

## 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, February 24, 2022, commencing at 2:01 PM at the  
7 Pahrump Nugget Hotel/Casino, 681 S. Hwy 160, Pahrump, NV 89048.

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9  
10 COMMISSIONERS:

11 Jason Soto, Chairman

12 Kevin McKinney

13 Russ Niel

14 Michael Allen

15 Tim Shea

16 Tyler Trouten

17 George Togliatti

18  
19  
20 STAFF:

21 Kathy Floyd, POST

22 Mike Jensen, Attorney General's Office

23 Mike Sherlock, POST

24  
25 TRANSCRIBED BY: Marsha Steverman-Meech

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7	Topic	
8	A. Continued discussion regarding possible revisions to NAC	
9	289.270 to clarify the requirements to qualify for an Executive	
10	Certificate. Discussion on proposed changes may include, but is	
11	not limited to, the following:	
12	1. Removal of/changes to agency position requirements	
13	to qualify for an Executive Certificate.	
14	2. Removal of/changes to minimum requirements for	
15	advanced certificates a peace officer must hold as a	
16	prerequisite for an Executive Certificate.	
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1 3. The Commission to decide whether to continue the rule  
2 making process to revise NAC 289.270 to clarify the  
3 requirements to qualify for an Executive Certificate.

4 Discussion on proposed changes may include, but is not  
5 limited to, the following: 70

6 Removal of/changes to agency position requirements to  
7 qualify for an Executive Certificate.

8 Removal of/changes to minimum requirements for  
9 advanced certificates a peace officer must hold as a  
10 prerequisite for an Executive Certificate.

11 4. Hearing pursuant to NAC 289.290 (1) (e) on the  
12 revocation of Jovan Motley (formerly with the Nevada  
13 Department of Corrections) certification based on Gross  
14 Misdemeanor convictions.

15 5. Hearing pursuant to NAC 289.290 (1) (e) and (1) (g) on  
16 the revocation of Eduardo Bueno (formerly with the Las  
17 Vegas Metro Detention Center) certification based on  
18 Gross Misdemeanor/Felony convictions.

19 6. Hearing pursuant to NAC 289.290 (1) (e) and (1) (g) on  
20 the revocation of Nicolas Diaz (formerly with the Las  
21 Vegas Metro Detention Center) certification based on  
22 Gross Misdemeanor/Felony convictions.

23 7. Request from the Eureka County Sheriff's Office for a  
24 6-month extension pursuant to NRS 289.550 for their

1 employee Deputy Ryan Getzler to meet the certification  
2 requirement (Extension to expire August 1, 2022)

3 8. Request from Carlin Police Department for an  
4 Executive Certificate for their employee Chief Kevin  
5 McKinney.

6 9. Request from Nye County Sheriff's Office for an  
7 Executive Certificate for their employee Captain David  
8 Boruchowitz.

9 10. Request from Eureka County Sheriff's Office for an  
10 Executive Certificate for their employee Undersheriff  
11 Tyler Thomas.

12 11. Public Comments

13 12. Schedule upcoming Commission Meeting

14 13. Adjournment

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## 1 PROCEEDINGS

2 SOTO: All right, we're going to go ahead and  
3 call this meeting to order. It is February 24th at 1401 hours.  
4 I don't have my gavel but we're starting. POST Commission  
5 meeting and workshop is called to order for February 24th, 2022.  
6 For the record, the time is 1401 hours. I'm going to turn this  
7 over to Kathy Floyd for some information on the legal postings  
8 and open meeting compliance. I ask everybody cause we're in a  
9 larger room today to just speak up a little bit so that  
10 everybody can hear you. Thank you, and turn it over to Kathy.

11 FLOYD: The meeting agenda and workshop notice  
12 has been posted in compliance with NRS 241.020, and notices were  
13 physically posted at the POST Administration Building in Carson  
14 City and the Nevada State Library in Carson City. The notices  
15 have been electronically sent to POST.NV.GOV, State of Nevada  
16 website at notice.NV.gov, and the legislative website at  
17 leg.state.NV.gov. They were emailed to all the SPOCs and admins  
18 on the POST listserv.

19 SOTO: Okay. Thank you, Kathy. I'm going to  
20 move on to roll call. I'll start with myself, Jason Soto, and  
21 then I'm going to go Reno PD and I'm just going to move around  
22 the table. We'll start back on that side with George.

23 TOGLIATTI: Ready? George Togliatti, Department of  
24 Public Safety.

25 MCKINNEY: Kevin McKinney, Carlin Police

1 Department.

2 NIEL: Russ Niel, Nevada Gaming Control Board.

3 TROUTEN: Ty Trouten, Elko PD.

4 ALLEN: Mike Allen, Humboldt County Sheriff's

5 Office.

6 SHEA: Tim Shea, Boulder City Police.

7 SHERLOCK: Mike Sherlock from POST.

8 JENSEN: Mike Jensen, Attorney General's office.

9 FLOYD: Kathy Floyd from POST.

10 SOTO: Okay. We're going to start off today  
11 with a workshop and just to kind of give everybody an idea of  
12 what this is going to -- how this is going to roll out, since we  
13 haven't had a workshop in a while, the purpose of this workshop  
14 is to solicit, you know, comments or information from interested  
15 persons on the following topic that could be addressed in the  
16 future propose regulations, and that this workshop has been  
17 previously noticed pursuant to the requirements of NRS Chapter  
18 233B. The workshop itself is in reference to NAC 289.270,  
19 continued discussion regarding possible revisions to NAC 289.270  
20 to clarify the requirements for an executive certificate.  
21 Discussion on proposed changes may include, but is not limited  
22 to, the following: removal of or changes to agency position  
23 requirements to qualify for your Executive -- for the Executive  
24 Certificate; removal of changes to the minimum requirements for  
25 advanced certificates a peace officer must hold as a

1 prerequisite for an Executive Certificate; and then as I stated,  
2 for the workshop really what we want to do is go around the room  
3 for those that have input to help us better understand some of  
4 the challenges that you may be having in regards to the  
5 Executive Certificate. Then once we're done with all of that,  
6 so that we have a better understanding of what, you know, you  
7 want to bring to this workshop, we'll close the workshop out and  
8 then we'll talk as a commission as to giving or not giving some  
9 direction as to how we want to move forward. I'm going to turn  
10 it over to Mike Sherlock for some background on the subject  
11 itself.

12           SHERLOCK:           Thank you, Chairman. Mike Sherlock for  
13 the record. So as the Commission may recall, we discussed in a  
14 previous workshop that we had, the possibility of changing or  
15 somehow clarifying the language for the requirements of the  
16 Executive Certificate. This is simply a continuation of that  
17 discussion. I know that the Sheriffs and Chiefs Association  
18 sponsored a meeting to discuss this issue that we attended and I  
19 believe several are here to summarize their ideas coming out of  
20 that meeting, and after some of those ideas are related, I can  
21 address how that affects our current regulation and what we  
22 would have to change or how it would affect other regulations  
23 related to that. I do have one letter that was sent to us  
24 regarding this issue, and I can read it into the record at the  
25 end of the public comments at that point. The last thing I

1 would remind the Commission that is -- again, that we are in a  
2 workshop and the Commission cannot take action until we are on  
3 an action item as part of the agenda of a regular meeting, which  
4 does -- it is an agenda item today, and then I just ask if Mr.  
5 Jensen has anything to add in terms of the workshop.

6 JENSEN: No, that's perfect.

7 SHERLOCK: All right. And I'll give it back to  
8 you, Mr. Chairman.

9 SOTO: Okay. So I guess the way we'll start  
10 this today is that I know that there's several of you with us  
11 today that want to have -- weigh in on some of your thoughts on  
12 the matter, so I'm just going to open it up to the floor, and  
13 then after we hear from the floor, we'll probably get some  
14 conversation among the Commission the as well and we'll go from  
15 there. Looks like Sheriff Furlong wants to kick us off so come  
16 on up.

17 FURLONG: Thank you. Sheriff Furlong for the  
18 record, Carson City Sheriff's office. It's a cool setup, man.  
19 Brought all my shit so that I would look cool. A little bit of  
20 background, this agenda item came up at a regular Commission  
21 meeting in November, and I spoke to the Commission about it, for  
22 lack of a better term, objecting to the issue that was on that  
23 agenda item, referencing NAC 289.047, the executive level  
24 position for POST certifications, and subsequently, from then we  
25 did meet in Reno with a statewide announcement that we were

1 going to meet in somewhat of an informal -- to be legal,  
2 informal workshop where we could discuss some of the issues and  
3 address some possible outcomes that would be recommended when we  
4 came together. Mr. Sherlock did attend that meeting to make  
5 sure that we stayed the course correctly. This is a very, very  
6 passionate characteristic of the Carson City Sheriff's office.  
7 I believe that within our industry, we should be developing the  
8 strongest leaders, the strongest professionals possible, people  
9 who can take charge of our organizations as we go on into our  
10 whatever down the road. I believe very, very strongly that to  
11 invest in professionals is to invest in education, it's to  
12 invest in career development, it's to invest in experience and  
13 qualifications. I have always believed that. Fortunately, I  
14 will say, as we shared our commitments at the informal workshop,  
15 I've always tried to refer to it that way for you, every agency  
16 we found is very, very unique in the way that they're put  
17 together and the way that they're built. What is -- what sounds  
18 to be equal is not always, and I use the term captain because  
19 it's a very, very easy one to use. A captain in one agency may  
20 not be the same in all other agencies. A law-enforcement agency  
21 has the ability to put itself together as they seem or deem fit  
22 for their jurisdiction and the entities that they serve with.  
23 It is important that we recognize the differences, and it's a  
24 challenge for POST to create a one definition that's going to  
25 serve us all, especially when these differences are so vast and

1 just, but I did raise the issue during the November meeting. I  
2 did help facilitate the meeting up in Reno, and I'm here to  
3 present to you folks today that as a result of that meeting, two  
4 things became very, very obvious: one that, yes, the topic was -  
5 - we attempted to center the topic on NAC 289.047, the  
6 executive-level position, but that you could not address that  
7 item without effectively addressing 289.270. They are joined at  
8 the hips. They are actually joined at the hips, and so you're  
9 going to have some other speakers that are going to address  
10 those. Coming out of the workshop, we tried to develop a  
11 recommended, suggested verbiage that could be utilized by POST,  
12 that may benefit most, if not all, agencies, and I believe that  
13 was distributed to this workshop. The verbiage that was  
14 suggested was, "Executive level position means a position held  
15 by a peace officer in which the peace officer holds a position  
16 that is deemed to be in the line of succession of the chief of  
17 the agency, whereby that position could be called upon to be in  
18 charge of the entity's agency." I think that that definition  
19 does hit the target, and the target is that the chiefs of  
20 agencies, whether they be a chief of police, a sheriff, or other  
21 entities -- I apologize, I will use the word chiefs and sheriffs  
22 synonymously to all agency heads, they need a greater role in  
23 responding to whether or not an individual is in that line and  
24 deserving or appropriate to an executive-level POST certificate.  
25 I've been to the Commission several times in my agency, I have

