

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 November 17, 2020 commencing at 10:00 A.M. at 5587 Wa Pai
7 Shone Avenue, Carson City, Nevada.

8
9 COMMISSIONERS:

10 Jason Soto, Chairman

11 Kevin McKinney

12 Kelly McMahill

13 Michael Allen

14 Tim Shea

15 George Togliatti

16 Tyler Trouten

17 STAFF:

18 Kathy Floyd, POST F

19 Mike Jensen, Attorney General's Office

20 Mike Sherlock, POST F

21 ATTENDEES:

22 Adam Tippets

23
24
25 TRANSCRIBED BY: Marsha Steverman-Meech

INDEX	
ITEM:	PAGE:
I. WORKSHOP	
1. Call to order	4
2. Roll call of Commission Members	5
3. The Commission to consider possible revisions to NAC289.140, Minimum Standards of Training for Category I Peace Officers to add "The DWI Detection and Standardized Field Sobriety Testing and Advanced Roadside Impaired Driving Enforcement courses approved by the National Highway Traffic Safety Administration."	7
4. Public comment	8
II. REGULARLY SCHEDULED MEETING AGENDA ITEMS	
1. Approval of minutes from the August 13, 2020 regularly scheduled POST Commission meeting	11
2. Executive Director's Report	13
A. Training	13
B. Standards	13
C. Administration	13
3. The Commission to decide whether to continue the rulemaking process to amend NAC289.140 to add "The DWI Detection and Standardized Field Sobriety Testing and Advanced Roadside Impaired Driving Enforcement courses approved by the National Highway Traffic Safety Administration."	

	INDEX CONTINUED	18
1		
2	4. Hearing pursuant to NAC289.290 Subsection (1) (g) on the	
3	revocation of Gary R. Erickson, formally of the Mesquite	
4	Police Department, certifications based upon a felony	
5	conviction	20
6	5. Hearing pursuant to NAC289.290, Subsection (1) (g) on	
7	the revocation of Aaron M. Winder, formally of the	
8	Department of Health and Human Services Division of	
9	Public Behavioral Health, certification based on felony	
10	convictions	24
11	6. Request from the city of Las Vegas Department of Public	
12	Safety for their employee Deputy Chief Rhonda Adams for	
13	an Executive Certificate	29
14	7. Request from the Las Vegas Metropolitan Police	
15	Department for their employee Assistant Sheriff	
16	Christopher C. Jones for an Executive Certificate	30
17	8. Request from the Nye County Sheriff's office for their	
18	employee Captain David Boruchowitz for an Executive	
19	Certificate	31
20	9. Request from the Rural Justice Courts requesting a 6-	
21	month extension pursuant to NRS289.550 for their	
22	employee Aaron Starns to meet certification requirements	39
23	10. Request from Carson City Sheriff's office for a 6-month	
24	extension pursuant to NRS289.550 for their employee	
25	Bethany Wurster to meet certification requirements	41

INDEX CONTINUED

1		
2	11. Request from Carson City Sheriff's office for a 6-month	
3	extension pursuant to NRS289.550 for their employee	
4	Kendall Murphy to meet certification requirements	42
5	12. Request from Southern Nevada Adult Mental Health	
6	Services for a 6-month extension pursuant to NRS289.550	
7	for their employee Ghade Brooks to meet certification	
8	requirements	44
9	13. Request from Southern Nevada Adult Mental Health	
10	Services for a 6-month extension pursuant to NRS289.550	
11	for their employee Jeanette Cabagua to meet	
12	certification requirements	45
13	14. Request from Southern Nevada Adult Mental Health	
14	Services for a 6-month extension pursuant to NRS289.550	
15	for their employee Miranda Barnes to meet certification	
16	requirements	46
17	15. Request from Southern Nevada Adult Mental Health	
18	Services for a 6-month extension pursuant to NRS289.550	
19	for their employee Juan A. Molina to meet certification	
20	requirements	47
21	16. Public Comments	48
22	17. Schedule Upcoming Commission Meeting	48
23	18. Adjournment	51
24		

1 PROCEEDINGS

2 CHAIRMAN SOTO: Good morning everybody. We'll
3 call this meeting to order. This is Chief Jason Soto, Reno
4 Police Department, and the POST Commission Meeting and Workshop
5 is November 17, 2020, and it's 1002 hours. Again, for the
6 record, this is Chief Jason Soto, POST Chairman. I'll turn this
7 over to Kathy Floyd on postings and open meeting law.

8 CHIEF FLOYD: The public comment or -- I'm
9 sorry, the workshop, the regularly scheduled meeting notices are
10 posted at the POST Administrative Building in Carson City, the
11 Carson City Sheriff's Office, Las Vegas Metro Police Department,
12 and the White Pine County Sheriff's Office in Ely. An email to
13 all agency point of contacts and agency administrators on the
14 POST listserve. Other's notices have been posted electronically
15 on the post website, postnv.gov, and the Nevada public notice
16 website as noted on nv.gov.

17 CHAIRMAN SOTO: Okay, thank you. I'm going to
18 ask everybody that's on the phone to mute your phone that's not
19 speaking. We're getting a lot of background noise from
20 somebody. I'm going to start off with roll call. I'll start
21 with myself, Jason Soto, Reno PD. I'm going to move around the
22 room, and then I'll go through those on the phone line.

23 COMMISSIONER ALLEN: Humboldt County Sheriff
24 Mike Allen. Elko PD Chief Ty Trouten.

1 MR. JENSEN: Mike Jensen, Attorney General's
2 office.

3 MR. SHERLOCK: Mike Sherlock from POST.

4 CHIEF FLOYD: Kathy Floyd from POST.

5 CHAIRMAN SOTO: Okay, now I'm going to move to
6 the phone and be kind of tricky, but I guess we'll just try and
7 do it one at a time. Do we have Togliatti on the phone?

8 COMMISSIONER TOGLIATTI: I'm here.

9 CHAIRMAN SOTO: Okay. How about Tim Shea?

10 COMMISSIONER SHEA: Yeah, I'm here.

11 CHAIRMAN SOTO: Kevin McKinney?

12 COMMISSIONER MCKINNEY: I'm here.

13 CHAIRMAN SOTO: Adam Tippets?

14 LIEUTENANT TIPPETS: I'm here.

15 CHIEF FLOYD: Kelly McMahill. Kelly McMahill.

16 CHAIRMAN SOTO: Kelly McMahill?

17 COMMISSIONER MCMAHILL: Kelly McMahill. I'm
18 here.

19 CHAIRMAN SOTO: Okay. I think that's it. Did I
20 miss anybody? All right. Thank you very much. Thanks for
21 being here. We're going to begin with the workshop. The
22 purpose of this workshop is to solicit comments from interested
23 persons on the following general topics that may be addressed in
24 the proposed regulations. A workshop has been previously
25 noticed pursuant to the requirements within NRS Chapter 233B,

1 Subsection A, the Commission to discuss revisions to NAC289.140,
2 Minimum Standard of Training for Category I Peace Officers to
3 add "The DWI Detection and Standardized Field Sobriety Testing
4 and Advanced Roadside Impaired Driving Enforcement courses
5 approved by the National Highway Traffic Safety Administration."
6 I'm going to turn this over to Mike Sherlock for an explanation.

7 MR. SHERLOCK: Thank you, Mr. Chairman. Mike
8 Sherlock for the record. As all of you know, with the
9 decriminalization of recreational use of marijuana, there's been
10 some concern over what the Commission mandates as it relates to
11 basic training and impaired driving. After staff met with the
12 administrator of the office of traffic safety, we discovered
13 that there was a push on the legislative side to mandate
14 specific DUI training via the NRS. We agreed that -- you know,
15 as we've learned over history that that's probably not the most
16 efficient way of dealing with some of these training issues and
17 it was suggested that the Commission take a look at the NAC as
18 it relates to basic training and DUI requirements and felt that
19 that was more efficient and a flexible way of ensuring that the
20 training needed is met. So with this workshop, we're looking at
21 the possibility of adding ARIDE to the current DUI SFST
22 requirements and our basic training requirements. I would
23 simply say that most of our academies have already embraced
24 this. They already include ARIDE in many of them. There is a
25 huge overlap in current curriculum with SFST and the current

1 ARIDE curriculum. So taking a look just at the POST Academy for
2 us to include the ARIDE curriculum would add about eight hours
3 to our Academy, but we would absorb that it wouldn't change the
4 total number of hours so it's not a big change from our
5 perspective. So we would not be opposed to and would actually
6 recommend that we update our NACs to correct that. After you
7 receive comments, Mr. Chairman, I do have some public comment
8 that was sent to us in a written form that has been asked for me
9 to read into the record and I can do that once we get to public
10 comment on this workshop.

