

**In the Matter Of:**  
Commission on POST

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**Meeting**  
*February 05, 2019*

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3200 COBB GALLERIA PARKWAY  
SUITE 265  
ATLANTA, GA 30339

1 COMMISSION ON PEACE OFFICER STANDARDS  
2 AND TRAINING REGULARLY SCHEDULED MEETING  
3

4 STATE OF NEVADA COMMISSION ON  
5 PEACE OFFICER STANDARDS AND TRAINING  
6 5587 Wa Pai Shone Avenue  
7 Carson City, Nevada  
8

9 Tuesday, February 5, 2019  
10 10:12 a.m.  
11

12 Commissioners:

13 JAMES SOTO, Chief, Reno PD (Chairman)  
14 JAMES KETSAA, Clark County SD PD  
15 KEVIN MCKINNEY, Elko County SO  
16 JOHN MCGRATH, Las Vegas Metropolitan PD  
17 MICHAEL ALLEN, Humboldt County SO  
18

19 Staff Present:

20 SCOTT JOHNSTON, POST  
21 MIKE JENSEN, AG OFFICE  
22 MIKE SHERLOCK, POST  
23  
24  
25



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1 PROCEEDINGS

2 (10:12 a.m.)

3 CHAIRMAN SOTO: Call this meeting to  
4 order. Good morning. Item number one, call to  
5 order.

6 I call to order the POST Commission  
7 meeting, it is February 5th, 2019, 1011 hours.

8 Let's start this off real quick. I  
9 wanted to thank real quick on the record Troy  
10 Tanner and Jim Wright for their time on the  
11 board, we really appreciate all the work that  
12 they have done for the Commission over the  
13 years.

14 At this time I'm going to throw it  
15 over to Scott Johnston for information on the  
16 legal postings and opening meeting minutes.

17 MR. JOHNSTON: Thank you, Scott  
18 Johnston for the record. The notice of this  
19 meeting was posted at the POST administrative  
20 office in Carson City, Nevada State Capitol in  
21 Carson City, Blasdel State Building in Carson  
22 City, Nevada State Library and Archives in  
23 Carson City, Grant Sawyer Building in Las  
24 Vegas, the Carson City Sheriff's Office, the  
25 White Pine County Sheriff's Office, POST

1 website at post.nv.gov, and the notice website  
2 at notice.nv.gov, and electronically pursuant  
3 to NRS 241.020(4).

4 CHAIRMAN SOTO: We'll go to item  
5 number two, roll call. I guess I'll start with  
6 myself, Jason Soto, Reno Police Department, and  
7 then we'll move around the table starting with  
8 you, Chief.

9 COMMISSIONER KETSAA: Jim Ketsaa.

10 COMMISSIONER MCKINNEY: Kevin  
11 McKinney, Elko County Sheriff's Office.

12 COMMISSIONER MCGRATH: John McGrath,  
13 Las Vegas Metro.

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

16 MR. JENSEN: Mike Jensen, Office of  
17 the Attorney General.

18 MR. SHERLOCK: Mike Sherlock from  
19 POST.

20 MR. JOHNSTON: Scott Johnston from  
21 POST.

22 CHAIRMAN SOTO: Moving on to item  
23 number three, discussion, public comment and  
24 for possible action, the Commission to discuss  
25 and take possible action pursuant to NRS

1 289.510(1)(a), to elect by a majority vote of  
2 the members a new chairperson for the  
3 Commission.

4 And I'm going to, again, throw this  
5 over to Mike Sherlock.

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

8 Just to kind of lay the foundation for  
9 this, normally we would have a chairperson  
10 still here to pass the gavel along, but I just  
11 want to explain exactly what the statutes say  
12 as to how we deal with this. So again, as  
13 Chief mentioned, Troy Tanner has retired; as  
14 such, he can no longer serve as a chairperson  
15 or a commissioner for that matter. With that  
16 vacancy, it created obviously an opening in the  
17 chairperson seat. So the Commission must elect  
18 by a majority vote a new chairperson.

19 Just to try to explain that, we have  
20 five of you here today. Essentially we would  
21 need five votes for whoever that person may be  
22 to reach that majority, so we're hoping for  
23 that today as we move forward, so it needs to  
24 be unanimous. But it is my understanding, you  
25 know, really after browbeating each of you and

1 some manipulation, that we're left with one  
2 person who's willing to put up with us, and  
3 from that perspective and considering those  
4 parameters, and that's Chief Soto.

5 I will say that there is an advantage  
6 to staff in having the chairperson relatively  
7 close to our office, but that said, Chief  
8 Tanner was down in Mesquite and we operated  
9 just fine, so having said that, clearly anybody  
10 that's interested should say so, but that's  
11 where we're at now, we've asked Chief Soto to,  
12 based on his interest, to kind of run the  
13 meeting today so we can get this matter taken  
14 care of.

15 So at this point, what I would do is  
16 again, give it back to Chief Soto. We would be  
17 looking for public comment, anybody who is  
18 interested, identify yourself, and then we  
19 vote, I believe. Is that how it will work?

20 MR. JENSEN: Yeah. Mike Jensen for  
21 the record. The only guidance you have is in  
22 the statute it says a majority vote of the  
23 Commission, so the process would be pretty much  
24 up to you guys to decide how you want to go  
25 forward, but that seems reasonable. Usually

1 I've seen people be nominated, other members  
2 nominating folks to do that, but that's already  
3 been taken care to narrow it down already to  
4 one, but I would say that I would open it up to  
5 nominate someone to be the chairperson and then  
6 have a discussion and public comment on that,  
7 and discussion, and then vote.

8 COMMISSIONER ALLEN: Mike Allen for  
9 the record. I would nominate Chief Soto for  
10 chairman.

11 CHAIRMAN SOTO: I truly appreciate  
12 that, Sheriff.

13 COMMISSIONER McKINNEY: I have a  
14 quick question. So if Chief Soto changes his  
15 mind and votes no, are we not going to have a  
16 majority, is that --

17 MR. JENSEN: That would be a problem,  
18 I believe, for us at that point, but we're  
19 hoping that we have a consensus and everyone  
20 agrees at this point.

21 COMMISSIONER KETSAA: I'll second the  
22 motion of Sheriff Allen.

23 CHAIRMAN SOTO: All in favor?

24 (Chorus of ayes.)

25 CHAIRMAN SOTO: Opposed?

1 All right.

2 MR. JENSEN: Well, I was going to say,  
3 we usually have public comment, but there is no  
4 public here to comment, so I think we're good.

5 CHAIRMAN SOTO: All right, then, we  
6 will move on to item number four, for  
7 discussion, public comment and for possible  
8 action, approving of minutes from the  
9 November 15th, 2018 regularly scheduled POST  
10 Commission meeting.

11 Do the commissioners have any  
12 corrections or additions to the minutes? If  
13 not, looking for a motion to approve the  
14 November 15th 2018 meeting minutes.  
15 Discussion?

16 Then looking for a motion to approve.

17 COMMISSIONER MCGRATH: Motion to  
18 approve the minutes from the November 15th  
19 meeting.

20 COMMISSIONER MCKINNEY: I second.

21 CHAIRMAN SOTO: All in favor?

22 (Chorus of ayes.)

23 CHAIRMAN SOTO: Opposed? Motion  
24 carries.

25 Item number five, this will be

1 information and the executive director's  
2 report, so I turn this back to Mike Sherlock  
3 for discussion. Once the report's been  
4 published, the Commission may have questions.

5 MR. SHERLOCK: Thank you. Mike  
6 Sherlock for the record. You know, I know I  
7 get long on these. It's really the only time  
8 that we can advise the Commission of what we're  
9 doing here at the POST, so I apologize for  
10 that. We really appreciate the opportunity to  
11 highlight some of the things we're doing over  
12 here, we're kind of hidden out her. So I'll go  
13 through each of our divisions real quick, I  
14 will try to make it as quick as possible.

15 So from the training division, in the  
16 academy itself we had our academy commander,  
17 Brian Maier (phonetic), retire recently. Just  
18 so everybody understands, Brian did a great job  
19 or updating and cleaning up kind of the  
20 academic side of our academy, the educational  
21 side. He had extensive experience as a  
22 teacher, frankly.

23 But as we moved forward, we brought in  
24 Greg Binelak (phonetic) as the new academy  
25 commander. As some of you may know, Greg has



1    been around for a long time, over 30 years in  
2    policing, he has good command experience, he  
3    has a master's degree, he has some PT and  
4    training background. We now want to move that  
5    academic portion of our academy, integrate it  
6    into the training side, and we believe that's  
7    reasonable from that perspective.

8                    You know, we continue to kind of shore  
9    up our structure and discipline in the academy.  
10   You know, I can say that studies continue to  
11   support a challenging training environment for  
12   policing is by far the best in terms of  
13   outcomes. I know the rurals sometimes get a  
14   little nervous when they think we're running a  
15   stress academy and that kind of thing, but I  
16   hope people understand that what some call  
17   stress academy or modified stress academy,  
18   generally does a better job by having fewer  
19   cadets fail out who if there had been more  
20   time, could have been successful in that  
21   previous academy. In other words, we should  
22   see fewer people that have the capacity to be  
23   police officers actually make it through the  
24   academy which, we're kind of seeing that  
25   already with our new environment. So again,

1     you know, our goal in the end is to have our  
2     training officers that train in command  
3     presence, integrity, officer safety and  
4     leadership, and let our paid instructors teach  
5     specific stuff, subjects. So that's what we're  
6     shooting for now. We want to be able to test  
7     these cadets and make sure that they can make  
8     legal, ethical, moral decisions under stress,  
9     and the place to do that is in basic training.  
10    So we're getting there, and I think we want our  
11    cadets to be proud of what they accomplish  
12    here, and I think it just tends to allow them  
13    to retain that training for longer if they're  
14    proud of what they accomplished, so we're  
15    getting there.

