

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

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**Meeting**

*May 02, 2019*

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3200 COBB GALLERIA PARKWAY  
SUITE 265  
ATLANTA, GA 30339

1 STATE OF NEVADA

2 COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

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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. The Commission to consider whether to add

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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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1. Approval of minutes from the February 5, 2019

17

regularly scheduled POST Commission Meeting

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2. Information, Executive Director's Report

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3. Commission to consider continuing the rule

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making process and start developing final

21

language for adoption of NAC 289.290

32

22

4. Commission to consider starting the rule

23

making process to change the Nevada

24

Administrative Code 289.

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5. Hearing pursuant to NAC289.290 (1) (g) on

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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)

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3 STATE OF MARYLAND

4 CITY OF BALTIMORE: ss

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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

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Paula J. Eliopoulos

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23 My commission expires: June 15, 2020

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