



NEVADA COMMISSION ON PEACE OFFICER  
STANDARDS AND TRAINING

POST COMMISSION MEETING  
9:00 A.M.

NOVEMBER 17, 2022

SOUTHPOINT HOTEL/CASINO  
9777 LAS VEGAS BLVD., S  
NAPA ROOMS A&B  
LAS VEGAS, NV 89701



# **AGENDA**





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 9:00 A.M. ON THURSDAY, NOVEMBER 17, 2022, THE COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING WILL HOLD A REGULARLY SCHEDULED MEETING AT THE SOUTHPOINT HOTEL/CASINO, 9777 LAS VEGAS BLVD., S. NAPA ROOM A & B, LAS VEGAS, NV 89183.

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

**I. REGULARLY SCHEDULED MEETING AGENDA ITEMS**

1. Call to Order
2. Roll call of Commission Members
3. **DISCUSSION, PUBLIC COMMENT, AND FOR POSSIBLE ACTION.**
  - a. Approval of minutes from the September 21, 2022, workshop and regularly scheduled meeting.
4. **INFORMATION** Executive Director's report.
  - b. Training Division
  - c. Standards Division
  - d. Administration – Retiring Commissioners
5. **DISCUSSION, PUBLIC COMMENT, AND FOR POSSIBLE ACTION.**

Request from the Humboldt County Sheriff's Office for an Executive Certificate for their employee Captain Chris Lininger.
6. **DISCUSSION, PUBLIC COMMENT, AND FOR POSSIBLE ACTION.**

Request from Steven Lopez, Jr., formerly of the Walker River Tribal Police Department, related to reinstatement of his category I basic certificate per NAC289.290(12). Mr. Lopez was revoked effective August 2, 2011, for a misdemeanor conviction. Possible action may include the Commission determining whether to reinstate the applicant's eligibility to seek certification.



7. **DISCUSSION, PUBLIC COMMENT, AND FOR POSSIBLE ACTION.**  
Commission to elect Commission Chairman to assume the position in January 2023. NRS 289.510 requires the chairman be elected by a majority vote of the Commission.
8. **DISCUSSION, PUBLIC COMMENT, AND FOR POSSIBLE ACTION.**  
The Commission to decide whether to begin the rule making process to revise NAC 289.110(4)(b) to update or make changes as it relates to marijuana offenses. Discussion on proposed changes may include distinguishing marijuana convictions from other controlled substance offenses. Currently the regulation states; NAC289.110(4) A person may not be appointed to perform the duties of a peace officer if he or she has:  
**(b) been convicted of an offense involving moral turpitude or the unlawful use, sale or possession of a controlled substance.**
9. **DISCUSSION, PUBLIC COMMENT, AND FOR POSSIBLE ACTION.**  
The Commission to decide whether to begin the rule making process to revise NAC 289.200(8) to clarify the requirements to maintain a category I Basic Certificate. Discussion on proposed changes may include but is not limited to updating the requirement to NAC 289.200 (8) to remove “full-time peace officer” to maintain the certificate in active status.
10. **FOR DISCUSSION ONLY**  
Discussion on the physical readiness requirements for executive level reciprocity applicants.
11. **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.*
12. **DISCUSSION, PUBLIC COMMENT, AND FOR POSSIBLE ACTION.**  
Schedule upcoming Commission Meeting – February
13. **DISCUSSION, PUBLIC COMMENT, AND FOR POSSIBLE ACTION.**  
Adjournment.

**POSTED AT THE FOLLOWING LOCATIONS:**

Commission on POST Administrative Office  
Carson City, NV 89701  
State Library, Archives and Public Records  
100 Stewart Street, Carson City  
<http://post.nv.gov>  
<http://notice.nv.gov>  
<http://leg.state.nv.us>

Pursuant to NRS 241.020(2)(c), a copy of supporting materials for the meeting may be obtained by contacting POST Standards Division, at (775) 687-7678, ext. 3335, Commission on Peace Officer Standards and Training at 5587 Wa Pai Shone Avenue, Carson City, Nevada 89701.

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



**REGULARLY SCHEDULED MEETING**



**I. REGULARLY SCHEDULED MEETING AGENDA ITEMS**

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



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

- a. Approval of minutes from the September 21, 2022, workshop and regularly scheduled meeting.



STATE OF NEVADA

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COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

A Workshop and Regularly Scheduled Meeting of the Commission on Peace Officer Standards and Training was held on Wednesday, September 21, 2022, commencing at 10:00 a.m. at 5587 Wa Pai Shone Avenue, Carson City, Nevada.

COMMISSIONERS:

- Jason Soto, Chairman
- Michael Allen
- Kevin McKinney
- Tim Shea
- George Togliatti
- Tyler Trouten
- Russell Niel
- Tiffany Young
- Rob Straube
- Jamie Prosser

STAFF:

- Kathy Floyd, POST F
- Nathan Hastings, Attorney General's Office
- Mike Sherlock, POST F

TRANSCRIBED BY: Transcriber Name

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A. Continued discussion regarding the establishment of a new regulation pursuant to Assembly Bill 336 which requires the POST Commission to adopt a regulation establishing "standards for an annual behavior wellness visit for peace officers to aid in preserving the emotional and mental health of the peace officer and assessing the conditions that may affect the performance of the duties by the peace officer." The draft language for the proposed regulation is as follows: <i>"The employing agency shall implement an annual behavior wellness program for each of its officers to aid in the preserving of the emotional and mental health of its officers and assessing conditions that may affect the performance of duties by its officers."</i>	6
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4	1. Reappointment of Chief Kevin McKinney	
5	3. Continued discussion regarding the establishment of a	
6	new regulation pursuant to Assembly Bill 336 which	
7	requires the POST Commission to adopt a regulation	
8	establishing "standards for an annual behavior wellness	
9	visit for peace officers to aid in preserving the	
10	emotional and mental health of the peace officer and	
11	assessing the conditions that may affect the performance	
12	of the duties by the peace officer." The draft language	
13	for the proposed regulation is as follows: <i>"The</i>	
14	<i>employing agency shall implement an annual behavior</i>	
15	<i>wellness program for each of its officers to aid in the</i>	
16	<i>preserving of the emotional and mental health of its</i>	
17	<i>officers and assessing conditions that may affect the</i>	
18	<i>performance of duties by its officers."</i>	33
19	4. Request from Pershing County Sheriff's Office for a 6-	
20	month extension pursuant to NRS 289.550 for the	
21	following Deputies to meet the certification	
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24	to January 21, 2023	
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6. Schedule Upcoming Commission Meeting - November

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7. Adjournment

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## PROCEEDINGS

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3 SOTO: Hey, we're gonna (inaudible).

4 FLOYD: (inaudible) meeting.

5 SOTO: Meeting to order, Post Commission meeting and  
6 workshop is called to order for September 21st, 2022. It is --  
7 for the record, the time is 10 a.m. I'm gonna turn this over  
8 to Kathy Floyd for information on the legal postings and open  
9 meeting compliance.

10 FLOYD: The workshop notice and meeting agenda had been  
11 posted in compliance with NRS 241.202 -- 020. The meeting  
12 agenda was physically posted at the POST administration  
13 building and the Nevada state library in Carson City. The  
14 meeting agenda has been electronically posted at post.nv.gov.  
15 The state of Nevada website at notice.nv.gov. The legislative  
16 website at leg.state.nv.us, and email to all SPOC and Admins  
17 on the POST Listserv.

18 SOTO: Okay. All right. I'm gonna go to roll call.  
19 I'll start with myself. Jason Soto, Reno Police Department,  
20 and we'll start over on Kathy side and just go around.

21 FLOYD: Kathy Floyd, POST.

22 SHERLOCK: Mike Sherlock from POST.

23 HASTINGS: Nathan Hastings, Attorney's General's office.

24 TROUTEN: Ty Trouten, Elko Police Department.

25 MCKINNEY: Kevin McKinney, Carlin Police Department.

1 PROSSER: Jamie Prosser, Las Vegas Metropolitan Police  
2 Department.

3 NIEL: Russ Niel, Gaming Control Board.

4 ALLEN: Mike Allen, Humboldt County Sheriff's office.

5 SOTO: Do we have anybody on the phone?

6 FLOYD: Chief Shea?

7 SHEA: Yeah, Tim Shea from Boulder City. I'm here.

8 SOTO: Okay. All right. We're gonna start this off  
9 today with the workshop. Purpose -- purpose of the workshop  
10 is to solicit comments from the interested persons on the  
11 following topic that may be addressed in future proposed  
12 regulations. This workshop has been previously noticed  
13 pursuant to the requirements of NRS chapter 233B. This  
14 workshop is intended to solicit and continue discussion on  
15 assembly bill 336, which requires an annual behavior wellness  
16 component as an annual requirement for certified officers.  
17 I'm gonna turn this over to Mike Sherlock for some background  
18 on this subject.

19 SHERLOCK: Thanks chief. Mike Sherlock for the record.  
20 So again, this workshop is a continuation of workshop we had  
21 at the last meeting and an agenda item. It is in response to  
22 AB 336 from the last legislative session, which mandated POST  
23 create regulation to implement an annual behavior wellness  
24 component within agencies. So this has been a bill with much  
25 discussion with staff and -- and some research. Looking at

1 other states, IACP has a pretty extensive study on this topic,  
2 as I'm sure, the commission knows, staff has been concerned  
3 from the outset, and it really -- we want to try to prevent  
4 the commission from becoming embroiled in some sort of labor  
5 issue or fitness for duty issue, that kind of thing. But also  
6 to avoid being the entity that -- that forces some sort of  
7 unfunded fiscal issue for agencies. So we've really gone  
8 round and round about this particular bill. That being said,  
9 there is a bill that requires us to take some action. It  
10 should be noted that we were advised that there were some  
11 fiscal notes, just to give you a perspective, when this BDR  
12 was going through. Metro, I think, had the largest fiscal  
13 note, but there were some fairly large fiscal notes tied to  
14 this bill originally, and -- and most of those addressed  
15 whether or not an agency would be mandated to require an  
16 annual psych visit, a physical vi -- visit with a mental  
17 health professional. So we have received some input and a lot  
18 of inquiries on this proposed regulation. Most of the -- the  
19 ones that I've received are related to whether or not an  
20 agency's current officer wellness program would be in  
21 compliance with what the commission has in mind. Just as an  
22 example, I talked to Chief Owens down at Las Vegas Paiute  
23 Tribal yesterday, his concerns kind of reflect the -- those of  
24 others. A mandated visit with a mental health professional  
25 would likely be cost prohibitive for his agency, for example,

1 and they would not be able to comply if that was the mandate.  
2 On the other hand, if the issue is simply implementation of an  
3 officer wellness program with some discretion on how agencies  
4 interpret their check-ins or visits or program, it would be  
5 something that -- that they support and -- and could comply  
6 with. We have the same concerns as I stated, you know, in  
7 fears of triggering, a fitness for duty exam, that kind of  
8 thing without cause. If you look in your books under the  
9 workshop, we have a page of three examples of possible  
10 language for this regulation. Again, we're not real  
11 comfortable, but, you know, I'm not sure that we have any more  
12 discretion considering the language of that particular bill.  
13 Last, I would add that this bill requires a POST shall  
14 established standards for an annual wellness program. Under  
15 this bill, I know there's some concerns last time about that  
16 wording, you know, establishing standards. Staff would --  
17 would submit that by creating this re -- regulation that  
18 mandates an officer wellness component is the standard and we  
19 have complied with that requirement. We don't see it as  
20 developing some standard that is a pass fail for a wellness  
21 program or something like that. It was more about -- and  
22 again, I've spoken to the author of this bill and -- and prior  
23 to it passing, that kind of thing. So anyway, that -- that  
24 standard would be created with this regulation. These langu -  
25 - language samples established the -- the POST regulatory

1 standard to have such a program, so we think we'd be in  
2 compliance with that bill. So with that, I would suggest, Mr.  
3 Chairman, we open the discussion. Do anyone here wishes to  
4 try input for the workshop?

5 SOTO: All right. Thank you, Mr. Sherlock. Do we  
6 have any comments from anybody from public that wants to speak  
7 on this topic today? Okay. Seems as there's none. I'd --  
8 I'd like to ask for comments from commissioners. I think I  
9 can start in terms of just some thoughts that I had initially.  
10 After looking at this bill and -- and trying to understand its  
11 intent and its requirements, I think that I would agree with  
12 Mr. Sherlock in terms of having a component, not making it a  
13 necessary to where you have to go see a license professional,  
14 because I do think that's cost prohibitive and there -- there  
15 is no -- there was no identification for funding of that. But  
16 I think to have some type of wellness program within your  
17 agency, I think -- personally, I think that would suffice. I  
18 think that's something that could be looked at and monitored  
19 by POST, and I think that was the intent, right, just to have  
20 options available for the men and women of this profession, so  
21 that they -- that they understand that there's a component to  
22 wellness that they can draw from, if they need to. So that's  
23 just my initial thoughts on the bill. I'll turn it over to  
24 our commissioners and see if we have any additional thoughts  
25 or input that anybody wants to give for this discussion.

1           PROSSER: Jamie Prosser for the record. Forgive me, I  
2 don't know, Sherlock, if you can comment, you said that you  
3 spoke to the author of the bill and you believe that this  
4 verbiage will satisfy what they're looking for. Have you run  
5 this verbiage by the author of the bill by chance to see if  
6 they would be satisfied with this verbiage?

7           SHERLOCK: Mike Sherlock for the record. No, we -- we did  
8 -- well originally when I spoke --

9           UNIDENTIFIED: With -- this was Monroe Moreno.

10          SHERLOCK: Ms. Monroe Moreno -- our concern were -- was  
11 the fitness for duty language. They tried to clean it up a  
12 little bit. It is what it is. But they very -- very clearly  
13 to me stated that their goal was to reduce and have an effect  
14 on officer suicide. And so there was very specific wording  
15 that you had -- the original bill was you had to have a visit  
16 with a psychologist or psychiatrist, that was all removed.  
17 The word visit was left. Again, I think just because they  
18 didn't know how to change that wording, but I'm pretty  
19 comfortable with her -- with the intent of that bill being  
20 that they want agencies to have some program that can assist  
21 an officers mental wellbeing. And so I'm pretty comfortable  
22 with that, but -- but I haven't sent her any language, like,  
23 you know -- once the bill's passed, we're gonna -- but -- but  
24 I'm comfortable with that, I think, from our --

25          SOTO:           And I -- I --

1           SHERLOCK: -- perspective, you know. We're accomplishing  
2 what she wanted.

3           SOTO:        If I could add to that too, I think, correct me  
4 if I'm wrong Mr. Sherlock, but the request from that  
5 individual and that bill was for POST to put something in  
6 place, a process in place that can address that. So that's --  
7 that's what we're trying to achieve here. Meaning, they gave  
8 us the authority to come up with whatever language it is that  
9 would satisfy this bill, which is what we're doing now. And -  
10 - and since they removed the professional from it, that was  
11 enough for us to say, okay, then we could do it internally,  
12 what's that gonna look like?

13           SHERLOCK: Yes. Mike Sherlock for the record. I would --  
14 I would only add one other thing. I think that from the  
15 legislative perspective, they wanted to ensure that POST  
16 ensured that this happened. So we've already talked about  
17 from an audit standpoint, well, we would do it, you know,  
18 during our normal audits that just ensure that they have --  
19 that an agency has officer wellness program in place and it's  
20 active, and -- and -- and again, I think that meets the other  
21 half of that intent from POST perspective that we are going to  
22 ensure that agencies have an officer wellness program.

23           MCKINNEY: Kevin McKinney. I -- is there -- is there  
24 going to be a --similar to the training component where the  
25 officer, you know, will have to provide proof that he attended

1 this program or participated in this program to maintain a  
2 certification?

3 SHERLOCK: No, I -- again, Mike Sherlock for the record.  
4 So we -- we look at this as -- as an agency level issue. So  
5 we would cert -- we would simply ensure that there's a pro --  
6 you know, obviously, we don't want to get involved in you  
7 know, the visit itself or the, you know -- what they're doing  
8 on an individual level. So from our perspective, and again,  
9 looking at our audits, that -- that's simply what we would do  
10 is -- is ensure that there is an officer wellness component  
11 within the policy of that agency, not necessarily what's going  
12 on with individuals. So we just wouldn't --

13 MCKINNEY: Okay.

14 SHERLOCK: -- get in there. So -- and there was some  
15 discussion about that, whether it's part of the annual  
16 training hour component, and we don't see it that way. I  
17 don't think the bills built that way. It's just more that --  
18 to ensure that there is a program in place at the agency  
19 level, not the individual.

20 SOTO: Also just for discussion since we're talking  
21 about it. I think that some of the conversations that I've  
22 had for the difficulties of putting a wellness component  
23 together for maybe smaller agencies that don't have the  
24 budget, most of, if not all of the larger agencies, have some  
25 sort of wellness component now, and I would be happy to share

1 that with, you know, ours or in some more larger agencies  
2 throughout the state so that they -- they have a -- a pallet,  
3 if you will, in terms of what that looks like, and you could  
4 pair it down obviously to your -- to your department size.  
5 But I think we have -- I think we have a pretty good wellness  
6 program in place now at many of our agencies and now it's just  
7 about giving it throughout the state and meeting this  
8 requirement.

9       SHERLOCK: Yeah. Mike Sherlock for the record. And  
10 that's been our experience. I think most agencies have a  
11 pretty robust officer wellness program in place, and we just  
12 didn't want to put POST in the position of telling them, their  
13 officer wellness program is not good enough for, you know --  
14 as long as we're within the parameters of the intent of that  
15 bill, I think, we're -- we're pretty good. As far as the  
16 standard, I just wanted to add one more thing. As far as the  
17 standards component requiring a standard, we did put a large  
18 fiscal note in. It was kicked back because the interpretation  
19 by LCB, and of course we don't have that, but was that the  
20 fiscal note was invalid because they did not perceive that as  
21 establishing the standards of good mental health. Right.  
22 It's more about just a standard that you have a, you know,  
23 program in place. So that's why we take that wording, not as  
24 us developing a, you know -- that type of standard. We, you  
25 know -- we wouldn't have the funding for that and they agreed

1 with that.

2 TROUTEN: Ty Trouten for the record. Just to be clear  
3 and to address the concern raised by the chief you mentioned  
4 before, Mr. Sherlock. There will be a financial impact,  
5 whether it is a visit or a program. Having an -- in the midst  
6 of the investigation, this is trying to set up our program  
7 now. Whether you do it with something as simple as available  
8 survey that is attached to your annual physical fitness  
9 evaluation, and then read by doctor who can be considered  
10 under the most definitions I've seen as a mental or behavioral  
11 wellness provider, there's a price tag. If you're going to  
12 put a behavioral wellness professional on retainer, or in our  
13 case, pay them to drive at \$130 an hour out to our area,  
14 there's a price tag. And then you're talking about -- if they  
15 meet with an officer, there's a price tag. So regardless,  
16 there's going to be a substantial financial impact to every  
17 single agency. Some investigation, Kevin McKinney can speak  
18 to this as well, even things like cop line, you know, that are  
19 available, EAPs. There's not necessarily a price tag  
20 directly, but if POST were to require then there must be some  
21 sort of documentation or accounting that every officer  
22 participated annually, then those two items would not work  
23 because both EAP and cop line are 100 percent confidential.  
24 They will not even tell you that they have spoken to an  
25 officer. So really it relegates you down to something more

1 local, even if it's virtual. So just to put on the record,  
2 there will be a price tag, regardless of the language.

3 SHERLOCK: Yeah. Mike Sherlock for the record. We and --  
4 I, in fact, spoke to Jim Owens about this yesterday. We were  
5 at a conference recently, there are some resources out there  
6 right now that we're gonna try to compile those if you don't  
7 have a program. One in particular that I really like, they --  
8 it's a large company, but they will -- if it's police only not  
9 police fire, but police only, they provide a service for free  
10 right now. I, you know -- they could start charging, but --  
11 and it's one on one contact. They have a app for the phone  
12 and it's a pretty cool, you know, officer wellness program.  
13 So there are some resources out there, but -- no, I -- I  
14 understand what you're saying. But the fact remains, we have  
15 this bill that is requiring, you know, POST to -- to regulate  
16 this area.

17 SOTO: I'm glad that Chief McKinney brought it up and  
18 -- and Mike, you touched on it briefly. Jason Soto for the  
19 record. The -- the confidentiality of this and not making  
20 that an issue, I think it needs to be said on record. The  
21 reason that's -- that is important is if you want to get buy  
22 in from the agencies and especially the line level people that  
23 we're -- that we're trying to have an effect on, if we don't  
24 keep that confidentiality piece as, you know, open and  
25 transparent as we can, you're not gonna get any buy in. It's

1 gonna -- there will be no on this. So I think that's the  
2 important piece that we -- we really need to understand, make  
3 it a -- a priority, and it sounds like we have, for sure.

4 ALLEN: So Mike Allen for the record. I just want a  
5 little bit of clarification. So I'm hearing differences from  
6 what Director Sherlock's saying is in what Commissioner  
7 Trouten just brought up. So is it your understanding,  
8 Director Sherlock, that we're gonna have to do an annual psych  
9 on -- on this 'cause that's what it sounded like.

10 SHERLOCK: Yeah -- no -- Mike Sherlock for the record.  
11 It's actually the opposite that. I think -- just to give you  
12 some background on the bill too as it went through, the  
13 original language on the BDR before we spoke to -- to the  
14 author was, it required a psych visit at the time of their  
15 heart and lung medical. And as you can see, that is no longer  
16 in the bill, right, because -- we had a long discussion about  
17 that. Everything from -- from a fitness for duty issue  
18 mandating that, to the fact that frankly, there's a good  
19 number of POST certified officers that are not part of the  
20 heart and lung and don't do a medical exam every year. But  
21 the fact that they removed that psych mandate component,  
22 again, it's just another indication is that -- that is not  
23 what the intent was. I truly believe the intent is officer  
24 wellness, and so I -- I do not believe it requires a licensed,  
25 you know -- a visit with a licensed mental health

1 professional. And -- and because language was removed that  
2 did do that.

3 MCKINNEY: Kevin McKinney for the record. However, the  
4 NRS does say standards for an annual behavioral wellness  
5 visit. It doesn't say a behavioral wellness program. It says  
6 an annual behavioral wellness visit. So I think -- I -- I  
7 mean, the way I'm reading the law that they want annual visits  
8 for peace officers.

9 SHERLOCK: Yeah, Mike Sherlock for the record. So that's  
10 been some of our struggle, right, is the visit isn't defined.  
11 We don't want to take away an agency that has, you know, a  
12 peer support unit where that goes around to roll call and  
13 meets with them annually and visits with them, right. We  
14 don't want to take away some of the discretion from agencies  
15 that have their own individual program already in place, and -  
16 - and frankly, I'd like to see agencies and you can see some  
17 of the language that we've thrown out there, let agencies sort  
18 of define what that term visit or that word visit means, so  
19 they can, you know, continue to use the programs that they  
20 have in place that are working. But yeah, I -- I -- I get  
21 that's a tough one with the word visit there, but again, I  
22 think the intent is to have an officer wellness program within  
23 the agency. How agencies want to interpret that particular  
24 word, I think is best left to individual agencies.

25 SOTO: For the record, Jason Soto. For my -- my take

1 and my interpretation on that, when we put our wellness  
2 program together, the visit piece is the visit is actually  
3 being -- so at least once a year, we'll go over the options  
4 available to our men and women of our agency, unless your  
5 visit -- now within that component, we do offer things such as  
6 EAP or, you know, if somebody's struggling in -- in one area  
7 or another, you know, avenues to which they can -- they can go  
8 to and actually choose to do an in person visit. But we have  
9 to at least visit the, you know -- offer -- that -- that's my  
10 interpretation. It's loose, I get it. It's -- and it's not -  
11 - even in the -- even in the -- the law itself, it's not  
12 specific. So if we can at least visit the topic once a year,  
13 which I think is required by this -- which is required by this  
14 bill, then if we want to further that, or if the officer wants  
15 to further that, he or she can.

