

NEVADA COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

POST COMMISSION MEETING
8:00 A.M., THURSDAY,
OCTOBER 17, 2024

SOUTHPOINT HOTEL/CASINO
9777 LAS VEGAS BLVD., S
NAPA ROOM A
LAS VEGAS, NV 89183

NOTICES

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

JOE LOMBARDO
Governor

MICHAEL D. SHERLOCK
Executive Director

NOTICE OF INTENT TO ACT UPON A REGULATION

Notice of Hearing for the Adoption, Amendment and Repeal Of Regulations of the Commission on Peace Officer Standards and Training

PUBLIC HEARING NOTICE: The Commission on Peace Officer Standards and Training ("Commission") will be holding a Public Hearing at **8:00 a.m. on Thursday, October 17, 2024, at the Southpoint Hotel/Casino, 9777 S. Las Vegas Blvd., Napa Room A, Las Vegas, Nevada, 89183**. The purpose of the hearing is to receive comments from all interested persons regarding the adoption, amendment and/or repeal of regulations that pertain to Chapter 289 of the Nevada Administrative Code (NAC).

The following information is provided pursuant to the requirements of NRS 233B.0603:

1. **The need for and purpose of the proposed amendment.**
Existing law requires the Peace Officer Standards and Training Commission to adopt regulations establishing minimum standards for the certification and decertification, recruitment, selection and training of peace officers. (NRS 289.510)
Under existing regulations, the basic certificate of a peace officer whose employment is terminated for any reason must be placed on inactive status. If such a person is again employed as a peace officer, existing regulations require the employing agency to request that the person's basic certificate be returned to active status. If the peace officer is not employed again within 60 months of separation from employment, their basic certificate expires. Currently, if they choose to return to a peace officer position after 60 months, they must meet all requirements under NAC 289.200(1).
This regulation change will create a program that will allow Nevada peace officers that have been out of law enforcement for more than 60 months, but less than 10 years, a program they can attend to update their training and certification, without being required to attend a full entry level basic academy. This regulation change will allow law enforcement agencies to rehire experienced, knowledgeable officers to once again serve Nevada and its citizens.
Recruitment is continually an issue for law enforcement agencies in Nevada, and this will allow agencies the option to bring back experienced officers that can be beneficial to the agency.

2. **For a proposed temporary regulation, the terms, or the substance of the regulation to be adopted, amended or repealed, or a description of the subjects and issues involved.**

This is a permanent regulation.

R091-24

3. **For a proposed permanent regulation, a statement explaining how to obtain the approved or revised text of the proposed regulation.**

The proposed regulation text may be obtained by going to the Register of Administrative Regulations for 2024 and clicking the link: https://www.leg.state.nv.us/Register/2024Register/R091-24P.pdf, by contacting Chief Kathy Floyd at kfloyd@post.state.nv.us or by telephone at 775-687-7678, ext. 3335 or going to the Nevada Commission on POST website at https://post.nv.gov.

4. **The estimated economic effect of the regulation on the business which it is to regulate and on the public. These must be stated separately and, in each case, must include:**

(a) Both adverse and beneficial effects; and

(1) Adverse effects: No adverse economic effects.
(2) Beneficial effects: Greatly increase the pool of applicants and allow Nevada law enforcement agencies to hire experienced peace officers that want to return to the profession.

(b) Both immediate and long-term effects:

(1) The immediate effects: Agencies will have a larger pool of applicants to fill vacant positions in the agency.
(2) The long-term effects: Allow agency fill vacant positions with experienced law enforcement officers.

5. **The methods used by the agency in determining the impact on a small business.**

The Commission on POST has reviewed the text of the proposed regulations. Because the proposed regulation amends Nevada Administrative Code Chapter 289, dealing with the training and certification of peace officers, the proposed amendments to NAC Chapter 289 will have no impact on small business.

6. **The estimated cost to the agency for enforcement of the proposed regulation.**
No estimated cost to the agency.

7. **A description of and citation to any regulations of other states or local governmental agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the proposed regulation overlaps or duplicates a federal regulation, the notice must include the name of the regulating federal agency.**

The proposed regulation does not overlap or duplicate any regulations of state, local or federal governmental agency regulating the same activity.

8. **If the regulation is required pursuant to federal law, a citation and description of the federal law.**

The proposed regulation is not required by federal law.

9. **If the regulation includes provisions which are more stringent than a federal regulation that regulates the same activity, a summary of such provision.**

There are no federal regulations that regulate the same activity.

10. Whether the proposed regulation establishes a new fee or increases an existing fee.

This regulation does not involve or establish fees.

11. For a temporary regulation, each address at which the text of the regulation may be inspected and copied.

N/A

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Persons wishing to comment upon the proposed action of the Commission on Peace Officer Standards and Training (Commission on POST) may appear at the scheduled public hearing or may address their comments, data, views or arguments, in written form, to Michael D. Sherlock, Executive Director, Commission on POST, 5587 Wa Pai Shone Avenue, Carson City, Nevada 89701. **Written submissions must be received by the Commission on POST on or before 5:00 pm on September 30, 2024.** If no person who is directly affected by the proposed action appears to request time to make an oral presentation, the Commission on POST may proceed immediately to act upon any written submissions.
This Notice of Intent to Act Upon Regulations and the proposed regulation will be on file at the State Library, Archives and Public Records Administrator, 100 Stewart Street, Carson City, Nevada for inspection by members of the public during business hours. Additional copies of the notice and regulations to be adopted, amended or repealed will be available at the Commission on POST Administrative Offices, 5587 Wa Pai Shone Avenue, Carson City, 89701, for the inspection and copying by members of the public during business hours. This notice and the text of the proposed regulation are also available in the State of Nevada Register of Administrative Regulations, which is prepared and published monthly by the Legislative Counsel Bureau pursuant to NRS 233B.0653, and on the Internet at http://leg.state.nv.us, the POST web site at http://post.nv.gov and the State of Nevada Department of Administration website at https://notice.nv.gov .

Copies of this notice and the proposed regulation will also be mailed to members of the public at no charge upon request.

Upon adoption of any regulation, the agency, if requested to do so by an interested person, either before adoption or within 30 days thereafter, shall issue a concise statement of the principal reasons for and against its adoption and incorporate therein its reason for overruling the consideration urged against its adoption.

The Notice of Intent to Act Upon Regulations and the proposed regulation have been sent to all criminal justice agencies on the Commission on POST Listserv list and posted at the following locations:

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Office Carson City, NV 89701
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NOTE: We are pleased to make reasonable accommodations for members of the public with disabilities who wish to attend the meeting. If special arrangements for the meeting are necessary, please notify the Commission on POST, in writing, at 5587 Wa Pai Shone Avenue, Carson City, Nevada 89701, or call Chief Kathy Floyd at (775) 687-7678, Extension 3335, no later than five working days prior to the meeting.

SEE ATTACHED COPIES OF THE PROPOSED REGULATIONS

PROPOSED REGULATION OF THE PEACE OFFICERS'

STANDARDS AND TRAINING COMMISSION

LCB File No. R091-24

May 31, 2024

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 returning an inactive basic certificate to active status; 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) Under existing regulations, the basic certificate of a peace officer whose employment is terminated for any reason must be placed on inactive status. If such a person is again employed as a peace officer, existing regulations require the employing agency to request that the person's basic certificate be returned to active status. With limited exception, if the certification of such a person is on inactive status for more than 5 consecutive years, existing regulations require the person to renew his or her basic certificate by successfully completing the requirements applicable to the initial issuance of a basic certificate. (NAC 289.200) This regulation increases, from 5 consecutive years to 10 consecutive years, the amount of time the basic certificate of a person must be on inactive status before the person is required to renew his or her basic certificate by successfully completing the requirements applicable to the initial issuance of a basic certificate. This regulation also establishes requirements for returning a basic certificate that has been on inactive status for at least 5 consecutive years but not more than 10 consecutive years to active status.

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

FIRST PARALLEL SECTION

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

(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, during 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:

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

(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 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 ***:***

(a) Less than 5 consecutive years, the Executive Director shall return the basic certificate of the peace officer to active status upon the request of the employing agency.

(b) At least 5 consecutive years but not more than ~~[5]~~ ***10*** consecutive years, ***the Executive Director may return the basic certificate of the peace officer to active status upon the request of the employing agency if the Commission has not revoked or suspended the certificate of the peace officer for any cause set forth in subsection 1 of NAC 289.290 and the peace officer:***

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

(2) Successfully completes a recertification course provided by the Commission; and

(3) Satisfies the requirements of paragraphs (b) to (e), inclusive, of subsection 5 of NAC 289.230 and demonstrates a minimum level of proficiency in the use of each type of firearm he or she is authorized to use before commencing or resuming his or her duties as a peace officer.

(c) More than 10 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.

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NOTICE OF INTENT TO ACT UPON A REGULATION

Notice of Hearing for the Adoption, Amendment and Repeal Of Regulations of the Commission on Peace Officer Standards and Training

PUBLIC HEARING NOTICE: The Commission on Peace Officer Standards and Training ("Commission") will be holding a Public Hearing at **8:00 a.m. on Thursday, October 17, 2024, at the Southpoint Hotel/Casino, 9777 S. Las Vegas Blvd., Napa Room A, Las Vegas, Nevada, 89183**. The purpose of the hearing is to receive comments from all interested persons regarding the adoption, amendment and/or repeal of regulations that pertain to Chapter 289 of the Nevada Administrative Code (NAC).

The following information is provided pursuant to the requirements of NRS 233B.0603:

1. **The need for and purpose of the proposed amendments.**

Existing law requires the Peace Officer Standards and Training Commission to adopt regulations establishing minimum standards for the certification and decertification, recruitment, selection and training of peace officers. (NRS 289.510)

Existing regulation (NAC 289.290(i)) authorizes the Commission to revoke, refuse or suspend the certificate of a peace officer who is convicted of a misdemeanor crime of domestic violence, as defined by federal law. This regulation additionally provides that the authority of the Commission to suspend or revoke the certificate of such an officer applies, regardless of whether the employing agency recommends the suspension or revocation.
This regulation change (NAC 289.290(j)) adds language that will allow the Commission to revoke, refuse or suspend the certificate of a peace officer if the crime in which the officer was *arrested* for was a misdemeanor crime of domestic violence, regardless of what the conviction is. This will allow the commission to revoke, refuse or suspend an officer that has pled guilty to, or found guilty of, a lesser misdemeanor charge, regardless of whether the agency recommends suspension or revocation.

In addition, existing regulations require the Commission to notify a peace officer by certified mail of any pending revocation or suspension action concerning the certificate of the officer. (NAC 289.290(4)) This regulation change authorizes the Commission to provide such notice by personal service or certified mail. This will allow the Commission to have notices served in person by appropriate personnel, ensuring the proper notices are given for revocations and suspension hearings.

2. **For a proposed temporary regulation, the terms, or the substance of the regulation to be adopted, amended or repealed, or a description of the subjects and issues involved.**

This is a permanent regulation.

3. **For a proposed permanent regulation, a statement explaining how to obtain the approved or revised text of the proposed regulation.**

The proposed regulation text may be obtained by going to the Register of Administrative Regulations for 2024 and clicking the link: https://www.leg.state.nv.us/Register/2024Register/R098-24P.pdf, by contacting Chief Kathy Floyd at kfloyd@post.state.nv.us or by telephone at 775-687-7678, ext. 3335 or going to the Nevada Commission on POST website at https://post.nv.gov.

4. **The estimated economic effect of the regulation on the business which it is to regulate and on the public. These must be stated separately and, in each case, must include:**

(a) Both adverse and beneficial effects; and

No adverse or beneficial economic effect due to this language change.

(b) Both immediate and long-term effects:

No immediate or long-term economic effects due to this language change.

5. **The methods used by the agency in determining the impact on a small business.**

The Commission on POST has reviewed the text of the proposed regulations. Because the proposed regulation amends Nevada Administrative Code Chapter 289, dealing with the training and certification of peace officers, the proposed amendments to NAC Chapter 289 will have no impact on small business.

6. **The estimated cost to the agency for enforcement of the proposed regulation.**

None

7. **A description of and citation to any regulations of other states or local governmental agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the proposed regulation overlaps or duplicates a federal regulation, the notice must include the name of the regulating federal agency.**

The proposed regulation does not overlap or duplicate any regulations of state, local or federal governmental agency regulating the same activity.

8. **If the regulation is required pursuant to federal law, a citation and description of the federal law.**

The proposed regulation is not required by federal law.

9. **If the regulation includes provisions which are more stringent than a federal regulation that regulates the same activity, a summary of such provision.**

There are no federal regulations that regulate the same activity.

10. Whether the proposed regulation establishes a new fee or increases an existing fee.

This regulation does not involve or establish fees.

11. For a temporary regulation, each address at which the text of the regulation may be inspected and copied.

N/A

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Persons wishing to comment upon the proposed action of the Commission on Peace Officer Standards and Training (Commission on POST) may appear at the scheduled public hearing or may address their comments, data, views or arguments, in written form, to Michael D. Sherlock, Executive Director, Commission on POST, 5587 Wa Pai Shone Avenue, Carson City, Nevada 89701. **Written submissions must be received by the Commission on POST on or before 5:00 pm on September 30, 2024.** If no person who is directly affected by the proposed action appears to request time to make an oral presentation, the Commission on POST may proceed immediately to act upon any written submissions.
This Notice of Intent to Act Upon Regulations and the proposed regulation will be on file at the State Library, Archives and Public Records Administrator, 100 Stewart Street, Carson City, Nevada for inspection by members of the public during business hours. Additional copies of the notice and regulations to be adopted, amended or repealed will be available at the Commission on POST Administrative Offices, 5587 Wa Pai Shone Avenue, Carson City, 89701 for inspection and copying by members of the public during business hours.
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SEE ATTACHED COPIES OF THE PROPOSED REGULATIONS

PROPOSED REGULATION OF THE PEACE OFFICERS'

STANDARDS AND TRAINING COMMISSION

LCB File No. R098-24

May 31, 2024

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 governing the revocation, refusal or suspension of a certificate of 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 and decertification, recruitment, selection and training of peace officers. (NRS 289.510) Existing regulations authorize the Commission to revoke, refuse or suspend the certificate of a peace officer who is convicted of a misdemeanor crime of domestic violence, as defined by federal law. Existing regulations additionally provide that the authority of the Commission to suspend or revoke the certificate of such an officer applies, regardless of whether the employing agency recommends the suspension or revocation. (NAC 289.290) This regulation additionally authorizes the Commission to revoke, refuse or suspend the certificate of a peace officer who is convicted of or pleads guilty, guilty but mentally ill or nolo contendere to, any misdemeanor, if the crime for which the officer was arrested was a misdemeanor crime of domestic violence, as defined by federal law. This regulation additionally provides that the authority of the Commission to suspend or revoke the certificate of such an officer applies, regardless of whether the employing agency recommends the suspension or revocation.