1 the ability to hire by statute six people to assist me in  
2 operating my agency, I have two, undersheriff and assistant  
3 sheriff. As was presented down in Las Vegas in November, that  
4 definition that was presented before this Commission would have  
5 restricted one of my assistant sheriffs, that third in command,  
6 obviously integral to the agency, from having an executive POST  
7 certificate, and in fact, whether we want to call it a joke or  
8 not a joke, there was a suggestion that, well, this will just  
9 remove everybody else's, we'll just take away their POST  
10 certificates because only the two should have them, the sheriff  
11 and the undersheriff, or the chief and the next one down. Well,  
12 that's not absolutely true at all. In a perfect world, we  
13 should be raising our employees to take on greater roles and  
14 responsibilities, we should be getting them involved in off-duty  
15 education, we should be getting them involved in career  
16 development, we should be encouraging and supporting upward  
17 mobility movement within our organizations and the state. We  
18 want professionals. We don't just call them that, we take an  
19 action for it. In some agencies, and I'll just use the word  
20 some cause I'm not aware of all, but surely I can say this about  
21 the Carson City Sheriff's office, career development POST  
22 certificates allow for add-on pays in their contracts. Career  
23 development POST certificate off-duty education provide the  
24 foundation for advancement in rank, promotions. Career  
25 development and educational assistance or educational

1 achievements, these are the men and women who are rising to the  
2 levels that you folks sit in today, and they need to be  
3 embraced, not fought over. They need to be encouraged, not  
4 restricted. POST should not be telling me how I am going to run  
5 my agency. POST should not be telling me how I'm going to run  
6 my community. I should not have to change the way the rank  
7 structure is in my department to meet the whims of POST. We  
8 need definitions and defined characteristics that agencies can  
9 adopt and embrace, and young people coming into these  
10 organizations can see I could be one day, and we as the leaders  
11 need to be able to look at these people and see that action that  
12 they have taken. I do embrace each one of these POST  
13 certificates, I do embrace the notion that, and Mr. Sherlock and  
14 I have discussed it, I throw this out as a general term, Mike,  
15 that maybe in some cases, such as in basic, okay, you've got  
16 your requirements fulfilled, but you don't get awarded that  
17 certificate until you're in a position. I -- there is some room  
18 there to be worked on, but to tell an agency how and what they  
19 will manage their own leadership, POST is not responsible for  
20 that. They've taken on a role of authoritarianism, telling me  
21 who is going to lead my agency by certification, and I  
22 absolutely reject that because my character, my morals, my  
23 investment in my agency starts with that basic POST certificate,  
24 and I push it all the way. It would be wonderful to see a  
25 resume for a man who or woman who wanted to fall into one of my

1 positions to say and I have been awarded an executive-level POST  
2 certificate. We need to refine the path to getting them. I  
3 spoke at a college class, UNR class, here about two weeks ago.  
4 It's amazing that so many agencies are reaching outside of their  
5 agencies to hire chiefs and leadership. Why do we have to reach  
6 outside? Are we not investing enough within? Are we not  
7 creating common-sense paths to achieve these certifications?  
8 Are we not telling our employees this is how you can develop in  
9 a career and this is the path forward? A college does that to a  
10 student. Why are we not with POST? POST is a regulatory  
11 agency. They are also a mentoring agency, a training agency.  
12 Where we see obstacles, you and I, POST should be seeing  
13 solutions. This is an obstacle today, and my solution is that  
14 agency heads should take on a greater role in defining who  
15 within that agency should be awarded executive POST  
16 certificates, not POST telling me who I can and can't have. I'm  
17 passionate about it because this strikes to my values. I  
18 believe in career development, POST, I appreciate that. I  
19 believe in certifications, POST, I appreciate that. I believe  
20 in mentoring our people. I believe that my successor should  
21 come from within my agency and not brought from another state.  
22 If I fail, then the city of Carson City is going to have to look  
23 outside. Why? We need to be building leadership from within,  
24 and executives of the organizations should be telling POST who  
25 is entitled to achieve those certifications. POST should be

1 clearly describing that path in order to achieve it and work  
2 with the agencies, not against the agencies, to achieve those  
3 goals and those visions. I do support some changes to NAC  
4 289.270, the executive certificate requirements, but I do that  
5 on a realistic base. Sounds like it's a little bit  
6 contradictory to what I've said here just in the last few  
7 minutes, but we are bringing on a lot of chiefs, chief officers  
8 to agencies from outside of the state, and I've heard the words  
9 of the POST folks that suggested that there are paths or these  
10 agencies are doing it this way and we want to stay in line.  
11 There is no reason for us to stay in line. We are the leaders  
12 or we can stand up and be the leaders. We can stand up and say  
13 these are the paths for those prospective agency heads that are  
14 making applications to becoming chiefs of police or chiefs of  
15 agencies or even sheriffs within their state to achieve  
16 certification at that POST level. I would ask that we pay very,  
17 very close attention. Both of these two NACs are connected at  
18 the hip and they cannot be separated, but as an agency head, I  
19 believe very strongly that my values are consistent with the  
20 mission and goals of POST. Unfortunately, I don't believe that  
21 they are following their own values. They need to work with the  
22 executives of the agencies and find ways to achieve more  
23 positive outcomes. Those positive outcomes are this: these are  
24 indicators. These are indicators of a broken system. What I  
25 have in my hand is a list of the executive POST certificate

1 employees in this state, and sadly, when I first started, of the  
2 36 active executive POST certificates, Carson City has six of  
3 them. That's not in balance. That should be something that  
4 POST celebrates because surely I support their role in the state  
5 but that's not in balance. Why does Carson City have six?  
6 Maybe we're losing faith or the process is broken and it needs  
7 to be fixed, not based on history, but based on our future.  
8 Where do we want to go? Who do we want to lead our  
9 organizations down the road? Thank you.

10 SOTO: Thank you. I know we're going to have  
11 some more speakers and I'm going to ask Mike, how do we want to  
12 do this? Do we want to ask questions as Commissioners, input  
13 now so that we don't -- you know.

14 SHERLOCK: You can run it that way, sure.

15 SOTO: I think that's probably the best way  
16 moving forward, and I have a couple of questions that just came  
17 to me after listening to what you had to say, Sheriff, and that  
18 is I know you've been sheriff of Carson City for quite some time  
19 now, pretty much as long as I can remember, and I thank you for  
20 that. Has this always been a challenge for your agency? Was  
21 this a challenge for you when you began your career as sheriff?

22 FURLONG: No.

23 SOTO: I mean, were you -- can you explain that  
24 to me? I'm trying to understand why it's here now, and I know  
25 the answer to some of that because I've talked with some of the

1 sheriffs and chiefs here, and you touched on it a little bit  
2 about people coming in from other states and things of that  
3 nature, but I'm talking about specifically your agency,  
4 challenges that you're having now that maybe you didn't have 20  
5 years ago or maybe you did and it's just --

6 FURLONG: Over the past 20 years, investments are  
7 not -- do not result in immediate action, investments have long-  
8 term paths to follow. I would suggest to you that I was elected  
9 in 2003, and I don't want to use the word easier, but I found it  
10 less of a challenge for people to begin that process of  
11 certifications and that upward career development back then.  
12 Over the years, it has gotten more and more difficult, to the  
13 point -- at a point, all of my captains and my two chief  
14 executive officers had executive POST certificates. That was  
15 not met without severe -- not severe, that was not met without  
16 challenge from POST, but I think the last one that we  
17 entertained the Commission with was about a year ago, I now  
18 have, as a result of attrition, a captain within my department  
19 and I -- based on what is currently being held, I see no avenue,  
20 no possibility to encourage him to pursue his executive POST  
21 certificate at all because I don't believe that I can gather the  
22 support from POST to get it. Captains are not just captains  
23 from one department to the other or lieutenants or sergeants.  
24 It depends on the size of the agency, it depends on the  
25 composition and how it is structured. I think that these things

1 need to be changed because over the past I'm going to call it  
2 five years, and I reflect back on this chart of executive POST  
3 certificates, it's becoming more and more difficult for agencies  
4 to understand how to get their chief officers, and I'm referring  
5 to the top two executive POST certificates, realistic path and  
6 those within the agencies, how to continue that career  
7 development. I have openly stated within my own agency, I don't  
8 see a path today to achieve what I have in the past. I believe  
9 we have hit that point, and when this was addressed in November,  
10 that kind of tipped me over the edge. I have one captain who  
11 does not have an executive POST certificate.

12 SOTO: I asked that question because I was just  
13 trying to get an understanding as to whether or not NRS and NAC  
14 has been consistent for, let's just say the 20 years that  
15 Furlong's been in office, and if 20 years ago it was easier for  
16 you to achieve whatever it was that you were trying to achieve  
17 in terms of your personnel and the development of your folks, if  
18 it's something that our Commission, as we sit here today, can  
19 work towards to make that -- to simplify that somehow, that's  
20 why we're here today. That's why we're having a workshop,  
21 trying to understand, and I guess that's a question that I have.  
22 Has NRS or NAC changed?

23 FURLONG: That question is probably best answered  
24 by the folks from POST. What sort of changes have taken place  
25 over the last 20 years?

1           SHERLOCK:           So Mike Sherlock for the record. So the  
2 -- both the definition of what an executive-level position is  
3 and the requirements of the executive certificate were -- have  
4 been changed many times, but were last changed in December of  
5 2010.

6           FURLONG:           And that would suggest that we are  
7 making it more and more difficult for upcoming leaders to  
8 achieve certifications. Again, I want to go back to we need to  
9 quit looking back and start looking forward. Who do we want to  
10 be? We want to be like everybody else or do we want to set the  
11 pace for others to follow? There are tremendous leaders coming  
12 into Nevada, tremendous leaders coming into the State of Nevada  
13 and occupying executive positions, but they can't get executive  
14 POST certificates. There are tremendous leaders inside of our  
15 corps and, folks, I apologize for my statement, I apologize for  
16 my emotions, but damn it, we need to start investing in our  
17 people who are working their entire careers in our law  
18 enforcement agencies.

19           SOTO:           I don't disagree with you. I think it's  
20 great when you invest in your own people. I think it's  
21 something that our profession needs, I think it's something,  
22 you know, that Nevada specifically is unique in that way, that  
23 we've got a lot of generational families in law enforcement, my  
24 family included. I just wanted to get an idea, Sheriff, as to  
25 what some of the hurdles were for you and for your agency. I

1 don't think anybody on this Commission, and I'll let -- I'll  
2 turn it over to them here, but want to get in the way of you  
3 running your agency. What I will say is that POST and, you  
4 know, the regulations that POST puts forward are done to protect  
5 all agencies within our state. There are good reasons for POST,  
6 as you know, which you just spoke to during your speech today,  
7 but I also understand that sometimes things could be broken and  
8 certainly, we're not closed to not taking a look at those, at  
9 least I'm not, but I'll turn it over to our Commission and see  
10 what their thoughts are, or if they have anything that they want  
11 to weigh in or questions that they might have for Sheriff  
12 Furlong.

13 TROUTEN: Ty Trouten for the record, and I'd ask  
14 Mike Sherlock for more clarification on the changes from 2010  
15 because I think one of the areas that our agency has faced has  
16 to do with, it seems like there was the addition of the  
17 supervisory certificate and then some changes to the management  
18 certificate. Is that about that timeframe, Mike?

19 SHERLOCK: Mike Sherlock for the record. Yeah. As  
20 you know, there's been changes even after that, but that added  
21 the supervisor certificate and the succession of requirements  
22 that the Commission put on in terms of those regulations so,  
23 yes.

24 TROUTEN: Okay. Thank you. And then specific  
25 question: you referenced your captain and not being able to

1 motivate him to see the need for the executive certificate.

