

1 STATE OF NEVADA

2 COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

3
4 A Workshop and Regularly Scheduled Meeting of
5 the Commission on Peace Officer Standards and Training was held
6 on Thursday, August 13, 2020, commencing at 10 a.m. at Reno
7 Police Department at 455 East Second Street, Reno, Nevada.

8
9 COMMISSIONERS:

10 Jason Soto, Chairman

11 Michael Allen

12 Michele Freeman

13 Kevin McKinney

14 Ty Trouten

15 George Togliatti

16
17 STAFF:

18 Mike Jensen, Attorney General's Office

19 Mike Sherlock, POST

20 Kathy Floyd, POST

21 Richard Moore, POST Training Specialist

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25 TRANSCRIBED BY: Debra S. Behuniak

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PROCEEDINGS

CHAIRMAN SOTO: Good morning. I'm going to call this meeting to order. The date and time is August 13th, 2020, at 1000 hours. This meeting is being held at the Reno Police Department at 455 East Second Street, Reno, Nevada. I want to start off with roll call of commission members. Due to the conference call meeting, I'm going to verbally do a roll call and just go through. This is Chief Jason Soto with the Reno Police Department, the Chair of the POST Commission. Commissioner Tim Shea?

COMMISSIONER SHEA: I am here.

CHAIRMAN SOTO: Commissioner Mike Allen?

COMMISSIONER ALLEN: Here.

CHAIRMAN SOTO: Commissioner Michele Freeman?

COMMISSIONER FREEMAN: I am here. Thank you.

CHAIRMAN SOTO: Commissioner Kevin McKinney?

COMMISSIONER MCKINNEY: Here.

CHAIRMAN SOTO: Commissioner Kelly McMahill?

Not present. Commissioner Ty Trouten?

COMMISSIONER TROUTEN: Here.

CHAIRMAN SOTO: Commissioner George Togliatti?

COMMISSIONER TOGLIATTI: Here.

CHAIRMAN SOTO: And I'm going to turn it over to our Staff so that they can announce their presence as well.

1 MR. JENSEN: Mike Jensen with the Attorney
2 General's Office.

3 MR. SHERLOCK: Mike Sherlock with POST.

4 MS. FLOYD: Kathy Floyd with POST.

5 MR. MOORE: And I'm Richard Moore. I'm a
6 Training Specialist for POST.

7 CHAIRMAN SOTO: And before I turn it over to our
8 POST Staff, I just wanted to take one moment to put on the
9 record that I really want to thank a couple of our
10 Commissioners. I'll start off with Michele Freeman, who we have
11 on the line. I just want to thank you for all of your years of
12 service and devotion to our POST Commission. Thank you very
13 much for all you've done. We're really going to miss you and
14 your presence on this Commission. And I also want to thank Jim
15 Ketsaa with Clark County School District who has since retired
16 and all of his work over the years as well. So thank you both
17 very much, and I just wanted to get that on record. Okay. I'm
18 going to turn it over to our --

19 COMMISSIONER FREEMAN: (Inaudible).

20 CHAIRMAN SOTO: You bet. We're going to miss
21 you, Michele. I'm going to turn it over to POST Staff for legal
22 postings.

23 MS. FLOYD: So this meeting has been noticed
24 according to NRS 241.020 and the Governor's Declaration of
25 Emergency Directive 006, Section 4. Public Comment Workshop and

1 Regularly Scheduled Meeting Notices were posted at the POST
2 Administration Office in Carson City. Carson City Sheriff's
3 Office faxed to the Grant Sawyer Building in Las Vegas and email
4 to all agency point of contacts and administrators on the POST
5 listserv. These notices have been posted electronically on the
6 POST website at post.nv.gov and on the Nevada Public Notice
7 Website at notice.nv.gov.

8 CHAIRMAN SOTO: Okay. Thank you very much. I
9 suppose I should also note that we have this call-in ability
10 because of COVID and (inaudible). Um, we've made sure to have
11 COVID restrictions and guidelines in place for this meeting that
12 we have here. I'm going to go on to the first Public Comment
13 Hearing. We'll address proposed -- did we get that --
14 regulations -- did you read that off? Okay.

15 COMMISSIONER SHEA: You did (inaudible).

16 CHAIRMAN SOTO: Okay. Proposed Regulations, LCB
17 file, are R112-19. The purpose of the Hearing is to receive
18 comments from all interested persons regarding the adoption of
19 amendment and repeal of regulations pertaining to Chapter 289 of
20 the Nevada Administrative Code or NAC. This Public Comment
21 Hearing has been previously noticed as required by NRS, Chapter
22 233B. This regulation amends NAC 289.200, Subsection 9, which
23 allows the executive director at the employing agency's request
24 to return the Basic Certificate Category 1 and 2 to active
25 status once the peace officer meets minimum standards of

1 appointment, successfully completes requirements set forth in
2 Paragraph D, E, and F of Subsection 2, and within five
3 consecutive years of his/her termination of employment as a
4 Category 1 or 2 peace officer, became a full-time employee of
5 the Commission or full-time law enforcement officer of a federal
6 law enforcement agency approved by the Commission, and
7 subsequently within five consecutive years of his/her
8 termination of employment with the Commission or federal law
9 enforcement agency became employed as a peace officer in the
10 same category of a peace officer, he/she held immediately prior
11 to his/her appointment with the Commission or federal law
12 enforcement agency. Now I'm going to turn this over to Mike
13 Sherlock for some background.

14 MR. SHERLOCK: Thank you, Chief. Mike Sherlock
15 for the record. I know that's a mouthful -- typical regulation.
16 So as the Commissioners I'm sure recall, this regulation was
17 amended by this Commission, and what you have before you now is
18 language brought to us back from LCB. Just as a reminder, this
19 amendment sort of evens the playing field and basically puts
20 those who leave state service as a certified Nevada peace
21 officer and go to work either for POST in our academy or a
22 federal law enforcement agency that POST recognizes -- it allows
23 them to return their Nevada certificate back to active if they
24 come back to state service. Kind of puts them on the same
25 playing field as reciprocity. If somebody went to Utah and was

1 there for seven years, they could come back reciprocity. The
2 little hole in our -- as you recall, the reason this was written
3 is -- you didn't have that option with federal law enforcement
4 and that kind of thing. So this is the language from that. It
5 just essentially makes the same process with reciprocity across
6 the board. Obviously, this is the public comment hearing that's
7 part of the final task for implementation of that particular
8 regulation.

9 CHAIRMAN SOTO: Okay. Do we have anyone in the
10 public who wishes to comment on this regulation? Seeing none,
11 we'll continue to Part 2 of the Public Comment Hearing. This
12 regulation amends NAC 289.230 to require all peace officers
13 annually complete 12 hours of in-service training in (1) racial
14 profiling, (2) mental health, (3) the wellbeing of officers, (4)
15 implicit bias recognition, (5) deescalation, (6) human
16 trafficking, and (7) firearms. With that, I'm going to go back
17 to Mike Sherlock for some background information on this.

18 MR. SHERLOCK: Again, Mike Sherlock for the
19 record. As the Commissioners recall, AB 478, which passed in
20 the last legislative session, mandated those specific training
21 topics as a part of the peace officer's continuing education
22 requirement. The Commission amended this regulation, and it
23 simply reiterates the statute that was established by AB 478,
24 and it actually requires us to create this language that you see

1 before you, and it is just simply in response to that
2 legislation and gets our regulations to mirror the statute and
3 conform with that statute. So again, this is the time for any
4 public comments related to that particular issue.

5 CHAIRMAN SOTO: Okay. Do we have any comments
6 from the public in regards to this regulation? Seeing as though
7 there are none, we're going to close the Public Comment Hearing,
8 and we're now going to move to a workshop on proposed regulation
9 changes. The purpose of the hearing is to solicit comments from
10 interested persons on the following topic that may be addressed
11 in future proposed regulations. This workshop has been
12 previously noticed pursuant to the requirements of NRS Chapter
13 233B. The first workshop is in reference to NAC 289.200 and the
14 requirements to pass the POST physical readiness test per
15 reciprocity certificate applicants. I'm going to turn it over
16 to Mike Sherlock for some background on this subject.

17 MR. SHERLOCK: Thank you, Mr. Chairman. Mike
18 Sherlock for the record again. So the first area for this
19 workshop is again related to that PPFT, the Physical Readiness
20 Test, as it's required for those seeking certification via
21 reciprocity, meaning they were a peace officer in another state,
22 and now they're coming into our state. So as you may recall,
23 under the current regulation, that PPFT test must only be given
24 after the date of hire of that reciprocity person. This has
25 been a source of some frustration for agencies that are hiring.

1 They often give the test during recruitment only to find out
2 that that test doesn't apply to certification because of this
3 regulation and must give that test again after the date of hire
4 to be in compliance. There's obviously some problems with that,
5 including they may discover if they wait to get that PPFT till
6 after they're hired, they may discover that that applicant
7 doesn't meet the minimum standards, and yet they've already
8 hired him, and those kind of issues arise. Just based on that,
9 Staff would suggest that perhaps the regulation should be
10 changed to more closely match the requirement for other new
11 hires. So for those who are not reciprocity, they must take the
12 academy entrance test no more than 30 days prior to the start of
13 the academy. We would suggest that perhaps changing the wording
14 here to allowing that PPFT to no more than 30 days before the
15 date of hire would benefit those agencies that are recruiting
16 and want to know at what point they meet the minimum standard.
17 And again, leave the 16 weeks, which is the other end of that
18 period that you can test for, in the regulation. And again,
19 this would just simply apply to reciprocity. So again, the
20 workshop is our chance to discuss that, and that would be our
21 suggestion as we get into the meeting agenda.