Existing regulations require the Commission to notify a peace officer by certified mail of any pending revocation or suspension action concerning the certificate of the officer. (NAC 289.290) This regulation additionally authorizes the Commission to provide such notice by personal service.

Section 1. NAC 289.290 is hereby amended to read as follows:

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

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

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

(c) Chronic drinking or drunkenness on duty.

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

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

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

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

(h) Except as otherwise provided in ~~[paragraph (i).]~~ ***paragraphs (i) and (j),*** conviction of a misdemeanor. If the employing agency recommends suspension or revocation following the 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.

(i) Conviction of a misdemeanor crime of domestic violence**.** ~~[as defined in 18 U.S.C. § 921(a)(33).]~~ Following the conviction of the employee for such a misdemeanor, suspension or

revocation may be imposed regardless of whether the employing agency recommends suspension or revocation.

(j) Conviction of, or entry of a plea of guilty, guilty but mentally ill or nolo contendere to, any misdemeanor, if the crime for which the officer was arrested was a misdemeanor crime of domestic violence, regardless of whether the crime to which the officer plead or was found guilty is a misdemeanor crime of domestic violence. Following the conviction of the employee or entry of the plea by the employee for such a misdemeanor, suspension or revocation may be imposed regardless of whether the employing agency recommends suspension or revocation.

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 ***personal service or by*** certified mail at the officer's last known address of any pending revocation or suspension action and of the nature of the charges and the officer's right to appear and answer the charges. The officer shall, within 15 days after the date on the certified mail receipt, respond in writing, notifying the Commission of his or her intended action with reference to the charges.

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

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

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

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

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

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

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

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

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

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

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

12. Five years after the revocation of a certificate, an officer may submit a written request to the Commission to allow him or her to reinstate his or her certificate. The Commission will schedule a hearing to consider whether to reinstate the officer's certificate. The Commission will notify the agency that requested the revocation of the date and time of the hearing. After the hearing, the Commission will determine whether to reinstate the certificate. If the certificate is reinstated, the Commission may establish a probationary period during which any misconduct by the officer would result in revocation.

13. As used in this section, "misdemeanor crime of domestic violence" has the meaning ascribed to it in 18 U.S.C. § 921(a)(33).

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

JOE LOMBARDO
Governor

MICHAEL D. SHERLOCK
Executive Director

NOTICE OF PUBLIC MEETING (NRS 241)

NOTICE IS HEREBY GIVEN THAT STARTING AT **8:00 A.M. ON THURSDAY, OCTOBER 17, 2024,** THE COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING WILL HOLD A PUBLIC HEARING AND REGULARLY SCHEDULED MEETING AT **THE SOUTHPOINT HOTEL/CASINO, 9777 LAS VEGAS BLVD., S., NAPA ROOM A, LAS VEGAS, NV 89183.**

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

I. PUBLIC HEARING

1. Call to order.

2. Roll call of Commission Members.

3. Public Hearing on Proposed Regulations LCB File R091-24 and R098-24.

THE PURPOSE OF THE HEARING IS TO RECEIVE COMMENTS FROM ALL INTERESTED PERSONS REGARDING THE ADOPTION, AMENDMENT AND REPEAL OF REGULATIONS PERTAINING TO CHAPTER 289 OF THE NEVADA ADMINISTRATIVE CODE (NAC) (THIS PUBLIC HEARING HAS BEEN PREVIOUSLY NOTICED AS REQUIRED BY NRS CHAPTER 233B):

TOPICS

a. **LCB R091-24–** Amends NAC 289.200 and creates a recertification program for officers whose basic certificate expired but have not been out of law enforcement for more than 10 years.
b. **LCB R098-24 –** Amends NAC 289.290 to update subsection 1 to add subsection j, which allows revocation for "*conviction of, or entry of a plea of guilty, guilty but mentally ill or nolo contendere to, any misdemeanor, if the crime for which the officer was arrested was a misdemeanor crime of domestic violence, regardless of whether the crime to which the officer plead or was found guilty is a misdemeanor crime of domestic violence*." and amends subsection 4 to include personal service.

II. REGULARLY SCHEDULED MEETING

1. **PUBLIC COMMENT**
   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.

2. **DISCUSSION AND FOR POSSIBLE ACTION.**
   Approval of minutes from May 2, 2024, public hearing, workshop and regularly scheduled meeting.

3. **INFORMATION** Executive Director's report.
   a. Training Division- Update regulations for minimum training hours
   b. Standards Division – 1 Voluntary Surrender received
   c. Administration

4. **DISCUSSION AND FOR POSSIBLE ACTION.**
   Discussion regarding NAC289.290(e). Possible action – direction by Commission on future misdemeanor and gross misdemeanor convictions and how they would like to proceed with the suspension/revocation process.

5. **DISCUSSION AND FOR POSSIBLE ACTION.**
   The Commission to discuss and may take possible action to adopt their regulations as follows:

   a. LCB R091-24– Amends NAC 289.200 and creates a recertification program for officers whose basic certificate expired but have not been out of law enforcement for more than 10 years.
   b. LCB R098-24 – Amends NAC 289.290 to update subsection 1 to add subsection j, which allows revocation for "*conviction of, or entry of a plea of guilty, guilty but mentally ill or nolo contendere to, any misdemeanor, if the crime for which the officer was arrested was a misdemeanor crime of domestic violence, regardless of whether the crime to which the officer plead or was found guilty is a misdemeanor crime of domestic violence*." and amends subsection 4 to include personal service.

The Commission to fully consider all written and oral comments received on these proposed regulations before taking any action

6. **DISCUSSION AND FOR POSSIBLE ACTION.**
   Request from the Henderson Police Department for an Executive Certificate for their employee Chief Hollie Chadwick, pursuant to NAC 289.270(1)(a). Possible action may include approval or denial of the requested Executive Certificate.

7. **DISCUSSION AND FOR POSSIBLE ACTION.**
   Request from the Henderson Police Department for an Executive Certificate for their employee Deputy Chief Jonathan Boucher, pursuant to NAC 289.270(1)(a). Possible action may include approval or denial of the requested Executive Certificate.

8. **DISCUSSION AND FOR POSSIBLE ACTION.**
   Request from the Henderson Police Department for an Executive Certificate for their employee Deputy Chief Itzhak Henn, pursuant to NAC289.270(1)(a). Possible action may include approval or denial of the requested Executive Certificate.

9. **DISCUSSION AND FOR POSSIBLE ACTION.**
Request from the Las Vegas Metropolitan Police Department for an Executive Certificate for their employee Undersheriff Andrew Walsh, pursuant to NAC 289.270(1)(b). Possible action may include approval or denial of the requested Executive Certificate.

10. **DISCUSSION AND FOR POSSIBLE ACTION.**
Request from the 4th District, Elko County Juvenile Probation Department for an Executive Certificate for their employee Chief Heather Plager, pursuant to NAC 289.270(1)(b). Possible action may include approval or denial of the requested Executive Certificate.

11. **DISCUSSION AND FOR POSSIBLE ACTION.**
Request from the Washoe County Sheriff's Office for an Executive Certificate for their employee Chief Deputy Timothy Mosley, pursuant to NAC 289.270(1)(a). Possible action may include approval or denial of the requested Executive Certificate.

12. **DISCUSSION AND FOR POSSIBLE ACTION.**
Request from the Lyon County Sheriff' for a 6-month extension past the one-year requirement (NRS 289.550) in order to meet the requirements for certification for the following employees:
Deputy Benjamin Beck – Date of hire November 13, 2023, extension to May 23, 2025.
Deputy John VanDiver, Jr. – Date of CAT I position November 16, 2023, extension to May 16, 2025.
Possible action may include approval or denial of the requested extension.

13. **DISCUSSION AND FOR POSSIBLE ACTION.**
Request from the Mineral County Sheriff' for a 6-month extension past the one-year requirement (NRS 289.550) in order to meet the requirements for certification for their employee Jorden Ferrell. Hire date October 30, 2023, extension to April 30, 2025. Possible action may include approval or denial of the requested extension.

14. **DISCUSSION AND FOR POSSIBLE ACTION.**
Hearing pursuant to NAC 289.290(1)(g) **and/or** NAC 289.290(1)(h) on the revocation of George J. Head's (formerly employed with the White Pine County Sheriff's Office) Category I, II and III basic certificate(s). NAC 289.290(1) allows the Commission to revoke, refuse or suspend the certificate of a peace officer for: (g) conviction of, or entry of a plea of guilty, guilty but mentally ill or nolo contendere to a felony; **and/or** (h) Except as otherwise provided in paragraph (i), conviction of a misdemeanor. If the employing agency recommends suspension or revocation following the conviction of the employee for a misdemeanor, suspension or revocation may be imposed.
The conviction(s) which have led to this action are**:**
Case #091500069
Charge 1 – BURGLARY 2nd Degree Felony,
Charge 2 – THEFT 3rd Degree Felony,
Charge 3 – CRIMINAL MISCHIEF 3rd Degree Felony
Case #091500075
Charge 1- BURGLARY 3rd Degree Felony.
Possible action may be revocation of the Category I, II and III basic certificates.

15. **DISCUSSION AND FOR POSSIBLE ACTION.**
Hearing pursuant to NAC 289.290(1)(g) on the revocation of Stewart E. Handte's (formerly employed with the Reno Sparks Indian Colony Police) Category I basic certificate based on a conviction of, or entry of a plea of guilty, guilty but mentally ill or nolo contendere to a felony. The conviction(s) which have led to this action are:
Count II: BURGLARY, a violation of NRS 205.060, a category B Felony.
Possible action may be revocation of the Category I basic certificate.

16. **DISCUSSION AND FOR POSSIBLE ACTION.**
Hearing pursuant to NAC 289.290(1)(g) on the revocation of Daniel Kelly's (formerly employed with the Las Vegas Metropolitan Police Department) Category I basic certificate based on a conviction of, or entry of a plea of guilty, guilty but mentally ill or nolo contendere to a felony. The conviction(s) which have led to this action are:
Count I: ATTEMPT LEWDNESS WITH A CHILD UNDER THE AGE OF 14 (Category B Felony) in violation of NRS 201.230(2)-NOC 60471.
Possible action may be revocation of the Category I basic certificate.

17. **DISCUSSION AND FOR POSSIBLE ACTION.**
Hearing pursuant to NAC 289.290(1)(g) on the revocation of Christopher T. Peto's (formerly of the Las Vegas Metropolitan Police Department) Category I basic certificate based on a conviction of, or entry of a plea of guilty, guilty but mentally ill or nolo contendere to a felony. The conviction(s) which have led to this action are:
COUNT 1: ATTEMPT LEWDNESS WITH A CHILD UNDER THE AGE OF 16 (Category C Felony), in violation of NRS 201.230, 193.153.
COUNT 2: SECOND DEGREE KIDNAPPING (Category B Felony), in violation of NRS 200.310, 200.330.
Possible action may be revocation of the Category I basic certificate.

18. **DISCUSSION AND FOR POSSIBLE ACTION.**
Hearing pursuant to NAC 289.290(1)(d) on the revocation of Chris D. Trzaska's (formerly with the Henderson Police Department) Category I basic certificate based on **a request and documentation submitted by Henderson Police Department which details the finding of an Internal Affairs investigation which concluded November 25, 2019, with the determination of Termination of Employment due to 6 Policy Violations which include "using any illicit or illegal drug (a violation of NAC 289.290(1)(d)).**
Possible action may be revocation of the Category I basic certificate.

19. **DISCUSSION AND FOR POSSIBLE ACTION.**
Request from Chief Jason Potts, City of Las Vegas Department of Public Safety, to appeal the decision to deny Robert Falche Category I reciprocity. Pursuant to NAC 289.200(2), Robert Falche's employment and certification makes him eligible for Category II reciprocity. The Commission to determine whether POST staff's decision was valid.

20. **PUBLIC COMMENT**
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.

21. **DISCUSSION AND FOR POSSIBLE ACTION.**
Schedule upcoming Commission Meeting – February, location TBD

22. **DISCUSSION 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(3)(c), a copy of supporting materials for the meeting may be obtained by contacting the Commission on Peace Officer Standards and Training, ATTN: Chief Kathy Floyd, 5587 Wa Pai Shone Ave., Carson City, NV 89701 or by going to the Nevada POST Website at https://post.nv.gov/Meetings/Commission_Meetings/.

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

I. PUBLIC HEARING

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2. Roll call of Commission Members.

3. Public Hearing on Proposed Regulations LCB File R091-24 and R098-24.

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TOPICS

a. **LCB R091-24–** Amends NAC 289.200 and creates a recertification program for officers whose basic certificate expired but have not been out of law enforcement for more than 10 years.
b. **LCB R098-24 –** Amends NAC 289.290 to update subsection 1 to add subsection j, which allows revocation for "*conviction of, or entry of a plea of guilty, guilty but mentally ill or nolo contendere to, any misdemeanor, if the crime for which the officer was* ***arrested*** *was a misdemeanor crime of domestic violence, regardless of whether the crime to which the officer plead or was found guilty is a misdemeanor crime of domestic violence*." and amends subsection 4 to include personal service.