16               Going forward, we want to build some  
17    better relationships with and tied to agency  
18    field training officers. That's always an  
19    issue for basic training, making sure that  
20    we're putting people out that the field  
21    training officers, you know, the first thing  
22    that an FTO says is forget everything you  
23    learned in the academy, I'm going to teach you  
24    how it is. I want to bring them in to make  
25    sure that they buy in to the basic training and

1     integrate that. So we're looking at different  
2     ways to involve the FTOs from the agencies that  
3     we serve in our basic training program.

4             Over in advanced training we just  
5     completed an updated supervisor course, I've  
6     been pretty disappointed in our ability to get  
7     that thing out. It is done now, we hope to  
8     start putting that on more often to give people  
9     a chance to attend. It has been updated, we're  
10    pretty happy with some of the updates that  
11    we've included in that, and hopefully it will  
12    be a benefit to all the agencies.

13            Instructor development has been  
14    updated, we continue to push that out. The  
15    dispatcher course is finally complete. We have  
16    feedback from Comm Center supervisors across  
17    the state involved, Reno, Metro, you guys over  
18    at School Hall participated in testing that.  
19    We have input from them now and we're going to  
20    implement some of those suggestions that the  
21    supervisors wanted in that training, and  
22    hopefully that will be out for general use  
23    within two weeks, at the latest March 1st, so  
24    we're happy to finally get that thing out  
25    there.

1 Over in standards, of course we're in  
2 compliance season for annual training. This  
3 year seems to be doing very well, we've had  
4 some of the earliest reporting of compliance by  
5 agencies in recent history. We are currently  
6 down to about 27 agencies that had an officer  
7 that they had not reported in compliance. The  
8 total number of officers that have not been  
9 reported in compliance is under 50 at this  
10 point. So we're pretty happy with that and  
11 most agencies have responded, some letters of  
12 noncompliance have gone out already and what  
13 happens is, it generally spurs the agencies to  
14 report that training because our experience is  
15 pretty basic, that most officers have received  
16 the training, that's not the issue, it's not  
17 every case but in most cases, they just haven't  
18 reported it to POST yet, so we're working on  
19 getting that done and are pretty happy.

20 In terms of audits and inspections we  
21 have had some issues come up, mostly here in  
22 the north. We have a couple of agencies that  
23 are saying that due to some federal rules, they  
24 are advising their background investigators not  
25 to do credit checks on peace officer

1 applicants. I know Mike Jensen was going to  
2 look into that a little bit, I had a chance to  
3 look over it, and you know, I'll just leave it  
4 at this. The NAC regulations that the  
5 Commission has created requires a check into an  
6 applicant's financial history as part of the  
7 background. I'm sure there's various ways of  
8 doing that, but having read the memo that's  
9 being referenced and questioned up north, it  
10 doesn't on its face to me prohibit getting a  
11 credit report from an applicant, but I'm just  
12 putting that out there and we'll keep looking  
13 at that. Clearly we have a regulation that  
14 requires checking an applicant's credit. I  
15 know the easiest way to do that is to pull a  
16 credit report, so we'll keep monitoring that,  
17 and again, Mike's looking at that.

18 Finally, you know, we're in budget  
19 season. You know, POST has been essentially  
20 under supported for many years, but it's truly  
21 coming to a head. Just understand that we have  
22 the same budget and staffing levels as we had  
23 ten years ago, you know, and frankly, POST was  
24 under budgeted then. But I think we all agree  
25 that Nevada has grown a little bit since 2008,

1 some of the pressures and requirements, both  
2 from a standards perspective and a training  
3 perspective have gone, have grown a lot in  
4 those ten years. So you know, it's a huge  
5 issue for us. It has come to the point that  
6 POST can barely meet the status quo, right? We  
7 completely lack any resources to advance  
8 services. The current governor's, or the  
9 current budget recommendation from the  
10 governor's office cuts some \$234,000 out of our  
11 requested budget.

12           You know, I don't want to beat -- this  
13 isn't a political issue, we've been underfunded  
14 for years. We are often overlooked because we  
15 are such a small footprint in terms of  
16 budgeting, but we're never overlooked when it  
17 comes to cuts. And so just to give you  
18 an idea, if we do lose that 234,000 as  
19 recommended, we lose the contract position that  
20 we fought real hard to get last go-round. As  
21 some of you may remember, we put a lot of man  
22 hours into that contract, and the 234,000 cuts  
23 that.

24           We lose replacement tablets for our  
25 academy. For years the push statewide has been

1 to go paperless, we were on the leading edge of  
2 that, paperless in the academy. We have  
3 tablets that are used by our cadets that are at  
4 the end of their replacement schedule that the  
5 state sets, and they cut those out of our  
6 budget to replace those, and they're going down  
7 as we speak, there's no way they're going to  
8 last two years, we're done with the tablets.

9           The other thing they cut out was --  
10 again, we're just trying to maintain status  
11 quo, this is not asking for anything new. Our  
12 dorm furniture is from the 1980s and the dorm  
13 has not been replaced since then, it's falling  
14 apart, frankly it's a joke in there. We've  
15 asked continually to enhance our budget with  
16 replacement furniture and that again was, they  
17 cut half of that budget out. Well, half, you  
18 know, a bed doesn't do much good, or half a  
19 dresser just doesn't cut it. So we're pretty  
20 concerned, and it's pretty devastating to us as  
21 we consider that.

22           That contract position was pretty big  
23 for us and really helped us advance some of the  
24 basic training to have someone to lean on when  
25 an instructor doesn't show up, to have in house

1 a Nevada law enforcement expert on staff. And  
2 again, he was brought to us and the agreement  
3 was they would give us that position if we  
4 agreed to put it in our next budget. We put it  
5 in our next budget and they cut it out, so we  
6 are really concerned.

7 To give you a little more background,  
8 we are the only state that has legalized  
9 marijuana that gives no money to POST. Every  
10 other state that has recreational marijuana  
11 gives substantial amounts to police training,  
12 POST, so it just illustrates that we are not in  
13 the forefront of it, and whether it's the  
14 legislature or the executive side, it's pretty  
15 crazy.

16 COMMISSIONER McGRATH: I'm sorry,  
17 Mike. Have you proposed to try to get some of  
18 that marijuana money from the legislature?

19 MR. SHERLOCK: Mike Sherlock for the  
20 record. So as you know, the previous governor,  
21 it was, we have made several attempts, the tact  
22 at that point was that money will go to the  
23 rainy day fund and education only, and there  
24 was no movement on that. We are aware of a  
25 commissioner committee that's looking at



1 marijuana revenue under the new administration.  
2 We're hopeful, we haven't had a chance to speak  
3 directly on that. I've made that suggestion to  
4 people over there and I hope we don't get  
5 overlooked. My fear is without a lot of  
6 pressure, we will get overlooked.

7           You know, police training is always  
8 put on the back burner, it's not unusual, but  
9 if we could get help and some advocates, I  
10 believe we may be able to get some inroads from  
11 that perspective. I mean if you think about  
12 it, we're putting 4.7 million a month into the  
13 rainy day fund. Some of the proposals that  
14 I've made, if you added 631,000 to our budget,  
15 that's, you know, not even a quarter of what's  
16 going in every month. And I'm saying with  
17 631,000 for the biennium, we could expand and  
18 actually move forward greatly here at POST. We  
19 would be able to start a reimbursement fund, a  
20 lot of the things that other POST entities do,  
21 and 631,000 is not, it's just trying to get the  
22 voice over there to get, you know, get some  
23 traction, at this point we have not been able  
24 to do that.

25           And frankly, with the proposed cuts to

1     our budget, I'm sure nobody specifically looked  
2     at our budget, they just cut that across the  
3     board to a certain extent, but it was extremely  
4     frustrating when we received that  
5     recommendation based on our request. Again,  
6     remember, we are tied to what's called the  
7     two-time rule, we are a fee-based agency, we  
8     cannot ask for more than two times our base  
9     budget in our budget, and there's reason for  
10    that, I understand that, it shouldn't apply to  
11    us but it does. So we tried to comply with  
12    that rule and simply look at replacement things  
13    and things that were already in our budget, and  
14    even those got cut, so it's been extremely  
15    frustrating for us from a budget standpoint.

16            To go even further, last June or July,  
17    last summer I testified in front of a  
18    legislative subcommittee that's called the  
19    sunset committee that looks at boards and  
20    commissions. I gave some testimony as to what  
21    POST does and one of the things that came up  
22    was our budget, and in particular, the CIP  
23    project that we originally asked for in 2008  
24    and it was approved, it was an EVOC center, it  
25    was approved, much of the funding was

1 allocated, the plans were done, we owned the  
2 property, and due to the economic turndown, the  
3 money was swept from our account, and we have  
4 asked to reinstate that project ever since and  
5 it's never been funded or approved by public  
6 works, who recommends the CIPs. After that  
7 legislative testimony, the legislature wrote a  
8 letter to the governor recommending that that  
9 money be immediately replaced and the EVOC  
10 center be built as one of the projects under  
11 public works. We just received the list and  
12 we're not even on the list, they didn't even  
13 consider us. So again, very frustrating, where  
14 the legislature actually saw the need. We  
15 currently do EVOC in a parking lot. Frankly,  
16 it's embarrassing that we don't have a facility  
17 here to do that.