2 What is the specific lack there? What is the specific --

3 FURLONG: There's --

4 TROUTEN: -- circumstance?

5 FURLONG: Based on this last I'm going to just  
6 call it 18 months just for fun, as a general rule, there's a  
7 general kind of a guide. I don't believe that with the changes  
8 proposed, which we are here talking about today, that there is  
9 any capability of that captain achieving an executive POST  
10 unless he was appointed into the top two or was elected. That's  
11 ridiculous. He holds a very high position. Statutorily, I have  
12 the ability to put six people in those executive positions.  
13 It's not for POST to tell me that I only have two. They don't  
14 overrule the statute.

15 SHERLOCK: Mike Sherlock for the record. Just  
16 clarify for me, Sheriff, so the one we're talking about was a  
17 lieutenant, right? Have we ever denied captains?

18 FURLONG: You -- again, your focus -- I got to  
19 stop you right there, I apologize, because this goes back to the  
20 problem. Captains and lieutenants across agencies are not the  
21 same. In some agencies, captains are unclassified employees or  
22 lieutenants. In some agencies, they're classified. In my  
23 agency, the lieutenant and the captain are synonymous. The POST  
24 doesn't recognize that. They're synonymous. They are the same.  
25 The only thing that distinguishes a captain from a lieutenant in

1 my agency is his qualifications awarded by POST, and when POST  
2 restricts those qualifications, then he has an effect on the  
3 contracts that are let in Carson, management to the employees.  
4 Again, I'm emotional about it, but POST does not tell me or the  
5 City of Carson how to run its law-enforcement agency or to  
6 describe who is doing what. You can't say a captain in Elko is  
7 the same as a captain in Carson, so we have to take these words  
8 and clarify what does the executive of that organization deem,  
9 and is that person in that line to manage from an executive  
10 point of view for any period of time the running of that agency.  
11 Whether he be a sergeant, because we have very small  
12 organizations in the state, or a very large metropolitan  
13 organization, it's up to the chief executive of that  
14 organization. I could not possibly convince today POST how this  
15 captain, my one captain, could get an executive POST  
16 certificate. It's impossible. So instead of mentoring and  
17 encouraging, I'm being regulated.

18           TROUTEN:           So if I -- again, Ty Trouten for the  
19 record. If I understand correct, the concern you have specific  
20 to 289.047 is deemed to be in the line of succession where  
21 you're advocating more that it should be based upon the duties  
22 and responsibilities of the position, excuse me, no matter what  
23 the title may be --

24           FURLONG:           Correct.

25           TROUTEN:           -- in running that agency.

1 FURLONG: Correct. And, and I will add to you  
2 that about 10 years ago, myself and the mayor of Carson City  
3 went to the legislature to change the charter because the  
4 previous charter for Carson City gave me the authority to  
5 appoint up to five at the time executive officers to supervise  
6 and assist me in running my organization. The legislature  
7 accepted our findings that the word sworn needed to be taken out  
8 because I do value civilians as well, so we dropped the word  
9 civilians and we increased it to six. The legislature accepted  
10 that responsibility, the legislature accepted that request from  
11 Carson City and from the organization, and yet POST doesn't.

12 SOTO: I'm just thinking this through. I'm  
13 trying to -- one of the things that I would like to see come out  
14 of this workshop is I would like to see -- I'd like to see the  
15 language of 2010 and the language of today, I'd like to see how  
16 that differs, whether or not that created some challenges and  
17 I'd also like to look into, for an executive, if he or she  
18 decides that somebody may -- you know, may have a career path to  
19 go for an executive, I have to understand how that would work  
20 out as well and the only reason I say that is not because of  
21 you, not because of me, probably not because of anybody in this  
22 room, but I think it's important there's language in there that  
23 protects the employees of the agency. I don't know if you  
24 understand what I'm getting at, but I don't -- what I wouldn't  
25 like to see is an agency that doesn't have the protection of

1 language through POST to make sure that all employees have that  
2 opportunity to develop, which is what you're bringing up, but  
3 that's not always the case, so I'm just trying to understand it  
4 as we're going through it all.

5           SHERLOCK:           Mike Sherlock for the record. So if I  
6 could kind of explain what our process is right now based on the  
7 regulation. The regulation right now requires that the agency  
8 demonstrate that this person that they're applying for the  
9 executive for supervises two or more persons who hold  
10 management-level positions and is in charge of an entire agency  
11 or a major division or bureau within the agency. So what we do  
12 right now is require an org chart and we -- there seems to be  
13 this misconception that we're stuck on titles. We don't even  
14 look at whether they're lieutenants, that's just easier for us  
15 to say it here, or captains or sergeants. If your agency has no  
16 lieutenants or captains and that sergeant meets that definition,  
17 then they're okay. But the other thing you have to keep in mind  
18 is right now that the executive certificate isn't something that  
19 occurs in a vacuum. So when we see lieutenants as that level  
20 being applied for management certificates, and then lieutenants  
21 also being applied -- applying for executive certificates, we  
22 get confused frankly because of what the regulation requires.  
23 So the regulation requires that whoever -- whatever their rank,  
24 their title is to manage or to supervise management-level  
25 recipients, right, management-certificate people. So I just

1 want to make sure everyone knows that we don't look at their  
2 rank. We never have. It's the org chart that the agency  
3 provides us and if that org chart demonstrates what's required  
4 by the regulation, we try to ensure that and clearly, if there's  
5 different language that the Commission wants us to evaluate, we  
6 will.

7 FURLONG: And for the record, Ken Furlong, I agree  
8 with you but I'm your customer. That's not what you're telling  
9 me. You're telling me why I can't do something. So maybe we  
10 should refine the way your message is coming out.

11 SOTO: I guess that's what I'm getting is  
12 trying to identify a path forward to where regardless of what  
13 your rank is, because I don't have captains, so --

14 FURLONG: Good example.

15 SOTO: -- it doesn't -- you know, I have --  
16 it's different, but identify some type of language that could  
17 give department heads, chiefs, sheriffs the ability to work  
18 within whatever your org chart looks like, and I think we can.  
19 I think we can. I think if you have, let's just say, a  
20 lieutenant and that's, you know, your position and if that's who  
21 you have watching over your city while you're away or whatever  
22 and that you give the keys to the city to, because I have watch  
23 commanders as well, that you can look at that individual and  
24 decide whether or not they're somebody that could qualify for an  
25 executive POST. So that's -- again, that's why we're here,

1 that's why we're talking about it and I think that we can  
2 achieve some of that. Go ahead.

3 MCKINNEY: I have -- well, I just have a -- I --

4 SOTO: Sure, go ahead.

5 MCKINNEY: -- to further this. I -- my question to  
6 Sheriff Furlong is why do you think this captain can't obtain  
7 his POST certificate? What is specific about it that makes it  
8 unachievable for you?

9 FURLONG: Well, number one, the last three  
10 captains that we have recommended for award of an executive POST  
11 certificate have been fought by POST to this Commission. I will  
12 refresh your memory that I've had to come to the Commission for  
13 each one of them and each one of them, Mr. Sherlock has  
14 recommended denial of that POST and the Commission has overruled  
15 it and awarded those certificates. The last one was Captain  
16 Earl Mays (phonetic). He did receive his POST certificate. It  
17 was a rather lively meeting.

18 MCKINNEY: Okay. But again, what is -- is there --

19 FURLONG: Since --

20 MCKINNEY: -- part of the statute --

21 FURLONG: Since then, it doesn't appear that POST  
22 is going to -- it appears that POST wants to redefine who's  
23 going to get it, which would remove this captain completely from  
24 any eligibility.

25 MCKINNEY: Okay. Well --

1 FURLONG: I believe very strongly that the org  
2 chart needs to be replaced with a letter of recommendation from  
3 the chief of an agency, period. The org charts do not describe  
4 an agency. Org charts don't describe how the functions within  
5 an agency exists, or as you put it, who is in charge when the  
6 chief executives or his staff is out of town. It is commonplace  
7 that I have captains running my agency when my executive staff  
8 is out of town.

9 MCKINNEY: Again, (Inaudible) I, I'm not,  
10 I'm not getting what you're trying to describe here. The -- let  
11 me -- I'm sorry. Excuse me. NAC 289.047 defines what an  
12 executive position is, okay? Does he fit that description?

13 FURLONG: Yes.

14 MCKINNEY: Okay. So he's in an executive-level  
15 position?

16 FURLONG: He could be.

17 MCKINNEY: He could be.

18 FURLONG: He could be.

19 MCKINNEY: But he's not or is he?

20 FURLONG: He is not right now today.

21 MCKINNEY: Okay. So -- and, and what part of that  
22 statute doesn't -- or that NAC doesn't he fit? Does he run a  
23 bureau?

24 FURLONG: Yes.

25 MCKINNEY: Then he fits.

1 FURLONG: No. According to POST, he would have to  
2 oversee two.

3 MCKINNEY: I believe --

4 FURLONG: Isn't that correct?

5 MCKINNEY: -- I could be wrong, but I believe it  
6 says --

7 UNIDENTIFIED: Or major division.

8 MCKINNEY: -- is in charge of an entire agency or a  
9 major division or bureau within an agency.

10 FURLONG: And must supervise or oversee two  
11 divisions.

12 SHEA: Two persons.

13 UNIDENTIFIED: Two management-level people.

14 SHEA: Two management level people.

15 SOTO: So that's the language piece, but the  
16 other piece that's going through my mind, and I think I'm  
17 tracking with what you're saying is --

18 FURLONG: So am I, because I was hung up on  
19 exactly those words.

20 SOTO: I have to go back to the -- to when  
21 before this Commission, Sheriff, cause I remember at least one  
22 that I was sitting in on. You came in front of us and said this  
23 is the situation that I'm in, I'm in a pinch because of the  
24 dynamics of my organization, and the Commission granted that  
25 individual the executive.

1 FURLONG: Correct.

2 SOTO: And I think, and I'd have to double  
3 check on this, but I think the Commission in its totality has  
4 the ability to grant or deny an executive POST.

5 FURLONG: That is correct.

6 SOTO: I don't know -- I'm not sure how that  
7 works with Mike with the -- like, when an executive -- if  
8 Furlong says hey, this, whatever, how does that work? How do --  
9 what process do you take when it comes to me? How did it get to  
10 that point where Furlong's in front of me or in front of the  
11 Commission asking about it?

12 SHERLOCK: So, yeah, we are the gatekeeper.  
13 There's no doubt about it, and so -- but we cannot deny a  
14 certificate, a executive certificate, but to give you, again, if  
15 the regulation currently requires that they have a current  
16 management certificate, so if the agency applies for an  
17 executive and the person does not have a current management  
18 certificate, we will kick it back. It is not -- so we're the  
19 gatekeeper in terms of the regulation.

20 SOTO: Okay.

21 SHERLOCK: Staff is.

22 SOTO: All right. That what I was trying -- I  
23 was trying to understand why even -- it even got to that point  
24 to where -- but I think I understand now.

25 FURLONG: Well, I'll go back -- can you further

1 clarify? You said you don't have the ability to deny, but  
2 neither do you have the ability to award. Isn't the Commission  
3 have the ability to award, not you?

4 SHERLOCK: Solely, they have the --

5 FURLONG: Correct.

6 SHERLOCK: But again --

7 FURLONG: That's how it gets to you.

8 SHERLOCK: -- they have to -- for us to present it,  
9 we show that they met the minimum standards to apply, and then  
10 the Commission makes the decision on granting it.

11 FURLONG: Yeah.

12 MCKINNEY: To -- even further, so your captain, I  
13 just want -- I just want --

14 FURLONG: To that person.

15 MCKINNEY: Yeah. Okay. Your captain, who you said  
16 doesn't have an avenue, is it because he doesn't supervise two  
17 management positions then?

18 FURLONG: He does not manage -- manage two super -  
19 - he does not oversee two divisions. He oversees several units  
20 within a division.