I. PUBLIC HEARING

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MICHAEL D. SHERLOCK
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NOTICE OF INTENT TO ACT UPON A REGULATION

Notice of Hearing for the Adoption, Amendment and Repeal Of Regulations of the Commission on Peace Officer Standards and Training

PUBLIC HEARING NOTICE: The Commission on Peace Officer Standards and Training ("Commission") will be holding a Public Hearing at **8:00 a.m. on Thursday, October 17, 2024, at the Southpoint Hotel/Casino, 9777 S. Las Vegas Blvd., Napa Room A, Las Vegas, Nevada, 89183**. The purpose of the hearing is to receive comments from all interested persons regarding the adoption, amendment and/or repeal of regulations that pertain to Chapter 289 of the Nevada Administrative Code (NAC).

The following information is provided pursuant to the requirements of NRS 233B.0603:

1. **The need for and purpose of the proposed amendment.**
Existing law requires the Peace Officer Standards and Training Commission to adopt regulations establishing minimum standards for the certification and decertification, recruitment, selection and training of peace officers. (NRS 289.510)
Under existing regulations, the basic certificate of a peace officer whose employment is terminated for any reason must be placed on inactive status. If such a person is again employed as a peace officer, existing regulations require the employing agency to request that the person's basic certificate be returned to active status. If the peace officer is not employed again within 60 months of separation from employment, their basic certificate expires. Currently, if they choose to return to a peace officer position after 60 months, they must meet all requirements under NAC 289.200(1).
This regulation change will create a program that will allow Nevada peace officers that have been out of law enforcement for more than 60 months, but less than 10 years, a program they can attend to update their training and certification, without being required to attend a full entry level basic academy. This regulation change will allow law enforcement agencies to rehire experienced, knowledgeable officers to once again serve Nevada and its citizens.
Recruitment is continually an issue for law enforcement agencies in Nevada, and this will allow agencies the option to bring back experienced officers that can be beneficial to the agency.

2. **For a proposed temporary regulation, the terms, or the substance of the regulation to be adopted, amended or repealed, or a description of the subjects and issues involved.**

This is a permanent regulation.

R091-24

3. **For a proposed permanent regulation, a statement explaining how to obtain the approved or revised text of the proposed regulation.**

The proposed regulation text may be obtained by going to the Register of Administrative Regulations for 2024 and clicking the link: https://www.leg.state.nv.us/Register/2024Register/R091-24P.pdf, by contacting Chief Kathy Floyd at kfloyd@post.state.nv.us or by telephone at 775-687-7678, ext. 3335 or going to the Nevada Commission on POST website at https://post.nv.gov.

4. **The estimated economic effect of the regulation on the business which it is to regulate and on the public. These must be stated separately and, in each case, must include:**

(a) Both adverse and beneficial effects; and

(1) Adverse effects: No adverse economic effects.
(2) Beneficial effects: Greatly increase the pool of applicants and allow Nevada law enforcement agencies to hire experienced peace officers that want to return to the profession.

(b) Both immediate and long-term effects:

(1) The immediate effects: Agencies will have a larger pool of applicants to fill vacant positions in the agency.
(2) The long-term effects: Allow agency fill vacant positions with experienced law enforcement officers.

5. **The methods used by the agency in determining the impact on a small business.**

The Commission on POST has reviewed the text of the proposed regulations. Because the proposed regulation amends Nevada Administrative Code Chapter 289, dealing with the training and certification of peace officers, the proposed amendments to NAC Chapter 289 will have no impact on small business.

6. **The estimated cost to the agency for enforcement of the proposed regulation.**
No estimated cost to the agency.

7. **A description of and citation to any regulations of other states or local governmental agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the proposed regulation overlaps or duplicates a federal regulation, the notice must include the name of the regulating federal agency.**

The proposed regulation does not overlap or duplicate any regulations of state, local or federal governmental agency regulating the same activity.

8. **If the regulation is required pursuant to federal law, a citation and description of the federal law.**

The proposed regulation is not required by federal law.

9. **If the regulation includes provisions which are more stringent than a federal regulation that regulates the same activity, a summary of such provision.**

There are no federal regulations that regulate the same activity.

10. Whether the proposed regulation establishes a new fee or increases an existing fee.

This regulation does not involve or establish fees.

11. For a temporary regulation, each address at which the text of the regulation may be inspected and copied.

N/A

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Persons wishing to comment upon the proposed action of the Commission on Peace Officer Standards and Training (Commission on POST) may appear at the scheduled public hearing or may address their comments, data, views or arguments, in written form, to Michael D. Sherlock, Executive Director, Commission on POST, 5587 Wa Pai Shone Avenue, Carson City, Nevada 89701. **Written submissions must be received by the Commission on POST on or before 5:00 pm on September 30, 2024.** If no person who is directly affected by the proposed action appears to request time to make an oral presentation, the Commission on POST may proceed immediately to act upon any written submissions.
This Notice of Intent to Act Upon Regulations and the proposed regulation will be on file at the State Library, Archives and Public Records Administrator, 100 Stewart Street, Carson City, Nevada for inspection by members of the public during business hours. Additional copies of the notice and regulations to be adopted, amended or repealed will be available at the Commission on POST Administrative Offices, 5587 Wa Pai Shone Avenue, Carson City, 89701, for the inspection and copying by members of the public during business hours. This notice and the text of the proposed regulation are also available in the State of Nevada Register of Administrative Regulations, which is prepared and published monthly by the Legislative Counsel Bureau pursuant to NRS 233B.0653, and on the Internet at http://leg.state.nv.us, the POST web site at http://post.nv.gov and the State of Nevada Department of Administration website at https://notice.nv.gov .

Copies of this notice and the proposed regulation will also be mailed to members of the public at no charge upon request.

Upon adoption of any regulation, the agency, if requested to do so by an interested person, either before adoption or within 30 days thereafter, shall issue a concise statement of the principal reasons for and against its adoption and incorporate therein its reason for overruling the consideration urged against its adoption.

The Notice of Intent to Act Upon Regulations and the proposed regulation have been sent to all criminal justice agencies on the Commission on POST Listserv list and 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

NOTE: We are pleased to make reasonable accommodations for members of the public with disabilities who wish to attend the meeting. If special arrangements for the meeting are necessary, please notify the Commission on POST, in writing, at 5587 Wa Pai Shone Avenue, Carson City, Nevada 89701, or call Chief Kathy Floyd at (775) 687-7678, Extension 3335, no later than five working days prior to the meeting.

SEE ATTACHED COPIES OF THE PROPOSED REGULATIONS

PROPOSED REGULATION OF THE PEACE OFFICERS'

STANDARDS AND TRAINING COMMISSION

LCB File No. R091-24

May 31, 2024

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 returning an inactive basic certificate to active status; 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) Under existing regulations, the basic certificate of a peace officer whose employment is terminated for any reason must be placed on inactive status. If such a person is again employed as a peace officer, existing regulations require the employing agency to request that the person's basic certificate be returned to active status. With limited exception, if the certification of such a person is on inactive status for more than 5 consecutive years, existing regulations require the person to renew his or her basic certificate by successfully completing the requirements applicable to the initial issuance of a basic certificate. (NAC 289.200) This regulation increases, from 5 consecutive years to 10 consecutive years, the amount of time the basic certificate of a person must be on inactive status before the person is required to renew his or her basic certificate by successfully completing the requirements applicable to the initial issuance of a basic certificate. This regulation also establishes requirements for returning a basic certificate that has been on inactive status for at least 5 consecutive years but not more than 10 consecutive years to active status.

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

FIRST PARALLEL SECTION

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

(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, during 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:

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

(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 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 ***:***

(a) Less than 5 consecutive years, the Executive Director shall return the basic certificate of the peace officer to active status upon the request of the employing agency.

(b) At least 5 consecutive years but not more than ~~[5]~~ ***10*** consecutive years, ***the Executive Director may return the basic certificate of the peace officer to active status upon the request of the employing agency if the Commission has not revoked or suspended the certificate of the peace officer for any cause set forth in subsection 1 of NAC 289.290 and the peace officer:***

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

(2) Successfully completes a recertification course provided by the Commission; and

(3) Satisfies the requirements of paragraphs (b) to (e), inclusive, of subsection 5 of NAC 289.230 and demonstrates a minimum level of proficiency in the use of each type of firearm he or she is authorized to use before commencing or resuming his or her duties as a peace officer.

(c) More than 10 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.

I. PUBLIC HEARING

b. LCB R098-24 – Amends NAC 289.290 to update subsection 1 to add subsection j, which allows revocation for "*conviction of, or entry of a plea of guilty, guilty but mentally ill or nolo contendere to, any misdemeanor, if the crime for which the officer was arrested was a misdemeanor crime of domestic violence, regardless of whether the crime to which the officer plead or was found guilty is a misdemeanor crime of domestic violence*." and amends subsection 4 to include personal service.

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Notice of Hearing for the Adoption, Amendment and Repeal Of Regulations of the Commission on Peace Officer Standards and Training

PUBLIC HEARING NOTICE: The Commission on Peace Officer Standards and Training ("Commission") will be holding a Public Hearing at **8:00 a.m. on Thursday, October 17, 2024, at the Southpoint Hotel/Casino, 9777 S. Las Vegas Blvd., Napa Room A, Las Vegas, Nevada, 89183**. The purpose of the hearing is to receive comments from all interested persons regarding the adoption, amendment and/or repeal of regulations that pertain to Chapter 289 of the Nevada Administrative Code (NAC).

The following information is provided pursuant to the requirements of NRS 233B.0603:

1. **The need for and purpose of the proposed amendments.**

Existing law requires the Peace Officer Standards and Training Commission to adopt regulations establishing minimum standards for the certification and decertification, recruitment, selection and training of peace officers. (NRS 289.510)

Existing regulation (NAC 289.290(i)) authorizes the Commission to revoke, refuse or suspend the certificate of a peace officer who is convicted of a misdemeanor crime of domestic violence, as defined by federal law. This regulation additionally provides that the authority of the Commission to suspend or revoke the certificate of such an officer applies, regardless of whether the employing agency recommends the suspension or revocation.
This regulation change (NAC 289.290(j)) adds language that will allow the Commission to revoke, refuse or suspend the certificate of a peace officer if the crime in which the officer was *arrested* for was a misdemeanor crime of domestic violence, regardless of what the conviction is. This will allow the commission to revoke, refuse or suspend an officer that has pled guilty to, or found guilty of, a lesser misdemeanor charge, regardless of whether the agency recommends suspension or revocation.

In addition, existing regulations require the Commission to notify a peace officer by certified mail of any pending revocation or suspension action concerning the certificate of the officer. (NAC 289.290(4)) This regulation change authorizes the Commission to provide such notice by personal service or certified mail. This will allow the Commission to have notices served in person by appropriate personnel, ensuring the proper notices are given for revocations and suspension hearings.

2. **For a proposed temporary regulation, the terms, or the substance of the regulation to be adopted, amended or repealed, or a description of the subjects and issues involved.**

This is a permanent regulation.

3. **For a proposed permanent regulation, a statement explaining how to obtain the approved or revised text of the proposed regulation.**

The proposed regulation text may be obtained by going to the Register of Administrative Regulations for 2024 and clicking the link: https://www.leg.state.nv.us/Register/2024Register/R098-24P.pdf, by contacting Chief Kathy Floyd at kfloyd@post.state.nv.us or by telephone at 775-687-7678, ext. 3335 or going to the Nevada Commission on POST website at https://post.nv.gov.

4. **The estimated economic effect of the regulation on the business which it is to regulate and on the public. These must be stated separately and, in each case, must include:**

(a) Both adverse and beneficial effects; and

No adverse or beneficial economic effect due to this language change.

(b) Both immediate and long-term effects:

No immediate or long-term economic effects due to this language change.

5. **The methods used by the agency in determining the impact on a small business.**

The Commission on POST has reviewed the text of the proposed regulations. Because the proposed regulation amends Nevada Administrative Code Chapter 289, dealing with the training and certification of peace officers, the proposed amendments to NAC Chapter 289 will have no impact on small business.

6. **The estimated cost to the agency for enforcement of the proposed regulation.**

None

7. **A description of and citation to any regulations of other states or local governmental agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the proposed regulation overlaps or duplicates a federal regulation, the notice must include the name of the regulating federal agency.**

The proposed regulation does not overlap or duplicate any regulations of state, local or federal governmental agency regulating the same activity.

8. **If the regulation is required pursuant to federal law, a citation and description of the federal law.**

The proposed regulation is not required by federal law.

9. **If the regulation includes provisions which are more stringent than a federal regulation that regulates the same activity, a summary of such provision.**

There are no federal regulations that regulate the same activity.

10. Whether the proposed regulation establishes a new fee or increases an existing fee.

This regulation does not involve or establish fees.

11. For a temporary regulation, each address at which the text of the regulation may be inspected and copied.

N/A

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Persons wishing to comment upon the proposed action of the Commission on Peace Officer Standards and Training (Commission on POST) may appear at the scheduled public hearing or may address their comments, data, views or arguments, in written form, to Michael D. Sherlock, Executive Director, Commission on POST, 5587 Wa Pai Shone Avenue, Carson City, Nevada 89701. **Written submissions must be received by the Commission on POST on or before 5:00 pm on September 30, 2024.** If no person who is directly affected by the proposed action appears to request time to make an oral presentation, the Commission on POST may proceed immediately to act upon any written submissions.
This Notice of Intent to Act Upon Regulations and the proposed regulation will be on file at the State Library, Archives and Public Records Administrator, 100 Stewart Street, Carson City, Nevada for inspection by members of the public during business hours. Additional copies of the notice and regulations to be adopted, amended or repealed will be available at the Commission on POST Administrative Offices, 5587 Wa Pai Shone Avenue, Carson City, 89701 for inspection and copying by members of the public during business hours.
This notice and the text of the proposed regulation are also available in the State of Nevada Register of Administrative Regulations, which is prepared and published monthly by the Legislative Counsel Bureau pursuant to NRS 233B.0653, and on the Internet at http://leg.state.nv.us, the POST web site at http://post.nv.gov and the State of Nevada Department of Administration website at https://notice.nv.gov .

