



Nevada Commission on Peace Officer
Standards and Training

POST COMMISSION MEETING
11:00 A.M., MONDAY JULY 12, 2021

COMMISSION ON POST ADMINISTRATION
BUILDING
5587 WA PAI SHONE AVE.
CARSON CITY, NV 89701



STATE OF NEVADA
COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

5587 Wa Pai Shone Avenue
Carson City, Nevada 89701
(775) 687-7678 FAX (775) 687-4911

STEVE SISOLAK
Governor

MICHAEL D. SHERLOCK
Executive Director

NOTICE OF PUBLIC MEETING (NRS 241)

NOTICE IS HEREBY GIVEN THAT STARTING AT 11:00 A.M., MONDAY JULY 12, 2021, THE COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING WILL HOLD A REGULARLY SCHEDULED MEETING AT THE ADMINISTRATIVE OFFICE OF THE NEVADA PEACE OFFICER STANDARDS AND TRAINING, 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. DISCUSSION, PUBLIC COMMENT, AND FOR POSSIBLE ACTION.

Approval of minutes from the May 6, 2021 regularly scheduled POST Commission Meeting.

2. INFORMATION Executive Director's report.

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

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

Discussion on the current requirements to attain the POST Executive certificate. Commission to discuss whether to begin the rule making process to amend NAC 289.270 to allow eligibility that includes those peace officers who have authority over non peace officer managers. Current language requires the applicant to supervise two peace officer managers.

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

Hearing pursuant to NAC 289.230(4) and NAC 289.290(1)(f) on the suspension of James Scally's (employed with the Nevada Department of Corrections) certification(s) based on noncompliance with the annual training requirements for 2020. The Commission will decide whether to suspend Mr. Scally's Category II and III basic certificates.

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

Hearing pursuant to NAC 289.230(4) and NAC289.290(1)(f) on the suspension of Steven Menger's (employed with the Laughlin Township Constable's Office) certification(s) based on noncompliance with the annual training requirements for 2020. The Commission will decide whether to suspend Mr. Menger's Category I basic certificate.

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

Request from the Carson City Sheriff's Office for a 6-month extension pursuant to NRS 289.550 for their employee Jacob VanBeuge to meet certification requirements. (Extension to expire December 26, 2021)

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

Request from the Eureka County Sheriff's Office for a 6-month extension pursuant to NRS 289.550 for their employee Barbara Barnum to meet certification requirements. (Extension to expire January 27, 2022)

8. 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.

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

Schedule upcoming Commission Meeting

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

Adjournment.

This Notice of Public Meeting was posted in compliance with NRS241.020, as amended by Assembly Bill 253, adopted in the 81st (2021) Legislative Session of the Nevada Legislature (effective on May 31, 2021), before 9:00 a.m. on the third working day before the meeting at the following locations:

POST Administrative Offices, Carson City

<http://post.nv.gov>

<http://notice.nv.gov>

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 Kathy Floyd at (775) 687-7678, Ext. 3335, no later than 2 working days prior to the meeting.

I. REGULARLY SCHEDULED MEETING AGENDA ITEMS

I. REGULARLY SCHEDULED MEETING AGENDA ITEMS

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

Approval of minutes from the May 6, 2021 regularly scheduled POST Commission Meeting.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

STATE OF NEVADA
POST STAFF COMMISSION MEETING
MEETING TRANSCRIPT
THURSDAY, MAY 6, 2021

SOTO: Hey, good morning. It is Thursday, May 6, 2021. I'm going to call this meeting to order. For the record, this is Chief Jason Soto, Reno Police Department. I'm going to turn this over to Kathy Floyd for information on the legal postings and open meeting compliance.

FLOYD: Thank you. This meeting agenda has been posted in compliance with NRS 241.020. The agenda has physically been posted at the Post Administration Building, Carson City Sheriff's Office, Elko Police Department, Las Vegas Metropolitan Police Department, and electronically on post.nv.gov and notice.nv.gov.

SOTO: Great. I'm going to move to roll call starting with myself, Jason Soto, Reno Police Department, and we can just go around the table here.

FLOYD: Kathy Floyd, POST.

SHERLOCK: Mike Sherlock from POST.

JENSEN: Mike Jensen, Attorney General's Office.

ALLEN: Mike Allen, Humboldt County.

MCKINNEY: Kevin McKinney, Carlin.

1 TROUTEN: Ty Trouten, Elko PD.

2 NIEL: Russ Niel, State Gaming.

3 TOGLIATTI: George Togliatti, Nevada Department of
4 Public Safety.

5 SOTO: All right, and we don't have anybody on --

6 SHEA: Yep. I'm here. Tim Shea, I'm here.

7 SHERLOCK: Thanks, Chief.

8 SOTO: All right. Moving into our -- our items.

9 Item Number One, discussion, public comment, and for possible
10 action, approval of minutes from February 22nd, 2021 regular --
11 regularly scheduled post-commission meetings. Any comments
12 from any of our Commissioner or any public comments?

13 UNIDENTIFIED VOICE: No comments from any Commissioners.

14 SOTO: Any public comment? All right. Seeing as
15 though there's none, I'm looking for a motion to approve
16 minutes.

17 ALLEN: Humboldt County Sheriff, Mike Allen. I'll
18 make a motion to approve the minutes for February 22nd, 2021.

19 SOTO: Do we have a second?

20 TROUTEN: Ty Trouten, Elko PD, second.

21 SOTO: All right. I got a motion to second. All
22 those in favor, say aye.

23 MEMBERS: Aye, aye, aye.

24 SOTO: Opposed? Motion carries unanimously.

25 Item Number Two, Executive Director Report. I'm going to turn

1 it over to Mr. Sherlock.

2 SHERLOCK: Thank you, Chief. Mike Sherlock for the
3 record. I'll try and make this short. Real quick from the
4 training division, we're about to graduate our Academy class
5 on May 20th. It'll be at 5:00 p.m. at the Douglas Community
6 Center. We are finally getting back on track with BID
7 Firstline and Management Training after, I guess, things
8 loosen up resulting from COVID and all that. The Training
9 Division is trying to anticipate some of the training reforms
10 that appear to be coming out of the legislature. It's a
11 moving target right now, but we're watching it. Our Academy
12 was only of four selected nationally for Basic Curriculum
13 Retention Study. Kind of keeps us on the map in Washington,
14 DC, and that kind of thing, and could provide some pretty
15 valuable insight in terms of our teaching methods and what we
16 retain and that kind of thing. So that study will begin in
17 our January -- next January Academy. In standards, I think we
18 are pretty close on compliance for officers across the state.
19 I think there's only two out of compliance in the entire state
20 right now. We'll deal with that in July if they don't come up
21 to standard. Kathy in standards is gearing up and looking at
22 legislation right now, that's going to -- that forces us to
23 adopt regulations. So, we'll start preparing for that.
24 Again, that's a moving target also. We don't know how that's
25 going to flush out in the end. We here at POST are hosting

1 the Western States Meeting of IADLEST. IADLEST is the
2 national organization for law enforcement directors, POST
3 directors, that kind of thing. So, there'll be here in a
4 couple of weeks. I think right now we have confirmation that
5 12 States are going to be here from the west so it should be
6 pretty good. You know, from -- on our side, on the
7 administrative side, we've had several bills that we've been
8 asked for input, beyond fiscal notes, of course, that we do.
9 I think most of you were aware of AB 111. This will -- and I
10 just had to testify on it yesterday. Will add two specific
11 civilian positions to the Commission. There's -- all sides
12 are supporting it. I can't see it -- you know, there's no way
13 it's not going to pass. We have everything from Defense Bar
14 to the DA's Association, supporting the bill. They love that
15 when that happens, as you know, both sides are in agreement.
16 And so I -- I would imagine that one passes, and we'll see
17 what happens after July 1. That would begin on July 1, would
18 require the legislature, the Assembly and the -- the President
19 of Senate, and the Speaker of Assembly would each appoint a
20 civilian to the Commission. Those positions have -- are
21 pretty well-defined. They have to be -- have expertise in
22 diversity or implicit bias, community organization, that kind
23 of thing. And there were lots of comments on the diversity of
24 the makeup of the Commission, and they have to consider that
25 when they're making those appointments. So it is what it is.

1 I -- you know, personally, I don't think it's a bad thing at
2 all. I think in my experience that's worked out in the favor
3 of those involved. So we'll see what happens. The other ones
4 that we're looking at, and I've talked to Mike a little bit
5 about it, but AB 336 mandates an annual behavior health
6 assessment for every certified officer in the state, and it
7 mandates POST to establish that requirement annually. You
8 know, from our perspective, I -- I've met with the sponsor
9 more than once. I think the bill is troublesome for -- for a
10 variety of reasons. You know, first from our perspective,
11 mandating assessments without cause, or just arbitrarily,
12 could be an issue. I'll leave that to legal to decide if that
13 happens. But -- but also for us establishing the re -- the
14 criteria of passing a mental health assessment every year, I
15 think is a big problem for us because that's very subjective.
16 And I don't know that we could establish a baseline. I just,
17 you know, that -- but the problem for us is that it would cost
18 us money to -- to be able to do that, we do have a fiscal note
19 and then we'll see what happens. But for us to establish that
20 baseline would be, I think, pretty expensive. So, we'll see
21 what happens with that. She is adamant that she wants an
22 annual assessments.

23 SOTO: Who's the sponsor?

24 SHERLOCK: It's Monroe-Moreno. And she made some
25 small changes based on my -- my suggestions, but not anything

1 close to what we've suggested, which for -- from our
2 perspective, I suggested trigger points. If you want to do it
3 -- if you want to have a bill that looks at mental health
4 assessments for officers to use what are commonly in practice
5 now, trigger points, officer involved shootings, again wit --
6 you know, witnessing mass casualty incidents, that kind of
7 thing or -- or other triggers, whatever they may be. But she
8 doesn't -- didn't want to do that. She wants to make it
9 mandate or mandate it for everyone. So we'll see where that
10 one goes at this point. And 236 mandated that POST
11 established re -- regulations requiring agencies to create an
12 early warning system for that, looks at officer bias and that
13 kind of thing. I met with Senator Harris. I was able to
14 remove POST from that requirement. I -- I -- which I think
15 was a good move for POST. Unfortunately, her position now is
16 that the legislature mand -- mandate that on individual
17 agencies, that every agency by statute will have an early
18 warning system. But again, from POST's perspective, she's
19 going to take us out of it. So we won't be writing
20 regulations or enforcing some sort of early warning protocol
21 on agencies. So at least we got that much movement at this
22 point, although I have not seen the amendment yet. So we'll
23 see how that goes, but that's what came of that meeting. And
24 I think obviously from an organizational standpoint for POST
25 it's a good thing. It may not be a good thing for agencies

1 out there in terms of physical issues, but for us it was
2 better, but that bill is moving forward with the early warning
3 system. That bill also, I think puts a lot of mandates on DPS
4 in terms of -- in terms of, you know, traffic stop, tracking
5 traffic stops, that kind of thing. And that's all going to
6 DPS. The only weird caveat of that whole thing is DPS then
7 has to provide advice as it's currently written and then make
8 that advice public at a POST meeting. So we kind of look at
9 that, whether there's any sort of fiscal impact for us. We
10 have a meeting four times a year, if you want to come give
11 your advice at, you know, quarterly, we're good with that. It
12 won't cost us anything for that. And it's kind of worded
13 weird. I -- I don't know, but that was the only thing now.
14 If she does what she told me and cuts us out, that's the only
15 little piece for POST in that one, is allowing DPS to make --
16 give their advice report in a public meeting at POST, but
17 whatever. I would say 286 has some pretty serious training
18 issues for us in terms of performance objectives and what we
19 mandate for academies across the state. I think it's still --
20 and I haven't read it if there's any amendments that have come
21 out recently, but it includes a presumption that where an
22 officer uses force on anyone who is 13 or younger, 65 or
23 older, or pregnant, there's a presumption of unlawful use of
24 force. And I'm not sure how to train that, right.
25 Considering the constitutional use of force, you know? You

1 know, what do we tell our officers? You know, if the 70 year
2 old is shooting at them to -- you know, I mean, I just don't
3 know how we train that. And -- and I think it's going to be
4 an issue, and there's a lot of other things in that bill but
5 given the constitutional elements of lawful use of force and
6 training, when you do this kind of thing, it -- it does impact
7 us in how we develop that curriculum. So we're looking at
8 that right now, and then there's other issues with that bill,
9 and I'm sure most of you have seen some of those. But, you
10 know, we'll have to wait and see what the outcome is on that
11 though, but there's some troubles -- troublesome things with
12 that. And the only other thing I wanted to mention again,
13 just because this has been going on in the south. There's a -
14 - a doctor and his wife down in Clark County who every year
15 pay for as many officers that want to go to Front Site
16 Training in Las Vegas and gives them a life membership at
17 Front Site, which has a bunch of different training. They've
18 asked us to market it up here. He wants to give the
19 opportunity to the northern agencies. So if anybody's
20 interested for their own agencies, this doctor pays for
21 everyone to go to Front Site for a -- a course that they put
22 on down there. And then he also pays for those officers a
23 lifetime membership at Front Site. And Front Sight is pretty
24 big in the south, most of you probably know it, but a lot of
25 good training down there. They have a huge complex down

1 there, something like 50 ranges and all kinds of stuff, but he
2 wanted to offer that to the trainees in the north. So after
3 the meeting, if anybody wants that information, let me know.
4 And that's the update.