21 MCKINNEY: Okay. And does each unit have a  
22 manager?

23 FURLONG: No, they have supervisors.

24 MCKINNEY: Okay.

25 SOTO: Yeah. Again, it goes back to -- I think

1 it goes back to maybe some of the language that we're talking  
2 about --

3 UNIDENTIFIED: Right.

4 SOTO: -- and it is unique to every agency. It  
5 truly is. A manager and a supervisor are two entirely different  
6 things as to how I might define it and how Furlong might define  
7 it. But again, I think there's language that we can put in  
8 there that would protect the agency, that would protect all of  
9 its employees, It would protect its department heads. I don't  
10 think it's that challenging to do something like that. The  
11 bottom line is these executive certificates still come to the  
12 Commission --

13 FURLONG: Correct.

14 SOTO: -- and the Commission still has the  
15 ability to say if somebody is doing something a little sideways  
16 or that we think they frankly don't meet those qualifications,  
17 we can deny that executive certificate. At least that's how I'm  
18 reading some of this.

19 UNIDENTIFIED: And just add to -- sorry.

20 SHEA: Yeah. I agree with a lot of what you're  
21 saying. Again, I can only go back from some of my previous  
22 experience. In the Boulder City Police Department, there was no  
23 way for people to get these certificates when I got there.  
24 There was no way for them to move up any kind of ladder at all,  
25 anywhere. There was no way for them to respond to the

1 solicitations I get every day from around the country to apply  
2 for police chief jobs. They couldn't compete with their peers.  
3 There was no way. In the Sheriff's office I came from, the  
4 undersheriff of a 900-person agency would not qualify because he  
5 supervised four bureau chiefs. They supervise the bureaus. He  
6 didn't. He didn't supervise the agency, the sheriff did. So  
7 even though he had hundreds of people below him, he had bureau  
8 chiefs, majors, captains, lieutenants, under our definition, he  
9 would not qualify if I read this current language right. You  
10 have to supervise two management people --

11 FURLONG: Mm-hmm.

12 SHEA: -- and you have to supervise your own or  
13 major division. I don't know what a major division is versus a  
14 lesser division, but you wouldn't qualify, and the agency I came  
15 from, the situation I came from, every lieutenant was required  
16 to go to the Executive Command College. Every lieutenant was  
17 required to get the Executive Certification so they could move  
18 up in the agency or move laterally. We had sergeants who were  
19 contract police chiefs in cities, we had contract cities, and  
20 sergeants would be assigned as a police chief. They would  
21 qualify, the undersheriff would not and this is where the  
22 language I think is flawed. When you only have 36 people in an  
23 entire state that have this thing, there's -- we had 36 in the  
24 Sheriff's office at least that had the certificate, and we were  
25 just one agency out of 250. So I'm a little -- I'm -- I see

1 this and I would be curious to see what all these amendments  
2 did. This one law, NRS 289.047, was added in 2010. It didn't  
3 exist before that, so that definition did not exist before 2010.  
4 Then the other section, which is 289.270, was added in 1987. It  
5 was then amended four times up to 2010. I'd love to see what  
6 the amendments were. What language did we change and why did we  
7 change this and feel it was necessary to move this way? Because  
8 one of the things I was told is when this was amended in 2010,  
9 it was pointed out to one of my predecessor commissioners, you  
10 would no longer qualify for this and his answer was I got mine,  
11 who cares?

12 FURLONG: Thank you.

13 SHEA: That was his exact answer, and there's  
14 someone who could actually testify to that cause he was the  
15 person who asked the question and directly got the answer. So I  
16 believe that when you have agencies such as the Metropolitan  
17 Police Department, one of the largest in the country, and they  
18 have half a dozen, with the -- there's an issue. It's not  
19 because the sheriff and the people there aren't professional  
20 people who want to move ahead and move up in this. We -- if we  
21 made it difficult and put impediments in the way, we should be  
22 encouraging people and moving them into these things. I can't  
23 get an Executive Certificate in this state. I don't know what  
24 more I could do. I have people with master's degrees that can't  
25 get them and that makes -- it doesn't make much sense to me. If

1 they went to -- if I changed the name of my sergeants to  
2 lieutenants, they would qualify --

3 FURLONG: Yeah.

4 SHEA: -- because I can then change a unit to a  
5 division, make a sergeant lieutenant, not give them a penny  
6 more, and I'll be qualified because I changed their titles.

7 FURLONG: For the record, Ken Furlong. For the  
8 record, Ken Furlong. The -- what you have just described is the  
9 challenge. POST may not agree with your statement, but we've --  
10 at the executive levels, many of our agencies have lost that  
11 emphasis for that career development certification process  
12 because it's unattainable for people at the top. If it's not  
13 attainable for me at the top of an agency, why am I going to  
14 push that as a value onto the rest of the agency?

15 SHEA: Yeah. And I don't want -- I (inaudible)  
16 want to be argumentative --

17 FURLONG: No, no, what -- I'm, I'm agreeing with  
18 you.

19 SHEA: -- but I don't think POST denies it. I  
20 think the statute as it sits denies it, and I think if that's  
21 where the problem lies, then it behooves us to take a look at  
22 the statute --

23 FURLONG: Yes.

24 SHEA: -- because I think POST is regulated by  
25 the statute and what we do is we currently try to find ways to

1 grant waivers. And if we have to grant waivers, I think  
2 something's wrong with the statute. We shouldn't be granting  
3 waivers. We should move the statute to accomplish the things  
4 that we as a body of professionals want to accomplish --

5 FURLONG: You and I are saying the same thing.

6 SHEA: -- and not figure a way to get around  
7 it.

8 FURLONG: You and I are saying the same thing. We  
9 need to be looking --

10 SHEA: Well, now you're in trouble.

11 FURLONG: -- forward. POST is regulatory. POST  
12 is regulatory, so they're looking at those statutes as the  
13 guideline.

14 SHEA: Right. Right.

15 FURLONG: Okay. But who's -- who is in that  
16 position to change those guidelines? POST.

17 SHERLOCK: And let me just -- just to give you a  
18 history, I wasn't here in 2010, but my understanding of why it  
19 was changed in 2010 is it become a situation where, again, they  
20 were subjectively being given, the certificates were, and that's  
21 why they came up with that. One thing I would add once again,  
22 we do not look at rank. If -- we look at the org chart per the  
23 regulation. I think people are getting confused with some  
24 proposed language that mentioned rank. Rank is not in the  
25 current regulation. We do not use rank in any decision-making

1 at all right now, so I just want to make sure everybody  
2 understands that there's no language change because there is no  
3 rank in the current regulation.

4 SOTO: That's one of the reasons I would like  
5 to look at the 2010 language, and that was what I was getting  
6 into. I don't want to create a good-old-boy system where you  
7 have a rogue individual that is all authoritarian and, you know,  
8 only you people qualified because I say so. I think the  
9 qualifications and I think there has to be some standards there,  
10 and I don't think anybody in this room would disagree with any  
11 of us on that. I know that for the last 25 years, I've been  
12 writing contracts and looking at language and trying to find  
13 ways creatively not to paint ourselves in corners, because it  
14 can be very difficult depending on what something looks like  
15 once it's in -- once it's written down on a piece of paper or in  
16 a law, so I think, you know, just based off of the conversation  
17 that we've had here, a good starting point would be to look at  
18 that language to see if there's a way that we could get a little  
19 bit more creative to give department heads a little bit more  
20 ability to choose who they -- who it is that they see, you know,  
21 running their agency when they're not there. The only caution  
22 that I have for the group is I don't think it should be  
23 something that we just hand out to anybody that wants it and  
24 that goes back to the qualification piece, right? I -- and I'm  
25 only speaking for larger agencies now because that's where

1 sometimes the difficult dynamics come in for POST because we  
2 have agencies that are, you know, less than 10 people and we  
3 have agencies that are, you know, several thousand and, you  
4 know, it -- there has to be value in an Executive Certificate.  
5 There really does. It can't just be something that you just get  
6 cause you know somebody. So I think that would be a good place  
7 to start based off just, you know, from what we heard from  
8 Sheriff Furlong, is to look at that language to see if there's a  
9 way that we can give department heads from different  
10 departments, different size agencies, more of an ability to  
11 promote who they see fit for their communities.

12 ALLEN: Mr. Chair, I have a quick question for  
13 Sheriff Furlong. Mike Allen for the record. In your  
14 presentation, you indicated I believe there was, like, 36 or 38  
15 executive POST certificates and six of those being out of Carson  
16 City and that's out of balance. Why is that out of balance?

17 FURLONG: Think about the number of officers here  
18 in the state. Carson City is truly a smaller jurisdiction.  
19 We're more aligned with the rurals. Some people say that we're  
20 kind of on that border or rural versus whatever. Our largest  
21 jurisdictional law enforcement agencies are obviously in the  
22 Clark County and Washoe County regions. To say that of all of  
23 these agencies across the state who would be eligible under the  
24 g -- under the proposal of the November meeting, that November  
25 meeting was two per, am I correct?

1           SHERLOCK:           So that's where the confusion is, I  
2 think. The proposal was not two people, two levels.

3           FURLONG:           It was just --

4           SHERLOCK:           -- and so --

5           FURLONG:           -- the chief executive and one down.

6           SHERLOCK:           Right.

7           FURLONG:           Okay. Which is two in my school that I  
8 went to. Okay? Considering all of the agencies, not just  
9 police departments and sheriff's offices, but all of the  
10 agencies, 36, that number 36 should be a red flag that agencies  
11 are not jumping on board and there's something wrong. When you  
12 look at the size of Carson City's Sheriff's office, I have 101  
13 officers, compared to the number of officers who have peace  
14 officer authority across the state, 6 of the 36 are out of one  
15 community. There should be another flag. Something is wrong  
16 here. Either we as law-enforcement entities are not following  
17 in suit with POST or POST is not following suit with us, one of  
18 the two, because there's an imbalance here. Metro has the same  
19 number as Carson City does. How many officers are down there?

20          SOTO:           A lot.

21          UNIDENTIFIED:    Thirty-nine hundred.

22          SHEA:           It changes every minute I believe.

23          FURLONG:           These -- there is value in tracking  
24 these numbers. There's value in it. Where is the outcome? The  
25 outcome is we want professional leaderships in our communities,

1 in our law enforcement, across the state. If you look at the  
2 numbers, that's not consistent. Something is wrong and I think  
3 Mr. Soto just pointed that out. Something is wrong here. Is it  
4 the verbiage of the statutes? Is it the leaderships? What is  
5 wrong? Why is a rural agency, Carson City, have as many as  
6 Metro?

7 ALLEN: I would say because you applied.

8 FURLONG: I believe in POST. I believe  
9 passionately in POST. Come to my agency, come to the detention  
10 center, come to our training center, come to our patrol  
11 division. All the way across the wall is the career progression  
12 ladder, not by rank, Mr. Sherlock, but by POST certification. I  
13 believe in career development. Absolutely. You put concrete  
14 under a person's feet and they will thrive. If it's muddy water  
15 and they can't see the path, it becomes difficult and  
16 disenfranchising.

17 SOTO: Thank you, Sheriff Furlong. Appreciate  
18 that.

19 FURLONG: Thank you.

20 SOTO: Anybody else have any questions for him?  
21 All right, I'm going to turn it off to (inaudible). Thank you,  
22 sir.