Copies of this notice and the proposed regulation will also be mailed to members of the public at no charge upon request.

Upon adoption of any regulation, the agency, if requested to do so by an interested person, either before adoption or within 30 days thereafter, shall issue a concise statement of the principal reasons for and against its adoption and incorporate therein its reason for overruling the consideration urged against its adoption.

The Notice of Intent to Act Upon Regulations and the proposed regulation have been sent to all criminal justice agencies on the Commission on POST Listserv list and 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

NOTE: We are pleased to make reasonable accommodations for members of the public with disabilities who wish to attend the meeting. If special arrangements for the meeting are necessary, please notify the Commission on POST, in writing, at 5587 Wa Pai Shone Avenue, Carson City, Nevada 89701, or call Chief Kathy Floyd at (775) 687-7678, Extension 3335, no later than five working days prior to the meeting.

SEE ATTACHED COPIES OF THE PROPOSED REGULATIONS

PROPOSED REGULATION OF THE PEACE OFFICERS'

STANDARDS AND TRAINING COMMISSION

LCB File No. R098-24

May 31, 2024

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 governing the revocation, refusal or suspension of a certificate of 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 and decertification, recruitment, selection and training of peace officers. (NRS 289.510) Existing regulations authorize the Commission to revoke, refuse or suspend the certificate of a peace officer who is convicted of a misdemeanor crime of domestic violence, as defined by federal law. Existing regulations additionally provide that the authority of the Commission to suspend or revoke the certificate of such an officer applies, regardless of whether the employing agency recommends the suspension or revocation. (NAC 289.290) This regulation additionally authorizes the Commission to revoke, refuse or suspend the certificate of a peace officer who is convicted of or pleads guilty, guilty but mentally ill or nolo contendere to, any misdemeanor, if the crime for which the officer was arrested was a misdemeanor crime of domestic violence, as defined by federal law. This regulation additionally provides that the authority of the Commission to suspend or revoke the certificate of such an officer applies, regardless of whether the employing agency recommends the suspension or revocation.

Existing regulations require the Commission to notify a peace officer by certified mail of any pending revocation or suspension action concerning the certificate of the officer. (NAC 289.290) This regulation additionally authorizes the Commission to provide such notice by personal service.

Section 1. NAC 289.290 is hereby amended to read as follows:

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

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

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

(c) Chronic drinking or drunkenness on duty.

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

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

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

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

(h) Except as otherwise provided in ~~[paragraph (i).]~~ ***paragraphs (i) and (j),*** conviction of a misdemeanor. If the employing agency recommends suspension or revocation following the 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.

(i) Conviction of a misdemeanor crime of domestic violence**.** ~~[as defined in 18 U.S.C. § 921(a)(33).]~~ Following the conviction of the employee for such a misdemeanor, suspension or

revocation may be imposed regardless of whether the employing agency recommends suspension or revocation.

(j) Conviction of, or entry of a plea of guilty, guilty but mentally ill or nolo contendere to, any misdemeanor, if the crime for which the officer was arrested was a misdemeanor crime of domestic violence, regardless of whether the crime to which the officer plead or was found guilty is a misdemeanor crime of domestic violence. Following the conviction of the employee or entry of the plea by the employee for such a misdemeanor, suspension or revocation may be imposed regardless of whether the employing agency recommends suspension or revocation.

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 ***personal service or by*** certified mail at the officer's last known address of any pending revocation or suspension action and of the nature of the charges and the officer's right to appear and answer the charges. The officer shall, within 15 days after the date on the certified mail receipt, respond in writing, notifying the Commission of his or her intended action with reference to the charges.

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

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

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

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

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

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

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

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

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

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

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

12. Five years after the revocation of a certificate, an officer may submit a written request to the Commission to allow him or her to reinstate his or her certificate. The Commission will schedule a hearing to consider whether to reinstate the officer's certificate. The Commission will notify the agency that requested the revocation of the date and time of the hearing. After the hearing, the Commission will determine whether to reinstate the certificate. If the certificate is reinstated, the Commission may establish a probationary period during which any misconduct by the officer would result in revocation.

13. As used in this section, "misdemeanor crime of domestic violence" has the meaning ascribed to it in 18 U.S.C. § 921(a)(33).

II. REGULARLY SCHEDULED MEETING

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

JOE LOMBARDO
Governor

MICHAEL D. SHERLOCK
Executive Director

NOTICE OF PUBLIC MEETING (NRS 241)

NOTICE IS HEREBY GIVEN THAT STARTING AT **8:00 A.M. ON THURSDAY, OCTOBER 17, 2024,** THE COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING WILL HOLD A PUBLIC HEARING AND REGULARLY SCHEDULED MEETING AT **THE SOUTHPOINT HOTEL/CASINO, 9777 LAS VEGAS BLVD., S., NAPA ROOM A, LAS VEGAS, NV 89183.**

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

I. PUBLIC HEARING

1. Call to order.

2. Roll call of Commission Members.

3. Public Hearing on Proposed Regulations LCB File R091-24 and R098-24.

THE PURPOSE OF THE HEARING IS TO RECEIVE COMMENTS FROM ALL INTERESTED PERSONS REGARDING THE ADOPTION, AMENDMENT AND REPEAL OF REGULATIONS PERTAINING TO CHAPTER 289 OF THE NEVADA ADMINISTRATIVE CODE (NAC) (THIS PUBLIC HEARING HAS BEEN PREVIOUSLY NOTICED AS REQUIRED BY NRS CHAPTER 233B):

TOPICS

a. **LCB R091-24–** Amends NAC 289.200 and creates a recertification program for officers whose basic certificate expired but have not been out of law enforcement for more than 10 years.
b. **LCB R098-24 –** Amends NAC 289.290 to update subsection 1 to add subsection j, which allows revocation for "*conviction of, or entry of a plea of guilty, guilty but mentally ill or nolo contendere to, any misdemeanor, if the crime for which the officer was arrested was a misdemeanor crime of domestic violence, regardless of whether the crime to which the officer plead or was found guilty is a misdemeanor crime of domestic violence*." and amends subsection 4 to include personal service.

II. REGULARLY SCHEDULED MEETING

1. **PUBLIC COMMENT**
   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.

2. **DISCUSSION AND FOR POSSIBLE ACTION.**
   Approval of minutes from May 2, 2024, public hearing, workshop and regularly scheduled meeting.

3. **INFORMATION** Executive Director's report.
   a. Training Division- Update regulations for minimum training hours
   b. Standards Division – 1 Voluntary Surrender received
   c. Administration

4. **DISCUSSION AND FOR POSSIBLE ACTION.**
   Discussion regarding NAC289.290(e). Possible action – direction by Commission on future misdemeanor and gross misdemeanor convictions and how they would like to proceed with the suspension/revocation process.

5. **DISCUSSION AND FOR POSSIBLE ACTION.**
   The Commission to discuss and may take possible action to adopt their regulations as follows:

   a. LCB R091-24– Amends NAC 289.200 and creates a recertification program for officers whose basic certificate expired but have not been out of law enforcement for more than 10 years.
   b. LCB R098-24 – Amends NAC 289.290 to update subsection 1 to add subsection j, which allows revocation for "*conviction of, or entry of a plea of guilty, guilty but mentally ill or nolo contendere to, any misdemeanor, if the crime for which the officer was arrested was a misdemeanor crime of domestic violence, regardless of whether the crime to which the officer plead or was found guilty is a misdemeanor crime of domestic violence*." and amends subsection 4 to include personal service.

The Commission to fully consider all written and oral comments received on these proposed regulations before taking any action

6. **DISCUSSION AND FOR POSSIBLE ACTION.**
   Request from the Henderson Police Department for an Executive Certificate for their employee Chief Hollie Chadwick, pursuant to NAC 289.270(1)(a). Possible action may include approval or denial of the requested Executive Certificate.

7. **DISCUSSION AND FOR POSSIBLE ACTION.**
   Request from the Henderson Police Department for an Executive Certificate for their employee Deputy Chief Jonathan Boucher, pursuant to NAC 289.270(1)(a). Possible action may include approval or denial of the requested Executive Certificate.

8. **DISCUSSION AND FOR POSSIBLE ACTION.**
   Request from the Henderson Police Department for an Executive Certificate for their employee Deputy Chief Itzhak Henn, pursuant to NAC289.270(1)(a). Possible action may include approval or denial of the requested Executive Certificate.

9. **DISCUSSION AND FOR POSSIBLE ACTION.**
Request from the Las Vegas Metropolitan Police Department for an Executive Certificate for their employee Undersheriff Andrew Walsh, pursuant to NAC 289.270(1)(b). Possible action may include approval or denial of the requested Executive Certificate.

10. **DISCUSSION AND FOR POSSIBLE ACTION.**
Request from the 4th District, Elko County Juvenile Probation Department for an Executive Certificate for their employee Chief Heather Plager, pursuant to NAC 289.270(1)(b). Possible action may include approval or denial of the requested Executive Certificate.

11. **DISCUSSION AND FOR POSSIBLE ACTION.**
Request from the Washoe County Sheriff's Office for an Executive Certificate for their employee Chief Deputy Timothy Mosley, pursuant to NAC 289.270(1)(a). Possible action may include approval or denial of the requested Executive Certificate.

12. **DISCUSSION AND FOR POSSIBLE ACTION.**
Request from the Lyon County Sheriff' for a 6-month extension past the one-year requirement (NRS 289.550) in order to meet the requirements for certification for the following employees:
Deputy Benjamin Beck – Date of hire November 13, 2023, extension to May 23, 2025.
Deputy John VanDiver, Jr. – Date of CAT I position November 16, 2023, extension to May 16, 2025.
Possible action may include approval or denial of the requested extension.

13. **DISCUSSION AND FOR POSSIBLE ACTION.**
Request from the Mineral County Sheriff' for a 6-month extension past the one-year requirement (NRS 289.550) in order to meet the requirements for certification for their employee Jorden Ferrell. Hire date October 30, 2023, extension to April 30, 2025. Possible action may include approval or denial of the requested extension.

14. **DISCUSSION AND FOR POSSIBLE ACTION.**
Hearing pursuant to NAC 289.290(1)(g) **and/or** NAC 289.290(1)(h) on the revocation of George J. Head's (formerly employed with the White Pine County Sheriff's Office) Category I, II and III basic certificate(s). NAC 289.290(1) allows the Commission to revoke, refuse or suspend the certificate of a peace officer for: (g) conviction of, or entry of a plea of guilty, guilty but mentally ill or nolo contendere to a felony; **and/or** (h) Except as otherwise provided in paragraph (i), conviction of a misdemeanor. If the employing agency recommends suspension or revocation following the conviction of the employee for a misdemeanor, suspension or revocation may be imposed.
The conviction(s) which have led to this action are**:**
Case #091500069
Charge 1 – BURGLARY 2nd Degree Felony,
Charge 2 – THEFT 3rd Degree Felony,
Charge 3 – CRIMINAL MISCHIEF 3rd Degree Felony
Case #091500075
Charge 1- BURGLARY 3rd Degree Felony.
Possible action may be revocation of the Category I, II and III basic certificates.

15. **DISCUSSION AND FOR POSSIBLE ACTION.**
Hearing pursuant to NAC 289.290(1)(g) on the revocation of Stewart E. Handte's (formerly employed with the Reno Sparks Indian Colony Police) Category I basic certificate based on a conviction of, or entry of a plea of guilty, guilty but mentally ill or nolo contendere to a felony. The conviction(s) which have led to this action are:
Count II: BURGLARY, a violation of NRS 205.060, a category B Felony.
Possible action may be revocation of the Category I basic certificate.

16. **DISCUSSION AND FOR POSSIBLE ACTION.**
Hearing pursuant to NAC 289.290(1)(g) on the revocation of Daniel Kelly's (formerly employed with the Las Vegas Metropolitan Police Department) Category I basic certificate based on a conviction of, or entry of a plea of guilty, guilty but mentally ill or nolo contendere to a felony. The conviction(s) which have led to this action are:
Count I: ATTEMPT LEWDNESS WITH A CHILD UNDER THE AGE OF 14 (Category B Felony) in violation of NRS 201.230(2)-NOC 60471.
Possible action may be revocation of the Category I basic certificate.

17. **DISCUSSION AND FOR POSSIBLE ACTION.**
Hearing pursuant to NAC 289.290(1)(g) on the revocation of Christopher T. Peto's (formerly of the Las Vegas Metropolitan Police Department) Category I basic certificate based on a conviction of, or entry of a plea of guilty, guilty but mentally ill or nolo contendere to a felony. The conviction(s) which have led to this action are:
COUNT 1: ATTEMPT LEWDNESS WITH A CHILD UNDER THE AGE OF 16 (Category C Felony), in violation of NRS 201.230, 193.153.
COUNT 2: SECOND DEGREE KIDNAPPING (Category B Felony), in violation of NRS 200.310, 200.330.
Possible action may be revocation of the Category I basic certificate.

18. **DISCUSSION AND FOR POSSIBLE ACTION.**
Hearing pursuant to NAC 289.290(1)(d) on the revocation of Chris D. Trzaska's (formerly with the Henderson Police Department) Category I basic certificate based on **a request and documentation submitted by Henderson Police Department which details the finding of an Internal Affairs investigation which concluded November 25, 2019, with the determination of Termination of Employment due to 6 Policy Violations which include "using any illicit or illegal drug (a violation of NAC 289.290(1)(d)).**
Possible action may be revocation of the Category I basic certificate.

19. **DISCUSSION AND FOR POSSIBLE ACTION.**
Request from Chief Jason Potts, City of Las Vegas Department of Public Safety, to appeal the decision to deny Robert Falche Category I reciprocity. Pursuant to NAC 289.200(2), Robert Falche's employment and certification makes him eligible for Category II reciprocity. The Commission to determine whether POST staff's decision was valid.