22 CHAIRMAN SOTO: Can you explain one more time,
23 Mr. Sherlock, the wording -- no more than 30 days -- and what
24 that does for specific agency? I was a little confused, and I
25 apologize.

1 MR. SHERLOCK: Sure, Mike Sherlock for the
2 record. So the way it stands right now, if the applicant is
3 looking for their basic certificate and their theory that
4 qualifies as reciprocity -- they were a peace officer in another
5 state -- under our current regulations you have to do a few
6 things, right? You have to do the online reciprocity basic
7 academy, you have to take the state cert test, and you have to
8 take our physical fitness test. The way it reads right now is -
9 - that physical fitness test cannot be administered until after
10 they're hired. What we're suggesting is -- maybe it would be
11 better to move that prior to that hire date, as we do with
12 academy recruits for instance, to give more value, one to the
13 recruiting process for those agencies and not have them worry
14 about having to give the test again once that person is
15 employed. And it has been sort of a source of confusion for our
16 agencies out there on getting that PPFT.

17 COMMISSIONER ALLEN: I've got a question. So on
18 that test -- on the physical agility test -- that has to be
19 proctored by somebody from POST?

20 MR. SHERLOCK: Mike Sherlock for the record.
21 That's correct.

22 COMMISSIONER ALLEN: Excuse me. That was Mike
23 Allen for the record. Well, okay.

1 CHAIRMAN SOTO: Okay. Thank you for that
2 explanation. That certainly helps me. Do we have any other
3 comments or questions from any of our Commission on this?

4 COMMISSIONER SHEA: Tim Shea here. Yeah, I find
5 this -- again, I -- in the seven years I've been in Nevada now
6 to find this very difficult to reconcile with myself. The fact
7 is -- we are hiring police officers who are actively working as
8 police officers, so we're going to give them a physical agility
9 test to see if they can be a police officer. That in and of
10 itself seems a little strange to me. The other thing is --
11 because of the way we have this set up, we cannot administer the
12 test. Somehow, some way, we have to get somebody from POST here
13 to administer a test. Now, when we're dealing with people
14 coming from out of state, we have to get them here, and we have
15 to get a number of things accomplished within some short windows
16 normally. They're not here for three or four or five weeks.
17 They're frequently only here for a week because they're working
18 police officers, so they take vacation time and they come here.
19 So if we give them the test, which we do now -- we give them the
20 test as part of the hiring process because we want to make sure
21 they can pass it because if they don't pass it, I'm not going to
22 eventually find myself in front of the Commission asking for an
23 extension. I did that once when I was with the Marshal's
24 Office, and I said I would never let that happen again. So now,
25 we give them the test with people here who have been in the past

1 certified by POST to give the physical agility test, but because
2 it's a lateral, it can't be done by us. It has to be done by
3 somebody from POST. Cause -- Mike, please correct me if I'm
4 wrong -- the entry level test can still be done by our people
5 who are certified by POST. Is that correct?

6 MR. SHERLOCK: Mike Sherlock for the record.
7 That's correct, Chief, but understand there is a difference.
8 The academy entrance is not a certification issue. The
9 reciprocity test is a certification issue -- if that makes
10 sense.

11 COMMISSIONER SHEA: Okay. Yeah, it does. It
12 does.

13 MR. SHERLOCK: That's the difference between the
14 two.

15 COMMISSIONER SHEA: So I mean basically, we're
16 trusted to do everything else, but not this. So that makes it
17 difficult to try to get somebody here to administer the test,
18 which we're getting ready to bring in laterals now, and it's
19 going to be difficult to get somebody here to do this. So what
20 happens is -- if my understanding is correct, Mike -- somebody
21 is coming to us from school police to administer the test.

22 MR. SHERLOCK: Mike Sherlock for the record.
23 I'd have to check on that, Chief. We're doing what we can with
24 COVID to try to --

25 COMMISSIONER SHEA: I know.

1 MR. SHERLOCK: But, yeah, we can't travel and
2 those kinds of things, so we're using what we can, but that may
3 be true. I wouldn't know for sure, but --

4 COMMISSIONER SHEA: So what I'm kind of getting
5 at is -- this physical agility test has become the omnipresent
6 requirement, and it's become a stumbling block in a number of
7 venues to hire a experienced police officer, who we put through
8 a whole battery of other tests. But the stumbling block for us
9 has been this physical agility test, and it's come up over and
10 over again -- certainly before even I was on POST, cause I
11 attended all the POST meetings since I've been here -- where
12 agencies are asking for extensions, not for academic reasons,
13 but because of this test, and we're making it harder to
14 administer it instead of opening up ways to get it accomplished
15 efficiently and effectively. And we're giving it multiple
16 times, and you're having to pass it multiple times. You don't
17 pass it once. People in the academy pass it multiple times. So
18 it's become a multiple-application test, most of which
19 applications do not pass. And the way the test itself is set up
20 is -- you could blow all of these things off the map in
21 physically, but if you have one event that you are a second slow
22 on, you've failed everything. And it's a very difficult process
23 that's made more difficult by the way we have this set up. So
24 that's just my opinion on it, and having to administer this or

1 try to administer this multiple times over the past seven years
2 has been pretty frustrating.

3 MR. SHERLOCK: Mike Sherlock for the record. I
4 agree, Chief, that one of the goals of this if we're able to
5 change this regulation would reduce the number of times you have
6 to give that test, and we recognize that. You're give it
7 recruiting, but then we won't accept it because the regulation
8 Requires after-hire dates, so this would alleviate some of that
9 at least.

10 COMMISSIONER McKINNEY: Kevin McKinney for the
11 record. It may alleviate some of that, but the 30 days -- I
12 still believe it's a 30 day because most of the (inaudible)
13 testing that most departments do include the physical test.
14 Then there's a background investigation, which takes anywhere
15 from three to six months. So you're out of that window if you
16 do the additional test anyway, so you still have to do a second
17 test.

18 MR. SHERLOCK: Mike Sherlock for the record. I
19 understand that, and we know. But a couple things I would say
20 on -- for us, reciprocity applicants are -- there's not a lot.
21 I don't even know what we're at -- maybe 20 a year right now.
22 And we wanted to give agencies that option though to give a
23 record physical fitness test prior to the day that they start
24 the job, and that was the thought with this regulation change.

1 CHAIRMAN SOTO: Okay. All good points.
2 (Inaudible) brought up some as well. At least this gives us
3 (inaudible) at least we're moving in the right direction. Um,
4 do we have any more comments or questions from the
5 Commissioners?

6 COMMISSIONER SHEA: Well, I'd like to make --
7 this is Tim Shea again. I'd like to make one more comment.
8 Because of this -- I'll be honest -- I try to avoid out-of-state
9 applicants as much as I possibly can. It's when I get pushed
10 into a corner and I don't have any in state, when I have to do a
11 lateral -- because again, academies are few and far between, and
12 getting someone into an academy is also very difficult, so I
13 have to try and balance when I'm going to hire. Now, we're not
14 a very big agency, and I can't afford to have two or three
15 vacancies for a year, and that literally is what happens. The
16 person I have going through field training right now began his
17 testing process in September of last year because the academy
18 doesn't start till the end of January. I didn't get him out of
19 the academy till the end of July. So now he's in the field
20 training program. So when we were compounding what's a
21 recruiting issue -- Number 1, trying to find candidates is hard
22 enough. We're in a very difficult period for that. Looking at
23 out-of-state candidates is becoming very difficult as we're
24 making the testing process more difficult to accomplish. So
25 it's making some of the smaller agencies such as ours -- it's

1 making it more difficult for us. It's hard enough for us to
2 compete as it is, and I'm just thinking that I appreciate some
3 adjustment in this, but I agree that the 30-day window won't
4 solve a thing because we will be testing people in the beginning
5 of the testing processes that we're going to be hiring by about
6 December next month. And that includes -- we'll have to give
7 them the physical agility test because I don't go any farther
8 with them if they can't pass the thing. I don't bother because
9 I don't want to end up before the Commission again, and I
10 frankly don't trust people to get themselves into shape to pass
11 the test on a promise. I've been burned by that. I'm not going
12 to have it happen again.

13 CHAIRMAN SOTO: Thanks for that, Tim. And I
14 suppose I appreciate the discussion in terms of agencies
15 throughout the state, especially those that have a different
16 number of employees, because I think for an agency of your size,
17 this gives some perspective and some depth as to what your
18 challenges are as opposed to somebody who might have a larger
19 agency that maybe doesn't have those challenges. So I think
20 it's a good conversation, and it gives the Commission and POST a
21 better understanding as to -- there's a lot of rural agencies
22 that we have throughout our state that probably are facing some
23 of the same challenges that you are. Is lateral hires for your
24 agency somewhat regular?