23 FURLONG: Thank you.

24 SOTO: Anybody else want to speak on the  
25 matter?

1           JOHNSON:           Good afternoon, Commission. Aaron  
2 Johnson, Commander, Boulder City for the record. Just thank you  
3 all for allowing me to speak on this. This has been a sticking  
4 point for me being from a smaller agency since the rules changed  
5 in 2010 and it was my boss, Tim Shea, or not -- Tim currently.  
6 It was my boss at the time, Tom Finn, who came back and I asked  
7 him, I said do you realize what you voted on? And he said, why?  
8 I said you are no longer eligible for the Executive Certificate  
9 that is hanging on your wall because of the rule changes that  
10 you made. You have no mid-level manager, you don't supervise  
11 divisions, you don't have managers over divisions, you have you  
12 and six sergeants. That's it. That's all you have. You are no  
13 longer eligible for that certificate. No longer is anybody  
14 eligible for the management certificate. All these rule changes  
15 that happened in 2010 stripped Boulder City since 12 years ago,  
16 and we have not been eligible until -- I have never been  
17 eligible until May of 2021, and now I'm the only person by these  
18 definitions that is eligible for that certificate in the agency.  
19 My boss is not eligible for that certificate because he does not  
20 manage two managers. I do, but he doesn't. So that's my  
21 sticking point with this and one of the things that I've always  
22 been concerned about is the -- and I -- Chief, I understand your  
23 thoughts about needing to protect and have that level of --  
24 layer of protection over the certificates and the agencies as a  
25 whole, but Boulder City, a sovereign in the state, defines what

1 an executive is for the City of Boulder City. It's the chief of  
2 police and the commander. Sheriff of Clark County defines his  
3 executives for his agency by policy. He has five, the sheriff,  
4 the undersheriff, the assistant sheriff, deputy chiefs, and  
5 division commanders. He defines what they are. Why does POST  
6 need to define what the Sheriff of Clark County has already  
7 defined? Now he has many, many layers because he's a large  
8 agency. We have very few layers because we're a very small  
9 agency, but I look at Sheriff Elgan of Esmeralda, he would never  
10 be eligible for this certificate because of the way it's  
11 defined. Is he any less of an executive because he comes from  
12 Esmeralda County than it is the Sheriff of Clark County? No,  
13 he's still an executive, he still should be considered an  
14 executive, and he's been the sheriff for 23 years, and he's not  
15 considered an executive by this Commission, by this body, and  
16 that to me is -- what that begins to do is it begins to exclude  
17 your membership by having these rules in place, whatever  
18 happened in 2010, for whatever reason, began to exclude people  
19 from achieving something that should be -- include all  
20 executives in the state, regardless of the size of your agency  
21 and that's what it's proposed. And my chief at the time  
22 shrugged his shoulders, said I have mine. The other issue, I'm  
23 going to leave that because you guys debated that with Sheriff  
24 Furlong long enough. I just wanted to reiterate some of those  
25 points. I think the agency can define who their executives are.

1 I think they present that stuff to POST, POST can agree based  
2 upon a hierarchy, that's fine, but if Sheriff Furlong wants to  
3 say that his captain is an executive in his agency, he should be  
4 able to regardless of whether he's supervised his now sergeants  
5 and they're not managers. Sheriff Elgan should do the same  
6 thing. He supervises, he's an executive who manages sergeants  
7 and deputies. Extremely small, we know that. Six deputies, I  
8 think he has under his watch. He's still an executive all day  
9 long in my opinion anyway. So the next thing I want to talk  
10 about is NRS 289.270. So this is another thing. This was  
11 another change in 2010 that began to strike down the eligibility  
12 for executives in my agency. We have not had an internal  
13 candidate for a chief of police in Boulder City since, what are  
14 we, about '96? About then was the last time we had an internal  
15 candidate? We have had sergeants up until April of 2021, is the  
16 first time we were able to convince Council that we needed  
17 layers of supervision in our agency and it's been a really,  
18 really hard push. Then we finally got the classification of  
19 lieutenant. That's when my position became eligible for this  
20 Executive Certificate. But then we have these other  
21 requirements in here that again, don't include, don't allow a  
22 reasonable pathway to this Executive Certificate. When I say  
23 reasonable pathway, to sit there and say that Chief Shea is  
24 going to unplug himself -- Chief Shea, for everybody who's here  
25 and didn't know, he's from Washington, right, he's from the

1 State of Washington and, and he came here from a large agency  
2 and he's now the, the head of our organization but because he  
3 came here from another agency, from an outside agency, he would  
4 have to go back and get a first-line supervisor certificate,  
5 then go and get a management certificate, and now apply for an  
6 Executive Certificate because he is not from the State of  
7 Nevada. Even though he has 50 years of law-enforcement  
8 experience, he is not eligible for the certificate. Even if you  
9 just change the definition of what an executive is, he is not  
10 eligible for the certificate, and that bothers me and it doesn't  
11 bother him, and he's probably frustrated right now that I'm  
12 saying this on -- but I'm saying this on behalf of Boulder City  
13 because we might get another executive from outside in. We have  
14 identified that we are drawing and attracting executives from  
15 outside of the state. We're -- it's happening, and to say that  
16 we are not recognizing his experience as a part of a pathway to  
17 receive an executive recognition, by the way, of being an  
18 executive by this Commission, it to me is offensive. And so to  
19 have a linear pathway, one way to get an Executive Certificate,  
20 again, excludes during a time when we should be including, when  
21 we should be more inclusive. I understand the argument from  
22 POST that we need to maintain a level of integrity of this  
23 program, but we can't have a singular pathway. It just does not  
24 work and it will not continue to work down the road. We --  
25 again, my friend from the City of Henderson, Chief Andres, is in

1 the same situation. Willing and able to, he's going to probably  
2 beat me up on the way out, to go and get this stuff done, but he  
3 comes from the outside in. He has leadership seminars from  
4 PERF, from the Police Executive Research Forum, the Senior  
5 Management Institute, he has degrees, he has education, he can  
6 demonstrate to this Commission that he has supervisor training,  
7 management training, and he's an executive of his organization.  
8 Why should we say you need to go back to first-line supervision?  
9 Oh, by the way, that class that you're going to be sitting in,  
10 your subordinates are teaching it. He's going to go to a class  
11 that his first-line supervisor is teaching that class. That's  
12 what this is telling him he has to do and that doesn't, to me,  
13 make any sense. It doesn't. So I'm going to leave this at  
14 this, is that let the agencies give definitions of what their  
15 executives are, and then secondly, either find a secondary  
16 pathway to achieve -- to demonstrate the education requirements  
17 that are here or eliminate them altogether. Eliminate them,  
18 eliminate that administrative certificate and eliminate the  
19 supervisor certificate, eliminate the management certificate.  
20 Otherwise, please provide us a secondary way to demonstrate a  
21 pathway to achieving the certificate. Because, again, I come --  
22 I have a graduate degree. I have a master's degree. To sit  
23 there and say I'm going to spend -- ask my boss to spend time  
24 out of my day to go back and take classes that I've already  
25 taken because it's the only way I can get the certificate makes

1 no sense to me and it would be irresponsible. I feel it'd be  
2 irresponsible for me to ask that of my employer, so I leave it  
3 at that. I'll open up for questions.

4 SOTO: I don't have any questions. I think it  
5 kind of goes back to what I was saying, and that is that, you  
6 know, because of the logistics of the State of Nevada, we have  
7 so many agencies and there's just such a span of population  
8 across the state that it can make it very difficult for agencies  
9 that don't fit in the mold of what we're talking about today,  
10 and I understand that. That's why we're having this workshop.  
11 I also understand and have had conversations with executives and  
12 with Mr. Sherlock and even our commissioners about the  
13 challenges that we face in law enforcement today when you're  
14 looking for an executive and maybe you cannot bring somebody up  
15 through the organization, maybe there's nobody that really wants  
16 that position and you do have to go outside, and then you do  
17 have to find career professionals to come in and take on that  
18 responsibility of running an operation or an organization as  
19 complex as a police department, and so I do understand the  
20 second half of what you're talking about in that, you know, as  
21 you stated to this gentleman to my right has got 50 years of  
22 law-enforcement experience.

23 SHEA: I started when I was 3.

24 SOTO: It sounds like it. I mean, (inaudible).  
25 But so I think you bring up a lot of good points. I think that

1 we started touching on this probably about a year ago, you know,  
2 and the pendulum sometimes takes a little bit of time to swing,  
3 but I think it's certainly on the minds of all of us and I, and  
4 I do think that we'll come up with some creative language to  
5 maybe ease some of those restrictions and give a little bit more  
6 empowerment to department heads to decide how they want to run  
7 their agencies and maybe even we find, like you said, another  
8 pathway.

9           JOHNSON:           That's really all I'd ask is not  
10 necessarily a redefinition of the entire thing, but give an  
11 alternative. Give an alternative pathway to success. If this  
12 is really -- if this is a valuable certificate, then there needs  
13 to be ways for all of our executives to receive it. There needs  
14 to be because this is POST recognizing you that you're an  
15 executive. Now, he's going to argue that I don't need POST to  
16 recognize, my employer does and that's enough for me. I'm not  
17 about Chief Shea. This is about others. This is about other  
18 people that are rising through the ranks and like Sheriff  
19 Furlong said, this should be developmental. This should be a  
20 program that is a program that says you are striving for this to  
21 prepare you to become an executive. I think that's what college  
22 does for us also. It prepares you for these executive-level  
23 positions, it prepares you for the financial portions of it, the  
24 administration portions of it, and so I just -- all I really ask  
25 is a secondary pathway at minimum.

1           SHEA:           I hate to throw, throw Chief Andres  
2 under the bus here, but I like to use him as an example of kind  
3 of what Commander Johnson was speaking about. Chief Andres came  
4 to Henderson, which is no small little town. It's one of the  
5 largest in the state. His background, his education, his  
6 experience is obvious. He has taken a department that was  
7 having significant issues and he has completely changed the  
8 culture through leadership, through progressive management  
9 styles. I live in Henderson. I see every day the differences  
10 in the things that he's done. Yet because of a structure, a man  
11 of his caliber, his abilities, his background, his successes  
12 can't get that Executive Certificate in the State of Nevada and  
13 even to get a management certificate is virtually impossible.  
14 They put a requirement on the City of Henderson Police Chief  
15 doing a nationwide search and one of the requirements was when  
16 you come here, you have to have your certificate in a year. I  
17 went up there and told them, says it can't happen. You can't  
18 put this requirement on people because they cannot accomplish  
19 it. It's impossible. But I think it might even still be there  
20 because they still didn't understand how could you not get this  
21 in a year? If you come to us, you can be the Chief of Police of  
22 Dallas Police Department, you can be the Chief of New York City  
23 Police Department and come here, you cannot accomplish this.  
24 You can have a doctorate degree, be the Chief of the New York  
25 City Police Department and you cannot get a certificate in this

1 state. You can't do it. And that's where the problem is. And  
2 we also are not preparing our people for the future. We aren't  
3 building the leaders of tomorrow, we've got an impediment in the  
4 way and they cannot compete with their peers. That's why we're  
5 getting people coming from out of state. Our folks can't  
6 compete, and I don't know about you all, but I get three or four  
7 solicitations a day for police chiefs' jobs around the country.  
8 Everywhere you could think of, we get them. Our people can't  
9 apply and do it. I can, not because of this state, but because  
10 of the state I came from and some of the classes I took with the  
11 exact same classes, with the exact same people that are here at  
12 this state at the exact same time, the exact same place, and  
13 they do not count here because at the time, I was not a Nevada  
14 officer and I took the class in Las Vegas. It doesn't count  
15 because I wasn't employed here then. And that's the things I  
16 think we need to fix, and that's where I think the system is  
17 broken. I think the law's broken. POST isn't broken, Mike  
18 isn't broken, it's the statutes. It's the way we organized this  
19 in the past and I think those are the things we need to fix.  
20 These were amended for a reason. Times have changed and we are  
21 in a very competitive market and a very competitive environment  
22 with significant turnovers. I'm an anomaly. I've been the  
23 police chief in Boulder City now for almost six years. During  
24 that time, five police chiefs in Henderson, five in North Las  
25 Vegas, two in Mesquite, two or three in the school police, UNLV

1 has gone through people, NHP's gone through multiple. We are  
2 turning command-level people over quickly and -- quickly. Two-  
3 and-a-half years is the average police chief tenure now. Where  
4 are those people -- those going to come from? They're not going  
5 to come from in-state because they aren't going to be able to  
6 qualify under things like what Henderson put out: you got to  
7 have that Executive Certificate within a year. You can't do it.  
8 The city, when I went there and talked to them, they said, well,  
9 you know, what kind of certificates do you have? I showed them.  
10 I said, but I don't have anything here in Nevada because it's  
11 virtually impossible for me to get them and they accepted it,  
12 and that was just fine. But anyway, so that's what Commander  
13 Johnson was talking about. I'm sorry about that, Chief, but  
14 you're a perfect example of what we have to fix.

