



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

BRIAN SANDOVAL
Governor

MICHAEL D. SHERLOCK
Executive Director

NOTICE OF PUBLIC MEETING (NRS 241)

NOTICE IS HEREBY GIVEN THAT STARTING AT 8:30 A.M. ON THURSDAY, NOVEMBER 15, 2018, THE COMMISSION ON PEACE OFFICERS STANDARDS AND TRAINING WILL HOLD A REGULARLY SCHEDULED MEETING AT THE COMMISSION ON POST, 5587 WA PAI SHONE AVE, CARSON CITY, NV 89701.

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. REGULARLY SCHEDULED MEETING AGENDA ITEMS

1. Call to order
2. Roll call of Commission Members
3. **DISCUSSION, PUBLIC COMMENT, AND FOR POSSIBLE ACTION.**
Approval of minutes from the September 5, 2018 regularly scheduled POST Commission Meeting.
4. **DISCUSSION, PUBLIC COMMENT, AND FOR POSSIBLE ACTION.**
Request from the Lander County Sheriff's Office for a 6 month extension past the one year requirement in order to meet the requirements for certification for their employee Deputy Jeremy Adams.
5. **DISCUSSION, PUBLIC COMMENT, AND FOR POSSIBLE ACTION.**
Request from the Lander County Sheriff's Office for a 6 month extension past the one year requirement in order to meet the requirements for certification for their employee Deputy Nichole Pettit.
6. **DISCUSSION, PUBLIC COMMENT, AND FOR POSSIBLE ACTION.**
Request from the Las Vegas Justice Court Marshals for a 6 month extension past the one year requirement in order to meet the requirements for certification for their employee Deputy Marshal Jeffrey R. Parker.

7. **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.

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

Schedule upcoming Commission Meeting.

9. **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, 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.

I. REGULARLY SCHEDULED MEETING AGENDA ITEMS

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

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

Approval of minutes from the September 5, 2018 regularly scheduled POST Commission Meeting

In the Matter Of:
Commission on POST

Meeting
September 05, 2018



3200 COBB GALLERIA PARKWAY
SUITE 265
ATLANTA, GA 30339

1 COMMISSION ON PEACE OFFICER STANDARDS
2 AND TRAINING REGULARLY SCHEDULED MEETING

3
4 LAS VEGAS METROPOLITAN POLICE DEPARTMENT
5 HEADQUARTERS

6 Building A, Classroom 109
7 400 South Martin Luther King Boulevard
8 Las Vegas, Nevada

9
10 Wednesday, September 5, 2018
11 1:30 p.m.

12

13 Commissioners:

- 14 TROY TANNER, Mesquite PD (Chairman)
- 15 JAMES WRIGHT, DPS
- 16 JOHN McGRATH, Las Vegas Metro PD
- 17 KEVIN MCKINNEY, Lieutenant, Elko County SO
- 18 JAMES KETSAA, Clark County School PD
- 19 BEN REED, Elko PD
- 20 MICHAEL ALLEN, Humboldt County SO

21

22 Staff Present:

- 23 SCOTT JOHNSTON, POST
- 24 MIKE JENSEN, AG OFFICE
- 25 MIKE SHERLOCK, POST

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1 PROCEEDINGS

2 (1:30 p.m.)

3 CHAIRMAN TANNER: Okay, I'll call the
4 meeting to order, it's a POST Commission
5 meeting, September 5th, 2018. For the record,
6 the time is 1:30, and I'll call on Mr. Scott
7 Johnston for information on the legal postings.

8 MR. JOHNSTON: Thank you, Mr.
9 Chairman. The notices were posted at the POST
10 administrative office in Carson City, the
11 Nevada State Capitol building in Carson City,
12 the Blasdel State Building in Carson City, the
13 Nevada State Library and Archives in Carson
14 City, the Grant Sawyer Building in Las Vegas,
15 the Carson City Sheriff's Office, the White
16 Pine County Sheriff's Office, and at the post
17 website at post.nv.gov, and at the state notice
18 website at notice.nv.gov, and it was
19 electronically sent out to the agencies that
20 are on our contact list.

21 CHAIRMAN TANNER: Appreciate it. And
22 next we'll go over just a little list, I want
23 to remind the public since we have a full crowd
24 today, I remind the public to sign in on the
25 attendance roster, state your name and agency

1 before speaking at the public comment table
2 which is right here in front of us, and then
3 for the public and commissioners, if you have
4 cellular phones or pagers, please make sure
5 they're turned off, and then please state your
6 name before speaking to the commissioners. And
7 you want to make sure, those microphones are
8 very sensitive, they're on, we don't want the
9 crowd to hear any whispering. And if you make
10 a motion, please clarify the motion and who
11 made the motion.

12 And then I'll jump to roll call now,
13 we'll start over here at Scott, and we'll go
14 across.

15 MR. JOHNSTON: Scott Johnston, POST.

16 MR. JENSEN: Mike Jensen, Attorney
17 General's Office.

18 MR. SHERLOCK: Mike Sherlock, from
19 POST.

20 CHAIRMAN TANNER: Troy Tanner,
21 Mesquite Police Department.

22 COMMISSIONER WRIGHT: Jim Wright, DPS.

23 COMMISSIONER McGRATH: John McGrath,
24 Las Vegas Metro.

25 COMMISSIONER McKINNEY: Kevin

1 McKinney, Elko County Sheriff's.

2 COMMISSIONER KETSAA: James Ketsaa,
3 Clark County School Police.

4 COMMISSIONER REED: Ben Reed, Elko PD.

5 COMMISSIONER ALLEN: Mike Allen,
6 Humboldt County Sheriff's Office.

7 CHAIRMAN TANNER: The next one is item
8 number three.

9 MR. JOHNSTON: Mr. Chairman, you might
10 want to make note that two of the commissioners
11 are not here today.

12 CHAIRMAN TANNER: Good idea. We're
13 missing two commissioners, Commissioners
14 Michele Freeman and Jason Soto, thank you.

15 Okay. For the commissioners, are
16 there any corrections or additions to the
17 minutes, if you've had a chance to go over the
18 minutes from the last meeting? If there's not,
19 I'm looking for a motion to approve the May 3rd
20 meeting minutes.

21 COMMISSIONER KETSAA: Jim Ketsaa. For
22 the record, I make a motion.

23 COMMISSIONER REED: Ben Reed, I'll
24 second it.

25 COMMISSIONER TANNER: All in favor?

1 (Chorus of ayes.)

2 CHAIRMAN TANNER: The motion passes.

3 Okay, item four is -- oh no, this is a
4 long one, our executive director's report.
5 I'll turn it over to Mike Sherlock.

6 MR. SHERLOCK: Mike Sherlock, for the
7 record. Mr. Chairman, my font is really big,
8 it's not that long, so I'll try to get through
9 this.

10 So, good afternoon. Let me just get
11 it started real quick with some happenings at
12 POST and start with basic training. We do
13 currently have an academy in session, this
14 academy graduates on November 15th. Just to
15 remind you, one of the mandates given by the
16 Commission a couple years ago was to tighten
17 and improve our academy and we continue to do
18 that. Some of the new things at the academy,
19 we recently executed an agreement with a public
20 college based in Arizona, they reviewed our
21 curriculum and will now offer 39 units of
22 college credit to any graduate of a Nevada
23 POST-certified academy. It doesn't have to be
24 one at POST but any certified academy, as long
25 as that Category I academy exceeds 550 hours,

1 which all of our academies do.

2 So the units with this particular
3 college, and I forgot to bring the name of the
4 college but it's on our website, the units can
5 be used for an AS degree in law enforcement
6 technology. The units may or may not be
7 transferrable, but from a POST perspective they
8 will count towards your intermediate or
9 advanced certificate through POST as the
10 college is an accredited college.

11 This really simply advances POST's
12 desire to encourage formal education, and
13 again, we have that information on our website.
14 The cost is fairly minimal when you look at
15 what they charge, and it really should prove to
16 be a benefit to new officers that are really
17 wanting to start their college education.

18 Within the basic academy, it's on the
19 agenda later on so I won't get into it, but we
20 are looking to start a pilot program to get
21 more Nevada policing expertise interjected into
22 our academy, and we'll talk about that in an
23 upcoming agenda item.

24 In advanced training they are doing a
25 complete revamp of the supervisor's course, we

1 should have that out very soon, we're waiting
2 for some material, another save right now.

3 On the standards side, we received
4 final approval from the legislature on the
5 dispatcher regulation a couple months ago.
6 Frankly, it's been pretty frustrating. The
7 State went to a new Moodle system and we had to
8 take everything down and reformat all of our
9 online courses, so that put us a bit behind on
10 the dispatcher course, but we're almost done
11 with reformatting it again, and that will be
12 available on our website hopefully very soon.

13 Also with standards, we're going to
14 talk a little bit about reciprocity in another
15 agenda item, so I'll hold off on that.

16 Administratively, we are working on
17 the upcoming budget for the next biennium.
18 Just so the commissioners understand how POST
19 budget works, we are bound by what's called the
20 two-time rule, we're a fee-based agency, and so
21 that rule says that our budget cannot be more
22 than two times our base budget for this
23 biennium. In other words, the theory is as a
24 fee-based agency, we don't want state agencies
25 to increase their fees in order to increase

1 their budget. As you all know, that really
2 doesn't apply to us, but we're just stuck with
3 that rule. Our fees come from court
4 assessments that we have no control over, so it
5 does get a bit frustrating, it is one of the
6 main reasons our budget remains the same today
7 as it was ten years ago at POST.

8 I am looking at some funding source
9 alternatives. I'm looking for any legislators
10 that may carry a bill to help us with that.
11 I've had a couple that have offered but haven't
12 heard back, so I encourage the Commission, if
13 you have anybody who is interested in that
14 issue, to get ahold of us to help us with that.
15 In a nutshell, what I'd like to do is stabilize
16 our budget and get to the point that other
17 entities across the country do, and that is
18 have a training reimbursement fund,
19 particularly helpful to our smaller agencies,
20 but all agencies, as we know other states do,
21 and I think there's ways of doing that without
22 reaching into the General Fund or tax dollars,
23 and I have some ideas that come from other
24 states that worked really well in other states
25 that I think would work well here in Nevada, so

1 I'm looking at some BDRs that would help us
2 from that standpoint.

3 Back on August 22nd, we were in front
4 of the Public Works Board to once again pitch
5 our CIP on an EVOC facility. Just as a
6 reminder, or to refresh everyone's memory, this
7 project was approved back in 2008, we had money
8 in the bank, all the plans were done, we
9 already owned the property, and with the
10 economic turndown the money was swept out of
11 the account and it was not, it didn't go
12 forward. A lot of the preliminary work has
13 already been done.