1 COMMISSIONER SHEA: It is. I try to balance
2 them. So I don't want to do all laterals, of course, but over
3 the past four years, I've brought in probably fourteen new
4 personnel cause of retirements and bringing our numbers back up
5 to where they need to be because of the crime-prevention act and
6 the (inaudible). So out of that, less than half are laterals,
7 but -- cause I was trying to push academies, but the academies
8 are becoming more difficult to get into because of this COVID,
9 and we don't know when the next one's going to be for sure. We
10 never really know. We're hoping when it's going to show up, but
11 we don't know if there's going to be one or not. We have
12 absolutely no control over when they're going to occur or not
13 occur. Like some of the larger agencies -- again, whereas
14 before we could pretty well count on when they're going to be
15 and know when we're going to do it. Here, we don't know. So
16 we're rolling the dice. And laterals provide us a more stable
17 timeline because we control that timeline, not looking for a
18 possible academy to get somebody into. They're just few and far
19 between. So the laterals -- when we get pushed for people, that
20 becomes the -- I can afford to hold a vacancy for nine or ten
21 months and go the academy route. I can't afford to hold this
22 one, so that's going to be a lateral route where I can normally
23 get somebody in about four months. And then, of course, begin
24 the field training program. And it takes us about four months
25 to hire somebody -- three to four months, depending on where

1 they are and getting the background investigators to their
2 agency to go through their records and check references and all
3 that and to get them here to do all the tests they must do here.
4 So when you're scheduling all this back and forth, and you're
5 small, and you're not dealing with 30 or 40 lateral candidates -
6 - you're dealing with 3, it becomes very difficult. And the
7 impediment of the physical agility test of having to take it
8 multiple times also becomes an impediment, because we can't
9 administer the test. I've got to find somebody to come here and
10 do this who's qualified to give it, cause we can't give it.

11 CHAIRMAN SOTO: Thank you, Tim. Appreciate --

12 COMMISSIONER SHEA: Sure. You bet.

13 CHAIRMAN SOTO: (Inaudible). I think that's
14 something we can probably look at and start talking about a
15 little bit in the future, but --

16 COMMISSIONER SHEA: Right. Expanding that
17 timeout would help a great deal because that'd give us a bigger
18 window to find somebody and to get somebody here to get it
19 accomplished within an acceptable window, so any extension on
20 that time we can do helps a great deal.

21 CHAIRMAN SOTO: I agree. I agree. Okay. Any
22 other comments or questions from the Commission? Okay. I'm
23 going to move on to the next workshop issue, which is in
24 reference to 289.110 under Standards of Appointment and the high

1 school education requirement. I'll turn it over to Mike
2 Sherlock for an explanation of this.

3 MR. SHERLOCK: Thank you, Mr. Chairman. Mike
4 Sherlock for the record. The second issue here in terms of the
5 workshops is -- currently under 289.110, the background requires
6 that the applicant completed the 12th grade or was certified by
7 an appropriate authority as having an equivalent education.
8 We're getting some inquiries on this with homeschooling and
9 other optional education programs becoming more common. The
10 question is -- what does appropriate authority mean? We've had
11 different issues where an applicant was homeschooled, and the
12 parents printed a certificate of completion for them -- whether
13 or not that's an appropriate authority. And I think I'm going
14 to throw it over here to Kathy, who did some research on what
15 our Department of Education would accept as an equivalent, and
16 what did you print, Kathy?

17 MS. FLOYD: Kathy Floyd for the record. So I
18 reached out to the Department of Education just to try to figure
19 out what the rules were in regards to homeschooling. So
20 basically the bottom line is -- a student can go to an
21 organization and take a GED -- a HiSET or TASC, which I believe
22 those are the companies that administer these high school final
23 tests. They will then receive what they call a high school
24 equivalency certificate, which is essentially their diploma. I
25 was told that accredited homeschool agencies will issue a

1 student a high school diploma. He provided me with a list of
2 organizations that Nevada recognizes as an accredited homeschool
3 company. The certificate in question that we came up with just
4 recently -- that company was not on the list, but it's one of
5 those situations. Um, even the colleges I reached out to -- UNR
6 and UNLV -- they both are happy to accept the high school
7 diploma. They're happy to accept the HSE, but they primarily go
8 off of credits. They look at their transcripts. So Department
9 of Education, as I said -- they are telling me that we don't
10 need to recognize a diploma that comes from a homeschooling
11 company that is not accredited.

12 MR. SHERLOCK: Mike Sherlock for the record. So
13 after this discussion and on the main agenda, we'll look to the
14 Commission on whether or not they would like us to explore
15 clarifying what that statement -- appropriate authority --
16 means. Right now, the way it stands, we can only give advice
17 limited to what that regulation currently says, but it's an
18 issue, and we've had background investigators and agencies make
19 some inquiries on that with what's going on out there in terms
20 of recruitment.

21 CHAIRMAN SOTO: Okay. Thank you for that
22 explanation. Do we have any questions or comments from the
23 Commission?

24 COMMISSIONER TROUTEN: I would encourage you to
25 seek out some clarification on that. I foresee with this COVID

1 pandemic that's drastically affecting our school year. I know
2 just in our local school district, we have a lot of additional
3 parents who are seeking to do homeschooling, and (inaudible) to
4 answer this question more frequently in the future, so let's get
5 it dialed in now.

6 CHAIRMAN SOTO: Yeah, I think that's a good
7 point, and I guess we do need some kind of line as to what is
8 accredited and what isn't accredited, because on the other --
9 through another lens, we don't want to be bringing people into
10 our organizations that don't have any type of education. So I
11 think that would be prudent of us to find out where that bar is
12 and make it a little bit more clear, cause I do agree. I think
13 that our future has forever changed in terms of what we're doing
14 remotely, including school.

15 CHAIRMAN SOTO: All right. Any other questions
16 or comments from the Commission? Do we have any public comments
17 related to this workshop? Seeing as though there's none, we're
18 going to close this workshop and move to our regularly scheduled
19 meeting. Commission Meeting, Item Number 1, which is approval
20 of minutes from the February 12th, 2020, regularly scheduled
21 POST Commission Meeting. Any discussion related to the prior
22 meeting minutes? Seeing as there's none, I'm looking for a
23 motion to approve those minutes.

1 COMMISSIONER TROUTEN: I make a motion to
2 approve the minutes from our February 12th, 2020 regular
3 meeting.

4 CHAIRMAN SOTO: I have a motion. Can I get a
5 second?

6 COMMISSIONER MCKINNEY: I'll second.

7 CHAIRMAN SOTO: I have a motion and a second.
8 All those in favor?

9 (All Commissioners say Aye.)

10 CHAIRMAN SOTO: Any opposed? Motion carries
11 unanimously. Next Item Number 2. We want to go to our
12 Executive Director's Report, and again, I'm going to turn this
13 over to Mike Sherlock.

14 MR. SHERLOCK: Thank you Mr. Chairman. Mike
15 Sherlock for the record. It's been a while, so hopefully, you
16 guys will put up with me for a minute. First I'll start with
17 training and COVID-19 issues. We are currently hosting an
18 academy. It's our second one since the pandemic issues began.
19 We've had no issues to date. We're using all the CDC and
20 Governor recommendations. Remember, we're a live-in academy.
21 We do daily screenings for both staff and students. We have
22 isolation rooms in the dorm should we need them. We don't have
23 public access to our building. We've entered into disinfecting
24 contracts for cleaning and that kind of thing. As I said, so
25 far, so good. We have had a couple advanced training sessions,

1 again, using those same procedures. Along the lines of basic
2 training and before the recent focus, we had added a class
3 called Ethical Use of Force, which addresses some of the things
4 brought up in the special session. We were just ahead of the
5 curve there. We may end up having to have to add this to our
6 statewide curriculum in the area of use of force. We have
7 looked at the latest legislation which we do not believe is a
8 big change in curriculum. The legislation actually reiterates
9 the constitutional standard for use of force essentially, and,
10 of course, that is already a part of our curriculum. It's the
11 very bones of our curriculum. There will be some changes in
12 terms of duties of peace officers, both in use-of-force incident
13 and in relation to civil liability and peace officer bill-of-
14 rights issues. We're reviewing them and how that applies to the
15 statewide curriculum. Training has posted the schedule for
16 about the next 12 months on our offerings for supervisor, BID,
17 and management training. We know that the current situation has
18 slowed that advanced training down, and so we're trying to get
19 as many offerings of that as we can under the circumstances. In
20 terms of our Standards Division, you heard the public comment
21 hearings and the workshops. We will get to those in a moment on
22 the agenda. There continues to be a push for a national
23 database of officer misconduct. We continue to get many media
24 inquiries on this. In general, from our perspective, Nevada
25 POST already participates and enters into the National

1 Decertification Index. As you all know, we revoke and suspend
2 based on specific criteria, and it's predicated on due process.
3 Once we suspend or revoke, that information is entered into that
4 national database, and we have since the beginning. I think
5 there is a push to have some sort of federally run database, but
6 nearly every single state that I interact with participates in
7 the National Decertification Index anyway. I'm not sure how
8 having redundant databases will benefit anyone, but again, we
9 already do it, and so it's not an issue. Not so much here in
10 Nevada, but other states do have an issue with that. If you can
11 understand that -- some states revoke and decertify officers for
12 missing one hour of training, and so they have some concerns
13 with those officers being listed in a national database as based
14 on something that's not conduct, but here in Nevada, we just
15 don't have that issue, and it almost never comes up for us. And
16 so it's not a big issue for us. On the administrative side of
17 things, the Deputy Director, Tim Bunting -- many of you remember
18 -- he's retired after serving some 20 years. Obviously, Tim's
19 shoes are pretty big to fill, and he had a big personality as
20 many of you know, and frankly the state hiring freeze and budget
21 mitigation plan -- so we had to come up with -- made the
22 prospect of filling that position a bit scary. However, we were
23 fortunate enough just prior to the hiring freeze to hire Chris
24 Carter as our Training Chief. Chris has an extensive background
25 to include working his way up through the ranks of Chief of