5 SOTO: All right. Thank you, Mike. Anybody have
6 anything or questions from Mike before we move on to our next
7 item? Okay. Item Number Three, discussion/public comment and
8 for possible action, discussion on hiring, certification and
9 annual training requirements for applicants who are in a
10 command or executive level position. Again, I will turn this
11 over to Mike Sherlock for an update.

12 SHERLOCK: Thanks, Chief. Mike Sherlock for the
13 record. So, as the Commission might recall, we had some
14 discussion on issues related to reciprocity and bringing in
15 people from out of state who may be expired beyond the 60
16 month or again, they're from out of state and -- and agencies
17 want to bring them in to executive level positions. We had
18 one example was a deputy chief, I believe, down in Henderson.
19 So when we do that there are two issues that arise. First, if
20 they're outside the 60 months, whether from the state they
21 came from or even in our own state, they are done. They must
22 go to a full academy and start all over. Secondly, there's
23 been some discussion on the physical assessment requirement
24 for these command level appointments. The issue in Henderson
25 is they had a candidate with extensive training, lots of

1 education, lots of back -- good background in terms of
2 policing and executive level issues but had been out or -- or
3 not employed as a peace officer for some seven years. So
4 under our current rules, they have to attend a full academy.
5 And again, that doesn't matter if it's in state or out of
6 state, but they would have to attend the full academy. So
7 with that, I conducted a survey nationally to all the POSTS
8 across the country, to see how other states are handling this
9 issue. Nearly every state that responded requires the can --
10 the candidate to attend an academy if they are outside that
11 separation time, right? So we're 60 months, that's probably a
12 majority of states are 60 months. There are some that are 2
13 years, some that are 3 year, but most are 60 months. All of
14 them said that if that time has expired, they have to start
15 over, no matter, you know, how much experience they have.
16 There's a couple -- there's one state that if they've been
17 separated from between 5 and 10 years, they have a graduated
18 training program. So it's only five years, they do less
19 training. You know, each year they do more training to get
20 re-certified. Almost all states make no distinction based on
21 rank or command level. So, it doesn't matter if they're
22 bringing them in as a deputy chief, they still have to comply
23 with those rules so that we're not outside that. The only two
24 states, Alaska and Maryland, make the distinction for the
25 chief of police only. The chief of police is exempt from

1 those training issues. If that's what they're being hired --
2 hired for. All others must meet the training requirements.
3 Also noted that states that have a physical readiness
4 assessment, like we do, not every state does, but those do
5 require it regardless of what you're hiring them for. So even
6 if they're coming in as deputy chief, they have to pass a
7 physical. Any of those that have it. Now, like again, some
8 states don't have that requirement. One state, Idaho,
9 requires the agency to develop a physical readiness test, and
10 everybody has to take it reg -- regardless of rank. Only one
11 state, Nebraska, has a specialized certificate just for chief
12 of police, and they have different requirements. One thing I
13 did note with the survey is that it seems to be the trend now
14 that yearly physical readiness tests are getting -- are
15 starting to come about, right. We know Texas did it recently.
16 Vermont just passed it. Vermont is actually punitive. So and
17 they are the latest one. They require all applicants -- or
18 all certified officers to pass an annual physical readiness
19 test, similar to ours. Now, you know, if -- if an officer
20 fails the test, they have three years to get back in
21 compliance and pass the test. And if they don't, they're
22 decertified, which I thought was pretty interesting, pretty --
23 pretty good. Guam does the same thing and Texas now is doing
24 that. Anyway, bottom line is our regs appear to be consistent
25 with the rest of the country in terms of reciprocity. We did,

1 in fact, work with Henderson with their issue. Again, we're -
2 - we're sensitive to the -- the, the dilemma of requiring a
3 well-qualified executive level hire and then, you know, trying
4 to meet our standards and not wanting to send that deputy
5 chief to your basic academy with all the recruits. Clearly
6 that's an issue, but, you know, here at POST, we established
7 the minimum standards that must be met to certify an academy.
8 So it's true that the minimum standards includes the physical
9 assessment, physical readiness test, but it only requires 480
10 hours of training at the minimum. So we were able to help end
11 -- Henderson and create an executive level basic academy that
12 meets all the minimum requirements but is flexible enough for
13 them to bring this person in that can still perform some of
14 those executive issues, not be in a basic training academy
15 with recruits and still meet our minimum and get the training
16 that's required. So I, you know, from our perspective, I
17 would say that this model that we developed with Henderson
18 that meets our current standards, there's no issue there,
19 probably in -- in most instan -- incidents solves the issue.
20 And -- and I think we could use them as a model if other
21 agencies wanted to hire, you know, a deputy chief or a command
22 level position, and they were in the same boat. So I would
23 pass this back to the Chairman. Our staff here would re --
24 recommend that we don't(enter any sort of rule change on our
25 current reciprocity because I just -- I think nationally we're

1 consistent and we were flexible enough that I think we can
2 absorb most of this going forward.

3 SOTO: All right. Thank you, Mike. No, I -- I
4 agree. And thanks for -- thanks to you at POST for working
5 through that. I did have one question just because I've been
6 in a couple of different interview processes for different
7 agencies in terms of reciprocity. So it's the 60 month
8 standard that we have here. Now, what about if we are -- if
9 an agency is hiring for an executive level and he or she meets
10 the reciprocity terms in terms of timeline, what -- what else,
11 if anything, do they need? For instance, if they're moving
12 from east coast to west coast?

13 SHERLOCK: So, Mike Sherlock for the record. So if
14 they are within the 60 months and they work as a peace officer
15 in that other state, that's equivalent to our CAT I and went
16 to an academy that we recognize, and we recognize almost
17 everybody. There's a couple of small ones that we don't,
18 small states that don't meet the minimum 480 hours, but most
19 of them do. If they're with that, they -- they do our online
20 80-hour course and they have to pass the physical assessment
21 and they're good to go. They're certified. So it's a much
22 simpler process if they are within those rules.

23 SOTO: Okay.

24 SHERLOCK: One other thing. We do get this question
25 a lot. So, for us, it's that they were certified and worked

1 as a peace officer in 60 months. So we get a lot of people
2 coming from California. California certificates are only good
3 for three years, but that doesn't affect us. It's not that
4 their out of state certificate hasn't expired, but rather that
5 they worked with a valid certificate within 60 months. So
6 even though they're beyond the California three years, they're
7 within the 60 months for us, we'll accept them for
8 reciprocity.

9 SOTO: All right. Well, thanks for your work on
10 that. Any discussion on this topic from any of our
11 Commissioners? Any public comment? All right. Well, then we
12 will move on. Item Number Four for discussion, public comment
13 and for possible action, hearing pursuant to NAC 289.290
14 subsection 1E on the revocation of Blake Reed, formerly of the
15 Nevada Department of Corrections, certification based on a
16 gross misdemeanor conviction for fraudulent conveyance, gross
17 misdemeanor NRS 205.330. The Commission will decide whether
18 to revoke Mr. Reed's basic certificate. I'm going to turn it
19 over to Deputy AG Mike Jensen.

20 JENSEN: All right. Thank you, Mr. Chairman. This
21 is the first two revocation hearings that we have scheduled
22 for this morning. Just for the record, the authority that the
23 Commission is proceeding on this morning is NRS 289.510 that
24 provides for the Commission to adopt regulations establishing
25 minimum standards for certification and decertification of

1 officers and NAC 289.290 that establishes the cause or causes
2 for the Commission to revoke or refuse or suspend the
3 certificate of a peace officer. Specifically, for this
4 hearing as -- as the agenda item indicates, we -- you would be
5 proceeding under Section 1E that provides for a certificate to
6 be revoked upon entry -- upon conviction or entry of a plea of
7 guilty, guilty but mentally ill, or nolo contendere to a gross
8 misdemeanor. In your package, there's a set of exhibits that
9 would be presented this morning, and I would ask would be
10 admitted as a part of the record for any action that the
11 Commission might take this morning on this item. Starting
12 with Exhibit A, just real quickly go through and summarize
13 those exhibits. That's the Notice of Intent to Revoke. It
14 provided Mr. Reed with notice as required by statutes and due
15 process. It informs him that the Commission was intending to
16 initiate action to revoke his basic certificate. The law that
17 provides for that a revocation upon conviction for a gross
18 misdemeanor, the date, time, and location of this hearing, and
19 his right to appear at the hearing, present evidence, and
20 cross examine witnesses this morning, the legal requirements
21 that he inform the Commission if he intended to contest the
22 revocation action and the scope of the hearing this morning,
23 which is whether or not his certificate should be revoked for
24 the, the gross misdemeanor conviction. It's my understanding
25 that Mr. Reed has not reached out to the Commission to

1 indicate that he was going to appear this morning. And I
2 don't believe he's present this morning to contest. Exhibit B
3 is the Declaration for Service showing that the notice
4 requirements were complied with by the Commission as Mr. Reed
5 was served with the notice on April 7th 2000 -- of 2021.
6 Exhibit C is a Personnel Action Report showing that he was
7 terminated as is -- or separated as a peace officer effective
8 April 7th of 2020. Exhibit D is the Category Three Basic
9 Certificate. Exhibit E is the Criminal Information. This the
10 first of the criminal pleadings that show what Mr. Reed was
11 charged with and convicted for. First criminal information
12 was the original information in this case charging him with
13 assault with a deadly weapon, a Category B Felony. Exhibit F
14 is amended criminal information, which charged Mr. Reed with
15 two counts. First count being aiming a firearm at a human
16 being, a gross misdemeanor in violation of NRS 202.291. And
17 count two was a performance of act or neglect of duty and
18 willful or wanton disregard for the safety of person or
19 property. Again, a gross misdemeanor in violation of NRS
20 202.595. The factual allegations of count one are that the
21 Defendant, Blake Reed, on or about December 5th, 2019, did
22 willfully and unlawfully aim gun, pistol, revolver, or other
23 firearm at or towards a human being in the following matter to
24 wit, that he pointed a Glock semi-automatic handgun at his
25 roommate indicating a specific location where that had

1 occurred. The factual allegations of count two were -- are
2 that Mr. Reed on or about December 5th, 2019 did perform an
3 act in willful or wanton disregard for the safety of persons
4 or property, which did not result in substantial bodily harm
5 or help to -- or death of any person. In again the following
6 matter, he did point a firearm at an individual in willful and
7 wanton disregard for his safety. Exhibit G shows that Mr.
8 Reed through a memorandum of plea negotiation dated January
9 22nd -- 22nd, 2021, agreed to plead guilty to those two counts.
10 In the amended information and Exhibit H is the document that
11 shows that he was convicted. It's a Judgment of Conviction
12 from the court showing that he was convicted of those two
13 counts that I just described. He was sentenced to 364 days in
14 the Car -- Carson City Jail on count one, same sentence on
15 count two to run consecutive. Those sentences were suspended,
16 and he was placed on probation for a period not to exceed 12
17 months with certain special conditions. Based on the evidence
18 of these -- the criminal conviction and the conduct involved,
19 it's clearly serious criminal conduct. It -- it shows a
20 violation of the public trust that was placed in Mr. Reed as a
21 peace officer and is inconsistent with the demeanor and the
22 judgment that's required of a peace officer. His actions,
23 based on that evidence, disqualify him from the position of
24 peace -- of a peace officer, and the recommendation is that
25 his certificate be revoked.