15           JOHNSON:           So just to kind of wrap up my portion,  
16 unless there's any more questions, is this: when I came to  
17 Boulder City in 2006, I remember going into one of the  
18 sergeant's office and she had on her wall the advanced  
19 certificate and a management certificate and I said this is  
20 pretty cool, this is something that I can aspire to, this is  
21 where I'm going. The chief at the time had his advanced  
22 certificate and Executive Certificate, and he came from the  
23 State of New Jersey. So this path -- there was a pathway.  
24 There was a pathway to these certificates and they had value. I  
25 placed value in them, not really knowing anything about these

1 certificates other than the fact that people that were  
2 supervising me and in charge of me had these things hanging on  
3 the wall, so they must be important. And then the rules changed  
4 in 2010 and I began to realize well, the pathway is now over  
5 with. What's the point? We send our folks, when they get  
6 promoted to sergeant or just before if they're eligible to be  
7 sergeant, to the POST First-Line Supervisor Course, preparing  
8 them to be supervisors. At that point, it's done. I went to  
9 the management course. I went there. I remember sitting there  
10 with Captain Chadwick and Captain Hannah (phonetic) from  
11 Henderson, and I went to the class and I was there. I was a  
12 sergeant, not eligible. I went to it not eligible. I felt that  
13 it had value to it but in the end, I received nothing for it.  
14 It was like going to college and not getting a degree at the end  
15 of the day. The -- so again, I just share with you that we  
16 place value on these certificates. I place values on these  
17 certificates because they recognize something that you have  
18 achieved. But if they're unobtainable, if they're reasonably  
19 unobtainable, then it becomes exclusive and you're really not a  
20 member of the club, even though you should be. You should be  
21 allowed to do this, so I leave it at that if I don't have any  
22 questions.

23           TROUTEN:           Ty Trouten for the record. I just -- I  
24 concur with you on, for lack of a better term, the reciprocity  
25 for other states' executive levels. Our former chief, same

1 boat. Had all certificates in California. By the time he  
2 retired after six years in the State of Nevada, he was finally  
3 eligible for an intermediate certificate --

4           JOHNSON:           Mm-hmm.

5           TROUTEN:           -- despite education and all the other  
6 things. He had no doubt about the fact that he was the  
7 executive of our agency. As I look at the current NACs, both of  
8 them, you'll notice on 270 where it references subsection 1, and  
9 then H, the letter that must come from the head of an agency  
10 certifying that this person meets the criteria. Going back to  
11 what Kenny said, that should be what carries a great deal of  
12 weight. Now, this Board or Commission, I would hope that we're  
13 reasonable, rational folks, that as to the reciprocity side, for  
14 folks coming in from out of state, whatever state that may be  
15 cause there's varying values and standards, that they can  
16 present a case that would show that they have comparable, you  
17 know, certificates at the supervisory or management levels as  
18 well as the leadership cause really that's what we're talking  
19 about here is we're not just training people, we're supervisors  
20 and want to give them a certificate for the executive or at the  
21 management level. Each of those are distinct and different, and  
22 you're growing people. You're training them up to become that  
23 executive, so it ought to be almost a significant rate on the  
24 endorsement of an agency that this person, regardless of rank,  
25 regardless of how many people they supervise and how those

1 people are divided below them, are who you depend upon, that you  
2 can leave in charge of your agency should something happen to  
3 you or you're out of town, whatever it may be, they are truly an  
4 executive and have earned that right in the station, and I  
5 believe education is part of it. However, the world is replete  
6 with educated idiots. It's more about the value of the person,  
7 the duties they fulfill, and how well they have fulfilled them  
8 and can fulfill them to demonstrate that they're worthy of an  
9 Executive Certificate and when you made the statement about the  
10 different agencies in there, how they define their executives, I  
11 think that's key because that would solve the problem from small  
12 agency to the larger agency. So if it's Esmeralda County saying  
13 my sergeant is my number 2 and is fully competent and capable of  
14 handling the affairs of this agency, that is an executive. They  
15 can do the hiring, firing, termination, discipline, you know,  
16 budget, all of those things that are below, encompassing  
17 everything from the management side and supervisory side and  
18 that person (inaudible). So thank you for your comments.

19           JOHNSON:           Yes, Chief.

20           SOTO:               All right. Thank you.

21           JOHNSON:           Thank you, Chief.

22           ANDRES:           I'm going to be real brief, I promise  
23 you.

24           FURLONG:           Oh, come on. (Inaudible.) You put me  
25 on that other committee.

1           ANDRES:           I'm going to be real brief.

2           UNIDENTIFIED:       (Inaudible.)

3           ANDRES:           No, you didn't.

4           UNIDENTIFIED:       Thank you.

5           ANDRES:           Good afternoon. Thedrick Andres with

6 the Henderson Police Department. I just want to address one

7 thing with the Board because I think, you know, Jason, you

8 brought up a great point. We say we don't want to be a good-

9 old-boy network but that's what it seems like because many of

10 you agency chiefs try to apply in another state and, you know,

11 you wanted to use your reciprocity certificates and education,

12 it would be accepted. Yet and still, I come to this state and I

13 gave Mr. Sherlock a copy of my training, all of the hours of

14 training that I received, and I can assure you, it far

15 supersedes the training in this state from major universities.

16 I just came back from the FBI Law Enforcement Executive

17 Development Series, but yet still I'm required to go to a first-

18 line supervisor class. If we're a reciprocity state, I think

19 what the Board and Commission should be doing is looking very

20 intently at that syllabus, making sure that the education that

21 any executive, supervisor, manager that comes to the State of

22 Nevada, it absolutely fits the criteria of the educational

23 standards for our officers. That's it. It is that simple but I

24 refute that I should sit in a supervisory level class and I'm --

25 and here's one of the things and I've talked to Mike, I've

1 talked to Jason, I'm saying this to the Board, I am currently  
2 trying to develop more supervisory training in my agency because  
3 I don't think it's enough. I think that even our standards can  
4 be higher but I left a state as a Master Peace Officer and then  
5 before I came to that state, I came from Louisiana there and  
6 they accepted every one of my educational certificates and  
7 training because it was a reciprocity state, but I get here and  
8 I get told now you got to go to supervisor school after you've  
9 been to the one -- a first-line supervisors school in three  
10 different states, so that means if I applied to go to the  
11 University of UNLV to get a master's certificate, they're not  
12 going to take any of my credits that are from undergrad, I'm  
13 assuming. It wouldn't count, right? I'd have to just go back,  
14 do undergrad again. This is simple, ladies and gentlemen.  
15 We're professionals. If we have the training, if many of you  
16 wanted to apply for a chief's job in another state and you had  
17 to have an NA or an SMIP education certificate and training,  
18 then how is it any different than if you currently have it here,  
19 it's not respected or looked at? That, in law enforcement right  
20 now today, absolutely, we should be educating the officers in  
21 our state to become future law-enforcement executives. But we  
22 also in a state that is a reciprocity state, have a  
23 responsibility to recognize the education and training that  
24 officers and executives have received in agencies and other  
25 states where they came from. That's what I have for the Board.

1 Any questions?

2           SOTO:                   Not a question, but maybe just a little  
3 follow-up on what Chief Andres is talking about. We had a  
4 conversation about this (inaudible) but also at a past  
5 Commission meeting, and law enforcement in 2022 is such that I  
6 believe in developing my people as well and if I can bring  
7 somebody up through the ranks and get him or her to where she  
8 inspires to be, that's great, but a lot of times we don't have  
9 that opportunity or that desire for a lot of different reasons,  
10 and I know that I've said at past Commission meetings, and I  
11 know that you yourself have had to go outside of your own agency  
12 at times. That's the way law enforcement is today. It just is.  
13 Chief Shea talked about it, you know, two-and-a-half years is  
14 the average now for a chief, it's not even five years anymore.  
15 That window is shrinking and we have to make sure that we have  
16 an ability to put competent, professional people in positions in  
17 which they can run an agency within our state because it's so  
18 important to all of us. So I understand some of the  
19 frustrations and again, I think that this is a great starting  
20 point to find a way to give somebody such as yourself that's  
21 deserving of some certificate that certificate. I don't think  
22 it's that difficult. I don't think it's going to be that  
23 challenging. I do know that there's some things in place that  
24 have caused some challenge for us but I will say this: I think  
25 it's important cause nobody's brought it up today but I've had

1 many conversations with Mr. Sherlock about wanting to find a way  
2 to move forward on this. He understands it too. He doesn't  
3 have the ability in his position to do that but we do as a body  
4 to take a look at these rules and say -- or these regulations or  
5 these laws and say okay, maybe we can, you know -- we can make  
6 this better, so I thank you for your insight. I thank you for  
7 your service to your community. Anybody have anything for Chief  
8 (inaudible)?

9 TOGLIATTI: George Togliatti for the record. I'm  
10 just looking, as a person who is not qualified for an executive  
11 certificate, but I do teach graduate school.

12 ANDRES: That's right.

13 TOGLIATTI: I obviously support the sheriff and both  
14 chiefs, some of the testimony, but looking at .047, I can't help  
15 but look at the last paragraph and it says we will consider each  
16 applicant individually. Unfortunately, items 1 all the way down  
17 to that kind of negates that possibility and I think maybe, as  
18 good-hearted and good-natured as everyone was to put something  
19 like this together, there may be more concern and emphasis on  
20 somebody sneaking through the system as opposed to all those  
21 folks that are overlooked that have just tons and tons of  
22 qualifications. You can't tell me that you can't be a graduate  
23 of a National Academy and what you have to do to go through  
24 those hoops, the National Executive Institute, which is a level  
25 higher than the FBI offers in various degrees here and there,

1 and then the years of service that you would put in with other  
2 agencies can't be overlooked. So I think we should do a better  
3 job maybe of taking a look at the statute and saying hey, we  
4 have to concentrate more on the individual rather than what we  
5 think of the prerequisites. Also, last and final, I think we  
6 have to consider the integrity of the agency and the leaders of  
7 those agencies when they bring someone forward and say hey, this  
8 is somebody who I think is qualified. Thank you.

9 SOTO: I concur with that. That's one of my  
10 concerns. Again, it doesn't have to do with anybody in this  
11 room, but -- and I want to maintain that integrity. We need to  
12 maintain that integrity now as much as ever and that's something  
13 that we can do. I think, you know, we've got a good enough  
14 working relationship. Shoot, everybody knows everybody in this  
15 state, so thank you (inaudible).