1 Police. He is recognized as an expert and trained in the
2 evaluation of use-of-force incidents among a whole host of other
3 areas of expertise, but from my perspective, he has the budget-
4 building and management background that that Deputy Director
5 position is tasked with, so we volunteered him for that
6 position, and I'm excited to have him on board. Many of you
7 remember Scott Johnston also, who was our Chief of Standards.
8 He was with us for 27 years. Again, a lot of institutional
9 knowledge with Scott. Difficult to replace. That said, Kathy
10 here next to me has been with POST for many years. She worked
11 her way up through the Standards Division and is without a doubt
12 the most knowledgeable person on issues related to that task in
13 standards. Kathy has a background in supervising personnel, and
14 this along with her knowledge of the Division allowed for a
15 seamless transfer into that Standards Chief position. We're
16 happy to have her there. Actually, over here is Richard Moore.
17 He is a new Training Specialist. Richard came to us from
18 National Park Service law enforcement and prior to that,
19 Nashville PD. He brings a lot of good training background and a
20 lot of things that we need, and he's an IT guy, so worked out
21 pretty well for me. We hope to get a couple more internal
22 promotions through the Governor's Budget Office very soon. I
23 think our justification for filling our positions is solid, as
24 our budget came in at 100% last fiscal year. With that, we
25 don't think there's any reason to withhold our ability to fill

1 those vacant positions. I do want to say thank you to those
2 agencies who continue to enforce traffic laws in particular, as
3 this is a big part of our revenue stream at POST. And frankly,
4 it's unusual for us to hit 100% authorization, and yet we did
5 despite the pandemic, so that's a good thing. On the subject of
6 the budget, the Training Division put in for DOJ grant, which,
7 of course, run through DPS. We were awarded that grant. We are
8 going to purchase a whole host of training material, new tablets
9 for the academy, training stress vests, which are a great
10 training tool and not cheap, and, body cams for training
11 purposes, and some other training aids. It was around a
12 101,000. We really can't thank DPS enough. Over the years, we
13 have relied on those grants for things that we just can't get
14 into our budget, and once again, they've done that for us. I
15 think the advantage with awarding those to POST is -- we can
16 share that statewide rather well. I also met with the Nevada
17 Sentencing Commission a couple times. They were evaluating BJA
18 grants really. I applied for a 30,000-dollar grant to establish
19 a program for Mental Health Multidisciplinary Teams, the
20 Sentencing Commission recommended we receive the grants, and we
21 just were notified by CJIS as part of BJA that they agreed, and
22 they're going to award those funds to us. Those funds will be
23 used to advance our mandate under AB 236, which established POST
24 as administering a grant program with emphasis on rural agencies
25 to develop these Multidisciplinary Mental Health Response Teams.

1 So this first initial grant will be used to build the
2 infrastructure for that -- a part-time position to establish
3 that grant program. Now, understand the money we received is
4 only to build the infrastructure. We have not received the
5 grant funds that's talked about in AB 236. Not sure where that
6 funding will come from, but in our next biennium budget request,
7 we're asking for a grant management position to deal with that
8 if we do get those funds. And from the legislative standpoint,
9 we don't have to administer that program unless we receive the
10 funds obviously. We are currently engaged in budget building
11 for the next biennium. Pretty used to a pessimistic outlook
12 when you're building budgets, but we are in that. We are in
13 some critical need for staff training, which was cut out of our
14 budget many years ago, training resources, personnel, that kind
15 of thing, and we'll be making some requests in our budget
16 obviously to try to bring us up to speed. One of our priorities
17 now -- and it's just forced upon us -- is our data management
18 system is antiquated and needs to be updated, and so that will
19 be one of our priorities -- to come up with a new data
20 management system. The only other budget issue -- our agreement
21 with the Carson City Parks Department to use one of their parks
22 for EVOC is coming to an end. They repaved it. There are
23 restrictions on what we can do on that new pavement -- and I
24 understand it -- they have to protect their investment there --
25 will force us out of that agreement with them. Many of you know

1 we've tried to get a CIP for an EVOC since 2007. We had the
2 funds. They swept the funds. We're going to ask again. It's
3 on land that we already own. We've put in for that CIP again.
4 However, because of the delay, they're forcing us back to the
5 planning stage, and so this CIP would only -- again -- once
6 again to do the plans that we've already done in the past, but
7 they're outdated. So with that, we have worked with the
8 training center up here in Reno, and we are not budgeted for
9 that. And it looks like we're not going to be budgeted for that
10 or be able to -- we will likely July 1 of next year raise our
11 tuition from 500 to 600 dollars to cover the cost of the EVOC
12 Track at training center. And it's not a big raise -- I get it
13 -- and that kind of thing. I am a little bit concerned about
14 our downtime and wear and tear on our EVOC cars back and forth,
15 but there are advantages to us going up to the training center
16 also, so I do appreciate those people working with us to take
17 care of that. One final issue, and after speaking with Chief
18 Soto -- we have had some inquiries as to whether or not POST
19 will require continuing education this year in face of the
20 Coronavirus issues. The truth of the matter is -- many agencies
21 have already completed this year's training anyway, but we have
22 had a couple of agencies looking for options and asking what
23 their options may be in terms of that. So couple things.
24 Obviously, the academic and other subjects found in AB 478
25 regulation are statutory, and we don't have the ability or the

1 authority to waive those particular requirements. In terms of
2 things like arrest control, firearms, less lethal, the
3 regulation requires demonstration of proficiency. So POST does
4 not establish proficiency. We leave that to the needs of the
5 agency and their practical considerations for them. So that
6 said, should an agency believe an officer can demonstrate
7 proficiency handcuffing a dummy while they're being observed by
8 the instructor through the glass? We're not going to argue
9 that. I mean, that's established by the agency or social
10 distancing at the range. That's not something that POST would
11 get involved in. But -- and I hate to give an out in public
12 meeting like this, but the truth of the matter is -- our
13 requirements are calendar year, and if you don't complete the
14 training by December 31st of that calendar year, you're noticed
15 by us. But from a practical standpoint, there is no action by
16 the Commission until July. So in reality, if COVID issues
17 prevented the training, they would have another six months on
18 top of that year to get it done. And frankly, we would
19 recommend that if they're unable to do that even with the
20 extension of the six months, the July 2021 meeting would be the
21 time to come address that and talk to the Commission on which
22 way the Commission would want to go with that particular
23 situation. But, frankly, we've only had a few inquiries now
24 today, and most people are getting through it I think at this
25 point, so that's where we stand -- or that's our position on

1 that. I think if it is an issue the Commission would like to
2 address and mediate, it wouldn't be necessary till the July
3 meeting of next year after we see who's actually been able to
4 complete the training or not -- if that makes sense. And I
5 think that's enough, right? That's my update. Thank you, Mr.
6 Chairman.

7 CHAIRMAN SOTO: Thank you, Mr. Sherlock. Just a
8 couple of comments from myself. First off, I want to
9 congratulate Kathy, Chris, and Richard on your new positions.
10 Welcome aboard. We're certainly happy to have you. Just to
11 speak for a brief moment on POST and the work that they've done
12 for our state for as long as I've been a police officer. I
13 think in the past couple months, it's shown just how important
14 that work really is and how that's really helped our state get
15 through some of these issues that you're seeing in other areas
16 across the country, so keep doing what you're doing. You
17 brought up budget. I think now is a good time to just put out
18 there -- POST right now is underbudgeted. There's just no other
19 way to look at it. And I think that we need to bring attention
20 to this issue, especially in light of all of the challenges and
21 needs and requests from our elected officials throughout the
22 state on what they want us to do in terms of training for our
23 police officers. And we've been saying at the POST Commission
24 for as long as I've been here -- and I'm sure prior to that --
25 that training is a big piece of this. It's paramount in terms

1 of what we do in this profession. And I really hope that we can
2 take a look at this budget and improve it in some areas so that
3 we can continue to have above-board training and put out the
4 best product in terms of police officers that we can. I know
5 it's challenging. I know that everybody is looking at ways of
6 reducing their budget because of COVID, but this is something
7 that can't be ignored. So I just wanted to bring that up in
8 this meeting today. And then finally, the last note that I had
9 was on the training piece. My suggestion to agencies that are
10 having difficulty with training is -- find a way to train your
11 people. I know it's challenging. It's challenging for large
12 agencies. It's challenging for small agencies. But I'm
13 confident that we'll be able to do so. And I agree -- we don't
14 really need to look at it until June or July. But I also know,
15 again, that's an important piece of what we do, and proficiency
16 is important, but so is that training piece. With that, I'm
17 going to ask our Commission if they have any comments or
18 questions for Mr. Sherlock.

19 COMMISSIONER ALLEN: Mike Allen for the record.
20 I would just echo the comments you made. I do think Nevada is
21 ahead of the curve on what we are seeing nationally. Thanks you
22 to you guys for keeping it that way, too. Thank you.