1 SOTO: Thank you. So moved in terms of any and
2 all of these documents.

3 JENSEN: Thank you.

4 SOTO: Is there any public comment on this? All
5 right. Do we have any comments from any of our Commissioners?
6 Seeing as those there are none, I'm looking for a motion to
7 revoke Mr. Reed's POST certificate -- Blake Reed's POST
8 certificate.

9 MCKINNEY: For the record, Kevin McKinney. I'll make
10 a motion to revoke Mr. Blake Reed's Category 3 Certificate.

11 SOTO: Motion. Can I get a second?

12 NEIL: I'll second it.

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

15 MEMBERS: Aye, aye, aye.

16 SOTO: Any opposed? Motion carries unanimously.
17 All right. Item Number Five, discussion, public comment and
18 for possible action, hearing pursuant to NAC 289.290 on the
19 revocation of Allen R. Strand's (phonetic), formerly of the
20 Lyon County Sheriff's Department, certification based on a
21 conviction for a gross misdemeanor. The Commission will
22 decide whether to revoke Mr. Strand's Category I Certificate
23 and I will turn it over to Deputy AG Mike Jensen.

24 JENSEN: Thank you, Mr. Chairman. Again, the two -
25 - the statute and the regulation previously cited, NRS 289.510

1 and NAC 289.290 are to be the authority that the Commission
2 would be moving forward on this morning. Again, specifically
3 section 1E of 289.290, which provides for the revocation upon
4 conviction for a gross misdemeanor. Again, in your packet,
5 there's a set of exhibits that will be discussed and presented
6 this morning to support any action that the Commission may
7 take this morning with regard to Mr. Strand's POST
8 certifications. Just real quickly go again through those
9 exhibits. Exhibit A again, as the notice document that was
10 sent to Mr. Strand informing him the potential revocation of
11 his basic certificate this morning. The law that provides for
12 that revocation, the date, time, and location of this hearing,
13 his right to appear and present evidence, cross examine
14 witnesses, and the requirement that if he intended to do so
15 that he inform the Commission within 15 days of that notice.
16 And finally the scope of the hearing, again, whether or not
17 his re -- his certificate should be revoked for a gross
18 misdemeanor conviction or gross misdemeanor convictions. It's
19 my understanding that Mr. Strand did not reply to or ask the
20 Commission to contest this action this morning. And I don't
21 believe Mr. Strand is present this morning for this hearing.
22 Exhibit B is -- shows that he was served on April 16th with
23 the notice. Exhibit C is the Personnel Action Report showing
24 that his employment was terminated effective March 10th of
25 2020. Exhibit D is the memorandum from Lyon County Sheriff

1 dated March 26, 2020, informing the Commission of Mr. Strand's
2 separation from the agency, and also the criminal charges that
3 had been brought against him as of the -- as of the date of
4 that letter. Also, Sheriff states that he understood a felony
5 count was going to be pled to gross misdemeanor or
6 misdemeanor. Exhibit E and F are the POST certificates.
7 There's a Category I POST certificate as Exhibit E and Exhibit
8 F is the Category III POST certificate. Exhibit G is the
9 Original Criminal Complaint in this case charging Mr. Strand
10 with seven felony counts for illegal killing of mule deer on
11 or between October 28, 2018 and November 2nd, 2018 in Nye
12 County. Exhibit H is the information charging Mr. Strand with
13 gross misdemeanor, a felony count, and a gross misdemeanor
14 count. The count one is the unlawful killing of a mule deer
15 in violation of NRS 501.3761(e), which can be treated as a
16 felony or gross misdemeanor, and count two, conspiracy to
17 commit unlawful killing of a mule deer in violation of NRS
18 199.490 and NRS 501.3761(e), which is a gross misdemeanor.
19 Real quickly, the factual allegations for those counts are as
20 follows. Count one provides that Mr. Strand did willfully and
21 unlawfully kill a mule deer buck by shooting it in the
22 southern end of the Toiyabe Mountain Range without possessing
23 a valid hunting tag. Count two, is that Mr. Strand did
24 willfully and unlawfully conspire with others and between
25 themselves and each other to kill a mule deer buck by shooting

1 it again in that same location without possessing a valid
2 hunting tag. Exhibit I is the Guilty Plea Agreement dated
3 December 15th, 2020 through which Mr. Strand agreed to plead
4 guilty to two count -- to the two counts and the information
5 with the understanding that count one would be treated as a
6 gross misdemeanor. And if the court treated it as a felony,
7 that he would be able to withdraw his plea. He also agreed to
8 forfeit various property associated with the crimes, including
9 the rifles, spotting scope, binoculars, et cetera. Exhibit J
10 is the Judgment of Conviction, which would be the document
11 that any action that Commission took this morning would be
12 based on the (inaudible) judge, Mr. Strand guilty of the two
13 counts, treating count one as gross misdemeanor and count two
14 of course is a gross misdemeanor. He was sentenced to six
15 months in the Nye County Jail on each of those counts to run
16 consecutive. Again, the jail sentence was suspended and he
17 was placed on a -- a term of informal probation not to exceed
18 one year with special conditions. Those convict conditions
19 included no con -- adverse contacts with law enforcement
20 except for minor traffic violations, forfeiture of the
21 property associated with the poaching crimes, and court costs,
22 fees, and a \$5,000 civil penalty. The evidence, again, in
23 this case shows two gross misdemeanor convictions on those two
24 counts involving the -- the unlawful killing of a mule deer
25 without a tag, the conduct for which he has been convicted

1 again is serious criminal conduct. It -- it involves a
2 violation of the public trust and is inconsistent with a
3 judgment that would be expected of a -- of a peace officer.
4 And therefore we would recommend revocation of Mr. Strand's
5 POST certificate, both his Category I and Category II
6 certificates. And finally we would ask that those exhibits be
7 admitted as -- in support of any action the Commission may
8 take this morning.

9 SOTO: So moved on the admission of the exhibits.
10 Do we have any public comments on this? All right. Do we
11 have any comments from any of our Commissioners? Seeing as
12 though there is none, I'm looking for a motion to revoke Mr.
13 Allen R. Strand's POST certificate.

14 TROUTEN: Ty Trouten, and I'd make a motion to
15 revoke Allen R. Strand's Nevada POST Category I and III
16 certificates.

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

18 NIEL: Russ Niel, I'll second.

19 SHEA: Tim Shea, I'll second.

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

22 MEMBERS: Aye, aye, aye.

23 SOTO: Any opposed? Motion carries unanimously.

24 All right, moving on to Item Number Six, discussion, public
25 comment, and for possible action, request from the Las Vegas

1 Metropolitan Police Department for an executive certificate
2 for their employee, Captain Daniel Bledsoe (phonetic). I'm
3 going to turn this over to Mike Sherlock for details.

4 SHERLOCK: Thanks Chief. Mike Sherlock for the
5 record. Staff reviewed the application and found Captain
6 Bledsoe meets the requirements, and we recommended the
7 Commission grant the executive certificate to Captain Bledsoe.

8 SOTO: All right. Any comments from the
9 Commissioners? Any public comment? Seeing as though there's
10 none, looking for a motion to approve the executive
11 certificate for Captain Daniel Bledsoe.

12 TOGLIATTI: George Togliatti, I motion to approve.

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

14 ALLEN: Mike Allen, I'll second.

15 SOTO: Motion and second, all those in favor say
16 aye.

17 MEMBERS: Aye, aye, aye.

18 SOTO: Opposed? Motion carries unanimously.
19 Item Number Seven, discussion, public comment and for possible
20 action, requests from the Sparks Police Department for an
21 executive certificate for their employee, Chief Chris
22 Crawforth. Again, I'll turn it over to Mike Sherlock for
23 details.

24 SHERLOCK: Thanks Chief. Mike Sherlock for the
25 record. Staff reviewed the application and found Chief

1 Crawford meets the requirements under the regulation. And we
2 recommend the Commission grant the executive certificate to
3 the chief.

4 SOTO: All right. Any comments from our
5 Commissioners? Any public comment? Seeing as though there is
6 none, I'm looking for a motion to grant the executive
7 certificate for Sparks Chief Chris Crawford.

8 TROUTEN: Ty Trouten, so moved.

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

10 MCKINNEY: Kevin McKinney I'll second.

11 SOTO: Motion and a second, all those in favor,
12 say aye.

13 MEMBERS: Aye, aye, aye.

14 SOTO: Opposed? Motion carries unanimously.
15 Item Number Eight, discussion, and public comment, and for
16 possible action, request from the Nevada Department of Public
17 Safety for an executive certificate for their employee, Major
18 James T. Simpson. I'm going to turn it over to Mike Sherlock
19 for details.

20 SHERLOCK: Thanks Chief. Mike Sherlock for the
21 record. Staff reviewed the application and found Major
22 Simpson meets the requirements under the regulation. And we
23 would recommend the Commission grant the executive certificate
24 to Major Simpson.

25 SOTO: Thank you. Any comments from any

1 Commissioner? Any public comments? Seeing as though there is
2 none, I'm looking for a motion to grant the executive
3 certificate for Major James T. Simpson.

4 TOGLIATTI: George Togliatti, I make a motion.

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

6 TROUTEN: Ty Trouten second.

7 SOTO: Motion and a second. All those in favor,
8 say aye.

9 MEMBERS: Aye, aye, aye.

10 SOTO: Opposed? Motion carries unanimously.

11 Item Number Nine, discussion and public comment and for
12 possible action, request from the Carson City Sheriff's
13 Department for an executive certificate for their employee,
14 Captain Earl Mays, III. I'm going to turn it over to Mike
15 Sherlock for details.

16 SHERLOCK: Thanks Chief. Mike Sherlock for the
17 record. I just want to make sure Sheriff Furlong is not
18 armed. Is security here or not? You got to -- you got to be
19 (inaudible). So thank you.

20 FURLONG: No harm. No foul.

21 SHERLOCK: I want to give a good explanation on this.
22 So, staff reviewed the application on -- at the time all
23 (inaudible), and we've been back and forth with the Carson
24 City on this one trying to get there. First let me say, and
25 just so the Sheriff knows. As you might imagine, we're under

1 a lot of scrutiny as it relates to anything regulatory and
2 training related to our certificate. So we're trying to be --
3 trying to adhere to the letter of the law as much as we can on
4 these right now. And we always have, but -- so NAC 289.270
5 governs the executive certificate that we're talking about.
6 In addition to the training and preliminary certificate
7 requirements, the applicant must demonstrate they have be --
8 that they have been in an executive level position for at
9 least one year. The agency must submit to POST an
10 organizational chart that demonstrates the position is
11 executive in nature as defined under 289.047, which says
12 executive level position means a position held by a peace
13 officer in which the peace officer supervises two or more
14 persons who hold management level positions and isn't in
15 charge of an entire agency or major division or bureau within
16 the agency. A management level position again is a peace
17 officer who supervises two or more first-line level
18 supervisors who are peace officers. So, as you can see, this
19 requires the executive -- executive level applicant to
20 supervise two management level peace officers. When Carson
21 City applied, Mr. Mays was a lieutenant with the org -- org
22 chart provided that position appears to supervise several, I
23 think eight sergeants, but no management level positions as
24 those management level positions are divined under -- defined
25 under the NAC. Now, since that time, I believe Mr. Mays has

1 been promoted to captain. However, he has not been a captain
2 for the one year that's required under the regulation. Just
3 so the Commission knows this. The staff attempts to evalu --
4 evaluate these applications with the presumption that they're
5 qualified. And so it's pretty rare that we don't recommend
6 certificates. Don't get me wrong. We kick a lot back, right.
7 It just -- it's -- so it's rare that we have to not recommend
8 in terms of that. I know we did one just recently, not
9 recommend that was an issue for similar reasons, but again,
10 it's just simply, we believe is best to try to adhere to those
11 regulations and not water down the certificate in any way.
12 Carson City is a great sheriff's department. They're great
13 supporters of POST. We appreciate everything they do. It's
14 just this applicant was just not there from -- from a
15 regulatory standpoint. And -- and -- and it's just a matter
16 of time and that's why staff can't recommend the issuance of
17 the certificate. Again, the -- this certificate comes from
18 the Commission though.