14 Having done, in saying that, the
15 original cost was 2.8 million. With inflation
16 and a few small changes, that same project is
17 now projected at seven million, so the delay
18 hasn't been real good for that project, but
19 we'll see what happens with it. I just
20 wouldn't hold my breath on that, there's a
21 limited amount of money from CIP and where we
22 fit in the priority is not known, and I don't
23 know that it's there.

24 Along those lines, we are in critical
25 need of EVOC vehicles. We have traditionally

1 used retired NHP cars, that's not working out
2 for a variety of reasons, they're keeping them
3 longer, we're just not seeing those, so we're
4 looking at ways to lease vehicles. But again,
5 with our two-time rule and our budget, we have
6 to show a cost savings if we do that, but it is
7 getting critical, we are -- you know, our cars
8 are breaking down, and I think we're down five
9 right now, we can't get them replaced, and it
10 makes it difficult for basic training.

11 Finally, you know, I'm afraid I may
12 lose my hair by the next meeting, 2-2, worrying
13 about a quorum. Just a quick little
14 background, especially for our new
15 commissioners. The Commission is required by
16 statute to meet, quote, regularly. We
17 traditionally at POST accomplish this by
18 generally doing four meetings a year. In the
19 past it's been pretty much May in Carson City,
20 July in Ely, November in Vegas, and then
21 February we've either done Carson City or
22 Mesquite. So, you know, I just want to remind
23 everyone of that. There's been some
24 suggestions that, which I personally agree
25 with, that it may make things easier if we do

1 two in the north, two in the south, Reno-Carson
2 area and Clark County area, and call it a day.

3 We have some concerns with Ely, not
4 that I don't like going out to Ely, but you
5 know, if we have public on the agenda or
6 revocations, or executive certificates, it's
7 difficult for people to get to Ely. So anyway,
8 we'll look at that and I'll work with the
9 chairperson on that.

10 There's also been a suggestion from
11 the Commission that, to add a little meat to
12 the agenda in terms of our policy, so you'll
13 see on the agenda we have added a policy issue,
14 a couple policy issues that hopefully will get
15 you guys more involved, move us up on the
16 priority list of meetings going forward next
17 year.

18 So again, I only have hair left in my
19 ears anyway, so it doesn't really matter, but I
20 think that's all.

21 CHAIRMAN TANNER: I appreciate that.
22 Troy Tanner for the record, I want to make a
23 quick comment. I appreciate you doing the
24 college credits because I think it does get
25 people moving in the right direction, it really

1 does as far as if they attempt to work on a
2 degree, I know a lot of agencies, including
3 mine, you need those different degrees to move
4 forward in a career, so I appreciate you guys
5 doing that, we did that back, it started
6 regional and was very successful. A lot of
7 people, I don't know if you all remember Dr.
8 Casey, who passed away a few years ago, he
9 pushed that really hard, he came from New York
10 City and ran the CSN academy, and it was
11 beneficial, I used it in my career in fact. So
12 I appreciate you looking at options and things
13 that will benefit new recruits, so I thank you
14 for the changes you've made, and I've seen a
15 lot coming, so I appreciate the movement, and
16 understand there's some headaches with people
17 being upset when different recruits, I think
18 most of understand that some people, this
19 career, this job, this career isn't for
20 everyone, so I appreciate you holding them to
21 the standards, and that's the conversations I
22 had with Ron Pierini, is that I appreciated him
23 holding the line, and I do appreciate you
24 taking on those headaches, so thank you.

25 MR. SHERLOCK: Thank you.

1 CHAIRMAN TANNER: Would anyone else
2 like to make any comments?

3 COMMISSIONER REED: I had a question,
4 Mr. Chairman, Ben Reed for the record.

5 So Mike, are you, on the funding, are
6 you trying to carve out an exception for POST,
7 then, with a BDR on the funding limit, is that
8 where you would like to go?

9 MR. SHERLOCK: Mike Sherlock for the
10 record. You know, there's a lot of different
11 funding mechanisms. One of the ones that
12 really appeals to me that just was passed last
13 year in Massachusetts was a two-dollar
14 surcharge on rental cars. The reason that's a
15 little easier to get through something like the
16 legislature is it generally doesn't affect
17 Nevada residents, so most of the rental cars
18 are tourists and they're paying that two
19 dollars. You know, if we could get someone to
20 sponsor that, I don't know, but in
21 Massachusetts in one year, it garnered \$10
22 million. You know, some of the other things
23 that we've looked at, I think would be harder
24 to swallow for the legislature.

25 Colorado uses a surcharge on vehicle

1 registration that goes directly to POST. Their
2 comments on that, the advantage of that in
3 their mind is as the population of Colorado
4 grows, so does the POST training budget,
5 because there's more people registering cars.

6 So there are some other options,
7 again, staying out of the General Fund, not
8 touching the taxpayer, but you know, we have to
9 have support from the legislature to get it
10 done.

11 CHAIRMAN TANNER: Right, or the court
12 assessment fees going to other entities besides
13 POST.

14 MR. SHERLOCK: Yeah, there's -- again,
15 Mike Sherlock for the record. I think there's
16 in the area, and you could correct me, I think
17 there's 18 different agencies, maybe more now
18 that derive some funds from the court
19 assessment. Remember also that the executive
20 branch sweeps the first ten dollars off the
21 court assessment and then the rest of it is
22 split by us, including the courts. And as you
23 know, they've added an appellate court and that
24 gets everyone.

25 CHAIRMAN TANNER: Right.

1 MR. SHERLOCK: Now I will say, on the
2 other hand, that court assessment fees have
3 been pretty good. This last year for the first
4 time in our recent history, we hit a hundred
5 percent of authorization; normally court
6 assessments fall below that. This month we are
7 about 40,000 above authorization for August,
8 which is very unusual for us, but again, it
9 doesn't change anything because we're limited
10 to what we're authorized anyway, but I just
11 feel that we need an alternate source so we can
12 stabilize that POST budget, and again,
13 ultimately my goal is to have a training
14 reimbursement fund. We're finding, talking to
15 regional training up in Reno, they are having
16 trouble getting people to come to their classes
17 and fill classes. And when they look at it,
18 the main reason is the agencies are
19 understaffed, you know, it's not necessarily a
20 money issue, but if they had the money to
21 backfill, they could send more people to
22 training, and that's where a training
23 reimbursement fund really becomes important,
24 for backfill and that kind of thing, so I would
25 like to get us to that point. Many many states

1 do that, that's what POST does, that does meet
2 our mission and we've just never done that, and
3 I'd like to get our budget stabilized to where
4 we can actually do that.

5 CHAIRMAN TANNER: Any other questions
6 or comments?

7 COMMISSIONER ALLEN: Just real quick,
8 for the record, Mike Allen. Do we know what
9 happened to the money that was slated for the
10 EVOC course?

11 MR. SHERLOCK: Mike Sherlock for the
12 record. Yeah, it was transferred into the
13 General Fund due to the, you know, issues with
14 the economic turn.

15 COMMISSIONER ALLEN: And it stayed
16 there?

17 MR. SHERLOCK: Yeah, it was put back
18 there. Mike Sherlock, for the record. Also,
19 part of our problem is even with the CIP, we
20 are bound by court assessment money so that
21 makes it difficult for us. You know, if it was
22 funded via General Fund, it would be I think a
23 little bit simpler for us.

24 CHAIRMAN TANNER: Any more questions
25 or comments? Okay. We're going to move to

1 item five. So, item five is discussion, public
2 comment and possible action. NRS 289.530
3 authorizes the executive director, with advice
4 of the Commission, to appoint employees,
5 agents, consultants and other staff of the
6 Commission and prescribe their duties, and to
7 execute contracts on behalf of the Commission.
8 The Commission will consider whether to
9 authorize the executive director to execute a
10 contract on behalf of the Commission for the
11 services of an independent contractor,
12 Sheffield Public Services, LLC, as a subject
13 matter expert instructor at the Commission's
14 Basic Training Academy. It is anticipated that
15 the independent contractor will be a non-state
16 employee, retired or not employed by a law
17 enforcement agency, to instruct specific blocks
18 of curriculum at the Commission's Basic
19 Training Academy.

20 I'll turn some time over to
21 Mr. Sherlock.

22 MR. SHERLOCK: I'm going to -- Mike
23 Sherlock for the record. I'll defer to
24 Mr. Jensen, for comments on the statutes.

25 MR. JENSEN: Mike Jensen for the

1 record. The only thing I would add to this
2 discussion is just a quick look at the statute
3 and what the Commission's purpose is in looking
4 at a contract like this. If you look under the
5 executive director's duties at 289.530, it
6 starts off with, with the advice of the
7 Commission, the executive director and the
8 Commission may, and then under subsection 12 it
9 says, execute contracts on behalf of the
10 Commission.

11 This happens to be a contract that I
12 was asked to take a look at, and it was one
13 that in talking with Mr. Sherlock, we thought
14 would be a good one to bring to the Commission,
15 because it's not a routine type contract that
16 the Commission sees all the time, it's a little
17 bit different. It seemed to be something that
18 the Commission should have an opportunity to
19 look at and to get their authorization and
20 advice on, and that's all.

21 MR. SHERLOCK: Okay, Mike Sherlock for
22 the record. So, again, we're pretty excited
23 about this particular item. It's the first
24 time in some years that we have had a chance at
25 a permanent enhancement to our budget in terms

1 of personnel and training. As you guys
2 probably know, it's pretty tough for POST to
3 recruit anybody for that matter, but
4 particularly for training in the academy, you
5 know, for a variety of reasons. Our pay is too
6 low, it hurts those who are working towards a
7 PERS retirement or have a PERS retirement, we
8 are not PERS exempt, so it would be tough for
9 them to come work for us, and our thought was
10 to create a more permanent contract position.

11 We currently do little short-term
12 contract positions and have a variety of
13 instructors come in and teach one day, but we'd
14 like to, we wanted to create a more permanent
15 contract position that could provide some
16 expertise throughout the entire academy, be
17 there full time for the academy. But again,
18 our ability to recruit recently retired Nevada
19 peace officers is very difficult. I mean,
20 they're collecting PERS and that kind of thing,
21 on our salary schedule. But with that in mind
22 we met both with the Department of
23 Administration with the State and the
24 Governor's Budget Office, who agreed to release
25 \$36,000 each year, particularly this year, for

1 a contract instructor, and what that is is
2 \$18,000 for each academy, we do two academies a
3 year.