23 MR. SHERLOCK: "Thanks Sheriff"

24 CHAIRMAN SOTO: Any other comments from anybody?

25 COMMISSIONER TROUTEN: Yeah.

1 CHAIRMAN SOTO: One second, Tim. Go ahead, Ty.

2 COMMISSIONER TROUTEN: I just want to say thank
3 you how we rely on the POST academy to get our recruits trained
4 up and back out to us and the job being performed with respect
5 to code. Really appreciate that. Appreciate all your diligence
6 in that area.

7 MR. SHERLOCK: Thanks, Chief.

8 CHAIRMAN SOTO: Go ahead, Tim.

9 COMMISSIONER SHEA: Yes, again, I really
10 appreciate the understanding when it comes to our training and
11 looking for innovative ways to accomplish some of the training
12 goals. I'm a big believer in the training. I am also a big
13 believer in letting legislature know that when they do give us
14 mandates that unfunded mandates are a real burden on us, and if
15 they keep piling unfunded mandates on us, they become very
16 problematic. So when I look at these bills and they say -- no
17 fiscal impact -- it's not true in the training sense, because we
18 have to figure out a way to buy this training because it's not
19 organic to our organizations. So there are fiscal impacts of
20 these things. And I would hope that in the future, we would try
21 to make those very clear -- that these bills with no financial
22 impacts are in fact recognized as no financial impacts, and when
23 they are not that way, that that discrepancy is pointed out.
24 And when it comes to the hands-on training, we do have to get
25 innovative. I can't really speak for Henderson. I don't have

1 all the facts, but they had to quarantine 13 officers from a
2 defensive tactics session. So I can't afford to quarantine 13
3 officers. So we do have to be innovative, and we have to watch
4 what we're doing. I don't know about the academy for POST, but
5 I do know that Henderson also had an academy issue. The
6 Southern Desert Regional had to shut down, and we had to do
7 distance learning because of an exposure. So it is a real
8 problem for us down here, and we have to be very careful what
9 we're doing, and I appreciate some understanding for the entire
10 Commission on what we're facing with this very unique and
11 special set of circumstances that we're all doing. Doesn't give
12 us an excuse not to do the training. It's just that we do have
13 to be innovative and recognize when people are trying to get
14 through this and get things accomplished that it's going to be a
15 little bit different than the norm.

16 CHAIRMAN SOTO: Thank you, Tim. Good points,
17 too, especially on the fiscal impact piece. I think that there
18 is a fiscal impact on a lot of this. This is coming out of
19 legislation, and we need to take a look at that and make sure
20 that we stay in conversation with these electives and help them
21 understand what it is that we have to do on the financial side
22 of things, cause it does cost money. Any other comments from
23 any of our Commissioners? Okay. Since we don't have any, I'm
24 going to move on to Item Number 3. And Item Number 3 -- the
25 Commission to decide whether to continue the rule-making

1 process, to amend NAC 289.200, Subsection (4)(b), to clarify
2 when the officer must pass the state physical fitness
3 examination. If the officer is eligible for certification
4 pursuant to Subsection 2, no sooner than 30 days prior to being
5 hired as a peace officer and not later than 16 weeks after the
6 date on which the officer was hired or if the officer is a
7 reserve officer, the date of activation of his or her reserve
8 status. I'm going to turn it over to Mr. Sherlock for an
9 explanation.

10 MR. SHERLOCK: Thank you. Mike Sherlock for the
11 record again. Yeah, as stated in the workshop, we're looking
12 for a motion or what the desire of the Commission is in terms of
13 extending that period of time that the PPFT would be of record
14 for reciprocity applicants. And Staff would recommend that we
15 move forward with that.

16 CHAIRMAN SOTO: Any comments from any of our
17 Commissioners? Any public comments?

18 COMMISSIONER SHEA: Yeah. Tim Shea here. Is it
19 proper to ask for an amendment on the time or is that not
20 allowable at this stage?

21 CHAIRMAN SOTO: Go ahead, Mike.

22 MR. JENSEN: This is Mike Jensen for the record.
23 Actually, at this point, we're early in the process. There
24 isn't actually any language that's been drafted yet or set to
25 LCB, so any suggestions that you have or comments on that would

1 be appropriate at this point could be taken into consideration
2 when the language is drafted.

3 COMMISSIONER SHEA: Well, I just thought that if
4 from the hire date, if you have 16 weeks to pass, why could not
5 the time element before hire mirror the time element after hire?
6 If you can pass within 16 weeks of getting hired, what about 16
7 weeks prior to the hire date or some period between 30 days and
8 16 weeks that's palatable to the Commission?

9 MR. SHERLOCK: Mike Sherlock for the record.
10 Just to give you kind of a background and understanding that our
11 PT test is a validated, work-related physical test, and the
12 reason for the 16 weeks is in the validation, the data indicated
13 that if someone was unable to pass the PPFT in a 16-week
14 academy, they would be able to pass it in that timeframe. So
15 the reason that you see this in the reciprocity is -- the
16 thought was at the time -- and I'm guessing here, but based on
17 the validation -- that if you hired someone on Day 1 and they
18 failed the PPFT, you would have 16 weeks as an agency to get
19 them to the level where they would pass the PPFT. Now, if you
20 move that back 16 weeks that's outside of that study in any way,
21 if they failed it 16 weeks prior to the date of hire, I suppose
22 the hiring agency could track them and then test them again, but
23 I just wanted to give you a background into what that 16 weeks
24 and why that was put in there originally.

1 COMMISSIONER SHEA: Okay. Thanks, Mike. So I
2 was just -- it's just a thought that occurred to me.

3 CHAIRMAN SOTO: Any other comments from any of
4 our Commissioners (inaudible)? Any public comment on this?
5 Okay. So what I'm looking for is a motion to continue or not
6 the rule-making process for this regulation. So actually, I'm
7 looking for a motion to continue.

8 COMMISSIONER ALLEN: Mike Allen (inaudible).

9 COMMISSIONER SHEA: Tim Shea. I'll make a
10 motion to continue.

11 CHAIRMAN SOTO: Okay. I have a motion and a
12 second from Chief Allen. All those in favor, say aye.

13 (All Commissioners say Aye.)

14 CHAIRMAN SOTO: Motion carries unanimously.
15 Item Number 4, the Commission to decide whether to continue the
16 rule-making process to amend NAC 289.110, Subsection (1)(d), to
17 clarify -- when a person has successfully completed the 12th
18 grade or has been certified by an appropriate authority as
19 having an equivalent education for purposes of meeting the
20 minimum standards for appointment as a peace officer in the
21 context of home schooling programs. Turn it over to Mr.
22 Sherlock for an explanation.

23 MR. SHERLOCK: Thank you, Mr. Chairman. Mike
24 Sherlock for the record. Again, everybody heard the workshop.
25 So Staff would really be looking at whether or not there's an

1 appetite to continue looking at cleaning up the language in this
2 particular regulation in terms of defining what an appropriate
3 authority is as it relates to that 12th-grade education.

4 CHAIRMAN SOTO: Okay. Any comments from any of
5 our Commissioners?

6 COMMISSIONER McKINNEY: Kevin McKinney for the
7 record. I would like echo Commissioner Trouten's comments
8 during the workshop. I believe we need to remove the ambiguity
9 of this, as it's going to become important in the near future.

10 CHAIRMAN SOTO: Okay. Any other comments from
11 any of our other Commissioners? Any public comments? So I'm
12 looking for a motion to continue the rule-making process
13 regarding this regulation.

14 COMMISSIONER TROUTEN: Ty Trouten for the
15 record. So moved.

16 CHAIRMAN SOTO: So I have a motion. Can I get a
17 second?

18 COMMISSIONER McKINNEY: I'll second.

19 CHAIRMAN SOTO: I have a motion and a second.
20 All those in favor, say aye.

21 (All Commissioners say Aye.)

22 CHAIRMAN SOTO: Opposed? Motion carries
23 unanimously. Item Number 5, the Commission to discuss and take
24 possible action to adopt, amend, or repeal their regulation as
25 follows. A, LCB file R112-19, amend NAC 289.200, Subsection 9,

1 which allows the executive director at the employing agency's
2 request to return the Basic Certificate Category 1 and 2 to
3 active status once the peace officer meets minimum standards of
4 appointment, successfully completes requirements set forth in
5 Paragraphs D, E, and F of Subsection 2, and within five
6 consecutive years of his/her termination of employment as a
7 Category 1 or 2 peace officer, become a full-time employee of
8 the Commission or full-time law enforcement officer of a federal
9 law enforcement agency approved by the Commission, and
10 subsequently, within five consecutive years of his/her
11 termination of employment with the Commission or federal law
12 enforcement agency became employed as a peace officer in the
13 same category of a peace officer he/she held immediately prior
14 to his or her employment with the Commission or federal law
15 enforcement agency. I'm going to turn it over to Mr. Sherlock
16 again for an explanation.

17 MR. SHERLOCK: Thank you, Mr. Chairman. Mike
18 Sherlock for the record. Yeah, once again, I would remind the
19 Commissioners that that actual language is in the Commission
20 book if you want to look at that again. Again, this is the
21 language that we had in the Public Comment Hearing and deals
22 with recognizing those Nevada peace officers who opt to work in
23 a federal law enforcement capacity and then return to Nevada.
24 So we would be looking for the Commission to adopt that amended
25 regulation.

1 CHAIRMAN SOTO: Okay. Any comments from any of
2 our Commissioners on this?

3 COMMISSIONER McKINNEY: Kevin McKinney for the
4 record. Actually, I just noticed this just now, and I have a
5 question. Why does this not apply to Category 3 as well?