11 CHAIRMAN SOTO: Do we have any questions or
12 comments from any of our commissioners? Okay. Any public
13 comment on the issue? (Inaudible) workshop --

14 MR. SHERLOCK: I'm sorry, Mr. Chairman, I do
15 have -- I will, maybe at this point, add the public comment. It
16 might show up for the record. This is a memorandum received
17 yesterday from Amy Davey (phonetic), who is the administrator of
18 the Office of Traffic Safety, actually right down the street,
19 and she would -- I'd like this entered into the record and have
20 the Commission consider this as we move forward hopefully in the
21 regular agenda. So the following brief points are offered in
22 support of amending NAC289.140, Subsections 2-I, to make the
23 NHTSA (phonetic) 16-hour advanced roadside impaired driving
24 ARIDE course incorporated into required Category 1 curriculum
25 for sworn peace officers in the state of Nevada, and a few

1 bullet points here: in 2017, use and possession of recreational
2 cannabis became legal in Nevada for adults age 21 and over;
3 prior to 2017, the National Highway Traffic Safety
4 Administration has pointed out cannabis was the most widely used
5 drug in the United States by persons over the age of 12;
6 cannabis use has increased dramatically with legalization;
7 Colorado legalized recreational cannabis in 2012; between the
8 time of legalization became effective and through 2017, adult
9 cannabis use increased by 45 percent; and cannabis-related
10 traffic deaths increased by 151 percent, driving up the total
11 Colorado traffic deaths up by 35 percent. The HIDA Study -- and
12 sorry, this came from the HIDA study of legalization of
13 marijuana and Colorado and its impact. Systematic systemic
14 issues surrounding tracking of drug-impaired driving cases as
15 compared to alcohol-impaired driving cases make it difficult for
16 Nevada to have accurate numbers on this point but anecdotally,
17 the Henderson crime lab, a privately funded lab, has reported
18 that over 60 percent of its toxicology testing of drivers with a
19 BAC of 0.08 or more also have impairing drugs in their blood.
20 The two publicly funded labs, Las Vegas Metro and Washoe County,
21 are unable to routinely run similar toxicology testing for blood
22 samples with BAC over .08 due to limited resources coupled with
23 demand approximately 30 percent of Nevada's total roadway
24 fatalities involve an alcohol-impaired driver. This number
25 rises to over 49 percent when impairment by drugs. Cannabis

1 impairs a person's abilities to safely operate a motor vehicle,
2 including substantial impairment in cognitive functions,
3 particularly with occasional users and, you know, does result in
4 crashes. A Meta study of epidemiological crash studies showed
5 that cannabis used by drivers resulted in close to a near 100-
6 percent increased risk of being involved in a fatal crash. The
7 standardized field sobriety tests, when used in conjunction with
8 ARIDE, provide the law enforcement officer with more accurate
9 impairment indicators than the FSSTs (SIC) alone. SFSTs are
10 valid screening tools for law enforcement officers to detect
11 impairment from drugs in four categories tested, including
12 stimulus, depressants, narcotics, analgesics, and cannabis
13 although the impairment indicators differ from those seen in
14 persons impaired by alcohol. In response to the legalization of
15 cannabis, the increase in cannabis-impaired driving, and the
16 data that cannabis does impair a person's ability to safely
17 operate a vehicle, NHTSA recommends increased training to law
18 enforcement officers, including ARIDE training, to improve
19 public safety. Currently Nevada Department of Public Safety
20 incorporates ARIDE into its Category 1 required training for
21 Nevada highway patrol troopers, and Washoe County Sheriff's
22 office requires ARIDE as a prerequisite for all deputies
23 anticipating a patrol assignment. ARIDE is a 16-hour NHTSA
24 course, but the first eight hours consist entirely of a
25 review of SFST training. The current basic NHTSA DWI detection

1 course has a four-hour period of instruction followed by SFST
2 training that is entitled An Introduction to Drug Driving and
3 it's essentially an introduction to ARIDE because the first
4 eight hours ARIDE course will have already been taught to the
5 cadets and because of the four hours of introduction to drug
6 driving would be replaced with the eight hours of drug driving
7 detection training in the ARIDE curriculum. The incorporation
8 of ARIDE into category training would result in a net increase
9 of only four hours. A net increase of four hours of drug-
10 driving detection training is a relatively small cost compared
11 to the positive impact on public safety by having better-trained
12 law enforcement officers on Nevada highways, and that comprises
13 the written comments that were received by OTS, and the only
14 written comments that we received.

15 CHAIRMAN SOTO: Do we have any other public
16 comments? All right. We'll go ahead and close the workshop and
17 we'll begin our regularly scheduled meeting. Workshop's now
18 closed. We're going to begin our regularly scheduled meeting.
19 Can I remind everybody on the phone if you're not talking to hit
20 mute. We're still getting some background noise from somebody
21 on the telephone. Okay. Item number one, discussion public
22 comment, and for possible action, approval of minutes from the
23 August 13, 2020 regularly scheduled POST Commission Meeting.
24 Comments from commissioners on this?

1 COMMISSIONER SHEA: Yeah, I think -- this is Tim
2 Shea here, sorry. I think in the -- on the list of people in
3 the attendance as commissioners, I don't think we're all listed
4 there.

5 MR. SHERLOCK: Mike Sherlock for the record. We
6 can check that in the minutes, but we'll --

7 COMMISSIONER SHEA: Yeah, the minutes, I think -
8 - cause if you look at the comments, people commenting and the
9 people on the list, they're -- not all the names are there.

10 MR. SHERLOCK: Okay. I appreciate that.

11 COMMISSIONER SHEA: Sure.

12 CHAIRMAN SOTO: Any other comments from
13 commissioners? Any public comment? Okay. Seeing as though
14 there is none, I'm looking for a motion to approve the minutes.

15 COMMISSIONER ALLEN: I'll make a motion.

16 CHAIRMAN SOTO: A motion from Sheriff Allen.

17 Second?

18 COMMISSIONER TROUTEN: Tyler Trouten. Second.

19 CHAIRMAN SOTO: Second? Motion and second. All
20 those in favor, say aye. Aye.

21 COMMISSIONER ALLEN: Aye.

22 COMMISSIONER MCKINNEY: Aye.

23 COMMISSIONER MCMAHILL: Aye.

24 COMMISSIONER SHEA: Aye.

25 COMMISSIONER TOGLIATTI: Aye.

1 COMMISSIONER TROUTEN: Aye.

2 CHAIRMAN SOTO: Any opposed? Motion carries
3 unanimously. Item number 2, Executive Director Report. I'm
4 going to turn this over to Mike Sherlock for the report.

5 MR. SHERLOCK: Thank you, Mr. Chairman. Mike
6 Sherlock for the record. I'll make this quick. Real quick,
7 training division, the Academy just graduated last week. We are
8 currently testing for a new academy commander. The next academy
9 will start the end of January, and if we had to guess, we would
10 expect a full class for January. In the standards of the
11 division, we continue to get some questions related to AB478,
12 but I think most have figured it out now. We'll continue to
13 look at what POST's role is in providing some of that training
14 as we move forward. We are dealing with and processing the
15 recent executive order down from the federal government, which
16 requires all agencies who receive cops funds, discretionary
17 funds, cops grants, DOJ grants to require POST to certify that
18 their use-of-force policy meets legal standards and includes the
19 prohibition of choke holds except in deadly force situations.
20 So we have a process in place. Agencies this go-around can
21 essentially self-certify by sending us a letter that says they
22 meet those standards. We put that out to agencies now to
23 everyone, and there -- we -- there's some steps that POST has to
24 do in addition to that. We have a spreadsheet that requires
25 certain information that we have to also provide the US attorney

1 -- or DOJ. But suffice to say we're on it, we'll have it done,
2 we have a plan in place to get it done by January 31st. We
3 certainly don't want to jeopardize anybody's ability to receive
4 grant cops money and that kind of thing. So we're on it and it
5 is -- it's out there and we've put it out there to everyone we
6 can. We continue to look at our budget for the next biennium.
7 As you can imagine, the -- the mood isn't great. From that
8 standpoint, we're hopeful we'll get some support. On the issue
9 of COVID-19 type stuff, we did get an OSHA complaint. Some of
10 you heard me mention we believe it was related to our
11 graduation. Again, we believe we were in compliance with the
12 governor's emergency order so we're dealing with that, and I'll
13 leave it short and call it at that point, Mr. Chairman.