4 The only stipulation from the
5 Governor's office is that we ask for, or
6 include this in our budget request for the next
7 biennium. In other words, they liked it enough
8 where they want us to make it permanent, which
9 of course we're not going to argue with, we
10 like it also.

11 So this first year they wanted it done
12 immediately, for one, our academy is about to
13 start. So we interviewed some people for the
14 pilot program. The reason you see Sheffield
15 Services in there, that is one that we grabbed
16 right away. Ron Sheffield just retired from
17 Reno PD, he had already been teaching a course
18 on a variety of things, as others had been that
19 we talked to real quick, and he just retired
20 and the timing was perfect for us, and he came
21 in for this first academy.

22 We came up with that \$18,000 based on
23 what we currently pay our adjunct instructors,
24 which is \$25 an hour, so for 18 weeks at \$25 an
25 hour, it's a thousand dollars a week.

1 That said, I want to, I wanted to get
2 the Commission's approval both for this
3 program, but also from the standpoint of
4 including it in our budget request for the next
5 biennium. And frankly, we're testing it right
6 now, there are some issues with the contract
7 right now, but we're testing it right now and
8 it's working out very well for us. If we don't
9 have instructors that show up, this particular
10 contract person has the expertise to teach a
11 wide variety of subjects, so he can step in
12 when people are not there. We're using him as
13 a mentor for some of our recruits and cadets to
14 help them through, so it's working out really
15 well.

16 And frankly, I'd like to expand that,
17 I'd like to see more contract positions for us.
18 It gets us outside of PERS so it allows them to
19 collect their retirement and work for us at the
20 same time without causing an issue. We realize
21 it's not a lot of money, you know, we're not
22 expanding the pool of use, right, you're not
23 going to move from Boulder City to Carson City
24 for this job, but it does create a pool that we
25 didn't have before, and that's why we really

1 like it.

2 Going forward we will handle it like
3 any other, with your approval, handle it like
4 any other position, advertise, you know,
5 interview for it, that kind of thing. We have
6 no issues with that, and we never -- and
7 frankly, our thought was each academy is a
8 separate issue for us, our needs change, so
9 this academy that, the one person we have there
10 may work fine for this academy but our
11 expertise needs may change for the next
12 academy, and it's an administrative issue, but
13 we're trying to create two contracts per year,
14 one for each academy, not one contract for two
15 academies.

16 So that's where we're at, it gives us
17 a lot of help in terms of creating and writing
18 curriculum and those kind of things, so again,
19 that's basically where we're at, is our ability
20 to recruit Nevada expertise rather than
21 out-of-state people, you know, get that ability
22 to come in and work at the Nevada POST Academy,
23 and I'm hoping that you guys will agree and let
24 us move forward with that.

25 CHAIRMAN TANNER: Any further comments

1 or questions from the Commission?

2 COMMISSIONER REED: I have one. Ben
3 Reed, for the record. Does this give you the
4 opportunity to correct the individual or hold
5 them accountable to the degree as your
6 employees, as your training officers, without
7 having to readminister the contract, so to
8 speak?

9 MR. SHERLOCK: Mike Sherlock for the
10 record, and I might let Mike talk about that a
11 little bit, but with state contracts in
12 general, like these personal service contracts,
13 they can be terminated without cause by either
14 party.

15 CHAIRMAN TANNER: Any other comments?

16 MR. JENSEN: Yeah, Mike Jensen for the
17 record. These will be done on the state form
18 contract which has a couple of important
19 provisions. One, which Mike just talked about,
20 is the opportunity to terminate, but when you
21 talk about being able to discipline that person
22 in a way that you might be able to deal with a
23 member of your staff, it isn't the same.
24 You're dealing with a contracted individual, he
25 or she is accountable under the terms of the

1 contract, so the other part of the contract
2 that we've been trying to keep up on what we
3 call our scope of work, which sets out what the
4 duties of that individual are, such, in a way
5 that if they don't perform and we can identify
6 that, if they don't do that, you have a problem
7 if they failed to comply. But you always have
8 the opportunity even if you're in that
9 circumstance, to terminate for no reason under
10 our state contracts, so I think there's like a
11 30-day window for that, where you have to give
12 30 days' notice. So I mean, you're protected
13 in that sense, but they're not going to be an
14 employee.

15 And in fact, it's very important that
16 they're not seen as an employee, because then
17 you run into all kinds of other issues with a
18 contractor when they start claiming to be an
19 employee, filing for benefits and other state
20 perks that an employee would get. So we
21 actually on this one talked about that issue as
22 well, which is, it's very important that
23 they're not treated as an employee, they are
24 independent, and that their duties are set out
25 in the contract.

1 COMMISSIONER REED: Ben Reed. I was
2 just hoping that you would have the flexibility
3 to give that person some direction much like
4 you would your staff, maybe not to keep that
5 person either all on or all off, because if you
6 had to terminate them because they weren't
7 performing how you needed them in the middle of
8 an academy, then that's really going to mess
9 things up.

10 MR. JENSEN: Mike Jensen for the
11 record. There is nothing about an independent
12 contractor that wouldn't allow you the latitude
13 of working with that person as you suggest.
14 You need to set out their duties sufficiently
15 that they are accountable for those duties.
16 You can't direct them in everything certainly.

17 COMMISSIONER REED: Sure.

18 CHAIRMAN TANNER: Any other
19 commissioners with a comment?

20 COMMISSIONER McKINNEY: Yeah, Kevin
21 McKinney, I have a question. Since the funds
22 are going towards this contractor, are you not
23 going to be seeking out department, or
24 department officers to teach some of the
25 classes now?

1 MR. SHERLOCK: Mike Sherlock for the
2 record. You know, we don't see any big change
3 from that standpoint. I mean, our academy is
4 18 weeks long, one person couldn't do it
5 anyway. And as you know, we're looking for
6 expertise and no one is an expert on every
7 basic training subject. But you know, there's
8 certain needs that we have, it may be, you
9 know, DUI week or what have you, that we could
10 use in house, and each academy changes on that.
11 But we will still use the free labor that we
12 get from the agencies. I mean, we rely on
13 that, and I don't see that changing a whole
14 lot. It's more about curriculum and being able
15 to pick up classes when the agencies can't show
16 up, and certain expertise that we sometimes
17 need in the academy that we can't outsource or
18 can't get from the agencies in a timely manner.

19 The money has already been, you know,
20 for this budget year we already have the money,
21 and the budget was created. Our goal would be
22 to roll that over into the next biennium to
23 keep going.

24 CHAIRMAN TANNER: Any other questions?

25 Troy Tanner for the record, I have a

1 quick comment on that. I'm for it as long as
2 it isn't any sort of long-term contract, in
3 case the person doesn't work out, but I'm sure
4 you will discuss that briefly.

5 That being said, are there any
6 comments from the audience? Okay. Seeing
7 none, looking for a motion to approve including
8 the contract provision in the upcoming budget
9 request in relation to the current pilot
10 program.

11 COMMISSIONER REED: Ben Reed for the
12 record. So moved, as you just stated.

13 CHAIRMAN TANNER: I don't even
14 remember, I just read it. I'm looking for a
15 second.

16 COMMISSIONER ALLEN: Mike Allen, I'll
17 second.

18 CHAIRMAN TANNER: All in favor?
19 (Chorus of ayes.)

20 CHAIRMAN TANNER: It passes. All
21 right. We're going to move to item six. This
22 is to consider whether to approve a revision to
23 the POST administrative manual policy mandating
24 that a peace officer seeking certification
25 under the reciprocity process pursuant to

1 NAC 289.200(2) will perform the required POST
2 physical fitness testing, PPFT, that is
3 administered by POST or its designee, and I
4 will turn some time over to Mr. Sherlock.

5 MR. SHERLOCK: Mike Sherlock for the
6 record, and I promise, this is the last one
7 you'll have to hear from me. So, just a quick
8 background. So, the Commission some years ago
9 created a pathway for peace officers who are
10 certified in other states, right, who wanted to
11 come to Nevada to get certified here with some
12 acknowledgment of their previous experience in
13 that other state. That particular regulation
14 is pretty specific and limited to specific
15 people wishing to lateral to Nevada.

16 One of the requirements of that
17 particular regulation in reciprocity is of
18 course to pass the POST physical readiness test
19 that we call the PPFT. So, it's mandated that
20 someone who has been a police officer in
21 another state must pass the Nevada PPFT as a
22 requirement to become certified here in Nevada.
23 Now, you know, if an agency desires, they can
24 send that new hire to a full academy and none
25 of this applies, right? I mean, you don't have

1 to go through the reciprocity, and frankly, we
2 like that idea. But if the agency and that
3 individual wishes to exercise that privilege of
4 using reciprocity, they must pass that PPFT
5 within 16 weeks after the date of hire.

6 This requirement has been a source of
7 many complaints and allegations of
8 improprieties that come up to the Nevada POST,
9 and under the current rules an agency can hire
10 someone from out of state and then administer
11 the certification PPFT themselves. This is
12 what really has resulted in complaints to us up
13 at POST, right? You know, the complaint is
14 that the test wasn't administered properly,
15 that the test wasn't passed or the test was
16 never administered, all of those things, you
17 know, and as a certifying agency we get
18 involved in the complaints and we have to deal
19 with those.

20 And let me say, I know what's going on
21 down here, this is not just about command
22 staff, we deal with this daily with laterals
23 all the time, coming from out -- and I'm
24 talking line staff getting hired and people
25 complaining, so we're not saying any agency is

1 doing anything wrong. It's just that we want
2 to alleviate the perception of impropriety
3 because they come to us, and there's not a lot
4 we can do. If someone calls us and says hey, I
5 know this person, you know, didn't pass the
6 PPFT and we've already certified them, I mean,
7 we're not going to call the agency and say hey,
8 you're lying. I mean, that's just not our
9 place. We try to send those people back to the
10 agency.

11 I understand all that, but we are the
12 ones giving that certificate out, and you have
13 to understand that that certificate, we are
14 certifying at the moment of certification based
15 on our validated PPFT at the moment of
16 certification, they had the physical readiness
17 to do critical tasks that may occur with a
18 Category I officer. And our certificates are
19 statewide, they're not by agency, you know,
20 they're not by position, they are a Category I
21 certificate that at that moment they have the
22 physical ability to do the job, so it's an
23 important requirement that we have to look at
24 as the certifying agency.