16 SHERLOCK: Yeah, Mike Sherlock -- Sherlock for the record.  
17 I -- and -- and I think that as well within the intent.

18 SOTO: I do too.

19 SHERLOCK: You know, again, staff has a problem with the  
20 other sentence to assess their ability to carry out their  
21 duties. That's -- that's another issue, but after discussion,  
22 you see our sample language, we left that in there. But --

23 SOTO: Yep. Well, we knew this was gonna be a tough  
24 one when -- when -- when we saw the bill. I think we've  
25 mitigated a lot of the concerns that we have. This is what we

1 come forward with, you know, and see how it works. Any other  
2 comments from any of our commission?

3 SHEA: Chief, I don't know if you can hear me. Tim  
4 Shea here on the phone.

5 SOTO: Yep.

6 SHEA: I agree with Chief Soto. I -- I think he has  
7 the best interpretation I've heard in quite a while on this,  
8 that the visits, and it's not as actually defined if we do it  
9 internally and have a process for a follow up, I think would  
10 meet that language. 'Cause there's not definition what the  
11 visit has to be of -- in other words, it doesn't have to be  
12 with the mental health professional if I read this right.

13 SHERLOCK: Yeah. Mike Sherlock for the record. And I  
14 would agree with that, when you look at the removal of the  
15 definition of a visit, seems to me, you know, open the door  
16 so.

17 SOTO: All right. Anything else from any of our  
18 commissioners? Okay. Seeing as though there's not, we're  
19 gonna go ahead and close this workshop and move on to the  
20 actual commission meeting and we'll move to item number 1,  
21 discussion, public comment, and for possible action approval  
22 of minutes from the July 19th, 2022 regularly -- regularly  
23 scheduled POST commission meeting. Do we have any public  
24 comment on that? Okay. Any comments from commissioners?  
25 Seems though there's none, I'm looking for a motion to approve

1 the minutes.

2 MCKINNEY: Kevin McKinney. I, so move.

3 SOTO: Motion. Can I get a second?

4 NIEL: I'll second, Russ Niel.

5 SOTO: Got a second. All in favor, say aye.

6 MEMBERS: Aye.

7 SOTO: Opposed? Motion carries unanimously. Item  
8 number 2, information executive director report. I'm gonna  
9 turn this over to Mr. Sherlock for an update on POST activity.

10 SHERLOCK: Okay, thank you. Mike Sherlock for the record.  
11 First, let me introduce Nate Hastings. He's from the Attorney  
12 General's office. Nate is taking over for the retired Mike  
13 Jensen, who by the way, didn't walk away, he ran. I think  
14 he's already in Belgium living there. I've actually spoken to  
15 Nate on some personnel and records request issues, I think in  
16 the past with -- with great success. So we really look  
17 forward to working with Nate. I just hope he is ready for you  
18 guys, but we'll -- we'll get him there, you know, one way or  
19 another -- one way or another, but please welcome Nate, our  
20 new attorney general assistant here.

21 HASTINGS: Thank you.

22 SOTO: Welcome.

23 SHERLOCK: Quickly, I'll go through basic training. We --  
24 I think I talked before we had a national group come in and --  
25 and do a study on our academy and how we present our academy

1 and that kind of thing. We had a conference call yesterday  
2 with some of their key findings, in terms of training delivery  
3 and retention of that training. A couple of key points. The  
4 study really confirmed kind of our anecdotal belief in -- in  
5 relation to remote learning or online learning and -- and that  
6 kind of thing. Retention and successful application of a  
7 concept taught in person and then reinforced through practical  
8 applications afterwards or hands on performance based  
9 training. And then tested were -- that group was  
10 substantially better than any other method of learning that --  
11 that we used in our academy or we let them do in our academy.  
12 So -- and that's -- we do have very disciplined performance  
13 based training here now, and that was validated at -- in terms  
14 of retention of what they learned, they did much better. The  
15 second best, if you will, in terms of retention, were those  
16 who learned online and then participated in a performance  
17 based, you know, training session and then tested. They were  
18 the second best, although they were substantially lower than  
19 the in person learning people overall, and the worst in terms  
20 of retention, were those that only learned online and then  
21 tested, which is kind of what we believe that most people knew  
22 going in. It is interesting. It kind of sort of validates  
23 our belief and our decisions going through the pandemic and  
24 how we handled that in terms of learning and running the  
25 academy. So we're good with that. Over in advanced training,

1 we've got a bunch -- we've revamped, redone all of our  
2 curriculum. We have basic instructor development coming up  
3 this month, basic -- basic investigations course that we just  
4 revamped, both in October and November. We'll do a -- in  
5 December a newly elected Sheriff's and Chiefs course and  
6 apparently, there'll be a few new sheriffs and chiefs out  
7 there in December. And then we have a whole line of first  
8 line supervisor courses ready to go. Over in standards,  
9 obviously we're busy with regulations related to the last  
10 legislative session. We have three separate regs at the  
11 commission that -- that you guys have -- the commission has  
12 approved and it's on the LCB commission meeting next week,  
13 correct?

14 FLOYD: 27th.

15 SHERLOCK: 27th. So we'll be prepared for that and we  
16 have to go through that process. But once that's done, it'll  
17 be done for those three particular regulations. You know, I  
18 will say we are already into the next legislative session as  
19 some of you already know. BDRs are already out there. You  
20 know, we try to do our best working with legislators. There  
21 are some that actually contact us if a bill would affect POST.  
22 That said, currently there's a majority that have the attitude  
23 that we should track the bills and contact them. If we have  
24 something to say about a bill that -- that mentions POST or  
25 law enforcement or training, which is kind of crazy if you ask

1 me, but it is what it is. But when you consider last session,  
2 there were over a thou -- one thousand bills. We could not  
3 track them all, right. And their system did not alert us when  
4 it should have. So sometimes these bills go flying through  
5 and -- and we don't -- so if you know bills that you believe  
6 staff should look at or comment on, just let us know. You've  
7 all heard the latest dispatcher issue, and I -- I would simply  
8 say that, I'm with Chief Soto on putting pressure on the  
9 legislature to introduce BDRs, at first identify funding for  
10 POST to deal with these issues 'cause we're frankly, in big  
11 trouble. So, you know, I know you're tired of hearing our  
12 budget woes, but it has really reached critical stage. We  
13 have bills that now are not being paid, as we lack the actual  
14 cash to pay those, regardless of what were authorized. Though  
15 I will say, we just got some money from Clark County today,  
16 which helps, but court assessments are trending lower again.  
17 I'm not sure what is going on, but I got in trouble at  
18 legislature judicial committee for giving my opinion that  
19 going civil with traffic citations is going to affect our  
20 funding and even more so than what we're seeing right now, and  
21 I stand by that. If we see what's going on, it's definitely  
22 gonna affect our funding. Our biggest problem was we've --  
23 we've spent years building up our reserves to get through  
24 revenue issues. So the first couple months of a fiscal year,  
25 we don't have court assessments coming in and so we use our

1 reserve to operate those couple months. Last year in terms of  
2 authorization, we were \$900,000 short in court assessment  
3 revenue. I know that doesn't sound like a lot, but we're  
4 small 900,000 for us is a huge percentage of our budget. We  
5 were down, we believed because court assessment revenue was  
6 directly affected by the COVID response. There's no doubt  
7 about it. So we requested that this shortage, as a result of  
8 COVID, be made up via the COVID relief or ARPA funds through  
9 the governor's office. We were denied last time and instead,  
10 the governor's office decided to sweep our entire reserve to  
11 make up the shortfall to cover that loss of -- loss of  
12 revenue, and then that didn't even cover our loss so we got  
13 like 200,000 in our ARPA funds. Again, we've spent years  
14 building that reserve fund and to sweep it just prior to our  
15 fis -- new fiscal year is a big problem. Now we don't have  
16 that reserve, court assessments are down. As a result just  
17 before today, we're -- we have 38,000 in bills that were  
18 unpaid. We have payroll next Friday, we have no cash for. So  
19 it -- I -- I don't know how to stress it anymore. We -- our  
20 funding revenue with a hundred percent court assessments has  
21 become a problem. You know, we're going to try to put  
22 pressure on the GFO to allow us to borrow money from the  
23 general fund. My -- my new idea, and I've tried many  
24 different ideas with both legislature and the governor is to  
25 borrow money from the general fund and my preference would be

1 to borrow our entire budget upfront and let the state take the  
2 court assessment money that we would get. And to me, it just  
3 makes sense. That way if court assessments come in short,  
4 general fund eats it, not us, not training, not law  
5 enforcement issues. So pretty sure that's not gonna fly, but  
6 we're gonna try that. Just to give you another example, the  
7 next IFC, which is interim finance committee, is October 20.  
8 Once again, we did not get approved for any ARPA funds at all.  
9 We're not on the agenda, not a single dollar to make up for  
10 revenue shortfall to expand training based on mandates from  
11 the legislature, nothing. And you can see I'm frustrated,  
12 there's a large pot of money in that ARPA fund and we only ask  
13 for a small fraction of it and we can't get it. So my big  
14 point is, if you have contact with the governor's office, if  
15 you have interaction with -- with GFO to continue to put us in  
16 the forefront, because, you know, frankly, we're in trouble.  
17 We'll be -- we'll be borrowing money next week, in fact. But  
18 we really need to look at a different revenue stream for us.  
19 I've made several proposals and as you guys know, legislators,  
20 they don't want to be part of any new tax or new funding.  
21 It's not -- it's not a great position for them to be in  
22 sometimes, and I get it, but we -- we need to get our funding  
23 fixed and -- and it's just the way it is. So hopefully we can  
24 do that. So that's our budget woes at this point.

25 SOTO: Yeah. Thank you for that overview, Mike, and -

1 - and you know, I'm -- I'm gonna go back a little bit, you  
2 know. So as -- as a commissioner, there's a chair for  
3 commissioner and chair for -- for POST. We -- we -- we  
4 brought this up several years ago in terms of financing. I  
5 think a lot of it got buried and lost in COVID. But I think  
6 what's important to put on record is when it comes to the  
7 funding of POST, so a lot of these -- these bills and this new  
8 legislature that's put into place, it has to do with -- for  
9 these legislators that are putting these bills into place has  
10 to do with the training and product that comes from their  
11 sworn law enforcement officers. That's why we have hopes.  
12 That's why we have this committee for that oversight and that  
13 there is a cost that is associated with that. Now, once COVID  
14 came everything, like I said, kind of got buried, but I --  
15 another thing that got buried is -- because we were also  
16 inundated with working through COVID in a worldwide pandemic  
17 and police reform and everything else that -- that -- that  
18 came with, you know, the past two years, we haven't done, I  
19 believe, a good enough job following some of these bills that  
20 -- that you brought up earlier. So my suggestion to this  
21 committee is when we see something where there is going to be  
22 a fiscal impact, like -- like we were talking with dispatch,  
23 obviously share it with the group. But I know that, at least  
24 my agency and several other agencies that I've been in contact  
25 with, are gonna be doing a better job of speaking up and

1 tracking those and making it known for these legislators that  
2 if there's a cost, we have to find a way to fund that. We  
3 just cannot continue to stack this type of work on top of  
4 agencies, on top of our profession, on top of POST without  
5 finding a way to fund it. And I think that we can do a better  
6 job of expressing that to not only our governor's office  
7 'cause I've had conversations with them in the past, but also  
8 with, you know, our communities and our state, and I think  
9 you're gonna start seeing more of that. So I just want to let  
10 everybody know that up front here on a record and we'll do a  
11 better job on that end. But that we do have to start finding  
12 mechanisms in which we can fund POST, this office, because  
13 it's been grossly underfunded now for 10 -- for a decade, and  
14 we need to take a look at that piece, and then also we need to  
15 do a better job as commissioners in terms of when we have  
16 these unfunded mandates that are coming forward, letting that  
17 be known in legislature because I think that's an important  
18 piece to where there was no -- there was no pushback because  
19 we just had -- we were overwhelmed with work. We're not  
20 overwhelmed with work, we understand the fiscal impacts and  
21 we're gonna -- we're gonna do a better job of making that  
22 known. Any other comments from our commissioners in terms of  
23 -- Mike's update for --

24 PROSSER: Jamie Prosser for the record. I believe in one  
25 of our previous meetings, you had mentioned that there's

1 currently an audit underway and that that will be available in  
2 November.

3       SHERLOCK: Yah. Mike Sherlock for the record. They  
4 pushed it back. I will say that the audit people tried to  
5 help us from that standpoint, already. Particularly trying to  
6 get us on this October IFC and they were unsuccessful, but  
7 they continue with the audit and -- and our -- the audit will  
8 emphasize our, you know, lack of a good revenue source. But  
9 they keep putting it back. I don't know if they'll be done in  
10 November or not, but -- it -- it's somewhat encouraging, but  
11 the fact that they were unable to get us in now has me  
12 worried, you know, that kind of thing.

13       SOTO: Can I make one more comment? Jason Soto for  
14 the record. Investing in POST, investing in the funding in  
15 POST will save us money in the long run. Okay. That's --  
16 that's what we're all trying to achieve, to include our  
17 legislators that I've had many conversations with, is  
18 investing in POST, making sure that we have training in place  
19 that turns out a better product from law enforcement, from  
20 sworn law enforcement, in general, is going to save us money  
21 in the long run. And I think that's what we've been missing  
22 in that or trying to cut corners everywhere, and you really  
23 can't do it when it comes to the training of the men and women  
24 of this profession. So investing a little bit of money in our  
25 training process, which is POST, is going to provide a better

1 product and it's going to save all of us money in -- in the  
2 state of Nevada in doing so. That's the point that I think  
3 gets missed again and again and again. It's not like our  
4 hands are just out saying we need more money. We actually  
5 need money to do -- to -- to put out a better product in terms  
6 of law enforcement in this state. It's -- it's -- it's --  
7 it's a decade behind now and we can't do that anymore. All  
8 right.

9 MCKINNEY: Kevin McKinney for the record. I -- I echo  
10 Chief Soto's comments. My -- my question is, I -- I believe I  
11 know the answer to, isn't the funding for POST set by Nevada  
12 revised statute?

13 SHERLOCK: So Mike Sherlock for the record. Yes and no.  
14 So yeah, we are. We are court assessed funded, 98 percent.  
15 The other 2 percent is the 500 or 300 we charged for the  
16 academy. But also, under the NRS is the courts can take up to  
17 51 percent and this last cycle, they took their full amount.  
18 Prior to that, they were taking about 47 percent. And I'm not  
19 -- I don't know that that is the main cause of the reduction,  
20 but ultimately, it's just not a good reliable stream for us in  
21 terms of court assessments, but -- but it is by statute. The  
22 amount we get is not by statute. So we end up with 16 percent  
23 -- well that fluctuates a little bit, of the 49 percent that  
24 gets split up.

25 MCKINNEY: Right. Kevin McKinney again. But the revenue

1 source is set by statute. So I believe -- I believe we, as  
2 the commission, should look to change the NRS so that we can  
3 develop a -- another funding source in some manner.

4 SHERLOCK: Correct. Mike Sherlock for the record. So the  
5 issue is finding someone to carry a BDR. If you're talking  
6 about our source or our revenue stream is finding someone  
7 willing -- and I've met with many and had several proposals  
8 that other states use that are very good with very little  
9 impact in terms of taxes at all. But it's -- you have to find  
10 someone to -- to carry those BDRs.

11 PROSSER: Jamie Prosser for the record. One question,  
12 and I apologize for my ignorance, but you had made a comment  
13 reference, we all know what the issues and concerns about  
14 dispatchers are. And I apologize, I don't think I've been  
15 looped in on that.

16 SHERLOCK: Mike Sherlock for the record. So my point  
17 there is, you know, as we get into legislative session, we're  
18 already getting contacts and, you know, there's a BD --  
19 there's a proposed BDR that we got involved in because we have  
20 dispatchers voluntarily under our umbrella now, and a group of  
21 dispatchers, some of your people, in fact, I think, would like  
22 to make it mandatory that they're under the umbrella of POST.  
23 And so there's a BDR and there's reasons that they want that.  
24 They're -- we're the only state that they're not in the west  
25 and all those kind of things. So the -- the Per -- PK O'Neals

1 proposing this bill is out there and there were some comments  
2 made. He -- he's asking for feedback from sheriff and chiefs,  
3 and so there were some comments made there. So that's why I  
4 said that -- that it's out there. He's looking to see if  
5 there would be any support for it and --

6 PROSSER: So --

7 SHERLOCK: -- make them mandatory.

8 PROSSER: That would also have a fiscal impact on you,  
9 correct?

10 SHERLOCK: In the long run -- Mike Sherlock for the  
11 record. Yeah. In the long run, it probably would. Although  
12 we already have the infrastructure -- infrastructure in place,  
13 we do this now on a voluntary basis and many may agencies  
14 already mandated, so we're already doing it. But if you think  
15 of it down the road, yes. Right. Because then you have to  
16 look at we're certified, do we revoke them, do we create the  
17 hiring standard like we do on the sworn side? So there could  
18 be a fiscal impact down the road on that. Again, and I'm with  
19 Chief Soto's suggestion on this. When we have these bills,  
20 they should identify funding first. I -- I wish they worked  
21 that way. They -- they don't, but if we could pressure  
22 legislators, it would be -- it would be huge if we could look  
23 at things from the funding first side of things.

24 SOTO: Yeah. And I, you know, to me, it's not even --  
25 Chief Soto for the record. It's not even pressure, it's

1 educate them on -- there is no way to -- to carry this out  
2 with the staffing shortages that we have throughout our state  
3 of Nevada. Every single agency has staffing challenges right  
4 now, and they have so much on their plates. We have to start  
5 identifying revenue to bring in additional personnel,  
6 additional technology, additional ways to complete these --  
7 these -- these -- these mandates that are put in front of us.  
8 We have to start doing that. We have to start being more  
9 responsible on the legislative side so that we can do that,  
10 because we do want to get better at what we do. We want to  
11 have better equipment. We want to have more people to be able  
12 to carry this out and it's not that it's a bad idea. I think  
13 the intention behind it is fantastic, it's just, how are we  
14 gonna do that in reality. So I think that there's a lot of  
15 education that needs to occur. That goes back to what I was  
16 saying at the beginning of this, as commissioner, as  
17 commissioners, as chair, as the director, we're going to start  
18 bringing more information to them saying, Hey, look, this is -  
19 - this is great, but here's what we need to do in order to get  
20 there. And then if we can get a bill like that to, you know,  
21 somebody carry that, then we can start making some real change  
22 in terms of, I think, what we're all trying to achieve. Any  
23 other comments from any of our commission on the executive  
24 director report? Okay, we're gonna move on to item number 3,  
25 discussion, public comment, and for possible action.

1 Continued discussion regarding the establishment of a new  
2 regulation pursuant to assembly bill 336, which requires a  
3 POST commission to adopt a regulation establishing standards  
4 for an annual behavior wellness visit for peace officers to  
5 aid in preserving the emotional and mental health of the peace  
6 officer in assessing the conditions that may affect the  
7 performance of the duties by the peace officer. The draft  
8 language for the proposed regulation is as follows. The  
9 employee agency shall implement an annual behavior wellness  
10 program for each of its officers to aid in the preserving of  
11 the emotional and mental health of its officers and assessing  
12 conditions that may affect the performance of duties by its  
13 officers. I'm gonna turn this over to Mr. Sherlock for  
14 information on this item.

15 SHERLOCK: So Mike Sherlock for the record. Again, this  
16 item pertains to the workshop it's based on AB 336, man --  
17 mandating that commission to exercise its regulatory function.  
18 So staff would recommend that the commission continue the rule  
19 making on this issue. For our benefit, we would suggest that  
20 it -- there -- that the motion, if there is a motion, to  
21 continue the rule making that you give us some sort of  
22 direction. You know, again, we might have to have Mr.  
23 Hastings in here, but a motion that allows us to use the  
24 language that we presented here, there's three others, would  
25 be helpful. I suppose you could have a motion that, you know,

1 continues the rule making with language consistent with the  
2 proposals and, you know -- but that kind of leaves staff in  
3 limbo. We don't know what to send over to LCB. But again,  
4 it's -- it's up to the commission, but some direction on  
5 language would help us is all -- is all I'm trying to say.

6 SOTO: Maybe language that's cons -- that's consistent  
7 with the discussion that we just had on this -- on this  
8 process. Right. We understand now what a visit is. We've  
9 had conversation about being in agreement on that. You've  
10 given us some sample language, so language that's consistent  
11 with our discussion and the language provided in this packet  
12 to continue through with process. Does that sound --

13 SHERLOCK: Yeah. Mike Sherlock for the record. I think  
14 for us, it -- it's good. You -- you're still going to have to  
15 approve it when it comes back anyway, but that would be  
16 helpful to us. Is -- is that too broad or is it a --

17 HASTINGS: My -- this is Nathan Hastings for record. My  
18 only concern would be whether the -- so the -- the agenda --  
19 the -- the notice for the workshop, as I understand, included  
20 the language -- let me frame it this way. So in -- in the --  
21 in the workbook that the members have, there's the sample --  
22 sorry, the sample language, that includes like two other  
23 options, but that's not -- but that language -- right, I'm  
24 just trying to find that page in the packet so I can refer the  
25 commissioners to it, but -- okay. So it's the -- on the tab

1 that says workshop topic, it's the fourth page there. There -  
2 - there's these three options that have been given by staff  
3 for review. But as I understand it, what was placed in the  
4 notice of the public meeting is effectively only the first of  
5 those options, correct? So I don't -- I -- I -- I would be  
6 hesitant to have a motion made that gave staff the direction  
7 to move forward in the rule making process with anything other  
8 than the language that was just in the notice, unless or until  
9 the other options are -- would -- would be openly discussed in  
10 the workshop, and because they haven't been to -- to this  
11 point. So I guess what I'm saying is if the -- if there -- if  
12 the commission had the appetite that the -- the potential  
13 action under this action item would be to direct any language  
14 that pertain to the other ones that would need to be openly  
15 discussed in the workshop, because -- because that language  
16 wasn't already included in -- in like the notice in the  
17 agenda. So if the -- if the appetite is to move forward with  
18 language that's similar to -- substantially similar to what  
19 has been noticed, then I think you're fine. Okay. Does that  
20 make sense?

21 SHERLOCK: Yeah. So Mike Sherlock for the record. And --  
22 and we're -- we're good with that. I think there's no, you  
23 know, preference of any of these. We're just throwing those  
24 out there for the commission and if -- and if the commission  
25 is okay with that language or substantial language -- 'cause

1 you know, LCB will change it. I mean there will be some  
2 changes, they always do.

3 HASTINGS: Yeah.

4 SHERLOCK: But we could move forward with that if that's  
5 the intent of the commission.

6 SOTO: Okay. I think I understand what you're saying  
7 and I -- and I'm looking at that page and I'm -- I'm actually  
8 comfortable with -- with what we have in -- in the packet to  
9 just looking at our samples of what we have here. I think  
10 that those -- and -- and I suppose that then I would be  
11 looking for a motion -- asking for a motion to continue the  
12 rulemaking process. We have language, and then we'll see what  
13 comes out of LCB.

14 SHERLOCK: Yeah.

15 SOTO: So I guess that's what (inaudible) motion  
16 (inaudible).

17 MCKINNEY: Kevin McKinney. I -- I have one question for  
18 Mr. Hastings. Based upon what -- what is -- what is written  
19 down here, do you feel that -- I mean do -- are you  
20 comfortable with that following with NRS? I mean --

21 HASTINGS: I guess -- Nathan Hastings for the record.  
22 I'll frame it this way. Based on what Mr. Sherlock has  
23 explained about the way that -- during the -- during the  
24 session, the fiscal note was turned back and -- and staff was  
25 given to understand that particulars about, let's say adopting

1 standards or -- or mandating a particular type of visit or --  
2 or standards in the way that they have, like their training  
3 standards was not -- was what was not what was intended by the  
4 legislature. That puts the -- that puts the commission in the  
5 position of having to figure out something else that visit and  
6 standards have to mean, meaning it's something different than  
7 the typical kind of standards that are under like training,  
8 for example. So that, yes, I think makes sense and I think  
9 it's defensible. And worst case, if LCB kicks something back,  
10 you're -- you're just in a place of having to say, okay, well  
11 this is what LCB kicked back to us and they don't necessarily  
12 agree with exactly the way you're looking at it.