19 SOTO: Okay. We have Sheriff Furlong here with
20 us and --

21 SHERLOCK: He is armed.

22 FURLONG: Thank you. For the record, Sheriff
23 Furlong. Truly challenging when we talk about career
24 development of our officers everywhere in the state. We look
25 at long-term commitments and -- to fulfill roles. That may

1 not always be the same from agency to agency by their title or
2 where their desk sits. And Carson City we have a very, very
3 strong push in order to be eligible for promotions and
4 opportunities. We do enforce education -- off duty
5 educational achievements, Career development through POST,
6 physical fitness requirement -- I say requirements, but in --
7 in Carson we do physical fitness evaluations every year and
8 compensate the officer's for it. Along with those extensive
9 training in related fields, often through POST and sometimes
10 through other agencies. This takes a long time. This is not
11 something that is just done. And -- and so I kind of throw
12 this back at educational requirements. I -- I go to a
13 college, I enter into a transcript, and I believe that through
14 the course of my education, the requirements of that
15 fulfillment are never going to change. Okay? So Earl --
16 Lieutenant Captain Mays has met those requirements that we
17 placed -- place down on him in a -- in an effort to achieve
18 that executive award. And here's an important distinction
19 here in Carson that is different than other -- can be
20 different than other places. The legislature has established
21 that I have the authority to appoint up to six people to help
22 me fulfill my job, my -- my sheriff responsibilities.
23 Financially, Carson City can't afford that. So I have vacant
24 positions at the executive level. And so I do rely on those
25 persons who I refer to as lieutenants and captains in Carson

1 City to fulfill those requirements. Now in Carson, unlike
2 other jurisdictions, our -- our captains, if you will, our
3 captains and lieutenants are contractual. That should not be
4 an issue with this -- with this committee. But it is
5 important to understand that the positions of the captains,
6 lieutenants in Carson City is defined by -- as a lieutenant
7 who enters into the -- that rank structure, and that after a
8 year of -- of assignment, passing his probationary period, and
9 achieving FBI NA certification or successful completion, and
10 all of the advanced training certificates that are -- are --
11 that he -- that is recommended by POST, as well as the
12 educational requirements, and is physically fit, that he is
13 promoted to the grade of captain. This week, he returned from
14 his vacation, he's wearing his lieutenants bars. A formal
15 ceremony will be held this week, and he will be promoted to
16 captain, but understand this. In their collective bargaining
17 agreement in Carson City, a captain and a lieutenant are
18 synonymous, but for that probationary period, and the
19 satisfactory completion of all of the requirements that are
20 set down. And that I, as an executive, rely on those
21 positions in lieu of hiring two more additional chief-level
22 officers, which as we all know, is extraordinarily expensive.
23 All of our captains and lieutenants in the Carson Sheriff's
24 office must be able to fulfill the requirements of managing
25 multiple divisions, detention, patrol, and investigations.

1 All of them do that at any given time, especially as we have
2 seen in this last year, rotating those assignments through.
3 The fact of the matter is I do rely on our -- in my -- in this
4 case gentlemen, like, um Lieutenant Captain Earl Mays to
5 fulfill those -- those requirements and those responsibilities
6 at an executive level because of the organization and size of
7 Carson City. And that in lieu of me going back to my board of
8 supervisors, and asking for another what, half a million
9 dollars, to fulfill all of -- to fill all of my positions,
10 those captains and lieutenants, who are in fact in a
11 bargaining unit, and I support that, will stay in there, but I
12 will continue to address them as executive-level officers that
13 are making those types of decisions based on law, based on
14 policy, based on practice, and based on POST. I do not
15 disagree with Mr. Sherlock.

16 SOTO: Thank you, Sheriff.

17 FURLONG: I do request and strongly suggest that
18 Lieutenant or Captain Earl Mays be awarded his executive POST
19 certificate.

20 SOTO: Thank you. Any comments from the
21 Commission?

22 ALLEN: Humboldt county Sheriff Mike Allen.
23 Sheriff Furlong, your organizational structure, if I'm
24 understanding you right would be under sheriff, then goes to
25 captain and then to lieutenants. You don't have deputy or

1 assistant.

2 FURLONG: I'm sorry. I apologize for interrupting
3 you. We do have one assistant sheriff. I previously, before
4 the economy's fall out 10 or 12 years ago had 3.

5 ALLEN: And when Earl Mays, and I do remember Earl
6 when he was a rookie in the Winnemucca police department
7 (inaudible). So, when he was a lieutenant, did he -- how many
8 people did he supervise or divisions did he supervise?

9 FURLONG: He al -- he is specifically -- currently
10 specifically responsible for the detention division and all of
11 the operations within that division. He is indirectly
12 responsible for the investigations and patrol division during
13 periods when we adjust for whatever the circumstances are.

14 SOTO: Tim -- Tim, did you have a question? I --
15 I heard you --

16 SHEA: Not so much of a question. I just think
17 that the Sheriff brought up an interesting point. That for
18 smaller agencies, especially those that have civilianized some
19 of their management positions, we have people that have
20 obtained ranks commensurate with other agencies, but their
21 titles they might be lieutenant, captain, et cetera. They
22 have advanced degrees, including master's degrees, in our
23 field, you know, of criminal justice or administration of
24 justice. Many of them are graduates of Northwestern, the FBI
25 National Academy, and sometimes even both, but they can't

1 qualify for the certificate because they don't supervise a
2 sufficient number of commissioned employees. And I wonder if
3 that could be something that we may want to take a look at in
4 the future.

5 SOTO: Thank you, Tim. Any other comments or
6 questions from --

7 NEIL: I -- I just have one question. It looks -- it
8 appears -- I just want to clarify. It appears right now he's
9 being promoted to captain. So, the only real issue is time in
10 the position? Is that --

11 SHERLOCK: Well, -- Mike Sherlock for the record.
12 Look, I can only tell you what the regulation says. So that -
13 - that brings up an issue. So if the captain is the same
14 position as lieutenant and that captain/lieutenant position
15 supervises no management peace officer positions, under the
16 current regulation, it is not eligible for the executive
17 certificate. The executive certificate, by regulation,
18 executive certificate is very specific that they must
19 supervise two management level positions. And those
20 management level positions are again defined in the NAC. So
21 that gives rise to some concern. It's easier for staff to
22 look at a captain because traditional structure, we know that
23 the captain is going to be supervising lieutenant or that kind
24 of thing. And if that's the case, you must be in that
25 position for one year before you become eligible for the

1 executive certificate. So again, I think Chief Shea is
2 correct. If, you know, we want to enter into rulemaking and
3 change the regulation -- I can only tell you what the
4 regulation says right now, you know, from that perspective.
5 But certainly the Commission can change that regulation.

6 FURLONG: And Chief, for the record Sheriff Furlong.
7 To be absolutely clear, in Carson City, a lieutenant is a
8 probationary captain. There is no pay difference between the
9 -- the title. There is no assignment difference between the
10 title. He has been in the position for a year.

11 SOTO: I have just a couple of questions so that I can
12 understand your -- your -- your structure, Sheriff. How many
13 -- I know you have an undersheriff. How many captains do you
14 have currently?

15 FURLONG: Again, captain/lieutenant is synonymous.
16 I have three.

17 SOTO: Okay. And then for the certificate piece, since
18 we're talking about an executive certificate for Captain Mays,
19 is there a -- if your command officers have executive
20 certificates, is there a -- is there a pay associated with
21 that? Meaning if you have an executive certificate, I know
22 that at my agency, there's -- it's built into the contract.

23 FURLONG: It's built into the contract.

24 SOTO: There is some pay --

25 FURLONG: In -- in this decision that you're making

1 today have no bearing on that contractual certification.

2 SOTO: Okay. So it's -- it's very much like our
3 commanders then who are technically lieutenants, but they're
4 put into an authority position. Call them a commander,
5 although the rank is still position -- still a lieutenant
6 position, but they do have oversight of lieutenants.

7 FURLONG: I am -- and -- and -- and maybe you can
8 stop me if you would like, it's very challenging to talk about
9 executives running agencies and who were under contracts,
10 contractual protections. Many times, it's difficult to pull
11 them from their very good, career-long devotion to the
12 entitlements, the retirements, and so on and so forth that are
13 built in the contract, pull them out of that and slide them
14 into commanders and assistant-type positions where they lose
15 all of those benefits.

16 SOTO: No, I get it. That was the reason -- part of the
17 reason that I was asking the question. I think you lose those
18 benefits. So it's a -- there's a balancing act there in terms
19 of --

20 FURLONG: Yes. You are absolutely correct. You're
21 dead on and that's the challenge that we have.

22 SOTO: So then I guess my final question for you Sheriff,
23 would be, in his capacity over the past 12 months, for Earl
24 Mays, was he -- did he have a superv -- supervisory role over
25 his -- I guess at this point it would be his peers who were

1 also lieutenants that he was giving direction to your
2 direction?

3 FURLONG: Operationally?

4 SOTO: Yes.

5 FURLONG: Yes. Due to the circumstances of the past
6 year. Organizationally structured, no, he does not give
7 direction to either the other lieutenant or the other captain.
8 They work together.

9 SOTO: All right. Any other questions for
10 Sheriff Furlong? Would anybody like to make a motion?

11 TOGLIATTI: I motion.

12 SOTO: I have a motion from Togliatti for motion
13 to approve. Do we have a second?

14 NIEL: Russ Niel, Gaming, I'll second.

15 SOTO: Motion and second, all those in favor, say
16 aye.

17 MEMBERS: Aye, aye, aye.

18 SOTO: Opposed? Motion carries.

19 FURLONG: I would -- I would -- Gentlemen, I would
20 like to thank you all. And thank you. This was not a
21 confrontation. I strongly, strongly believe throughout
22 Nevada, we have to continue to stress career development in
23 officers. We want the most professional officers. And as we
24 worked down the road and iron out some of these obstacles, I
25 think that that's what we need to focus on. We want

1 professional officers in the state who act, perform, manage,
2 and so on and so forth, the best in this country. And to that
3 end, I sincerely do appreciate everything Mr. Sherlock has
4 chatted with us, and I thank you all.

5 SOTO: No, thank you. And I -- and I -- and I
6 would like to say the last comment that you made Sheriff in
7 terms of what responsibilities you had given to him because of
8 circumstances, sometimes circumstances are out of the
9 executives control. You had him step up and take on that role
10 because you did so. That really made my decision a lot
11 easier. It makes --

12 FURLONG: Thank you so much. Thank you. I
13 appreciate it.

14 SOTO: Item Number 10, public comments which may
15 not take any action on that are considered under this item
16 until it's specifically included on the agenda as an action
17 item. Do we have any public comments today? All right.
18 Hearing that there is none. We will move on to Item Number
19 11, discussion, and public comment, and for possible action to
20 schedule the upcoming Commission meeting. I'm going to turn
21 it over to Mike Sherlock.

22 SHERLOCK: So some of you -- Mike Sherlock for the
23 record, will remember prior to the pandemic issues, we had
24 discussed and decided to do two meetings in the north, two met
25 -- two meetings in the south each year, and -- and essentially

1 forgo Ely for a variety of reasons, the Commission, because
2 it's difficult for us to get witnesses out there and all that
3 kind of thing. So, we want to get back on that track again.
4 We did look and see that the sheriffs' and chiefs' meeting in
5 -- in July out in Ely is like the 21st and 22nd, I believe.
6 What I'd like to do is try to schedule around that here in the
7 north, Carson or Reno, sometime in July. We will need a
8 meeting in July both for training compliance issues and maybe
9 another revocation. So, what I'd like to do is maybe to work
10 with the chairman and figure out a date in July, and I'll get
11 that out to you guys at this point, but we'll work around the
12 sheriffs and chiefs, but not go to Ely for the meeting for --
13 for a Commission meeting.