18 So again, I think if we had the right  
19 advocacy where we know something like that,  
20 that we can all agree we need, and the  
21 legislature has agreed and even written a  
22 letter to the governor on it, we may be able to  
23 get some traction on that. I can only say that  
24 if we were funded properly, it would be a  
25 benefit to all agencies, but would even be a

1 financial benefit, I think, to the agencies,  
2 and frankly, with everybody on an even keel  
3 across the state, and that's what one of our  
4 goals is.

5 Finally, Marsy's law has been an  
6 issue, that's part of the reason I'm sure that  
7 some of the holding back on budget is  
8 occurring. We're still, we do not know what  
9 the damages are going to be as a result of  
10 Marsy's law. We initially were told to plan  
11 for a 20 percent reduction but if we had a 20  
12 percent reduction in our small budget, it would  
13 be devastating, we would have to close our  
14 academy, it would be four positions. There's  
15 just no way, we run such a tight budget here  
16 that, you know, taking 20 percent just, it just  
17 wouldn't work.

18 Now, we do know that the governor has  
19 stated that he's going to allocate 15 million  
20 to cover the shortfall, I don't know what that  
21 means for us. We're a little worried. We have  
22 no access to the general fund, so if that 15  
23 million, wherever it comes from, is going to  
24 the general fund, it still will not help us  
25 here, we have to have a different mechanism to

1 get that money. We have repeatedly tried to  
2 get into the general fund, by the way, because  
3 that would allow us access to the contingency  
4 fund for shortfalls you, and we've been  
5 repeatedly refused. Simply getting my salary  
6 or one small part of our budget into the  
7 general fund would allow us access to that  
8 contingency fund, which is likely why they  
9 don't allow us into the general fund, but it  
10 would be a big benefit if we could do that.

11 So, again, I'm hoping from a mission  
12 standpoint that we can at least get some  
13 advocates there to keep pushing the need for  
14 advancing police standards. People criticize  
15 policing in general, but when it's time to put  
16 money where it should be in terms of training,  
17 we're not seeing it, we're just not. I'm  
18 hoping that will change.

19 COMMISSIONER MCKINNEY: Kevin  
20 McKinney. The 234,000, what was your overall  
21 request, was that more or less than the last  
22 biennium, do you understand what I'm saying?

23 MR. SHERLOCK: No, we are stuck to the  
24 two-times rule. These are enhancements,  
25 granted -- well, let me put it this way. The

1 contract instructor is already part of our  
2 current budget. We moved money from our  
3 reserve fund to fund it with the agreement that  
4 we would ask for and get it with the next plan.  
5 So that's a cut, from a technical standpoint  
6 that is cutting our current budget. So the  
7 general answer is no, what we requested last  
8 biennium is not more than what we're requesting  
9 in general. You know, there's enhancements.

10 COMMISSIONER ALLEN: Now, are  
11 you guys independent of DPS?

12 MR. SHERLOCK: Yes.

13 COMMISSIONER McKINNEY: So you're  
14 your own entity?

15 MR. SHERLOCK: Yes.

16 COMMISSIONER ALLEN: And then  
17 just to kind of, you know, I look up at the  
18 table and I'm only seeing I think two of us at  
19 the table right now who rely on POST, and it  
20 would be devastating for the rurals if you had  
21 to cut back POST, we would be totally out of  
22 options, especially these days when it's so  
23 hard to get law enforcement officers, so I  
24 think it's real important that we support you.

25 MR. SHERLOCK: Yeah, I'd appreciate

1     that, and it's very concerning to us, it's  
2     gotten to the point of critical, it really has.  
3     Now, again, I don't want to be -- you know, I  
4     think we do a really good job with the money  
5     that we do get, we're extremely efficient, you  
6     know, we provide what we can, and with the  
7     proposed budget, yes, we'll lose a contract  
8     instructor, again, assuming that Marsy's law  
9     doesn't hit us any harder, we'll lose a  
10    contract instructor, you know, the cadets will  
11    sleep on, you know, 60-year-old mattresses and  
12    they'll be writing on paper instead of using  
13    tablets, but we'll continue to provide the  
14    service. But I just want to make sure  
15    everybody here's aware, we cannot move forward  
16    by giving us the same budget we had in 2008 in  
17    the year 2020, I mean, we just can't.

18           CHAIRMAN SOTO: So, Chief Soto for the  
19    record. I just had a couple comments I wanted  
20    to make on your report. First off in training,  
21    I applaud you for looking at some of these  
22    stress type of, increasing awareness as opposed  
23    to a challenge to our recruits, and the reason  
24    for that is the back end, you will see much  
25    more of a success rate in terms of them getting

1 through their probation and actually being a  
2 working police officer.

3 In terms of the budget, I would  
4 challenge our Commission to have some contact  
5 with some individuals within the state in terms  
6 of bringing awareness to the budget. I think  
7 one of the problems with the budget is that  
8 nobody knows how critical it really is. I  
9 think that's my job and the job of all the  
10 commissioners is to do that, because I would  
11 agree with Sheriff Allen in terms of how  
12 important POST is, not just to the rural  
13 agencies, but also to some of the larger  
14 agencies in terms of when we need personnel and  
15 we need personnel who are trained. I would  
16 also say that if we don't change these budget  
17 rules we're looking for, in the long run it's  
18 going to cost us more money, all agencies  
19 throughout the state because of a lack of  
20 training, because of the lack of quality. When  
21 you start losing things like contract  
22 instructors for our police personnel, that's  
23 where you start having issues coming into the  
24 professionals, so I will certainly make that a  
25 priority to contact the governor and some of



1 the people that have some input on the crucial  
2 matter of the state in which we're in in terms  
3 of getting sufficient funding, not just meeting  
4 the status quo, and I would ask the other  
5 commissioners to do the same.

6 MR. SHERLOCK: Mike Sherlock for the  
7 record. Thank you, Chief. And I want  
8 everybody to know, look, Tim and I spend a lot  
9 of time with the legislature, we have far less  
10 credibility than you, that's just reality, so I  
11 would appreciate any help that you guys can  
12 give us. It just has a much bigger impact than  
13 what I can do.

14 COMMISSIONER SOTO: One last  
15 thing for the record, because I did a little  
16 bit of research on this prior to this meeting,  
17 you know, in terms of our size and what we  
18 manage as a whole commission, we have about a  
19 half to a third of what our budget really  
20 should look like, and you see that in other  
21 states. So we have to make a priority, I think  
22 it's our responsibility to make sure that we  
23 receive some additional funding, or at least  
24 make an effort to receive some additional  
25 funding. But again, I think it comes down to

1 awareness, and I don't think we've done a good  
2 enough job of making people aware that we're at  
3 a critical point here, we actually, this is  
4 getting to a critical stage.

5 MR. SHERLOCK: Thank you, Chief. Mike  
6 Sherlock for the record again. Just one more  
7 little stat for you. So, it's hard to compare  
8 apples to apples when you're comparing POST  
9 entities across the country. I like to use  
10 Idaho, it's the closest to us, right? They  
11 have jurisdiction over peace officer and  
12 corrections officers like we do, they have a  
13 voluntary dispatcher program as we do, they run  
14 an academy as we do, and they regulate  
15 standards and do everything that we do, they're  
16 very similar to us, almost the same. The  
17 population of Idaho is 890,000, so  
18 approximately one-third of what Nevada is.  
19 Their budget is more than double ours, their  
20 staffing level is more than double ours. Our  
21 budget is around 2.6 million, something in that  
22 area; their base budget is almost \$6 million.  
23 So you know, that just kind of gives you a  
24 perspective, and we see that across the  
25 country, we are well below what others do.

1                   So, that's my crying about the budget.  
2    You know, I'm just looking for support and some  
3    advocacy, both at the executive branch and the  
4    legislative branch, and what you guys do has a  
5    big impact, it really does.

6                   The last thing I wanted to mention, we  
7    did lose two commissioners, Chief Tanner  
8    retired, and we wish him great success in his  
9    retirement, and also, Jim Wright has retired,  
10   so we've lost two positions. Just to give the  
11   Commission an understanding of how that works,  
12   sometimes people don't understand how the  
13   Commission works, it's very specific.

14                  So Troy Tanner was the second category  
15   one in Clark County. One of the category one  
16   representatives must be Metro and the other has  
17   to be outside of Metro. After talking to the  
18   Sheriffs and Chiefs -- the way the statute  
19   reads is the governor must appoint a  
20   commissioner who is nominated by the Sheriffs  
21   and Chiefs or a similar organization, but it  
22   must come from that path. So looking at that,  
23   the suggestion was made for Tim Shea, he is the  
24   chief of Boulder City, he is a cat one, not  
25   only outside of Metro but outside of the

1 metropolitan area of Clark County, which does  
2 meet that requirement, and he was in fact  
3 nominated by the Sheriffs and Chiefs.

4 We are aware that they have that;  
5 however, the governor has yet to appoint a  
6 person to run the boards and commissions  
7 section, so we're sitting on that right now  
8 waiting for them to get that done before they  
9 can make an appointment.