6 MR. SHERLOCK: Mike Sherlock for the record. So
7 currently under our regulations and statutes, Category 3 is not
8 eligible for reciprocity. And so there's no direct route to be
9 able to do that. So we currently don't have Category 3s from
10 out of state coming into our state. And so it left us with
11 amending our current reciprocity regulation, which deals with
12 Category 1 primarily, but does allow for Category 2.

13 CHAIRMAN SOTO: Any other comments?

14 COMMISSIONER McKINNEY: Kevin McKinney. But my
15 understanding of reciprocity -- this is returning the basic
16 certificate of a Nevada certified officer.

17 MR. SHERLOCK: Mike Sherlock for the record.
18 Again, though, it falls under reciprocity in terms of the
19 regulatory scheme because they're outside of the five years, and
20 so it forces that into either no consideration for their time or
21 the Category 1 or 2. I'm not sure how to explain that, but once
22 you're outside the 60 months, they're true. You're right.
23 There is no reciprocity for anyone unless they're in these
24 certain specific capacities.

1 CHAIRMAN SOTO: Okay. Any other questions or
2 comments from Commissioners? Any public comments? With that,
3 I'm looking for a motion to adopt the proposed regulation as
4 introduced.

5 COMMISSIONER ALLEN: Mike Allen. I'll make the
6 motion to adopt the regulation as follows.

7 CHAIRMAN SOTO: I have a motion. Looking for a
8 second.

9 COMMISSIONER TROUTEN: Ty Trouten. Second.

10 CHAIRMAN SOTO: I have a motion and a second.

11 All those in favor, say aye.

12 (All Commissioners say Aye.)

13 CHAIRMAN SOTO: Motion carries unanimously. All
14 right. Item Number 5, Section B, LCB file R025-20, amend
15 NAC289.230 to require all peace officers to annually complete 12
16 hours of in-service training and (1) racial profiling, (2)
17 mental health, (3) the wellbeing of officers, (4) implicit bias
18 recognition, (5) deescalation, (6) human trafficking, and (7)
19 firearms. Turn it over to Mr. Sherlock for an explanation.

20 MR. SHERLOCK: Thank you, Mr. Chairman. Mike
21 Sherlock for the record. Once again, this is in response to AB
22 478, making sure that our regulations conform with the statute.
23 I will add -- and I didn't say this with the other Public
24 Comment Hearings or workshops -- we did not receive any written
25 request or comments to be added to the record on it -- just for

1 the record. But this, again, looking to adopt the changes to
2 the regulation to conform with AB 478.

3 CHAIRMAN SOTO: Okay. Any comments from any of
4 our Commission? Any public comment? All right. I'm looking
5 for a motion to adopt this regulation as introduced.

6 COMMISSIONER McKINNEY: Kevin McKinney.

7 COMMISSIONER SHEA: Tim Shea. I'll make a
8 motion to adopt the regulation as introduced.

9 CHAIRMAN SOTO: Okay. I have a motion from Tim
10 Shea, and I have a second from Kevin McKinney. All those in
11 favor, say aye.

12 (All Commissioners say Aye.)

13 CHAIRMAN SOTO: Motion carries unanimously.
14 Item Number 6, discussion, public comment, and for possible
15 action hearing pursuant to NAC 289.290, Subsection (1)(g) on the
16 revocation of Rachel E. Sorkow, formerly of the Las Vegas
17 Metropolitan Police Department, certification based upon a
18 guilty plea for misconduct of a public officer a Category E
19 felony in violation of NRS 197.110. I will now turn the hearing
20 over to Mike Jensen from the Attorney General's Office.

21 MR. JENSEN: Thank you, Mr. Chairman. Mike
22 Jensen for the record. This is the first of three revocation
23 hearings for this morning. I'll try to keep these brief. All
24 three are uncontested. So the purpose of the hearings this
25 morning would be to put the information on the record for your

1 consideration on any action to be taken on each of those cases.
2 With regards to Rachel Sorkow and all three of these hearings
3 this morning, they're being held pursuant to NRS 289510 that
4 allows for the Commission to adopt regulations establishing
5 minimum standards for certification and decertification of
6 officers. Specifically, this hearing falls under one of the
7 grounds for revocation in NAC 289.290, Section (1)(g), which
8 mandates that a certificate shall be revoked upon conviction or
9 entry of a plea of guilty, guilty but mentally ill, or nolo
10 contendere to a felony. The exhibits that are being presented
11 and which I would request be admitted to the record as part of
12 any action the Commission may take this morning -- we'd start
13 with Exhibit A, which is a certified copy of the notice of
14 intent to revoke, which we do in each of these cases to inform
15 the individual of their due process rights, if the Commission
16 intends to take action against their basic certificate, and the
17 laws being relied on to do so, the specific conviction or entry
18 of plea that's the basis for any action that the Commission
19 would take. The legal requirement that they inform the
20 Commission within 15 days if they intend to appear to contest
21 and the scope of the hearing, which this morning is whether or
22 not Miss Sorkow's certificate should be revoked for a guilty
23 plea to a felony. Uh, Exhibit B is the declaration of service,
24 which shows that Miss Sorkow was served with this notice through
25 her attorney on July 23rd, which makes the notice compliant with

1 both Chapter 289 and 241 of the NRS. Exhibit C is the personnel
2 action report, which shows that Miss Sorkow's employment was
3 terminated effective November 5th of 2019. Exhibit D is her
4 Category 1 basic certificate from POST. Beginning with Exhibit
5 E are the court documents that are the basis for any action that
6 would be taken this morning. Beginning with the charging
7 document, the information which is Exhibit E -- it shows that
8 Miss Sorkow was charged with misconduct of a public officer, a
9 Category E felony, and violation of NRS 197.110 for conduct that
10 occurred on or between February 27th, 2017, and May 16th of
11 2018. Exhibit F is the guilty plea agreement that shows that
12 she agreed to plead guilty to that charge of misconduct of a
13 public officer in violation of those same sections of statute.
14 Through that plea agreement, the parties had agreed to stay the
15 adjudication in this case, to have her complete a period of
16 informal probation not to exceed 18 months under certain
17 conditions, including resigning from Las Vegas Metro Police
18 Department and not contesting any suspension or termination and
19 to stay out of trouble essentially. If she successfully
20 completes those conditions, she'll be allowed to withdraw her
21 plea of guilty and plead guilty to obstructing a public officer,
22 which is a misdemeanor, with credit for time served. If she
23 fails to comply with those conditions, then she would be
24 sentenced pursuant to the felony statutes that apply. Exhibit G
25 are the court minutes that show that the guilty plea was

1 entered, which satisfies the requirements of your regulations
2 that upon entry of a plea of guilty to a felony that an
3 individual's POST certification will be revoked. Based on the
4 evidence in those court documents and the seriousness of the
5 conduct involved in this case and your specific regulation that
6 provides for a revocation upon entry of plea to a felony, I
7 would ask that Exhibit A through G be admitted as part of the
8 record, and we would recommend that Miss Sorkow's POST
9 certificate be revoked.

10 CHAIRMAN SOTO: Okay. Thank you. Do we have
11 any comment for Miss Sorkow? Do we have any public comments?
12 We have any comments from the Commission? All right. So I'm
13 looking for a motion on a certificate revocation of Rachel E.
14 Sorkow.

15 COMMISSIONER FREEMAN: Michele Freeman, motion
16 to revoke.

17 CHAIRMAN SOTO: I have a motion. I have a
18 second. All those in favor, say aye.

19 (All Commissioners say Aye.)

20 CHAIRMAN SOTO: Opposed? Motion carries
21 unanimously. Item Number 7, discussion, public comment, and for
22 possible action, hearing pursuant to NAC 289.290, Subsection
23 (1) (h), on the revocation of Stephen M. Bryan, formerly of the
24 Henderson Police Department, certification based upon a
25 conviction for harassment, misdemeanor. The agency has

1 requested to revoke the basic certificate based upon court
2 documents and conviction for harassment, first offense, a
3 misdemeanor in violation of NRS 200.571 on February 17th of
4 2020. The Commission heard a blind review of the facts of this
5 case and motion to move forward with the hearing. And I'm going
6 to turn this Mike Jensen from the Attorney General's Office.