25 So I just wanted to throw that out to

1 the commissioners, that we simply, our current
2 rule and our administrative manual simply
3 states that they have to pass that PPFT and the
4 PPFT has to be administered by someone who has
5 gone through our PPFT administrator class. We
6 simply think that it would be a benefit to the
7 agencies and to POST both, if we change that to
8 our staff gives the reciprocity PPFT. It will
9 eliminate any concerns, it will eliminate
10 complaints and the perception of impropriety
11 with that one little rule change.

12 Now, there has been some comments,
13 what do we do about academies? Entry level
14 PPFT is a whole different issue. Academies, we
15 require academies be audited every year,
16 academies give the PPFT constantly, there's no
17 issue with their ability or their knowledge of
18 the PPFT. The problem really is in
19 reciprocity, we have agencies that hire from
20 out of state, and the administrator of that
21 PPFT may have never given it in real life to
22 anybody, and that's an issue for us because we
23 don't audit that. Whereas, if we're, our staff
24 is giving the PPFT, I think it just helps
25 everybody involved.

1 We've, the POST suggestion is to
2 include a statement that it can be a designee
3 of POST, and the reason we say that is if
4 Mesquite wants to send someone over to Metro
5 Academy, you accomplish the same thing, we're
6 good with that, you know, it means nothing to
7 us, or it doesn't change the facts that you're
8 removing that perception by having another
9 agency give the PPFT. But in general our
10 staff, we're down here in Clark County, you
11 know, at least once a month, or usually more,
12 and our people that do deal with that every day
13 can administer that easily.

14 And there's not that many of them,
15 there's no impact on us. It's something in the
16 area of 15 to 20 reciprocities a year, so it's
17 not a big impact on us. So, we're just looking
18 to get some approval from the Commission, or
19 thoughts on making that policy change.

20 CHAIRMAN TANNER: I'll start off, Troy
21 Tanner, for the record. I'm very pro this. I
22 was in that position with a former chief,
23 luckily he passed it, thank goodness, but it
24 puts you in a bad position as an officer, I
25 think I was a lieutenant at the time, to

1 conduct that test for someone who comes in and
2 becomes the chief and if you don't, you feel
3 like you're in a bad position with that person
4 the rest of your career to be quite honest,
5 especially in smaller agencies.

6 And saying that, this is one of the
7 things I was pushing and wanted to talk to Mike
8 about. About a year ago, we discussed it just
9 briefly, because there's always those rumors
10 and things being said, and just holding people
11 accountable. Like you said, I don't think
12 people would go to another agency knowing they
13 can't pass it, you know what I'm saying, to
14 take the test. So if we try that through POST,
15 then they should know the standard before
16 they're hired on, of course. And so I
17 appreciate this coming up and support it.

18 So that being said, is there any
19 comments or questions from the rest of the
20 Commissioners?

21 COMMISSIONER REED: Ben Reed, for the
22 record. I went through the same process and
23 luckily passed it, it took a lot of warmup, but
24 anyway, there was no controversy, I don't
25 believe. Even with our own agency, they used a

1 lieutenant at the time that was a certified
2 administrator of the test, and they sought that
3 out to make sure that we were doing the right
4 thing. But you're right, if I had failed it or
5 if there was some controversy in the
6 performance of it, maybe even more than one
7 time, that kind of puts real serious pressure
8 on that individual, and probably started a huge
9 rigamarole in the whole area. This would clean
10 it up, and I like to think, you know, I'm
11 always cognizant of the fact that we're a long
12 ways away from you in the other corner, and
13 it's a haul, so the designee thing is, we so
14 wanted to do that to give us a little
15 flexibility too, but it's you guys' call, so I
16 don't see it being a problem, it just cleans it
17 up or actually tightens it up.

18 And I'm a proponent of -- I'd been
19 retired for three years but I was within that
20 five-year window and had to do a number of
21 things when I went the reciprocity route,
22 including the PPFT, and that in my opinion as
23 it should be, and I was held to that standard
24 as I should be, but I can see where it would
25 cause a lot of controversy depending on who

1 administered the test and who may pass it.

2 UNIDENTIFIED COMMISSIONER: Like Ben,
3 I went through that process myself many many
4 years ago, and you know, I understand that, but
5 I think we could use your folks on some of our
6 cases where we've had, so we've already
7 practiced that. I remember we had some
8 controversial ones where we wanted to avoid
9 that and that was given to us any ways, but I
10 just wanted to make sure this wouldn't be a
11 workload burden on you, that you would be able
12 to perform that. And if we're only getting
13 about a dozen more per year and I haven't
14 really thought about it, how many we're
15 actually handling a year.

16 MR. SHERLOCK: Mike Sherlock for the
17 record, and like I said, it's around 15, and
18 you know, we'll go out to help, that's not a
19 big deal for us. It just doesn't happen that
20 often. If it becomes that we're getting a lot
21 of those, we will reach out to allied agencies
22 that we can designate to get those PPFTs
23 because again, I think if you separate the
24 agency, you've accomplished the purpose.

25 CHAIRMAN TANNER: Any other comments?

1 All right. Is there any public comment? State
2 your name.

3 LIEUTENANT LININGER: Don Lininger.
4 I'm just here as -- I'm for this action, but
5 how soon would it go into effect? I've got two
6 potentially within the next six months that
7 could be facing a reciprocity challenge, and
8 I'm all for a designee such as Elko County,
9 because it's a trek for us to Carson City, 400
10 miles each way, so I'm for the program with a
11 designee. How soon do you think it will go
12 into effect?

13 MR. SHERLOCK: Mike Sherlock for the
14 record. Again, with the approval of the
15 Commission, it would be tomorrow, but just let
16 us know, because we will help you out, whether
17 it's sending Warren out to you guys, whatever
18 it may be, or Brian, we can do it.

19 LIEUTENANT LININGER: Okay, perfect.
20 That's all I had.

21 CHAIRMAN TANNER: Seeing no other
22 comments, looking for a motion, and I'll read
23 it. It's to approve POST administrative policy
24 to require that reciprocity certificate
25 applicants, POST staff or POST designee must

1 administer the POST physical fitness test,
2 starting now. Would someone like to make a
3 motion?

4 COMMISSIONER KETSAA: Jim Ketsaa for
5 the record. I'll make a motion.

6 CHAIRMAN TANNER: Looking for a
7 second.

8 COMMISSIONER REED: Ben Reed for the
9 record. I would second.

10 CHAIRMAN TANNER: All in favor?

11 (Chorus of ayes.)

12 CHAIRMAN TANNER: All right, we move
13 to item number seven. Number seven is
14 discussion, public comment and for possible
15 action. There's a request from Sheriff Ron
16 Unger, Lander County Sheriff's Department, for
17 discussion and possible action to provide more
18 flexibility related to NAC 289.300, the
19 mandatory academy entrance physical fitness
20 standard and/or the Nevada Commission on POST
21 basic training academy policy regarding the
22 entrance physical fitness standard.
23 NAC 289.300 requires the standard be met for a
24 person enrolled in any POST certified basic
25 academy no later than 30 days prior to the

1 start of the academy and up to 14 days after
2 the start of the basic training academy.
3 Current POST policy requires the entrance
4 standard to be met at day one of the basic
5 training academy held in Carson City. I am
6 going to turn the time over -- let me make sure
7 he's not in the back. Ron Unger is not here
8 apparently, the sheriff is not here, so I'll
9 turn it over to Mike Sherlock.

10 MR. SHERLOCK: Yeah, Mr. Chairman,
11 Mike Sherlock for the record. Sheriff Unger
12 was not positive he could make it, clearly he
13 was unable to make it, and I don't want to
14 pretend I know exactly what issues he wanted to
15 bring up. About a week and a half ago he said
16 if he did not make it, he would table it until
17 the next Carson City Commission meeting, so we
18 can table that particular agenda item, and I'll
19 get with him after we're done here.

20 COMMISSIONER WRIGHT: Question. For
21 the record, Jim Wright. Was this only to
22 address yours, your academy?

23 MR. SHERLOCK: Mike Sherlock for the
24 record. Yes. Well, I don't want to put words
25 in his mouth. There was some concern with the

1 regulation itself, but I think, again, I think
2 it's more about POST policy and how we applied
3 the regulations.

4 COMMISSIONER REED: Another question,
5 if I could, Ben Reed. I understand you mean to
6 table it and we'll move on to talk more later,
7 but can you tell us how it's currently done?
8 That's where there's a little misconception. I
9 know at my agency, we just test with the PPFT
10 but I'm learning, I guess, that others don't.
11 Is there a certain level at entrance at the
12 beginning of the academy, and then do you have
13 to meet the higher standard later; is that
14 currently how it's done?

15 MR. SHERLOCK: Yes. Mike Sherlock for
16 the record. So, the entrance level by
17 regulation to, what it says is, to continue in
18 the academy, you must pass at, it's 80 percent
19 of the certification level, so it's an 80
20 percent standard, you don't have to be at
21 certification level. It says the, that
22 particular PPFT must be given up to 30 days
23 prior to the start of the academy, and not
24 beyond 14 days after the start of the academy.

25 At POST, we comply with that

1 regulation by giving it on day one, which fits
2 into that 30 days to 14 days. The regulation
3 does not say you give it more than once, it
4 says you give it once, but you know, there's
5 some wiggle room there, I understand that, but
6 at POST we give it on day one. Because of our
7 structure, if they fail the 80 percentile, they
8 go home. The reason for that -- well, there's
9 a lot of reasons for it, but from an
10 administrative standpoint we have people, I use
11 the dorm as an excuse and I know, you know,
12 some people say it's a copout, but you have to
13 understand our structure. We have alternates
14 waiting to get into the academy. If someone
15 fails that PPFT and we let them get a room,
16 what would we do with the alternate? So for
17 that reason, if they fail, which is our
18 standard anyway, then they are sent home and
19 that alternate that passed the PPFT gets to
20 stay and gets a room in the dorm. And that's
21 why we apply that regulation on day one for
22 those reasons, and so that's, in a nutshell,
23 that's our side of it.

24 I want to give Sheriff Unger a chance,
25 I don't know exactly if that's what the issue

1 is.

2 CHAIRMAN TANNER: So you do it on day
3 one currently, but a person could continue on
4 as long as they're meeting 80 percent of the
5 full requirement. If they fall below the 80
6 percent on day one, they're headed home.