10 Jim Wright's position on the  
11 Commission was the -- the statute requires a  
12 state category one agency to have a position on  
13 the Commission, that's obviously a very narrow  
14 group, state category ones, I think, are  
15 Wildlife and State Parks and the DPS, and  
16 that's basically it. I talked to the Sheriffs  
17 and Chiefs on our needs for a nomination there,  
18 and I don't know that it's done yet, but I  
19 believe the new director of DPS, George  
20 Togliatti will be the nominee, from what I'm  
21 hearing. So hopefully we'll get that done,  
22 we're just waiting for, you know, the executive  
23 branch to catch up, there's a lot of  
24 appointments that have to be made. We start  
25 getting concerned when there's only five of you

1 here as we move forward.

2 I know that was long, but that's our  
3 update.

4 CHAIRMAN SOTO: Any questions?

5 COMMISSIONER MCKINNEY: I have a  
6 question. Would there be any way that we could  
7 get budget numbers so we could actually start  
8 advocating for, a quarterly report or something  
9 that might help us, and we could start getting  
10 ahold of the legislators and things?

11 MR. SHERLOCK: Absolutely. Mike  
12 Sherlock for the record. So, it's a little bit  
13 of a moving target, but we'll definitely, I  
14 will get those out to you as we speak,  
15 momentarily. I understand it is a moving  
16 target. So one, we can't release whatever our  
17 budget request was until the governor makes his  
18 recommendations, which he's already done, so  
19 now it's a public record and we can do that.  
20 And we will -- I'll try to get you all the  
21 information, what we requested, what the  
22 recommendation is, what it cuts from us and  
23 that kind of thing, so you have that  
24 information, absolutely.

25 COMMISSIONER MCKINNEY: Yeah, I --

1 Kevin McKinney again. I just think with some  
2 specifics, we might be able to talk  
3 knowledgeably about what we're trying to gain.

4 MR. SHERLOCK: Certainly. Mike  
5 Sherlock for the record, and I appreciate that.  
6 We will get that.

7 COMMISSIONER KETSAA: Jim Ketsaa for  
8 the record. Is there a specific committee or  
9 somebody to speak to that handles this? You  
10 know, I know you mentioned a couple different  
11 groups. Sometimes like, you know, for  
12 different organizations, there's a specific  
13 committee that handles those type of things.

14 MR. SHERLOCK: So at this point  
15 I would say that the executive branch is very  
16 important to us. We have in recent years seen  
17 better support from the legislature, and I hate  
18 to say this publicly but the legislative side  
19 has actually added money to our budget where  
20 the executive branch has not requested, and I  
21 can tell you, it puts -- we're an executive  
22 branch entity, so I don't like, you know, it  
23 puts us in a tough position sometimes. We do  
24 give our budget brief next week to the  
25 legislature on the 12th, but I think we're far

1 more concerned with getting help from the  
2 governor's side, and it frankly puts me in a  
3 bad position, I'm going to have to essentially  
4 tell the legislature that our budget is less  
5 than what we wanted, which kind of puts me in a  
6 bad position, I'm not going to lie, but it's  
7 gotten to the point that we are so far outside  
8 the radar that we've got to shake things up a  
9 little bit. But to answer your question right  
10 now, it's the executive branch side that's  
11 been -- it never hurts to get ahold of  
12 representatives on the legislative side that  
13 are in your area of Clark County or whatever,  
14 because they do help us, and having them on our  
15 side helps the governor's side, no doubt about  
16 it. But right now it's the governor's side  
17 that ultimately I think would help us in terms  
18 of finding new money and that kind of thing.

19 COMMISSIONER MCKINNEY: Thank you.

20 COMMISSIONER SOTO: One last  
21 question. You mentioned earlier in your  
22 report, Mike, about the general fund and that  
23 we do not, right now we're not recognized and  
24 if we were, then we could get into some of  
25 that. My question would be if we could look at

1     that general fund for, say, your salary or  
2     anybody's salary, with the stipulation what we  
3     wouldn't touch the contingency. Is that  
4     something that's allowable? I don't even know  
5     the answer to that, because I know what you  
6     said, that they don't want us to do that, but  
7     if we can save 200,000, or 100,000 here, or  
8     anywhere, I don't know the answer.

9             MR. SHERLOCK: Yeah, Mike Sherlock for  
10    the record. A couple things about that. One,  
11    I mean, the advantage is having access to  
12    financing through the general fund. But number  
13    two, you're right, it would save us court  
14    assessment money, but I have to be honest,  
15    court assessment monies over the last two  
16    years, and frankly currently, exceeds our  
17    authority, so we don't know what Marsy's law is  
18    going to do to that, but frankly we have  
19    received more money than we can spend, because  
20    the court assessments have been coming in, I  
21    mean small amounts, like four or five percent  
22    over last year.

23            Understand, we are a fee-based agency  
24    but we're bound by general fund rules, so even  
25    though we got more money in court assessment,



1 we're stuck with the budget that we have, we  
2 don't get to spend that money, it goes back to  
3 the state, which is another issue of being a  
4 fee-based agency that isn't really fee based.  
5 So yes and no, it would help us if court  
6 assessment revenue falls below authorization,  
7 but if it doesn't, it doesn't help us without  
8 access to the contingency.

9 CHAIRMAN SOTO: Further questions?

10 MR. SHERLOCK: Thank you.

11 CHAIRMAN SOTO: Number six,  
12 discussion, public comment, and for possible  
13 action of the Commission to consider starting  
14 the rulemaking process to change NAC 289.290 to  
15 provide for the revocation of POST  
16 certification for a conviction constituting a  
17 misdemeanor crime of domestic violence as  
18 defined by 18 USC 922(g)(9). The change would  
19 allow the Commission to take action to suspend  
20 or revoke a peace officer's POST certification  
21 based upon a misdemeanor conviction  
22 constituting a crime of domestic violence as  
23 defined by 18 USC 922(g)(9) without a request  
24 from the agency.

25 Once again, I'm going to pass this to

1 Mike Sherlock and once he's done, I'll ask the  
2 commissioners for any questions.

3 MR. SHERLOCK: Mike Sherlock for the  
4 record. So, just a quick understanding, so  
5 under the current regulations, felony  
6 convictions may result in the revocation of a  
7 peace officer's certificate, and there's no  
8 requirement that the employing agency ask you  
9 the Commission to do that, to take action on  
10 that certificate when there's a felony  
11 conviction. That's not the case with  
12 misdemeanors.

13 Our current regulations authorize the  
14 Commission to revoke for a misdemeanor only  
15 where it is requested by the employing agency.  
16 So this, it kind of creates a bit of an issue  
17 where there's a conviction for a misdemeanor  
18 that by its nature would prohibit that person  
19 from exercising some or all of the powers of a  
20 peace officer, and yet we can't revoke them  
21 without a request from that employing agency.  
22 Domestic violence is the big one, and I believe  
23 Mr. Jensen has litigated this all the way up in  
24 our courts and the courts agreed clearly that  
25 we can revoke for a domestic violence

1 conviction because it does prohibit things like  
2 carrying a gun, you know, things that fall  
3 under police officer powers. So we know that  
4 by the nature of the conviction itself, that  
5 for domestic violence or any crime that falls  
6 under that federal definition of domestic  
7 violence, prohibits that person from exercising  
8 those powers.

9 So staff is really looking for the  
10 possibility of including domestic violence  
11 convictions as a required, or as a revocable  
12 offense for the Commission without requiring a  
13 request from the employing agency to revoke  
14 them. So this would, this item would require  
15 the Commission to direct staff to begin a  
16 rulemaking process to add that to our revokable  
17 offenses.

18 With that, I'll ask Mr. Jensen if  
19 there's any clarification he would like to  
20 make. Am I rambling?

21 MR. JENSEN: No, no, you covered it  
22 great. This is Mike Jensen for the record. In  
23 terms of just process, I guess from a legal  
24 perspective, the thing that we've handled in  
25 the past, we did have a case that went to

1 hearing on this, a crime of domestic battery, I  
2 think it was out of one of the rural counties,  
3 that was a contested case which doesn't happen,  
4 as you guys have probably seen in your time,  
5 very often. It was, the Commission revoked  
6 based on that misdemeanor and it went on appeal  
7 to the District Court and was upheld there, and  
8 the District Court, the thought that the  
9 District Court found was most convincing to it  
10 as the basis for revocation of a peace  
11 officer's certificate was that federal statute  
12 that prohibits firearms possession. My  
13 recollection on that hearing was at the time we  
14 had the hearing, the Commission was a little  
15 bit uncomfortable basing its decision just on  
16 that federal statute and wanted to look at  
17 other reasons why a misdemeanor domestic  
18 battery conviction would disqualify someone,  
19 because that's what you guys have to find, is  
20 not just that it's a bad thing, but whatever  
21 the conviction is, it's something that should  
22 disqualify a person from being a peace officer.  
23 And so that, when it comes to the legal basis  
24 for these particular revocations, this is one  
25 of those types of crimes that because it does

1 fall under the federal definition, that makes  
2 it pretty clear as a basis for revocation.

3 The other thing I guess I would add  
4 from just a background on misdemeanors, this  
5 has kind of developed over the years on how the  
6 Commission handles misdemeanors. As you guys  
7 know, a traffic violation is a misdemeanor in  
8 Nevada, so you could have quite a range of  
9 seriousness in misdemeanors from traffic  
10 violations up to things like domestic battery.  
11 And so for several years, the approach of the  
12 Commission has been to ask staff to bring after  
13 an agency requests it, which is the first  
14 protection that you don't get in misdemeanor  
15 type cases that are maybe not so serious,  
16 coming to the Commission is the agency making a  
17 decision that they think that's serious enough  
18 for a recommendation to the Commission for  
19 revocation.