13 MCKINNEY: Okay.

14 HASTINGS: Yeah.

15 MCKINNEY: Yeah. Kevin McKinney. Again, my data -- the  
16 NRS, that was my concern was the visit versus program and it -  
17 - it just -- I -- I'm -- I just worry that this might not be  
18 in, you know, inconsistent in the language and creates a --  
19 some sort of issue.

20 HASTINGS: So I will say this, I'm not making a  
21 suggestion, I'm just pointing out That if you do look at the  
22 section that I -- that's in your packet that I was referring  
23 to earlier, which has not been noticed to the public in terms  
24 of those other options. One way to look at those other  
25 options is that they -- in other words, the -- the one that's

1 in the -- the agenda and the one that's option number 1,  
2 amongst those options, just uses this word program. The other  
3 ones -- sorry, list by saying, may include, but then listing  
4 some options that theoretically can be characterized as a  
5 description of standards. The word program, just itself is a  
6 little bit harder admittedly, to like say that the word  
7 program, you know, mean or provides standards. Whereas at the  
8 very least, the other two options, what they -- what they  
9 could be read to do is they're not mandating particulars, but  
10 they're saying a program which may include enlists options  
11 that can be seen as things that in -- within the industry have  
12 been determined by the commission, which is the expert entity  
13 on how to govern these things or how to -- how to -- how to  
14 structure these things within the industry that -- that have  
15 been seen by the commission with -- within its purview and  
16 knowledge of the kinds of things that are important as quote,  
17 unquote, standards.

18 SOTO: Jason Soto for the record. I think it's  
19 important to point out too -- I -- I think that's the piece  
20 that -- that was learned after the fact, which is a reason we  
21 got that, which may include, because if you made it a  
22 mandatory -- that's what I -- that's what I was pointing out  
23 early on. If you made it a mandatory visit, then what you're  
24 going to get is you're going to get men and women in this  
25 profession going in and saying, everything's fine, that's it,

1 that's all you're gonna get. Because if they say something  
2 else, then it could turn into a fitness for duty and we're  
3 completely sidestepping the issue that's -- that -- that's  
4 been put in front of us in the first place. Which is why I  
5 think, which may include a visit. That's an important piece  
6 of what we're talking about here. So you -- you give them  
7 this program that you have in place. There's your -- there's  
8 your mandatory piece. You might get some officers or some  
9 individuals who understand that they might need a little bit  
10 more than what it is -- that are off that -- that these  
11 departments are offering their people and it might include a  
12 visit. But then you have that confidentiality piece to where  
13 you can go in and be honest about what he or she might be  
14 struggling with. That's the part where I -- I think we have  
15 to be really careful, and I think that was an unintended  
16 consequence of when this was put together that maybe we didn't  
17 -- we didn't understand as well as we understand now.

18 HASTINGS: Nathan Hastings for the record. If you do look  
19 at those options in terms of, you know, language that -- that  
20 the commission could direct staff to have the -- in what first  
21 goes to LCB in the draft, now part of the process, I will just  
22 point out and I apologize that I didn't notice this before,  
23 but like option number 1 uses the language, an annual  
24 behavioral wellness program, but the -- that key term  
25 behavioral wellness, whereas the -- these draft options of two

1 and three are saying mental health wellness. I would just  
2 suggest that if the commission does have an appetite to go  
3 forward and have a motion that directs language towards like  
4 those second or third option, that the term be behavioral  
5 wellness not mental health because behavioral wellness is the  
6 term that's in the statute. So -- and then I'll -- I'll --  
7 just this last comment on that point is that I think even  
8 though the agenda didn't have those options in them, if one of  
9 you in making a motion, or if in the discussion part before a  
10 motion, you can get that language just kind of on the record  
11 then I think you're fine. If that makes sense. And I'm happy  
12 to answer any clarifying questions about that.

13 SOTO: And I think that does make sense. And I agree  
14 -- I would agree the behavioral health. So again, there just  
15 such a stigma around all of this, that --

16 HASTINGS: Just to clarify. If -- if -- if someone -- if  
17 -- if the commission -- if there's a motion and the commission  
18 takes action to direct staff to move forward in the rulemaking  
19 process by sending language to LCB, even though what was in  
20 the agenda was just language -- was the language that that's  
21 in italic in the notice part of the agenda, if -- if you read  
22 into the record that based on the -- 'cause that's what public  
23 comment hearings are all about is providing an opportunity to  
24 potentially modify what you've got in your notice before it  
25 goes to LCB, that's the whole point of giving public comment,

1 even the comment and discussion of the Board -- or the  
2 commission, I'm sorry. So if -- if -- like I said, if -- if  
3 the appetite is to direct the -- to direct staff to move  
4 forward in the rule making process by using some of this  
5 additional language, just put it in the record and in your  
6 motion.

7 SOTO: Okay. I think we got that. So -- so then what  
8 I would be looking for is a motion to continue the rule making  
9 process with -- with language that's consistent with what we  
10 have here in front of us, and I -- I -- I like the term  
11 wellness -- behavioral wellness and not (inaudible).

12 MCKINNEY: Kevin McKinney for the record. I as well, I  
13 believe, but behavior wellness is a more inclusive word than  
14 mental health 'cause it encompasses emotional, other issues  
15 that occur.

16 SOTO: Okay. All right. So then I guess that's what  
17 I'm looking for is a -- is a motion.

18 PROSSER: So for clarification, were you guys talking  
19 about removing emotional mental health in -- instead of that -  
20 - that those four words putting in behavioral wellness?

21 SOTO: Yes. I mean, you could still have mental  
22 health in the -- in the description, I mean -- but I -- I  
23 think the -- I -- I like the -- I like the -- the -- the first  
24 pull where it says, annual behavioral wellness program. That  
25 just --

1           SHERLOCK: Yeah. Mike Sherlock for the record. So if  
2 we're -- if you wanna stay consistent with the -- the bill  
3 itself, behavioral health wellness is -- is consistent with  
4 that language. But further on where you're talking -- the --  
5 preserving the emotional mental health of the peace officer,  
6 that's also in the language of the bill, so I think --

7           SOTO: Yeah.

8           SHERLOCK: -- both of them are okay there. Yeah.

9           MCKINNEY: Okay.

10          MCKINNEY: Kevin McKinney for the record. I'll -- I'll  
11 make a motion that we continue with the rule making process  
12 with this language, the employing agency shall implement a  
13 behavioral health wellness program, which may include, but not  
14 limited to an annual evaluation for each officer, peer support  
15 programs, suicide prevention, psychological services, stress  
16 management, and employee assistance programs to aid in  
17 preserving the emotional and mental health of the peace  
18 officer and assessing conditions that may affect the  
19 performance of duties by the peace officer.

20          SOTO: Motion to second.

21          TROUTEN: Ty Trouten for the record. I would be willing  
22 to second if there's the insertion of the annual behavioral  
23 wellness program that was admitted on the first part.

24          HASTINGS: Nathan Hastings. I think that's a good point  
25 because the -- that -- the word annual is in the statute and -

1 - and that was in your option that was already in the agenda.

2 So I think that --

3 TROUTEN: Could I -- do I need to reread the -- or just -

4 -

5 HASTINGS: I think you can just say, I'm in my motion

6 consistent with what he -- with his --

7 TROUTEN: I -- I will amend my motion to include an

8 annual behavioral health wellness program.

9 HASTINGS: Okay.

10 SOTO: So I have a motion and second. All those in

11 favor say, aye.

12 MEMBERS: Aye.

13 SOTO: Motion carries unanimously. Thank you. All

14 right. Item number 4, discussion, public comment, and for

15 possible action requests from Pershing County Sheriff's office

16 for a six month extension pursuant to NRS 289.550 for the

17 following deputies to meet the certification requirement.

18 Deputies Zach Newman, hire date July 21st -- first, 2021

19 extension of January 21st, 2023. Deputy Dawn Noble, hired

20 date February 16th, 2022 extension to August 2023. Is there

21 any he -- is there anyone here from Pershing County available

22 or that wants to speak on this topic?

23 SHERLOCK: Chief, apparently they have called and said,

24 they're not gonna make it so I can give you a quick synopsis

25 on their request.

1 SOTO: Okay. Sure.

2 SHERLOCK: So we received a request. This is from the  
3 Undersheriff Blon --Blondheim (phonetic). Deputy Newman,  
4 again, was employed in July of 2021, was released -- recently  
5 released from NNLEA for failure to meet standards and so that  
6 -- that year is quickly coming up and they're gonna have to  
7 put him back through an academy. Deputy Noble was employed in  
8 February, but has not been able to intend -- attend an academy  
9 due to continuous complications from COVID, and then there's  
10 the issue of start dates and that kind of thing. So based on  
11 what's going on in terms of hiring and that kind of thing,  
12 staff would recommend that the extension is granted by the  
13 commission.

14 SOTO: Okay. So I'm looking for a motion to grant a  
15 six month extension for Deputy Zack Newman and Deputy Dawn  
16 Noble.

17 ALLEN: Mike Allen, I'll make the motion to extend the  
18 six month extension for the POST requirements for Deputy Zach  
19 Newman and Deputy Dawn Noble.

20 SOTO: So I have motion, looking for a second.

21 PROSSER: Jamie Prosser for second.

22 SOTO: Motion to second. All those in favor, say aye.

23 MEMBERS: Aye.

24 SOTO: Opposed.

25 SHEA: AYE.

1 SOTO: Motion carries. Let's see. Item number 5,  
2 discussion, public comment, and for possible action. Just a  
3 note, commission may not act on any matter considered under  
4 this item until the matter is specifically included on an  
5 agenda as an action item. Do we have any public comment  
6 today? Okay. Seems as there's none. Moving on to item  
7 number 6, discussion, public comment, and for possible action,  
8 schedule of an upcoming commission meeting. And I'm turn this  
9 over to Mike Sherlock on information related upcoming  
10 commission meeting dates.

11 SHERLOCK: So Mike Sherlock for the record. So we would  
12 recommend our next meeting date be November 17th, say 9 a.m.  
13 at South Point in Las Vegas. This coincides with the  
14 Sheriff's and Chiefs annual conference, and lead of course,  
15 they were able to secure room for us on the 17th, which would  
16 be the morning after the last day that conference, so we would  
17 recommend that we do our meeting at that time.

18 SOTO: So I'm looking for a motion then to schedule  
19 the next meeting for November 17th, 2022. Did you say 9 a.m.?

20 SHERLOCK: 9 a.m.

21 SOTO: 9 a.m., Las Vegas, South Point.

22 PROSSER: Jamie Prosser, makes the motion.

23 SOTO: I have a motion to get a second.

24 NIEL: Russ Niel, I'll second.

25 SOTO: Motion to second. All those in favor, say aye.

1 MEMBERS: Aye.

2 SOTO: Motion carries unanimously. And item number -  
3 7, discussion, public comment and for possible action. I'm  
4 looking for a motion to adjourn.

5 PROSSER: Jamie Prosser, moves to adjourn.

6 MCKINNEY: Kevin McKinney, I'll second.

7 SOTO: All this in favor say, aye.

8 MEMBERS: Aye.

9 SOTO: Adjourned. Thank you everyone. (inaudible).

10 FLOYD: Thank you, Chief Shea, you are off the hook.  
11 Have a good.

12 SHEA: Thank you. Bye. Bye.

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4. **INFORMATION** Executive Director's report.

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



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

Request from the Humboldt County Sheriff's Office for an Executive Certificate for their employee Captain Chris Lininger.

# State of Nevada - POST Professional Certificate Application

Officer's Name

POST ID#

**Select the Professional Certificate and choose the applicant's qualifications for the certificate.**

All officer's hours of POST training used to meet the requirements must be entered into the POST database before submitting this application. (use the *POST Professional Training OR Annual Compliance* Formatta form).

**Meets the following requirements:**

Intermediate (NAC 289.240)

**Has an Intermediate Certificate and meets the following requirements:**

Advanced (NAC 289.250)

**Meets the following requirements:**

Supervisor (NAC 289.255)

**Has Advanced and Supervisor Certificates and meets the following:**

Management (NAC 289.260)

**Has a Management Certificate and meets the following:**

Executive (NAC 289.270)

**Click the Attachments button to submit Only the following documents as REQUIRED:**

- > Intermediate & Advanced - copy of degree or proof of required credits (if no degree)
- > Management - a letter confirming job level, org. chart
- > Executive - a letter confirming job level, org. chart, and proof of 200 hrs. advanced managemet training

**Additional Information or comments:**

By electronically signing and submitting this form, you attest that the applicant meets the requirements for the certificate applied for as set out in the Nevada Administrative Code that is referenced next to the certificate selected.

**Submitters Name:**

**Submitters Phone:**

**Submitters E-Mail:**

Submission number: 236751

**\*\*\*\* This Section is for POST Approval ONLY \*\*\*\* Do NOT Enter in this Section \*\*\*\***

**Education**

**Credit Hours**

**Date Achieved**

**Approved By:**

**Comments:**

**Certification Date:**



# Humboldt County Sheriff's Office

Mike Allen, Sheriff

Nevada Commission of Peace Officers' Standards & Training

5587 Wa Pai Shone Avenue

Carson City, NV 89701

Attn: Mike Sherlock, Executive Director of NV P.O.S.T.

Reference: Executive Certificate for Captain Chris Linger.

Dear Mr. Sherlock

This letter certifies that Captain Chris Linger meets the requirement for the award of a Nevada P.O.S.T. Professional Executive Certificate. This is based on the Captain's current assignment as stated in NAC 289.260 and NAC 289.047 and holding an executive level position.

Captain Chris Linger is currently assigned to an executive level position over the Humboldt County Detention Center and report directly to me. In my absence, Captain Linger has the executive ability to run the agency.

An Organization chart is included which demonstrates this Captains position within the Humboldt County Sheriff's Office.

Respectfully,

A handwritten signature in blue ink, appearing to read "Mike Allen".

Mike Allen, Sheriff

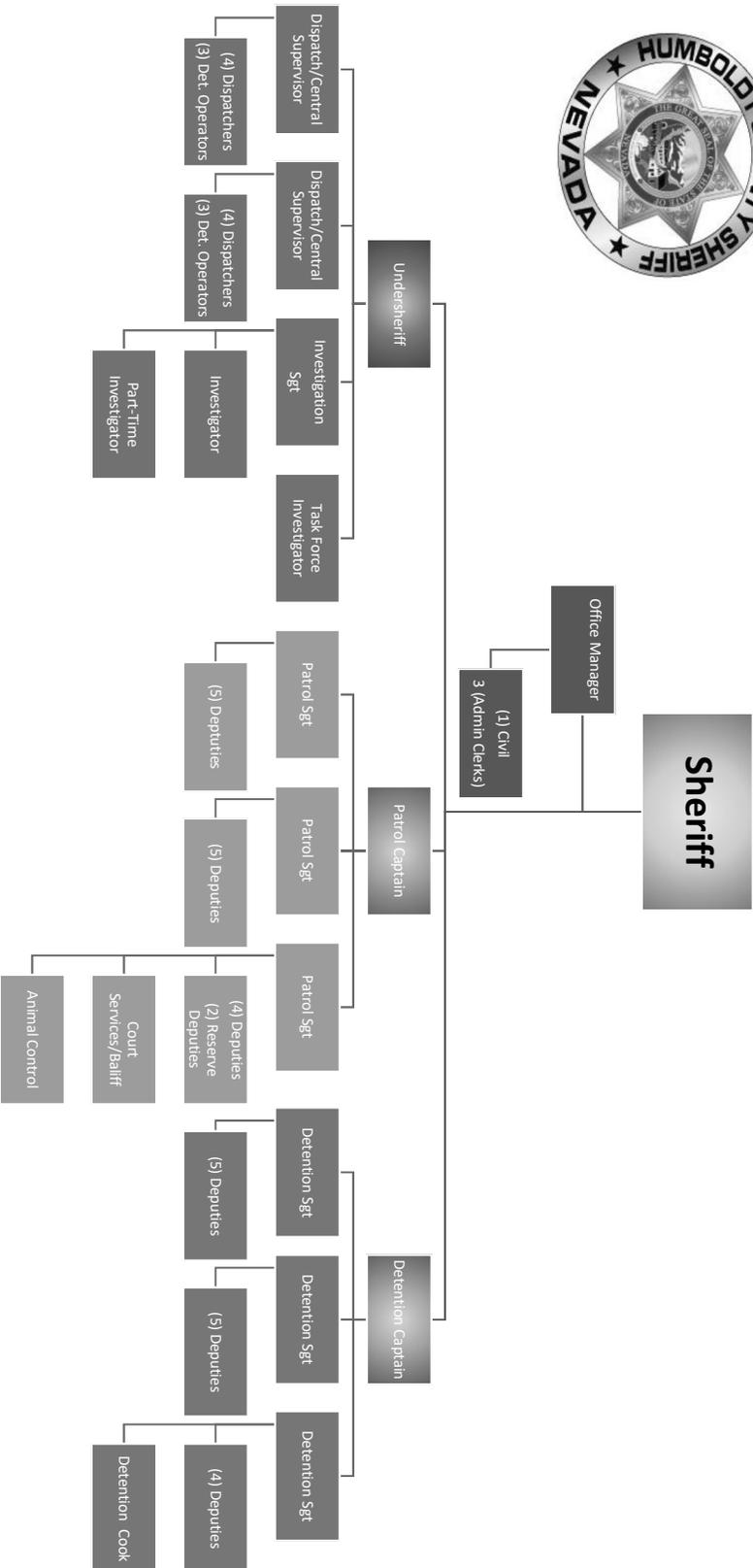
Humboldt County Sheriff

Humboldt County Sheriff's Office

DISPATCH  
795 Fairgrounds Road  
(775) 623-6429

SHERIFF'S OFFICE  
50 West Fifth Street  
Winnemucca, NV 89445  
(775) 623-6419

DETENTION CENTER  
801 Fairgrounds Road  
(775) 623-6423



**Lininger, Christopher L. (13403)**

**Certification**

Date	Status	Certified	Expires	Probation	Cert #
Professional: Supervisor 5-10-2022	Active	12-29-2006			
Professional: Advanced 12-29-2006	Active	12-29-2006			
Professional: Intermediate 12-29-2006	Active	12-29-2006			
Professional: Management 12-29-2006	Active	12-29-2006			
Basic: Category I 6-16-1999	Active	6-16-1999			

**Employment History**

**Humboldt Co SO**

**Date:** 7-24-1999 **Action:** Hired

**Service:** 23 Years 71 Days

**Status:** Active

**Assignment:**

**Level:** Management

**Shift:**

**Pos/Rank:**

**Class:**

:

**Mineral Co SO**

**Date:** 6-30-1999 **Action:** Separated

**Status:** Inactive

**Assignment:**

**Level:** Line

**Shift:**

**Pos/Rank:**

**Class:**

:

**Mineral Co SO**

**Date:** 7-04-1998 **Action:** Hired

**Service:** Years 361 Days

**Status:** Active

**Assignment:**

**Level:** Line

**Shift:**

**Pos/Rank:**

**Class:**

:

**Training**

Course	Title	Date	Hours	Score	Status
C0000001	Firearms Proficiency 1	2-15-2022	1.00	0.00	Passed
<b>2022 Pass/Complete:</b>			<b>1.00</b>		
C0000002	Firearms Proficiency 2	12-29-2021	1.00	0.00	Passed
M0000359	Agency Continuing Education Training	12-29-2021	1.00	0.00	Passed
C0000001	Firearms Proficiency 1	9-10-2021	1.00	0.00	Passed
C0000003	Arrest Control/ Defensive Tactics	9-10-2021	1.00	0.00	Passed
C0000004	Less Lethal Weapon Proficiency	9-10-2021	1.00	0.00	Passed
C0000005	Use of Force Policy Review	9-10-2021	1.00	0.00	Passed
<b>2021 Pass/Complete:</b>			<b>6.00</b>		

**Lininger, Christopher L. (13403)**

C0000003	Arrest Control/ Defensive Tactics	12-02-2020	1.00	0.00	Passed
C0000004	Less Lethal Weapon Proficiency	12-02-2020	1.00	0.00	Passed
C0000005	Use of Force Policy Review	12-02-2020	1.00	0.00	Passed
C0000001	Firearms Proficiency 1	11-06-2020	1.00	0.00	Passed
C0000002	Firearms Proficiency 2	11-06-2020	1.00	0.00	Passed
M0000359	Agency Continuing Education Training	11-06-2020	1.00	0.00	Passed
P2440226	Recognition of Child Abuse or Neglect	5-15-2020	2.00	0.00	Passed
P2440214	Opioid Crisis: Protecting our First Responders	4-09-2020	1.00	0.00	Passed
P2440109	Missing Persons with Alzheimers	4-07-2020	1.00	0.00	Passed

**2020 Pass/Complete: 10.00**

C0000002	Firearms Proficiency 2	12-11-2019	1.00	0.00	Passed
C0000001	Firearms Proficiency 1	10-23-2019	1.00	0.00	Passed
C0000003	Arrest Control/ Defensive Tactics	5-21-2019	1.00	0.00	Passed
C0000004	Less Lethal Weapon Proficiency	5-21-2019	1.00	0.00	Passed
C0000005	Use of Force Policy Review	5-21-2019	1.00	0.00	Passed
M0000359	Agency Continuing Education Training	5-21-2019	1.00	0.00	Passed

**2019 Pass/Complete: 6.00**

C0000001	Firearms Proficiency 1	12-06-2018	1.00	0.00	Passed
C0000002	Firearms Proficiency 2	12-06-2018	1.00	0.00	Passed
C0000003	Arrest Control/ Defensive Tactics	12-06-2018	1.00	0.00	Passed
C0000004	Less Lethal Weapon Proficiency	12-06-2018	1.00	0.00	Passed
C0000005	Use of Force Policy Review	12-06-2018	1.00	0.00	Passed
M0000359	Agency Continuing Education Training	12-06-2018	1.00	0.00	Passed

**2018 Pass/Complete: 6.00**

C0000001	Firearms Proficiency 1	11-16-2017	1.00	0.00	Passed
C0000002	Firearms Proficiency 2	11-16-2017	1.00	0.00	Passed
C0000003	Arrest Control/ Defensive Tactics	11-16-2017	1.00	0.00	Passed
C0000004	Less Lethal Weapon Proficiency	11-16-2017	1.00	0.00	Passed
C0000005	Use of Force Policy Review	11-16-2017	1.00	0.00	Passed
M0000359	Agency Continuing Education Training	11-16-2017	1.00	0.00	Passed
P0010147	Crime Scene Investigation	8-25-2017	40.00	0.00	Passed
P2223235	Basic On-Site Forensic Interviewing Training	8-18-2017	25.00	0.00	Passed
P2190002	CVSA Examiner	4-28-2017	52.00	0.00	Passed

**2017 Pass/Complete: 123.00**

C0000001	Firearms Proficiency 1	12-28-2016	1.00	0.00	Passed
C0000002	Firearms Proficiency 2	12-28-2016	1.00	0.00	Passed
C0000003	Arrest Control/ Defensive Tactics	12-28-2016	1.00	0.00	Passed
C0000004	Less Lethal Weapon Proficiency	12-28-2016	1.00	0.00	Passed
C0000005	Use of Force Policy Review	12-28-2016	1.00	0.00	Passed
M0000359	Agency Continuing Education Training	12-28-2016	1.00	0.00	Passed
P2860004	You Can't Do THAT at Work for Employees	10-26-2016	3.00	0.00	Passed