14 SOTO: Okay.

15 SHERLOCK: We'll work on that.

16 SOTO: Okay. So we will work on that. I don't
17 think we need to take any action on that. Moving on to Item
18 Number 12, discussion, and public comment and for possible
19 action of adjournment. Looking for a motion.

20 ALLEN: Mike Allen, I make a motion to adjourn.

21 SOTO: Can I get a second?

22 TROUTEN: Ty Trouten second.

23 SOTO: Motion and second. Thank you very much.

24 [end of meeting]

25

I. REGULARLY SCHEDULED MEETING AGENDA ITEMS

2. INFORMATION Executive Director's Report

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

I. REGULARLY SCHEDULED MEETING AGENDA ITEMS

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

Discussion on the current requirements to attain the POST Executive certificate. Commission to discuss whether to begin the rule making process to amend NAC 289.270 to allow eligibility that includes those peace officers who have authority over non peace officer managers. Current language requires the applicant to supervise two peace officer managers.

I. REGULARLY SCHEDULED MEETING AGENDA ITEMS

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

Hearing pursuant to NAC 289.230(4) and NAC289.290(1)(f) on the suspension of James Scally's (employed with the Nevada Department of Corrections) certification(s) based on noncompliance with the annual training requirements for 2020. The Commission will decide whether to suspend Mr. Scally's Category II and III basic certificates.

Kathy Floyd

From: Kathy Floyd
Sent: Tuesday, February 9, 2021 9:57 AM
To: cleathers@doc.nv.gov
Cc: cadaniels@doc.nv.gov
Subject: 2020 Compliance
Attachments: 2020 Non Compliance notice cover letter.docx; NV DOC letters.docx; 2020 Declaration of Service.docx; 02032025.pdf

Please see the attached documents regarding 2020 annual compliance training deficiencies.

Thank you,

Kathy Floyd

Chief, Standards Division
Nevada Commission on POST
post.nv.gov
(775) 687-3335



STATE OF NEVADA
COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

5587 Wa Pai Shone Avenue
Carson City, Nevada 89701
(775) 687-7678 FAX (775) 687-4911

STEVE SISOLAK
Governor

MICHAEL D. SHERLOCK
Executive Director

February 9, 2021

Nevada Department of Corrections
3955 W. Russell Road
Las Vegas, NV 89118

Dear Chief Leathers,

Please find enclosed a list of your officer(s) our records show to be non-compliant with the 2020 annual training requirements based on information reported by your agency. We have provided for you:

- LIST OF NON-COMPLIANT OFFICER(S) – This report is for informational purposes and for your use only
- NOTICE OF NON-COMPLIANCE - This must be given directly to the officer as a formal notice. **This must be served within 10 days of receipt of this notice.**
- DECLARATION OF SERVICE – This notice must be filled out by the person that serves the Notice of Non-Compliance and returned immediately to POST

Per NAC 289.230, annual compliance reporting was due to POST by December 31, 2020. Any training that has not been entered and/or reported to POST must be entered immediately to avoid further action being taken by the Commission.

POST asks that you ensure the notices are served on the individual officers and the required declarations are returned to POST.

If you have any questions, or need further assistance, please email or call me at kfloyd@post.state.nv.us or 775-687-3335.

Thank you for your assistance with this matter.

Sincerely,

Kathy Floyd
Chief, Standards Division

cc: Director Charles Daniels

EXHIBIT B

For All Dates
2020 Compliance Report

Plan: Annual Compliance

Non-Compliant Employees Only

Name	ID.#	Courses						Hours
		1	2	3	4	5	6	
[REDACTED]	[REDACTED]	✓	✓	✓	✓	✓	✓	4.00
		✓	✓	✓	✓	✓	✓	4.00
		✓	✓	✓	✓	✓	✓	
		✓	✓	✓	✓	✓	✓	5.00
		✓	✓	✓	✓	✓	✓	3.00
		✓	✓	✓	✓	✓	✓	3.00
		✓	✓	✓	✓	✓	✓	5.00
		✓	✓	✓	✓	✓	✓	5.00
		✓	✓	✓	✓	✓	✓	5.00
		✓	✓	✓	✓	✓	✓	
		✓	✓	✓	✓	✓	✓	5.00
		✓	✓	✓	✓	✓	✓	
		✓	✓	✓	✓	✓	✓	5.00
		✓	✓	✓	✓	✓	✓	5.00
		✓	✓	✓	✓	✓	✓	3.00
		✓	✓	✓	✓	✓	✓	5.00
		✓	✓	✓	✓	✓	✓	5.00
		✓	✓	✓	✓	✓	✓	5.00
✓	✓	✓	✓	✓	✓	4.00		
✓	✓	✓	✓	✓	✓	5.00		
✓	✓	✓	✓	✓	✓	2.00		
✓	✓	✓	✓	✓	✓			
✓	✓	✓	✓	✓	✓	0.05		
✓	✓	✓	✓	✓	✓	5.00		
✓	✓	✓	✓	✓	✓	5.00		
✓	✓	✓	✓	✓	✓	5.00		
✓	✓	✓	✓	✓	✓	5.00		



STATE OF NEVADA
COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

5587 Wa Pai Shone Avenue
Carson City, Nevada 89701
(775) 687-7678 FAX (775) 687-4911

STEVE SISOLAK
Governor

MICHAEL D. SHERLOCK
Executive Director

NOTICE OF NON-COMPLIANCE

February 9, 2021

Scally, James A. 15548
Nevada Department of Corrections

Let this serve as notification from the Commission on Peace Officer Standards and Training that you have been reported by your employing agency as not meeting the mandatory requirement pursuant to Nevada Administrative Code 289.230 for the calendar year **2020**.

Pursuant to NAC 289.230 your Nevada peace officer certification is subject to suspension. NAC 289.230(4) allows you sixty (60) days from the date of receipt of this notice of non-compliance to remedy all reported training deficiencies. Failure to remedy your training deficiencies will result in the suspension of your Nevada peace officer certificate. If your Nevada peace officer certificate is suspended, you will be prohibited from exercising the powers of a peace officer pursuant to NRS 289.550.

When you remedy your deficiencies for **2020**, this does not relieve you of the continuing education requirements for the calendar year **2021**. Please ensure that your employing agency notifies the Commission on Peace Officer Standards and Training that your training deficiencies have been remedied. It is recommended you retain this letter for your files.

If you have any questions or concerns over this notification and how to remedy your reported training deficiency, please contact your employing agency.

Sincerely,

A handwritten signature in black ink, appearing to read "Kathy Floyd", is written in a cursive style.

Kathy Floyd
Chief, Standards Division

EXHIBIT D



STATE OF NEVADA

COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

5587 Wa Pai Shone Avenue
CARSON CITY, NEVADA 89701
(775) 687-7678 FAX (775) 687-4911

STEVE SISOLAK
Governor

MICHAEL D. SHERLOCK
Executive Director

DECLARATION OF SERVICE

I, William Tobin, served the foregoing Notice of Non-Compliance
Print name of the person serving this document

to Individual's Name: James Scally

at SDCC Operations on this
(location)

10 day of February, 2021.
Day Month Year

I declare under penalty of perjury that the forgoing is true and correct.

Executed on this 10 day of February, 2021.
Day Month Year

[Signature]
Signature of person serving the Notice

William Tobin
Printed name of person serving the Notice

****RETURN THE SIGNED ORIGINAL OF THIS FORM TO POST WITHIN 15 DAYS****

From: [Christina Leathers](#)
To: [Kathy Floyd](#)
Cc: [Jenna Humildad](#)
Subject: Re: Notice of Intent to Suspend
Date: Wednesday, June 2, 2021 5:32:45 AM

Good morning,

This will be served today.

Christina Leathers
Chief Human Resources Officer
Nevada Department of Corrections
Cell 702-469-4045
Sent from my iPhone

On Jun 1, 2021, at 11:07 AM, Kathy Floyd <kfloyd@post.state.nv.us> wrote:

<image001.gif>
Good Morning,

Please see the attached Notice of Intent to Suspend for James Scally. I've also attached a Declaration of Service I will need returned to me as soon as Mr. Scally has been served the letter.

If at all possible, please have Mr. Scally served no later than June 10th. If this does not give you enough time, please let me know right away.

Thank you,

Kathy Floyd
Chief, Standards Division
Nevada Commission on POST
post.nv.gov
(775) 687-3335

<Intent to Suspend.pdf>
<Scally DOS.docx>

This message, including any attachments, is the property of the Nevada Department of Corrections and is solely for the use of the individual or entity intended to receive it. It may contain confidential and proprietary information and any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient(s) or if you have received this message in error, please contact the sender by reply email and permanently delete it.

EXHIBIT F



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

STEVE SISOLAK
Governor

MICHAEL D. SHERLOCK
Executive Director

June 1, 2021

James A. Scally
[REDACTED]

Las Vegas, NV 89128

NOTICE OF INTENT TO SUSPEND

Dear Mr. Scally,

Pursuant to NAC 289.230(4), your Nevada peace officer certification is subject to suspension for Non-Compliance with the mandatory training and proficiency requirements. You received notice on February 10, 2021 that you had not met the mandatory training requirements for **2020** and you had 60 days from receipt of the Notice of Non-Compliance to remedy this.

Sixty (60) days or more have lapsed since you received the Notice of Non-Compliance and the Commission has not received information showing you have remedied the deficiency. The Commission's regulations provide that a person's Nevada peace officer certificate(s) will be suspended pursuant to NAC289.230(4) and NAC289.290(1)(f) for failure to comply with the standards established in this chapter.

As a result, the Commission intends to take action to suspend your Nevada peace officer certification(s) at the POST Commission meeting being held **July 12, 2021 at 11:00 a.m., at the Commission on Peace Officer Standards and Training Administration Building, 5587 WaPai Shone Ave., Carson City, NV 89701.**

If the Commission receives documentation of compliance prior to the date of this action, the matter will be closed, and no action will be taken.

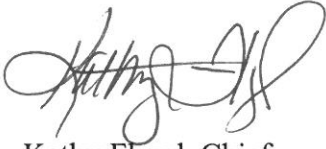
You have the right to appear before the Commission to contest the suspension of your Nevada peace officer certificate(s) by providing written notice to the Executive Director of the Commission within fifteen (15) days of the date of the hearing. Your request must be directed to:

Commission on Peace Officer Standards and Training
ATTN: Director Michael Sherlock
5587 Wa Pai Shone Ave.
Carson City, NV 89701

EXHIBIT G

If you have any questions regarding this notice, please contact me at (775)687-3335.

Thank you,

A handwritten signature in black ink, appearing to read 'Kathy Floyd', written in a cursive style.

Kathy Floyd, Chief
Standards Division
Commission on Peace Officer Standards and Training

NAC 289.230 Basic or reserve certificate: Requirements for maintaining certificate and resuming duties. ([NRS 289.510](#), [289.590](#))

1. Except as otherwise provided in subsections 7 and 8, to maintain a basic certificate or reserve certificate, the officer must annually satisfy the requirements of subsection 5 and complete 12 hours of additional agency in-service training prescribed by the administrator of the employing agency of the officer. Agency in-service training may include, without limitation, training related to legal issues, the policies and procedures of the employing agency of the officer, driving, first aid, cardiopulmonary resuscitation, blood-borne pathogens, sexual harassment or any other training prescribed by the administrator of the employing agency of the officer.

2. The employing agency shall ensure that its officers comply with the requirements of subsection 1. The employing agency shall notify each officer of the requirements of this section and the penalties set forth in subsection 4 for failure to comply with this section. After an officer completes the requirements of subsection 1, the employing agency shall submit to the Executive Director by any means approved by the Executive Director verification that the officer has completed those requirements. Verification must be submitted on or before December 31 of the year in which the officer was required to complete the requirements of subsection 1.