20 The second hurdle or filter, I guess,  
21 that the Commission has had in the past is what  
22 we call the blind review, which is essentially,  
23 we would bring a misdemeanor in cases where it  
24 was questionable whether you guys may or may  
25 not want me to go forward on a hearing, we

1 would bring forward basically the charging  
2 document, black out the names of the folks  
3 involved, and just ask the Commission, is this  
4 something you would want to move forward and  
5 have a notice sent out and a hearing held on,  
6 is it serious enough, we'd get a feel that way.  
7 And so we've had some filters in place in the  
8 past to kind of protect against being, you  
9 know, the traffic or the bar fights or  
10 whatever, that might come here for revocation  
11 that you may or may not want to look at.  
12 That's the purpose of the existing regulation.

13           The reason for the change is as the  
14 executive director, Mr. Sherlock pointed out,  
15 is this is a good strong basis for it, and it's  
16 not unprecedented. I think when we changed the  
17 regs the last time to add revocation based on  
18 guilty pleas and nolo pleas, as opposed to  
19 having always a conviction, my recollection was  
20 we found a number of states that this is one of  
21 the grounds for revocation in their POST  
22 certification statutes, and I think we could  
23 probably find another state or multiple states  
24 with similar language that we could bring back  
25 to the Commission when we start through the

1 rulemaking process, that you guys could take a  
2 look at. So that's, I added probably a lot  
3 more than I should have, but that's what I  
4 would intend.

5 MR. SHERLOCK: Mike Sherlock for the  
6 record. Thank you, Mr. Jensen, and I would  
7 agree with that. So if the Commission should  
8 direct us to begin the rulemaking process, we  
9 would in a workshop bring some of that  
10 information forward. I'm confident that it's  
11 most likely a majority of states that do  
12 revoke, in some way include domestic violence,  
13 and again, it's a moving target. In some  
14 states domestic violence, even for domestic  
15 felonies, so you know, there's different  
16 things. So at this point what it requires the  
17 Commission to do should they decide, is staff  
18 would begin the rule making.

19 CHAIRMAN SOTO: Thank you. Does  
20 anybody on the Commission have any questions?

21 COMMISSIONER MCKINNEY: A quick  
22 question, Kevin McKinney for the record. Will  
23 this require changes in the NRS?

24 MR. SHERLOCK: Mike Sherlock for the  
25 record. No. Mike, did you have a point?

1           MR. JENSEN: Yeah, Mike Jensen for the  
2 record. No, I don't believe it would require  
3 any changes in the NRS. The Commission has the  
4 authority to establish the grounds for  
5 revocation or your regulations, and I don't  
6 think there would be any issue at all with you  
7 adding this to your regulations. Now that  
8 wouldn't be what you would be doing today, it's  
9 just directing staff to start the rulemaking  
10 process, which has multiple steps in it before  
11 it gets to the point where you actually vote on  
12 whether or not you want this to be put in  
13 place.

14           CHAIRMAN SOTO: For the record, Chief  
15 Jason Soto. I do have one question now that  
16 I'm thinking through this that you might be  
17 able to answer for me. The way I read it, what  
18 we are allowing here is for the Commission to  
19 request revocation of folks. The question  
20 would be, would that have an impact on the  
21 agencies. The only reason I ask -- all of the  
22 agencies -- the reason I ask that is because we  
23 have different bars in terms of what we want to  
24 consider a misdemeanor in which we would be  
25 looking to revoke someone, so that's a -- does



1     that make sense?

2                   MR. SHERLOCK:   Yes.   Mike Sherlock for  
3     the record.   Yeah, I agree with that.   I think  
4     that as you look at this, what we're  
5     suggesting, and again, this would come out  
6     through the rulemaking process, but I think if  
7     it's a conviction for a federally recognized  
8     domestic violence, I think we're on, everybody  
9     would be fine.   I see what you're talking  
10    about, where misdemeanors, right now they're  
11    specifically talking about domestic batteries  
12    or other convictions, I agree, but meet that  
13    federal definition, I think you'd be okay  
14    there.

15                  CHAIRMAN SOTO:   Any other questions or  
16    comments?

17                  COMMISSIONER McGRATH:   I think  
18    the only question I had was already answered,  
19    it was about a conviction, because we have a  
20    lot of people get arrested, and then it  
21    doesn't, they take a lesser charge or it  
22    doesn't actually go to, when you look at like  
23    the ones that are filed, they check the box,  
24    domestic violence, it's pretty easy.   But I  
25    don't see a lot like that, I see other types of

1     pleas, and that's where I see the struggle.

2                 MR. JENSEN:   Mike Jensen for the  
3     record.   I think that's really common,  
4     especially for folks who are employed as peace  
5     officers.   Their attorneys are going to be  
6     pushing hard for them to plead to something  
7     that will not constitute a federal prohibitor,  
8     and so I think that's real common.   And if that  
9     were the case, that they pled to something or  
10    were convicted of something that wasn't  
11    involved, it didn't fall under the federal  
12    statute, it wouldn't fall under your regulation  
13    either, so again, that wouldn't come inside  
14    that group if you decided that.

15                COMMISSIONER MCGRATH:   John McGrath  
16    for the record.   It wouldn't fall under this  
17    regulation but it would fall under the  
18    misdemeanor.

19                MR. JENSEN:   Which would still be in  
20    your regulation.   I don't think the intent is  
21    to remove the existing misdemeanor provisions  
22    to add this, which would still require the  
23    agency to make the recommendation to the POST  
24    Commission before moving forward on a  
25    revocation.

1 MR. SHERLOCK: Mike Sherlock for the  
2 record. Yeah, I would agree with that. I  
3 think, again, we go through the rulemaking  
4 process, but I don't see us removing the  
5 requirement on those or -- the ability really  
6 is what you're saying on your side, to ask the  
7 Commission to look at a particular misdemeanor  
8 conviction, and absolutely, I don't see us,  
9 that's not the intent to get rid of that at  
10 all. It's just to move those, that specific  
11 conviction that, if you know it results in them  
12 being unable to do their job, allowing you guys  
13 to look at it without the agency.

14 CHAIRMAN SOTO: Any other questions or  
15 comments?

16 COMMISSIONER McKINNEY: Well, I  
17 want to go back to the NRS. I was reading NRS  
18 289.290 and I am just kind of concerned about a  
19 slight conflict, because I believe it says that  
20 for misdemeanors, it has to be recommended by  
21 the agency.

22 MR. SHERLOCK: Mike Sherlock for the  
23 record. But I think what you're looking at is  
24 the NAC.

25 COMMISSIONER McKINNEY: Maybe it's

1 the NAC. Oh yes, NAC.

2 MR. SHERLOCK: And as a regulation,  
3 it's the function of the Commission to  
4 establish what those particular regulations  
5 are, so as Mr. Jensen said, I think we're good  
6 from that standpoint.

7 COMMISSIONER MCKINNEY: So would we --  
8 again, Kevin McKinney. Would we be changing  
9 this NAC then?

10 MR. SHERLOCK: That's correct.

11 COMMISSIONER MCKINNEY: Okay, I'm  
12 sorry, I was think that was the NRS and it's  
13 the NAC. My apologies.

14 CHAIRMAN SOTO: So, I think that --  
15 any more discussion or questions?

16 I think what I am looking for is a  
17 motion to move directing staff to begin the  
18 rulemaking process to update the NAC 289.290.

19 COMMISSIONER MCGRATH: I'll make a  
20 motion to have the Nevada POST executive  
21 director look at the NAC 289.290 to see if we  
22 need to change the code.

23 COMMISSIONER ALLEN: Mike Allen, I'll  
24 second it, that motion.

25 MR. SHERLOCK: Real quick,

1 Mr. Chairman, Mike Sherlock for the record. I  
2 just want to make sure with Mike Jensen, is  
3 that motion sufficient to begin the rulemaking  
4 process?

5 MR. JENSEN: That's what I heard,  
6 yeah, start the rulemaking process.

7 MR. SHERLOCK: Okay.

8 CHAIRMAN SOTO: So the motion from  
9 McGrath, second from Allen, all in favor?  
10 (Chorus of ayes.)

11 CHAIRMAN SOTO: Opposed? The motion  
12 carries.

13 MR. JENSEN: Mr. Chairman, just for  
14 the record, we probably, even though we don't  
15 have public comment here, just if someone's  
16 listening to this tape later on, we probably  
17 should open up for public comment.

18 CHAIRMAN SOTO: So I'll open it up for  
19 public comment. No comment. For the record,  
20 there is no public comment. All right.

21 Item number seven, discussion, public  
22 comment, and possible action, a hearing  
23 pursuant to NAC 289.290(1)(h) on the revocation  
24 of James R. Briggs, formerly of the Las Vegas  
25 Metropolitan Police Department, certification

1 based on a conviction for a misdemeanor. The  
2 Commission will decide whether to revoke  
3 Mr. Briggs' Category I basic certificate. And  
4 we're going to send it over to Mike Jensen.