16 SHEA: And I'd just like, again, to point out,  
17 I'm probably beating a dead horse, but when you have  
18 professionals of the caliber of Mr. Togliatti, Chief Andres, and  
19 our system precludes them from getting the certification  
20 process, that's where I think we definitely have issues. What  
21 position is higher in the state than the Head of Department of  
22 Public Safety in a state where the agency -- you know, the head  
23 of that can't qualify? The head of what's certainly soon going  
24 to probably be the largest city in the state cannot qualify, and  
25 it's something I think that we need to fix sooner rather than

1 later.

2           ANDRES:           And I'll just say this. I've said this.  
3 I support the reciprocity process. I think that that's in place  
4 for a reason. You know, I've shared with the Board my goal,  
5 ultimate goal, is to continue to develop inside the agency but I  
6 had to bring in an outside chief and obviously he went through a  
7 process, but now with 34 years coming from one of the larger  
8 agencies, a tremendous education background, again, as George  
9 said, he doesn't qualify. So now he's got to go through this  
10 track. So I think that what I would ask the Board is, you know,  
11 we need to be considered what every other state that if you went  
12 to you'd want your education recognized, right, you'd want your  
13 training recognized, and I certainly think it should be a  
14 process. It absolutely -- anybody applying for these things  
15 should be able to demonstrate that they've had training and  
16 courses that meet the standards of the state and I would be glad  
17 to show you my syllabus, as probably well as George from his  
18 position and Tim, but when we don't even get an opportunity to  
19 do that and have the training that you've done throughout your  
20 career recognized, that is -- that's a bit of a hard pill to  
21 swallow.

22           SHEA:           I can certainly tell you when I left the  
23 San Diego County Sheriff's Office and moved to Seattle, my  
24 training records from California were merged into my Washington  
25 State Training Commission training records, and they are part of

1 the 6,000 hours in my computer printout of in-state training  
2 from the State of Washington. That includes California, it  
3 includes training with the FBI National Academy. It includes  
4 the time I spent with New York City Police Department,  
5 Philadelphia Police Department, Los Angeles Police Department,  
6 and subsequent classes in management, it includes the management  
7 courses I went through by the Boeing Corporation, their Senior  
8 Executive Training. Washington State included all that stuff in  
9 there. Here, not a single hour, except for the FBI Academy, is  
10 included and I think that's the things we have to look at  
11 fixing.

12 ANDRES: (Inaudible.) Thanks.

13 UNIDENTIFIED: (Inaudible.) To you, Chief, you know,  
14 you're a prime example of why I think this -- these NACs need to  
15 be overhauled. You know, there's no reason why you shouldn't be  
16 eligible for -- I believe personally that you shouldn't be  
17 eligible for that certificate, and like Mr. Togliatti here, he  
18 should be eligible. I mean, I think it does need to be  
19 overhauled. You know, we need to just find the right answers  
20 so.

21 ANDRES: Well, I appreciate that and I'll leave  
22 this with the Board. I think as the sheriff said, the  
23 certificates absolutely mean something to me and that's  
24 something that I'm working through my agency, right? Because  
25 many of them, oh, why do I need it, and we -- you know,

1 different areas where we've come from, many of us know that  
2 those certificates are important, you know. In certain states,  
3 it's tied to an increase in salary and pay, it's tied to being  
4 able to move up your ranks, and I think that's something we  
5 should work on changing. As we continue to look at that as a  
6 Commission, we need to bring value back to those things cause I  
7 think they -- if you see George or if you see Tim get it, then  
8 you go, well, why do I need it, right? And maybe if I'm not in  
9 the City of Henderson, I can go to another municipality where  
10 it's not recognized and not needed. I think that's an issue.  
11 So I appreciate your time. Thank you, you know, for me having  
12 the opportunity just to present.

13 SOTO: All right. Do we have anybody else that  
14 wants to speak on the matter? I appreciate everything that has  
15 been brought forward and, again, that's a big reason that we  
16 wanted to have, like, a workshop is to hear some of these  
17 stories, some of these examples, some of the complexities that  
18 each individual agency is faced against every single day. And  
19 I'll just say one more thing on the heels of Chief Andres, as  
20 the chief of your department, that's something that you deserve.  
21 I mean, that's the bottom line. It's something that you should  
22 have. It's something that you've earned. I know how difficult  
23 it is for you to run an agency of that size and a city of your  
24 size and that's something -- shouldn't be something that you  
25 shouldn't be able to achieve. I mean, that's how I feel that as

1 the Commissioner of this Board and I think just knowing Mr.  
2 Sherlock and all of my fellow commissioners, I think you've got  
3 a good group of people here right now that are looking at ways  
4 to make our profession better than it already is and allowing  
5 our department heads and our executives the latitude that they  
6 need to do their jobs for their communities that they serve, so  
7 with that --

8 SHERLOCK: I do have --

9 SOTO: Yeah, go ahead, Mr. Sherlock.

10 SHERLOCK: And so I have to -- I received a letter  
11 -- Mike Sherlock for the record -- to include in the workshop.  
12 This is from Sheriff Antinoro from Storey County. I am writing  
13 in regard to the February 24th, 2022 meeting item number 3,  
14 regarding the proposed regulation changes to the Executive  
15 Certificate. It is my position that to reduce requirements from  
16 where they have historically been cheapens the significance of  
17 the Executive Certificate. It is also a slap to those who have  
18 worked hard to earn such a certificate in the past. I do not  
19 think reducing the standards serves a legitimate purpose as far  
20 as the development of professional law enforcement in the State  
21 of Nevada. And that was dated February 22nd, 2022, and that is  
22 the only correspondence that we received regarding this issue.

23 SOTO: So since -- for the workshop -- oh, go  
24 ahead.

25 LININGER: Captain Chris Lininger for the record,

1 Humboldt County. I guess my question is cause if I remember  
2 right, I'm sitting here looking through some stuff, Executive  
3 Certificate before the change in 2010 was designed for sheriffs  
4 and chiefs and department heads only, if I'm right. So I'm  
5 looking at other states. I reach out. Have you guys researched  
6 other states on the requirements? In 2010, they opened it up  
7 for positions, like, undersheriffs, my position as well. Under  
8 our structure, I don't qualify but when the sheriff's gone and  
9 undersheriff's gone, I run our agency. Just the verbiage,  
10 either set a direction that this is going to be strictly for  
11 your heads, or if you open it up, clean up the language in there  
12 because like Sheriff Furlong said, each department is structured  
13 different, so as a captain, I only supervise sergeants, and  
14 they're not management level, so I've never went after my -- I  
15 have everything that I need to get my certificate, I just never  
16 pursued it because I was always told I can't, I don't qualify,  
17 and not by the sheriff, just by other people. So that's my two  
18 cents. I know you guys heard a lot but it's got to go one  
19 direction or the other. If you're going to open it up for upper  
20 management, let's make it fair, clean it up for every agency to  
21 have a definition so other people can get it or limit it. Keep  
22 it to the executive, your sheriffs or chiefs, directors on that  
23 point, and that's my advice.

24 MCKINNEY: I can speak on that, Captain Lininger,  
25 I'm familiar because I previously worked in that house so I'm

1 familiar with POST, so I actually pulled that up recently and to  
2 answer your question, it says, Requirement number 1 to obtain an  
3 Executive Certificate in Idaho is you must be employed for a  
4 minimum of 3 years as a chief of police, sheriff, director, or  
5 chief executive of an agency.

6 LININGER: California's the same way. I just read  
7 that one too, but I mean, we're our own state so we can make our  
8 own --

9 MCKINNEY: Right.

10 LININGER: -- but back in 2010, wherever this  
11 change came from, because I remember talking to actually Sheriff  
12 Gene Hill (phonetic) about the Executive Certificate stuff  
13 because I'd already progressed to a level, or that was the only  
14 certificate I couldn't get, and this was back in 2006 or '09,  
15 I've been stuck here, so -- but when that new change came out, I  
16 wasn't in a position of command staff that I am now, so that's  
17 why I said (inaudible).

18 SHERLOCK: The question is did we survey, and we  
19 do. We look at other states when these issues come up and  
20 predominantly, it is as Chief McKinney stated that it's either  
21 the chief executive or chief executive and undersheriff, as I  
22 understand, we were before 2010.

23 LININGER: Yeah.

24 SHERLOCK: Not that we have to do what other states  
25 do.

1 LININGER: Right.

2 SHERLOCK: That's just -- that's predominantly what  
3 the -- if they have an Executive Certificate in their system,  
4 that is predominantly how it's done.

5 SHEA: So if I catch what you're saying is you  
6 believe there's either one of two pathways that could be cleaned  
7 up: either clean the language up so that chief executives and  
8 their immediate second can all qualify; or make it a career-  
9 development program that people from layers below those levels  
10 can obtain that certification and training levels and all that -  
11 -

12 LININGER: Yeah.

13 SHEA: -- so they can move up into those  
14 positions with those certificates intact.

15 LININGER: Yes. And then with the recommendation  
16 of probably the department head, either the sheriff or the chief  
17 that I'm bringing this person before you for his executive  
18 certificate.

19 SHEA: Okay.

20 LININGER: So just some thoughts.

21 SHERLOCK: I would -- regardless, I would encourage  
22 you to apply it because I think there's some confusion on what  
23 the requirements are and what I'm hearing from you is there's a  
24 good chance that you would qualify.

25 LININGER: I don't supervise two people with

1 management.

2 SHERLOCK: Do you have lieutenants?

3 LININGER: No.

4 SHERLOCK: Do you have -- but do you have -- so you  
5 have none?

6 LININGER: No.

7 SHERLOCK: So the sergeant is also lieutenant, if  
8 we're view -- thinking in that perspective?

9 LININGER: I only have three sergeants and they  
10 don't meet the definition of management.

11 SHERLOCK: They're both supervisors --

12 LININGER: There's --

13 SHERLOCK: -- (inaudible) first-level management  
14 (inaudible) you guys?

15 LININGER: They're first-line supervisors by the  
16 statute.

17 SHERLOCK: Right.

18 LININGER: By the definitions. I'm just going  
19 strictly off the definitions, what I heard you earlier that you  
20 (inaudible).

21 SHERLOCK: (Inaudible) people still confused what  
22 the regulation currently says, not that we don't need to change  
23 it. I'm just saying what it currently says that you may --

24 LININGER: But --

25 SHERLOCK: -- very well, right --

1 LININGER: -- but by the --

2 SHERLOCK: -- might be eligible.

3 LININGER: -- by the way the definitions are  
4 defined in each level --

5 SHERLOCK: You wouldn't be?

6 LININGER: -- I'm not qualified because it says a  
7 first-line supervisor supervises the deputies or officers, the  
8 management supervises the first-line supervisors, and the  
9 executive manages two -- see what I mean?

10 SHERLOCK: Okay. Okay.

11 LININGER: Yeah. I mean, technically, the sheriff  
12 is the only one in our agency -- I think he has it but I don't -  
13 - is the only one that qualifies for --

14 SHERLOCK: Yeah. Okay.

15 LININGER: -- our -- under the requirements.

16 SOTO: I appreciate that insight. Again, I  
17 think, you know, since we're closing up and I think this is our  
18 last person with some thoughts on the subject is as we, as  
19 commissioners, look through this, understand there's no way to  
20 make a one-size-fits-all for this thing. It isn't going to  
21 happen. We have to have some parameters as to what those  
22 qualifications are going to look like, but all of your input and  
23 insight helps us understand that piece of it really and that  
24 career path and how, you know, it really comes down to valuing  
25 your people and finding a way to develop those people, so we'll

1 work on that but we'll -- we are not going to take any action on  
2 the workshop on this piece of it, seeing as though there's -- do  
3 we have anybody else that who to speak on the subject? Any  
4 commissioners that want to weigh in on anything else before we  
5 go to the Commission meeting? Okay. Thank you all for that. I  
6 think (inaudible).