20. **PUBLIC COMMENT**
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.

21. **DISCUSSION AND FOR POSSIBLE ACTION.**
Schedule upcoming Commission Meeting – February, location TBD

22. **DISCUSSION 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(3)(c), a copy of supporting materials for the meeting may be obtained by contacting the Commission on Peace Officer Standards and Training, ATTN: Chief Kathy Floyd, 5587 Wa Pai Shone Ave., Carson City, NV 89701 or by going to the Nevada POST Website at https://post.nv.gov/Meetings/Commission_Meetings/.

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.

1. **PUBLIC COMMENT**

   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.

2. **DISCUSSION AND FOR POSSIBLE ACTION.**

Approval of minutes from the May 2, 2024, public hearing, workshop and regularly scheduled meeting.

STATE OF NEVADA

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 Thursday, May 2, 2024 commencing at 2:00 P.M. at 5587 Wa Pai Shone Avenue, Carson City, Nevada.

COMMISSIONERS:

Tyler Trouten, Chairman

Dan Coverley

Kevin McKinney

Oliver Miller

Jamie Prosser

Russ Niel

Tim Shea

Rob Straube

George Togliatti

Tiffany Young

STAFF:

Kathy Floyd, POST F

Nathan Hastings, Attorney General's Office

Mike Sherlock, POST F

TRANSCRIBED BY:

INDEX

ITEM: PAGE:

PUBLIC COMMENT HEARINGS

1. Call to order 7

2. Roll call of Commission Members 7

3. Public Comment Hearing on Proposed Regulations LCB File R032-23RP1, LCB R025-24, and R031-23RP2 8

Topics

A. LCB R032-23RP1 -- Amends NAC 290.270 - requirements to qualify for the Executive Certificate. 8

B. LCB R025-24 - Amends NAC 290.200 to change the physical readiness requirements for Category I and II Reciprocity. 10

C. LCB R031-23RP2 - Establish a new regulation for a Command Staff Basic Certificate. 12

II. WORKSHOP

1. Workshop on proposed regulation change. 12

TOPIC

A. Discussion regarding revision to NAC 290.290(1)(i) to add: (i) Conviction of a misdemeanor crime of domestic violence as defined in 18 U.S.C. § 921(a)(33) or conviction of a crime that has an element the use or attempted use of physical force, or the threatened use of a deadly weapon; and that at the time the offense was committed, the officer was:

i. A current or former spouse, partner, parent or guardian of the victim;
ii. A person whom the victim shared a child in common;
iii. A person who was cohabitating with or had cohabited with the victim as a spouse, parent, or guardian; or,
iv. A person who was or had been similarly situated as a spouse, parent, or guardian of the victim. 13
B. The Commission will notify the officer by certified mail or the personal service at the officer's last known address. 13
C. Discussion regarding the creation of a program that would allow an officer whose basic certificate has expired to reinstate their basic certificate if meeting all requirements of NAC 289, and once they complete an in-person course, physical fitness test, and state certification exam. 14
2. PUBLIC COMMENT 15
III. REGULARLY SCHEDULED MEETING AGENDA ITEMS
1. Public Comment 16
2. Approval of minutes from the February 22, 2024 public hearing, workshop, and regularly scheduled meeting. 17

3. Executive Director's Report.

a. Training Division

b. Standards Division

c. Administration 18

4. The Commission to discuss and may take possible action to adopt, amend, or repeal their regulations as follows:

A. LCB R032-23RPI -- Amends NAC 289.279 - requirements to qualify for the Executive Certificate. 19

B. LCB R025-24 -- Amends NAC 289.200 to change the physical readiness requirements for Category I and II Reciprocity. 20

C. LCB R031-23RP2 -- Establish a new regulation for a Command Staff Basic Certificate 21

5. Discussion by the Commission to continue the rulemaking process regarding the revision of NAC 289.200(1)(i). 28

6. Discussion by the Commission to continue the rulemaking process regarding the revision of NAC 289.290(4). 29

7. Discussion by the Commission to continue the rulemaking process for the creation of a Recertifying program for expired basic certificates. 30

8. Request from the Reno Police Department for an Executive Certificate for their employee Assistant Chief Oliver Miller. 31

9. Request from the Boulder City Policy Department for an Executive Certificate for their employee Deputy Chief Aaron Johnson. 32

10. Request from the Ely Shoshone Tribal Police Department for a 6-month extension past the one-year requirement (NRS 2899.550) in order to meet the requirements for certification for the following employees:
Brent Stark
Michael Lucero 33

11. Hearing pursuant to NAC 289.290(1)(g) and/or 289.290(1)(h) on the revocation of George J. Head's (formerly employed with the White Pine County Sheriff's Office) Category I, II, and III basic certificate(s). 35

12. Hearing pursuant to NAC 289.290(1)(g) on the revocation of Lawrence J. Rinetti's (formerly employed with the Las Vegas Metropolitan Police Department) Category I basic certificates based on a conviction of, or entry of a plea of guilty, guilty but mentally ill or nolo contender to a felony. 50

13. Hearing pursuant to NAC 289.290(1)(g) on the revocation of Freddy A. Caseres' (formerly employed with the Nevada Taxicab Authority) Category I and II basic certificate based on a conviction of, or entry of a plea of guilty, guilty but mentally ill or nolo contender to a felony. 52

14. Hearing pursuant to NAC 289.290(1)(g) on the revocation of Stewart E. Handte's (formerly employed with the Reno Sparks Indian Colony Police) Category I basic certificate based on a conviction of, or entry of a plea of guilty, guilty but mentally ill, or nolo contendere to a felony. --

15. Public Comments 53

16. Schedule upcoming Commission Meeting - July 54

17. Adjournment 55

PROCEEDINGS

TROUTEN: We will call the order the POST commission meeting, public comment hearing, and workshop. Today's date is May 2nd, 2024. It is 8:00 a.m. in the morning. Go to Kathy Floyd, could you provide information on the legal postings and open meeting compliance please?

FLOYD: The Public hearing, workshop notices and meeting agenda have been posted in compliance with NRS 241.020. These notices and agendas were physically posted at the POST administrative building and the Nevada State Library in Carson City and electronically posted at post.nv.gov, State of Nevada website at notice.nv.gov, the legislative website at leg.state.nv.gov and email to all SPOCs and admins on the POST list serve.

TROUTEN: Alright. Thank you. We'll proceed with roll call. Start with myself and go to my right. Ty Trouten, Elko Police department.

YOUNG: Tiffany Young, Community Member.

PROSSER: Jamie Prosser, Las Vegas Metro.

HASTINGS: Nathan Hastings, Office of Attorney General.

SHERLOCK: Uh, Mike Sherlock. And really quick, Mr. Chairman, if you'll -- these are new mics. They're directional, so make sure you talk into them so we do have a good recording. Thanks.

FLOYD: Kathy Floyd from POST.

NEIL: Russ Niel, State Gaming.

MILLER: Oliver Miller, Reno Police Department.

MCKINNEY: Kevin -- Kevin McKinney, Carlin Police Department.

SHEA: Tim Shea, Boulder City police.

COVERLEY: Dan Coverley, Douglas County Sheriff's Office.

ROB STRAUBE: Rob Straube. City of Las Vegas DPS.

TOGLIATTI: George Togliatti, Nevada Department of Public Safety.

TROUTEN: Thank you. We'll now move into public comment. Uh, we have several proposed regulations this morning. Pleased to see that we have a -- a pretty good group of folks here this morning in the audience. So public comment hearing. The public comment hearings will address proposed regulations. The purpose of the hearings is to receive comments from all interested persons regarding the adoption, amendment and or repeal of regulations pertaining to chapter 289 of the Nevada Administrative Code, NAC. This public comment hearing has been previously noticed as required by NRS Chapter 233B. We'll move to item A. This is a proposed regulation file number R032- 23RP1. Go to Director Sherlock for the background information.

SHERLOCK: Thank you, Mike Sherlock for the record. A

-- and just to give the audience and -- and commissioners a reminder where we're at. This is a public comment hearing, which means these proposed regulations have, uh, already gone through the rulemaking process. The commission voted to continue that, uh, rulemaking. We've had one or more workshops on the issue. Uh, the language coming out of those were approved by the commission. Then it goes to, uh, the legislative counsel bureau, uh, for their work, uh, and then brought back to us. And at this point, this would be the final adoption by the commission on these, uh, proposed regulation. Uh, once they're done here, it goes back to the LCB com -- commission with this language. So, in terms of item A, uh, as the commission may recall, this change was to address the issue where someone is appointed or elected to an executive, uh, level, but under the old re -- requirements, they could not qualify for the executive certificate. These changes approved by the commission allow an elected executive the ability to receive an executive certificate if they have been in that position for five or -- years or more or an appointed executive, uh, who came from out of state and had the equivalent training and education and that state's equivalent professional certificates. Keep in mind though that, uh, this certificate, even if they meet all those basic qualifications, that is not awarded by POST staff, that remains at the discretion of the commission and the commission makes the

final decision, uh, even with this new change on the issuance of the, uh, executive certificate.

TROUTEN: All right, thank you. We'll start first with public comment. Are there any comments from the public relative to this executive cer -- certificate qualifications? Right. Hearing none, we'll move on to item B, proposed regulation file R025-24P. Again, we'll go back to executive Director Sherlock for the background information.

SHERLOCK: Mike Sherlock for the record. So, the public comment hearing here is, uh, in relationship to the newest reciprocity change for category one recruitment. Here, the change simply removes the mandated passing of the PT test for reciprocity applicants, uh, but allows agencies the discretion to use a PT test should they desire.

TROUTEN: Do we have any public comment on this item? Please sir, come forward and state your name for the record, please.

JULIAN MELENDEZ: Good morning, everyone. My name is Julian Melendez. I am a, uh, Deputy from Esmeralda County, uh, currently participating in the Reciprocity Program. Uh, at your last meeting three months ago, I spoke. Uh, just wanted to give you an update regarding our current situation in Esmeralda County, uh, small workforce. Uh, we -- since I've spoken three months ago, we've lost another deputy, uh, to another agency. So now we're down to three patrol deputies.

And of those three, there are two of us participating in the reciprocity program. And then one other deputy who has about three and a half years of Nevada, uh, law enforcement experience. So, I just wanted to remind you of our current situation, how this would impact one particular county in the state. Um, it would pretty much, uh, negate or -- or eliminate, uh, 66% or two thirds of the workforce. Uh, to also let you know, we've tried recruiting, we've tried advertising social media, and still not getting any bodies. Um, so with our current workforce, uh, you have two deputies participating in the reciprocity program who have not, uh, passed the physical, uh, fitness readiness test. Um, but you have over 60 years of California law enforcement experience and now a little over two years of Nevada law enforcement experience, uh, with no citizen complaints, uh, no issues regarding our performance, just an inability, uh, to pass, uh, this test, uh, with a few more sit-ups. Uh, just to let you know, personally, I'm up at 26 sit-ups, just not quite at 30, and I have another two months left on my extension. Uh, and then my partner, uh, Deputy Krista Sullivan, is just shy of the, uh, Illinois Agility Test by less than a second or so. But I just wanted to give you an update of our current situation Esmeralda County and how this, uh, change would impact, uh, our agency. Thank you very much.

TROUTEN: Thank you. Any questions from the board for

Deputy Melendez? All right, any other public comments? Hearing none, we'll move forward to item C. This is proposed regulation file number R031-23RPI and back to you Director Sherlock for the background on this one.

SHERLOCK: Mike Sherlock for the record. Uh, so this, uh, particular hearing is related to the command level basic cer --certificate. It simply allows for a limited basic certificate, uh, for the command level within an agency. Um, it's directed at those who had been Nevada Peace Officers, um, and they have been out of policing beyond the five years. It removes the mandated PT te -- PT -- PT test and requires five years of Nevada law enforcement service in the past to be eligible. Um, a -- again, um, this is a public hearing -- final hearing for this particular issue.

TROUTEN: And if memory serves me right, director didn't we have a concern on one word in the language of this last meeting? So that it's back --

SHERLOCK: Yeah. For the record, so that went back and was corrected.

TROUTEN: Thank you. Do I have any public comment on this item? All right, hearing none, we'll now then move into the workshop portion. The purpose of this workshop is to solicit comments from interested persons on the following topics that may be addressed in future proposed regulations. This workshop has been previously noticed pursuant to the

requirements of NRS chapter 233B. This workshop is intended to solicit discussion on first item A, changing the revocation authority language related to domestic violence incidents to the federal def -- definition of domestic violence. Director Sherlock, background please.

SHERLOCK: Sure. Mike Sherlock for the record. So, as the commission may recall -- recall from last meeting, uh, our current revocation language authority or reasons for re -- revocation is not consistent with federal law or court decision related domestic violence incidents. So, this language change would simply bring our revocation regulation in line with the realities of dis -- domestic violence, uh, decisions and the federal law. Uh, we have included here in the -- as a sample, the language from federal law. Uh, this workshop is simply to solicit any comments, uh, related to that language change.

TROUTEN: Right. Thank you. Do we have any comments from the public on this item? Questions of the board or director Sherlock? Onto item B. This workshop is regard to updating our language in the serving -- in the serving of notice to those who are subject to revocation hearings. Uh, Director Sherlock background on this one.

SHERLOCK: So, Mike Sherlock for the record. Um, we, uh, -- currently we are now quite often able to personally serve those that are subject to revocation hearings. Um, and

we would just want -- wanted to update the language, uh, regarding those notices. Um, our current regulation only mentions certified mail, and so we simply want to add personal service as an effective way of noticing those subjects to revocation and that's what this change is about, just adding that language.

TROUTEN: All right, thank you. Do we have comments or questions from the public on this item? Questions from the board directly. Okay. Onto item C. This workshop is soliciting input in regards to a possible change to allow for a recertification pathway for previously certified Nevada Officers. Director Sherlock, background please.