5 MR. JENSEN: Thank you, Mr. Chairman.  
6 Speaking of revocations for misdemeanors, we've  
7 got a couple of them in a row here, both for  
8 misdemeanor crimes of domestic battery, or  
9 battery constituting domestic violence  
10 convictions.

11 The first is Mr. James R. Briggs. We  
12 talked a little bit about the authority the  
13 Commission is acting under this morning. First  
14 of all, the NRS is NRS 289.510, that allows the  
15 Commission to adopt regulations that establish  
16 minimum standards for certification and  
17 decertification of officers. NAC 289.290 is  
18 the one we've just been talking about, it  
19 establishes the causes for the Commission to  
20 revoke, refuse or suspend a certificate of an  
21 officer, and the specific section we're looking  
22 at this morning is (1)(h) that provides as we  
23 were just talking about, for revocation based  
24 on a conviction for a misdemeanor. Pursuant to  
25 that regulation of the Commission, the action

1 of the Commission is triggered by the  
2 recommendation of an agency that the employee  
3 convicted of a misdemeanor have their POST  
4 certificate revoked or suspended.

5 In your package you've got a number of  
6 exhibits that I'm going to go through real  
7 quick here, and at the end of this ask the  
8 chairman if we could admit these to the record  
9 to support any action taken by the Commission.  
10 I'll just real quickly go through there.

11 Those exhibits, Exhibit A is the  
12 notice of intent to revoke, which we sent out  
13 on, staff sent out on every case to satisfy  
14 both the requirements of the regulation and the  
15 open meeting law for notice to an individual  
16 before you revoke their license or  
17 certification. This is the notice of intent  
18 that was sent to Mr. Briggs, indicating to him  
19 all of the things that we're supposed to let  
20 him know, what the conviction is that the  
21 action would be based on, the fact that he has  
22 the right to appear and to contest any action  
23 taken by the Commission, to call witnesses, and  
24 also question witnesses and introduce exhibits.  
25 Finally, he's told the scope of the hearing

1 today is on whether or not his certificate  
2 should be revoked for a misdemeanor conviction.

3 Staff Exhibit B, to Exhibit B, you'll  
4 see that's the proof that service occurred on  
5 Mr. Briggs. We've got a letter here from the  
6 Guernsey Police Department showing, or  
7 transmitting the next, the back of that page or  
8 the next page, which is the declaration of  
9 service, showing that Mr. Briggs was personally  
10 served with this notice of intent to revoke on  
11 December 7th of 2018.

12 Exhibit C is the personnel action  
13 report indicating that Mr. Briggs' employment  
14 as a peace officer was terminated on July 2nd,  
15 2018. It also shows that the agency checked  
16 the block box yes in terms of whether or not  
17 there was an underlying basis for revocation by  
18 the Commission that might occur in the future.

19 The next exhibit is the POST  
20 certificate for Mr. Briggs, which would be what  
21 the Commission would be taking action on today.

22 Exhibit E is the first of the court  
23 documents that show what occurred. It is a  
24 criminal complaint from the Henderson Municipal  
25 Court showing that Mr. Briggs was charged with



1 battery constituting domestic violence in  
2 violation of the state statutes that relate to  
3 that. It indicates that he willfully and  
4 unlawfully used force or violence upon the  
5 person of his spouse, former spouse, any person  
6 to whom he is related by blood or marriage, a  
7 person to whom he has or had a dating  
8 relationship, a person with whom he has a child  
9 in common, or the minor child of those persons  
10 or his minor child. The factual basis for that  
11 is that he did push one or more times, or did  
12 grab and/or pull her hair and/or dragged her  
13 across the floor and did step on her hand,  
14 and/or did step on her hand, all of which  
15 occurred in the area, and we've redacted out  
16 the name of the individual to protect their  
17 identity, but that's the name of the alleged  
18 victim in this case.

19 Exhibit F is the admonishment of  
20 rights for a domestic battery violation that  
21 the Municipal Court in Henderson has the  
22 defendant and their attorney sign, because of  
23 all the consequences of pleading guilty to and  
24 being convicted of domestic battery. Included  
25 in those are, if you look on the first page of

1     those under the second heading which is, I'm  
2     also aware by pleading guilty, I'm admitting  
3     the city could factually prove the charge  
4     against me and aware the plea of guilty or nolo  
5     contendere may have the following consequences.  
6     And if you look at number three under there, it  
7     sets out that federal statute that we just  
8     talked about in the previous item and the  
9     consequences of that federal statute in terms  
10    of possession of firearms, ammunition, and the  
11    requirement that if convicted, the individual  
12    would have to surrender their firearms or  
13    transfer those firearms.

14               The next document is Exhibit G.  
15    That's essentially in Municipal Court the  
16    judgment of conviction and sentencing documents  
17    for Mr. Briggs. You can look through there and  
18    see that he was sentenced to pay a fine, he  
19    also had the requirements to attend domestic  
20    battery counseling, to 60 days of jail,  
21    community service, and other conditions related  
22    to the sentencing on that domestic battery.

23               Exhibit H is the order which just  
24    shows that he's required to surrender his  
25    firearms.

1           Exhibit I is the, are the minutes of  
2     the Court. According to that, that's been  
3     added just to show that he in fact did plead  
4     guilty to and was convicted of a battery  
5     constituting domestic violence.

6           And so, Mr. Chairman, I would ask that  
7     those exhibits be made a part of the record to  
8     support any action taken by the Commission this  
9     morning.

10           CHAIRMAN SOTO: So for the record, do  
11     you have a recommendation?

12           MR. JENSEN: All right. In this  
13     particular case the evidence shows that  
14     Mr. Briggs engaged, has been convicted of  
15     battery constituting a domestic violence  
16     misdemeanor. Certainly the type of conduct  
17     described in the criminal complaint is serious  
18     conduct, and was committed by him at a time  
19     that he was employed as a peace officer. I  
20     would argue that it's conduct that's  
21     inconsistent with the judgment and demeanor  
22     required of a peace officer. And finally,  
23     significantly, the conviction constitutes a  
24     misdemeanor crime of domestic violence under  
25     federal law which will prohibit him from owning

1 or possessing a firearm or ammunition, and it  
2 also prohibits persons from transferring  
3 firearms or ammunition to him, which would mean  
4 his agency would violate federal law if they  
5 provided him with guns or ammunition. So based  
6 on that, I would argue that he has disqualified  
7 himself from the position of peace officer and  
8 recommend that his POST certification be  
9 revoked based on those exhibits.

10 CHAIRMAN SOTO: Thank you. For the  
11 record, Chief Jason Soto. Any comments from  
12 the Commission?

13 COMMISSIONER MCGRATH: I have a  
14 question. Is Exhibit C from our department,  
15 Las Vegas Metro? This is Chief McGrath, sorry,  
16 for the record. Is that considered a  
17 recommendation or a notification that someone  
18 has violated, or potentially violated, because  
19 they're retiring with court cases pending and  
20 we don't know what the results would be.

21 MR. JENSEN: That is a notification,  
22 it is not a recommendation.

23 COMMISSIONER MCGRATH: Okay. So, I  
24 don't see a recommendation in there, and this  
25 kind of went roundabout to me of should we do a

1 recommendation or not, and the problem with  
2 that is I would have not had a problem with it  
3 if it didn't go through our legal. We're not  
4 going to make a recommendation. They're  
5 looking at, you know, they don't want to be on  
6 the record recommending that we do this, which  
7 would be eliminated if we changed the NAC in a  
8 few months, so --

9 MR. SHERLOCK: Chief, I would agree  
10 with you. Mike Sherlock for the record. I  
11 would agree with you. You know, Scott's  
12 statement on this is on our form, the  
13 referenced NAC is, does he fall under this  
14 misdemeanor that, you know, requires a  
15 recommendation, and I think that's how we got  
16 there, you know, as far as I know. But we deal  
17 with this a lot, your legal side never, they're  
18 not going to want a recommendation coming up,  
19 without a doubt, just based on any agreements  
20 they've made.

21 COMMISSIONER MCGRATH: Can I just  
22 say -- this is John McGrath for the record --  
23 that I didn't know until I got called by the  
24 people in legal saying do you know about this,  
25 because their history of domestic violence was

1 discussed because this was before this came up,  
2 it was discussed that these two people, two  
3 officers that were convicted of domestic  
4 violence, so they said they would prefer our  
5 agency does not make a recommendation, but they  
6 were okay with the board taking away their  
7 POST.

8 MR. SHERLOCK: Mike Sherlock again.  
9 I'll let Mike Jensen make a determination of  
10 where we go on how we view this particular one,  
11 whether or not there is a recommendation, and  
12 do we have to have that once we are made privy  
13 to it?

14 MR. JENSEN: A couple of just  
15 observations, I guess. I have been doing this  
16 for several years, and we have not normally had  
17 a problem with agencies providing  
18 recommendations, that's not the usual course  
19 for our agencies. And that's not any hit on or  
20 knock on your attorneys, I'm not saying they're  
21 not making good decisions. I think what we're  
22 running against in these situations is you have  
23 individuals who left the agency and then  
24 they're convicted after the fact essentially,  
25 and you're kind of being asked after the fact,

1 after they've left your agency, to make a  
2 recommendation. I get that, why a lawyer would  
3 say I don't want to make a recommendation, that  
4 didn't happen before he left. The act may have  
5 happened, but the conviction didn't happen, so  
6 I get that, and I think we're trying to clean  
7 that up with this proposed change.