7           SHERLOCK:           We do. It's item number 3.

8           [end of recording]

9

10

11

## **MINUTES FOR THE REGULARLY SCHEDULED POST COMMISSION MEETING HELD FEBRUARY 24, 2022**

### **Agenda Item #1 - DISCUSSION, PUBLIC COMMENT AND FOR POSSIBLE ACTION**

Approval of the minutes from the November 8<sup>th</sup>, 2021 regularly scheduled POST Commission meeting. No questions or comments from the commission, no public comment.

**Motion** to approve November minutes made by Sheriff Mike Allen

**2<sup>nd</sup>** was made by Chief Tim Shea

Vote was unanimous to approve the November meeting minutes

### **Agenda item #2- DISCUSSION, PUBLIC COMMENT AND FOR POSSIBLE ACTION**

#### **Executive Directors Report:**

##### **Training**

1. Executive Director Mike Sherlock updated the commission on POST activities. Basic Training academy is participating in a national study during this academy, focuses on the delivery and retention of training
2. Scheduling Management, Supervisor and Basic Instructor Classes. Dates/times on the POST website
3. We are developing a Supervisor Leadership class. This is a training class designed to transition the officer from Supervisor to Management. Modeling it after the SLI class from California. We would facilitate learning through small group interaction, participants from all over Nevada. Thinking the format will be something like 2 days a month for 6 months.
4. Training bureau is updating the Background Investigator Training and will release that soon.

##### **Standards**

1. Two civilian members to be added to the Commission. One has been appointed, Ms. Tiffany Young from Reno. Unfortunately, she could not attend the meeting today but is planning to be at the next meeting in May. Ms. Young visited the POST Administrative office recently. We have two new Commissioners that were appointed this week, Assistant Chief Robert Straub from Las Vegas DPS and Deputy Chief Jamie Prosser from Las Vegas Metro PD.

##### **Administration**

1. Budget concerns, revenue down more than 50%. We have not been able to determine if courts are not transmitting the court assessments, or if traffic enforcement as dropped or a combination of both. A bill was passed in the last session that moves traffic violations into a special category and if someone is unable to pay the fine, they are no longer sentenced to jail time.

Comments:

Chief Soto- Welcome and thank you to the new commissioners.

No other comments

**Agenda Item #3 – DISCUSSION, PUBLIC COMMENT AND FOR POSSIBLE ACTION:**

**The Commission to decide whether to continue the rulemaking process to revise NAC289.270 to clarify the requirements to qualify for an Executive Certificate. Discussion on proposed changes may include, but is not limited to, the following:**

**Removal of/changes to agency position requirements to qualify for an Executive Certificate.**

**Removal of/changes to minimum requirements for advanced certificates a peace officer must hold as a prerequisite for an Executive Certificate.**

Discussion was had regarding revision of language pertaining to both NAC 289.270 and NAC 289.047. Agreed by all the definition (289.047) and certificate requirements (289.270) are tied together and if we change one we have to change both.

Commissioner McKinney agrees we need to update the minimum standard, but not to make it so vague that anyone can get one

Commissioner Allen agrees with definition proposed by CCSO during the workshop: “Executive Level Position means a position held by a peace officer in which the peace officer holds a position that is deemed to be in the line of succession for the chief of the agency, whereby that position could be called upon to be in charge of the entire agency.”

**Public Comment** was made by Captain Chris Lininger (Humboldt Co. SO) to suggest a resume process for qualifying for the Executive Certificate.

**Motion** was made by Chief Tim Shea to continue the rulemaking process to revise NAC 289.270 to clarify the requirements to qualify for an Executive Certificate.

**2<sup>nd</sup> to the motion** was made by Chief Ty Trouten

Vote was unanimous in favor of continuing the rulemaking process to revise NAC 289.270/NAC289.047

**Agenda Item #4- DISCUSSION, PUBLIC COMMENT AND FOR POSSIBLE ACTION:**

**Hearing pursuant to NAC289.290(1)(e) on the revocation of Jovan Motley (formerly of the Nevada Department of Corrections) certification based on Gross Misdemeanor convictions.**

Senior Deputy Attorney General Mike Jensen presented Exhibits A through F for the record.

**Exhibit A** - Notice of Intent to Revoke – notified Jovan Motley of the Commissions intent to revoke his basic certificate for 2 Gross Misdemeanor Counts pursuant to NAC289.290 (1)(e).

Count 1 – Attempt asking or receiving bribe by public officer (Category D Felony/Gross Misdemeanor NRS197.040, 193.330)

Count 2 – Attempt possession of a portable telecommunication device by a state prisoner (Category E Felony/Gross Misdemeanor NRS212.165(3), 193.330)

Date, time and location of meeting which is being held at the Pahrump Nugget Hotel/Casino, 681 S. Hwy 160, Pahrump NV and will start at 2:00pm on February 24, 2022.

This notice served to notify Mr. Motley he had a right to appear before the Commission to contest the revocation of his basic certificate and needed to provide written notice to the Commission within 15 days of the date of the hearing.

**Exhibit B** - Proof of Service provided showing Jovan Motley was served the Notice of Intent to Revoke on January 18, 2022, at 8:15am at the address listed but was redacted for privacy.

**Exhibit C** - Update PAR submitted by Nevada Department of Corrections showing Jovan Motley separated from service effective 06/06/2019.

**Exhibit D** – Copy of Jovan Motley’s Category III basic certificate

**Exhibit E** – Criminal Information from the District Court in Clark County, NV. The information explains the details of each Count.

**Exhibit F** - Guilty Plea Agreement from the District Court in Clark County, NV. The Guilty plea agreement provides the defendant pled guilty to both counts, and details the consequences of the Plea, Waiver of Rights and Voluntariness of Plea.

No public comment was made, Mr. Motley did not appear to contest his revocation.

**Motion** was made by Chief Kevin McKinney to revoke Jovan Motley’s basic certificate

**2<sup>nd</sup> to the motion** was made by Chief Tim Shea

Vote was unanimous to revoke Jovan Motley’s basic certificate

**\*\*Senior Deputy Attorney General requested to address Agenda Items #5 and #6 at the same time as these cases were linked and these defendants tried and convicted simultaneously.**

#### **Agenda Item #5 & #6– DISCUSSION, PUBLIC COMMENT AND FOR POSSIBLE ACTION**

**Hearing pursuant to NAC289.290 (1)(e) and (1)(g) on the revocation of Eduardo Bueno and Nicholas Diaz (formerly of the Las Vegas Metro Detention Center) basic certifications based on Gross Misdemeanor/Felony convictions**

Senior Deputy Attorney General Mike Jensen presented Exhibits A through F for the record.

**Exhibit A** - Notice of Intent to Revoke– notified Eduardo Bueno and Nicholas Diaz of the Commissions intent to revoke their basic certificates pursuant to NAC289.290 (1)(e) based on a conviction of, or entry

of a plea of guilty, guilty but mentally ill or nolo contendere to a gross misdemeanor and NAC289.290 (1)(g) based on a conviction of, or entry of a plea of guilty, guilty but mentally ill or nolo contendere to a felony.

Count 1 – Conspiracy to commit oppression under the color of office (Gross Misdemeanor – NRS 197.200;199.480 – NOC 52343)

Count 2 – Oppression under color of office (Category D Felony – NRS 197.200- NOC52313)

Date, time and location of meeting which is being held at the Pahrump Nugget Hotel/Casino, 681 S. Hwy 160, Pahrump NV and will start at 2:00pm on February 24, 2022.

This notice served to notify both Eduardo Bueno and Nicholas Diaz they had a right to appear before the Commission to contest the revocation of his basic certificate and needed to provide written notice to the Commission within 15 days of the date of the hearing.

**Exhibit B** - Proof of Service provided showing Eduardo Bueno was served the Notice of Intent to Revoke on February 4, 2022, at 10:04 am at the address listed but was redacted for privacy and Nicholas Diaz was served the Notice of Intent to Revoke on February 4, 2022, at 9:20am at the address listed but was redacted for privacy.

**Exhibit C** - Update PAR submitted by Nevada Department of Corrections showing Eduardo Bueno and Nicholas Diaz were separated from service effective 01/06/2022

**Exhibit D** – Copies of Eduardo Bueno and Nicholas Diaz’s Category III basic certificates

**Exhibit E** – Criminal Information from the District Court in Clark County, NV. The information explains the details of each Count.

**Exhibit F** – Judgment of Conviction (Jury Trial) from the District Court in Clark County, NV. The Judgment of Conviction shows both defendants were found guilty by jury of the 2 counts detailed in the Criminal Information in Exhibit E.

No public comment was made, neither Mr. Bueno nor Mr. Diaz appeared to contest their revocation.

**Motion** was made by Chief Kevin McKinney to revoke Eduardo Bueno and Nicholas Diaz’s basic certificates

**2<sup>nd</sup> to the motion** was made by Chief Ty Trouten

Vote was unanimous to revoke Eduardo Bueno and Nicholas Diaz’s basic certificates

**Agenda Item #7 was withdrawn by the Eureka County Sheriff before the meeting started**

**Agenda Item #8 DISCUSSION, PUBLIC COMMENT AND FOR POSSIBLE ACTION**

**Request from Carlin Police Department for an Executive Certificate for their employee Chief Kevin McKinney**

**Motion** was made by Chief Tim Shea to approve the request

**2<sup>nd</sup> to the motion** was made by Chief Ty Trouten

Vote was unanimous to approve the Executive Certificate application for Chief McKinney

**Agenda Item #9 DISCUSSION, PUBLIC COMMENT AND FOR POSSIBLE ACTION**

**Request from Nye County Sheriff's Office for an Executive Certificate for their employee Captain David Boruchowitz**

**Motion** was made by Chief Tim Shea to approve the request

**2<sup>nd</sup> to the motion** was made by Sheriff Mike Allen

Vote was unanimous to approve the Executive Certificate application for Captain Boruchowitz

**Agenda Item #10 DISCUSSION, PUBLIC COMMENT AND FOR POSSIBLE ACTION**

**Request from Eureka County Sheriff's Office for an Executive Certificate for their employee Undersheriff Tyler Thomas**

**Motion** was made by Chief Ty Trouten to approve the request

**2<sup>nd</sup> to the motion** was made by Chief Kevin McKinney

Vote was unanimous to approve the Executive Certificate for Undersheriff Thomas

**Agenda Item #11 PUBLIC COMMENT**

**NO PUBLIC COMMENT WAS OFFERED OR PRESENTED**

**Agenda Item #12 DISCUSSION, PUBLIC COMMENT AND FOR POSSIBLE ACTION**

Upcoming commission meeting scheduled for May 5<sup>th</sup>, 10:00am in Carson City. This will be held before the Law Enforcement memorial scheduled for that afternoon

Motion made by Chief Kevin McKinney

2<sup>nd</sup> to the motion made by Chief Tim Shea

Vote was unanimous

**Agenda Item #13 DISCUSSION, PUBLIC COMMENT AND FOR POSSIBLE ACTION**

Adjournment

Motion made by Chief Tim Shea