



STATE OF NEVADA  
**COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING**  
5587 Wa Pai Shone Avenue  
Carson City, Nevada 89701  
(775) 687-7678 FAX (775) 687-4911

STEVE SISOLAK  
*Governor*

MICHAEL D. SHERLOCK  
*Executive Director*

**NOTICE OF PUBLIC MEETING (NRS 241)**

NOTICE IS HEREBY GIVEN THAT STARTING AT 2:00 P.M. ON MONDAY, NOVEMBER 4, 2019 THE COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING WILL HOLD A PUBLIC COMMENT HEARING, WORKSHOP AND REGULARLY SCHEDULED MEETING AT THE SOUTH POINT HOTEL and SPA, NAPA ROOMS C/D AT 9777 S. LAS VEGAS BLVD, LAS VEGAS, NV 89183.

The agenda will include the following items. The Commission, at their discretion, may take items out of order, combine two or more agenda items for consideration, and remove an item from the agenda or delay discussion relating to an item on the agenda at any time. A request to have an item on the agenda heard out of order shall be made to the Commission's secretary prior to the commencement of the meeting. Prior to the commencement or conclusion of a contested case or a quasi-judicial proceeding that may affect the due process rights of an individual the Commission may refuse to consider public comment. See NRS 233B.126.

**I. PUBLIC COMMENT HEARING**

1. Call to order
2. Roll call of Commission Members

**TOPIC**

THE PURPOSE OF THE HEARING IS TO RECEIVE COMMENTS FROM ALL INTERESTED PERSONS REGARDING THE ADOPTION, AMENDMENT AND REPEAL OF REGULATIONS THAT PERTAIN TO CHAPTER 289 OF THE NEVADA ADMINISTRATIVE CODE (NAC). (THIS PUBLIC COMMENT HEARING HAS BEEN PREVIOUSLY NOTICED PURSUANT TO THE REQUIREMENTS OF NRS CHAPTER 233B):

The existing regulations authorize the Commission to suspend, refuse or revoke the certificate of a peace officer, if among other circumstances, the peace officer: (1) is convicted of, or pleads guilty, guilty but mentally ill or nolo contendere to a felony or gross misdemeanor; or (2) is convicted of a misdemeanor. If the peace officer is convicted of a misdemeanor and the employing agency recommends the suspension or revocation, existing regulations authorize the Commission to revoke or suspend the certificate of the peace officer. (NAC 289.290).

This proposed regulation authorizes the Commission to suspend or revoke the certificate of the peace officer without a recommendation from the employing agency if the peace officer is convicted of a misdemeanor crime of domestic violence, as defined pursuant to federal law.

### 3. PUBLIC COMMENTS

## II. WORKSHOP

THE PURPOSE OF THE WORKSHOP IS TO SOLICIT COMMENTS FROM INTERESTED PERSONS ON THE FOLLOWING GENERAL TOPIC THAT MAY BE ADDRESSED IN THE PROPOSED REGULATIONS (WORKSHOP HAS BEEN PREVIOUSLY NOTICED PURSUANT TO THE REQUIREMENTS OF NRS CHAPTER 233B):

### TOPIC

### NAC REGULATION

The Commission to discuss revisions to its regulations establishing the consequences to a person's POST certification being in an inactive status for more than 5 years. Pursuant to NAC 289.200(8), a person's POST certification is placed in an inactive status when their peace officer employment is terminated for any reason. If the person's POST certification is in an inactive status for more than five consecutive years, they are required to successfully complete a basic training course, the State Physical Fitness Examination and the State Certification Examination. See NAC 289.200(1). The Commission is considering a revision to its regulations that would toll the running of the five year time period during the time the person is employed by a federal law enforcement agency in the State of Nevada that requires its officers to complete training recognized by the POST Commission pursuant to NAC 289.200(2), or the person is employed full time in a training officer, supervisor or manager position at a school that primarily teaches a basic training course certified by the POST Commission.

**289.200**

### 1. PUBLIC COMMENTS

## III. REGULARLY SCHEDULED MEETING AGENDA ITEMS

### 1. DISCUSSION, PUBLIC COMMENT, AND FOR POSSIBLE ACTION.

Approval of minutes from the May 2, 2019 regularly scheduled POST Commission Meeting.

### 2. INFORMATION. Executive Director's report.

- a. Training Division
- b. Standards Division
- c. Administration

### 3. DISCUSSION, PUBLIC COMMENT, AND FOR POSSIBLE ACTION.

The Commission to discuss and possibly take action to continue the rule making process to change the Nevada Administrative Code Chapter 289. The Commission is considering an amendment to its regulations that would toll the running of the five year time period in NAC 289.200(8) during the time the person is employed by a federal law enforcement agency in the State of Nevada that requires its officers to complete training recognized by the POST Commission pursuant to NAC 289.200(2), or the person is employed full time in a training officer, supervisor or manager position at a school that primarily teaches a basic training course certified by the POST Commission.