7 MR. SHERLOCK: Mike Sherlock. That's
8 correct.

9 CHAIRMAN TANNER: Okay, all right.

10 Troy Tanner for the record. I think I
11 talked to Ben just briefly a while back at the
12 Ely meeting, and I think we limited it to a
13 hundred percent entry level, right, to come
14 into the academy?

15 COMMISSIONER REED: Yeah, and we
16 switched to 80. We just did it as part of our
17 testing, which -- Ben Reed for the record,
18 sorry, but that takes several months, I'm sure
19 like everybody here, and I always worry that
20 there's going to be a lapse by the time we get
21 to the academy and they won't make the 100
22 percent, but if there's that 80 percent cushion
23 there, or 20 percent cushion, that they have
24 time to make that up and improve within how
25 long, Mike, by the end?

1 MR. SHERLOCK: Mike Sherlock for the
2 record. So, the validation study is based on
3 16 weeks, so if, the study indicates that if
4 they pass at 80 percent, by 16 weeks they will
5 be at a hundred percent, so in our academy we
6 give the record certification PPFT because our
7 academy is longer than 16 weeks, we give it at
8 the 16th week, and that's the certification
9 testing at that point, but it's based on 16
10 weeks.

11 CHAIRMAN TANNER: Troy Tanner for the
12 record. Not to be offensive to anyone in here,
13 but one of my goals when I became chair was
14 going to ask, to hopefully encourage everyone
15 to go to a hundred percent on entry level
16 because we've got so much time and money
17 invested with new recruits, and remember, these
18 are new people, so I was hoping some day it
19 would go to a hundred percent so we're all the
20 same sort of, you know what I mean, across the
21 board, because you notice on the fire side of
22 it, they're pretty bright, on the Clark County
23 side they're all pretty consistent on their
24 requirements for physical fitness. So, I think
25 we learned something from that. I was much

1 more, no offense to Sheriff Unger, a nice man,
2 but I was going to push to ask that in the
3 future we make it a hundred percent in the
4 academy, just because we have all this time
5 wasted, we're asking for more monies, and then
6 we have these people at several academies where
7 people, there wasn't positions open to put
8 people in the academy when they were needed
9 right away. So I'd like to see the future go
10 to a hundred percent to be quite honest, not
11 just because I do it, I just think that it's
12 not that hard of a test, that's why they did
13 the test, and they paid all that money and
14 moved that forward, so that's in the back of my
15 mind and I want to share that with you, because
16 I'm pretty vocal on that, I just feel like it's
17 a new person. I tested for Metro back when I
18 was 20, not to do the walk through snow story,
19 but it was 12 minutes, a mile and a half was 12
20 minutes, so we've come a long ways from that,
21 we're at 16:50. We've actually tested it as
22 PPFT instructors back before I was chief, we
23 could run the longs and walk the corners as
24 fast as we could, and make it.

25 So to me in my mind I'm thinking, you

1 know, people are entering this skill, this is
2 what they're going to do for a career, I feel
3 like they should pass at a hundred percent, no
4 problem.

5 So anyway, any more comments?

6 COMMISSIONER WRIGHT: Jim Wright.
7 We've gone back and forth. We were given a
8 hundred percent unknowingly, we had some change
9 in academy commander staff for a few years
10 there, and we had a rash of failures on it, and
11 this is back in Dick Clark days. And we
12 happened to have full staff at that test, and
13 they said you know, you're giving the
14 completion test your first day, and they
15 weren't aware of it. So we've gone back and
16 forth, and basically because of our hiring
17 problems that we've had, you know, we've had to
18 look at that, and I don't think since we've
19 gone to the entry level on the first day, that
20 we have had many not make the hundred percent
21 during that time period. So I mean, it's
22 worked for us, you know, with the difficulties
23 we were having with hiring, and people taking
24 our people and stuff, we've got to use
25 everything we can.

1 MR. SHERLOCK: Yeah, Mike Sherlock for
2 the record, and I would agree with that. I
3 think the validation study is correct. I mean,
4 we don't have -- if they make the entry level
5 they are, we don't lose people for
6 certification, I can't think of one actually.

7 COMMISSIONER WRIGHT: And they know
8 it. They know.

9 COMMISSIONER ALLEN: Mike Allen.
10 Mine's more of a question, it just came to me,
11 but we do test people two weeks before we send
12 them to POST just to make sure that they can
13 make it, because we've had some failures as
14 well. But if it's a certified trainer or
15 tester, he may make it at that time, so does
16 that qualify for an actual?

17 MR. SHERLOCK: Mike Sherlock for the
18 record. You have to understand, it may fall
19 within the regulation, but it doesn't fall
20 within our certification of our academy. So
21 it's a requirement of our academy that you pass
22 at 80 percent the first day. If you gave them
23 that test two weeks prior, yes, it's within the
24 30 days, I understand that, but that's a
25 different issue. And sure, I mean, if they

1 pass, you know, it's pretty unusual for them to
2 pass and then two weeks later not pass. You
3 know, we have had issues with the administering
4 of the PPFT. Our staff does it all the time,
5 they look at the validation study as a legal
6 document, which we think it is, and so they run
7 the PPFT to the word in terms of that
8 validation, and I think sometimes that doesn't
9 translate well at your individual agencies, you
10 know, but generally -- to answer your question
11 in a nutshell, no. Our certification requires
12 that they pass the PPFT on day one to continue
13 on in the academy, and that's the issue there.

14 COMMISSIONER WRIGHT: Okay. And I
15 guess what I was kind of alluding to was if
16 they were injured within those two weeks, they
17 would still have to, we'd have to hold them out
18 until they could successfully pass on the first
19 day.

20 MR. SHERLOCK: Mike Sherlock. Yeah,
21 that's correct, and you know, injuries are a
22 separate issue and we deal with that a lot, and
23 there's other reasons, not just the PPFT, but
24 just the physical nature of a basic academy,
25 it's tough for us to allow, depending on the

1 injury, and we have let people continue if they
2 can physically do things. But there's other
3 issues, as you know, with injuries, but yeah,
4 that's the bad part, and I agree with you.

5 CHAIRMAN TANNER: Go ahead.

6 COMMISSIONER McGRATH: John McGrath
7 for the record. Just, you know, we've hired a
8 lot of people over the last two years, we had
9 the 80 percent standard, we did have a lot of
10 people that weren't improving in the academy
11 and we couldn't figure out why, I think it was
12 just the volume of people we were putting
13 through, so we went to the hundred percent
14 standard.

15 I think that people will do the
16 minimum, if you tell them this is what the
17 minimum is, that's what they will prepare for.
18 So that's one of the reasons why we changed it
19 from 80 to a hundred. Really if you look at
20 the numbers, it's not that big of a difference.
21 So I agree with Troy with going towards the
22 hundred percent, but obviously we have
23 different, we don't have any issues with
24 recruiting and hiring at this point, like a lot
25 of the other agencies do.

1 MR. SHERLOCK: Mike Sherlock for the
2 record, and we could certainly talk about the,
3 at some point the validation study, and there's
4 actually two validated standards within that.
5 At some point POST staff has recommended that
6 we use the higher standard, but we can talk
7 about that at a later day, it's not on the
8 agenda, but there are two standards within the
9 validation itself, two ways of looking at it,
10 and it's an extremely important issue for
11 certain agencies.

12 COMMISSIONER McGRATH: John McGrath
13 for the record. Just, the other thing is, we
14 test when we do the written test, we give them
15 the PT test, but it could be six months before
16 they go to an academy, so we have to test them
17 again on the first day. Actually during
18 orientation we test them again, and they have
19 three chances to pass it because the academy
20 hasn't officially started yet, but we still
21 start making sure they understand what the
22 standard is and that they might be going home
23 if they don't make it by that first day of the
24 academy.

25 COMMISSIONER REED: One comment on the

1 administration of the test, Ben Reed for the
2 record. I think I've got two, maybe three of
3 the people that are certified to administer the
4 test, and because of the controversy around the
5 state the last couple of years that I've heard,
6 I've reminded them that I want them to
7 administer it like you said, to the letter, and
8 I've asked them to on repetitions like sit-ups
9 and push-ups, you count them out loud and that
10 kind of thing.

11 The last thing I think we need is
12 chiefs and sheriffs getting all wound up and
13 after each other, and after a policy
14 controversy, you know, we're trying to manage,
15 trying to budget, and personnel, and all kinds
16 of local politics and all, the last thing we
17 need to be doing is weighing in on, in my
18 opinion on, you know, who counted out 29
19 sit-ups versus 30 or whatever, you know. Give
20 them a fair chance and read it to the letter,
21 count them out loud, administer the darned test
22 and if they don't cut it, they don't cut it.
23 I've seen some of our applicants several times
24 now, you know, melt down and miss it by one
25 rep, and we say thanks for applying to the City

1 of Elko, love to have you next time, you know,
2 as politely as we can, see you later. They're
3 given it on line, they're given it at the time
4 of employment application, they can find it on
5 line anytime they please, they know it, HR
6 sends it to them, I don't know what else we can
7 do. But the last thing I want is my guys to be
8 messing up the administration of the test
9 before we even get to POST.

10 MR. SHERLOCK: Mike Sherlock, and I
11 don't want to beat a dead horse here, but just
12 to give you a couple other ideas of what we see
13 from our academy, and in fact to Chief
14 McGrath's point on if you encourage the
15 minimum, you're only going to get the minimum.
16 So what we find in a lot of agencies where the
17 standard is 17 pushups and the administrator is
18 giving that test at the home agency, they stop
19 them at 17, oh, that's all you have to do.
20 Well, you have to understand from an academy
21 dynamic, you're already losing starting that
22 academy, because my staff wants you to put out
23 a hundred percent. So you stop at 17, and you
24 may not have done 17 good pushups; we're stuck,
25 right? You didn't meet the minimum per the

1 validation and now you stop at 17, and you're
2 mad at us because we're saying you didn't do
3 17. Well, look, if you would have pumped out
4 30 pushups, those 15 that didn't count would
5 not have hurt you. So, we see that a lot where
6 the agencies or the administrators are stopping
7 at the minimum, and that will hurt your cadet
8 or recruit when they hit the academy, and it's
9 just something to think about for the agency.