SHERLOCK: Mike Sherlock for the record. So, the commission has expressed a -- a desire to really help or expand our pool of applicants, uh, and increase, uh, the ability to recruit. Uh, so we -- we looked at that issue, looked at the sort of inquiries that we have. Um, and -- and overwhelmingly the number one inquiry we're getting currently in terms of hiring or -- or certification, um, is the five-year rule. So, we regularly have both agencies and individuals calling to ask how they can reinstate their basic certificate after the five years has expired. Um, and -- and who knows why with inflation and -- and issues out there in the real world, uh, we have a -- a fairly active group that would like to get back into policing, but don't want to go back to a full, uh, -

- back through a full academy and start over. Um, so we, uh, looked at what other states are doing and those that allow a re-certification of those that expired, um, and created some language, uh, as a sample. But, um, from our perspective, I think, uh, it would be helpful for instance, if we had a recert process for those that have been gone more than five years, but less than 10 years, um, in terms of when they worked last. And -- and again, staying with the theme of our other changes that had at least five years in Nevada before they left policing, uh, then we -- we would, uh, you know, have this process for them to get re-certified and we have some sample language in there. Again, that's what this workshop would be, uh, about. During the regular meeting, the commission would have the opportunity to either continue the rulemaking or -- or not on this particular issue. But again, this is probably the number one inquiry we have is retired people who want to come get back and -- and -- and get back into policing and -- and, uh, you know, help agencies. And we also get the calls from the agencies who want to hire retired, uh, people, uh, but they're beyond the five years. So, uh, this is where we came up with this language and -- and we looked at again at other states how they're doing recertification and came up with some ideas for -- that fit our regulatory scheme.

TROUTEN: Thank you. We have comments or questions

from the public? Any comments or questions from the board? Right. Moving on, we'll now transition to the regular commission meeting. Um, just to note as we get started on this, item number 14 from our agenda will be continued until the July meeting. So now we'll move forward to item number one, public comment. The commission may not take any action on any matter considered under this item until the matter is specifically included on a future agenda as an action item. We'll have another opportunity for public comment at the end of the meeting. Do we have any public comment at this time? Okay, hearing none, move on to item number two, discussion.

HASTINGS: Chief Trouten.

TROUTEN: Yes sir.

HASTINGS: If I might, Nathan Hastings for the record. Um, maybe just suggest pointing out or -- or just describing in a bit more detail the change here --

TROUTEN: Okay.

HASTINGS: -- in this public comment process, so that if any came with the anticipation of making a public comment during the individual item that the commission has decided to take it this different way.

TROUTEN: Okay. So, we're gonna start that this time then as well.

HASTINGS: Well-meaning in past meetings --

TROUTEN: We take public comment on every item which -

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HASTINGS: -- at each agenda item. Whereas here, uh, you've now instituted having a public comment period at the beginning and at the end, which is what the law requires. And that being the case, um, you would not take public comment on each individual item because it's either or.

TROUTEN: Okay. All right, thank you. So, for the informational purposes, what we're talking about is, um, in past meetings between the workshops and such, we were often getting the same comments multiple times. The thought being that, uh, the workshop is for the comments from the public, in a regular meeting, we have the opportunity for public comments, but we will take those in the beginning and at the end, not on specific agenda items for the regular commission meeting. So if any of you are here to speak specifically on a -- an item that is agendized for action today, this initial public comment time is your opportunity to make those comments. So, if there's -- if those changes anything, any comments from the public? All right, we'll now move forward to item two. This is, uh, approval of the minutes from the February 22nd, 2024, regularly scheduled POST Commission meeting. Do we have any comments, additions, um, corrections to the minutes as provided? If the board has had the opportunity to review the minutes, I would entertain a motion to accept them.

SHEA: Tim Shea, I'll make a motion to accept them.

TROUTEN: Thank you.

MCKINNEY: Kevin McKinney, I'll second.

TROUTEN: All right, we have a motion. Second to accept the minutes as presented. All those in favor please signify by saying aye.

MEMBERS: Aye.

TROUTEN: Any opposed? And I also vote Aye. Minutes accepted as presented. Item number three, executive director's report.

SHERLOCK: Uh, thanks Mike Sherlock for the record. So, real quick, uh, just a reminder or maybe news to some of you, we have a process for voluntary relinquishment of, uh, one's basic POST certificate. Um, just, uh, uh, a method of -- of giving up your basic POST certificate. Uh, under the regulations, the director may accept these relinquishments and I must report them to you at the next regular scheduled meeting. Um, so during this timeframe or since the last meeting, we received one such relinquishment. Um, it was from, uh, Kelle Harter at, uh, Reno P.D. Also, the commission should know that where appropriate, where they voluntarily relinquish their certificate, we still report them in the National Decertification Index where appropriate. Uh, during the quarter, uh, we conducted some 22 agency compliance audits and four academy audits. Uh, areas of concern are in your books,

uh, in terms of, uh, findings. Uh, but the -- the same theme remains the same across the state in general where there are issues. It usually involves background issues and -- and documentation, that sort of thing and training. Um, we continue to work with agencies on how to better, uh, document their compliance and or, you know, achieve compliance. Uh, we've begun our ramp up for the next legislative session, uh, both from a budget perspective and also a legislative perspective. For us, we need to have our enhancements requests by -- in by August and all the usual budgeting fun is already underway. Uh, on the legislative side, we really haven't heard too much, uh, what's in the works at this point. Governor Lombardo did stop by and spent some time with our current academy class, took some pictures, um, and, uh, uh, it was, uh, well received, I'll put it that way, uh, with our academy class and was, uh, greatly appreciated. Uh, our current class, uh, graduates that Thursday. Um, I have my usual testimony in front of the, uh, joint judiciary committee at the end of this month. Um, we just completed, uh, an LCB commission meeting where our behavioral -- Behavioral health reg and the CAT III reciprocity, right, um, regulations were finally adopted. Um, this week I met with tribal chiefs, uh, at a meeting that they facilitated. Um, looking at our inter -- interlocal -- from our perspective, the interlocals, um, M -- MOUs and the statutes that require, uh, tribal policing in certain respects

to be post certified and how they may -- how they, uh, can achieve that. Um, with that, I will yield back to the chairman.

TROUTEN: All right, thank you. Questions from the board. Ready? We'll move on then to item number four. This is a discussion item for possible action. We'll consider taking possible action to adopt, amend, or repeal the regulations as follows. And we have three of these regulations. We'll start with item A. Uh, this is to adopt LCB file, R032-23 RPI, Director Sherlock.

SHERLOCK: Again, Mike Sherlock for the record. This is simply the, uh, executive certificate, uh, language that you just heard about and, uh, we'll be looking for final adoption of these changes.

TROUTEN: Questions, concerns from the board? Fair on this one? Good. All right, in that case, I would entertain a motion.

SHEA: Tim Shea, I make a motion to adopt regulation as presented.

TIFANNY YOUNG: Tiffany Young. I'll second.

TROUTEN: Thank you. We have a motion and a second to adopt as presented. All those in favor please signify by saying aye.

MEMBERS: Aye.

TROUTEN: Any opposed? And I also vote aye, motion

carries. Thank you. Item B again, Director Sherlock for background please.

SHERLOCK: Mike Sherlock for the record, again, this is the change to, uh, NAC289.200, which removes the physical testing requirements for -- for reciprocity applicants. And again, the language you heard in the public comment hearing, we believe it meets the intent of the commission and we would recommend adoption.

TROUTEN: Thank you. Questions or comments from the board? Okay. With nothing further, I'd entertain a motion.

PROSSER: Jamie Prosser, moves.

TOGLIATTI: I'll second George Togliatti.

TROUTEN: We have a motion and a second. All those in favor please signify by saying aye.

MEMBERS: Aye.

TROUTEN: Any opposed? I vote nay. I'm still the stick of the mud. All right, that motion carries. We'll move forward to item C and this is LCB file, R031-23RP2, Director Sherlock.

SHERLOCK: And Mike Sherlock for the record. Again, this is the, uh, command level basic certificate. And we would recommend adoption of this NAC language.

TROUTEN: Do we have questions or comments from the board? So, I have one and I, uh, -- Mr. Hastings, this may be answerable by you. A concern would be that somebody gets executive level basic POST cert for an administrative

position, says now within that agency the certificate is gone. What if they are demoted or leave that position within the agency? Is that clear enough in the language as it is that that certificate would then be null and void to basically assume as an officer or deputy?

HASTINGS: Regulation on the – (inaudible) basic certificate?

TROUTEN: I guess my clarification is it refers to position, but is that understood to be positioned with specifically the rank position or administrative position or is it with the agency? And we'd had discussions. Um, I asked this question just because I've already heard of an agency that is trying to wiggle around this and use it to just avoid post.

HASTINGS: My -- my initial thought is to have asked staff to comment on both intent and -- and -- and the way you think the language covers that.

SHERLOCK: So, Mike Sherlock for the record. I -- I, you know, the regulation says that -- that -- that the person applying for this command level basic certificate, um, has to have been elected or appointed to an executive level position. So, if they meet the other rec -- criteria five -- prior five years in Nevada, and you know, those other things, and 289.14, all -- everything that this says, I think that we're pretty clear that it must be an executive level position. So, if they

leave that executive level position, they are no longer qualified. And understand that this is a limited basic certificate as a command level, only basic and that's why we call it that. Um, so I think we're pretty safe. From our perspective if someone submits an application, they have to meet this criterion. Um, so if they have five years in Nevada and they're in a command level position, all these things, that criteria. And I think -- so I think we're okay from that perspective, I'm not sure -- I'm not sure how you get around POST other requirements.

TROUTEN: So, if we had an agency to choose what your hierarchy looks like. And again, it probably occurs in a smaller type of entity. You could claim that a street position is in fact a command level position as well and have up to two certificates per agency and you could certify your staff without having to go through.

SHERLOCK: So yeah, Mike Sherlock for the record, it's also limited to two per agency. Um, we have tried in the past to define what command level was and uh, the commission, uh, wasn't happy with that. Um, and so we're -- the result was leaving that at the discretion of the agency itself on what that means. Um, but in your scenario, it could be a possibility, but there's only two per agency so it's limited.

HASTINGS: And -- and the prime -- the -- the head section language, the commission may award. So, the -- the

hypothetical scenario that you -- that you bring to bear, you anticipate that those underlying facts, uh, -- factors would -- whether could be known to the commission. In other words, it's one thing to say someone might try to get around the intent of the requirement (inaudible) but, uh, it says (inaudible) so I guess what I -- where I'm going with that is that if, unless you're -- unless you're -- you're proposing that there's no way you could know, but if it was -- but if it was a situation where you did know (inaudible) certificate, this may not shall.

TROUTEN: Which is kind of the point of asking if you're comfortable with it as written, the language gives us, um, clear enough direction because we did struggle to define the command level position versus, because it varies so much from the agency to agency that if we do deny because we don't feel it needs those things. Is it defensible for this commission -- for this board?

HASTINGS: Yeah. I mean, I think so. It's -- it's -- it's -- it's may language, not shall language. Okay.

TROUTEN: Thank you. Other questions? All right. I hearing,

SHEA: I -- I -- well this -- so I look at the qualifications here for this and it mirrors as far as I can tell, lateral entry basically. But what we're saying this certificate is for is for someone that worked in a Nevada

agency and may be gone for how many years? I don't think there's a limit on this, is there? It it says you had to be employed for five years now you've been gone. So, if you're gone for more than, does this mean you have to go through basically the lateral process again because you have to meet all the requirements that a lateral has to meet to get this certificate? Or does it mean that you took this training 15 years ago and it's still good?

SHERLOCK: No, so Mike Sherlock for the record. So, there is no time limit on when they did do their five years? Uh, that's correct.

SHEA: Okay.

SHERLOCK: Um, but this process is a, uh, -- is from our perspective, it's a basic academy very similar to reciprocity. Um, but to bring them up to speed on the current state of the law in policing today, um, with no time limit though. And again, because it's limited to command level, um, it's a -- it's a slightly different, uh, perspective. Uh, but again gives you the discretion to bring in a deputy chief, uh, that you believe is qualified and -- and we could get them back certified limited certification through this process.

SHEA: So basically, we're saying that this applies to a person who used to work in a Nevada law enforcement (inaudible) beyond the five years. They then must go through the reciprocity process, which includes the online post two

and do force. The certification, you have to take that over again. So basically, it's the reciprocity process for a person not currently employed as we -- or within five years.

SHERLOCK: Yes, I -- I understand reciprocity you mean for us means out of state, right?

SHEA: Yeah.

SHERLOCK: But it essentially is the same. Yes.

SHEA: Okay. So, it's basically reciprocity for an in-state, no longer employed officer who's been gone more than five years?

SHERLOCK: And then gets employed and appointed into a command level position. Yes.

SHEA: Okay -- okay. I understand. So, we -- they're going through everything that we would require for somebody under reciprocity. All the requirements they have to meet all of those standards that anybody who's coming in for reciprocity except for the current employment.

SHERLOCK: Well, a couple things. For reciprocity, it has to be five years or less.

SHEA: Right. Um, but that's what's waived under this.

SHERLOCK: Yes.

SHEA: Okay.

SHERLOCK: And they have to be from Nevada.

SHEA: Right.

SHERLOCK: Um, and it can be more than the five years.

Um, but yeah, the background requirements remain the same. Uh, still have to do a background on the person, all those things. Yeah.

SHEA: Okay.

TROUTEN: So, I'm gonna ask kind of a stupid question here because this was originally, I think focused around removing the physical fitness requirement. We had the discussions about differing standards, Cooper Standards sub, um, as we're also considering moving forward with extending that five-year window so that somebody is outside of the 60 months and stuff, they come back with a -- a Nevada certificate. Is there really any purpose that this is going to cover -- any group this would cover that -- that wouldn't as they're already Nevada certified, they re-cert up to you say 10 years and come back with a regular --

SHERLOCK: Mike Sherlock for the record. It's not a big number, but yes, it's -- it could apply to for instance, uh, elected sheriffs or that kind of thing where, um, they're beyond the 10 years or, uh, and -- and to be honest with you, we have two people waiting for this right now that, um, are elected or in an appointed, uh, position that, um, are running out of time. And so there -- there are individuals that this would apply to currently that are different than that -- than the recertification that -- that we are proposing. Although it's a small difference, but, uh, it is slightly different.

