1) you meet the eligibility requirements for the training, and (2) that your supervisor supports your application for, and attendance at, this training, if selected.
Start Date	2/9/2015 8:30 AM
End Date	2/13/2015 12:00 PM

▼ Registration Information

Name	Orientation for New Probation and Parole Chief Executives, 15C4001 NIC continues to recognize the value of orientation for new probation and parole executives. This course focuses on the knowledge and skills important to a sound beginning in a new career. <u>This 40-hour program</u> is designed to assist new chief executives with both the immediate knowledge and the long-term skills needed in the areas of budgeting, personnel, planning, evidence-based implementation, dealing with special interest groups, working with the media, and other organizational development issues.
Description	The program uses a peer interaction process and promotes the development of network mentors and advisors among participants and between participants and faculty. Eligibility Requirements: Executives in probation and parole agencies who were appointed within the past year and who have full responsibility for the operational aspects of community corrections agencies that supervise offenders in the community, including chief probation officers, directors of state probation departments, directors of state probation and parole departments, directors of state parole supervision, and directors of public-sector community corrections (including state, county, or local agencies).
Enrollment Opens	9/4/2014 8:00 AM
Enrollment Closes	12/19/2014 8:00 AM
Minimum Seats	0
Maximum Seats	25
Seats Remaining	25
Current Status	

► Admin Contacts

 Login



Certificate of Completion

Tad Fletcher

has completed the program

Orientation for New Pretrial Executives

Presented by the National Institute of Corrections

**27-31 July, 2014
Aurora, CO.**


Acting Director

40 Hours
DH

Enrollment Information Login

▼ Session Information

Event Type	Instructor Led Training Session
Name	Orientation for New Pretrial Executives, 14C3001
Description	Assurance: Please note that by applying for this program, you acknowledge that (1) you meet the eligibility requirements for the training, and (2) that your supervisor supports your application for, and attendance at, this training, if selected.
Start Date	2/9/2014 5:30 PM
End Date	2/13/2014 5:30 PM

▼ Registration Information

Name	Orientation for New Pretrial Executives, 15C3001
Description	<p>Course Description: This 40-hour program is designed to enhance the leadership capacity and promote sound pretrial release practices of pretrial professionals with decisionmaking responsibilities. The program incorporates the National Association of Pretrial Service Agencies (NAPSA) Pretrial Release Standards with cutting-edge organizational and leadership strategies.</p> <p>The program will provide participants with a collaborative learning environment for addressing the practical challenges facing pretrial release executives every day. In addition, the program will focus on enhancing participants' knowledge and skills, strengthening networking among attendees and other pretrial professionals, and creating a learning and problem-solving environment through peer interaction and discussion between faculty and participants.</p> <p>Eligibility Requirements: Pretrial release agency professionals with decisionmaking responsibilities and who have a minimum of one year of experience in a high-level management position.</p> <p>Assurance: Please note that by applying for this program, you acknowledge that (1) you meet the eligibility requirements for the training, and (2) that your supervisor supports your application for, and attendance at, this training, if selected.</p>
Enrollment Opens	9/4/2014 8:00 AM
Enrollment Closes	12/15/2014 8:00 AM
Minimum Seats	0
Maximum Seats	100
Seats Remaining	100
Current Status	

► Admin Contacts

 Login

United States Department of Justice
Office of Justice Programs
NATIONAL INSTITUTE OF JUSTICE

This Certificate of Recognition
Is Presented To

Tad Fletcher

For the successful completion of the
Spring 2011 Rural Law Enforcement Technology Institute
sponsored by the National Institute of Justice.