8 And I think maybe in the future, it's  
9 not on the agenda, but that may be something in  
10 this process we can talk about, what types of  
11 recommendations need to be given by agencies if  
12 the conviction happens after they've left, you  
13 know, your agency, as opposed to a conviction  
14 while they're still employed.

15 COMMISSIONER MCGRATH: But for  
16 purposes of this one?

17 MR. JENSEN: I kind of shared my legal  
18 opinion even with staff. I mean, I think it's  
19 pretty straightforward in the reg, but it  
20 requires, the reg says a recommendation from  
21 the agency before the Commission moves forward.  
22 And whether or not this constitutes a  
23 recommendation, I think this probably happened  
24 before the conviction occurred, so the agency  
25 could have recommended.

1                   COMMISSIONER MCGRATH: John McGrath  
2     for the record. This is a processing document,  
3     that they notify you that there's something  
4     pending, which happens often with people that  
5     have charges pending, they leave, they retire.  
6     My concern is that someone would go to another  
7     state to try to use that POST before we got to  
8     revoke it or even had the discussion about it,  
9     because they could retire immediately, start  
10    somewhere else. So there is a problem and  
11    there is something we need to deal with, I just  
12    don't know how to deal with it or what I should  
13    do here.

14                  MR. JENSEN: Mike Jensen for the  
15    record. The Commission certainly has the  
16    ability to interpret its own reg. I mean, if  
17    you wanted to interpret that in a way that,  
18    while you're in the process of changing your  
19    your reg, you interpret this reg in a way that  
20    wouldn't necessarily require a recommendation  
21    from the agency at the time of conviction, you  
22    know, I'm comfortable from a legal perspective  
23    with taking that action.

24                  MR. SHERLOCK: Mike Sherlock for the  
25    record, and I agree with you, Chief. I



1 wouldn't want to put you in a bad position or  
2 your agency in a bad position considering, you  
3 know, the requirement. But again, like what  
4 Mr. Jensen was saying, it's no longer the  
5 employer at this point, you could interpret it  
6 in that way, and I see where Mike is coming  
7 from and I agree that may be a good way to go.

8 COMMISSIONER MCGRATH: John McGrath  
9 for the record. I completely agree with you,  
10 that's the board's job, just to look at someone  
11 who is no longer with an agency anymore. If he  
12 was with our agency, I certainly think, I don't  
13 know how we would go forward without a  
14 recommendation.

15 MR. SHERLOCK: True. Mike Sherlock  
16 for the record. Exactly.

17 COMMISSIONER MCKINNEY: Kevin McKinney  
18 for the record. I recall several months ago we  
19 had a similar discussion and I believe in one  
20 circumstance we suspended the certification  
21 pending the conviction.

22 MS. JENSEN: Yeah, Mike Jensen for the  
23 record. Yeah, I think that was -- we may have  
24 that one coming up here in the next item, but  
25 the statute does provide for, in certain

1     circumstances, for a suspension pending a  
2     conviction. Here, though, we have a  
3     conviction, so I'm not sure that would be the  
4     way to move forward, and I may be  
5     misunderstanding.

6             COMMISSIONER MCKINNEY: What I'm  
7     trying to get at, Kevin McKinney again, is that  
8     what his -- I mean, when he's notified on the  
9     termination, perhaps we should have suspended  
10    the certification at that point, rather than  
11    waiting to this point when the conviction came  
12    through.

13            MR. JENSEN: Mike Jensen for the  
14    record. I think that on misdemeanors there may  
15    not be that ability, in fact I don't think the  
16    reg provides for it on a misdemeanor, because  
17    they are less serious, you know, can be a less  
18    serious offense, so it's only for felonies and  
19    gross misdemeanors that at least current regs  
20    provide for that suspension pending the  
21    conviction.

22            COMMISSIONER MCGRATH: John McGrath  
23    for the record. I don't see how we can do that  
24    at this point. There's too many of them that  
25    don't end up convictions.

1 MR. SHERLOCK: Mike Sherlock for the  
2 record. That change, the change we made dealt  
3 with felonies and gross misdemeanors and it  
4 was, did not address misdemeanors, for those  
5 reasons.

6 CHAIRMAN SOTO: Okay. For the record,  
7 Chief Jason Soto. That explains a little bit  
8 as to why we are trying to look at that NAC  
9 289.290. That being said, any additional  
10 comments from any of the commissioners?

11 Excellent. Any other comments or public  
12 comment? Seeing there is no public comment,  
13 looking for a motion to revoke or not revoke.

14 COMMISSIONER KETSAA: Jim Ketsaa for  
15 the record. I make a recommendation that the  
16 Commission revoke the certification of Officer  
17 Briggs.

18 CHAIRMAN SOTO: There's a motion; is  
19 there a second?

20 COMMISSIONER ALLEN: Mike Allen,  
21 Humboldt County Sheriff. I'll make the second.

22 CHAIRMAN SOTO: Motion and second.  
23 All in favor?

24 (Chorus of ayes.)

25 CHAIRMAN SOTO: Opposed? The motion

1 carries and is passed.

2 Number eight, discussion, public  
3 comment and possible action, hearing pursuant  
4 to NAC 289.290(1)(h) on the revocation of  
5 Michael T. Richards, formerly of the Las Vegas  
6 Metropolitan Police Department, certification  
7 based on a conviction for two misdemeanors.  
8 The Commission will decide whether to revoke  
9 Mr. Richards' Category I basic certificate.

10 I will now send it over to Mr. Jensen.

11 MR. JENSEN: Thank you, Mr. Chairman.  
12 This is the second of our three revocation  
13 hearings this morning. This again is a  
14 misdemeanor conviction, it's actually two  
15 counts of domestic battery constituting  
16 domestic battery that are involved in this  
17 case. I won't go back through the authorizing  
18 regulation or statute and just start out with  
19 going through the exhibits.

20 Starting with the first exhibit, which  
21 is the notice of intent to revoke, again, this  
22 is the notice that was sent to Mr. Richards  
23 indicating to him that the Commission was going  
24 to be looking at the potential to revoke his  
25 certificate based on two misdemeanor domestic

1 battery, or battery constituting domestic  
2 violence convictions, that came out of justice  
3 Court down in Clark County. It also provides  
4 him a date and time of this hearing, his  
5 opportunity to come and appear if he wanted to,  
6 but it does not look like he's appearing this  
7 morning.

8 The next document is the certificate  
9 of service or affidavit of service showing that  
10 this notice of intent was served on  
11 Mr. Richards. You have to look at the second  
12 page to see that he was served on December 7th,  
13 2018, personally served with the notice of  
14 intent.

15 The next document is the personnel  
16 action report, again showing he was terminated  
17 from his employment on April 5th of 2018, and  
18 checking the box notifying the Commission that  
19 he may have a criminal issue that could lead to  
20 revocation of his POST certification.

21 Exhibit D is the basic certificate  
22 which is what the action today would be taken  
23 on for a Category I POST certification for  
24 Mr. Richards.

25 The next documents are the criminal

1 documents, the first is the criminal complaint  
2 which sets out the alleged violation. You can  
3 see there are two counts of domestic battery.  
4 The first count involved, the conduct was that  
5 he grabbed the alleged victim by the neck  
6 and/or slamming and/or throwing her to the  
7 ground. And the second count is a separate  
8 individual, I believe a child, which indicates  
9 that he, the victim was grabbed by the neck by  
10 the defendant.

11 Exhibits -- let's see -- these are  
12 the, the documents are the minutes from the  
13 justice Court in Las Vegas. If you go through  
14 those minutes, you will see that it shows that  
15 there was a bench trial held on June 28th of  
16 2018 at which the defendant was convicted by  
17 the Court for both of those counts of domestic  
18 battery. He was sentenced to 30 days in jail  
19 on count one, which was to run consecutive to  
20 count two. He was sentenced -- or concurrent  
21 with count two. He was sentenced to two days  
22 time served on count two. He was fined,  
23 required to do domestic violence counseling and  
24 community service.

25 Exhibit G is the document, it's kind

1 of the judgment of conviction in the lower  
2 courts which shows that there was an actual  
3 conviction for those two counts of domestic  
4 battery.

5 As with the previous case, this, what  
6 the Commission has is a conviction for two  
7 counts of domestic battery or battery  
8 constituting domestic violence, again, very  
9 serious criminal conduct involving an adult and  
10 a minor. It was committed while he was  
11 employed as a peace officer and it certainly is  
12 inconsistent with the judgment and demeanor  
13 required of a police officer. And finally, the  
14 crime fits under federal law for a misdemeanor  
15 crime of domestic battery or violence, which  
16 would prohibit him from possessing a firearm or  
17 ammunition and prohibit his agency from  
18 transferring to him a firearm or ammunition,  
19 and based on that, he has disqualified himself  
20 from being a police officer in the state of  
21 Nevada, and the recommendation would be that  
22 his POST certificate be revoked.

23 CHAIRMAN SOTO: Chief Soto for the  
24 record. Any public comment? Seeing that  
25 there's none, any comments or questions from

1 the Commission? Seeing there is none, is there  
2 a motion to revoke his basic certificate?

3 COMMISSIONER MCKINNEY: Kevin McKinney  
4 for the record. I move that we revoke  
5 Mr. Richards' basic certificate.

6 COMMISSIONER KETSAA: Jim Ketsaa for  
7 the record. Second.

8 CHAIRMAN SOTO: We have a motion and  
9 second. All in favor?

10 (Chorus of ayes.)