TROUTEN: Okay. Thank you. Other questions or discussion? Hearing none, would entertain a motion.

SHEA: Tim Shea, I make a motion to adopt.

PROSSER: Jamie Prosser second.

TROUTEN: I have a motion and a second, thank you. All those in favor please signify by saying aye.

MEMBERS: Aye.

TROUTEN: Any opposed? And I also vote aye, motion carries. We'll go to item number five. This is for discussion and possible action discussion by the commission to continue the rulemaking process regarding the revision of NAC 289.290, uh, subsection one -- subsection I to update language related to the revocation for domestic violence incidents. Possible action may include the creation of language and Director Sherlock, uh, some more detail on this one, please.

SHERLOCK: Mike Sherlock for the record. Again, as stated in the workshop, this change and language would, uh, just bring our revocation language, uh, up to, uh, the current state of law and we would recommend that the continuation of rulemaking on this issue.

TROUTEN: All right, thank you. Has the board had time to review the -- the proposed language? Is there discussion, concerns, questions from the board? So not hearing any, we can move forward with this language, continue the process if we think there needs to be refinement or table it as a motion

from the board.

PROSSER: Jamie Prosser moves to continue the rulemaking process.

SHEA: Tim Shea, I second.

TROUTEN: We have a motion and a second to continue rulemaking. All those in favor please signify by saying aye.

MEMBERS: Aye.

TROUTEN: Any opposed? And I'll also vote aye. Thank you. So, we'll move on to item number six, discussion by the commission to continue the rulemaking process regarding the revision of 289.290 subsection four. Um, so this again for review, continuance of tabling, uh, Director Sherlock, background please.

SHERLOCK: Again, Mike Sherlock for record, this is simply the update to our notice, uh, requirement language to include personal service. And we would recommend, uh, the commission continue the rulemaking on this issue.

TROUTEN: Of course, this is what we'll talk about going up to say like 10 years or anything. So, is there direction from the board? Questions and concerns discussion on this item?

SHERLOCK: The, uh, -- this is for the notice for personal service.

TROUTEN: Oh, sorry -- sorry. We're ahead.

SHERLOCK: Don't -- don't confuse me like that, I --

I'm barely keeping --

TROUTEN: I'm just saying I think it's, uh, critical as a city we face the same issue. And if folks refuse to grab mail, then it complicates issues. Questions, concerns? If not entertain a motion.

PROSSER: Jamie Prosser moves to continue the rule making process.

YOUNG: Tiffany Young, I second.

TROUTEN: Thank you, motion and second. All those in favor please signify by saying aye.

MEMBERS: Aye.

TROUTEN: Any opposed? And I also vote aye motion carries. Now we'll get to discussion item number seven, full possible action. This is to continue the rulemaking process regarding the creation of a recertification process for expired certificates. Possible action may include the creation of language. Director Sherlock.

SHERLOCK: Again, Mike Sherlock For the record. Uh, again, as we spoke about in the workshop, this, uh, would hopefully increase somewhat our pool of applicants and qualified applicants. Um, and we would recommend, uh, the commission continue the rulemaking on creating a process for re-certification of those expired.

TROUTEN: Thank you. Questions or discussion from the board? Hearing none, I would entertain a motion.

PROSSER: All right. Jamie Prosser moves to continue the rule making process.

SHERLOCK: It is easier for us if we just, you know, made the motion we got.

TROUTEN: Do have a second?

MILLER: Oliver Miller I second.

TROUTEN: Thank you. Motion and a second to continue rulemaking process. All those in favor signify by saying aye.

MEMBERS: Aye.

TROUTEN: Any opposed? And I also vote aye. Motion carries. Discussion number eight, request from the Reno Police Department for an executive certificate for their employee Assistant Chief Oliver Miller. So, Director Sherlock.

SHERLOCK: Mike Sherlock for the record. So staff has reviewed the application very closely regarding the -- an executive certificate for depu -- sorry, I'm one ahead.

TROUTEN: I'm doing what you're doing.

SHERLOCK: For Assistant Chief Oliver Miller. Um, staff finds he meets the requirements for the certificate and, uh, would recommend the issuance of the post executive cer -- certificate to assistant chief Oliv -- Oliver Miller. Uh, we would add he's a really nice guy too.

HASTINGS: We should probably abstain from voting on him.

MILLER: Thank you. You already told me you was

voting.

TROUTEN: Any questions or discussion from the board? I would entertain a motion.

SHEA: Tim Shea, I make a motion.

TOGLIATTI: Togliatti I second.

TROUTEN: Motion and second to grant Executive certificate to Assistant Chief Oliver Miller. All in favor please signify by saying aye.

MEMBERS: Aye.

TROUTEN: Any opposed? I also vote aye. Motion carries congratulations. We'll move on to item number nine. Request from the Boulder City Police Department for an executive certificate for their employee, Deputy Chief Aaron Johnson. Director Sher -- excuse me, Sherlock.

SHERLOCK: Uh, staff has reviewed the application regarding an executive certificate for Deputy Chief Aaron Johnson. Staff finds he meets the requirements for the -- for the certificate and re -- would recommend the issuance of the post executive certificate to Deputy Chief Aaron Johnson. I think he's here.

SHEA: He's not here.

SHERLOCK: He's not here? Oh, I was gonna say, he's a nice guy too, chief, but he's not here. So, uh, we would recommend issuance of that executive certificate.

SHEA: Am I allowed to vote or is it something I

should abstain from?

TROUTEN: Questions or discussion by the board?

MCKINNEY: Kevin McKinney. I make a motion to approve the executive certificate of Mr. Johnson.

TOGLIATTI: Togliatti, I second.

TROUTEN: Motion and a second to accept executive for Deputy Chief Aaron Johnson. All those in favor signify by say aye.

MEMBERS: Aye.

TROUTEN: Any opposed? I also vote. Aye. Item number 10, request from Ely Shoshone Tribal Police Department for a six-month extension past the one-year requirement of the NRS 289.550 to meet the requirements for certification for the following employees, Brent Stark Date of hire, May 15th, 2023, would extend him up to November 15th, 2024. And also, Michael Lucero, date of hire July 5th, 2023 would extend him to January 25th, 2025. Director Sherlock.

SHERLOCK: So, Mike Sherlock for the record. Um, in your books, you can see there's a letter from their, uh, HR director out, uh, in, uh, Ely. Um, one of the individuals is currently in training, uh, but will not complete in time to -- to meet the one year and the other is scheduled to, uh, attend an academy. Uh, based on the information we've received from them staff -- from them staff would recommend, uh, the extension of time for both of these individuals for Ely

Shoshone tribal.

TROUTEN: All right, so I do have a question, and again, I've been confused this morning, so I apologize if I'm wrong again. It says that they would be completing the academy on April 5th, 2024. It should be completed by now, which would be before May 15th.

SHERLOCK: So the -- the issue we have is though they've completed the academy, um, it's the BIA Academy, which makes them eligible for reciprocity.

TROUTEN: Okay.

SHERLOCK: So now they have to go through the reciprocity process, which puts them beyond the year.

TROUTEN: All right.

YOUNG: So you have a -- just a minute.

TROUTEN: It's in the air.

YOUNG: So does the MOU that you mentioned earlier with the tribal chiefs give us rights to this discussion?

SHERLOCK: Yes. So most of our inter locals are very specifically, and a lot of them have MOUs with the county also, that requires them to comply with all standards and regulations of POST. And so that's why we, you know, in a way this is demonstrating that, uh, because they're -- they're asking for an extension as, uh, -- as, uh, outlined in our regulations. So this shows compliance also to a certain extent. And -- and, uh, yeah, they have to comply with all our

regulations.

YOUNG: So that MOU gives us jurisdiction to make this? Thank you.

SHERLOCK: Yes. For the purpose of our certification, yes.

YOUNG: Okay. Thank you.

TROUTEN: Other questions or comments? Discussion from the board. Any motion?

TOGLIATTI: I'm George Togliatti, I make a motion.

YOUNG: Jammie Prosser seconds.

TROUTEN: Motion and second to grant extinctions. All those in favor signify by saying aye.

MEMBERS: Aye.

TROUTEN: Any opposed? I also vote aye, extension is granted. Item number 11, discussion and for possible action. This is a hearing pursuant to NAC 289.290 Section (1), subsection (g) and/or NAC 289.290. Section (1), subsection (h) on the revocation of George J. Heads formerly employed with White Pine County Sheriff's Office Category I, II and III basic certificates. NAC 289.290 Section (1) allows the commission to revoke, refuse or suspend the certificate of a peace officer for, uh, listed (g) conviction of, or entry of a plea of guilty -- guilty, but mentally ill or nolo contendere to a felony and/or under section (h) except as otherwise provided in paragraph I Conviction of a misdemeanor. If the

employee agency recommends suspension or revocation following the conviction of the employee for a misdemeanor suspension or revocation may be imposed. The conviction, which or convictions, which have led to this action are case number 091500069. Charge one: burglary -- burglary, second degree felony charge two: theft, third degree felony charge three: criminal mischief, third degree felony case number 091500075. Charge one: burglary, third degree felony. Possible action may be revocation of the category I, II, and III basic certificates. To you attorney, Mr. Hastings sir.

HASTINGS: Thank you chief, just to initially establish proper basis for potential revocation on items 11, 12, and 13 on today's agenda, just, uh, put a few matters on the record. First, that under NRS 289, and bear with me with my voice, I apologize, trying to keep the cough drops. Um, NRS 289.150, uh, provides and requires the commission to have adopted regulations to establish the standards for, uh, revocation or decertification of -- of, uh, POST certificates. And that has been done with the adoption of NAC 289.290, which is cited authority for potential revocation today has authority under statute and regulation to revoke certificates, uh, for conviction, uh -- for convictions of felonies and misdemeanors consistent with the -- the charges that will be discussed today. Having established that, I'd also like to just, uh, put on the record asking, uh, Chief Floyd for

purposes of agenda items 11, 12 and 13. Did you obtain, uh, records of criminal history that are, uh, contained in the supporting materials for, uh, today's meeting for -- for the revocations proposed in those agenda items?

KATHY FLOYD: Yes, I did.

HASTINGS: And did you obtain those items -- those records of criminal history directly from the courts?

KATHY FLOYD: Yes, I did.

HASTINGS: Did you maintain those records of from the course and scope of, uh, your record keeping duties as, uh, a chief in, uh, POST commission?

KATHY FLOYD: Yes, I did.

HASTINGS: And are the records contained in the commissioners meeting materials true and accurate copies of the criminal -- the criminal history that you've kept in the work in the course of your duties?

KATHY FLOYD: Yes, they are.

HASTINGS: So I'll advise you, commissioners, that the materials that you have supporting (inaudible) today are valid for evidentiary purposes for purposes of, uh, this meeting and being able to (inaudible) First for agenda item number 11, for you to Exhibit A material which establishes that the commission effectuate the proper notice, uh, to Mr. Head of potential revocation of his certificates in this matter. Next, um, this one's gonna be a little bit different than the few

ones we've done in the past. I'm actually gonna ask director Sherlock, uh, to see of your materials. The letter from, uh, sheriff Henriod of the White Pine -- White Pine County Sheriff's Office. This is the request for revocation. Um, once we -- once this has been read the next, the -- the, uh, disputing letter by Mr. Head, uh, will be discussed.

SHERLOCK: Okay, Mike Sherlock, for the record. Uh, this is, uh, a letter, um, initially dated as September 5th, 2023 from, uh, sheriff, uh, Scott Henriod. George Head is a past employee with the White Pine County Sheriff's Office. He was hired as a patrol deputy and was sent to the Nevada Peace Officer Standards and Training Academy where he successfully graduated. He worked for the Sheriff's Office for several years before rendering his resignation. On or about August 31st, 2023, I was contacted by Chief Kathy Floyd informing me of information she had received from the State of Utah referencing -- referenced George Head's background. I have reviewed George Head's application and background that was done when he was hired, uh, on with the Sheriff's Office. He does disclose in his application that he was arrested on January 3rd, uh, 2009 for the crime of burglary, and that the disposition was a misdemeanor. Looking over the criminal history that was done at the time of his background check, it does -- it does show the arrest and the di -- disposition as a -- is a misdemeanor. After receiving the information from

Chief Floyd that she obtained from Utah, it appears that this is misleading. The documentation she received indicated that his conviction and dispossession -- disposition was for a felony and that later on after George Head completed his probation, the disposition was changed to a misdemeanor at the request of Chief -- Chief Floyd and the newly discovered information, I'm requesting the revocation of George Head's Nevada POST certificate and it is signed, uh, by Sheriff Scott Henriod.

HASTINGS: Uh, Mr. Head's written statement. He -- he requested that this be read into the record by the commission in connection with this hearing.