**Lininger, Christopher L. (13403)**

P3320001	Your Vital Role: Changing Lives Through Donation	9-14-2016	1.00	0.00	Passed
<b>2016 Pass/Complete:</b>			<b>10.00</b>		
C0000001	Firearms Proficiency 1	12-17-2015	1.00	0.00	Passed
C0000002	Firearms Proficiency 2	12-17-2015	1.00	0.00	Passed
C0000003	Arrest Control/ Defensive Tactics	12-17-2015	1.00	0.00	Passed
C0000004	Less Lethal Weapon Proficiency	12-17-2015	1.00	0.00	Passed
C0000005	Use of Force Policy Review	12-17-2015	1.00	0.00	Passed
M0000359	Agency Continuing Education Training	12-17-2015	1.00	0.00	Passed
P0140017	Human Trafficking Training	11-03-2015	10.00	0.00	Passed
P1470065	The Islamic State of Iraq and Al Sham	10-21-2015	8.00	0.00	Passed
P2080020	Sovereigns and Anti-Government Movements	10-21-2015	4.00	0.00	Passed
<b>2015 Pass/Complete:</b>			<b>28.00</b>		
C0000001	Firearms Proficiency 1	12-22-2014	1.00	0.00	Passed
C0000002	Firearms Proficiency 2	12-22-2014	1.00	0.00	Passed
C0000003	Arrest Control/ Defensive Tactics	12-22-2014	1.00	0.00	Passed
C0000004	Less Lethal Weapon Proficiency	12-22-2014	1.00	0.00	Passed
C0000005	Use of Force Policy Review	12-22-2014	1.00	0.00	Passed
M0000359	Agency Continuing Education Training	12-22-2014	1.00	0.00	Passed
P3020010	C.E.R.T. for Corrections Instructor	9-17-2014	24.00	0.00	Passed
P0000260	POST First-Line Supervisor Program	3-21-2014	80.00	0.00	Passed
<b>2014 Pass/Complete:</b>			<b>110.00</b>		
M0000359	Agency Continuing Education Training	12-30-2013	147.50	0.00	Passed
P1470024	Domestic Terrorism	11-20-2013	8.00	0.00	Passed
C0000002	Firearms Proficiency 2	8-22-2013	3.00	0.00	Passed
C0000004	Less Lethal Weapon Proficiency	5-09-2013	8.00	0.00	Passed
P2880001	1st Annual 420 Group Law Enforcement Conference	4-19-2013	36.00	0.00	Passed
C0000003	Arrest Control/ Defensive Tactics	4-01-2013	19.00	0.00	Passed
C0000005	Use of Force Policy Review	4-01-2013	1.00	0.00	Passed
C0000001	Firearms Proficiency 1	2-27-2013	4.00	0.00	Passed
<b>2013 Pass/Complete:</b>			<b>226.50</b>		
M0000359	Agency Continuing Education Training	12-31-2012	46.00	0.00	Passed
C0000002	Firearms Proficiency 2	10-18-2012	2.50	0.00	Passed
P0010143	Excited Delirium	8-15-2012	3.00	0.00	Passed
C0000001	Firearms Proficiency 1	5-24-2012	2.00	0.00	Passed
P0168009	Basic SWAT School	4-13-2012	40.00	0.00	Passed
C0000003	Arrest Control/ Defensive Tactics	3-13-2012	3.00	0.00	Passed
C0000004	Less Lethal Weapon Proficiency	3-13-2012	4.00	0.00	Passed
C0000005	Use of Force Policy Review	3-13-2012	1.00	0.00	Passed
P0100078	Evidential Breath Testing Operator	1-25-2012	4.00	0.00	Passed
<b>2012 Pass/Complete:</b>			<b>105.50</b>		
P2540001	Rural Methamphetamine Investigative Workshop	10-11-2011	14.00	0.00	Passed

**Lininger, Christopher L. (13403)**

P0000430	Ethical Use of Force	9-15-2011	8.00	99.00	Passed
<b>2011 Pass/Complete:</b>			<b>22.00</b>		
P0400012	Arrest and Control Instructor's Course	6-11-2010	40.00	0.00	Passed
<b>2010 Pass/Complete:</b>			<b>40.00</b>		
P0760044	Human Trafficking	4-01-2009	2.00	0.00	Passed
<b>2009 Pass/Complete:</b>			<b>2.00</b>		
P0000228	Terror at Beslan	10-23-2008	8.00	0.00	Passed
P0067001	Monadnock Expandable Instructor Course	4-21-2008	16.00	97.00	Passed
P0760057	Over The Counter/Rx Drug Abuse	4-19-2008	2.00	0.00	Passed
M0760009	Facilitation Skills Training Annual Refresher Crs.	4-19-2008	1.00	0.00	Passed
P0010092	Evidential Breath Testing -Operator Re-Cert.	1-24-2008	2.00	0.00	Passed
<b>2008 Pass/Complete:</b>			<b>29.00</b>		
P0000026	PPFT Administrator Certification Course	4-06-2007	4.00	0.00	Passed
P0076051	School Resources Officer Training (SRO)	3-25-2007	2.00	0.00	Passed
P0076050	Club Drugs	3-22-2007	2.00	0.00	Passed
P0076045	When it's Too Late For Prevention	3-21-2007	2.00	0.00	Passed
P0076046	How Media is Affecting Our Children	3-21-2007	2.00	0.00	Passed
P0760049	School Violence	3-20-2007	3.00	0.00	Passed
P0076047	Facilitation Skills Training	3-20-2007	4.00	0.00	Passed
P0076040	Current Drug Trends	3-20-2007	2.00	0.00	Passed
P0000104	Challenge to Lead-Advanced leadership	2-10-2007	16.00	0.00	Passed
<b>2007 Pass/Complete:</b>			<b>37.00</b>		
P0000050	Conflict Resolution	8-24-2006	4.00	0.00	Passed
P0000052	The Badge The Power The Attitude	8-24-2006	4.00	0.00	Passed
P0000049	Management of a Small Police Department	8-23-2006	8.00	0.00	Passed
P0067002	LEBA Police Mt. Bike Training Courses A, B, C	6-15-2006	32.00	0.00	Passed
P0000015	Developing Policies and Procedures	4-25-2006	12.00	0.00	Passed
P0000045	Supervisory Update	4-05-2006	24.00	0.00	Passed
<b>2006 Pass/Complete:</b>			<b>84.00</b>		
P0100078	Evidential Breath Testing Operator	4-05-2005	4.00	0.00	Passed
P0076043	Bullying	3-23-2005	2.00	0.00	Passed
<b>2005 Pass/Complete:</b>			<b>6.00</b>		
P0076049	Elementary Curriculum Orientation	3-24-2004	2.00	0.00	Passed
P0100078	Evidential Breath Testing Operator	2-10-2004	4.00	0.00	Passed
<b>2004 Pass/Complete:</b>			<b>6.00</b>		
B0000001	NV POST Category I Academy	11-20-1998	668.00	0.00	Passed

**Linger, Christopher L. (13403)**

S000001	Category I State Certification Examination	11-19-1998	2.00	79.70	Passed
---------	--	------------	------	-------	--------

**1998 Pass/Complete: 670.00**

**Total Pass/Complete: 1,528.00**



Issues this award thereby certifying that

**Chris Liningger**

Has successfully completed the 125-hour course of instruction and program requirements for the Jail Executive Institute



Presented by the

American Jail Association

&



University of Nebraska at Omaha's School of Criminology and Criminal Justice

In witness whereof the seals and signatures

are hereunto affixed on the 22<sup>nd</sup> day of May in the year 2022.

Chris Daniels, MPA, CAE  
Executive Director, AJA

Dr. Gaylene Armstrong  
Director, School of Criminology and Criminal Justice

**MLCA**  
NATIONAL JAIL LEADERSHIP COMMAND ACADEMY

Issues this award thereby certifying that

**Chris Lininger**

has successfully completed the 40-hour course of instruction

and program requirements for the National Jail Leadership Command Academy

Presented by the

**American Jail Association  
& Correctional Management Institute of Texas**

In witness whereof the seals and signatures

are herunto affixed on the

5<sup>th</sup> day of March in the year 2021.



  
\_\_\_\_\_  
**Doug Dretke**

CMIT Executive Director

  
\_\_\_\_\_  
**Chris Daniels**

AJA Executive Director



## CERTIFICATE OF COMPLETION

The American Jail Association is honored to issue this certificate to

*Chris Linger*

for attending the

**AJA's 41st Annual Conference & Jail Expo**

May 21-25, 2022

*Hours of Instruction: 32*



*Chris Daniels*

*Chris Daniels, MP4, CAE, Executive Director*



This is to certify that

**Chris Liningger**

**Humboldt County Sheriff's Office**

Has completed a total of 8 hours of Education and Training  
at the National Sheriffs' Association's 2021 Annual Conference

Phoenix, AZ, June 22-24, 2021



A handwritten signature in black ink, appearing to read "Michael Brown".

**Michael Brown**  
Director of Professional Development

# Certificate of Completion

POOL/PACT Human Resources

*presents this certificate to*  
**Chris Linger**

*For successful completion of the*

HR BRIDGING THE GAP SERIES NRS 289 DECONSTRUCTED  
PART I WEBINAR TRAINING

*Stacy Norbeck*

*January 25, 2022*

Date

Stacy Norbeck, General Manager  
Training Hours: 2  
POST Course Certification #PP2860018



This program, Activity ID 22-W9SQH, is valid for 2 PDCs toward SHRM-CP and SHRM-SCP recertification.



This Activity, ID No. 578746, has been approved for 2 "Units" Credit Type re-certification credit hours toward aPHR™, aPHRI™, PHR®, PHRca®, SPHR®, GPHR®, PHRI™ and SPHRI™ re-certification through HR Certification Institute® (HRCI®)."

# Certificate of Completion

POOL/PACT Human Resources

*presents this certificate to*  
**Chris Linger**

*For successful completion of the*

HR BRIDGING THE GAP SERIES NRS 289 DECONSTRUCTED  
PART II WEBINAR TRAINING

*Stacy Norbeck*

Stacy Norbeck, General Manager  
Training Hours: 2  
POST Course Certification #PP2860019

*March 3, 2022*

Date



This program, Activity ID 22-UH5KN, is valid for 2 PDCs toward SHRM-CP and SHRM-SCP recertification.



This Activity, ID No. 587715, has been approved for 2 "Units" Credit Type re-certification credit hours toward aPHR™, aPHRI™, PHR®, PHRca®, SPHR®, GPHR®, PHRI™ and SPHRI™ re-certification through HR Certification Institute® (HRCI®). "

# Certificate of Completion

POOL/PACT Human Resources

*presents this certificate to*  
**Chris Linger**

*For successful completion of the*

HR BRIDGING THE GAP SERIES NRS 289 DECONSTRUCTED  
PART IV WEBINAR TRAINING

*Stacy Norbeck*

Stacy Norbeck, General Manager  
Training Hours: 2  
POST Course Certification #PP2860022

*June 28, 2022*

Date



This program, Activity ID 22-T34W4, is valid for 2 PDCs toward SHRM-CP and SHRM-SCP recertification.



This Activity, ID No. 596022, has been approved for 2 "Units" Credit Type re-certification credit hours toward aPHR™, aPHRI™, PHR®, PHRca®, SPHR®, GPHR®, PHRI™ and SPHRI™ re-certification through HR Certification Institute® (HRCI®). "



# CERTIFICATE OF COMPLETION

AWARDED TO

## CHRIS LININGER

OF HUMBOLDT COUNTY SHERIFF'S OFFICE (NV)  
IN RECOGNITION OF YOUR SUCCESSFUL COMPLETION OF  
FEMA FUNDAMENTALS OF EMERGENCY MANAGEMENT

COURSE # GNSC160

4 HOURS OF TRAINING

CERTIFICATE ISSUED JUN 13, 2022

*Mikayla Graves*

**Mikayla Graves**  
Training Coordinator



This course is for informational purposes only. For more information about receiving credit for this course, please access the FEMA training site at <https://training.fema.gov/emiacourses/>. Check with your local department in regard to continuing education eligibility for this course.



# CERTIFICATE OF COMPLETION

AWARDED TO

## CHRIS LININGER

OF HUMBOLDT COUNTY SHERIFF'S OFFICE (NV)  
IN RECOGNITION OF YOUR SUCCESSFUL COMPLETION OF  
PERFORMANCE MANAGEMENT

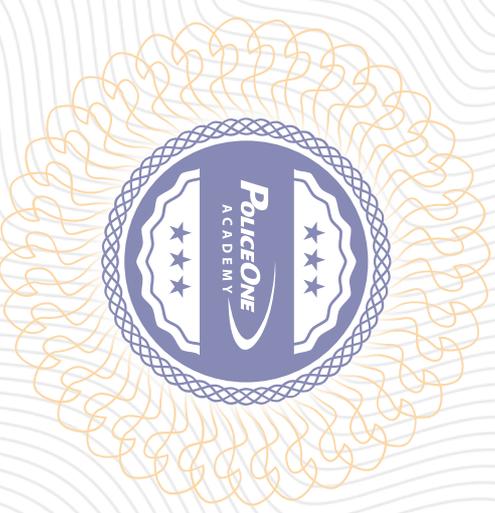
COURSE # GNMS132

1 HOUR OF TRAINING

CERTIFICATE ISSUED JUN 14, 2022

*Mikayla Graves*

**Mikayla Graves**  
Training Coordinator

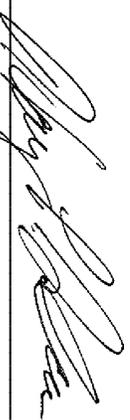


**CERTIFICATE OF ATTENDANCE**  
**CHRIS LININGER**  
HUMBOLDT COUNTY SHERIFF'S OFFICE  
*IA Investigations of Off-Duty Conduct*

Online Webinar  
November 30, 2021

2.00 Webinar Credit Hours

**INSTRUCTOR(S)**  
Matt Dolan



Harry P. Dolan  
CEO  
Dolan Consulting Group

IN Law Enforcement Training Board Provider #81-1229690



**Dolan**  
Consulting Group



# CERTIFICATE OF COMPLETION

AWARDED TO

## CHRIS LININGER

OF HUMBOLDT COUNTY SHERIFF'S OFFICE (NV)  
IN RECOGNITION OF YOUR SUCCESSFUL COMPLETION OF  
**FIRST AMENDMENT RIGHTS OF PUBLIC SECTOR EMPLOYEES**

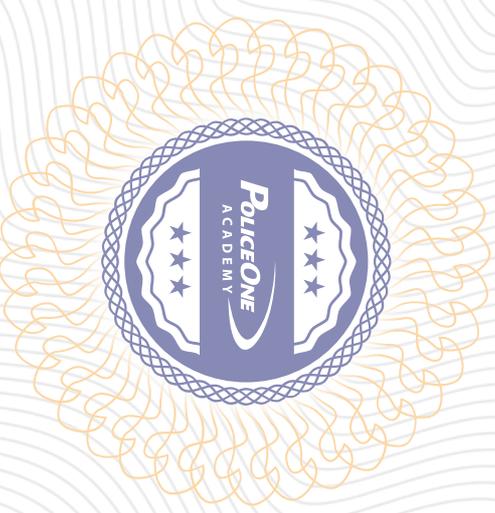
**COURSE # LEGL1021**

1 HOUR OF TRAINING

CERTIFICATE ISSUED MAY 13, 2022

*Mikayla Graves*

**Mikayla Graves**  
Training Coordinator





# CERTIFICATE OF ATTENDANCE

THIS CERTIFICATE IS AWARDED TO

**Chris Lininger**



FOR ATTENDING THE LEXIPOL EVENT

**Lexipol Connect 2020 User Group  
Conference**



October 14, 2020

# CONNECT



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

Request from Steven Lopez, Jr., formerly of the Walker River Tribal Police Department, related to reinstatement of his category I basic certificate per NAC289.290(12). Mr. Lopez was revoked effective August 2, 2011, for a misdemeanor conviction. Possible action may include the Commission determining whether to reinstate the applicant's eligibility to seek certification.



# Steven W. Lopez

---

August 31, 2022

**NEVADA COMMISSION ON PEACE OFFICER  
STANDARDS & TRAINING**

5587 Wa Pai Shone Avenue  
Carson City, NV 89701

Attn: Mike Sherlock, Executive Director

Dear Director Sherlock,

I am writing this letter to request a review of my conviction of NRS 205.380, a petty misdemeanor, from over a decade ago in 2010, which became the basis for my POST decertification. I have attached with this letter a written explanation of the incident for your review.

My former department has the desire of reinstating me after being gone for 13 years and is willing to put me through the academy again, if the Commission is open to reinstating my ability to be certified. The fact that my offense qualifies as a Brady offense makes it almost impossible for me to re-certify; which is why I am asking for the Commission to hear my side of what happened and determine if I am deserving of the benefit of the doubt.

I realize the severity and consequences that come from willfully committing an offense involving moral turpitude, as my integrity as a peace officer would always be called into question. However, that clearly was not the case. Although laws and statutes are in place for a reason, I believe they are not always absolute and should be considered on a case by case basis. An offense involving moral turpitude under NAC 289.110, in my case an alleged act of dishonesty, that a person may actually be innocent and erroneously convicted of, should be no exception. Example: my conviction was disclosed during a background investigation with the San Bernardino County Sheriff's Department here in California, and an offense involving moral turpitude is considered an automatic disqualification. However, their department weighed the totality of circumstances surrounding the incident and decided it wasn't enough to tarnish my moral character and ultimately granted me a CCW license when they normally wouldn't have.

There isn't a single person in a position of authority who hasn't made that one mistake in life that wasn't deserving of a second chance. We have all been there at one time or another. All I am asking is for the Commission to give an honest and dedicated man like me the chance to prove himself once again.

Thank you for yours and the Commission's time.

Respectfully yours,



Steven Lopez Jr.

# *Stephan W. Lopez Jr.*

---

**NEVADA COMMISSION ON PEACE OFFICER  
STANDARDS & TRAINING**

5587 Wa Pai Shone Avenue  
Carson City, NV 89701

**RE: Explanation of Misdemeanor Conviction**

**Background:**

I was employed as a police officer for the Walker River Tribal Police Department in Schurz, Nevada at the time of this incident. In October of 2009, our department hired a new chief of police. A friend of his was already working for us at that time. The two had worked together previously at the Carson City Sheriff's Office. The officer had just cleared his probationary period with us, but I had seniority over him because I had been on the department longer. Due to budget constraints, he was going to be laid off at the end of the year because the grant funding for his position had run out. The fact that he was a personal friend of the new chief afforded him considerable favor. Someone's position would need to be vacated in order to save this officer from losing his job.

**Details:**

On December 5, 2009 I was the subject of an administrative interview at the police station reference an allegation of falsifying a \$25.46 expense claim. The chief questioned me about a receipt I had submitted to tribal finance for reimbursement. The receipt was from the Four Seasons Smoke Shop and was dated 9/10/09. At the time, I could not immediately remember my reason for holding onto the receipt, as I was being questioned on the spot about a transaction that went back 2 1/2 months. In hindsight, I may have submitted the receipt in error, thinking it was for a work-related expense. There have been occasions where officers have had to get fuel for their patrol cars at the smoke shop in lieu of the police station, which has its own fuel pump. This happens when the station's pump is temporarily out of service. Our department had a redundant fuel charge account at the smoke shop for this very reason. I discovered the receipt later in November while cleaning out other receipts in my wallet. Since there were at least two occasions where I had to purchase fuel at the smoke shop in recent months using my personal debit card, I assumed the receipt was from one of those transactions. It appeared that I had forgotten to turn it in for reimbursement, so I took it to the chief for approval before submitting it to tribal finance. Being only human, it appears that I had made a mistake in assuming the receipt was for something it was not. The chief capitalized on this honest mistake to make it appear that I was being deceptive.

I assured the chief that although my complacency did not make me look good, nothing unethical had taken place. The chief wrote in his police report that I couldn't remember why I submitted the receipt and that I must have made a mistake, which is the truth; however, he misquoted me by saying I understood how this looked like theft...WRONG! I only acknowledged that my complacency did not make me look good. I said nothing in relation to an actual theft, only complacency. By the end of the interview, the chief had falsely accused me of willfully submitting a personal receipt for reimbursement as a work expense. He claimed that I had put gas in a vehicle other than my police car and was attempting to pass it under the radar, which is preposterous at best. If he were suspicious then it would not have made sense for him to sign off on the receipt without looking into it first, but he did not. Conveniently, the matter was not investigated until after a review of our budget left him with the unexpected burden of having to lay off his buddy.

Ultimately, I was charged with a petty misdemeanor theft that any officer would have simply cite released for, yet he found it necessary to make an example out of me by taking me into custody and having me transported and booked into a jail where I was known by deputies and inmates alike.

This was completely unnecessary, given the low dollar amount and pettiness of my alleged offense; but he did it to make the situation appear more than it was. Even the deputies at the jail found it extremely odd that an administrative matter such as this was being treated as a crime, given that actual criminals have been cited and released for much greater offenses. Additionally, I was not afforded the opportunity to O.R. release and had to use my children's Christmas money to pay a bail bondsman instead.

This incident subjected me to an unfathomable humiliation and wrongfully distorted people's views of my character, ethics, and integrity. This was nothing more than a showy display of an inflated ego that compounded a false accusation lacking a motive, intent, and sufficient evidence. My employment was promptly terminated without a hearing and prior to my guilt or innocence being determined in a court of law. I was not placed on administrative leave pending a court's ruling on the matter and within a 24-hour period I had lost everything I had worked so hard to achieve. I know my termination was a total railroad job from the beginning and that I was sacrificed under the guise of criminal misconduct, simply to save a more favored officer from an impending layoff.

### **Lack of Jurisdiction:**

I am a non-Indian whose "alleged" offense was committed against a sovereign Indian tribe AND within the boundaries of the reservation. Due to this fact alone, I cannot be charged with a State crime, as the alleged victim in this case is a federally recognized Indian tribe. My "alleged" offense was committed in Indian Country, which is on federal land; therefore it no longer falls under State jurisdiction, but rather the jurisdiction of the United States Attorney's Office and federal courts. The U.S. Supreme Court has held that the federal government has exclusive jurisdiction over crimes committed by non-Indian offenders against an Indian person or entity on tribal land; and that federal jurisdiction is ABSOLUTE. Nowhere do the federal courts give up jurisdiction of non-Indian vs. Indian cases to the State, even with an MOU in place. The district attorney can only charge me with a State crime if: (1) The victim is a non-Indian **or** (2) The offense is a victimless crime. My case met neither of those criteria. The D.A. is a State licensed attorney working at the county level. She is not employed by the U.S. Attorney's Office and does not have the legal authority to prosecute Federal cases that are beyond her jurisdictional reach.

The district attorney's motives for pursuing a concocted \$25 offense against a police officer are unknown; however, it appears that she had formed a bond with the new chief of police and that I had become the victim of a punitive and political vendetta. I have sources on the federal level that were monitoring my case very closely who told me the district attorney had contacted the Assistant U.S. Attorney for advice. She was advised that she did not have prosecutorial jurisdiction but more importantly their office would not take the case due to its ridiculousness. She decided to prosecute me anyway, even though she has forwarded numerous non-Indian vs. Indian cases from my agency to the USAO for prosecution, citing her lack of jurisdiction. Why was my case any different? I maintained my innocence and demanded a trial so I would have a fair opportunity to clear my name; however, I was given a bench trial instead of a jury of my peers. A bench trial is absent of participants who have a neutral role and can determine someone's guilt or innocence fairly and without prejudice. It was a closed session comprised of me, my accusers, the public defender, and the judge. **A jury was not allowed to hear my case, which violates the Sixth Amendment to the U.S. Constitution which guarantees a criminal defendant the right to a speedy trial by an "impartial jury"**. This means that I must be brought to trial for my "alleged" crime within a reasonably short time after being arrested, and before being convicted in a court of law. I have a constitutional right to be tried by a jury, which must find me guilty "beyond a reasonable doubt". This did not happen.

### **Lack of Evidence and Proof:**

This case was based solely on opinion and is absent of any tangible evidence proving my "intent" or that a crime was even committed in the first place. The fact that I was reimbursed for an expense the chief believed was not legitimate is not enough to indicate that I had intentionally defrauded the tribe.

He accused me of deceptively obtaining reimbursement of fuel that I did not use in the course of my duties; however, this was only a suspicion with no corroborating evidence to substantiate such a ridiculous claim, but because there were no disciplinary actions in my file for him to exploit, this was the best he could come up with.