7 MR. JENSEN: Thank you, Mr. Chairman. As was
8 just pointed out, this is a case where the Commission had moved
9 to move forward with a hearing based on a misdemeanor. If you
10 recall from that, that Commission meeting -- the documents that
11 were presented to the Commission were essentially the charging
12 document, which was a complaint with multiple misdemeanor
13 charges in a trespass, and other charges -- stalking and other
14 charges. This action today would not be based on the charging
15 document, but instead is based on what the individual was
16 convicted for, and so I would point that out just so you'll know
17 what you're looking at in terms of any action today. Again,
18 this hearing's being held under the same authority that was
19 pointed out in the last hearing, the NRS 289510 and 289290. The
20 difference in this case is -- this is a misdemeanor, which comes
21 under Section (1)(g) of 289290 (inaudible) Commission can take
22 action if the recommendation is made by the agency that the
23 certificate be revoked. I would ask that the following exhibits
24 that I'm going to present be admitted into evidence and made
25 part of the record to support any action that the Commission

1 would take this morning. Essentially, the same types of
2 documents, and we'll go through them real quickly. The notice
3 of intent is Exhibit A, again, pointing out the due process
4 rights, informing the individual of the time and place of the
5 hearings, and statutes that are supporting the hearing, and the
6 right to appear and contest. Additionally, the scope of the
7 issues in this hearing -- Exhibit B is the declaration of
8 service showing that Mr. Bryan was personally served on July
9 23rd, which complies with both NRS 289 and NRS 241. Exhibit C
10 is the personnel action report showing that Mr. Bryan's peace
11 officer employment was terminated in November of 2019. Also
12 showing that the Henderson Police Department recommended
13 revocation of Mr. Bryan's POST certificate, satisfying that part
14 of POST regulation. Exhibit D is a certified copy of Mr.
15 Bryan's Category 1 certificate exhibit. Exhibit E is where we
16 get into the charging documents that I mentioned just briefly
17 before. The first is the first charging document, which was a
18 criminal complaint charging Mr. Bryan was stalking, first
19 offense, and harassment, first offense. Exhibit F is a
20 certified copy of an amended complaint with additional charges
21 that were added, including trespass, injuring, and tampering
22 with a vehicle, and requesting and obtaining criminal history
23 records under false pretense. Uh, Exhibit G is the certified
24 copy of the guilty plea agreement through which Mr. Bryan agreed
25 to plead no contest to harassment, first offense, misdemeanor,

1 and violation of NRS 200571 as alleged in the amended complaint.
2 The factual basis, which I think is important especially in
3 these misdemeanor cases for that charge, is as follows. Mr.
4 Bryan did on or about August 28th, 2019, unlawfully and
5 knowingly threaten to cause bodily injury in the future to the
6 person threatened or to any other person to wit. He did
7 threaten -- and they use initials here to protect the individual
8 -- BW by informing her of words to the effect of -- if I lose my
9 job, I have nothing to lose. After Henderson Police Department
10 personnel contacted him for an interview and did in fact place
11 BW in fear that the threat would be carried out. Exhibit H is a
12 certified copy of the Henderson Municipal Court sentencing order
13 showing that Mr. Bryan was convicted of harassment, first
14 offense, which is a misdemeanor in violation of NRS200571, as
15 alleged in that amended complaint with the factual basis that I
16 just pointed out. He was then sentenced to probation with
17 indirect supervision, required to do multiple things, including
18 anger management, Level 1, continuing no contact with BW, jail
19 of 180 days that was suspended, and no further arrest. And the
20 supervision was to expire for him on November 24th of 2020.
21 Exhibit I is the court's conditions of release order. You'll
22 see there are three of those. Those are there just for your
23 information to show that when he was released, there were
24 conditions that he not make contact with this individual and
25 that he initially wear a GPS device while he was on house

1 arrest. In this case, the evidence shows a conviction for that
2 first offense, misdemeanor harassment or threatening, this
3 individual in a manner that caused them to be placed in fear
4 that the threat would be carried out. Certainly the type of
5 conduct for which he has been convicted is serious conduct and
6 can implicate his ability in the future to be trusted to be a
7 police officer or a peace officer. Shows conduct inconsistent
8 with the kind of judgement and demeanor that you would require
9 and ask of a person serving in one of those positions. Would
10 ask that Exhibits A through H be admitted into evidence and
11 would leave to the Commission what you believe is appropriate
12 action in this case.

13 CHAIRMAN SOTO: Okay. Do we have any comment
14 from Mr. Bryan? Any public comment? Any comments from any of
15 our Commissioners? Hearing none, I'm looking for a motion on
16 certificate revocation of Mr. Bryan.

17 COMMISSIONER TROUTEN: I have one question.
18 You've asked us now to admit the items into the record. Is that
19 required formal action from us or from the Chair?

20 MR. JENSEN: Usually, the Chairman is -- all
21 that's required is for the Chairman to (inaudible).

22 CHAIRMAN SOTO: We have a motion?

23 COMMISSIONER TROUTEN: I'll make that motion.

24 CHAIRMAN SOTO: We have a motion. Looking for a
25 second?

1 COMMISSIONER McKINNEY: I'll second.

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

4 (All Commissioners say Aye.)

5 CHAIRMAN SOTO: Any opposed? Motion carries
6 unanimously. Item Number 8, discussion, public comment, and
7 possible action hearing pursuant to NAC 289.290, Subsection
8 (1)(g), on the revocation of Raynaldo J. Ramos, formerly of the
9 Nevada Department of Corrections. Certification based on a
10 guilty plea of attempt performance of act and willful or wanton
11 disregard of safety of persons or property resulting in death, a
12 Category D felony/gross misdemeanor in violation of NRS 202.595,
13 Subsection 2, and NRS 193.330. I will now turn this over to Mr.
14 Jensen again from the Attorney General's Office.

15 MR. JENSEN: Thank you, Mr. Chairman. Final of
16 the three contested hearings for this morning. This is the
17 hearing for Raynaldo Ramos. The authority is the same as the
18 previous with the specific authority for this hearing this
19 morning being Section (1)(g) of NAC 289290, which mandates that
20 a certificate shall be revoked upon conviction or entry of plea
21 of guilty, guilty but mentally ill, or nolo contendere to a
22 felony. The exhibits that are being presented I would request
23 be admitted and made part of the record in support of the
24 action. Any action the Commission may be taking are as follows.
25 Exhibit A, again, the notice of intent. You can look at that

1 and see it provides notice and due process to the individual
2 with regard to the hearing this morning with an opportunity to
3 appear if they so chose and to inform the Commission that they
4 were going to do so, the date and time of this hearing, and it's
5 my understanding that that Mr. Ramos has not requested to appear
6 morning to contest the revocation. Exhibit B is the declaration
7 of service showing that Mr. Ramos was personally served with the
8 notice on July 29th, 2020, again, complying with all the
9 statutory requirements for notice. Exhibit C is personnel
10 action report showing a termination -- if I'm reading correctly
11 -- of April 11th, 2015. Exhibit D is a certified copy of Mr.
12 Ramos's Category 3 certificate. And we begin with the court
13 documents, which is -- Exhibit E is the guilty plea agreement.
14 Mr. Ramos agreed to plead guilty pursuant to North Carolina
15 versus Alford to an attempt performance of an act or neglect of
16 duty and willful or wanton disregard of the safety of person or
17 property resulting in death, which is a Category D felony/gross
18 misdemeanor. It's one of those crimes that can be treated as
19 either a felony or a gross misdemeanor in violation of NRS
20 202.595 (inaudible) and NRS 193.300. This is another situation
21 where the parties had agreed as part of that plea agreement to
22 stay adjudication in the case and sentencing for a period of two
23 years with certain conditions. If he complies with the
24 condition, he would then have a conviction entered for the same
25 crime, but under the gross misdemeanor. If he failed to comply,

1 he would have the entry of the conviction for the felony and
2 would be sentenced according to the statutes related thereto.
3 Exhibit F is the amended information showing the factual basis
4 for that crimes. It alleges that on or about November 12th of
5 2014, defendant Raynaldo Ramos then and there willfully and
6 unlawfully attempted to perform acts and willful and wanton
7 disregard for the safety of person or property which resulted in
8 the death of Carlos Perez, a human being to wit, by shooting
9 Carlos Perez with a firearm. Exhibit G are the court minutes
10 which show that the entry of a plea did occur to satisfy the
11 POST requirement that there be an entry of plea to either a
12 felony or a gross misdemeanor. The evidence in this case based
13 on the entry of the plea to the felony and gross misdemeanor and
14 the seriousness of the conduct involved in this case -- the
15 recommendation would be that Mr. Ramos's POST certificate be
16 revoked, and I would ask that those Exhibits A through G be
17 admitted into the record.

18 CHAIRMAN SOTO: So moved. Okay. I'm going to
19 now ask for any comment from Mr. Ramos. Any public comment?
20 And any comments from the Commission? Seeing none, I'm looking
21 for a motion on the revocation of the certificate for Mr. Ramos.

22 COMMISSIONER ALLEN: Michael Allen.

23 COMMISSIONER SHEA: Tim Shea. I'll make a
24 motion to revoke the certificate.

1 CHAIRMAN SOTO: I have a motion from Mr. Allen
2 and a second by Tim Shea. All those in favor, say aye.

3 (All Commissioners say Aye.)

4 CHAIRMAN SOTO: Opposed? Motion carries
5 unanimously. Item Number 9, discussion, public comment, and for
6 possible action. A request from the Mineral County Sheriff's
7 Office requesting a six-month extension pursuant to NRS289.550
8 for their employee Alexander Hart to meet certification
9 requirements. The request would extend the time period to
10 November 5th -- no, I'm sorry -- November 25th, 2020, in order
11 to meet certification (inaudible). Turn it over to Mr.
12 Sherlock.

13 MR. SHERLOCK: Mike Sherlock for the record. I
14 don't want to speak for Mineral County. Are you guys?

15 UNIDENTIFIED SPEAKER: Winnemucca.

16 MR. SHERLOCK: I wanted to make sure. I wasn't
17 sure. I did speak to Mineral County on the phone. They do have
18 a serious shortage in terms of personnel. They did have one
19 person in our academy who separated from our academy, which put
20 even more of a bind on them, so we understand that. I'm not
21 sure the dates are correct. We looked again this morning. I
22 think the extension would get them very close to the next start
23 date of our January academy, but in either case, Staff would
24 recommend the extension.

1 CHAIRMAN SOTO: Okay. Do we have anyone from
2 Mineral County who wishes to speak? Any public comment? Any
3 comments from the Commission? All right. So I will be looking
4 for a motion to offer a six-month extension for Alexander Hart.
5 Can I get a motion?