May 1-5, 2011
Annapolis, Maryland

Michael K. O'Shea
Michael K. O'Shea
Law Enforcement Program Manager
National Institute of Justice

40 hrs



CERTIFICATE of COMPLETION

This is to certify that

Tad Fletcher

has completed

Performance Management (P0000454)

March 22, 2013

Credit Hours: 6

Handwritten signature

Handwritten initials

CERTIFICATE of COMPLETION

This is to certify that

Tad Fletcher

has completed

Project Management (P0000401)

March 26, 2013

Credit Hours: 6

Chad

AP

CERTIFICATE OF COMPLETION

This is to certify that

Rad Fletcher

has completed the course

Workplace Diversity (P0000421)

February 25, 2014

Credit Hours: 6


Executive Director,
Nevada Commission on
Peace Officers' Standards & Training

6H25



CERTIFICATE of ACHIEVEMENT

This is to certify that

Tad Fletcher

has completed the course

Employee Recruitment (P0000452)

July 23, 2019

Executive Director,
Nevada Commission on
Peace Officers' Standards & Training

Credit Hours: 6



132628

CERTIFICATE of ACHIEVEMENT

This is to certify that

Tad Fletcher

has completed the course

Organizational Skills (P0000487)

July 25, 2019

Executive Director,
Commission on Peace
Officer Standards & Training

Credit Hours: 6



CERTIFICATE of COMPLETION

This is to certify that

Tad Fletcher

has completed the course

Negotiation Skills (P0000387)

November 16, 2017

MSK
Executive Director,
Nevada Commission on
Peace Officers' Standards & Training

Credit Hours: 6

CERTIFICATE of COMPLETION

This is to certify that

Tad Fletcher

has completed

Change Management (P0000354)

April 1, 2013

Richard H. Clark

Credit Hours: 6

[Signature]

CERTIFICATE of COMPLETION

This is to certify that

Tad Fletcher

has completed

Meeting Management (P0000384)

March 22, 2013

Credit Hours: 6

Handwritten signature

Handwritten initials

CERTIFICATE of COMPLETION

This is to certify that

Tad Fletcher

has completed

Succession Planning (P0000352)

April 1, 2013

Credit Hours: 6

Richard H. Clark

WLB

CERTIFICATE of ACHIEVEMENT

This is to certify that

Tad Fletcher

has completed the course

Knowledge Management (P0000379)

July 26, 2019

Executive Director,
Commission on Peace
Officer Standards & Training

Credit Hours: 6



CERTIFICATE of COMPLETION

This is to certify that

Tad Fletcher

has completed the course

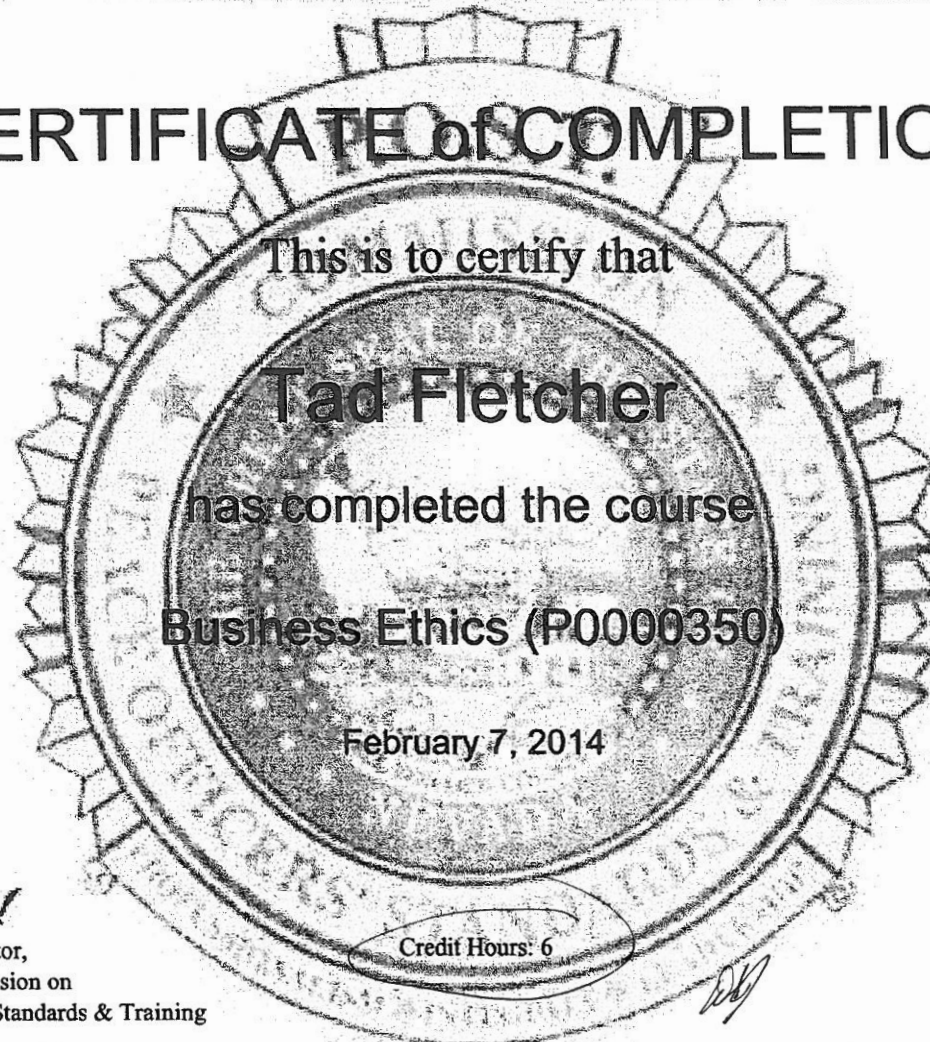
Business Ethics (P0000350)