The Four Seasons Smoke Shop has exterior video cameras of the parking lot and gas pumps. This would have shown exactly what I was doing on the morning of 9/10/09, possibly exonerating me. My department either failed to follow or purposely avoided investigative protocol by not reviewing the surveillance video for that date. Why was this obvious investigative lead overlooked? For my actions to be criminal it would have to be proven, not just assumed, that I had a malicious intent to defraud the tribe. There is absolutely NO evidence of this, only assumptions. Despite this fact, the chief rushed to an erroneous conclusion, claiming he had probable cause to arrest me. The circumstances of this case were nothing more than coincidental and it appears there was some wishful thinking involved when it came to the chief trying to find a way to get rid of me when he had nothing else to stand on. There is no doubt in my mind that I was the victim of a botched investigation and criminal trial in an effort to damage my reputation and black-mark an otherwise promising career.

### **Ineffective Representation of Counsel:**

Due to there being no police union or association to help me (tribal police departments do not have them) I was left to seek defense counsel on my own. I had no choice but to invoke my Miranda rights and ask the court to appoint me a representative because I could not afford to hire one. Unfortunately for me I was given the town's public defender, who is from the same camp the court members are from. I provided him with numerous U.S. Supreme Court decisions and federal case law (which supersedes State statutes); however, he refused to file a motion to dismiss the case for lack of jurisdiction. He argued that the State of Nevada had jurisdiction over the case because the "alleged" offense was committed in Mineral County. Even though the majority of the Walker River Paiute Reservation does in fact sit in Mineral County, it is still classified as sovereign land which is recognized by the federal government.

My trial took place in November of 2010 (nearly a year after my arrest); **another violation of my Sixth Amendment right, as I was not granted a speedy trial.** During a pre-trial meeting with my public defender, I gave him several defensible arguments which he failed to use during the actual trial. The district attorney was able to extract and manipulate circumstantial evidence in a manner that supported her end point. My lawyer's arguments were lackadaisical at best and what few arguments he did offer were feeble, almost as if on purpose. He was sloppily dressed and did not have his paperwork in order. At times he veered off point and often lost his train of thought. Anytime I would lean over to whisper a defense point to him he would motion for me to keep quiet. As the trial progressed, it became increasingly evident that he was uninterested in defending me. Most of his objections were overruled while most of the prosecutor's objections were sustained.

Direct and cross examination from both sides appeared contrived and was set up in such a manner as not to allow me the opportunity to speak up on my behalf and refute the allegation fairly. Circumstantial evidence was not backed up by any corroborating proof or other factual information, but rather the rhetorical performance of an esteemed district attorney. Besides not having any witness statements or video documentation to bolster the State's case against me, the audio recording of my interview at the police station went mysteriously missing before trial...how convenient. I noticed how the judge's demeanor would shift from glancing down at papers when my public defender was talking, to perking up and listening intently whenever the district attorney would speak. The judge sided with his prosecutor and allowed weak and circumstantial evidence that was absent of any direct evidence that could prove beyond a **reasonable doubt** that I was guilty of a crime. I believe it is fair to conclude that my trial was fixed to give the district attorney a compromised victory to help close out her career a few months later. The outcome of this case should not have been based on the whims of a police chief with questionable motives or the buddy system that was obvious among the court's legal members. Case law, investigative procedure, evidence gathering, ethics and more importantly the *spirit of the law* were all clearly ignored in this case.

**Closing Comments:**

I believe there was a politically motivated and collective hidden agenda at work when they chose to make an example out of an aspiring officer accused of a petty \$25 offense. This incident was derived from an oversight on my part and is nothing more than me simply making an honest mistake. It was an administrative matter that unnecessarily evolved into a full-blown criminal case. The chief of police should have exercised the common sense to see this for what it truly was and accept the fact that I submitted the receipt in error but with good intentions. It would have been more appropriate for him to order me to repay the amount and admonish me to be more observant in the future. Instead, he chose to make a spectacle of me at the cost of my reputation and career.

I have been in the public safety profession since 1989 and have an impeccable record. I have promoted in rank at every job and have surpassed most of my employer's expectations. I do not have a history of dishonest behavior and have never been investigated or disciplined for any reason prior to this incident. My professional accomplishments, letters of recommendation and character references speak for themselves and far outweigh the negativity spoken over me by a select few. Speculation and personal opinions allowed my accusers to talk themselves into believing that what I did was willful and criminal. Very little, if any, of what people were saying about the incident was actually true.

I feel that an honest mistake such as this is not indicative of career-ending behavior; as it has not been a disqualifying factor for any of my employers moving forward. However, this incident has devastated me, my family and those who can attest to my character and work ethics. If I am going to throw away a career that I worked so hard to achieve, rest assured it is not going to be over a lousy \$25. In all fairness, I believe I deserve the benefit of the doubt and an opportunity to prove myself worthy of returning to the job I wrongfully lost well over a decade ago.

**Footnote:**

The chief of police left the department a short time after this incident; but more interesting was that immediately following her retirement, the Mineral County District Attorney went to work for the very public defender who represented me in this case...food for thought.

Respectfully submitted,



STEPHAN W. LOPEZ JR.



ORIGINAL REVOCATION  
DOCUMENTS FROM FILE





STATE OF NEVADA  
COMMISSION ON PEACE OFFICERS' STANDARDS AND TRAINING

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

Brian Sandoval  
Governor

Richard P. Clark  
Executive Director

August 1, 2011

Steven Lopez  
[REDACTED]  
[REDACTED]

Certified Mail Control #: 7005 2570 0000 1320 8396

Re: Nevada POST Basic Certificate Revocation Order

Dear Mr. Lopez,

On or about May 19, 2011, you were served with a Notice of Intent to Revoke your Nevada POST Basic Certificate pursuant to Nevada Administrative Code 289.290 and of the Commission's intent to initiate action to revoke your certification.

On July 21, 2011, at the regularly scheduled POST Commission meeting, the POST Commission voted to revoke your POST Basic Certificate. The original Order of Revocation is enclosed for your information.

Sincerely,

Richard P. Clark, Executive Director  
Nevada Commission on POST

RPC/dsj

Cc: Lopez File

1  
2 **Commission on Peace Officers' Standards and Training**  
3 **5587 Wa Pai Shone Avenue**  
4 **Carson City, NV 89701**

5  
6 **In the matter of the P.O.S.T. certificate of:**

7 **Steven Lopez.**

8  
9 **ORDER OF REVOCATION**

10 On July 21, 2011, the Commission on Peace Officers' Standards and Training (hereafter  
11 "P.O.S.T.") held a hearing to review the evidence in the matter of the revocation of Petitioner Steven  
12 Lopez's P.O.S.T. basic certificate.

13 On or about May 19, 2011, Mr. Steven Lopez was served a notice that the P.O.S.T.  
14 Commission intended to revoke his P.O.S.T. certificate based on a conviction for OBTAINING  
15 MONEY UNDER FALSE PRETENSES, a Misdemeanor, in violation of NRS 200.380.

16 The notice informed Mr. Lopez he had a right to appear before the P.O.S.T. Commission to  
17 answer the charges through presentation of evidence and cross-examination of any witnesses  
18 presented against him. Additionally, Mr. Lopez was informed that he would have to request a  
19 hearing within fifteen (15) days of receipt of the notice. Mr. Lopez failed to request a hearing, and  
20 he did not appear at the P.O.S.T. Commission Meeting held on July 21, 2011, in Ely, Nevada.

21 **FINDINGS OF FACT**

22 On November 15, 2010, an Amended Criminal Complaint was filed in the Justice Court,  
23 Hawthorne Township, Mineral, Nevada, Case No. JC10041, charging Steven Lopez with two  
24 alternative counts as follows: (1) Count One, OBTAINING MONEY UNDER FALSE PRETENSES,  
25 a violation of NRS 205.380, a Misdemeanor, or (2) Count Two, EMBEZZLEMENT, a violation of  
26 NRS 205.300, a Misdemeanor. The crime was alleged to have been committed on or between  
27 September 10, 2009 and November 5, 2009.

28 On November 15, 2010, Mr. Lopez pled "not guilty" and after a trial was found guilty of  
OBTAINING MONEY UNDER FALSE PRETENSES, a violation of NRS 205.380. A judgment

1 was entered on the misdemeanor count, and Mr. Lopez received a fine of \$425.00, a \$35.00 court  
2 assessment, and \$7.00 in court fees. He was also ordered to pay \$500.00 to Mineral County for his  
3 public defender, and he was ordered to pay \$128.00 restitution to the Walker River Tribe.

#### 4 CONCLUSIONS OF LAW

5 NRS 289.150 provides that the P.O.S.T. Commission shall adopt regulations establishing the  
6 minimum standards for the certification and de-certification, recruitment, selection and training of  
7 peace officers. Pursuant to that statute, the P.O.S.T. Commission adopted regulations providing for  
8 the revocation of a peace officer's certification under certain circumstances. Nevada Administrative  
9 Code (NAC) 289.290(1) reads in relevant part as follows:

10  
11 Each of the following constitutes cause for the Commission to revoke, refuse or  
suspend the certificate of a peace officer:

12 .....  
13 (h) Conviction of a misdemeanor. If the employing agency recommends suspension  
14 or revocation following conviction of the employee for a misdemeanor, suspension or  
15 revocation may be imposed. In determining whether to suspend or revoke the  
16 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.

17 Additionally, NAC 289.290(4) and (5) read as follows:

- 18  
19 4. The Commission will notify the officer by certified mail at the officer's last  
20 known address of any pending revocation or suspension action and of the nature  
21 of the charges and the officer's right to appear and answer the charges. The  
22 officer shall, within 15 days after the date of the certified mail receipt, respond  
23 in writing, notifying the Commission of his intended action with reference to the  
24 charges.  
25 5. If the officer fails to notify the Commission within the specified time of his  
26 intention to appear in answer to the pending action, the Commission will:  
27 (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;  
28 (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 the majority vote of the members of the  
Commission present.

Mr. Lopez's conviction for OBTAINING MONEY BY FALSE PRETENSES is a  
misdemeanor conviction. Pursuant to NAC 289.290(h), Mr. Lopez's employing agency requested

1 the revocation of his Basic Certificate. The substantial evidence presented to the Commission  
2 proves that Mr. Steven Lopez was convicted of OBTAINING MONEY BY FALSE PRETENSES, a  
3 violation of NRS 205.380, a misdemeanor. The substantial evidence proves that Mr. Lopez  
4 submitted a reimbursement claim to his employer, a law enforcement agency, for the cost of fuel he  
5 falsely claimed was placed in his patrol vehicle. He was a peace officer at the time he submitted the  
6 reimbursement form to his law enforcement agency employer. The crime for which Mr. Lopez was  
7 convicted requires that he knowingly and designedly, by any false pretense, obtains money with the  
8 intent to cheat or defraud the other person. Law enforcement officers must be held to a high level of  
9 conduct in both personal and professional matters. Mr. Lopez has failed to live up to that standard.  
10 The serious nature of the incident for which Mr. Lopez was convicted affects his ability to continue  
11 to be a peace officer in the State of Nevada. Given the substantial evidence in the case at bar, Mr.  
12 Lopez should not be authorized to act as a peace officer in the State of Nevada.

13 Mr. Lopez was served with the Commission's intent to revoke his P.O.S.T. certificates based  
14 on the misdemeanor conviction. Mr. Lopez failed to respond to the notice within fifteen (15) days,  
15 and he failed to appear at the Commission's meeting on July 21, 2011. NAC 289.290 provides that  
16 an individual's P.O.S.T. certificate can be revoked upon conviction for a misdemeanor.

#### 17 DECISION

18 At the hearing held on July 21, 2011, the P.O.S.T. Commission received evidence showing  
19 that Mr. Steven Lopez was convicted of one count of OBTAINING MONEY BY FALSE  
20 PRETENSE, a violation of NRS 205.380. Accordingly, P.O.S.T. Commission hereby revokes Mr.  
21 Lopez's basic certificate as of the date of this Order.

22 This Order of Revocation is entered pursuant to NRS 233B.121, NRS 233B.125, NRS  
23 289.510, and NAC 289.290, and may be appealed within thirty (30) days of service on the adverse  
24 party as provided in NRS 233B.130.

25  
26 Dated this 2 day of August, 2011.



27  
28 RON PIERINI, CHAIRPERSON  
NEVADA POST COMMISSION

**Certified Mail Provides:**

- A mailing receipt
- A unique identifier for your mailpiece
- A record of delivery kept by the Postal Service

**Important Reminders:**

- Certified Mail may ONLY be combined with First-Class Mail or Priority Mail.
- Certified Mail is *not* available for any class of international mail.
- **NO INSURANCE COVERAGE IS PROVIDED** with Certified Mail. For valuables, please consider Insured or Registered Mail.
- For an additional fee, a *Return Receipt* may be requested to provide proof of delivery. To obtain Return Receipt service, please complete and attach a Return Receipt (PS Form 3811) to the article and add applicable postage to cover the fee. Endorse mailpiece "Return Receipt Requested." Receive a fee waiver for a duplicate return receipt, a USPS postmark on your Certified Mail receipt is required.
- For an additional fee, delivery may be restricted to the addressee or addressee's authorized agent. Advise the clerk to mark the mailpiece with the endorsement "Restricted Delivery."
- If a postmark on the Certified Mail receipt is needed, please present the article at the post office for postmarking. If a postmark on the Certified Mail receipt is not needed, detach and affix label with postage and mail.

**IMPORTANT: Save this receipt and present it when making an inquiry.** Internet access to delivery information is not available on mail addressed to APOs and FPOs.

*Sharon*

**U.S. Postal Service™  
CERTIFIED MAIL™ RECEIPT**  
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at [www.usps.com](http://www.usps.com)

**OFFICIAL USE**

Postage	\$ 40.44	0701
Certified Fee	\$ 2.85	03
Return Receipt Fee (Endorsement Required)	\$ 2.30	
Restricted Delivery Fee (Endorsement Required)	\$ 0.00	
Total Postage & Fees	\$ 45.59	



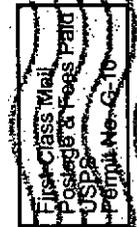
Sent To

Street, Apt  
or PO Box  
City, State

Steven W. Lopez Jr

PS Form 3800, June 2002

See Reverse for Instructions



UNITED STATES POSTAL SERVICE INC. CARSON CITY NV 89701  
05 AUG 2011 PM 11:11

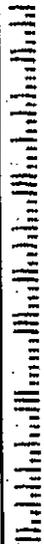
Sender: Please print your name, address, and ZIP+4 in this box •

NV P.O.S.T. AUG 03 2011

**Commission on Peace Officers' Standards & Training**  
5587 Wa Pai Shone Avenue  
Carson City, NV 89701  
3774

*Sharon*

**RECEIVED**



021

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Steven W. Lopez Jr

**COMPLETE THIS SECTION ON DELIVERY**

- A. Signed by: *Steven W. Lopez Jr*  Agent
- B. Received by (Printed Name): *Steven W. Lopez Jr*  Addressee
- C. Date of Delivery: *08/03/2011*
- D. Is delivery address different from item 1?  Yes  NO  
If YES, enter delivery address below:

3. Service Type
- Certified Mail
  - Registered
  - Insured Mail
  - Restricted Delivery? (Extra Fee)  Yes  No
  - Express Mail
  - Return Receipt for Merchandise
  - C.O.D.

2. Article Number  
(Transfer from service label) 7005 2570 0000 1320 8356

PS Form 3811, February 2004 Domestic Return Receipt

102585-02-M-1540



STATE OF NEVADA  
COMMISSION ON PEACE OFFICERS' STANDARDS AND TRAINING  
5587 Wa Pai Shone Ave  
Carson City, Nevada 89701  
(775) 687-7678  
Fax (775) 687-4911

Brian Sandoval  
Governor

Richard P. Clark  
Executive Director

**NOTICE OF INTENT TO REVOKE**

May 9, 2011

Steven Lopez  
[REDACTED]

Certified Mail Control Number: 7009 2250 0004 3990 1784

Dear Mr. Lopez:  
POST PIN #: 28358

Based upon documentation received by the Nevada Peace Officers' Standards and Training Commission and in accordance with Nevada Administrative Code 289.290 and Nevada Revised Statute 241.033, you are hereby notified that the Commission has initiated action to revoke your Nevada Peace Officer's Certificate that authorizes the holder to be employed as a peace officer in the state of Nevada.

I have included a copy of Nevada Administrative Code 289.290 for your convenience.

The Commission's regulations provide that a person's POST certification may be revoked upon conviction of a misdemeanor pursuant to NAC 289.290(1)(h). The conviction(s) which have led to this action are as follows:

- Count I** – Obtaining money under false pretense, NRS 205.380
- Count II** – Embezzlement, NRS 205.300

Case No.: **JC10041**

Dept No. N/A

Jurisdiction: **Justice Court, Hawthorn Township Mineral County, Nevada**

You are further advised that you have the right to appear before the POST Commission to contest the revocation of your Nevada POST certification. To exercise your rights, you must within fifteen (15) days from the date of the Certified Mail receipt, provide written notice to the POST Commission of your intended action concerning these charges.

Written requests can be made to:

**NEVADA COMMISSION ON PEACE OFFICERS' STANDARDS AND TRAINING**  
5587 Wa Pai Shone Avenue  
Carson City, NV 89701

The POST Commission will determine whether your Nevada POST certification should be revoked at the meeting listed below:

Date: July 21, 2011

Time: 1:30pm

Location: Prospector Hotel and Casino, Ghost Train Room, 1501 East Aultman, Ely, Nevada

If you fail to respond, the Commission will proceed in accordance with Nevada Administrative Code Chapter 289.

If you choose to appeal and answer the charges against you, the Commission may elect to sit as a whole or a number that is practicable at a hearing, or designate an independent hearing officer to hear the matter. You will be given the opportunity to present evidence and cross-examine witnesses as applicable. If you wish, you may be represented by an attorney; however, this would be at your own expense.

The hearing will cover the following: NAC 289.290 (1)(h), revocation of a Basic Certificate based upon a misdemeanor conviction(s).

You will be notified of the Commission's decision within 15 days after said hearing, or as soon thereafter as is practicable.

If you need additional information concerning this matter, contact P.O.S.T. at (775) 684-7678.

Sincerely



Richard P. Clark, Executive Director  
Peace Officers' Standards and Training

RPC/dsj

Cc: Sr. Dep. - Attorney General Michael Jensen  
Steven Lopez File  
Walker River Tribal Police Department  
Ron Pierini - Commission Chairman

**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 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 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 NAC 289.010 to 289.380, inclusive.
- (g) Conviction of a felony. Upon criminal indictment or filing of a criminal complaint, suspension may be imposed. Upon conviction, 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 intended action with reference to the charges.

5. If the officer fails to notify the Commission within the specified time of his 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 intention to appear and answer the charges pending against him, 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 his 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 to reinstate his 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.

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**OFFICIAL USE**

7009 2250 0004 3990 1784

Postage	\$ 4.4
Certified Fee	2.85
Return Receipt Fee (Endorsement Required)	2.30
Restricted Delivery Fee (Endorsement Required)	
<b>Total Postage &amp; Fees</b>	<b>\$ 5.59</b>



Sent To  
**STEVEN LOPEZ**  
 Street, Apt. No., or PO Box No.  
 City, State, ZIP+4  
 PS Form 3800, August 2008 See Reverse for Instructions

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

**STEVEN LOPEZ**  
 [Redacted Address]

2. Article Number  
 (Transfer from service label)

7009 2250 0004 3990 1784

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature: *Christina Lopez*  Agent  Addressee  
 X  Addressee  
 B. Received by (Printed Name): *Christina Lopez* Date of Delivery: *5/19/11*  
 C. Is delivery address different from item 1?  Yes  No  
 If YES, enter delivery address below:

3. Service Type  
 Certified Mail  Express Mail  
 Registered  Return Receipt for Merchandise  
 Insured Mail  C.O.D.

4. Restricted Delivery? (Extra Fee)  Yes

UNITED STATES POSTAL SERVICE



First-Class Mail  
 Postage & Fees Paid  
 USPS  
 Permit No. G-10

**RECEIVED**  
 MAY 23 2011  
 NV P.O.S.T.  
 3774  
 Commission on Peace Officers'  
 Standards & Training  
 5587 Wa Pal Shone Avenue  
 Carson City, NV 89701  
*John: Daniels*



STATE OF NEVADA  
 COMMISSION ON PEACE OFFICERS' STANDARDS AND TRAINING  
 Records and Certification Section  
 5587 Wa Pai Shone Avenue  
 Carson City, Nevada 89701  
 (775) 687-7678\*Fax (775) 687-4911

**RECEIVED**  
 APR 08 2010  
 NV P.O.S.T.

**PERSONNEL ACTION REPORT**  
 Pursuant to NAC 289.350 and 289.360

**SECTION "A" CLASSIFICATION**

APPLICANT IS

- NEW EMPLOYEE  
 Complete Sections A, B, D, E
- A NAME CHANGE EMPLOYEE  
 Complete Sections A, B, E
- TERMINATED EMPLOYEE  
 Complete Sections A, B, C, E
- RECORDS UPDATE  
 Complete Sections A, B, D, E

The applicant is **CURRENTLY** a Nevada POST **CERTIFIED** Peace Officer.  Yes  No  
 The applicant is **CURRENTLY** a US citizen.  Yes  No  
 The applicant is **CURRENTLY** 21 years of age or older.  Yes  No  
 The applicant meets all requirements of NAC 289.110 (Standards of Appointment).  Yes  No  
 Pursuant to NAC 289.110 (1)(a) thorough Background Investigation Completed. (New Employees Only)  Yes  No

Name of Background Investigator (please print)

Agency Completing Background Investigation Walker River Paiute Tribe Phone 775-773-2306

- Reserve  Line  Supervision  Management  Executive

- CATEGORY I  CATEGORY II  CATEGORY III

**SECTION "B" EMPLOYEE INFORMATION**

Social Security Number 556133850 DOB [REDACTED] POST ID# 28358

Current Name  Male  Female Ethnic Origin Caucasian  
 Last Lopez, Jr. First Steven Middle Wayne

Previous Name  
 Last \_\_\_\_\_ First \_\_\_\_\_ Middle \_\_\_\_\_

Residence Address  
 Street [REDACTED] City [REDACTED] State NV Zip 89408

Current Agency Information  
 Agency Name Walker River Police Department Hire Date (As A Peace Officer) 05/27/2008  
 Street Address 1109 Cottonwood Dr City Schurz State NV Zip 89427

- Agency Type  Police  Corrections / Detention  Parole / Probation  
 Tribal  Other - Please Specify:

**SECTION "C" TERMINATED EMPLOYEES**

Terminated Employees includes those who transfer into non-sworn positions within the agency.

Type of Action  Resigned  Discharged  Retired  Deceased  Other \_\_\_\_\_  
 Effective Date of Termination 12/05/09

If **DISCHARGED**, was criminal activity involved which would be cause for suspension or revocation of the Certification pursuant to NAC 289.290?  Yes  No

Recommendations: As a result of this termination, you as the agency administrator, make the following recommendation  
 No Action  Suspension  Revocation

If "Suspension" or "Revocation" is recommended, supporting documentation **MUST** accompany this Personnel Action Report  
 Substantiating any criminal charges, to include the jurisdiction in which criminal charges were initiated.