3. If the Executive Director has not received verification that an officer has completed the requirements of subsection 1 on or before December 31 of the year in which the officer was required to complete those requirements, the Executive Director shall notify the administrator of the employing agency that he or she has not received the verification required by subsection 2 and that if the verification is not received on or before March 1 following the year in which the officer was required to complete the requirements, the Executive Director will place the administrator on the agenda for the next scheduled meeting of the Commission to explain the delay in the submission of the verification. If the Executive Director has not received verification that an officer has completed the requirements of subsection 1 on or before March 1 following the year in which training was required, the Executive Director shall place the administrator of the employing agency on the agenda for the next scheduled meeting of the Commission.

4. Upon the request of the Commission or its designee, the employing agency shall make available for inspection the records of all officers to verify that they have complied with the requirements of subsection 1. The Commission will notify each officer and his or her employing agency of any noncompliance. The Commission will suspend the certificate of any officer who does not complete the requirements of subsection 1 within 60 days after the date on which he or she received the notice of noncompliance. The Executive Director may temporarily reinstate the suspended certificate of an officer upon receiving documentation from the officer which demonstrates that he or she has complied with the requirements of subsection 1. The temporary reinstatement of the suspended certificate is effective upon the Executive Director's approval of the temporary reinstatement and expires on the date on which the Commission determines whether to reinstate the certificate. The Commission will reinstate the suspended certificate or temporarily reinstated certificate of an officer upon receiving documentation from the officer which demonstrates that he or she has complied with the requirements of subsection 1.

5. Except as otherwise provided in subsections 7 and 8, in addition to completing the agency in-service training required pursuant to subsection 1, an officer must:

(a) If the officer is authorized to use a firearm, at least biannually demonstrate a minimum level of proficiency in the use of each type of firearm he or she is authorized to use. An officer who does not demonstrate a minimum level of proficiency with the use of any type of firearm he or she is authorized to use may not carry or use that type of firearm until he or she participates in a remedial course established by the employing agency to ensure that the officer achieves and maintains a satisfactory level of proficiency.

(b) If the officer is authorized to use an impact weapon, chemical weapon, electronic incapacitating device or other less than lethal weapon, at least annually demonstrate a minimum level of proficiency in the use of each such weapon or device he or she is authorized to use. An officer who does not demonstrate a minimum level of proficiency with the use of any such weapon may not carry or use that weapon until the officer participates in a remedial course established by the employing agency to ensure that the officer achieves and maintains a satisfactory level of proficiency.

(c) If the duties of an officer require him or her to use arrest and control tactics, demonstrate annually a minimum level of proficiency in the use of arrest and control tactics, including, without limitation, techniques related to applying handcuffs, taking down suspects, self-defense and retention of weapons.

(d) If the employing agency of the officer authorizes the use of a carotid restraint or lateral vascular neck restraint, demonstrate annually a minimum level of proficiency in those techniques.

(e) Review annually each policy of the employing agency which addresses the use of force in any situation in which the agency or the officer may become involved.

6. Each employing agency shall establish and provide the courses set forth in subsection 5 to its officers and establish the minimum level of proficiency that an officer must demonstrate in each course.

7. An officer:

(a) Who voluntarily leaves his or her employment as a peace officer for at least 4 consecutive months but not more than 60 consecutive months;

(b) Whose employment as a peace officer is terminated for any reason for at least 4 consecutive months but not more than 60 consecutive months;

(c) Who, during a period of continuous employment as a peace officer, is absent from his or her duties as a peace officer because of medical leave, military leave or other approved leave for at least 4 consecutive months; or

(d) Who is hired, rehired or reinstated on or after July 1 of a reporting year,

↳ must satisfy the requirements of paragraphs (b) to (e), inclusive, of subsection 5 and demonstrate a minimum level of proficiency in the use of each type of firearm he or she is authorized to use before commencing or resuming his or her duties as a peace officer.

8. An officer who instructs a course pursuant to subsection 5 is not required to comply with the requirements of subsection 5 to which the instruction applies if the officer:

(a) Instructs a course in the subject for which the officer is qualified and approved by the administrator of the officer's agency during each calendar year;

(b) Participates at least once every 3 years in a course of training for instructors that is approved by the Executive Director; and

(c) Demonstrates to the Commission or its designee at least once every 3 years proficiency in the subject that he or she instructs.

9. Each agency shall maintain documentation of the courses provided pursuant to subsection 5. Such documentation must include, without limitation, the qualifications of each instructor who provides training, a description of the training provided and a list on a form that has been approved by the Executive Director of each officer who completes the training.

(Added to NAC by Peace Officers' Standards & Training Com., eff. 12-17-87; A 8-24-90; 4-28-94; R171-97, 1-30-98; A by Peace Officers' Standards & Training Comm'n by R102-99, 11-2-99; R127-04, 11-8-2004; R003-07, 4-17-2008; R118-09, 1-28-2010; R188-12, 12-23-2013; R121-13, 3-28-2014; R012-17, 12-19-2017)

NAC 289.290 Denial, revocation, suspension and reinstatement of certificate. ([NRS 289.510](#))

1. Each of the following constitutes cause for the Commission to revoke, refuse or suspend the certificate of a peace officer:

(a) Willful falsification of any information provided to obtain the certificate.

(b) A permanent or chronic physical or mental disability affecting the officer's ability to perform his or her full range of duties.

(c) Chronic drinking or drunkenness on duty.

(d) Addiction to or the unlawful use or possession of narcotics or other drugs.

(e) Conviction of, or entry of a plea of guilty, guilty but mentally ill or nolo contendere to, a gross misdemeanor. Upon criminal indictment or filing of a criminal complaint, suspension may be imposed.

(f) Failure to comply with the standards established in this chapter.

(g) Conviction of, or entry of a plea of guilty, guilty but mentally ill or nolo contendere to, a felony. Upon criminal indictment or filing of a criminal complaint, suspension may be imposed. Upon conviction or entry of a plea of guilty, guilty but mentally ill or nolo contendere, the certificate will be revoked.

(h) Conviction of a misdemeanor. If the employing agency recommends suspension or revocation following conviction of the employee for a misdemeanor, suspension or revocation may be imposed. In determining whether to suspend or revoke the certificate, the Commission will consider the type of conviction and other information provided by the agency indicating unprofessional conduct or similar undesirable activity by the officer that resulted in disciplinary action.

2. Denial, suspension or revocation procedures will not be considered by the Commission in cases where the employment of an officer is terminated for violations of the policies, general orders or similar guidelines of operation of the employing agency which do not constitute any of the causes for denial, suspension or revocation specified in subsection 1.

3. The employing agency shall notify the Commission any time that it becomes aware that one of its officers has been charged with a crime that could result in denial, suspension or revocation procedures. Upon receipt of information alleging any of the causes enumerated in subsection 1, the Commission will determine whether to pursue revocation or suspension of the certificate of the officer.

4. The Commission will notify the officer by certified mail at the officer's last known address of any pending revocation or suspension action and of the nature of the charges and the officer's right to appear and answer the charges. The officer shall, within 15 days after the date

on the certified mail receipt, respond in writing, notifying the Commission of his or her intended action with reference to the charges.

5. If the officer fails to notify the Commission within the specified time of his or her intention to appear in answer to the pending action, the Commission will:

(a) Consider the case on its own merits, using the statement from the head of the employing agency or the substantiated information derived from any independent investigation it deems necessary;

(b) Take no action pending the outcome of possible criminal action which may be filed against the officer; and

(c) Take no action pending the outcome of an appeal.

↳ The Commission's decision will be determined by a majority vote of the members of the Commission present.

6. When an officer notifies the Commission of his or her intention to appear and answer the charges pending against him or her, the Commission will elect to sit as a whole at a hearing or designate an independent hearing officer to hear the matter and make recommendations in writing to the Commission. The Commission will review the recommendations of any such hearing officer and arrive at a decision by majority vote of the members present.

7. The Commission will notify the officer of its decision within 15 days after the hearing.

8. An applicant for a certificate who has not been previously certified, but who would be subject to revocation for any cause set out in subsection 1, will not be granted a certificate.

9. If, upon receiving a written allegation that a peace officer is in violation of any provision of subsection 1 and that the facts and circumstances indicate that suspension rather than revocation would be in the best interests of the agency and law enforcement in general, the Commission will suspend the officer's certificate.

10. The Commission will provide each peace officer whose certificate is suspended with written notice of the suspension by certified registered mail. The suspension becomes effective 24 hours after receipt of the certified notice. The notice will contain a statement advising the officer of the right to a hearing.

11. Suspension of a certificate is not a bar to future revocation of the certificate and any prior suspensions may be considered as a factor if revocation is being considered by the Commission.

12. Five years after the revocation of a certificate, an officer may submit a written request to the Commission to allow him or her to reinstate his or her certificate. The Commission will schedule a hearing to consider whether to reinstate the officer's certificate. The Commission will

notify the agency that requested the revocation of the date and time of the hearing. After the hearing, the Commission will determine whether to reinstate the certificate. If the certificate is reinstated, the Commission may establish a probationary period during which any misconduct by the officer would result in revocation.

(Added to NAC by Peace Officers' Standards & Training Com., eff. 12-17-87; A 8-24-90; 4-28-94; A by Peace Officers' Standards & Training Comm'n by R102-99, 11-2-99; R003-07, 4-17-2008; R051-14, 10-24-2014)



STATE OF NEVADA

COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

5587 Wa Pai Shone Avenue
CARSON CITY, NEVADA 89701
(775) 687-7678 FAX (775) 687-4911

STEVE SISOLAK
Governor

MICHAEL D. SHERLOCK
Executive Director

DECLARATION OF SERVICE

I, W. HITCHINGS, served the foregoing Notice of Intent to Suspend
Print name of the person serving this document

by personally serving: JAMES A. SCALLY

at Southern Desert Correctional Center, Indian Springs, NV on this
(location)

03rd day of June, 2021.
Day Month Year

I declare under penalty of perjury that the forgoing is true and correct.

Executed on this 03rd day of June, 2021.
Day Month Year

W. Hitchings
Signature of person serving the Notice

William Hitchings
Printed name of person serving the Notice

RETURN THE SIGNED ORIGINAL OF THIS FORM TO POST WITHIN 15 DAYS

STATE OF NEVADA

COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

Hereby Awards the

Category II
Basic Certificate

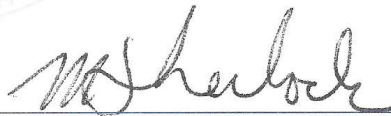
To

James A. Scally

For having fulfilled all the requirements for Basic Certification
as prescribed by Nevada Administrative Code.



Governor



Executive Director

15548

POST ID No.

April 7, 2017

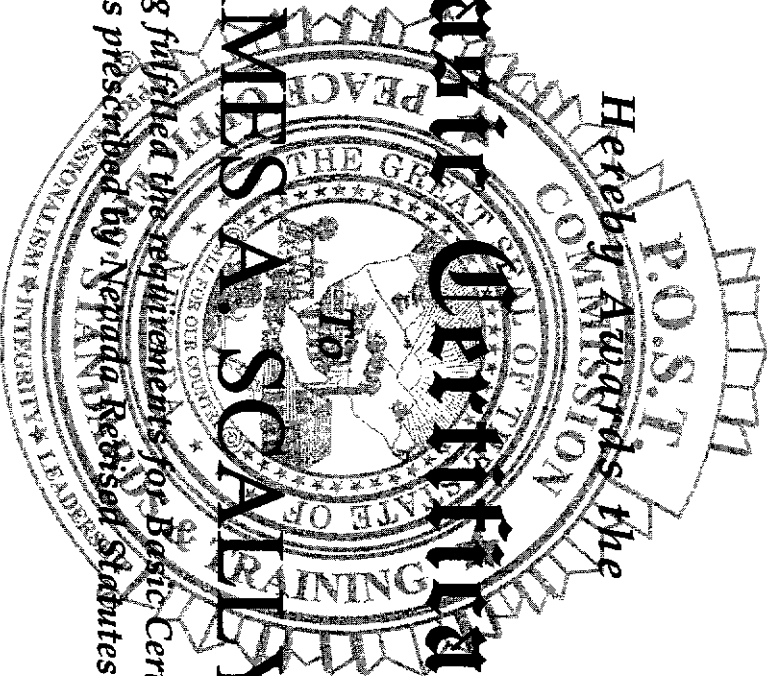
Date

(O) 500A

EXHIBIT I

STATE OF NEVADA

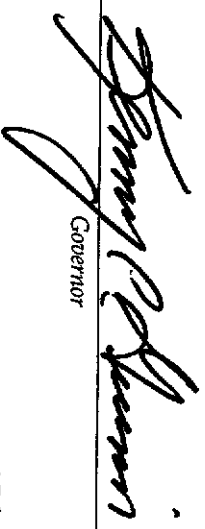
COMMISSION ON PEACE OFFICERS' STANDARDS AND TRAINING



Basic Certificate
JAMES A. SCALLEY

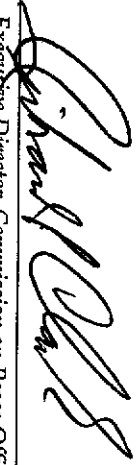
For having fulfilled the requirements for Basic Certification as prescribed by Nevada Revised Statutes.