**4. DISCUSSION, PUBLIC COMMENT, AND FOR POSSIBLE ACTION.**

The Commission to discuss and possibly take action to amend its regulations, as set out in LCB file No. R006-19, to provide the Commission with authority to suspend or revoke a peace officer's certification upon conviction for a misdemeanor crime of domestic violence as defined in 18 U.S.C. § 921(a)(33) without the recommendation of the employing agency.

**5. DISCUSSION, PUBLIC COMMENT, AND FOR POSSIBLE ACTION.**

The Commission to discuss and possibly take action to start the rule making process to amend NAC 289.230 to reflect the statutorily mandated continuing education/training for peace officers. The proposed amendment would remove the current 12 hour continuing education/training requirement and add the statutorily mandated training.

**6. DISCUSSION, PUBLIC COMMENT, AND FOR POSSIBLE ACTION.**

The Commission to discuss and possibly take action to delegate authority to the Executive Director to make any decision regarding litigation concerning any action or proceeding in which the Commission, or any member or employee of the Commission, is a party in an official capacity or participates or intervenes in an official capacity.

**7. DISCUSSION, PUBLIC COMMENT, AND FOR POSSIBLE ACTION.**

Hearing pursuant to NAC 289.290 (1) (g) on the revocation of Bret W. Theil, formerly of the Las Vegas Metropolitan Police Department, certification based on felony convictions including First Degree Kidnapping of a Minor, Lewdness With a Minor Under the Age of 14, Sexual Assault With a Minor Under 14 Years of Age, Sexual Assault with a Minor Under 16 Years of Age, Child Abuse, Neglect or Endangerment, and Resisting a Public Officer With Use of a Firearm. The Commission will decide whether to revoke Mr. Theil's Category I Basic Certificate.

**8. DISCUSSION, PUBLIC COMMENT, AND FOR POSSIBLE ACTION.**

Hearing pursuant to NAC 289.290 (1) (g) on the revocation of Robert J. Griffin, formerly of the Clark County School District Police Department, certification based on a conviction for Grand Larceny (a Category C Felony – NRS 205.220.1, 205.222.2). The Commission will decide whether to revoke Mr. Griffin's Category I Basic Certificate.

**9. DISCUSSION, PUBLIC COMMENT, AND FOR POSSIBLE ACTION.**

Hearing pursuant to NAC 289.290 (1) (e) on the revocation of Earl T. Mitchell, formerly of the Henderson Constables Office, certification based on a conviction for Fraudulent Conveyance (Gross Misdemeanor – NRS 205.330). The Commission will decide whether to revoke Mr. Mitchell's Category I Basic Certificate.

**10. DISCUSSION, PUBLIC COMMENT, AND FOR POSSIBLE ACTION.**

Request from the Washoe County Sheriff's Office, for their employee Deputy Chief Timothy K. O'Connor, for an Executive Certificate.

**11. DISCUSSION, PUBLIC COMMENT, AND FOR POSSIBLE ACTION.**

Request from the Washoe County Sheriff's Office, for their employee Deputy Chief Jeffery S. Clark, for an Executive Certificate.

**12. DISCUSSION, PUBLIC COMMENT, AND FOR POSSIBLE ACTION.**

Request from the Carson City Sheriff's Office, for their employee Captain James W. Primka, for an Executive Certificate.

**13. DISCUSSION, PUBLIC COMMENT, AND FOR POSSIBLE ACTION.**

Request from the Henderson Police Department, for their employee Deputy Chief David C. Burns for an Executive Certificate.

**14. DISCUSSION, PUBLIC COMMENT, AND FOR POSSIBLE ACTION.**

Request from the Carson City Alternative Sentencing, for their employee Chief Tad N. Fletcher for an Executive Certificate.

**15. PUBLIC COMMENTS**

*The Commission may not take action on any matter considered under this item until the matter is specifically included on an agenda as an action item.*

**16. DISCUSSION, PUBLIC COMMENT, AND FOR POSSIBLE ACTION.**

Schedule upcoming February 2020 Commission Meeting.

**17. DISCUSSION, PUBLIC COMMENT, AND FOR POSSIBLE ACTION.**

Adjournment.

**POSTED AT THE FOLLOWING LOCATIONS:**

POST Administrative Office, Carson City  
Nevada State Capitol, Carson City  
Blasdel State Building, Carson City  
Nevada State Library and Archives, Carson City  
Grant Sawyer Building, Las Vegas  
Carson City Sheriff's Office  
White Pine County Sheriff's Office  
<http://post.nv.gov>  
<http://notice.nv.gov>

Electronically Posted pursuant to NRS 241.020(4)

Pursuant to NRS 241.020(2)(c), a copy of supporting materials for the meeting may be obtained by contacting POST Standards Division, at (775) 687-3335, Commission on Peace Officer Standards and Training at 5587 Wa Pai Shone Avenue, Carson City, Nevada 89701.

*NOTE: We are pleased to make reasonable accommodations for members of the public who are disabled and wish to attend the meeting. If special arrangements for the meeting are necessary, please notify the Commission on Peace Officer Standards and Training at 5587 Wa Pai Shone Avenue, Carson City, Nevada 89701 or call Scott Johnston at (775) 687-7678, Ext. 3335, no later than 2 working days prior to the meeting.*