<b>Please type or print current name</b>	<b>Last</b> Lopez, Jr.	<b>First</b> Steven	<b>MI</b>	<b>W</b>
--	------------------------	---------------------	-----------	----------

**SECTION "D" PEACE OFFICER WORK EXPERIENCE**

List ALL Criminal Justice work experience (including Reserve Peace Officer). **DO NOT INCLUDE CURRENT NEVADA AGENCY**

Type of Agency  Police  Corrections / Detention  Parole / Probation  Tribal  Other: \_\_\_\_\_  
 Agency Name \_\_\_\_\_  
 Agency Address: Street \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_  
 Dates of Employment \_\_\_\_\_ To \_\_\_\_\_ Full Time Paid  Yes  No Reserve  Yes  No

Type of Agency  Police  Corrections / Detention  Parole / Probation  Tribal  Other: \_\_\_\_\_  
 Agency Name \_\_\_\_\_  
 Agency Address: Street \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_  
 Dates of Employment \_\_\_\_\_ To \_\_\_\_\_ Full Time Paid  Yes  No Reserve  Yes  No

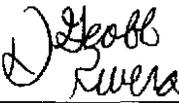
Type of Agency  Police  Corrections / Detention  Parole / Probation  Tribal  Other: \_\_\_\_\_  
 Agency Name \_\_\_\_\_  
 Agency Address: Street \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_  
 Dates of Employment \_\_\_\_\_ To \_\_\_\_\_ Full Time Paid  Yes  No Reserve  Yes  No

Type of Agency  Police  Corrections / Detention  Parole / Probation  Tribal  Other: \_\_\_\_\_  
 Agency Name \_\_\_\_\_  
 Agency Address: Street \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_  
 Dates of Employment \_\_\_\_\_ To \_\_\_\_\_ Full Time Paid  Yes  No Reserve  Yes  No

Type of Agency  Police  Corrections / Detention  Parole / Probation  Tribal  Other: \_\_\_\_\_  
 Agency Name \_\_\_\_\_  
 Agency Address: Street \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_  
 Dates of Employment \_\_\_\_\_ To \_\_\_\_\_ Full Time Paid  Yes  No Reserve  Yes  No

Type of Agency  Police  Corrections / Detention  Parole / Probation  Tribal  Other: \_\_\_\_\_  
 Agency Name \_\_\_\_\_  
 Agency Address: Street \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_  
 Dates of Employment \_\_\_\_\_ To \_\_\_\_\_ Full Time Paid  Yes  No Reserve  Yes  No

**SECTION "E" AUTHORIZATION**

Single Point of Contact	Geoff D Rivera		C.O.P	04/05/2010
Agency Administrator or Designee	Geoff D Rivera		C.O.P	04/05/2010
	Name	Signature	Title	Date

Phone Number 775-773-2544 Fax Number 775-773-2129

SPOC E-Mail Grivera@wrpt.us Agency Administrator E-Mail Grivera@wrpt.us

**POST USE ONLY – DO NOT WRITE IN THIS SPACE**

(Initial and date each area that is applicable)

Reviewed \_\_\_\_\_ Data Entry \_\_\_\_\_

# STATE OF NEVADA

Commission On Peace Officers' Standards And Training

## Hereby Awards the Basic Certificate

To  
**STEPHAN W. LOPEZ, JR.**  
CATEGORY I

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

*Jim Gibbons*  
Governor

*Richard Clark*  
Executive Director

May 15, 2009

Issuance Date

# STATE OF NEVADA

Commission On Peace Officers' Standards And Training

## Hereby Awards the Basic Certificate

To  
**STEPHAN W. LOPEZ, JR.**  
CATEGORY I

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

*Jim Gibbons*  
Governor

*Richard Clark*  
Executive Director

May 15, 2009

Issuance Date

Nevada Commission on Peace Officers' Standards and Training  
Peace Officer Basic Certification and Training Identification Card  
Name: **STEPHAN W. LOPEZ, JR.** POST ID No.: 28385

This is your POST Identification Number (PIN) in order to reduce the chance of identity theft, please use this number for all correspondence with POST and when you sign in on a POST course roster. The use of your SSN or POST course number is no longer mandatory.

It is your responsibility to receive the required annual continuing education as outlined in NAC 289.230. If you fail to meet the annual POST training requirement, the POST Commission may take action against your Basic Certificate. This could adversely affect your ability to carry out your duties as a peace officer.

If found, please deliver to any law enforcement agency or mail to:

Nevada Commission on Peace Officers' Standards and Training  
5587 Wai Fai Shone Avenue  
Carson City, NV 89701  
775-687-7678 (POST)

### INSTRUCTIONS

This is your POST Basic Certificate and Identification Card.

The large certificate is for the officer and suitable for framing.

The smaller certificate is for the agency to place in the officer's file for record.

The identification card is for the officer to carry at all times. The POST ID number assigned to this officer is for POST identification and identity security purposes. This number will be used when signing in on the POST roster at any POST certified training. The use of SSN are now optional on training rosters. This number can also be used by the agency for correspondence to POST regarding the officer's POST file.

FILED

NOV 15 2010

Hawthorne Justice Court

1 Case No. JC10041

2 Pursuant to NRS 239B.030, the below-signed  
3 hereby affirms this document does not contain  
4 the social security number of any person.

5  
6 JUSTICE COURT, HAWTHORNE TOWNSHIP

7 MINERAL COUNTY, NEVADA

8 \* \* \*

9 THE STATE OF NEVADA,

10 Plaintiff,

11 vs.

AMENDED COMPLAINT-CRIMINAL

12 STEVEN LOPEZ,

13 Defendant.  
14 \_\_\_\_\_/

15 The Defendant above-named has committed the crime of  
16 OBTAINING MONEY UNDER FALSE PRETENSES, a violation of NRS  
17 205.380, a misdemeanor; or in the alternative, EMBEZZLEMENT, a  
18 violation of NRS 205.300, a misdemeanor; in the manner following:

19 COUNT I

20 That the said Defendant, on or between September 10, 2009  
21 and November 5, 2009, at and within Mineral County, Nevada, did  
22 unlawfully, knowingly and designedly by false pretense obtain  
23 money from Walker River Paiute Tribe with the intent to cheat or  
24 defraud, to-wit: the Defendant obtained money by false pretense  
25 in the amount of \$25.46 from the Walker River Paiute Tribe for  
26 reimbursement of fuel that he did not use in the course of his

1 employment with the Walker River Police Department in Schurz,  
2 Mineral County, Nevada; all in violation of NRS 205.380,  
3 OBTAINING MONEY BY FALSE PERTENSES, a misdemeanor; or in the  
4 alternative

5 COUNT II

6 That the said Defendant, on or between September 10, 2009  
7 and November 5, 2009, at and within Mineral County, Nevada, did  
8 unlawfully convert to his own use, with the intent to steal,  
9 and/or used or appropriated money in a manner or purpose other  
10 than that for which it was entrusted, to-wit: the Defendant  
11 obtained money in the amount of \$25.46 from the Walker River  
12 Paiute Tribe for reimbursement of fuel that he did not use in the  
13 course of his employment with the Walker River Police Department,  
14 in Schurz, Mineral County, Nevada; all in violation of NRS  
15 205.300, EMBEZZLEMENT, a misdemeanor.

16 All of which is contrary to the form, force and effect of  
17 the statutes in such cases made and provided, and against the  
18 peace and dignity of the State of Nevada. Said complainant makes  
19 this declaration subject to the penalty of perjury.

20 DATED this 15 day of November, 2010.

21 WALKER RIVER POLICE DEPARTMENT

22 **CERTIFIED COPY**

23 THE DOCUMENT TO WHICH THIS CERTIFICATE IS  
24 ATTACHED IS A TRUE AND CORRECT COPY OF THE  
25 ORIGINAL ON FILE AND OF RECORD IN MY OFFICE.

26 BY:   
ROMAN SANCHEZ  
CHIEF

  
25 JAY T. GUNTER, JUSTICE OF THE PEACE,  
26 IN AND FOR THE TOWNSHIP OF HAWTHORNE,  
COUNTY OF MINERAL, STATE OF NEVADA.

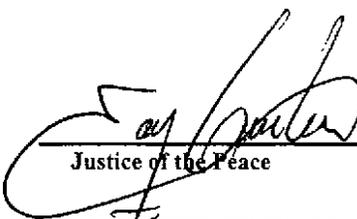
DATE: March 21, 2011

BY: Ruby Hamrey  
CLERK

IN THE JUSTICE COURT  
OF THE HAWTHORNE TOWNSHIP,  
COUNTY OF MINERAL, STATE OF NEVADA

THE STATE OF NEVADA  
plaintiff

vs

  
Justice of the Peace  
**COMMITMENT ON SENTENCE**

STEVEN LOPEZ  
JC10041  
defendant

An amended complaint under oath having been filed in this Court on the 15<sup>th</sup> day of  
November 2010, charging said Defendant STEVEN LOPEZ  
of certain public offense to wit:

- I, OBTAINING MONEY UNDER FALSE PRETENSES, NRS 205.380; and
- II, EMBEZZLEMENT, NRS 205.300; misdemeanors.

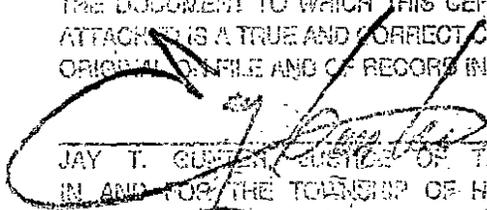
committed between the dates of September 10, 2009 and November 5, 2009, and a  
warrant of arrest having been duly issued on said \_\_\_\_\_, day of \_\_\_\_\_, \_\_\_\_\_, for the  
arrest of said Defendant and said Defendant having been duly arrested, and thereafter on the  
15<sup>th</sup> day of November 2010, plead before the Court without a jury, upon the  
Defendant's plea of Not Guilty and was by the Court so found Guilty (Count I).

WHEREFORE, it is ordered and adjudged by the Court that for said offense, you, the said  
STEVEN LOPEZ; I, FINED \$25.00 + \$35.00 ASSESSMENT + \$7.00 COURT FEE,  
ORDERED TO PAY \$500.00 TO MINERAL COUNTY FOR PUBLIC DEFENDER FEES,  
(\$100.00 a month payable to Hawthorne Justice Court), ORDERED TO PAY \$128.00  
RESTITUTION (payable to Walker River Tribe).  
COUNT II, DISMISSED.

Done in open Court this 15<sup>th</sup> day of November, 2010

**CERTIFIED COPY**

THE DOCUMENT TO WHICH THIS CERTIFICATE IS ATTACHED IS A TRUE AND CORRECT COPY OF THE ORIGINAL ON FILE AND OF RECORDS IN MY OFFICE.

  
\_\_\_\_\_  
JAY T. GUNTER, JUDGE OF THE PEACE  
IN AND FOR THE TOWNSHIP OF HAWTHORNE,  
COUNTY OF MINERAL, STATE OF NEVADA.

DATE: 2/22/11

BY: Rudolph L. Hamrey  
CLERK

# WALKER RIVER LAW ENFORCEMENT

1109 COTTON WOOD DR SCHURZ, NV 89427 775-773-2544

## MISDEMEANOR REPORT

09-207

Offenses 205.300 205.380	Description EMBEZZLEMENT <\$250 OBTAINING MONEY FALSELY<\$250	Fel/Misd Misd Misd	Date Occurred 12/05/09-12/05/09	Time Occurred	Date Printed 04/05/2010
			Date Reported 12/05/2009	Time Reported 1003	Time Printed 16:14:02
Related Cases					Incident #
Location Police Department, 1109 Cottonwood Dr, Schurz, NV 89427			Beat	Area	Disposition Cired By Adult Arrest
					Dispo Date 12/05/2009
Location Type Public Building	Location of Entry	Method of Entry	Point of Entry	Alarm System	Means of Attack (Robbery)

Victim Name Walker River Paiute Tribe			Means of Attack (Assaults)			
Residence Address 1022 Hospital Road, Schurz, NV 89427			Residence Phone 775-773-2306	DOB	Age	Sex
Business Name and Address Walker River Paiute Tribe, PO Box 220, Schurz, NV 89727			Business Phone 775-773-2306	Height	Wt	Hair
Assistance Rendered/Victim Disposition Property Crime Does Not Apply			Transporting Agency			
Description of Injuries None			Other Information			

Name						
Residence Address			Residence Phone	DOB	Age	Sex
Business Name and Address			Business Phone	Height	Wt	Hair

Suspect Arrested Lopez, Steven			Action Taken BOOKING	Charges 205.300		
Residence Address Schurz, NV 89427			Residence Phone	DOB	Age	Sex M
Business Name and Address Walker River Police Department, 1109 Cottonwood Dr, Schurz, NV 89427			Business Phone 775-773-2544	Height	Wt	Hair BLN
Identifying Features Speech: Clear Build: Average Complexion: Medium Facial Hair: None			Arrest Number 425	Drivers License		

Status	Vehicle Make and Model	License/State	Vehicle Type
--------	------------------------	---------------	--------------

No.	Status/Disposition	Property Description	Value	Val Recovered	Val Damaged

Solvability Factors 080 Physical Evidence Suspects Victims/Witnesses					
Prepared By 1074 - Rivera, Geoff		Date 12/05/2009	Assisted By 1054 - Sanchez, Roman		Approved By
Routed To		Date	Routed To	Date	Notes

**WALKER RIVER LAW ENFORCEMENT**

Page 2

1109 COTTON WOOD DR SCHURZ, NV 89427 775-773-2544

**NARRATIVE**

09-207

On 11-2-2009 Steve Lopez submitted a receipt from the Four Seasons Smoke Shop which he had written " PD Pump Empty" on the top right hand corner. Steve personally explained to me the receipt which was dated 9-10-2009 was from a purchase of fuel which was necessary for his patrol vehicle. Steve went on to say the fuel pump which is normally used to fuel the patrol vehicles was empty.

There was a second receipt which Steve submitted for reimbursement for fuel during a recent training trip. I filled out a check request form for Steve and had him sign under the requester's signature. This document is included in the case jacket. Steve signed it as did I. I submitted the form to the finance department on belief that Steve was being truthful and the pumps were empty.

Steve received reimbursement on 11-5-2009 via check from the Walker River Paiute Tribe where he was employed at that time. The total amount received for the 9-10-2009 gas receipt reimbursement was \$24.62.

By inspecting the fuel logs for 9-10-09 I learned Steve had fueled his patrol vehicle and inserted 10.9 gallons of fuel from the department fuel pump. Steve was assigned to the swing shift on that day which was listed as 1600-2400 hours. The receipt from 9-10-09 was time stamped at 10:51 hours.

On 12-7-2009 I requested Steve meet at the Walker River Police Department at 0730 hours to participate in an administrative interview. I was not able to arrive on time and arrived at about 0830 hours. I contacted Sergeant Sanchez to relay my tardiness to Steve and see if he would prefer to wait for me or if he would rather reschedule. When I arrived Steve was still waiting at the Police Department.

That morning I received a call from Charlene Dressler who is a Tribal Court Advocate. Charlene had requested to represent Steve during his administrative interview. Charlene was present on the phone and Steve and Sergeant Sanchez were both present in person. We all sat in my office and used the speaker phone on my desk for Charlene. I advised Charlene that I was recording this interview and as such I would be recording her phone call. Charlene agreed.

I advised Steve that I would not be conducting an administrative investigation today. I told Steve I was conducting a criminal investigation and because I was conducting a criminal investigation he was not required to speak with me. I emphasized that Steve did not have to speak to me until Steve verbally acknowledged he understood.

I read Steve his Miranda rights. I asked Steve if he would agree to speak with me knowing that he has a right to have an attorney present and he is not required to speak to me. Steve agreed to speak to me. I asked Steve if he would like to have Charlene remain on the phone and listen to the interview. Steve is not a tribal member and has the right to an attorney. I told Steve Charlene was not an attorney and he had the right to have an attorney. Steve requested to have Charlene remain on the phone.

During this interview Steve explained he was aware of the redundant fuel policy which would allow him to obtain fuel from the four seasons smoke shop on the Walker River Police account. Steve could not offer an explanation why he obtained fuel for his patrol car using what he claims was his personal debit

Prepared By:

1074 RIVERA, GEOFF

Date:

12/15/2009

Approved By:

Date:

**WALKER RIVER LAW ENFORCEMENT**

Page 3

1109 COTTON WOOD DR SCHURZ, NV 89427 775-773-2544

**NARRATIVE**

09-207

card instead of using the policy. Steve could not offer an explanation why it would be necessary for him to fuel his patrol vehicle twice on 9-10-09. Steve asked me to review his Daily Activity Log for that day. Sergeant Sanchez retrieved the log and found not substantial travel activity. Steve could not offer an explanation why he claimed the pump was out of fuel or not working when he listed himself on the fuel log as obtaining 10.9 gallons of fuel from that same pump. Ultimately Steve admitted he found the receipt at his house and could not remember what the receipt was from. Because the receipt was for fuel Steve told me he submitted for reimbursement. Steve admitted he understood why this looked like theft. Steve said he could not remember why he had submitted the receipt. Steve told me he must have made a mistake.

I took Steve into custody and placed him into handcuffs. I checked those handcuffs for tightness using the first knuckle of my index finger as a spacer. Steve requested to have his left handcuff loosened. I loosened Steve's left handcuff and then rechecked those handcuffs using the first knuckle of my index finger as a spacer and then I double locked the handcuffs.

Sergeant Sanchez and I transported Steve to the Mineral County Jail where he was booked for Embezzlement and Obtaining Money under False Pre tenses.

Prepared By:

1074 RIVERA, GEOFF

Date:

12/15/2009

Approved By:

Date:

**WALKER RIVER LAW ENFORCEMENT**

Page 4

1109 COTTON WOOD DR SCHURZ, NV 89427 775-773-2544

SUPPLEMENT 1

09-207

On December 1, 2009 at approximately 1215 hours I was contacted by Chief Rivera in reference to an investigation on Officer Steven Lopez.

Steven turned in a receipt for \$25.46 to the Walker River Finance Department for reimbursement of fuel that was purchased on September 10, 2009. Steven received reimbursement in a check from the Walker River Paiute Tribe. On the receipt of for the fuel it noted in Stevens hand writing PD pumps empty. I checked the fuel logs for the month of September to see if we were out of fuel. At no time in September does the log show that we ran out of fuel. Steven pumped 10.9 gallons of fuel on September 10, 2009 from the Police Department. On the date in question I was the Chief of Police and I did not authorize Steven to use his credit card to purchase any fuel nor did I tell him that he would be reimbursed for buying fuel. I was asked to write a memo on the incident (see attached)

On December 5 ,2009 at approximately 0830 hours Chief Rivera, Steven and I met at the Police Department for interview. Charlene Dresler appeared by telephone as Steven's legal counsel. Chief Rivera advised Steven of his Miranda Rights and asked if Steven still wished to speak to us. Steven agreed and the interview started. Steven stated that he did find the receipt in a drawer at his apartment and figured it was for his patrol unit. Steven stated that he does not recall if he had done anything else on the date in question and figured that he must have been busy that day.

I pulled his daily stat form for that day. Steven's daily stat show that he started his duty at 1600 hours, handled paper work at the station at 1715hrs-1742hrs,took a desk report at 2110hrs-2140hrs,conducted patrol checks from 2215hrs-2235hrs and ended his watch at 2400 hours.

There was nothing on his daily log showing that he had to drive at any length and does not document any time he left the Police Department to travel outside the town limits.

At approximately 0945 hours Steven was placed under arrest for the following:

**205.300                      Embezzlement**  
**205.380                      Obtaining Money Falsely**

Chief Rivera placed hand restraints on Steven and escorted him out to my patrol unit. I conducted a weapons check on Steven and switched him out to a transport belt. Chief Rivera and I transported Steven to the Mineral County Detention Facility with out incident. Steven was booked into Mineral County Detention at approximately 1020 hours.

E.O.R

Prepared By:

1054 SANCHEZ, ROMAN

Date:

12/07/2009

Approved By:

Date:

Mr. Richard P. Clark  
NEVADA P.O.S.T. COMMISSION  
5587 Wa Pai Shone Ave  
Carson City, NV 89701

**RECEIVED**  
MAY 26 2011  
NV P.O.S.T.

Reference: Notice of Intent to Revoke

May 20, 2011

I am writing this letter in response to the notice I received from your office dated May 9, 2011. Although it is my desire to appeal the commission's actions against me and keep my certification valid, I am also not stupid. I know how bureaucracies work and that speaking up with courage and boldness to the people who hold your fate in their hands may not be the smartest thing to do, but it IS the right thing to do; especially when everything else has already been taken from you (career, livelihood, reputation, etc...) and you have nothing more to lose by expressing a few parting words before the inevitable happens.

I could offer a lengthier and more detailed explanation of what I believe happened but what's the point? The commission is concerned with what they believe are the facts and under normal circumstances a criminal conviction is more than enough to draw a conclusion, however; please remember that not all situations are black and white. Sometimes there are gray areas that are often ignored that may offer a different view of what actually occurred. My conviction is the result of a botched criminal trial based on opinions, wishful thinking, and weak circumstantial evidence that did NOT prove beyond a **reasonable doubt** that my actions were criminal. I was sacrificed under the guise of criminal misconduct in order to save one of the Chief's favored officers (a buddy from a previous agency) from an impending layoff.

There were no disciplinary actions in my file for the Chief to exploit at the time of this incident, so a \$25.00 fuel receipt was the best thing the he could come up with when he had nothing else to stand on. The Chief capitalized on an honest mistake and err in procedure to make it appear that I was being deceitful and had committed a theft. The events surrounding the incident were nothing more than coincidental and there was no evidence to prove a crime was even committed, only assumptions. I did not argue with him during my administrative interview but went along with the program knowing the courtroom would be the proper forum to refute the allegation when the time came.

The Mineral County D.A. did not have the jurisdiction to prosecute me because I am a non-Indian who (allegedly) committed an offense against a federally recognized Indian tribe and within the boundaries of the reservation, which falls under Title 18, Section 1163 of the United States Code. A non-Indian vs. Indian crime cannot be charged as an N.R.S. offense by the State because it falls under the jurisdiction of the United States Attorney's Office and federal courts. The District Attorney can only charge me with a State crime if (1) the victim is a non-Indian or (2) the offense is a victimless crime. My case met neither of those criteria. Although your notice shows a count two charge of Embezzlement, the judge saw no grounds for this and dismissed it at trial. Please remove this charge from my file, as it was a secondary charge only and NOT a conviction.

I do not wish to waste any of yours or my time with trying to convince the commission that I was falsely accused and wrongfully convicted of this petty offense when I know full well it's not going to do me any good. I know that the decision to revoke my certification has already been made, and that this hearing process is just a formality to make it official. I am also not going to waste any future time in driving all the way out to Ely, Nevada from California to contest a revocation the commission is just going to uphold anyway, that's just plain foolish. I tried that already when me and my family drove seven hours to Hawthorne Justice Court for a fixed trial that was absent of a jury of my peers. Had I been given a jury trial instead of a bench trial, the outcome of my case would have been different by a long shot. Instead, the court members (who are all from the same camp) were my jury. The outcome of my case should not have been based on the whims of a vindictive police chief or corruptible district attorney, but established law, ethics, rules of evidence, and the true interest of justice; all of which were clearly ignored.

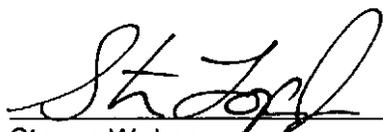
Would I like to keep my certification? Absolutely, after all, I worked very hard to earn it. Do I feel I've been treated unfairly and wrongfully convicted? Absolutely. Do I have faith that anything I've said in this letter will cause the commission to be moved with enough compassion to give a good officer who got the shaft a second chance? Absolutely not. Besides, does any of this really matter anyway? The revocation is going to stand regardless of what I say or how many supporting documents I include with this letter; you know it and I know it.

I have been in the public safety profession since 1989 and have an impeccable record. I have not been investigated or disciplined by any employer for any reason prior to this incident. I know that my termination was a total railroad job from the beginning and that there was a concerted effort to damage my professional reputation and black mark an otherwise promising career. There is no doubt that I was the undeserving victim of a hatefully motivated vendetta. A conviction doesn't automatically mean you're guilty. Innocent people go to jail sometimes and courts have been known to err in finding a person guilty when in fact they aren't. We wouldn't be human if we didn't make mistakes from time to time.

The bottom line is this; I am a good officer with a good heart, plain and simple. Yes I'm a little rough around the edges because of my straightforward personality, but who isn't? Being a police officer was a childhood dream of mine that finally came true. If I'm going to throw my career away, rest assured it will be for something worthwhile and not over a lousy \$25.00, that's just absurd. I refuse to accept what has been done to me at the hands of individuals with ulterior motives, and have taken the matter to a higher court as well as the governor's office. I will fight at any cost to have my conviction overturned and will keep fighting until I can't fight anymore. It's that important to me. The people responsible for ruining my career over something so trivial should be ashamed of themselves.