14 CHAIRMAN SOTO: Thank you, Mike, and just a
15 quick question. For this next academy, does look like it's a
16 full class. What is a full class in terms of numbers of?

17 MR. SHERLOCK: Our capacity is generally 32.
18 Now we'll go up to 36 because we do allow -- we are doing CAT3-
19 type training, and so they're shorter-lived in our academy, we
20 can handle that, but our CAT1, CAT2 capacity is 32.

21 CHAIRMAN SOTO: And I just bring that up because
22 we also discussed -- or you also discussed budget. I know I've
23 been talking about this now for a good year and a half, two
24 years in terms of taking a look at the budget and the importance
25 of budget, especially in today's day and age, in training our

1 officers and getting them up to the standards and the
2 expectations that come out of the last legislative session. I
3 think it's imperative that we take a look at our POST budget,
4 this Commission's budget, and this Academy's budget moving
5 forward so that we can continue to turn out the best recruits
6 for this profession. So that's the note that I have on that.
7 Do we have any comments from any other commissioners or
8 questions?

9 COMMISSIONER ALLEN: Sheriff, Mike Allen here.
10 (Inaudible.) Mr. Sherlock, (inaudible), how long is the state
11 academy?

12 MR. SHERLOCK: Mike Sherlock for the record. We
13 are 620 hours, approximately 17 weeks. That can change with
14 holidays, but it varies between 16 and 17 weeks right now.

15 COMMISSIONER ALLEN: And how long is
16 (inaudible)?

17 MR. SHERLOCK: Yeah. We -- Mike Sherlock for
18 the record. We look at that quite often, want to maintain an
19 industry standard as -- in terms of the academies and training
20 and the amount of training in addition to quality, but we're not
21 the shortest academy, but we're in the average.

22 COMMISSIONER ALLEN: And then Metro's on the
23 phone as well, right.

24 COMMISSIONER MCMAHILL: Yes, sir. Kelly
25 McMahill here. I have a hard time hearing you.

1 COMMISSIONER ALLEN: (Inaudible.) Kelly, this
2 is Sheriff Mike Allen. How long is your academy?

3 COMMISSIONER MCMAHILL: Our academy is six
4 months long unless they start -- academy classes just started
5 over the holidays to -- close to seven months.

6 COMMISSIONER ALLEN: Is that (inaudible) curious
7 (inaudible).

8 MR. SHERLOCK: Mike Sherlock for the record, and
9 just because we track this, I think, Metro, you're about at
10 1,000 hours right now, if I remember right, something like that,
11 and so in comparison where it's 600 and whatever we are right
12 now, 620.

13 COMMISSIONER ALLEN: Yeah, (inaudible), like,
14 FTO programs all the way to the academy (inaudible) prior to
15 (inaudible).

16 CHIEF SOTO: Well, and this is for -- this is
17 for the record, after the academy of eighteen weeks, you got an
18 in-house academy, which is another three to four weeks. Where
19 you teach each specific (inaudible) policy and procedures they
20 might not get in an academy setting. Then you're adding on
21 another three weeks, and I've seen a lot of agencies do that.
22 After they get them through their POST standards they'll go
23 ahead and do in house training at their agency in what they
24 want.

1 CHAIRMAN SOTO: Thank you. Any other questions
2 or comments?

3 COMMISSIONER ALLEN: Mike -- Mike Allen for the
4 record. Curiosity on what are the (inaudible) back for this to
5 arrive in the next few weeks? Is it funding, is it personnel?
6 What are the (inaudible) factors in whatever you mentioned in
7 this academy that's (inaudible)?

8 MR. SHERLOCK: Mike Sherlock for the record. So
9 again, when we -- when we evaluate, you know, the quality and
10 quantity of training, we look again at the industry standard,
11 what's going on across the country, and budget does play a small
12 part in it for us and also those we serve, play a big part in
13 that, right, so we get it from both sides. So we know we need
14 more training, but we know that you need bodies in the field and
15 so it's a constant struggle to meet that. Now, when you talk
16 about Metro, yes, a lot of their hours are agency-specific hours
17 so I would say from a POST perspective, we're not missing
18 anything. We clearly meet the minimum standard that's
19 established by the Commission and -- and go way above that
20 obviously, but the things that we're not doing is your agency-
21 specific policy, as the chief spoke about, bringing them back
22 and so those are the only things that we wouldn't do. We have
23 to work from a more generic perspective that applies to the
24 entire state, not necessarily to help Elko PD or Humboldt so. I
25 would say we don't miss anything other than the agency-specific

1 policy-related training that you may want, but otherwise we
2 cover everything.

3 COMMISSIONER MCMAHILL: Mr. Chairman, this is
4 McMahonill. I'd just like to add that he's correct. Over half of
5 the hours that we teach are agency-specific and not POST
6 specific.

7 CHAIRMAN SOTO: Okay. Do we have any other
8 comments from any of our commissioners or questions on the
9 executive director report? Thank you. Seeing as there --
10 there's none, we're going to move on to item number 3, which is
11 discussion, public comment and for possible action, the
12 Commission to consider -- to consider continuing the rule making
13 process to amend NAC289.140 to add "The DWI Detection and
14 Standardized Field Sobriety Testing and Advanced Roadside
15 Impaired Driving Enforcement courses approved by the National
16 Highway Traffic Safety Administration." And I will once again
17 turn it over to Mr. Sherlock.

18 MR. SHERLOCK: Again, thank you Mr. Chairman.
19 Mike Sherlock for the record. I would just simply add on this
20 should the Commission vote to move forward on the regulation
21 changes, from a practical standpoint what that would mean is we
22 would send this to LCB as we normally do with regulations and
23 hopefully it would come back to you in the February meeting for
24 final approval. I can tell you that from -- just from a
25 implementation standpoint for us, if that's the intent of the

1 Commission, we would immediately add it to our curriculum to
2 make sure that we cover it beginning in our next academy, which
3 is January. And again, I don't think it's a big issue for the
4 other academies, whether it's Metro or even your academy, Chief.
5 You guys already do this so it's not a big a burden in my
6 opinion from what we've seen across the state in terms of
7 academies, but we would add that to our academy but it would not
8 lengthen our academy, and that's how the process would work.

9 CHAIRMAN SOTO: Do we have any comments or
10 questions from any of our commissioners on this? Any public
11 comments? Okay. Seeing as though there's none, I'm looking for
12 a motion to continue this -- the rulemaking process.

13 COMMISSIONER TROUTEN: Tyler Trouten for the
14 record. I make the motion to continue the rule-making process
15 and (inaudible).

16 CHAIRMAN SOTO: Have a motion, looking for a
17 second.

18 COMMISSIONER ALLEN: Mike Allen, I'll second.

19 CHAIRMAN SOTO: Motion and second. All those in
20 favor, say aye. Aye.

21 COMMISSIONER ALLEN: Aye.

22 COMMISSIONER MCKINNEY: Aye.

23 COMMISSIONER MCMAHILL: Aye.

24 COMMISSIONER SHEA: Aye.

25 COMMISSIONER TOGLIATTI: Aye.

1 COMMISSIONER TROUTEN: Aye.

2 CHAIRMAN SOTO: Opposed? Motion carries
3 unanimously. Next item, item number 4, discussion, public
4 comment, and for possible action, hearing pursuant to NAC289.290
5 Subsection (1)(g) on the revocation of Gary R. Erickson,
6 formally of the Mesquite Police Department, certifications based
7 upon a felony conviction. Going to turn this over to Mike
8 Jensen to begin here.