11 CHAIRMAN SOTO: Opposed? The motion  
12 passes.

13 All right, number nine. Discussion,  
14 public comment, and for possible action  
15 pursuant to NAC 289.290(1)(g) on the revocation  
16 of Jeffrey G. Grasso, formerly of the Boulder  
17 City Police Department, suspended certification  
18 based on a conviction for a felony. The  
19 Commission previously suspended the certificate  
20 based upon a criminal indictment or filing of a  
21 criminal complaint and now will decide whether  
22 to revoke Mr. Grasso's Category I basic  
23 certificate.

24 I'll send it over to Mike Jensen.

25 MR. JENSEN: Thank you, Mr. Chairman,



1     you're just about done with me, I promise, this  
2     is the last one.

3             As I had mentioned earlier, this is  
4     the case where the individual was charged with  
5     multiple felonies and the Commission took  
6     action to suspend his POST certification, and  
7     in this hearing today the Commission is being  
8     asked to decide whether or not based on the  
9     conviction for those charges he should have his  
10    POST certification revoked.

11            Quickly going through the exhibits  
12    again, Exhibit A is the notice of intent, where  
13    the Commission has notified Mr. Grasso that it  
14    intends to look at revoking his certification  
15    based on one count, a felony count of  
16    exploitation of a vulnerable person, which is a  
17    felony. He was advised of the date, time and  
18    location of this particular meeting and his  
19    opportunity to appear and present witnesses and  
20    exhibits to contest any action taken by the  
21    Commission, including the scope of the hearing  
22    being whether or not his certificate should be  
23    revoked for a felony conviction.

24            The next document is the document  
25    showing the service of that notice on him.

1 Exhibit B is the declaration of service showing  
2 that he was personally served through his  
3 attorney Brian Smith on December 12th of 2018,  
4 with that notice of intent to revoke.

5 Exhibit C is a personnel action report  
6 showing his termination date was March 19th of  
7 2018 and again, the box is checked that there  
8 is a criminal violation potentially involved  
9 that could lead to revocation of his POST  
10 certification.

11 Exhibit D is his Category I basic  
12 certificate, which is the certificate that the  
13 Commission would be taking action on this  
14 morning.

15 Exhibit E is your original order of  
16 suspension from the Commission suspending his  
17 POST certification. You can see that was dated  
18 I think back in, February 22nd of this year  
19 when the Commission voted to suspend his  
20 certificate pending the outcome of the criminal  
21 case. On there you can see what the criminal  
22 charges were, there were multiple felony  
23 charges, including exploitation of a vulnerable  
24 person and theft and forgery to begin with,  
25 were the original charges against him.

1           Exhibit, the next exhibit is the  
2   amended indictment, which is the charge which  
3   he pled to, which is the one count of  
4   exploitation of a vulnerable person. Rather  
5   than going through all of the background on  
6   that, you can read through that and see that it  
7   had to do with an individual who he was taking  
8   care of who he took things of value, money and  
9   things of value from through deception, that  
10   led to the felony conviction.

11           The Exhibit G is the guilty plea  
12   agreement where he agreed to plead guilty to  
13   that charge.

14           And the final exhibit should be the  
15   judgment of conviction showing that he was  
16   actually convicted of that charge for  
17   exploitation of a vulnerable person.

18           Looking through the factual basis for  
19   that conviction, this is most definitely a very  
20   serious situation where this individual stole  
21   money from a vulnerable person who didn't have  
22   the mental capacity to know what was going on,  
23   and certainly disqualifies him from being a  
24   peace officer in the future, we would argue to  
25   the Commission and would recommend revocation.

1                   CHAIRMAN SOTO: Chief Jason Soto for  
2     the record. Is there any public comment?  
3     Seeing that there's no public comment, are  
4     there any questions or comments from the  
5     commissioners? I am looking for a motion to  
6     revoke or not revoke the Category I basic  
7     certificate.

8                   COMMISSIONER MCGRATH: I make a motion  
9     to revoke Mr. Grasso's Category I basic  
10    certificate.

11                  CHAIRMAN SOTO: Is there a second?

12                  COMMISSIONER KETSAA: Jim Ketsaa for  
13    the record, second.

14                  CHAIRMAN SOTO: Motion and second.  
15    All in favor?

16                  (Chorus of ayes.)

17                  CHAIRMAN SOTO: Opposed? The motion  
18    passes.

19                  Number ten, public comments? The  
20    Commission may not take action on any matter  
21    considered under this item until the matter is  
22    specifically included on an agenda as an action  
23    item. Any comments from the public?

24                  COMMISSIONER ALLEN: I would like to  
25    take this opportunity just to ask a question

1 prior to -- excuse me, Mike Allen for the  
2 record. There, I was at another meeting and  
3 there was a discussion that took place. Is  
4 there any consideration of reducing the amount  
5 of time for the basic course at the academy?  
6 Apparently at a sheriffs' meeting or  
7 orientation, something came up about reducing  
8 it to 11 weeks or 12 weeks. I was wondering  
9 how you feel about that, and I was just  
10 wondering if -- by your look, you don't know  
11 anything about it.

12 MR. SHERLOCK: Mike Sherlock for the  
13 record and as you know, at 17 weeks is what our  
14 full academy is. It's difficult to get all the  
15 requirements in in that amount of time. I  
16 mean, we are, you know, one of the shortest  
17 academies out there, I know Metro is at 22  
18 weeks, I think, or 24 weeks. So no, there's  
19 certainly never been any discussion to shorten  
20 it because we just don't have time to get in  
21 what we have to get in.

22 I don't know what that -- perhaps  
23 they're talking about Cat II.

24 COMMISSIONER ALLEN: Yeah, it was just  
25 a new sheriff was at the meeting, and he said

1 at the sheriffs' orientation that there was a  
2 discussion during that orientation that they  
3 were considering to reduce the total amount of  
4 time for the basic academy and put it on the  
5 agency. I don't know who brought this up, I'm  
6 kind of just repeating what I heard, put it on  
7 the agencies, the law enforcement agencies to  
8 take, you know, to do the firearms training as  
9 well as the physical agility and stuff like  
10 that.

11 MR. SHERLOCK: Mike Sherlock for the  
12 record. So I'm getting, it's starting to come  
13 clear. It's probably the reserve program, so  
14 when we started a new reserve program, they  
15 were required to come to us to do some very  
16 specific evaluations. That's been, it's proven  
17 to be difficult, and so we are now moving to  
18 changing that program to allow the employing  
19 agency for reserve to do that, so we keep on  
20 some on-line stuff, but we cut out the  
21 requirement to be here, so that may be what  
22 they're mixing up.

23 COMMISSIONER ALLEN: Thank you for the  
24 clarification.

25 MR. SHERLOCK: Yeah. I can't see us

1 shortening the Cat I academy given the  
2 environment, it wouldn't work.

3 COMMISSIONER MCGRATH: John McGrath  
4 for the record. I was just going to say, I  
5 proposed adding two more days for our academy  
6 because there are just more and more  
7 requirements.

8 MR. SHERLOCK: Yeah, no doubt.

9 CHAIRMAN SOTO: Any other comments?  
10 No.

11 Item number 11, discussion, public  
12 comment, and possible action, scheduling the  
13 upcoming Commission meeting, and I'll hand it  
14 over to Mike Sherlock.

15 MR. SHERLOCK: Mike Sherlock for the  
16 record. So traditionally, we have a meeting  
17 at, during the time of the law enforcement  
18 memorial ceremony. That is going to occur on  
19 May 2nd at one in the afternoon, so our  
20 tentative meeting would be that day at  
21 nine a.m. That allows everyone to get to the  
22 memorial and be here in person once again for  
23 that meeting. The Sheriffs and Chiefs meeting  
24 is actually the day before, so it actually  
25 works out pretty good, everybody comes for the

1 meeting and then the stay for the memorial  
2 ceremony down at the capitol at one o'clock, so  
3 May 2nd at nine a.m.

4 CHAIRMAN SOTO: So we have a date and  
5 time of May 2nd at nine a.m. for the regular  
6 Commission meeting. Do I hear a motion?

7 COMMISSIONER ALLEN: Mike Allen. I'll  
8 make a motion to have the next POST Commission  
9 meeting on May 2nd at nine a.m.

10 CHAIRMAN SOTO: Is there a second?

11 COMMISSIONER MCKINNEY: Second.

12 CHAIRMAN SOTO: Motion and second.

13 All those in favor?

14 (Chorus of ayes.)

15 CHAIRMAN SOTO: Opposed? The motion  
16 carries unanimously.

17 And finally item number 12,  
18 discussion, public comment and possible action,  
19 looking for a motion to adjourn.

20 COMMISSIONER KETSAA: I make a motion  
21 to adjourn, Jim Ketsaa for the record.

22 COMMISSIONER MCKINNEY: I'll second.

23 CHAIRMAN SOTO: We have a motion and a  
24 second. All in favor.

25 (Chorus of ayes.)



1                   CHAIRMAN SOTO: The meeting is  
2 adjourned.

3                   (Whereupon, the meeting in the  
4 above-entitled matter was concluded at 11:42  
5 a.m.)

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## 1 CERTIFICATION

2 This is to certify that the attached  
3 proceedings were held according to the record,  
4 and that this is the complete, true, and  
5 accurate transcript which has been compared to  
6 the audio recording and transcribed to the best  
7 of my skill and ability.

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PAUL A. GASPAROTTI II  
Transcriber

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