If you want to pull my certification then there's nothing I can do about that, but I absolutely will NOT apologize or take responsibility for something I never did. The line has to be drawn somewhere. I have no desire of ever returning to Nevada because of what my family and I have been put through. However; I do have some prospective departments in other states that are considering me for hire, and would like to keep my Nevada POST certification valid in order to maintain reciprocity with these state...but that's entirely up to you and your fellow commissioners.

Respectfully yours,



Steven W. Lopez  
POST Pin #28358

Cc: Sheriff Ron Pierini  
My File

## **Title 18 United States Code, Section 1163**

### **Embezzlement and theft from Indian tribal organizations**

Whoever embezzles, steals, knowingly converts to his use or the use of another, willfully misapplies, or willfully permits to be misapplied, any of the moneys, funds, credits, goods, assets, or other property belonging to any Indian tribal organization or entrusted to the custody or care of any officer, employee, or agent of an Indian tribal organization; or

Whoever, knowing any such moneys, funds, credits, goods, assets, or other property to have been so embezzled, stolen, converted, misapplied or permitted to be misapplied, receives, conceals, or retains the same with intent to convert it to his use or the use of another -

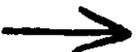
Shall be fined under this title, or imprisoned not more than five years, or both; but if the value of such property does not exceed the sum of \$1,000, he shall be fined under this title, or imprisoned not more than one year, or both.

As used in this section, the term "Indian tribal organization" means any tribe, band, or community of Indians which is subject to the laws of the United States relating to Indian affairs or any corporation, association, or group which is organized under any of such laws.



#### 4. Non-Indian Offenders

- a. The federal government has exclusive jurisdiction over crimes committed by non-Indians against the person or property of Indians in Indian Country under the Indian Country Crimes Act (§1152).
- b. On its face, the Indian Country Crimes Act, applies both to Indian and non-Indian offenders alike, provided the victim is not also Indian since the statute specifically excepts Indian against Indian crime from its coverage.
  - 1) Under a broad reading of §1152, it would seem that federal law should apply in Indian Country whenever a non-Indian is involved in an offense, including an offense against another non-Indian.
  - 2) However, the United States Supreme Court significantly narrowed the reach of §1152 in *United States v. McBratney*.<sup>10</sup>
    - a) In that case, the Supreme Court held that, absent treaty provisions to the contrary, the states have exclusive criminal jurisdiction over crimes committed in Indian Country by non-Indians against non-Indians.
    - b) Subsequent decisions have acknowledged this rule.<sup>11</sup>



#### 5. Summary of State Jurisdiction

- a. States have jurisdiction to prosecute crimes in Indian Country only:
  - 1) when the offender and the victim are both non-Indian; or
  - 2) if the crime is a victimless crime committed by a non-Indian.
- b. In these circumstances, the state's jurisdiction is exclusive.

#### E. Tribal Criminal Jurisdiction

1. As an incident of sovereignty, tribes have the power to create tribal courts and to assert criminal jurisdiction over Indian offenders.
  - a. As discussed above, it is not a violation of double jeopardy for a tribal court to charge an Indian defendant, who has been charged in federal court, for essentially the same conduct.

See *United States v. Wheeler*, 435, U.S. 313 (1978);

<sup>10</sup> 104 U.S. 621 (1882).

<sup>11</sup> *Draper v. United States*, 164 U.S. 240 (1896); *New York ex rel. Ray v. Martin*, 326 U.S. 496 (1946).

*Wetsit v. Stafne*, 44 F.3d 823 (9<sup>th</sup> Cir. 1995) (tribe could prosecute and convict tribal member for manslaughter despite her acquittal in federal court for voluntary manslaughter).

2. In addition, the Secretary of Interior is authorized to promulgate a law and order code and to establish Courts of Indian Offenses, commonly called "CFR courts."
  - a. CFR courts have powers and limitations similar to those of tribal courts. See 25 U.S.C. §§1301(3), 1311; 25 C.F.R. §11.
3. **Sentencing Limitations**
  - a. Tribal courts are limited in their power to punish offenders.
  - b. Through the Indian Civil Rights Act of 1968,<sup>12</sup> Congress restricted tribal courts' imposition of punishment for any one offense to incarceration for no more than one year, or a \$5,000 fine, or both.
  - c. In effect, tribes have no "felony" jurisdiction even over their own members.
4. **Non-Member Indians**
  - a. The Supreme Court held in *Duro v. Reina*<sup>13</sup> that tribal courts have no criminal jurisdiction over Indians who are members of other tribes.
  - b. Congress responded to this with the "Duro fix" – an amendment to the Indian Civil Rights Act.<sup>14</sup>
    - 1) Through this amendment, Congress recognized that tribal jurisdiction continues to extend over non-member Indians, as well as to those Indians belonging to the tribe whose court is asserting jurisdiction.
5. **Non-Indians**
  - a. Tribal courts do not have criminal jurisdiction to prosecute and punish non-Indian offenders.
 

*Oliphant v. Suquamish Indian Tribe*, 435 U.S. 191 (1978).
  - b. If both the offender and the victim are non-Indian, the state has exclusive jurisdiction under *McBratney*.
  - c.  If the defendant is non-Indian and the victim is Indian, the federal government has exclusive jurisdiction under the Indian Country Crimes Act.

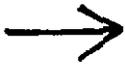
<sup>12</sup> This limitation is codified at 25 U.S.C. §1302 (7).

<sup>13</sup> 495 U.S. 676 (1990).

<sup>14</sup> 25 U.S.C. §1301(2), (4).

The following chart outlines the criminal jurisdiction by offender, crime, jurisdiction and authority.

<b>Crimes by Parties</b>	<b>Type of Crimes</b>	<b>Jurisdiction</b>	<b>Authority</b>
Indian against Indian	Major crimes	Federal/tribal (concurrent)	18 U.S.C. §1153/Inherent tribal sovereignty
Indian against Indian	All other crimes	Tribal (exclusive)	Inherent tribal sovereignty
Indian against non-Indian	Major crimes	Federal/tribal (concurrent)	18 U.S.C. §1153/inherent tribal sovereignty
Indian against non-Indian	All other crimes	Federal/tribal	18 U.S.C. §1152 and 18 U.S.C. § 13 unless tribe has already punished defendant/Inherent tribal sovereignty
Indian defendant	Victimless crime	Federal/tribal	18 U.S.C. § 1152 and 18 U.S.C. § 13 Unless tribe has already punished defendant/Inherent tribal sovereignty
Non-Indian against Indian	Felonies and misdemeanors	Federal (exclusive)	18 U.S.C. § 1152/ 18 U.S.C. § 13
Non-Indian against non-Indian	Felonies and misdemeanors	State (exclusive)	McBratney-Dauper
Non-Indian defendant	Victimless crime	State (primarily)	No federal statute or U.S Supreme Court decision
Non-Indian defendant	"Victimless crime has clear impact on tribal interest, member or property; or if federal policy is impacted"	Federal	18 U.S.C. § 1152/ 18 U.S.C. § 13





Shannon Litz

Standing are Larry White, Lyon County, John Meyer, Douglas County, Casey Ryan, Washoe Tribe, Bill Addington, Douglas County, Ricardo Duarte, airport authority, Steven Haley, Douglas County, Mark Dickens, Douglas County, Lorena Verduga, Lyon County, Matt Rucker, West Shoshone, Steven Lopez, Walker River, Bret Charlie, Mineral County, Mark Brase, gaming control board, Jared Jones, Churchill County, Bridget Banta, Lyon County dispatch and Zack Westbrook, Washoe Tribe. In front are Jeff Miller, Lyon County, Chris Ramos, Carson City, Julie Redmond, Lyon County, Vanessa Adrian, Storey County, Aaron Lewis, Carson City alternative sentencing, Jim Carlile, gaming control board, Gary Campbell, Lander County and Samantha Corwin Mineral County dispatch. Below, Douglas County Undersheriff Paul Howell and Sgt. Joe Duffy talk with members of the class on Oct. 23.

## Officers complete field training program

### Staff Reports

Douglas County hosted law enforcement officers from several agencies last month for 40 hours of field training to enable them to work with new recruits in their departments.

The class at the Douglas County Sheriff's Office was comprised of 23 law enforcement officers from Douglas County, Washoe Tribe, Carson City, Lyon County, Western Shoshone, Walker River, Mineral County, Nevada Gaming Control Board, Churchill County, Lander County and the airport authority.

Subjects included ethics, field training officer program structure, duties and responsibilities of a field training officer, standardized guidelines, report writing, legal issues, evaluations, problem solving, termination/supervisory principles, adult learning, com-



munication and effective teaching methods.

To train field officers, a deputy must be at the rank of sergeant or higher.

Douglas County personnel who facilitated the training included Capt. John Milby and sergeants Pat Brooks, Joe Duffy, Will Lynch and David Tubridy.

"This is a big deal," said Sheriff Ron Pierini. "You're going to be helping those just starting out in the law enforcement field. You can make a difference."

Pierini said when he

became a deputy, training consisted of seven hours with a sergeant his first day on the job.

"Years ago, we didn't have field training officers," Pierini said. "We've come along way."

Dick Clark, executive director of the Nevada Peace Officer Standards and Training Academy, presented certificates.

"Remember, character counts," Clark said. "Your character means everything."

**The Record-Courier**

The voice of Douglas County since 1880

1503 Hwy 395, Suite G, Gardnerville, NV 89410

**SHEILA GARDNER**

News Editor

(775) 782-5121 ♦ Fax (775) 782-6152 or (775) 782-6132

Voice Mail: 782-8278 ♦ F.x: 214

e-mail: sgardner@recordcourier.com

# STATE OF NEVADA

COMMISSION ON PEACE OFFICERS' STANDARDS AND TRAINING

**Certifies**

**STEVEN W. LOPEZ**

Has completed 40 hours of instruction in a course entitled  
FIELD TRAINING OFFICER PROGRAM . This training is presented  
under authority of and is consistent with Nevada Revised Statutes.



Executive Director, Commission on Peace Officers'  
Standards and Training

Presented this 23rd day of October 2009



## Walker River Paiute Tribe

1022 Hospital Road • Post Office Box 220 • Schurz, Nevada 89427

Telephone: (775) 773-2306

Facsimile: (775) 773-2585

December 15, 2009

I am writing this letter of recommendation for Officer Steve Lopez as during his time with the Walker River Paiute Tribe he was very involved with the community and carried out any tasks I requested of him in a timely, efficient and professional manner. Please don't hesitate to call me if I can be of further assistance.

Best regards,

**Heidi Waterman**  
**Tribal Administrator**  
**Walker River Paiute Tribe**  
775.773.2306 ext.320  
cell: 775.750.1491  
[heidewaterman@wrpt.us](mailto:heidewaterman@wrpt.us)  
[heidi@wbwinc.com](mailto:heidi@wbwinc.com)



## Walker River Paiute Tribe

PO Box 220 Schurz NV 89427

**Heidi Waterman**  
Tribal Administrator

Cell 775.750.1491  
[heidewaterman@wrpt.us](mailto:heidewaterman@wrpt.us)

775.773.2306 x 320  
Fax 775.773.2585  
[www.wrpt.us](http://www.wrpt.us)



# WALKER RIVER POLICE DEPARTMENT

P.O. Box 270

Schurz, Nevada 89427

Phone: (775) 773-2544 Fax: (775) 773-2129



11/10/2009

I, Sergeant Roman Sanchez of the Walker River Police Department am writing this letter of reference for Steven Lopez who has been employed with our department since May 2008.

I have worked with Steven as his field training officer and Sergeant. Steven was assigned to ride with me during the initial phases of his field training. Due to a shortage of officers and the departure of our previous Chief, I had to take on other duties and felt that Steven had a superior knowledge to continue on his own.

As acting Chief of Police I placed Steven in the running for the rank of Sergeant due to his past experience as a public safety supervisor and ability to lead others. Steven removed himself from consideration for personal reasons.

Steven's report writing, uniform appearance and command presence are above average and he has worked hard to build a credible rapport with the community.

Recently Steven was sent to the Douglas County Sheriff's Office for a week long certification course in becoming a field training officer for our department. Steven and his fellow classmates were recognized in a local newspaper for this accomplishment.

Should Steven decide to leave our department for any reason I know he will be a valuable asset wherever he goes. Please feel free to contact me with any questions at the above number or my cell phone at (775) 316-1002.

Sincerely,

A handwritten signature in black ink, appearing to read "R Sanchez".

Roman Sanchez, Sergeant  
Walker River Police Department

IN THE WALKER RIVER TRIBAL COURT IN AND FOR THE  
WALKER RIVER INDIAN RESERVATION  
MINERAL COUNTY, NEVADA  
P.O. BOX 225  
SCHURZ, NV 89427  
(775) 773-2232

December 8, 2009

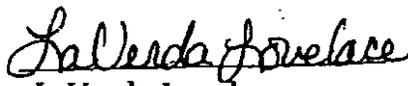
TO WHOM IT MAY CONCERN:

We are writing this letter in regards to Mr. Steven Lopez. Our office has worked with Mr. Lopez for the last two years he has been a Police Officer for our tribe. Mr. Lopez is a very courteous and caring individual. Our office knows we can always count on him to get his cases in on time, and if we need to have court papers served on individuals we know he will complete this duty in an expedient manner. Mr. Lopez has developed a form to make the flow of paperwork from the tribal police to the court easier for both departments.

Our office is extremely saddened to see this officer leave our community after the amount of hard work it took him to build his status here. He is one of the hardest working officers we have seen in many years. Any department will be very lucky to have Mr. Lopez on their force as he is a very dependable and trustworthy individual who is enthusiastic about his job.

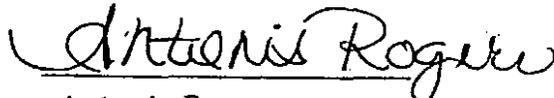
If you should have any questions regarding Officer Steven Lopez you may contact our office at the above number.

Sincerely,



LaVerda Lovelace  
Civil Court Clerk

Sincerely,



Antonia Rogers  
Criminal Court Clerk





## Walker River Tribal Health Clinic

---

P.O. Box C • Schurz, Nevada 89427

Phone: (775) 773-2005

FAX (775) 773-2576

December 14, 2009

To Whom It May Concern:

I have worked with Mr. Steve Lopez for about a year at the Walker River Paiute Tribe and have found him to be a very professional, personable officer. He has been helpful in assisting patients who were involved with domestic violence, criminal incidents or auto accidents. He has used good judgment in all these types of situations and has been able to keep his composure. He has always been helpful to all departments within the Tribe. He even became Santa Claus to make a better holiday for the children on the reservation.

Mr. Lopez would be a great asset to your organization.

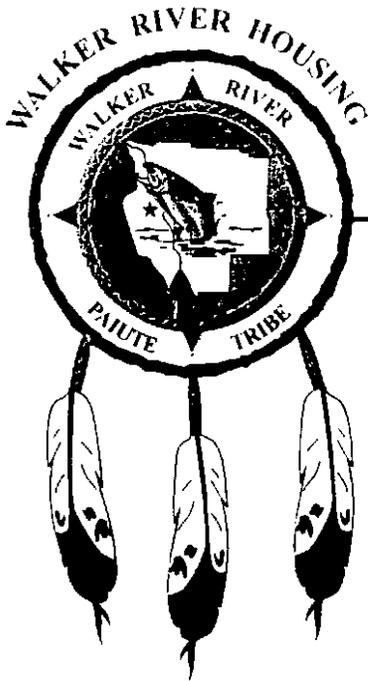
Any additional information that you may need please, contact the number above.

Sincerely,

A handwritten signature in cursive script that reads "Ken Richardson".

Ken Richardson, Health Director  
Walker River Paiute Tribal Health Clinic  
EMS Director

File:



P.O. Box 238 • 1063 Hospital Road • Schurz, Nevada 89427  
Phone: (775) 773-2334 • FAX: (775) 773-2340

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December 8, 2009

Re: Letter of Reference

To Whom It May Concern:

This is a letter of reference regarding Steve Lopez who is a tenant in our Low Rent Program. Mr. Lopez resides in Apartment #1 located at 4120 Paiute Estates Parkway. Mr. Lopez was offered the unit since he was employed as a Tribal Police Officer for the Walker River Paiute Reservation.

Mr. Lopez has proven himself to be an outstanding tenant. His rent is paid on time and his inspections have always been completed on time and his unit is well cared for.

We have worked with Mr. Lopez as an officer of the Tribal Police involving incidents with various tenants. We have found him to be very easy to work with and find that he performs his duties in a courteous and very professional manner.

Mr. Lopez has shown himself to be trustworthy and displays integrity in all his dealings associated with this department and his personal affairs.

I have also had the opportunity to associate with Mr. Lopez on various occasions and feel that he is an individual who values his family relationship and always tries to be helpful to those who are in need of assistance.

I feel he would be an asset to any department.

Sincerely,

A handwritten signature in cursive script that reads 'Bonnie K. Hughes'. The signature is written in black ink and is positioned above the printed name.

Bonnie K. Hughes  
Office Manager



Independent National Security  
1442 E. Lincoln Ave Suite 332  
Orange, CA 91865  
P.P.O. 14718

*"Securing A Better Tomorrow, Today!"*

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10-2-2009

To whom it may concern;

This letter is a letter of reference for Steven Lopez. I have known Steve since 2000 when he came to work for me at Nordic Security Services as an Armed Patrol Officer. Steve progressed rapidly and was promoted to Staff Sergeant in 2002. In 2007 he again worked for me at Independent National Security as a Patrol Sergeant.

When I was the Chief of Police for the Walker River Police Department from 2003 to 2006 I tried to recruit Steve for my department, but he was unable to accept the job offer due to personal restrictions.

I was trying to recruit Steve because I had experienced his work ethic, professionalism and his ability to make good sound decisions even under stress. I think he would make a great addition to any law enforcement agency.

Please feel free to contact me at (714) 944-6658

*Darrell Cowan*

Darrell Cowan  
General Manager

# NORDIC SECURITY SERVICES

3419 Via Lido, #345, Newport Beach, CA 92663 (714) 751-0347

APRIL 2003

PLEASE ACCEPT MY RECOMMENDATION OF STEVEN W. LOPEZ JR. WITHOUT ANY RESERVATION. STEVE IS EMPLOYED AT **NORDIC SECURITY SERVICES** AS A STAFF SERGEANT WITHIN OUR PATROL DIVISION. WE ARE QUITE PLEASED WITH HIS PRODUCTIVITY AND SUPERVISORY EFFICIENCY.

STEVE HAS THE ABILITY TO UNDERSTAND ALL THE COMPLEXITIES ASSOCIATED WITH SUPERVISING OTHERS AND THE APTITUDE TO PROBLEM SOLVE WITHOUT DIRECTION. I CAN UNEQUIVOCALLY ATTEST TO STEVE'S ENTHUSIASM AND INTEGRITY.

AS A RETIRED POLICE OFFICER, I HAVE EMPLOYED MANY PEOPLE WITH STEVE'S LEVEL OF TRAINING AND EXPERIENCE, AND MY CONFIDENCE IS NOT EASILY WON. STEVE ON SEVERAL OCCASIONS HAS PERSONALLY ASSISTED MY ADMINISTRATIVE STAFF WITH INVESTIGATIONS OF PERSONNEL AND INCIDENTS, AND HAS PROVEN TO BE THOROUGH. I SEEM TO BREATHE EASIER WHEN I KNOW THAT STEVE IS ON DUTY.

THERE IS ABSOLUTELY NO DOUBT IN MY MIND THAT STEVE WILL BENEFIT ANY POLICE DEPARTMENT IN WHICH HE WERE A MEMBER, AS **NORDIC SECURITY SERVICES** CERTAINLY HAS.

THANK YOU FOR YOUR TIME.

**NORDIC SECURITY SERVICES**

SINCERELY,



PETER L. JENSEN  
CEO/PRESIDENT



PPO #12035

Nordic Security Services  
3419 Via Lido, #345  
Newport Beach, CA 92663

**nordic**  
SECURITY  
SERVICES

PETER L. JENSEN  
CEO/President

800-883-3880  
714-751-0347  
fax 714-751-0351  
pjensen@nordicsec.com



STATE OF NEVADA  
COMMISSION ON PEACE OFFICERS' STANDARDS AND TRAINING

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

Brian Sandoval  
Governor

Richard P. Clark  
Executive Director

May 11, 2011

California Department of Motor Vehicles  
Attn: Law Enforcement

Subject: Current address for the below listed person

Dear Sir,

The Nevada Commission on Peace Officers' Standards and Training is a law enforcement regulatory agency whose responsibilities involve training of peace officers, certification and decertification of police academies, the certification of all peace officers in Nevada and the revocation of peace officer certification. Additionally, we maintain our Commission of nine (9) who rule on matters of law dealing with all regulations, and the revocation of peace officer certifications.

The below listed person was a former peace officer in our state until he was convicted of obtaining money under false pretense and embezzlement under the Nevada Revised Statutes. The Commission is moving forward at our July 2011 meeting to revoke this person's peace officer certification so he may never enter into law enforcement again.

In order to do so we must notify him by certified mail of the date, time, location of the hearing and his rights. His former employer gave us the address listed below as his mothers' residence and that he may be residing there. The Nevada Commission on P.O.S.T. is requesting your assistance to see if you have any current mailing address on file for this person. We are hoping that he has obtained a California drivers license but have no verification of that.

STEVEN WAYNE LOPEZ JR.                      DOB [REDACTED]                      SSN [REDACTED]  
AKA STEPHAN WAYNE LOPEZ  
[REDACTED] CA 92394

We are on a moderately short time line for serving Mr. Lopez the Intent To Revoke document. Any assistance you can provide would be greatly appreciated. Feel free to contact me directly if you need further information.

Sincerely,

D. Scott Johnston, Chief Professional Standards Bureau  
Nevada Commission on P.O.S.T.  
Direct line: 775-687-3335

DAE99933BLCL1A4806495

DATE:05-12-11\*TIME:08:50\*

DMV RECORD FOR LAW ENFORCEMENT USE ONLY

DL/NO: [REDACTED] \*B/D: [REDACTED] \*NAME:LOPEZ STEPHAN WAYNE JR\*  
MAIL ADDR AS OF 02-04-10: [REDACTED] 92395\*  
OTH/ADDR AS OF 07-19-05: [REDACTED] VICTORVILLE \*

IDENTIFYING INFORMATION:

SEX:MALE\*HAIR:BROWN\*EYES:BLU\*HT:5-10\*WT:195\*

LIC/ISS:02-04-10\*EXPIRES:07-30-15\*CLASS:C NON-COMMERCIAL\*  
ENDORSEMENTS:NONE\*

LATEST APP:

DL TYPE:RENEWAL\*ISS/DATE: 02-04-10\*OFFICE: VIC\*BATES:POL\*

RESTR:MUST WEAR CORRECTIVE LENSES WHEN DRIVING,

ORGAN AND TISSUE DONOR: NO      UPDATED:02-04-10  
LICENSE STATUS:  
VALID\*

DEPARTMENTAL ACTIONS:

NONE

CONVICTIONS:

NONE

FAILURES TO APPEAR:

NONE

ACCIDENTS:

NONE

END

State of California  
DEPARTMENT OF MOTOR VEHICLES

I hereby certify that the document to which this is affixed is a true copy of the records of the Department of Motor Vehicles  
Motor Vehicle File No. A4806495  
Date MAY 12 2011 Signed B. Collins  
In accordance with Section 1813 CVC, the above employee of the Department of Motor Vehicles has been authorized to prepare under seal and certify copies of records of this Department.



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

Commission to elect Commission Chairman to assume the position in January 2023.  
NRS 289.510 requires the chairman be elected by a majority vote of the Commission.



NRS 289.510 Peace Officers' Standards and Training Commission: Powers and duties; regulations. [Effective January 1, 2022, through December 31, 2022.]

**1. The Commission:**

**(a) Shall meet at the call of the Chair, who must be elected by a majority vote of the members of the Commission.**

(b) Shall provide for and encourage the training and education of persons whose primary duty is law enforcement to ensure the safety of the residents of and visitors to this State.