CATEGORY III


Governor

Presented this 17th day of

June, 2002


Executive Director, Commission on Peace Officers' Standards and Training

I. REGULARLY SCHEDULED MEETING AGENDA ITEMS

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

Hearing pursuant to NAC 289.230(4) and NAC289.290(1)(f) on the suspension of Steven Menger's (employed with the Laughlin Township Constable's Office) certification(s) based on noncompliance with the annual training requirements for 2020. The Commission will decide whether to suspend Mr. Menger's Category I basic certificate.

Kathy Floyd

From: Kathy Floyd
Sent: Tuesday, March 30, 2021 4:00 PM
To: craig.dahlheimer@laughlinconstable.org
Subject: FW: Final report for 2020
Attachments: 3-30.pdf; 2020 Annual NONC letter - Menger.docx; 2020 Declaration of Service.docx

Please disregard the report sent to you with this previous email. I've attached an updated report, reflecting Mr. Menger's non-compliant status.

I've also attached a non-compliance letter and Declaration of Service. Please arrange to serve Mr. Menger as soon as possible and email me the Declaration of Service for my files.

Let me know if you have any questions.

Thank you!

Kathy Floyd

Chief, Standards Division
Nevada Commission on POST
post.nv.gov
(775) 687-3335

From: Kathy Floyd
Sent: Tuesday, March 30, 2021 3:42 PM
To: craig.dahlheimer@laughlinconstable.org
Subject: Final report for 2020

Here you go!

Kathy Floyd

Chief, Standards Division
Nevada Commission on POST
post.nv.gov
(775) 687-3335

**Nevada Commission on POST
Training Plan Compliance Report**

For All Dates
2020-Laughlin

Plan: Annual Compliance

Non-Compliant Employees Only

Column	Course Id	Course Title	Hours
1:	C0000001	Firearms Proficiency 1	
2:	C0000002	Firearms Proficiency 2	
3:	C0000003	Arrest Control/ Defensive Tactics	
4:	C0000004	Less Lethal Weapon Proficiency	
5:	C0000005	Use of Force Policy Review	
6:	M0000359	Agency Continuing Education Training	

**Nevada Commission on POST
Training Plan Compliance Report**

For All Dates
2020-Laughlin

Plan: Annual Compliance

Non-Compliant Employees Only

		Courses						
Name	ID. #	1	2	3	4	5	6	Hours
Menger, Steven G.	22565	✓	✓	✓	✓	✓	.	5.00
Employees this Report:	9	Plan Non-Compliant: 1 (11%)						Total Hours: 5.00



STATE OF NEVADA
COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

5587 Wa Pai Shone Avenue
Carson City, Nevada 89701
(775) 687-7678 FAX (775) 687-4911

STEVE SISOLAK
Governor

MICHAEL D. SHERLOCK
Executive Director

NOTICE OF NON-COMPLIANCE

March 30, 2021

Steven G. Menger, 22565
Laughlin Township Constable's Office

Let this serve as notification from the Commission on Peace Officer Standards and Training that you have been reported by your employing agency as not meeting the mandatory requirement pursuant to Nevada Administrative Code 289.230 for the calendar year **2020**.

Pursuant to NAC 289.230 your Nevada peace officer certification is subject to suspension. NAC 289.230(4) allows you sixty (60) days from the date of receipt of this notice of non-compliance to remedy all reported training deficiencies. Failure to remedy your training deficiencies will result in the suspension of your Nevada peace officer certificate. If your Nevada peace officer certificate is suspended, you will be prohibited from exercising the powers of a peace officer pursuant to NRS 289.550.

When you remedy your deficiencies for **2020**, this does not relieve you of the continuing education requirements for the calendar year **2021**. Please ensure that your employing agency notifies the Commission on Peace Officer Standards and Training that your training deficiencies have been remedied. It is recommended you retain this letter for your files.

If you have any questions or concerns over this notification and how to remedy your reported training deficiency, please contact your employing agency.

Sincerely,

Kathy Floyd
Chief, Standards Division

EXHIBIT C



STATE OF NEVADA

COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

5587 Wa Pai Shone Avenue
CARSON CITY, NEVADA 89701
(775) 687-7678 FAX (775) 687-4911

STEVE SISOLAK
Governor

MICHAEL D. SHERLOCK
Executive Director

DECLARATION OF SERVICE

I, CRAIG T. DAHLHEIMER, served the foregoing **Notice of Non-Compliance**
Print name of the person serving this document

to Individual's Name: STEVEN G. MENDER #22565

at [REDACTED] NLV, NV 89032 on this
(location)

8TH day of APRIL, 2021.
Day Month Year

I declare under penalty of perjury that the forgoing is true and correct.

Executed on this 8TH day of APRIL, 2021.
Day Month Year

Craig T. Dahlheimer
Signature of person serving the Notice

CRAIG T. DAHLHEIMER
Printed name of person serving the Notice

****RETURN THE SIGNED ORIGINAL OF THIS FORM TO POST WITHIN 15 DAYS****

EXHIBIT D

From: [Kathy Floyd](#)
To: ["craig.dahlheimer@laughlinconstable.org"](mailto:craig.dahlheimer@laughlinconstable.org)
Subject: Menger
Date: Tuesday, June 8, 2021 8:07:00 AM
Attachments: [DOS Intent to Suspend.docx](#)
[Menger.pdf](#)

Attached is the letter for Mr. Menger. Per our conversation, please serve him with this notice no later than June 11th.

Thank you very much for your assistance!

Kathy Floyd

Chief, Standards Division
Nevada Commission on POST
post.nv.gov
(775) 687-3335

EXHIBIT E



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

STEVE SISOLAK
Governor

MICHAEL D. SHERLOCK
Executive Director

June 8, 2021

Steven Menger

Las Vegas, NV 89129

NOTICE OF INTENT TO SUSPEND

Dear Mr. Menger,

Pursuant to NAC 289.230(4), your Nevada peace officer certification is subject to suspension for Non-Compliance with the mandatory training and proficiency requirements. You received notice on April 8, 2021 that you had not met the mandatory training requirements for **2020** and you had 60 days from receipt of the Notice of Non-Compliance to remedy this.

Sixty (60) days or more have lapsed since you received the Notice of Non-Compliance and the Commission has not received information showing you have remedied the deficiency. The Commission's regulations provide that a person's Nevada peace officer certificate(s) will be suspended pursuant to NAC289.230(4) and NAC289.290(1)(f) for failure to comply with the standards established in this chapter.

As a result, the Commission intends to take action to suspend your Nevada peace officer certification(s) at the POST Commission meeting being held **July 12, 2021 at 11:00 a.m., at the Commission on Peace Officer Standards and Training Administration Building, 5587 WaPai Shone Ave., Carson City, NV 89701.**

If the Commission receives documentation of compliance prior to the date of this action, the matter will be closed, and no action will be taken.

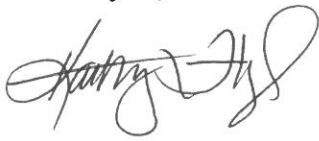
You have the right to appear before the Commission to contest the suspension of your Nevada peace officer certificate(s) by providing written notice to the Executive Director of the Commission within fifteen (15) days of the date of the hearing. Your request must be directed to:

Commission on Peace Officer Standards and Training
ATTN: Director Michael Sherlock
5587 Wa Pai Shone Ave.
Carson City, NV 89701

EXHIBIT F

If you have any questions regarding this notice, please contact me at (775)687-3335.

Thank you,

A handwritten signature in black ink, appearing to read "Kathy Floyd". The signature is stylized with a large, looping initial "K" and "F".

Kathy Floyd, Chief
Standards Division
Commission on Peace Officer Standards and Training

NAC 289.230 Basic or reserve certificate: Requirements for maintaining certificate and resuming duties. ([NRS 289.510](#), [289.590](#))

1. Except as otherwise provided in subsections 7 and 8, to maintain a basic certificate or reserve certificate, the officer must annually satisfy the requirements of subsection 5 and complete 12 hours of additional agency in-service training prescribed by the administrator of the employing agency of the officer. Agency in-service training may include, without limitation, training related to legal issues, the policies and procedures of the employing agency of the officer, driving, first aid, cardiopulmonary resuscitation, blood-borne pathogens, sexual harassment or any other training prescribed by the administrator of the employing agency of the officer.

2. The employing agency shall ensure that its officers comply with the requirements of subsection 1. The employing agency shall notify each officer of the requirements of this section and the penalties set forth in subsection 4 for failure to comply with this section. After an officer completes the requirements of subsection 1, the employing agency shall submit to the Executive Director by any means approved by the Executive Director verification that the officer has completed those requirements. Verification must be submitted on or before December 31 of the year in which the officer was required to complete the requirements of subsection 1.

3. If the Executive Director has not received verification that an officer has completed the requirements of subsection 1 on or before December 31 of the year in which the officer was required to complete those requirements, the Executive Director shall notify the administrator of the employing agency that he or she has not received the verification required by subsection 2 and that if the verification is not received on or before March 1 following the year in which the officer was required to complete the requirements, the Executive Director will place the administrator on the agenda for the next scheduled meeting of the Commission to explain the delay in the submission of the verification. If the Executive Director has not received verification that an officer has completed the requirements of subsection 1 on or before March 1 following the year in which training was required, the Executive Director shall place the administrator of the employing agency on the agenda for the next scheduled meeting of the Commission.

4. Upon the request of the Commission or its designee, the employing agency shall make available for inspection the records of all officers to verify that they have complied with the requirements of subsection 1. The Commission will notify each officer and his or her employing agency of any noncompliance. The Commission will suspend the certificate of any officer who does not complete the requirements of subsection 1 within 60 days after the date on which he or she received the notice of noncompliance. The Executive Director may temporarily reinstate the suspended certificate of an officer upon receiving documentation from the officer which demonstrates that he or she has complied with the requirements of subsection 1. The temporary reinstatement of the suspended certificate is effective upon the Executive Director's approval of the temporary reinstatement and expires on the date on which the Commission determines whether to reinstate the certificate. The Commission will reinstate the suspended certificate or temporarily reinstated certificate of an officer upon receiving documentation from the officer which demonstrates that he or she has complied with the requirements of subsection 1.

5. Except as otherwise provided in subsections 7 and 8, in addition to completing the agency in-service training required pursuant to subsection 1, an officer must:

(a) If the officer is authorized to use a firearm, at least biannually demonstrate a minimum level of proficiency in the use of each type of firearm he or she is authorized to use. An officer who does not demonstrate a minimum level of proficiency with the use of any type of firearm he or she is authorized to use may not carry or use that type of firearm until he or she participates in a remedial course established by the employing agency to ensure that the officer achieves and maintains a satisfactory level of proficiency.

(b) If the officer is authorized to use an impact weapon, chemical weapon, electronic incapacitating device or other less than lethal weapon, at least annually demonstrate a minimum level of proficiency in the use of each such weapon or device he or she is authorized to use. An officer who does not demonstrate a minimum level of proficiency with the use of any such weapon may not carry or use that weapon until the officer participates in a remedial course established by the employing agency to ensure that the officer achieves and maintains a satisfactory level of proficiency.