9 MR. JENSEN: Thank you, Mr. Chairman, Mike
10 Jensen for the record. This is the first of two revocation
11 hearings slated for this morning. Just for purpose of the
12 record, I would set out that the (inaudible) -- for purposes of
13 the record, I would set out the authority for this hearing
14 NRS289.510 provides that the Commission has the authority to
15 adopt regulations that establish minimum standards for
16 certification and de-certification of officers. NAC289.290
17 establishes the cause for -- the causes for the Commission to
18 revoke, refuse, or suspend the certificate of a peace officer.
19 This hearing is proceeding under section (1)(g), which mandates
20 that the certificate of an officer shall be revoked upon
21 conviction or injury of three -- of guilty, guilty but mentally
22 ill, or Nolo Contendere to a felony. The exhibits that I would
23 present to the Commission this morning to make your decision on
24 this revocation are set out in your different books, but I would
25 go through those real briefly for purposes of the hearing.

1 Exhibit A is our notice of intent to revoke that we send out to
2 the individual to give them notice of this hearing today to let
3 them know the conviction or the entry of plea of guilty, that
4 the action would be based on the scope of this hearing and the
5 date, time, and of course the place of the hearing. This shows
6 that that was -- that this particular notice was sent to Mr.
7 Erickson. Exhibit B is the declaration of service showing that
8 he was personally served with the notice October the 20th, 2020
9 so that we've met the requirements, both of the interest public
10 -- the public meeting requirements, the open meeting
11 requirements, and the POST requirements for notice when it
12 involves the revocation or suspension of a certificate. Exhibit
13 C is the personnel action report indicating that Mr. Erickson's
14 peace-officer employment was terminated in September of 2018 and
15 informing the Commission that there had been arrest for four
16 counts of sexual exploitations of minor in Utah could lead to
17 the revocation of his certificate. Exhibit D is the basic
18 certificate for Mr. Erickson, the Category I, which is the
19 subject of the potential revocation this morning. He also has a
20 basic certificate in Category II and Category III, which are the
21 exhibits E and F. Exhibit G is the letter from the agency
22 giving the required notice to POST that there was a potential
23 arrest for a crime that could lead to revocation of Mr.
24 Erickson's POST certification. Exhibit H is -- we're getting
25 into the criminal documents at this point. This is the criminal

1 information, the charging document for Mr. Erickson. This case
2 was in the United States District Court of the federal court
3 system. This information shows that he was charged with one
4 count of travel with intent to engage in illicit sexual conduct
5 that occurred on or about August 3rd, 2018 and alleges that he
6 did travel in interstate commerce for the purpose of engaging in
7 any illicit sexual conduct as defined in the United States code
8 with another person, to wit a 15-year-old male in violation of a
9 federal statute. That -- the document's dated May 13, 2019, and
10 this is a certified copy of that document. Exhibit I is the --
11 what we in the state system would call a guilty plea agreement.
12 In the federal system it's called a statement by defendant
13 advance of plea of guilty and guilty plea pursuant to federal
14 rule of criminal procedure. It indicates that Mr. Erickson has
15 agreed to plead guilty to that one count that was described in
16 the criminal information. Finally, Exhibit J is the document
17 that shows that there is actually a conviction for Mr. Erickson
18 for the one felony count to travel with intent to engage in
19 illicit sexual conduct, and that document and the date of
20 imposition of judgment is May 15th of 2020. It also indicates
21 that Mr. Erickson was sentenced to a term of imprisonment in the
22 federal prison of 60 months as part of the sentence. I would
23 ask that those exhibits be admitted into the record and be part
24 of the record for any action the Commission may take this
25 morning. Just as a close, some closing remarks on this: this

1 evidence shows that in fact Mr. Erickson was convicted of a
2 felony and under your regulations, it provides his certificate
3 shall be revoked for that type of conviction. In addition to
4 this, it's -- this conviction involved serious felony conduct
5 that involved a minor child and involves those that are most
6 vulnerable in our society, certainly (inaudible) is a violation
7 of the public trust that we placed in our -- our peace officers
8 and would recommend that Mr. Erickson's certification be
9 revoked.

10 CHAIRMAN SOTO: Thank you. So admitted, Mr.
11 Jensen. Do we have any comments or questions from
12 commissioners? Any public comments? Okay, I'm looking for a
13 motion to revoke or not Mr. Erickson -- Mr. Gary R. Erickson's
14 Category I basic certificate.

15 MR. JENSEN: That would be, I think, all three
16 (inaudible).

17 CHAIRMAN SOTO: All three of the certificates.
18 Revoke all three of the certificates. Excuse me.

19 COMMISSIONER TROUTEN: Tyler Trouten for the
20 record. Make a motion that we revoke all three certificates for
21 Gary R. Erickson.

22 CHAIRMAN SOTO: We have a motion from Trouten.
23 Do I have a second?

24 COMMISSIONER ALLEN: Mike Allen. I'll second.

1 CHAIRMAN SOTO: Have a motion in a second. All
2 those in favor, say aye. Aye.

3 COMMISSIONER ALLEN: Aye.

4 COMMISSIONER MCKINNEY: Aye.

5 COMMISSIONER MCMAHILL: Aye.

6 COMMISSIONER SHEA: Aye.

7 COMMISSIONER TOGLIATTI: Aye.

8 COMMISSIONER TROUTEN: Aye.

9 CHAIRMAN SOTO: Any opposed? Motion carries
10 unanimously. Item number 5, discussion, public comment as a
11 possible action hearing pursuant to NAC289.290, Subsection
12 (1)(g) on the revocation of Aaron M. Winder, formally of the
13 Department of Health and Human Services Division of Public
14 Behavioral Health, certification based on felony convictions.
15 Again, I'm going to turn it over to Deputy AG Mike Jensen.

16 MR. JENSEN: Okay, Mr. Chairman. Rather than
17 putting all of the information about the authority for this
18 hearing on the record again, I would just restate the statute in
19 the NAC that the Commission would be proceeding under NRS289.510
20 and NAC289.290, specifically again Section (1)(g) mandates
21 revocation upon conviction or entry of a plea of guilty to a
22 felony. Again, just real briefly go through the exhibits for
23 the information to the Commission before taking any action.
24 Exhibit A, again, is the notice of intent that was sent to Mr.
25 Winder, again indicating that the criminal plea and/or condition

1 upon which any action would be based, the date, time, and
2 location of this proceeding, his ability to appear, and
3 (inaudible) provide any evidence that he would like to in
4 opposition to any action might be taken and was, per Exhibit C,
5 served on October 13th of 2020 personally. So the notice
6 requirements, both the NRS and the Commission's requirements for
7 notification under NRS and NAC have been satisfied. Exhibit C
8 (inaudible) POST certificate, that the subject of the hearing,
9 this is a Category III POST certificate for Mr. Winder. Exhibit
10 D is the personnel action report that shows that this peace
11 officer employment was terminated effective November 6th of
12 2018. Exhibits E and F are correspondence to the Commission
13 from the employer, indicating that Mr. Winder had been charged
14 with -- arrested and charged with 23 felony counts of child
15 abuse, neglect, and endangerment that could form the basis for
16 revocation of this action. The employer was satisfying the
17 requirements that they notify the POST Commission when such an
18 arrest occurs. With the -- starting with Exhibit F are the
19 criminal documents beginning with the original criminal
20 information in this case filed in Clark County, in state court,
21 which shows 23 counts against Mr. Winder of child abuse,
22 neglect, and endangerment, and you can see looking at those what
23 the factual basis for the original charges were. We move onto
24 Exhibit G, which is the amended information. This shows two
25 counts of child abuse, neglect, or endangerment. Specifically