6 COMMISSIONER TROUTEN: I'll make that motion.

7 CHAIRMAN SOTO: I have a motion. Can I get a
8 second?

9 COMMISSIONER ALLEN: Mike Allen. Second.

10 CHAIRMAN SOTO: I have a motion and a second.
11 All those in favor, say aye.

12 (All Commissioners say Aye.)

13 CHAIRMAN SOTO: Opposed? Motion carries
14 unanimously. Item Number 10, discussion, public comment, and
15 for possible action. Request from the Washoe County Sheriff's
16 Office for their employee, Undersheriff Wayne A. Yarbrough, for
17 an executive certificate. Turn it over to Mr. Sherlock.

18 MR. SHERLOCK: Thank you, Mr. Chairman. Mike
19 Sherlock for the record. The application for an executive
20 certificate for Undersheriff Yarbrough was received from the
21 Washoe County Sheriff's Department. The documentation shows the
22 undersheriff meets the position, training, and responsibility
23 requirements of the certificate, and Staff would recommend the
24 issuance of the executive certificate to Undersheriff Yarbrough.

1 CHAIRMAN SOTO: Okay. Do we have anyone from
2 Washoe County who wishes to speak? Any public comment? And any
3 comments from the Commissioners? Seeing as there's none, I'm
4 looking for a motion for an executive certificate for
5 Undersheriff Wayne Yarbrough. Can I get a motion?

6 COMMISSIONER FREEMAN: Michele Freeman. I make
7 the motion.

8 COMMISSIONER ALLEN: I second.

9 CHAIRMAN SOTO: (Inaudible) Michele Freeman and
10 second from Sheriff Allen. All those in favor, say aye.
11 (All Commissioners say Aye.)

12 CHAIRMAN SOTO: Opposed? Motion carries
13 unanimously. Item Number 11, discussion, public comment, and
14 for possible action, request from the Henderson Police
15 Department for their employee, Deputy Chief Michael Denning, for
16 an executive certificate. Turn it over to Mr. Sherlock.

17 MR. SHERLOCK: Mike Sherlock for the record
18 again. Thank you, Mr. Chairman. POST received an application
19 for the executive certificate for Deputy Chief Denning from the
20 Henderson Police Department. Uh, the documentation shows that
21 the chief meets the position, training, and responsibility
22 requirements of that executive certificate, and Staff recommends
23 the issuance of the executive certificate to Deputy Chief
24 Denning.

1 CHAIRMAN SOTO: Okay. Thank you. Do we have
2 anyone from Henderson who would wish to speak? Any public
3 comment? Or any comments from the Commission? Seeing as though
4 there's none, I'm looking for a motion for an executive
5 certificate for DC Michael Denning.

6 COMMISSIONER FREEMAN: This is Michele Freeman
7 again. I'll make the motion to move forward.

8 CHAIRMAN SOTO: Michele Freeman. Can I get a
9 second?

10 COMMISSIONER TROUTEN: Second.

11 COMMISSIONER SHEA: Tim Shea. I'll second.

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

14 (All Commissioners say Aye.)

15 CHAIRMAN SOTO: Opposed? Motion carries
16 unanimously. Item Number 12, discussion, public comment, and
17 for possible action. Request from the Las Vegas Metro Police
18 Department for their employee, Captain Jeffrey Coday, for an
19 executive certificate. Turn it over to Mr. Sherlock.

20 MR. SHERLOCK: Thank you, Mr. Chairman. Mike
21 Sherlock for the record once again. POST received an
22 application for an executive certificate for Captain Coday from
23 the Las Vegas Metropolitan Police Department. The documentation
24 shows that the captain meets the position, training, and
25 responsibility requirements of the executive certificate, and

1 Staff recommends the issuance of the executive certificate for
2 Captain Coday.

3 CHAIRMAN SOTO: Thank you. Do we have anyone
4 from the Las Vegas Metro who wishes to speak? Any public
5 comment? Or any comments from the Commission? All right. I'm
6 looking for a motion for an executive certificate for Captain
7 Jeffrey Coday.

8 COMMISSIONER SHEA: Tim Shea. I'll make a
9 motion for issue of the certificate.

10 CHAIRMAN SOTO: I have a motion from Tim Shea.
11 Can I get a second?

12 COMMISSIONER ALLEN: Mike Allen. Second.

13 CHAIRMAN SOTO: Second from Mike Allen. All
14 those in favor, say aye.

15 (All Commissioners say Aye.)

16 CHAIRMAN SOTO: Motion carries unanimously.
17 Item Number 13, discussion, public comment, and for possible
18 action. Request from the Las Vegas Metro Police Department for
19 their employee, Captain Nicholas Farese for an executive
20 certificate. Over to Mr. Sherlock.

21 MR. SHERLOCK: Thank you, Mr. Chairman. Mike
22 Sherlock for the record. As you'll see, I saved the difficult
23 names for the last two here. POST received an application --
24 and I hope I don't butcher it -- either of them -- POST received
25 an application for an executive certificate for Captain Farese

1 from the Las Vegas Metropolitan Police Department. The
2 documentation shows that the captain meets the position,
3 training, and responsibility requirements of the executive
4 certificate, and Staff recommends issuance of the executive
5 certificate to Captain Farese.

6 CHAIRMAN SOTO: Okay. Did we have anyone from
7 Metro who wishes to speak on this item? Any public comment?
8 Any comments from the Commission? Seeing as though there's
9 none, I'm looking for a motion for an executive certificate for
10 Captain Nicholas Farese.

11 COMMISSIONER MCKINNEY: I so move.

12 COMMISSIONER SHEA: Tim Shea. I'll make a
13 motion to issue the executive certificate.

14 CHAIRMAN SOTO: I have a motion and a second.
15 All those in favor, say aye.

16 (All Commissioners say Aye.)

17 CHAIRMAN SOTO: Motion carries unanimously.
18 Item Number 14, discussion, public comment, and for possible
19 action. Request from the Department of Public Safety, Parole,
20 and Probation for their employee, Captain Martin A. Mleczko,
21 Jr., for an executive certificate.

22 CHAIRMAN SOTO: Turn it over to Mr. Sherlock.

23 MR. SHERLOCK: Thank you Mr. Chairman. Mike
24 Sherlock for the record, and I wanted to wait to see how to
25 pronounce it. I tried to reach out to him, but I'll go with

1 that. POST received an application for an executive certificate
2 for Captain Mleczko from the Department of Public Safety,
3 Parole, and Probation. The documentation shows that the captain
4 meets the position, training, and responsibility requirements of
5 the executive certificate, and Staff recommends issuance of the
6 executive certificate to Captain Mleczko, Jr.

7 CHAIRMAN SOTO: Okay. Thank you. Do we have
8 anyone from Parole and Probation who wishes to speak? Any
9 public comment? Any comments from any of our Commission?
10 Seeing as though there's none, I'm looking for a motion for an
11 executive certificate for Captain Martin Mleczko.

12 COMMISSIONER TROUTEN: So moved. Ty Trouten.

13 CHAIRMAN SOTO: I have a motion. Can I get a
14 second.

15 COMMISSIONER ALLEN: Mike Allen. Second.

16 CHAIRMAN SOTO: I have a motion and second. All
17 those in favor, say aye.

18 (All Commissioners say Aye.)

19 CHAIRMAN SOTO: Opposed? Motion carries
20 unanimously. Item Number 15, public comments. The Commission
21 may not take action on any matter considered under this item
22 until the matter is specifically included on an agenda as an
23 action item. Do we have anyone in the public who would like to
24 make a comment? Thank you. We have no public comment. Item
25 Number 16, discussion, public comment, and for possible action,

1 scheduling an upcoming Commission meeting. Turning it over to
2 Mr. Sherlock.

3 MR. SHERLOCK: Thank you, Mr. Chairman. Mike
4 Sherlock for the record. We've been working with the Nevada
5 sheriffs and chiefs trying to coordinate our next meeting to
6 have that in conjunction with the annual conference in Las Vegas
7 in November. So at this point, it looks like we will have the
8 meeting November 9th at 4 p.m. at the South Point Hotel.
9 Obviously, if there's any changes, Staff will reach out to you.
10 But we are optimistic that we'll be able to have that meeting in
11 November down in Las Vegas.

12 CHAIRMAN SOTO: Okay. Thank you. I am looking
13 for a motion to accept the next meeting date of November 9th at
14 4 p.m. South Point Hotel. Can I get a motion?

15 COMMISSIONER ALLEN: Mike Allen. So moved.

16 COMMISSIONER SHEA: Tim Shea. I'll make a
17 motion.

18 CHAIRMAN SOTO: I have a motion and a second.
19 All those in favor, say aye.

20 (All Commissioners say Aye.)

21 CHAIRMAN SOTO: Opposed? Motion carries
22 unanimously. Finally, Item Number 17, adjournment. I'm looking
23 for a motion to adjourn.

24 COMMISSIONER ALLEN: So moved.

25 COMMISSIONER MCKINNEY: So moved.

1 CHAIRMAN SOTO: All right. Thank you,
2 everybody, for being here. I appreciate it. It is nice to get
3 back together, and we got a lot of our business taken care of.

4 MR. SHERLOCK: Yeah. Thank you, guys. Thank
5 you for calling in down south, guys. Appreciate it.

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