(c) If the duties of an officer require him or her to use arrest and control tactics, demonstrate annually a minimum level of proficiency in the use of arrest and control tactics, including, without limitation, techniques related to applying handcuffs, taking down suspects, self-defense and retention of weapons.

(d) If the employing agency of the officer authorizes the use of a carotid restraint or lateral vascular neck restraint, demonstrate annually a minimum level of proficiency in those techniques.

(e) Review annually each policy of the employing agency which addresses the use of force in any situation in which the agency or the officer may become involved.

6. Each employing agency shall establish and provide the courses set forth in subsection 5 to its officers and establish the minimum level of proficiency that an officer must demonstrate in each course.

7. An officer:

(a) Who voluntarily leaves his or her employment as a peace officer for at least 4 consecutive months but not more than 60 consecutive months;

(b) Whose employment as a peace officer is terminated for any reason for at least 4 consecutive months but not more than 60 consecutive months;

(c) Who, during a period of continuous employment as a peace officer, is absent from his or her duties as a peace officer because of medical leave, military leave or other approved leave for at least 4 consecutive months; or

(d) Who is hired, rehired or reinstated on or after July 1 of a reporting year,

↳ must satisfy the requirements of paragraphs (b) to (e), inclusive, of subsection 5 and demonstrate a minimum level of proficiency in the use of each type of firearm he or she is authorized to use before commencing or resuming his or her duties as a peace officer.

8. An officer who instructs a course pursuant to subsection 5 is not required to comply with the requirements of subsection 5 to which the instruction applies if the officer:

(a) Instructs a course in the subject for which the officer is qualified and approved by the administrator of the officer's agency during each calendar year;

(b) Participates at least once every 3 years in a course of training for instructors that is approved by the Executive Director; and

(c) Demonstrates to the Commission or its designee at least once every 3 years proficiency in the subject that he or she instructs.

9. Each agency shall maintain documentation of the courses provided pursuant to subsection 5. Such documentation must include, without limitation, the qualifications of each instructor who provides training, a description of the training provided and a list on a form that has been approved by the Executive Director of each officer who completes the training.

(Added to NAC by Peace Officers' Standards & Training Com., eff. 12-17-87; A 8-24-90; 4-28-94; R171-97, 1-30-98; A by Peace Officers' Standards & Training Comm'n by R102-99, 11-2-99; R127-04, 11-8-2004; R003-07, 4-17-2008; R118-09, 1-28-2010; R188-12, 12-23-2013; R121-13, 3-28-2014; R012-17, 12-19-2017)

NAC 289.290 Denial, revocation, suspension and reinstatement of certificate. ([NRS 289.510](#))

1. Each of the following constitutes cause for the Commission to revoke, refuse or suspend the certificate of a peace officer:

(a) Willful falsification of any information provided to obtain the certificate.

(b) A permanent or chronic physical or mental disability affecting the officer's ability to perform his or her full range of duties.

(c) Chronic drinking or drunkenness on duty.

(d) Addiction to or the unlawful use or possession of narcotics or other drugs.

(e) Conviction of, or entry of a plea of guilty, guilty but mentally ill or nolo contendere to, a gross misdemeanor. Upon criminal indictment or filing of a criminal complaint, suspension may be imposed.

(f) Failure to comply with the standards established in this chapter.

(g) Conviction of, or entry of a plea of guilty, guilty but mentally ill or nolo contendere to, a felony. Upon criminal indictment or filing of a criminal complaint, suspension may be imposed. Upon conviction or entry of a plea of guilty, guilty but mentally ill or nolo contendere, the certificate will be revoked.

(h) Conviction of a misdemeanor. If the employing agency recommends suspension or revocation following conviction of the employee for a misdemeanor, suspension or revocation may be imposed. In determining whether to suspend or revoke the certificate, the Commission will consider the type of conviction and other information provided by the agency indicating unprofessional conduct or similar undesirable activity by the officer that resulted in disciplinary action.

2. Denial, suspension or revocation procedures will not be considered by the Commission in cases where the employment of an officer is terminated for violations of the policies, general orders or similar guidelines of operation of the employing agency which do not constitute any of the causes for denial, suspension or revocation specified in subsection 1.

3. The employing agency shall notify the Commission any time that it becomes aware that one of its officers has been charged with a crime that could result in denial, suspension or revocation procedures. Upon receipt of information alleging any of the causes enumerated in subsection 1, the Commission will determine whether to pursue revocation or suspension of the certificate of the officer.

4. The Commission will notify the officer by certified mail at the officer's last known address of any pending revocation or suspension action and of the nature of the charges and the officer's right to appear and answer the charges. The officer shall, within 15 days after the date

on the certified mail receipt, respond in writing, notifying the Commission of his or her intended action with reference to the charges.

5. If the officer fails to notify the Commission within the specified time of his or her intention to appear in answer to the pending action, the Commission will:

(a) Consider the case on its own merits, using the statement from the head of the employing agency or the substantiated information derived from any independent investigation it deems necessary;

(b) Take no action pending the outcome of possible criminal action which may be filed against the officer; and

(c) Take no action pending the outcome of an appeal.

↳ The Commission's decision will be determined by a majority vote of the members of the Commission present.

6. When an officer notifies the Commission of his or her intention to appear and answer the charges pending against him or her, the Commission will elect to sit as a whole at a hearing or designate an independent hearing officer to hear the matter and make recommendations in writing to the Commission. The Commission will review the recommendations of any such hearing officer and arrive at a decision by majority vote of the members present.

7. The Commission will notify the officer of its decision within 15 days after the hearing.

8. An applicant for a certificate who has not been previously certified, but who would be subject to revocation for any cause set out in subsection 1, will not be granted a certificate.

9. If, upon receiving a written allegation that a peace officer is in violation of any provision of subsection 1 and that the facts and circumstances indicate that suspension rather than revocation would be in the best interests of the agency and law enforcement in general, the Commission will suspend the officer's certificate.

10. The Commission will provide each peace officer whose certificate is suspended with written notice of the suspension by certified registered mail. The suspension becomes effective 24 hours after receipt of the certified notice. The notice will contain a statement advising the officer of the right to a hearing.

11. Suspension of a certificate is not a bar to future revocation of the certificate and any prior suspensions may be considered as a factor if revocation is being considered by the Commission.

12. Five years after the revocation of a certificate, an officer may submit a written request to the Commission to allow him or her to reinstate his or her certificate. The Commission will schedule a hearing to consider whether to reinstate the officer's certificate. The Commission will

notify the agency that requested the revocation of the date and time of the hearing. After the hearing, the Commission will determine whether to reinstate the certificate. If the certificate is reinstated, the Commission may establish a probationary period during which any misconduct by the officer would result in revocation.

(Added to NAC by Peace Officers' Standards & Training Com., eff. 12-17-87; A 8-24-90; 4-28-94; A by Peace Officers' Standards & Training Comm'n by R102-99, 11-2-99; R003-07, 4-17-2008; R051-14, 10-24-2014)



STATE OF NEVADA
 COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING
 5587 Wai Pai Shone Avenue
 CARSON CITY, NEVADA 89701
 (775) 687-7678 FAX (775) 687-4911

STEVE SISOLAK
Governor

MICHAEL D. SHERLOCK
Executive Director

DECLARATION OF SERVICE

I, **CRAIG T. DAHLHEIMER**, served the foregoing Notice of Intent to Suspend
Print name of the person serving this document

by personally serving: **STEVEN G. MENGER**

at [REDACTED] **L.V. NV 89129** on this
(location)

12TH day of **JUNE**, **2021**
Day Month Year

I declare under penalty of perjury that the forgoing is true and correct.

Executed on this **12TH** day of **JUNE**, **2021**
Day Month Year

Craig T. Dahlheimer
 Signature of person serving the Notice



CRAIG DAHLHEIMER
SERGEANT
LAUGHLIN CONSTABLE'S OFFICE
PERSONNEL # 1628

CRAIG T. DAHLHEIMER
 Printed name of person serving the Notice

****RETURN THE SIGNED ORIGINAL OF THIS FORM TO POST WITHIN 15 DAYS****

EXHIBIT G

STATE OF NEVADA

PEACE OFFICER STANDARDS AND TRAINING COMMITTEE

Hereby Awards the

Basic Certificate

To

STEVEN G. MENGER

For having fulfilled the requirements for Basic Certification as prescribed by Nevada Revised Statutes.

TRAINING CATEGORY I LVMPD ACADEMY 2/90, 614 HRS

B. A. Miller
Governor

James A. ...
Director, Department of Motor Vehicles and Public Safety

Presented this 18 day of January, 1992

I. REGULARLY SCHEDULED MEETING AGENDA ITEMS

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

Request from the Carson City Sheriff's Office for a 6-month extension pursuant to NRS 289.550 for their employee Jacob VanBeuge to meet certification requirements. (Extension to expire December 26, 2021)



Ken Furlong
Sheriff

911 E. Musser St.
Carson City, NV 89701

775-887-2500
Hearing Impaired: 711
Fax: 775-887-2026

June 07, 2021

Michael Sherlock, Executive Director
Nevada Commission on Peace Officer
Standards and Training
5587 Wa Pai Shone Avenue
Carson City, Nevada 89701

Dear Executive Director Sherlock,

I am requesting to be placed on the POST Commission meeting agenda for a 6-month extension for my employee Deputy Jacob VanBeuge. Due to staffing issues within the agency, Deputy VanBeuge was unable to attend an academy within the one-year time requirement.

Deputy VanBeuge date of hire was June 26, 2020, and to be granted a 6-month extension would extend his time to December 26, 2021. He is scheduled to attend the July 19, 2021, Basic Academy at POST.

Therefore, I am requesting this extension past the one-year requirement to become POST certified for Deputy VanBeuge.

Thank you for your consideration.

Regards,

A handwritten signature in blue ink, appearing to read "Ken Furlong", is written over the typed name and title.

Ken Furlong, Sheriff
Carson City Sheriff's Office

I. REGULARLY SCHEDULED MEETING AGENDA ITEMS

- 7. DISCUSSION, PUBLIC COMMENT, AND FOR POSSIBLE ACTION.** Request from the Eureka County Sheriff's Office for a 6-month extension pursuant to NRS 289.550 for their employee Barbara Barnum to meet certification requirements. (Extension to expire January 27, 2022)

Kathy Floyd

To: Michael D. Sherlock
Subject: RE: Post Extension

From: Jesse J. Watts <JJWatts@EurekaCountyNV.gov>
Sent: Thursday, July 8, 2021 10:00 AM
To: Michael D. Sherlock <msherlock@post.state.nv.us>
Subject: Post Extension

Mr. Sherlock,

We request to be on the July 12th Agenda for an Extension Request due to Deputy Barnum's injury. Deputy Barnum will appear in person at the POST Commission Meeting. Unfortunately, I will not be able to attend in person.

Thank You,

Jesse Watts
Sheriff-Coroner
Eureka County, Nevada
Email: jjwatts@eurekacountynv.gov
Office: 775-237-5330

"An Honor to Serve – A Duty to Protect"

CONFIDENTIAL AND PRIVILEGED ATTORNEY/CLIENT COMMUNICATION AND WORKPRODUCT: This communication, including attachments, is for the exclusive use of addressee and may contain proprietary, confidential and/or privileged information. If you are not the intended recipient, any use, copying, disclosure, dissemination or distribution is strictly prohibited. If you are not the intended recipient, please notify the sender immediately by return e-mail, delete this communication and destroy all copies.

CONFIDENTIALITY NOTICE:

This email from Eureka County, and any files transmitted with it, are for the sole use of the intended recipient(s) and contain information that may be confidential and/or legally privileged. If you have received this email in error, please notify the sender by reply email, and delete the message. Any disclosure, copying, distribution or use of this communication by someone other than the intended recipient is prohibited.

I. REGULARLY SCHEDULED MEETING AGENDA ITEMS

8. 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.

I. REGULARLY SCHEDULED MEETING AGENDA ITEMS

9 & 10. DISCUSSION, PUBLIC COMMENT AND FOR POSSIBLE ACTION

Schedule upcoming Commission Meeting and Adjournment