1 the actual allegation of these counts is that -- so Mr. Winder
2 did willfully, unlawfully, and feloniously cause a child under
3 the age of 18 years, to wit, and they used the initials of the
4 individual because they're under age, D.M. being approximately
5 seven years of age to suffer unjustifiable physical pain or
6 mental suffering -- suffering as a result of abuse or neglect;
7 to wit, physical injury of a non-accident -- non-accidental
8 nature and for negligent treatment or maltreatment and/or
9 causing D.M. to be placed in a situation where he might've
10 suffered unjustifiable physical and/or mental suffering as a
11 result of abuse or neglect; to wit, physical injury of a non-
12 accidental nature and/or negligent treatment or maltreatment by
13 hitting and/or striking D.M. with a belt and/or by leaving
14 unsecured firearms where they were readily accessible to D.M.,
15 and that document was filed on August 6th of 2019 in conjunction
16 with the next document, which is that the guilty-plea agreement
17 for Mr. Winder is that he agreed to plead guilty to those two
18 counts of child abuse, neglect, or endangerment, Category B
19 felonies in violation of NRS 200.508, Section 1. In this
20 particular case, point out a couple of things in Exhibit I.
21 Those are the minutes of the court. On the last page of Exhibit
22 I, you'll see that there was correspondence with the court
23 attempting to get a certified copy of the actual judgment of
24 conviction in this case. The court has indicated that per this
25 document and telephone conversations, there was not a judgment

1 of conviction in this case but that the court minutes contain
2 the information about the sentencing of Mr. Winder. If you go
3 back a page or two from there, you'll see that on August 4th of
4 2020, a sentencing occurred for Mr. Winder at which he was
5 judged guilty and a conviction was entered for count 1 and 2,
6 the child abuse or neglect or -- or endangerment, and a sentence
7 was entered. Specifically he was sentenced to 60 months maximum
8 and 24 months minimum in the department of correction -- Nevada
9 Department of Corrections on each count to run consecutive and
10 he was -- that sentence was suspended. He was placed on
11 probation, I want to say a term of five years, with specific
12 standards, conditions, special conditions that are set out there
13 in the minutes. We would ask that those exhibits be admitted
14 into the record in support of any action the Commission may take
15 this morning. Just a few final comments on this one as well.
16 This shows -- the evidence shows that Mr. Winder has been
17 convicted of two felony counts of a -- of child abuse, neglect,
18 or endangerment. Again, the Commission's regulations provide
19 for a mandatory revocation when that occurs, both the plea and
20 the conviction, or the felony has occurred in this case and
21 again, we have a situation where a peace officer was engaged in
22 conduct that's a serious felony conduct involving a minor child.
23 Again, the most vulnerable that we have in our society
24 (inaudible). It's recommended to the Commission that Mr.
25 Winder's certification be revoked.

1 CHAIRMAN SOTO: Thank you, Mr. Jensen. So
2 admitted. Do we have any comments from any of our commissioners
3 or questions? Any public comments or comments? Seeing as
4 though there's none, I'm asking for a motion to revoke Mr. Aaron
5 M. Winder's POST certificate.

6 COMMISSIONER ALLEN: Mike Allen. I'll make a
7 motion to revoke Aaron M. Winder's POST certificate.

8 CHAIRMAN SOTO: Second?

9 COMMISSIONER TROUTEN: Tyler Trouten. Second.

10 CHAIRMAN SOTO: Motion and second. All those in
11 favor, say aye. Aye.

12 COMMISSIONER ALLEN: Aye.

13 COMMISSIONER MCKINNEY: Aye.

14 COMMISSIONER MCMAHILL: Aye.

15 COMMISSIONER SHEA: Aye.

16 COMMISSIONER TOGLIATTI: Aye.

17 COMMISSIONER TROUTEN: Aye.

18 CHAIRMAN SOTO: Opposed? Motion carries
19 unanimously. Item number 6, discussion, public comment, again
20 for possible action, request from the city of Las Vegas
21 Department of Public Safety for their employee, Deputy Chief
22 Rhonda Adams for an Executive Certificate. Turn it over to Mr.
23 Sherlock.

24 MR. SHERLOCK: Thank you, Mr. Chairman. Mike
25 Sherlock for the record. Staff reviewed the application for an

1 executive certificate for Deputy Chief Rhonda Adams and find she
2 meets the requirements for that certificate, and staff
3 recommends Deputy Chief Adams for the executive certificate. I
4 believe Deputy Chief Adams is with us on the phone also, just
5 for your information. Staff recommends the issuance of this
6 certificate.

7 CHAIRMAN SOTO: Any comments from any of our
8 commissioners? Any public comments? All right. I'm looking
9 for a motion regarding the executive certificate for Deputy
10 Chief Adams.

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

13 CHAIRMAN SOTO: I have a motion. Do I hear a
14 second?

15 COMMISSIONER TROUTEN: Tyler Trouten, second.

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

18 COMMISSIONER ALLEN: Aye.

19 COMMISSIONER MCKINNEY: Aye.

20 COMMISSIONER MCMAHILL: Aye.

21 COMMISSIONER SHEA: Aye.

22 COMMISSIONER TOGLIATTI: Aye.

23 COMMISSIONER TROUTEN: Aye.

24 CHAIRMAN SOTO: Motion carries unanimously.

25 Congratulations, Ms. Adams. Item number 7, discussion, public

1 comment, and for possible action, a request from the Las Vegas
2 Metropolitan Police Department for their employee Assistant
3 Sheriff Christopher C. Jones for an Executive Certificate, and I
4 will turn it over to Mr. Sherlock.

5 MR. SHERLOCK: Again, Mike Sherlock for the
6 record. Staff reviewed the application for an executive
7 certificate for Assistant Sheriff Jones and find that Assistant
8 Sheriff Jones meets the requirements for the executive
9 certificate and staff would recommend the issuance of that
10 certificate.

11 CHAIRMAN SOTO: Thank you, (inaudible). Have we
12 got any comments from any of our commissioners? Any public
13 comments? Seeing as that there's none, looking for a motion
14 regarding the executive certificate for Assistant Sheriff Jones.

15 COMMISSIONER SHEA: Tim Shea. I'll make a
16 motion to assist -- the executive certificate for Assistant
17 Sheriff Jones.

18 CHAIRMAN SOTO: Okay. I have a motion. Can I
19 get a second?

20 COMMISSIONER ALLEN: Mike Allen, I'll second.

21 CHAIRMAN SOTO: Have a motion and a second. All
22 those in favor, say aye. Aye.

23 COMMISSIONER ALLEN: Aye.

24 COMMISSIONER MCKINNEY: Aye.

25 COMMISSIONER MCMAHILL: Aye.

1 COMMISSIONER SHEA: Aye.

2 COMMISSIONER TOGLIATTI: Aye.

3 COMMISSIONER TROUTEN: Aye.

4 CHAIRMAN SOTO: Opposed? Motion carries

5 unanimously. Congratulations, Mr. Jones. All right. Item
6 number 8, discussion, public comment, and for possible action,
7 request from the Nye County Sheriff's office for their employee,
8 Captain David Boruchowitz, for an Executive Certificate. I'm
9 going to turn it over to Mr. Sherlock.

10 MR. SHERLOCK: Thank you. Mike Sherlock for the
11 record. Just to keep the Commission on their toes, staff
12 reviewed this particular application for an executive
13 certificate for Captain Boruchowitz. Now, after reviewing the
14 documentation, staff is unable to recommend the issuance of the
15 certificate. Specifically the education requirement for this
16 professional certificate includes 200 hours of advanced-
17 management training. Typically staff sees this demonstrated by
18 attendance to things such as FBINA or, you know, specific
19 courses at Northwestern that deal with executive level issues.
20 Here, Captain Boruchowitz has a bachelor's degree and -- and
21 some law school classes, but again, we are reluctant to conclude
22 that a BA or law school frankly amount to advanced-management
23 classes that are required by this executive certificate. Just
24 so the Commission understands, the executive certificate is the
25 one professional certificate that is issued by the Commission

1 itself, not by staff, and this gap -- in this case, staff would
2 leave this to the Commission as to whether or not undergraduate
3 studies would suffice for that advanced management-training that
4 is required. Staff is just reluctant to open that door on this
5 executive certificate if that makes sense. So we -- we would
6 leave that to the Commission and with no recommendation.