10 CHAIRMAN TANNER: Other comments?

11 I don't know, I feel inclined -- Troy
12 Tanner for the record. I'm still looking for a
13 motion not to change the minimum standard. I
14 know you can table it but I don't, from
15 listening to everyone's opinion in here and how
16 I feel about it, I feel like we're setting guys
17 up to fail if we don't put them at where they
18 need to be when they attend the academy. I
19 don't want to send somebody and invest the
20 money, and then they can't pass the PT test.
21 It's embarrassing to my agency for one, and
22 number two, you have to worry about replacing
23 the person you spent all that money on, so
24 that's where I'm at with it, unless you want me
25 to do something else, I'm --

1 MR. SHERLOCK: Mike Sherlock for the
2 record, Mr. Chairman. Again, I don't want to
3 misquote Sheriff Unger, I'm not saying he wants
4 to change the minimum standards at all. He may
5 just want to talk about our general policy and
6 that kind of thing, so I don't want to say that
7 there's any desire to change the minimum
8 standards, because that's not how it was
9 brought to me at all. I think it's more how
10 that standard is applied, and I would like to
11 give him a chance.

12 CHAIRMAN TANNER: Okay, then. Looking
13 for a motion to table this.

14 UNIDENTIFIED COMMISSIONER: I make the
15 motion.

16 UNIDENTIFIED COMMISSIONER: I second
17 it.

18 CHAIRMAN TANNER: All in favor?

19 (Chorus of ayes.)

20 CHAIRMAN TANNER: All right. We'll
21 move on to item eight, a request from West
22 Wendover Police Department for a six-month
23 extension past the one-year requirement in
24 order to meet requirements for certification
25 for employee Antonio Escareno. Then we have a

1 representative from West Wendover. Would you
2 like to come forward? Sorry, I don't know your
3 name.

4 LIEUTENANT LININGER: Don Lininger,
5 Lieutenant, West Wendover.

6 CHAIRMAN TANNER: Can you just explain
7 why, I guess, to the board, the Commission?

8 LIEUTENANT LININGER: Yeah. So, our
9 former retired police chief sent a letter to
10 the POST Commission, I'm not sure if you guys
11 have all read that or not. In a nutshell,
12 Officer Escareno, we hired him in December of
13 2017 from -- he was initially enrolled in the
14 academy that started in July. From December
15 until July, I lost almost 50 percent of our
16 staff, including the chief that wrote this
17 letter. I've got 13 sworn positions in the
18 City of West Wendover. Three of those, one of
19 those is chief, one of those is mine as a
20 lieutenant and one is a detective. That leaves
21 me ten on patrol, three sergeants and seven
22 officers. One sergeant resigned and relocated
23 his family to Idaho, I've got another sergeant
24 that's on FMLA for maternity leave, one officer
25 resigned and moved his family to Mesquite,

1 another officer retired, and then since then
2 the chief has also retired. Given that
3 staffing level, if I was to send Officer
4 Escareno to the academy at that time, I didn't
5 feel I would have enough staff to cover the
6 streets for West Wendover safely, so I made the
7 decision to withhold him from the July academy.

8 Since then I have already enrolled him
9 in the academy that begins in January of 2019.
10 However, that puts him beyond his one-year
11 requirement date that he needed to be certified
12 in by almost three-and-a-half weeks. So with
13 that, I was here to request if I could get that
14 six-month extension for Officer Escareno to
15 meet those requirements, which in essence would
16 actually be a request for three-and-a-half
17 weeks, but I have to ask for the six months.

18 If you have any questions or anything,
19 I'd be happy to answer those.

20 CHAIRMAN TANNER: Any questions? All
21 right. I appreciate it.

22 LIEUTENANT LININGER: Thank you.

23 CHAIRMAN TANNER: All right, looking
24 for --

25 UNIDENTIFIED COMMISSIONER: A quick

1 question, Mike, is this the first request for
2 an extension?

3 MR. SHERLOCK: Yeah. Mike Sherlock
4 for the record, and I can let Mike Jensen kind
5 of explain that, but the authority of the
6 Commission is one six-month extension, and this
7 would be that one extension.

8 CHAIRMAN TANNER: Anything you'd like
9 to add to that?

10 MR. JENSEN: Basically the statute
11 sets out the time period in which he has to be
12 certified, and I think the wording is shown
13 that you can extend it for six months.

14 CHAIRMAN TANNER: That being said, I'm
15 looking for a motion to approve or deny.

16 COMMISSIONER REED: Mr. Chairman, Ben
17 Reed for the record. I make a motion that the
18 Commission grant that extension one time for
19 six months for this officer.

20 CHAIRMAN TANNER: Looking for a
21 second.

22 COMMISSIONER McKINNEY: Kevin
23 McKinney, I'll second.

24 CHAIRMAN TANNER: All in favor?

25 (Chorus of ayes.)

1 CHAIRMAN TANNER: The motion passes.

2 Thank you.

3 We're at item number nine. Number
4 nine, discussion, public comment for possible
5 action, request from the Department of Public
6 Safety for an executive certificate for their
7 employee, Lieutenant Colonel Daniel Solow.
8 I'll turn it over to Mike Sherlock.

9 MR. SHERLOCK: Mike Sherlock for the
10 record. We received an application from DPS
11 for Lieutenant Colonel Daniel Solow for the
12 executive certificate. We have an executive
13 certificate committee that took a look at that
14 application and found that it met all the
15 regulatory requirements, and he is qualified
16 for that particular certificate, and staff
17 recommendation is that the Commission issue
18 that executive certificate.

19 CHAIRMAN TANNER: Is there a motion to
20 approve the issuance of the executive
21 certificate?

22 Oh, I'm sorry, hold on a second. Is
23 there any public comment on that? I apologize.
24 All right. Now I'm looking for a motion.

25 COMMISSIONER KETSAA: For the record,

1 Jim Ketsaa. I make that motion.

2 CHAIRMAN TANNER: Looking for a
3 second.

4 COMMISSIONER WRIGHT: I second, Jim
5 Wright.

6 CHAIRMAN TANNER: All in favor?
7 (Chorus of ayes.)

8 CHAIRMAN TANNER: The motion passes.
9 All right. Item number ten, discussion, public
10 comment and possible action, hearing pursuant
11 to NAC 289.290(1)(g) on the revocation of
12 George L. McMurry, formerly of the Nevada
13 Department of Corrections, certification based
14 on a conviction for two Category B felonies.
15 The Commission will decide whether to revoke
16 Mr. McMurry's Category III Basic Certificate,
17 and I will turn this over to Mike Jensen.

18 MR. JENSEN: Mr. Chairman, Mike Jensen
19 for the record. We have three of these today
20 so please bear with me, I'll try to move
21 through these as quickly as I can. I know
22 sometimes they seem a little tedious, but what
23 we're doing as a Commission is developing the
24 record if someone were to ever challenge the
25 action taken by the Commission to make sure you

1 have the evidence to support any action you may
2 decide to take today.

3 There are a couple of sections of the
4 statute in NAC that are important for
5 revocation hearings. 289.510 provides the
6 Commission with the authority to adopt
7 regulations that set minimum standards for
8 certification and decertification of officers.
9 The Commission through that authority has
10 adopted NAC 289.290, which has the causes for
11 the Commission to revoke or refuse or suspend a
12 certificate, and on this particular hearing
13 we're working under Section (1)(g) that
14 mandates the certificate to be revoked if
15 there's a felony conviction.

16 The exhibits that I would intend to
17 present today and would ask the chairman be
18 admitted into the record for purposes of
19 supporting any action by the Commission are
20 Exhibits A through, it looks like G, and those
21 can be found behind your tab number, I think
22 it's 10 on this agenda, under Tab Number 10.

23 The first is Exhibit A, which is your
24 notice of intent, which you're required by your
25 regulations to send to an officer if the

1 Commission is intending to take some action
2 against their certificate. It has informed
3 Mr. McMurry of the law that he was convicted
4 under and the case that the Commission would be
5 moving forward on. It informs him importantly
6 of the date, time and location of this
7 particular hearing and gives him an opportunity
8 to be present, and to provide any evidence he
9 wants the Commission to consider, and
10 cross-examine any witnesses. And he is
11 supposed to pursuant to your statute, give you
12 15 days notice prior to this hearing if he
13 intends to do so, and it's my understanding
14 that he has not given any notice to the
15 Commission that he intends to appear, and I
16 don't see him here today. And finally, the
17 scope tells him the scope of the hearing, which
18 is essentially whether or not he has a felony
19 conviction that would lead to the revocation of
20 his certificate.

21 Exhibit B is the declaration of
22 service which shows that Mr. McMurry was
23 personally served with the notice of intent to
24 revoke his certification.

25 Exhibit C is the personnel action

1 report, which is a report sent in to the
2 Commission when his employment as a peace
3 officer is terminated. It shows that he was
4 terminated, his employment was terminated as a
5 peace officer back in June of 2016.

6 Exhibit D is a certified copy of his
7 certificate which would be what the Commission
8 would be talking action on today.

9 Exhibit E is the court documents that
10 show the charge and finally the conviction.
11 The first is a certified copy of the criminal
12 information through which Mr. McMurry was
13 charged with two felony counts, one count of
14 furnishing a controlled substance to a state
15 prisoner, a Category B felony, and count two is
16 transport of a controlled substance, a
17 Category B felony.

18 Exhibit F is a certified copy of a
19 guilty plea memorandum through which
20 Mr. McMurry agreed to plead guilty to both of
21 those counts, felony counts, one for the
22 furnishing to a prisoner and the other for
23 transport to the prison where it was furnished
24 to a prisoner.

25 Exhibit G is a certified copy showing

1 he was in fact convicted on both of those
2 counts, felony counts. It's dated March 18th
3 of 2018, is what I've got here, and he was
4 sentenced to a maximum 48 months, minimum of 12
5 months on the first count, and count two a
6 maximum of 48, minimum of 12 on the second
7 count, with some credit for time served.

8 This is a pretty straightforward case,
9 I think. It's a peace officer engaging in
10 criminal activity in his role as a peace
11 officer, and I would recommend that his
12 certificate be revoked based on the evidence
13 presented.

14 CHAIRMAN TANNER: All right, I
15 appreciate that. Looking for a motion to
16 revoke or not.

17 COMMISSIONER WRIGHT: Jim Wright. I
18 make a motion to revoke based on the evidence
19 presented.

20 CHAIRMAN TANNER: Looking for a
21 second.

22 COMMISSIONER ALLEN: Mike Allen, I'll
23 second.

24 CHAIRMAN TANNER: All in favor?

25 (Chorus of ayes.)