February 7, 2014



Executive Director,
Nevada Commission on
Peace Officers' Standards & Training

Credit Hours: 6



CERTIFICATE of COMPLETION

This is to certify that

Tad Fletcher

has completed

Business Writing (P0000353)

March 25, 2013

Credit Hours: 6

Alma

Ed

CERTIFICATE of COMPLETION

This is to certify that

Tad Fletcher

has completed the course

Delivering Constructive Criticism (P0000492)

November 16, 2017

Credit Hours: 6

mshulld
Executive Director,
Commission on Peace
Officer Standards & Training

ES150njLXL

State of Nevada - POST

POST Professional Training OR Annual Compliance

Use this form to report the completion of **ONE** Professional Course OR **ONE** Annual Compliance Requirement.

Officer's Name

POST ID#

16614

Fletcher Tad N

☒ **Professional Training?** (Click this checkbox to submit **ONE** Professional Course).

The hours of this successful course completion will be used to meet the POST training requirements that are necessary to qualify for advanced certificates.

Course Name

Hours

POST Course#

P0000382

Measuring Results from Training

6.00

Course Completion Date:

08/12/2019

Status

PASS

☐ **Annual Compliance?** (Click this checkbox to report compliance for **ONE** of the Annual Requirements).

To comply with NAC 289.230, every POST certified officer **MUST** have six of these forms submitted every year to report the completion or excuse for each of the 1-6 annual requirements.

CREDIT YEAR:

2019

(Change this year **ONLY** to Report **LAST YEAR's** compliance)

For the Credit Year displayed above, select the Annual Requirement from the pull-down list. Then, click the checkbox to report that the officer has Completed the requirement; OR, click the Excused checkbox and select the reason.
(Exact training dates are not required)

Select the Annual Requirement:

☐ Officer has **COMPLETED** the selected requirement

☐ Officer is **EXCUSED** from the selected requirement

Select the Excused reason:

Additional information or comments:

Submitters Name:

Tad Fletcher

Submitters Phone:

(775) 283-7029

Submitters E-Mail:

tfletcher@carson.org

III. Regularly Scheduled Meeting Agenda Items

15. PUBLIC COMMENTS.

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

III. Regularly Scheduled Meeting Agenda Items

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

Schedule upcoming February 2020 Commission Meeting in Las Vegas.

III. Regularly Scheduled Meeting Agenda Items

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

Adjournment.