7 CHAIRMAN SOTO: Thank you, Mr. Sherlock. Do we
8 have any comments from our Commissioners?

9 COMMISSIONER SHEA: Tim Shea. I have -- I have
10 a question. So if a person had a degree, let's say in
11 organizational management or classes like that, could not that
12 be substituted for a training class or a couple of training
13 classes if that was your major of study?

14 MR. SHERLOCK: Mike Sherlock for the record, and
15 absolutely, that's what staff looks at. Again, you have to put
16 this in context because this is a level above the management
17 certificate so we have to evaluate -- staff has to evaluate
18 whether or not the management courses or hours that were
19 attended, one, weren't used to establish the management
20 certificate and number two, meet the definition of advanced
21 management, and so that's always the issue. When you're talking
22 about undergraduate studies, I think we have to be careful. I
23 mean, clearly we want to encourage formal education for peace
24 officers and frankly it's not unusual for line staff to have
25 undergraduate degrees, so it becomes a judgment call and -- and

1 that's why we're punting here in terms of putting it back on the
2 Commission on what advanced management should look like.

3 COMMISSIONER SHEA: So if you had, let's say, a
4 master's degree in organizational development or something, that
5 would be a mitigating circumstance?

6 MR. SHERLOCK: Mike Sherlock for the record
7 again. Yes, we're -- we're looking for 200 hours of what the
8 NAC requires an advanced-management training hours --

9 COMMISSIONER SHEA: Okay. Thank you.

10 MR. SHERLOCK: -- so clearly that would probably
11 work.

12 COMMISSIONER SHEA: Yeah. Okay. Thanks, Mike.

13 CHAIRMAN SOTO: Any other questions from any of
14 our commissioners? I suppose I have a question. Did -- did Mr.
15 Boruchowitz reach out to POST in terms of his qualifications or
16 lack thereof on these 200 hours or was it just a -- just an
17 application?

18 MR. SHERLOCK: He did (inaudible)? Mike
19 Sherlock for the record. We did express our reluctance on the
20 documentation that he provided us, and then he did provide some
21 more hours via email again, but it was -- the culmination of
22 that was a bachelor's degree and no advanced degree, so -- and
23 some hours and law school classes but -- and that, you know,
24 between our back and forth, that's what it ended up being is
25 those two areas are what he provided to establish the 200 hours

1 of advanced-management training. And again, we just -- staff
2 just didn't feel at that met the meaning of that advanced-
3 management requirement.

4 CHAIRMAN SOTO: And then the second question is
5 do we have any representatives from the Nye County Sheriff's
6 office who are here today?

7 MR. SHERLOCK: I -- Mike Sherlock for the
8 record. I believe --

9 CHIEF FLOYD: Sergeant Tippets is on the phone.

10 MR. SHERLOCK: Yeah. Sergeant Tippets.
11 Sergeant?

12 CHAIRMAN SOTO: (Inaudible.)

13 COMMISSIONER TIPPETS: Hi, Mike, Lieutenant
14 Tippets from Nye County Sheriff's Office. Captain Boruchowitz
15 finished with his law degree. He's taking his finals next week.
16 He takes the bar in February and because of the vague wording of
17 the NAC289.270, surely we believe that a law degree is
18 substantially related to the management of a law enforcement
19 agency and because this isn't -- it's more than just a few
20 (inaudible) law, he is actually finishing his law degree, we
21 believe that that should be adequate enough to satisfy the needs
22 of Subsection G of 289.270.

23 CHAIRMAN SOTO: Any other comments from any
24 other commissioner?

1 MR. SHERLOCK: Hey, I -- Mr. Chairman, Mike
2 Sherlock for the record. I don't want to interject, you know,
3 my personal feelings on this, I just -- and maybe Mr. Jensen
4 could help me out here, but as someone who's been to law school,
5 I have a hard time characterizing your Juris Doctorate as
6 advanced-management training and maybe I'm wrong and I'll leave
7 that up to the Commission, but I think I -- that's what I'd say
8 in that area. And again, I -- and I would agree with the
9 lieutenant: from a management standpoint that may be easier for
10 staff to accept for the management certificate, but it was
11 harder for them to accept for the executive certificate and I'll
12 leave it at that.

13 CHAIRMAN SOTO: Any comments or questions from
14 the commissioners? I suppose my last comment would be for the
15 executive certificates I concur that it needs to be somewhat
16 more specific for that type of training. That being said, with
17 some of the comment that we got from Nye County Sheriff's
18 Office, I'm -- I'm not opposed to reviewing this at a future
19 POST hearing so that I can take a look at what his degree
20 consists of. My only comment would be, and this is just my own
21 personal view on this, that he might need to get some specific
22 training, which I know that it's out there. I know that there's
23 a lot of these courses that are -- that aren't for three or four
24 months that take you away from your agency. There's some that
25 are one or two weeks where you can get a lot of that training in

1 there. So with that, I'm not opposed to looking at it in the
2 future. However, I will ask if anybody would like to make a
3 motion for this certificate.

4 MR. JENSEN: Mr. Chairman, can I chime in just
5 real quick on this?

6 CHAIRMAN SOTO: Sure.

7 MR. JENSEN: I don't know if this is helpful or
8 not, but just from the legal perspective, when it comes to the
9 regulations and the Commission's interpretation of regulation,
10 the law is pretty well settled but when there's a provision like
11 this that allows for interpretation, the Commission has the
12 ability and authority to do that and really the guiding
13 principles on that are plain language that of the rule but also
14 attempting the best you can to be -- to be consistent and not to
15 act arbitrarily from one candidate to another, to have the
16 standards such that -- that that doesn't occur. So just want to
17 -- want to put on the record and -- and put out there that you
18 certainly have the authority and the ability to -- to interpret
19 your own regulations and make decisions whether you think they
20 meet the language if they're within the standards of your
21 regulations.

22 CHAIRMAN SOTO: Thank you, Mr. Jensen. Any
23 other comments from any commissioners?

24 COMMISSIONER TROUTEN: Tyler Trouten for the
25 record. I have to say I guess the alternative to this would be

1 carte blanche to accept degrees as sufficient for this
2 certificate. The problem is there are many degrees that do not
3 have any (inaudible). As a commissioner, I guess my concern
4 right now is without having roadways here in front of us or
5 better access to understanding, you know, what each class
6 contained, I'm not comfortable that it's satisfying that
7 requirement. I'm sure they can provide experience and skills
8 for life, but no more than a doctor (inaudible) medical doctor,
9 that's different. I mean, this is a professional certificate,
10 specific to law enforcement, not practicing law.

11 CHAIRMAN SOTO: Thank you, Mr. Trouten. And I
12 would agree with that. I think that I don't think that anybody
13 -- I certainly have a huge amount of respect for Captain
14 Boruchowitz and what he's done up to this point. I don't think
15 that anybody in our profession really wants to be an exception
16 to the rule, so I would ask that our -- our -- our POST staff
17 reach out to him and give him some possibilities in terms of
18 courses to where we can get him this executive certificate
19 because I would like to see him get it at some point in the
20 future. Any other input from or public comment from the
21 Commission? Any other public comment in general?

22 LIEUTENANT TIPPETS: Adam Tippetts from the Nye
23 County Sheriff's Office. I would like to -- what would be
24 really helpful to us and I think every agency in the state, if
25 we got a little bit more direction on where that training can

1 come from because the only things that were mentioned was the
2 FBI Academy and Northwestern Academy and surely these can't be
3 the only resources available for this type of training. So I
4 would ask that eventually in the future the Commission provide
5 us with the resources so we can send people to these other
6 trainings.

7 CHAIRMAN SOTO: I think that's a fair request
8 and we'll do some research, myself and Mr. Sherlock, and come
9 back with something that might work for you and your agency,
10 because I do know the commitment it takes for some of those FBI
11 academies is somewhat extensive, especially for agencies that
12 don't have the depth of employees that some of the larger
13 agencies may have. So we'll get -- we'll get back to you on
14 that. Thank you for that input.

15 COMMISSIONER ALLEN: Mike Allen. Just a quick
16 follow up with Nye County. There is also the Southern Police
17 Institute of Louisville, Kentucky that offers similar training.