1 CHAIRMAN TANNER: That passes. All
2 right. Item 11, discussion, public comment and
3 for possible action, hearing pursuant to
4 NAC 289.290(1)(g) on the revocation of Jacob V.
5 Hardy, formerly of the Nye County Sheriff's
6 Office, certification based on a guilty plea to
7 a Category E felony. The Commission will
8 decide whether to revoke Mr. Hardy's Category
9 III Basic Certificate. And I'll call on
10 Mr. Jensen again.

11 MR. JENSEN: Thank you, Mr. Chairman.
12 Again, we're moving forward on those same two,
13 the statute and regulation I alluded to in the
14 prior hearing.

15 I will just quickly go through the
16 exhibits that I would ask be admitted and made
17 part of the record in support of any action the
18 Commission were to take today.

19 The first, if you look behind Tab 11,
20 is Exhibit A, which is the notice of intent to
21 revoke. It's actually an amended notice here
22 because it was originally going to be heard in
23 Ely, and we had to change the date and time
24 based on the change in the date and time of
25 this particular hearing. It informs Mr. Hardy

1 of the law, again, that he is, that the
2 Commission is moving forward with in terms of
3 the alleged conviction which is for unlawful
4 use of a controlled substance, a Category E
5 felony out of the Fifth Judicial District Court
6 in Nye County, Nevada.

7 Exhibit B is the declaration of
8 service, showing that he was personally served
9 with that notice on August 14th, 2018, which
10 would comply with both your regulations for
11 service and the open meeting law requirements
12 for service.

13 Exhibit C is the personnel action
14 report showing that Mr. Hardy's employment was
15 terminated effective October 16th, 2015, and
16 that at the time he was terminated, the agency
17 informed the Commission that he may have
18 committed an act that would lead to the
19 revocation of his certificate.

20 Exhibit D is a certified copy of his
21 Category III Basic Certificate.

22 Exhibit E is the certified copy here
23 of the charging document, the criminal
24 information which charges Mr. Hardy with the
25 unlawful use of a controlled substance in

1 violation of NRS 453.411. It states the
2 factual basis as that on or about October 16,
3 2015, in Nye County Nevada, said defendant
4 willfully and unlawfully and knowingly used or
5 be under the influence of a Schedule I
6 controlled substance, to wit, methamphetamine
7 and/or amphetamine.

8 Exhibit F is the guilty plea
9 memorandum through which he, Mr. Hardy agreed
10 to plead guilty to that unlawful use Category E
11 felony.

12 Exhibit G is the judgment of
13 conviction, showing that he was in fact
14 convicted of that Category E felony, unlawful
15 use of a controlled substance. He was
16 sentenced to a minimum term of 19 months and a
17 maximum term of 48 months in the Nevada
18 Department of Corrections. That sentence was
19 suspended, he was placed on probation for five
20 years with many conditions that are
21 incompatible with being a peace officer,
22 including possession of a firearm and other
23 others, contact with felons, that sort of, or
24 sorts of conditions.

25 Exhibit H is a probation agreement

1 rules, again showing those same types of
2 conditions that are inconsistent and
3 incompatible with him acting as a peace
4 officer.

5 The evidence again in this case is
6 pretty straightforward in terms of your
7 regulations which provide that a certificate
8 will be revoked on a felony conviction, and the
9 fact that these actions were clearly
10 inconsistent and incompatible with being a
11 peace officer. It would be the staff's
12 recommendation that this certificate be
13 revoked.

14 CHAIRMAN TANNER: All right, any
15 public comment? Seeing none, I'm looking for a
16 motion to revoke Mr. Hardy's Category III Basic
17 Certificate or not.

18 COMMISSIONER WRIGHT: Jim Wright. I
19 make a motion to revoke.

20 CHAIRMAN TANNER: Looking for a
21 second.

22 COMMISSIONER McGRATH: John McGrath,
23 I'll second.

24 CHAIRMAN TANNER: All in favor?

25 (Chorus of ayes.)

1 CHAIRMAN TANNER: It passes, and it is
2 revoked.

3 MR. JENSEN: I promise this is the
4 last one. This --

5 CHAIRMAN TANNER: Did you want me to
6 read it first?

7 MR. JENSEN: Oh, yes, please.

8 CHAIRMAN TANNER: Item 12, discussion,
9 public comment for possible action on a hearing
10 pursuant to NAC 289.290(1)(e) on the revocation
11 of John A. Wilson, formerly of the Las Vegas
12 Metro Police Department, certification based on
13 a conviction for a Gross Misdemeanor. The
14 Commission will decide whether or not to revoke
15 Mr. Wilson's Category I Basic Certificate.
16 I'll turn again to Mr. Jensen.

17 MR. JENSEN: I'll start that one
18 again, and this will be the last one, since you
19 know that already. In the Commission moving
20 forward, it's the same regulation, same
21 statutes. Behind your tab you will find the
22 exhibits that I would ask be presented and
23 submitted as part of the record to support any
24 action taken by the Commission today.

25 We start with Exhibit A, which is the

1 notice of intent to revoke, again going through
2 that notice, it informs Mr. Wilson of the
3 intent of the Commission to revoke his
4 certificate, of the particular criminal
5 violations that would be based on, and
6 importantly, the date, time and location of
7 this particular meeting and his opportunity to
8 appear. He is, it's my understanding, did not
9 make a request within the 15 days to appear for
10 this particular Commission meeting and I don't
11 see him in the audience today, so I don't
12 believe he's appearing today.

13 Again, the scope of this particular
14 hearing has to do whether or not Mr. Wilson was
15 convicted of a Gross Misdemeanor and when you
16 look at the criminal record on this one it's a
17 little bit confusing how that happened, but
18 I'll try to explain it the best that I can
19 understand what happened.

20 Starting off, though, with the
21 personnel action report that shows that his
22 employment was terminated effective January 17,
23 2013.

24 Exhibit B is the certified copy of his
25 basic certificate.

1 Exhibit E is a certified copy of the
2 indictment. You see there, the original
3 charging indictment in this case was for
4 multiple felony counts, which included and
5 appear to be related to false statements and
6 representations to obtain benefits from his
7 employer, and included in that were counts for
8 theft and attempted theft that related to that
9 same allegation. The alleged factual basis was
10 that Mr. Wilson misrepresented to and/or
11 concealed from his medical treating
12 professionals and/or his claims administrator
13 his actual injuries or physical condition
14 and/or his level of recovery from those
15 industrial injuries that he was alleged to have
16 suffered in 2012, in an effort to continue to
17 obtain industrial benefits and/or to be fit
18 only for light duty assignments and/or obtain
19 surgery on the affected body part to obtain
20 payment for that, his benefit from the
21 resulting surgery.

22 Exhibit F is an amended indictment
23 charging him with one count of false statement
24 or representation to obtain benefits, which at
25 the time was the Category B felony, in

1 violation of NRS 616.302.

2 Exhibit G is a nolo contendere plea
3 agreement under Alford versus North Carolina,
4 for making a false statement or representation
5 to obtain benefits. The plea agreement
6 provides that if Mr. Wilson paid the \$500 a
7 month towards restitution to pay off the amount
8 that he was paid improperly, that he would be,
9 and if he was granted an honorable discharge
10 from probation, he'd be allowed to withdraw his
11 plea to the felony charge and to enter a plea
12 to a Gross Misdemeanor with no additional
13 sentencing requirements.

14 Exhibit H is a guilty plea agreement
15 through which that occurred, he pled guilty to
16 a conspiracy to commit a prohibited act or a
17 gross misdemeanor under an amended indictment,
18 and I won't go through the factual basis
19 because it's not a true factual basis, it's
20 just for purposes of the plea agreement.

21 Exhibit I is a judgment of conviction
22 that was entered on that conspiracy to commit a
23 prohibited act. It shows in that judgment of
24 conviction that he had paid what appears at
25 this point to be the total amount he was

1 required to pay, which was \$16,358 in
2 restitution, and was given credit for some time
3 served.

4 I would based on the evidence that's
5 presented, it shows that not only did he plead
6 guilty to a felony, but was later convicted of
7 a gross misdemeanor that appears to have arisen
8 out of his employment as a peace officer and
9 claims that he made for injuries as part of
10 that. It certainly is serious criminal conduct
11 for which there's a violation of the public
12 trust that's placed in him as a peace officer,
13 and through his own actions has disqualified
14 him from the position of a peace officer and
15 therefore, it would be the recommendation that
16 his POST certificate be revoked.

17 CHAIRMAN TANNER: Any public comments?
18 Hearing none, I'm looking for a motion to
19 revoke Mr. Wilson's Category I Basic
20 Certificate.

21 COMMISSIONER McGRATH: John McGrath.
22 I'm happy to make this motion to revoke
23 Mr. Wilson's Basic Certificate.

24 CHAIRMAN TANNER: Looking for a
25 second.

1 COMMISSIONER KETSAA: Jim Ketsaa,
2 second.

3 CHAIRMAN TANNER: All in favor?
4 (Chorus of ayes.)

5 CHAIRMAN TANNER: Okay, it passes.
6 Okay, moving to number 13, public comment, you
7 guys have the last opportunity for public
8 comment. All right.

9 Item 14, discussion, public comment
10 and possible action on scheduling an upcoming
11 Commission meeting. Mike?

12 MR. SHERLOCK: Mike Sherlock for the
13 record. So, this September meeting kind of
14 threw us off, and traditionally we do sheriffs
15 and chiefs in November, which will, I think
16 it's the first week in November, it's actually
17 election day. After speaking to the chairman,
18 we don't have a lot on the agenda. We are
19 hearing through the grapevine and through
20 various overtures of chiefs that a lot of those
21 that are involved in contested elections aren't
22 even going to be there anyway. Sheriff Unger
23 said he would be unable to present his agenda
24 item at that time, so again, after speaking to
25 Chief Tanner, we may forgo the November meeting

1 and wait for the February meeting when
2 everything is settled and that kind of thing.

3 Remember, we meet at the call of the
4 chair. If some big items come up or there's
5 something that needs to be addressed, our staff
6 will put out an email to everyone, but at this
7 point I think we're probably good until
8 February, considering that we don't normally do
9 September anyway. So at this point we'll hold
10 off, and come up with a date for February, if
11 that's okay with the chair.

12 CHAIRMAN TANNER: Looking for a
13 motion. I guess the motion would be just to
14 leave it up in the air, and more likely
15 February to call a meeting.