(c) Shall adopt regulations establishing minimum standards for the certification and decertification, recruitment, selection and training of peace officers. The regulations must establish:

(1) Requirements for evaluations to be conducted during the recruitment and selection of peace officers, which must identify implicit bias on the part of a peace officer on the basis of race, color, religion, national origin, physical or mental disability, sexual orientation or gender identity or expression;

(2) Requirements for basic training for category I, category II and category III peace officers and reserve peace officers;

(3) Standards for programs for the continuing education of peace officers, including minimum courses of study and requirements concerning attendance, which must require that all peace officers annually complete not less than 12 hours of continuing education in courses that address:

(I) Racial profiling;

(II) Mental health, including, without limitation, crisis intervention;

(III) The well being of officers;

(IV) Implicit bias recognition;

(V) De-escalation;

(VI) Human trafficking; and

(VII) Firearms.

(4) Qualifications for instructors of peace officers; and

(5) Requirements for the certification of a course of training.

(d) Shall, when necessary, present courses of training and continuing education courses for category I, category II and category III peace officers and reserve peace officers.

(e) May make necessary inquiries to determine whether the agencies of this State and of the local governments are complying with standards set forth in its regulations.

(f) Shall carry out the duties required of the Commission pursuant to [NRS 432B.610](#) and [432B.620](#).

(g) May perform any other acts that may be necessary and appropriate to the functions of the Commission as set forth in [NRS 289.450](#) to [289.680](#), inclusive.

(h) May enter into an interlocal agreement with an Indian tribe to provide training to and certification of persons employed as police officers by that Indian tribe.

(i) Shall develop and approve a standard curriculum of certified training programs in crisis intervention, which may be made available in an electronic format, and which address specialized responses to persons with mental illness and train peace officers to identify the signs and symptoms of mental illness, to de-escalate situations involving persons who appear to be experiencing a behavioral health crisis and, if appropriate, to connect such persons to treatment. A peace officer who completes any program developed pursuant to this paragraph must be issued a certificate of completion.

**2. Regulations adopted by the Commission:**

(a) Apply to all agencies of this State and of local governments in this State that employ persons as peace officers;

(b) Must require that all peace officers receive training in the handling of cases involving abuse or neglect of children or missing children;

(c) Must require that all peace officers receive training in the handling of cases involving abuse, neglect, exploitation, isolation and abandonment of older persons or vulnerable persons; and

(d) May require that training be carried on at institutions which it approves in those regulations.

(Added to NRS by [1999, 2421](#); A [2001, 1730](#); [2009, 2449](#); [2015, 831](#); [2019, 1009, 3495, 4462](#); [2021, 574, 950](#), effective January 1, 2022)



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

The Commission to decide whether to begin the rule making process to revise NAC 289.110(4)(b) to update or make changes as it relates to marijuana offenses. Discussion on proposed changes may include distinguishing marijuana convictions from other controlled substance offenses. Currently the regulation states; NAC289.110(4) A person may not be appointed to perform the duties of a peace officer if he or she has:

**(b) been convicted of an offense involving moral turpitude or the unlawful use, sale or possession of a controlled substance.**



**APPROVED REGULATION OF THE PEACE OFFICERS’  
STANDARDS AND TRAINING COMMISSION**

**LCB File No. R078-21**

Filed September 28, 2022

EXPLANATION – Matter in *italics* is new; matter in brackets [~~omitted material~~] is material to be omitted.

AUTHORITY: § 1, NRS 289.510, as amended by section 1 of Assembly Bill No. 409, chapter 136, Statutes of Nevada 2021, at page 574.

A REGULATION relating to peace officers; requiring an evaluation to identify any implicit bias a person may have before the person is appointed as a peace officer; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

Existing law requires the Peace Officers’ Standards and Training Commission to adopt regulations establishing minimum standards for the certification, decertification, recruitment, selection and training of peace officers. (NRS 289.510, as amended by section 1 of Assembly Bill No. 409, chapter 136, Statutes of Nevada 2021, at page 574)

The existing regulations of the Commission require a person seeking to be appointed to perform the duties of a peace officer to undergo a background investigation regarding the person’s: (1) employment, criminal and financial history; (2) driving record; (3) education and military background; and (4) previous addresses of residence. The background investigation must also include a drug screening, psychological evaluation and lie detector test. (NAC 289.110) This regulation requires the background investigation to also include an evaluation to identify any implicit bias the person may have on the basis of race, color, religion, national origin, physical or mental disability, sexual orientation or gender identity or expression.

**Section 1.** NAC 289.110 is hereby amended to read as follows:

289.110 1. No person may be appointed to perform the duties of a peace officer unless he or she:

(a) Has undergone a complete and documented investigation of his or her background which verifies that the person has good moral character and meets the minimum standards established by the Commission;

(b) Is a citizen of the United States;

(c) Is at least 21 years of age at the time of the appointment;

(d) Has:

(1) Graduated from high school;

(2) Passed the General Educational Development Test or another high school equivalency assessment approved by the State Board of Education; or

(3) Passed a high school equivalency assessment approved by an appropriate authority in another state; and

(e) Has undergone a medical examination performed by a licensed physician who confirms in writing that no physical condition exists which would adversely affect his or her performance of the duties of a peace officer. The employing agency shall inform the examining physician of the specific functions required by the position to be filled.

2. The investigation of the background of a person required pursuant to subsection 1 must include, without limitation:

(a) An investigation of the current and past employment history of the person, including, without limitation, an examination of the duties that have been assigned to the person and any performance evaluations of the person;

(b) An inquiry into the criminal history of the person in the State of Nevada and in any other state where the person is known to have resided, which must include, without limitation, any

warrants issued for the person and the submission of the person's fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report;

(c) An inquiry to the Department of Motor Vehicles and the appropriate entity in each other state in which the person is known to have resided regarding any driver's licenses the person has held and the driving record of the person;

(d) A financial history of the person;

(e) The educational background of the person;

(f) The history of any military service of the person;

(g) A history of each physical address where the person has resided;

(h) A drug screening test;

(i) A psychological evaluation; ~~and~~

(j) The use of a lie detector as defined in NRS 613.440 for a peace officer being appointed as a category I, category II or reserve peace officer ~~+~~; *and*

*(k) An evaluation to identify any implicit bias the person may have on the basis of race, color, religion, national origin, physical or mental disability, sexual orientation or gender identity or expression.*

3. The investigation of the background of a person required pursuant to subsection 1 may include the use of a lie detector as defined in NRS 613.440 for a peace officer being appointed as a category III peace officer.

4. A person may not be appointed to perform the duties of a peace officer if he or she has:

(a) Been convicted of a felony in this State or of any offense which would be a felony if committed in this State;

(b) Been convicted of an offense involving moral turpitude or the unlawful use, sale or possession of a controlled substance;

(c) A documented history of physical violence; or

(d) Resigned in lieu of termination or been terminated from any civil service employment for substantiated misconduct involving dishonesty, and has not been reinstated as a result of a judicial action or any available appeal or remedy relating to the resignation or termination, including, without limitation, any civil service appeal, direct administrative appeal or collective bargaining remedy. For purposes of this paragraph, “dishonesty” includes untruthfulness, deception, misrepresentation, falsification, and dishonesty by admission or omission.

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

The Commission to decide whether to begin the rule making process to revise NAC 289.200(8) to clarify the requirements to maintain a category I Basic Certificate. Discussion on proposed changes may include but is not limited to updating the requirement to NAC 289.200 (8) to remove “full-time peace officer” to maintain the certificate in active status.



**APPROVED REGULATION OF THE PEACE OFFICERS’  
STANDARDS AND TRAINING COMMISSION**

**LCB File No. R168-20**

Filed December 22, 2021

EXPLANATION – Matter in *italics* is new; matter in brackets [~~omitted material~~] is material to be omitted.

AUTHORITY: § 1, NRS 289.510.

A REGULATION relating to peace officers; revising provisions relating to the certification of peace officers; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

Existing law requires the Peace Officers’ Standards and Training Commission to adopt regulations establishing the minimum standards for the certification and decertification, recruitment, selection and training of peace officers. (NRS 289.510) Existing regulations authorize the Executive Director of the Commission to award a basic certificate to a peace officer who meets the minimum standards of appointment and has been certified by another state or completed certain federal training approved by the Commission if the peace officer meets certain requirements. Existing regulations require such a peace officer to pass the state physical fitness examination not later than 16 weeks after: (1) the date on which the peace officer was hired; or (2) if the peace officer is a reserve officer, the date of activation of his or her reserve status. (NAC 289.200) This regulation additionally requires such a peace officer to pass the state physical fitness examination not sooner than 30 days before the date on which the peace officer was hired.

**Section 1.** NAC 289.200 is hereby amended to read as follows:

289.200 1. The Executive Director shall award a basic certificate to any peace officer who meets the minimum standards for appointment established pursuant to NAC 289.110 and has:

- (a) Satisfactorily completed the basic training course for basic certification;
- (b) Passed the state certification examination with a score of at least 70 percent; and

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(c) Passed the state physical fitness examination for the appropriate category of peace officer as described in NAC 289.205.

2. The Executive Director may award a basic certificate to any peace officer who has been certified by the certifying entity of another state or has successfully completed a Federal Law Enforcement Training Centers of the United States Department of Homeland Security training program approved by the Commission and who meets the minimum standards for appointment established pursuant to NAC 289.110 if:

(a) The Commission or its designee has determined that the course of training required for the certification was at least equivalent to the basic training course for basic certification;

(b) The certification of the peace officer in the other jurisdiction has not been revoked or suspended;

(c) Not more than 60 months have lapsed since the peace officer was employed in the other jurisdiction;

(d) The peace officer has satisfactorily completed a training course that is approved by the Executive Director which consists of a minimum of 80 hours of training that satisfies the requirements established by the Commission pursuant to subsection 1 of NAC 289.300 in:

(1) Abuse of older persons;

(2) Child abuse and sexual abuse of a child;

(3) Civil liability;

(4) Classification and receiving of offenders;

(5) Constitutional law;

(6) Counter-terrorism and weapons of mass destruction;

- (7) Crimes against persons;
- (8) Crimes against property;
- (9) Cultural awareness;
- (10) Domestic violence, stalking and aggravated stalking;
- (11) Ethics in law enforcement;
- (12) Fire safety and use of emergency equipment;
- (13) Games offenders play;
- (14) Gangs and cults;
- (15) Juvenile law;
- (16) Laws relating to arrest;
- (17) Laws relating to correctional institutions;
- (18) Laws relating to drugs, including, without limitation, current trends in drugs;
- (19) Miscellaneous crimes;
- (20) Modern correctional philosophy;
- (21) Probable cause;
- (22) Public and media relations;
- (23) Records of offenders in institutions;
- (24) Rights of victims;
- (25) Search and seizure;
- (26) Searches of offender institutions;
- (27) Supervision of offenders;
- (28) Training concerning active assailants; and

(29) Use of force;

(e) The peace officer passes the state certification examination with a score of at least 70 percent; and

(f) The peace officer passes the state physical fitness examination for the appropriate category of peace officer as described in NAC 289.205.

3. The Executive Director may award a reserve basic certificate to any reserve officer who meets the minimum standards for appointment pursuant to NAC 289.110 and has:

(a) Satisfactorily completed the basic training course for a reserve certificate;

(b) Passed the state certification examination with a score of at least 70 percent; and

(c) Passed the state physical fitness examination described in subsection 1 of NAC 289.205.

4. Except as otherwise provided in subsection 5 or 6, an officer must pass the state physical fitness examination:

(a) If the officer is not eligible for certification pursuant to subsection 2 or for the return of his or her certificate to active status pursuant to subsection 9, not later than 16 weeks after the first day of the officer's basic training course certified or approved pursuant to NAC 289.300; or

(b) If the officer is eligible for certification pursuant to subsection 2 or for the return of his or her certificate to active status pursuant to subsection 9, not *sooner than 30 days before the date on which the officer was hired and not* later than 16 weeks after ~~the~~ :

(1) *The* date on which the officer was hired ; or ~~if~~

(2) *If* the officer is a reserve officer, the date of activation of his or her reserve status.

5. If a student enrolled in a basic training course certified or approved pursuant to NAC 289.300 sustains a bona fide physical injury that renders him or her incapable of completing the

requirements of the state physical fitness examination, an agency may submit a request for an extension of time for the student to complete the examination. The agency shall submit such a request to the Executive Director. The request must include, without limitation, written verification by a physician that the student is incapable of completing the requirements of the state physical fitness examination. If the Executive Director determines that an extension of time is warranted, the Executive Director shall authorize an extension of time for a period not to exceed 12 months after the date on which the student was hired or, if the student is a reserve officer, the date of activation of his or her reserve status.

6. If an officer passes the state physical fitness examination:

(a) While not enrolled in a basic training course certified or approved pursuant to NAC 289.300; and

(b) More than 16 weeks, but less than 12 months, after the date on which the officer was hired or, if the officer is a reserve officer, the date of activation of his or her reserve status, ↪ the employing agency of the officer may submit a request to the Executive Director to waive the requirements of subsection 4. The request must include, without limitation, the reason the officer was unable to pass the state physical fitness examination within the periods described in subsection 4. The Executive Director may, for good cause shown, grant a request submitted pursuant to this subsection.

7. Upon satisfactory completion of the requirements listed in subsection 1, 2 or 3, the employing agency shall submit a request for certification to the Executive Director. The request must include:

- (a) The name, social security number and date of hire of the officer or, if the officer is a reserve officer, the date of activation of his or her reserve status;
- (b) Documentary evidence that the officer has successfully completed an approved basic training course;
- (c) Verification by the administrator of the agency that the officer meets the minimum standards established by this chapter; and
- (d) The statement concerning child support prescribed by the Division of Welfare and Supportive Services of the Department of Health and Human Services pursuant to NRS 425.520.

8. The basic certificate of an officer whose employment is terminated for any reason will be placed on inactive status. If such a person is again employed as a full-time peace officer, the employing agency shall request that the person's basic certificate be returned to active status. Except as otherwise provided in subsection 9, if the certification of such a person is on inactive status for more than 5 consecutive years, the person must renew his or her basic certificate by successfully completing the requirements set forth in subsection 1.

9. Upon the request of the employing agency, the Executive Director may return the basic certificate of a category I or category II peace officer to active status if the peace officer:

- (a) Meets the minimum standards for appointment established pursuant to NAC 289.110;
- (b) Successfully completes the requirements set forth in paragraphs (d), (e) and (f) of subsection 2; and
- (c) Within 5 consecutive years of his or her termination of employment as a category I or category II peace officer, became a full-time employee of the Commission or a full-time law enforcement officer of a federal law enforcement agency approved by the Commission, and

subsequently, within 5 consecutive years of his or her termination of employment with the Commission or federal law enforcement agency, as applicable, became employed as a peace officer in the same category of peace officer as he or she held immediately prior to his or her employment with the Commission or the federal law enforcement agency.

10. If a person who successfully completes a basic training course for the purpose of obtaining a basic certificate is not employed by an agency within 24 months after completing the course, the person must repeat all of the requirements for basic certification set forth in subsection 1.

11. Except as otherwise provided in this subsection, to satisfactorily complete a basic training course for the purposes of this section, the person must successfully complete all of the requirements in one course. If a person is discharged from a basic training course for any reason that is not disciplinary, the person may complete any remaining requirements in a later course provided by the same entity if the person has not previously been discharged from a course and if:

(a) The administrator of the basic training course recommends that the person complete the requirements in a later course, the administrator of the employing agency of the person requests that the person be allowed to complete the requirements in a later course and the Executive Director gives approval;

(b) The subsequent course is provided in a manner which ensures that the person completes all of the requirements for a basic training course for which the course is certified; and

(c) The subsequent course begins not later than 120 days after the discharge.



**10. FOR DISCUSSION ONLY**

Discussion on the physical readiness requirements for executive level reciprocity applicants.



**APPROVED REGULATION OF THE PEACE OFFICERS’  
STANDARDS AND TRAINING COMMISSION**

**LCB File No. R168-20**

Filed December 22, 2021

EXPLANATION – Matter in *italics* is new; matter in brackets [~~omitted material~~] is material to be omitted.

AUTHORITY: § 1, NRS 289.510.

A REGULATION relating to peace officers; revising provisions relating to the certification of peace officers; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

Existing law requires the Peace Officers’ Standards and Training Commission to adopt regulations establishing the minimum standards for the certification and decertification, recruitment, selection and training of peace officers. (NRS 289.510) Existing regulations authorize the Executive Director of the Commission to award a basic certificate to a peace officer who meets the minimum standards of appointment and has been certified by another state or completed certain federal training approved by the Commission if the peace officer meets certain requirements. Existing regulations require such a peace officer to pass the state physical fitness examination not later than 16 weeks after: (1) the date on which the peace officer was hired; or (2) if the peace officer is a reserve officer, the date of activation of his or her reserve status. (NAC 289.200) This regulation additionally requires such a peace officer to pass the state physical fitness examination not sooner than 30 days before the date on which the peace officer was hired.

**Section 1.** NAC 289.200 is hereby amended to read as follows:

289.200 1. The Executive Director shall award a basic certificate to any peace officer who meets the minimum standards for appointment established pursuant to NAC 289.110 and has:

- (a) Satisfactorily completed the basic training course for basic certification;
- (b) Passed the state certification examination with a score of at least 70 percent; and

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(c) Passed the state physical fitness examination for the appropriate category of peace officer as described in NAC 289.205.

2. The Executive Director may award a basic certificate to any peace officer who has been certified by the certifying entity of another state or has successfully completed a Federal Law Enforcement Training Centers of the United States Department of Homeland Security training program approved by the Commission and who meets the minimum standards for appointment established pursuant to NAC 289.110 if:

(a) The Commission or its designee has determined that the course of training required for the certification was at least equivalent to the basic training course for basic certification;

(b) The certification of the peace officer in the other jurisdiction has not been revoked or suspended;

(c) Not more than 60 months have lapsed since the peace officer was employed in the other jurisdiction;

(d) The peace officer has satisfactorily completed a training course that is approved by the Executive Director which consists of a minimum of 80 hours of training that satisfies the requirements established by the Commission pursuant to subsection 1 of NAC 289.300 in:

(1) Abuse of older persons;

(2) Child abuse and sexual abuse of a child;

(3) Civil liability;

(4) Classification and receiving of offenders;

(5) Constitutional law;

(6) Counter-terrorism and weapons of mass destruction;

- (7) Crimes against persons;
- (8) Crimes against property;
- (9) Cultural awareness;
- (10) Domestic violence, stalking and aggravated stalking;
- (11) Ethics in law enforcement;
- (12) Fire safety and use of emergency equipment;
- (13) Games offenders play;
- (14) Gangs and cults;
- (15) Juvenile law;
- (16) Laws relating to arrest;
- (17) Laws relating to correctional institutions;
- (18) Laws relating to drugs, including, without limitation, current trends in drugs;
- (19) Miscellaneous crimes;
- (20) Modern correctional philosophy;
- (21) Probable cause;
- (22) Public and media relations;
- (23) Records of offenders in institutions;
- (24) Rights of victims;
- (25) Search and seizure;
- (26) Searches of offender institutions;
- (27) Supervision of offenders;
- (28) Training concerning active assailants; and

(29) Use of force;

(e) The peace officer passes the state certification examination with a score of at least 70 percent; and

(f) The peace officer passes the state physical fitness examination for the appropriate category of peace officer as described in NAC 289.205.

3. The Executive Director may award a reserve basic certificate to any reserve officer who meets the minimum standards for appointment pursuant to NAC 289.110 and has:

(a) Satisfactorily completed the basic training course for a reserve certificate;

(b) Passed the state certification examination with a score of at least 70 percent; and

(c) Passed the state physical fitness examination described in subsection 1 of NAC 289.205.

4. Except as otherwise provided in subsection 5 or 6, an officer must pass the state physical fitness examination:

(a) If the officer is not eligible for certification pursuant to subsection 2 or for the return of his or her certificate to active status pursuant to subsection 9, not later than 16 weeks after the first day of the officer's basic training course certified or approved pursuant to NAC 289.300; or

(b) If the officer is eligible for certification pursuant to subsection 2 or for the return of his or her certificate to active status pursuant to subsection 9, not *sooner than 30 days before the date on which the officer was hired and not* later than 16 weeks after ~~the~~ :

(1) *The* date on which the officer was hired ; or ~~if~~

(2) *If* the officer is a reserve officer, the date of activation of his or her reserve status.

5. If a student enrolled in a basic training course certified or approved pursuant to NAC 289.300 sustains a bona fide physical injury that renders him or her incapable of completing the

requirements of the state physical fitness examination, an agency may submit a request for an extension of time for the student to complete the examination. The agency shall submit such a request to the Executive Director. The request must include, without limitation, written verification by a physician that the student is incapable of completing the requirements of the state physical fitness examination. If the Executive Director determines that an extension of time is warranted, the Executive Director shall authorize an extension of time for a period not to exceed 12 months after the date on which the student was hired or, if the student is a reserve officer, the date of activation of his or her reserve status.

6. If an officer passes the state physical fitness examination:

(a) While not enrolled in a basic training course certified or approved pursuant to NAC 289.300; and

(b) More than 16 weeks, but less than 12 months, after the date on which the officer was hired or, if the officer is a reserve officer, the date of activation of his or her reserve status, ↪ the employing agency of the officer may submit a request to the Executive Director to waive the requirements of subsection 4. The request must include, without limitation, the reason the officer was unable to pass the state physical fitness examination within the periods described in subsection 4. The Executive Director may, for good cause shown, grant a request submitted pursuant to this subsection.

7. Upon satisfactory completion of the requirements listed in subsection 1, 2 or 3, the employing agency shall submit a request for certification to the Executive Director. The request must include:

(a) The name, social security number and date of hire of the officer or, if the officer is a reserve officer, the date of activation of his or her reserve status;

(b) Documentary evidence that the officer has successfully completed an approved basic training course;

(c) Verification by the administrator of the agency that the officer meets the minimum standards established by this chapter; and

(d) The statement concerning child support prescribed by the Division of Welfare and Supportive Services of the Department of Health and Human Services pursuant to NRS 425.520.

8. The basic certificate of an officer whose employment is terminated for any reason will be placed on inactive status. If such a person is again employed as a full-time peace officer, the employing agency shall request that the person's basic certificate be returned to active status. Except as otherwise provided in subsection 9, if the certification of such a person is on inactive status for more than 5 consecutive years, the person must renew his or her basic certificate by successfully completing the requirements set forth in subsection 1.

9. Upon the request of the employing agency, the Executive Director may return the basic certificate of a category I or category II peace officer to active status if the peace officer:

(a) Meets the minimum standards for appointment established pursuant to NAC 289.110;

(b) Successfully completes the requirements set forth in paragraphs (d), (e) and (f) of subsection 2; and

(c) Within 5 consecutive years of his or her termination of employment as a category I or category II peace officer, became a full-time employee of the Commission or a full-time law enforcement officer of a federal law enforcement agency approved by the Commission, and

subsequently, within 5 consecutive years of his or her termination of employment with the Commission or federal law enforcement agency, as applicable, became employed as a peace officer in the same category of peace officer as he or she held immediately prior to his or her employment with the Commission or the federal law enforcement agency.

10. If a person who successfully completes a basic training course for the purpose of obtaining a basic certificate is not employed by an agency within 24 months after completing the course, the person must repeat all of the requirements for basic certification set forth in subsection 1.

11. Except as otherwise provided in this subsection, to satisfactorily complete a basic training course for the purposes of this section, the person must successfully complete all of the requirements in one course. If a person is discharged from a basic training course for any reason that is not disciplinary, the person may complete any remaining requirements in a later course provided by the same entity if the person has not previously been discharged from a course and if:

(a) The administrator of the basic training course recommends that the person complete the requirements in a later course, the administrator of the employing agency of the person requests that the person be allowed to complete the requirements in a later course and the Executive Director gives approval;

(b) The subsequent course is provided in a manner which ensures that the person completes all of the requirements for a basic training course for which the course is certified; and

(c) The subsequent course begins not later than 120 days after the discharge.



**11. 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.*



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

Schedule upcoming Commission Meeting – February

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

Adjournment.