18 MR. SHERLOCK: Mike Sherlock for the record.
19 One of the things we can do, Chairman, is maybe produce a
20 document that would show a typical way of meeting that 200 hours
21 of advanced management and maybe we can put some resources in
22 there. Obviously we don't want to limit that. There's many
23 ways of obtaining that advanced training, but we could certainly
24 help out in that area.

1 CHAIRMAN SOTO: Right. And the reason I bring
2 it up is because I know that we've had other issues or concerns
3 from agencies when it comes to this POST Commission on ways to
4 obtain whatever it is that they're trying to obtain and I'd like
5 to see us, you know, throw out some -- some opportunities for
6 some of these agencies that may not have the budget or the time
7 to go to the FBI Academy. Any other comments? Okay. Seeing as
8 though there's none, would anyone like to make a motion? Okay.
9 So we're going to move on to item number 9, discussion and
10 public comment, and for possible action, request from the Rural
11 Justice Courts requesting a 6-month extension pursuant to
12 NRS289.550 for their employee, Aaron Starns, to meet
13 certification requirements. The request would extend the time
14 period to meet the certification to June 30th, 2021. I'm going
15 to turn this over to Mr. Sherlock.

16 MR. SHERLOCK: Thank you, Mr. Chairman. Mike
17 Sherlock for the record. I'm going to sound like a broken
18 record. Moving through, we have several of these extension
19 requests. The theme is pretty much the same throughout these.
20 As everybody knows, COVID issues and recruiting issues are --
21 are a problem for agency -- agencies, especially our smaller
22 agencies that rely on outside training providers for their
23 academies. So again, in this first one, Rural Courts has had
24 issues due to COVID in getting their person to a basic training
25 academy, and considering their issues, staff would recommend

1 that the Commission grant the 6-month extension to finish the
2 requirements.

3 CHAIRMAN SOTO: All right. Any comments from
4 any of our commissioners? Okay. Any public comment? All
5 right. I'm looking for a motion to allow the extension of time
6 to be certified for Mr. Aaron Starns.

7 COMMISSIONER TROUTEN: Tyler Trouten. I so
8 move.

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

11 COMMISSIONER ALLEN: Mike Allen. I'll second.

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

14 COMMISSIONER ALLEN: Aye

15 COMMISSIONER MCKINNEY: Aye.

16 COMMISSIONER MCMAHILL: Aye.

17 COMMISSIONER SHEA: Aye.

18 COMMISSIONER TOGLIATTI: Aye.

19 COMMISSIONER TROUTEN: Aye.

20 CHAIRMAN SOTO: Motion carries unanimously.

21 Item number 10, discussion public comment, and for possible
22 action, a request from Carson City Sheriff's office for a 6-
23 month extension pursuant to NRS289.550 for their employee,
24 Bethany Wurster, to meet certification requirements and give it
25 over to Mr. Sherlock.

1 MR. SHERLOCK: Again, Mister -- Mike Sherlock
2 for the record. I think we have two from Carson City Sheriff's
3 Department. Same sort of issues, challenges with COVID and
4 staffing levels have posed a problem for them. We do have an
5 academy beginning in January that they are going to attend.
6 Again, this extension would bring them to June 20th. Just from
7 a practical standpoint, as long as they start the academy before
8 then, they're okay in terms of the regulatory scheme, and we do
9 again have an academy starting in January, so staff would
10 recommend the granting of this particular extension also.

11 CHAIRMAN SOTO: Okay. Any comments from
12 Commissioners?

13 COMMISSIONER ALLEN: I just have a comment.
14 Mike Allen for the record. I am familiar with Bethany Wurster
15 and sometimes come across these things. Bethany, so that
16 everybody knows, I believe is a state golf champion and so don't
17 get into a golf tournament with Carson City Sheriff's office.
18 It's kind of neat to see somebody (inaudible).

19 CHAIRMAN SOTO: (Inaudible) regularly lose in
20 golf tournaments. All right. Any comments? Any additional
21 comments from any commissioners? Any public comment? Seeing as
22 though there's not, I'm looking for a motion regarding the
23 extension for Bethany Wurster.

24 COMMISSIONER ALLEN: Mike Allen. I'll make the
25 motion for an -- 6-month extension for Bethany Wurster.

1 CHAIRMAN SOTO: Have a motion. Looking for a
2 second motion.

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

4 CHAIRMAN SOTO: All those in favor, say aye.
5 Aye.

6 COMMISSIONER ALLEN: Aye

7 COMMISSIONER MCKINNEY: Aye.

8 COMMISSIONER MCMAHILL: Aye.

9 COMMISSIONER SHEA: Aye.

10 COMMISSIONER TOGLIATTI: Aye.

11 COMMISSIONER TROUTEN: Aye.

12 CHAIRMAN SOTO: Any opposed? Motion carries
13 unanimously. Item number 11, discussion, public comment, and
14 for possible action, a request from Carson City Sheriff's office
15 for a 6-month extension pursuant to NRS289.550 for their
16 employee, Kendall Murphy, to meet certification requirements,
17 and I'll turn it over to Mr. Sherlock.

18 MR. SHERLOCK: Again, thank you. Mike Sherlock
19 for the record, and same circumstances for this particular
20 person with Carson City. Again, the six months would give them
21 till April 25th of next year. We have a academy starting in
22 January, so they could easily make that within the 6-month
23 extension and staff recommends granting that extension.

24 CHAIRMAN SOTO: All right. Any comments from
25 any commissioners? Any public comment? Seeing as though

1 there's none, I'm looking for a motion regarding the extension
2 of time, six months, for Kendall Murphy.

3 COMMISSIONER ALLEN: Mike Allen. I'll make a
4 motion to grant a 6-six month extension for Kendall Murphy.

5 CHAIRMAN SOTO: Motion. Looking for a second.

6 COMMISSIONER TROUTEN: Tyler Trouten. I'll
7 second.

8 CHAIRMAN SOTO: I have a motion and a second,
9 all those in favor, say aye. Aye.

10 COMMISSIONER ALLEN: Aye

11 COMMISSIONER MCKINNEY: Aye.

12 COMMISSIONER MCMAHILL: Aye.

13 COMMISSIONER SHEA: Aye.

14 COMMISSIONER TOGLIATTI: Aye.

15 COMMISSIONER TROUTEN: Aye.

16 CHAIRMAN SOTO: Opposed? Okay. Motion carries
17 unanimous -- carries unanimously. Item number 12, discussion,
18 public comment, and for possible action, a request from Southern
19 Nevada Adult Mental Health Services for a 6-month extension
20 pursuant to NRS289.550 for their employee, Ghade Brooks, to meet
21 certification requirements. Mr. Sherlock?

22 MR. SHERLOCK: Mike Sherlock for the record.

23 Thank you. Again, I think they have four of them, all the same
24 circumstances, slightly different expiration dates. The
25 Southern Nevada Mental Health Services is a Category III agency.

1 They rely on the Department of Corrections for their basic
2 training. DOC has had a couple of delays and -- and issues with
3 training due to COVID, no fault of the Southern Nevada Mental
4 Health Services. So with that, staff would recommend the
5 extensions for each of these employees, including this one.

6 CHAIRMAN SOTO: Any comment from commissioners?
7 Any public comment? Seeing as though there's none, looking for
8 a motion regarding the extension for -- 6-month extension for
9 Ghade Brooks.

10 COMMISSIONER SHEA: Tim Shea. I'll make a
11 motion to -- for the extension.

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

14 COMMISSIONER ALLEN: Mike Allen. I'll second.

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

17 COMMISSIONER ALLEN: Aye

18 COMMISSIONER MCKINNEY: Aye.

19 COMMISSIONER MCMAHILL: Aye.

20 COMMISSIONER SHEA: Aye.

21 COMMISSIONER TOGLIATTI: Aye.

22 COMMISSIONER TROUTEN: Aye.

23 CHAIRMAN SOTO: Opposed? Carries unanimously.

24 Item number 13 request from Southern Nevada Adult Mental Health
25 Services for a 6-month extension pursuant to NRS289.550 for

1 their employee, Jeanette Cabagua, to meet certification
2 requirements. Mr. Sherlock?

3 MR. SHERLOCK: Thank you. Mike Sherlock for the
4 record. Again, same argument. Staff recommends the 6-month
5 extension.