16 COMMISSIONER WRIGHT: Jim Wright, I so
17 move.

18 CHAIRMAN TANNER: Looking for a
19 second.

20 COMMISSIONER REED: I'll second that,
21 Ben Reed.

22 CHAIRMAN TANNER: All in favor?
23 (Chorus of ayes.)

24 CHAIRMAN TANNER: Okay. The last and
25 best one, discussion, public comment and

1 possible action, is looking for a motion for
2 adjournment.

3 COMMISSIONER ALLEN: Mike Allen, I'll
4 make the motion.

5 CHAIRMAN TANNER: Looking for a
6 second.

7 COMMISSIONER KETSAA: Second.

8 CHAIRMAN TANNER: All right. All in
9 favor?

10 (Chorus of ayes.)

11 CHAIRMAN TANNER: We're out of here.
12 Thanks everyone for coming.

13 (Whereupon, the meeting in the
14 above-entitled matter was concluded.)

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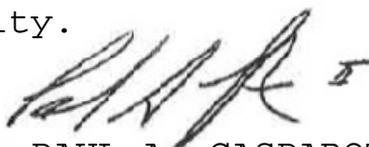
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CERTIFICATION

This is to certify that the attached proceedings were held according to the record, and that this is the complete, true, and accurate transcript which has been compared to the audio recording and transcribed to the best of my skill and ability.



PAUL A. GASPAROTTI II

Transcriber

\$	2	4	50:16,19,24 52:13, 20,22 53:8,18 55:14 56:4,7,9
\$10 15:21	2-2 12:12	40,000 17:7	accomplish 12:17 34:5
\$18,000 22:2,22	2.8 11:15	400 38:9	accomplished 37:24
\$25 22:24	20 34:16 43:23 45:18	453.411 66:1	account 11:11
\$36,000 21:25	2008 11:7	48 63:4,6 66:17	accountable 25:5,25 27:15 35:11
(2013 69:23	5	accredited 8:10
(1)(g) 60:13	2015 65:15 66:3	50 55:15	acknowledgment 30:12
1	2016 62:5	550 7:25	act 65:18
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4. **DISCUSSION, PUBLIC COMMENT, AND FOR POSSIBLE ACTION**

Request from the Lander County Sheriff's Office for a 6 month extension past the one year requirement in order to meet the requirements for certification for their employee Deputy Jeremy Adams.



Lander County Sheriff's Office

Ron Unger, Sheriff

October 18, 2018

Nevada Commission of Peace Officer Standards & Training
Attn: Mike Sherlock, Executive Director
5587 Wa Pai Shone Ave
Carson City, NV 89701

RE: Request for Placement on November 2018 POST Commission Agenda
Request for Academy Extension Requirement for Deputy Sheriff Jeremy Adams

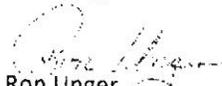
Dear Mike,

The Lander County Sheriff's Office is requesting to be placed on the next POST Agenda, (November 2018). The purpose of the agenda item will be to request an extension of the requirement timeframe for an employee to attend the Nevada POST Academy.

Deputy Adams entered the Nevada POST Academy Class 2018-02. Deputy Adams was released from the Academy for failing to meet the Physical Fitness Standards. Our intent is to send Deputy Adams to Nevada POST Academy Class 2019-01.

Deputy Adams was hired in his current position in August of 2017. We are requesting an extension of the requirements of NRS 289.550. An extension would allow Deputy Adams to remain employed and attend the next Nevada POST Academy.

Sincerely,


Ron Unger
Sheriff

cc: file

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

Request from the Lander County Sheriff's Office for a 6 month extension past the one year requirement in order to meet the requirements for certification for their employee Deputy Nichole Pettit.



Lander County Sheriff's Office

Ron Unger, Sheriff

October 18, 2018

Nevada Commission of Peace Officer Standards & Training
Attn: Mike Sherlock, Executive Director
5587 Wa Pai Shone Ave
Carson City, NV 89701

RE: Request for Placement on November 2018 POST Commission Agenda
Request for Academy Extension Requirement for Deputy Sheriff Nichole Pettit

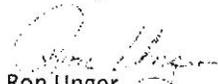
Dear Mike,

The Lander County Sheriff's Office is requesting to be placed on the next POST Agenda, (November 2018). The purpose of the agenda item will be to request an extension of the requirement timeframe for an employee to attend the Nevada POST Academy.

Deputy Pettit entered the Nevada POST Academy Class 2018-02. Deputy Pettit was released from the Academy for failing to meet Firearms Standards. Our intent is to send Deputy Pettit to Nevada POST Academy Class 2019-01.

Deputy Pettit was hired in her current position in November of 2017. We are requesting an extension of the requirements of NRS 289.550. An extension would allow Deputy Pettit to remain employed and attend the next Nevada POST Academy.

Sincerely,


Ron Unger
Sheriff

cc: file

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

Request from the Las Vegas Justice Court Marshals for a 6 month extension past the one year requirement in order to meet the requirements for certification for their employee Deputy Marshal Jeffrey R. Parker.



Las Vegas Justice Court Marshal Division

200 Lewis Avenue • PO Box 552511 • Las Vegas NV 89155-2511
(702) 671-3100 • Fax (702) 671-2512

October 30, 2018

Executive Director Michael Sherlock Nevada Commissioner on Peace Officer Standards and Training.
5587 Wa Pai Shone Avenue
Carson City, NV 89701
(775) 687-7678
Fax: (775) 687-4911

Re: Request for Extension of Peace Officer Authority for Las Vegas Justice Court Marshal, Deputy Marshal Jeffery Parker, per Nevada Revised Statute (NRS) 289.550.

Dear Director Sherlock:

The Las Vegas Justice Court Marshal Division is writing to request an extension of Peace Officer Authority for Justice Court Marshal Jeffery Parker P#1176. Deputy Marshal Parker was initially hired by the Las Vegas Justice Court on October 23, 2017. He was appointed as a Judicial Marshal to Department #06, by Justice of the Peace Rebecca Kern, per NRS 4.353. As such, Deputy Marshal Parker was required to complete the Nevada POST Physical Fitness Test at a Category One Standard within 16 weeks of his initial hire date. Deputy Marshal Parker was unable to meet this requirement, only passing at a Category Two. Due to the fact that Deputy Marshal Parker had shown improvement between tests, the Las Vegas Justice Court Marshal Division requested an extension. This extension was granted with an end date of October 23, 2018. Deputy Marshal Parker was provided additional opportunities to take the Nevada POST Physical Fitness Test again only passing as a Category Two.

On October 22, 2018, the Las Vegas Justice Court Marshal Division forwarded a Request to Nevada POST for Post State Certification Examination for Deputy Marshal Parker as a Category Two Officer. Attached to this request was a copy of the Physical Fitness Test Score Card dated 10/21/18, Copy of Certificate of Completion for Nevada Online Reciprocity dated 5/16/17, a State of New York Training History Report for Deputy Marshal Parker, Nevada POST Request for Verification of Certification sent to New York State Division of Criminal Justice, the Nevada POST Veteran Status, and Child Support Statement form.

On October 24, 2018, the Las Vegas Justice Court Marshal Division was contacted by Nevada POST Standards, Chief Scott Johnson. Chief Johnson advised a review of the packet submitted by the Las Vegas Justice Court revealed that Deputy Marshal Parker's State of New York certifications did not qualify for reciprocity as either a Category One or Two Officer in the State of Nevada. Chief Johnson further advised that Deputy Marshal Parker would need to attend an Nevada POST approved Police Academy in order to obtain Peace Officer Powers. Las Vegas Justice Court Administrator Kim Kampling, Justice of the Peace Rebecca Kern and Deputy Marshal Parker were advised of Deputy Marshal Parker's current status and

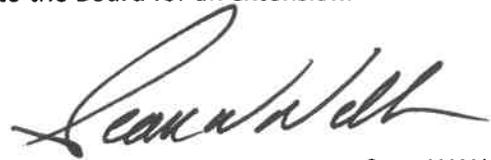
need to attend a Police Academy in order to obtain a Nevada POST Category One Certification. A determination was made that Justice of the Peace Kern would retain Deputy Marshal Parker's employment as long as he would attend and successfully complete a Nevada POST recognized Category One Police Academy.

The Las Vegas Justice Court understands that as Deputy Marshal Parker was unable to meet the Nevada POST Physical Fitness Test requirements of October 23, 2018, he would no longer be considered to possess the powers or authority of a peace officer. Deputy Marshal Parker still maintains his employment with the Las Vegas Justice Court Marshal Division. However he is being utilized at this time in a role which does not require law enforcement powers. The Las Vegas Justice Court Marshal Division also recognizes that potential mistakes and oversights may have occurred during the background process where the lack of Category One or Two Reciprocity should have been caught.

The Las Vegas Justice Court Marshal Division has initiated a plan with the intent to rectify the current situation and to mitigate future potential issues of this nature.

- Deputy Marshal Parker is being enrolled in the Southern Nevada Regional Police Academy which is scheduled to start the week of January 19, 2019.
- Deputy Marshal Parker has been provided with a copy of the Nevada POST Physical Fitness Readiness and Improvement Program for his use in successfully complete the Nevada POST Physical Agility Requirements.
- Deputy Marshal Parker has received instructions from Justice of the Peace Kern that he needs to follow this program in order to successfully complete the Nevada POST Physical Agility Requirements.
- Deputy Marshal Jamie Wilson a recent academy graduate has volunteered to work with Deputy Marshal Parker to assist him in passing the physical agility test.
- Deputy Marshal Parker has been placed on notice that failure to attend or successfully complete the academy will result in the immediate termination of his employment with the Las Vegas Justice Court.
- Between this date and the start of the academy Deputy Marshal Parker will be given additional Nevada POST Physical Fitness Tests to measure improvements.
- The Division Background Investigator has been enrolled in the November 26, 2018, Detective and New Investigator training being provided by the Public Agency Training Counsel and will be provided with additional training in conducting background Investigations.

The Las Vegas Justice Court Marshal Division requests this extension for Deputy Marshal Parker. This will allow him to continue the performance of his duties as a Judicial Marshal in Department #06 until the week of January 19, 2019, when he begins the police academy. Chief Marshal, Sean Wells, is planning to attend the November 15, 2018 meeting in person to appeal to the Board for an extension.



Sean W Wells

Chief Marshal / Court Security Administrator

7. **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.

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

Schedule upcoming Commission Meeting.

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

Adjournment