6 CHAIRMAN SOTO: Any comments from the
7 commissioners? Any public comments? Seeing as though there's
8 none, looking for a motion regarding the 6-month extension of
9 time for Jeanette Cabagua.

10 COMMISSIONER TROUTEN: Tyler Trouten for the
11 record making a motion for an extension for six months for
12 Jeanette Cabagua.

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

15 COMMISSIONER ALLEN: Mike Allen. I'll second.

16 CHAIRMAN SOTO: Motion and second. All those in
17 favor, say aye. Aye.

18 COMMISSIONER ALLEN: Aye

19 COMMISSIONER MCKINNEY: Aye.

20 COMMISSIONER MCMAHILL: Aye.

21 COMMISSIONER SHEA: Aye.

22 COMMISSIONER TOGLIATTI: Aye.

23 COMMISSIONER TROUTEN: Aye.

24 CHAIRMAN SOTO: Opposed? Motion carries
25 unanimously. Item number 14, discussion, public comment, for

1 possible action, request from Southern Nevada Adult Mental
2 Health Services for a 6-month extension pursuant to NRS289.550
3 for their employee, Miranda Barnes, to meet certification
4 requirements. Mr. Sherlock?

5 MR. SHERLOCK: Mike Sherlock for the record and
6 again, same issues and staff recommends the extension.

7 CHAIRMAN SOTO: Is there any comment from the
8 commissioners? Any public comment? Seeing as though there's
9 none, I'm looking for a motion regarding a 6-month extension of
10 time for Ms. Miranda Barnes.

11 COMMISSIONER ALLEN: Mike Allen. I'll make the
12 motion for the six month extension for Miranda Barnes.

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

15 COMMISSIONER TROUTEN: Tyler Trouten.
16 (Inaudible) second.

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

19 COMMISSIONER ALLEN: Aye

20 COMMISSIONER MCKINNEY: Aye.

21 COMMISSIONER MCMAHILL: Aye.

22 COMMISSIONER SHEA: Aye.

23 COMMISSIONER TOGLIATTI: Aye.

24 COMMISSIONER TROUTEN: Aye.

1 CHAIRMAN SOTO: Opposed? Motion carries
2 unanimately. Item number 15, discussion, public comment, and
3 for possible action, a request from Southern Nevada Mental
4 Health Services, for a 6-month extension pursuant to NRS289.550
5 for their employee, Juan A. Molina, to meet certification
6 requirements. Turn it over to Mr. Sherlock.

7 MR. SHERLOCK: Mike Sherlock for the record. I
8 promise this is the last one. It's -- it's the times we're
9 living in right now, but same exact issues and staff recommends
10 the extension.

11 CHAIRMAN SOTO: Any comments from the
12 commissioners? Any public comment? Seeing as though there's
13 none, I'm looking for a motion regarding this extension of six
14 months time for Mr. Juan A. Molina.

15 COMMISSIONER ALLEN: Mike Allen. I'll make a
16 motion for the 6--month extension for Juan A. Molina.

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

19 COMMISSIONER TROUTEN: Tyler Trouten. I second.

20 CHAIRMAN SOTO: Motion and second. All those in
21 favor, say aye. Aye.

22 COMMISSIONER ALLEN: Aye

23 COMMISSIONER MCKINNEY: Aye.

24 COMMISSIONER MCMAHILL: Aye.

25 COMMISSIONER SHEA: Aye.

1 COMMISSIONER TOGLIATTI: Aye.

2 COMMISSIONER TROUTEN: Aye.

3 CHAIRMAN SOTO: Opposed? Motion carries
4 unanimously. Item number 16, public comments. Commission may
5 not take action on any matter considered under this item until
6 the matter is specifically included on the agenda as an action
7 item. Do we have any public comments? Okay. Seeing as though
8 there's none, we're going to move on to item number 17,
9 discussion, public comment, and for possible action, schedule
10 upcoming Commission Meeting. Turn it over to Mr. Sherlock.

11 MR. SHERLOCK: Mike Sherlock for the record. So
12 we typically have a meeting here in the north during legislative
13 session in February in conjunction with the sheriffs and chiefs
14 meeting. Sheriffs and chiefs are now saying they are not going
15 to do their legislative mixer with the legislators so we're
16 going to have to -- so we're going to take a look at sheriffs
17 and chiefs and see if they're even going to have a meeting here
18 in the north. As you -- as the commissioners know, we try to do
19 it in conjunction, one, to save travel, money with sheriffs and
20 chiefs. We're not sure if that's going to work out, but staff
21 will get the word to Commission members as soon as we have an
22 answer from sheriffs and chiefs. Our preference is if we don't
23 do it in the north is to do February in the south, but we need
24 to make sure it doesn't conflict with legislative session and

1 the sheriffs and chiefs meetings. So we'll get that word to the
2 Commission as soon as we can come up with a date.

3 CHAIRMAN SOTO: Thank you, Mr. Sherlock. Any
4 questions or comments from the commissioners? I guess I have
5 just a question in general (inaudible) COVID (inaudible) update.
6 Is there any revision cause (inaudible) office? What happens if
7 any of these folks (inaudible) can't meet or they can't meet
8 their requirements because (inaudible) counties office?

9 MR. SHERLOCK: Mike Sherlock for the record. I
10 -- I -- there's no provisions to -- and I can leave this up to
11 Mike Jensen, but there's no provisions to extend that beyond the
12 six months regardless, but we don't -- you know, we don't see an
13 issue. It's more of these -- what you saw today, some of our
14 smaller agencies, and there are options for them that we can --
15 we -- we go over with them in terms of not being able to get the
16 training, but I -- we don't anticipate this being any worse than
17 what you saw today. It's -- it's those smaller agencies that
18 rely on third parties to provide their training and we don't
19 have a lot of those, so we don't see it getting any worse than
20 that. But to answer your question, there is no provision to
21 allow us to go beyond that and -- you know, without getting into
22 specifics, that -- that's pretty much where we're at.

23 MR. JENSEN: Mike Jensen for the record, and I
24 agree with that. The 6-month extension provision's been in the
25 statute so (inaudible) required that piece of it. However, the

1 governor has some emergency powers and I -- to the extent that
2 those could delay or provide some exemption in the statute, I
3 don't know the answer to that, but that -- that could be worth
4 exploring, I guess, if an agency found himself in that
5 circumstance (inaudible) to the governor's office.

6 CHAIRMAN SOTO: Chairman Soto. Also for the
7 record, it was a conversation I had with Mr. Sherlock, and I
8 know -- I get where you're going on this because we've had a lot
9 of trainings that have been canceled due to the update in COVID.
10 So as -- once we reach a threshold in our agency, training stops
11 because we don't want to increase the spread of COVID, so I
12 would ask that our agencies be prepared for when we have that
13 downtick to try and get some of that training in. I know that's
14 difficult to do on a moment's notice, but I think we're going to
15 have to be a little bit more flexible in terms of our trainings
16 and ensure that we get our -- our officers where they need to be
17 for their POST training. Any other comments from any of our
18 commissioners? Okay. We don't have a meeting date, so we
19 really don't need a motion. Item number 18, discussion, public
20 comment, and for possible action, adjournment. So I'm looking
21 for a motion to adjourn.

22 COMMISSIONER ALLEN: Mike Allen making a motion
23 to adjourn.

24 CHAIRMAN SOTO: Have a motion. Can I get a
25 second?

1 COMMISSIONER TROUTEN: Tyler Trouten. I'll
2 second.

3 CHAIRMAN SOTO: Have a motion and second. All
4 those in favor, say aye. Aye.

5 COMMISSIONER ALLEN: Aye

6 COMMISSIONER MCKINNEY: Aye.

7 COMMISSIONER MCMAHILL: Aye.

8 COMMISSIONER SHEA: Aye.

9 COMMISSIONER TOGLIATTI: Aye.

10 COMMISSIONER TROUTEN: Aye.

11 CHAIRMAN SOTO: Opposed? Motion carries
12 unanimously. Thank you all for being here today. We appreciate
13 that.

14 MR. SHERLOCK: Everyone in the south, thanks for
15 calling in. Appreciate it.