SHERLOCK: Uh, Mike Sherlock for the records. Uh, the -- the, uh, document is uh, titled Notice to Appeal, uh, addressed to, uh, Nevada Commission on Peace Officers, uh, standards and training, and dated February 1st, 2024. I'm writing this letter to let the Nevada Post Commission know I would like to appeal for the revocation of my Nevada Post Category I certificate. I was hired at the White Pine County Sheriff's Office on June 18th, 2018. I wrote a detailed letter articulating the facts and circumstances regard -- regarding my criminal past, along with my application. I was commended for that letter by Captain Jaime Swish – Swetich. For my honesty, my criminal past was never kept secret during my hiring process and was even discussed in my oral board and my,

uh, voice stress analyst screening. My morals and ethics were never questioned during my five years as a patrol deputy with, uh, White Pine County SO and as a matter of fact, I was given additional responsibility. During my time with uh, WPCSO, I was pro -- pro -- promoted to deputy Coroner and became a certified field training officer. I even went and put myself through Elko's, Elko's Tri-County SWAT training to better myself as a rural deputy. I was president of our association and help -- and helped negotiate a great contract for my department. On August 1st, 2021, I was involved in an officer involved shooting to which I was giving -- given an accommodation letter for my actions that day. I understand that I was, uh, convicted of a misdemeanor crime in 2009, I never lied during my hiring process and I was 100% honest with all my information. I understand this situation must be evaluated, but I ask that you look at all the information I have provided before taking one of my greatest accomplishment -- accomplishments away. I'm not my mistakes and not once ever I have, uh, been under investigation for my actions as a law enforcement officer. I helped investigate one of my own coworkers who had been working with the WPCSO for 19 years. It is an active case number 23-CR-00156-7K. This individual is going to jury trial for ex -- uh, sexual assault charges against a minor and an adult female. I feel like this is clear retaliation since I am involved in an active federal lawsuit

against WPCSO, which WPCSO received days before being contacted by Nevada POST -- by the Nevada POST Commission, I will not be able to attend the given date of the appeal since I will be in a remote location for two weeks, 3,000 miles away for work. Please let me know if I can attend via Zoom. Again, I ask that you review everything rather than the one mistake I made as a teenager. Receiving my Category I peace officer certificate was a huge accomplishment for me, and it helped me a -- a greater sense of purpose as an adult. None of my criminal charges were new information to WPCSO. I've up -- upheld the honor of being a peace officer in my personal and professional life. Thank you for taking time to read this letter and I eagerly await the decision. Sincerely, George Head, Post p -- uh, PIN number 36410.

HASTINGS: Thank you, Director Sherlock. So this is a little bit -- this is a little bit unique and one is that the criminal history information and on the previous Exhibit (g) in your materials show, uh, if you look at page one of 16 in Exhibit (g) this is where it, uh, identifies a -- the initial, I'm sorry, um, here disposition is at the top of the page. So the three charges that -- that the current is, and as the sheriff described were reduced to misdemeanors at some point, 13, 12 or 13, you can see where he was initially -- where initially pled guilty to the felonies. The regulation allows the commission to revoke, uh, without regard to the position

of the employing agency for felonies. And the initial convictions for felonies. But then they were reduced to misdemeanors on his completion of probation. The regulation isn't really very clear about a distinction like that. It doesn't express the -- um, it doesn't expressly address well, what happ -- you know, what happens technically, he was convicted of a felony. And so (g) would apply. The regulation allows for revocation upon conviction of a misdemeanor where the employing agency requests it. So technical sense, the commission could consider this either under (g) for felony convictions, but let the knowledge that they were reduced to misdemeanors. And now you have the request of the Employing agency for revocation, assuming you consider the convictions to be misdemeanor convictions. But then you have some (inaudible) of what was and wasn't disclosed during the hiring process between, um, Mr. Head and and sheriff's office. And there's not a representative -- representative, as I understand from the -- from the sheriff's office where you have any questions. This is a little bit of a -- it's unique from the ones we've had in the past. And, um, from a purely legal standpoint, in terms of your authority, I believe that you -- that the commission can properly revoke under (g) for felonies that there was a conviction for felonies. The fact that they were reduced to misdemeanors does not change the fact that they -- that they were felony convictions. However,

the commission, I think, can also properly give effect to the intent of the court in that case to -- to be able to give him the benefit of being successful on probation and having them turn to misdemeanors. In which case then, because you -- you are dealing with the complication of, uh, that -- that he said, he said between the sheriff and and deputy, neither is here to answer any questions that you might have. That may be a reason to pull this item from your agenda and -- and try to have it in July and request someone from the sheriff's office be here to answer questions that you may have about you knew about this at the time you hired him. It's -- it's not my role to tell you what your question should be, but I'm just kind of giving you a sense of how you could approach it. So legally, I think think you can revoke under (g) or (h). You may -- you may have -- you may welcome from the information from the sheriff's office.

TROUTEN: Questions, comments from the board.

COVERLEY: Uh, Dan Coverley from Douglas County. Did POST learn about this through an audit. Is that how this came to light?

SHERLOCK: Mike Sherlock for the record. Um, we were made aware of this by Utah POST attempting to do reciprocity or go through their reciprocity process. And they contacted us as a courtesy, um, because they were aware of these convictions and couldn't certify him. I choose my words here

but that -- that's, we were made, uh, aware by the state of Utah,

COVERLEY: Can the commission request from the White Pine County Sheriff's Office a copy of their background investigation to show what they knew when they offered him a job?

SHERLOCK: Mike Sherlock for the record. The commission certainly can request that, um, we could request a review the background. Um, and you know, and I believe they would allow that, I don't know.

COVERLEY: And one additional question. So is he considered, um, a convicted felon in the sense of purchasing a firearm with having to register with the sheriff's office as a convicted felon? What -- how -- how does that -- I don't understand. I guess the, every state is unique and I guess that's part of the issue here is that you convict him of one level of a crime and then because he's successfully completes his prob -- you know, terms or whatever, then it's reduced to a misdemeanor. But how does that not show? -- Does that mean that the felony never existed? Like it never happened or?

HASTINGS: So that -- that -- those are good -- that's a good question. Um, so there are statutes that -- that-- that address those kinds of issues very specifically in certain contexts. For example, like record sealing. Um, that statute specifically says that for any purpose, if you have your -- if

the record of a conviction is sealed, you can -- you can say in any context that -- that -- as if it never happened. This is obviously not that this is something different. Um, how it works in Utah law versus Nevada law versus federal rules related to firearm prohibitions. Um, I think those are really important questions. I -- I can't answer them right now, but I -- I think that that's a really good -- that's a really valid and proper way to look at this potentially is because we have, in other cases considered revocation based on the propriety or the -- the -- the viability of somebody's ability to carry a firearm. And that's a really good point. Um, if you're convicted of a felony, but it's reduced to a misdemeanor, how does that affect your -- your -- your ability to -- to carry the firearm? So I think that's a really important thing that, uh, could be looked at were the commission to determine that it wanted to wait to make this decision on this.

TIM SHEA: Mike, there's one thing that -- so I was writing timelines and trying to figure all this out because he was difficult. So it looks like he's convicted, he pleads guilty, (inaudible) pled. It looks like he, uh, I'd be willing to vet as part of the plea bargaining, I do some things upon complaining notice was be moved to a misdemeanor. Normally they're adjudicated a misdemeanor. I would think that the reason that happens is for those sanctions that people have for a felony conviction no longer apply which is why you go

through this process and you go through this reduction and that's what's designed for, I would assume, otherwise why do it? So that's all completed by the time he applies for the sheriff's office. That happened in 2011. He was there five years, he left in '23. His post certificates are issued all -- after all this happened. But the one thing you just said is that Utah cannot make him a peace officer because as far as they're concerned, he no longer qualifies because of the felony that he pled guilty to. Even though it was adjudicated later down to a misdemeanor to remove sanctions supposedly, it did not remove this sanction for Utah. So I guess my question would be, would such a thing remove the sanction for the state of Nevada? If you go and you have a felony, if you plead guilty to this, as part of your plea bargain process, if you meet these standard, because you never went to prison, that was all away. You complete those things, they say if you do these things, your felony conviction will go away, which means the sanctions go away. Or do we still say, oh, no even though you did all that, you're still gonna be treated as a felon. And if federal government says you can't possess a firearm, it makes it all moot.

SHERLOCK: Yeah, Mike Sherlock for the record. So, you know, we're pretty black and white over here at POST. And so we -- you know, from -- from that perspective, uh, the reason we bring it to you in this case. And you're right, it is

unusual he was convicted, uh, whether it was reduced or not at the time he was hired, you know, the timeline very well could have been, um, was hired and then separated before we ever even knew -- we mean POST even knew about it. So that -- that is a bit un -- unusual. But from our perspective, a -- we have a provision in the regulation that says that you may revoke for felony conviction and we look at the criminal history and he has a felony conviction, or you may revoke it on specific misdemeanors if they don't meet the, uh, standard that the commission, uh, believes is appropriate, uh, in terms of misdemeanor. Um, and so that's why we bring it to you for those two issues. Um, not necessarily -- clearly not being able to carry a gun is directly related to your ability to be a peace officer, I understand that. We're -- we're bringing this to you because the regulation says you may revoke for a felony conviction and you may revoke for a misdemeanor, whether it's requested by the agency. Uh, and so that's why we bring it here.

TIM SHEA: So the misdemeanor convictions are sufficient, its immaterial if it's a felony or misdemeanor, we can do it also on a misdemeanor, which means the argument is kind of a good point, so the misdemeanor will stand.

HASTINGS: The misdemeanor -- the misdemeanor also requires that the -- that there be the request of the employing agency, which there is here. But that -- that brings

to bear some of those other questions like about the background check and stuff like that.

TIM SHEA: But isn't the request POST separation? He already left, he's gone. They trying to say, oh, by the way, let's -- I'm gonna send this letter or was he separated because of a disciplinary action? This letter was a result of that -- that came to us.

HASTINGS: I don't know the answer to that.

SHERLOCK: Yeah. Mike Sherlock for the record. So for -- in terms of this, you know, the employing agency requesting for us from, you know, the certificate standpoint, the employing agency is that agency that they worked at while they -- that allowed them to have that certificate. So even though he separated for us, White Pine County is still the employing agency because the issue at hand was during the time he was there and then the continuation or the certificate, he's not working anywhere else. But, uh, so it goes back to White Pine as the employing agency for that certificate.

PROSSER: Jamie Prosser for the record, I'm hung up on, um, Exhibit C from White Pine that states at the request of Chief Floyd and the newly discovered information, I'm requesting the revocation of the post certification to include his notice of appeal letter where he says that he was very, um, detailed articulating the facts and circumstances regarding his criminal past before he got hired on. So I would

make a motion to request that White Pine either provide us with that letter or come to the next POST meeting to provide us with further information.

HASTINGS: So just to be clear, I believe that the way this agenda item is set up is that, uh, it may be revocation. Uh, I think that -- that any motion -- any actual motion that you could make on this agenda item today would be to revoke, but administratively without any motion being taken. If the discussion is such that the -- the commission was just (inaudible) the chair can just remove this item, the agenda and put it on the -- on the next meeting and then -- and then through staff administratively that request can be made. But the -- the actual agenda isn't set up for a motion to make that official action of the commission.

PROSSER: And so I move that the chair do exactly what you just said.

TROUTEN: Move the motion to table to -- to the next meeting. So can we make a motion to table it in the next meeting?

COVERLEY: Can -- can we clarify what we want to request prior to the next meeting from White Pine County or -- or from POST?

HASTINGS: Correct.

HASTINGS: (Inaudible) make a motion.

COVERLEY: Right. Do -- do we need to do that now or

is that something we can do?

HASTINGS: You can do that offline.

COVERLEY: Okay.

PROSSER: So do I make a motion? I so move to table.

HASTINGS: Sure, that's fine.

TROUTEN: We have a motion to table from Jamie. Is there a second?

MCKINNEY: Kevin McKinney? I'll second.

TROUTEN: Motion and second to table. Any further discussion? All those in favor of tabling this item to the next meeting say aye.

MEMBERS: Aye.

TROUTEN: Any opposed? I also vote aye. Motion is tabled -- item is tabled. Item number 12, hearing pursuant to -- pursuant to NAC 289.290 Section (1) subsection (g) on the revocation of Lawrence J. Rinetti's formerly employed with the Las Vegas Metropolitan Police Department. Category one basic certificate based on a conviction of/ or entry of a plea of guilty, guilty but mentally ill or a nolo contendere to a felony. The convictions which have led to the section are count one: Theft (Category B Felony in violation of NRS 205.0832, 205.0835.4. And count two: Attempt --attempt to or obtaining using, possessing or selling personal identifying information for unlawful purpose by a public officer or public employee. Category B, felony violation of NRS 205.463. Section

(1) NRS 193.153. Count three: offering a false instrument for filing or record Category C felony violation of NRS 239.330, NRS 171.085, NRS 171.090 and NRS 17.095. Count four, reckless driving Category B felony in violation of NRS 44B.653. Possible action may be revocation of the category (1) basic certificate. Mr. Hastings, if you would provide background please.

HASTINGS: Your attention first to exhibit A and materials for Mr. Rinetti. This is the notice that was sent to, um, Mr. Rinetti. Ask, uh, Chief Floyd, did you receive any, uh, response from Mr. Rinetti indicating that he would appear and or, uh, um, intend to make a statement to a public revocation in this matter?

KATHY FLOYD: No, I did not.

HASTINGS: So notice was provided no response. In fact, uh, Exhibit B you have proof of it's an affidavit of service for the notice and I would direct -- I would direct you, uh, commissioners to Exhibit H in the materials here, which is copy of the guilty plea agreement, uh, with file stamp for, uh, having been filed in July of last year, he pled guilty to the four charges -- the -- the four felonies that give rise to the basis for revocation. And then, uh, exhibit I is the judgment of conviction. So he was actually convicted of those four counts. So I advise the Commission, that based on his plea and the resulting conviction of those, uh (inaudible

) post certification.

TROUTEN: All right, thank you. Do we have any questions, comments from the board discussion? Hearing no comments or discussion, I would entertain a motion.

TIM SHEA: Tim Shea, I make a motion to revoke.

COVERLEY: Dan Coverley, I Second.

TROUTEN: I have a motion and a second to revoke the category or category one basic certificate for Lawrence J. Rinetti. All those in favor signify by saying aye.

MEMBERS: Aye.

TROUTEN: Any opposed? And I also vote aye. Item 13, discussion and for possible action hearing pursuant to NAC 289.290. Section (1) subsection (g) on the revocation of Freddy A. Caseres formerly employed with the Nevada Taxicab Authority Category I and II basic certificates based on a conviction of -- or entry of a plea of guilty, guilty but mentally ill or nolo contendere to a felony. The convictions which have led to this action are count one: attempt lewdness with a child under the age of 14, a category B felony in violation of an NRS 201.230 Section (2). Possible action may be revocation of the category I and II basic certificates. Mr. Hastings.

HASTINGS: Thank you Chief, Commissioners, I direct you to exhibit A in your materials, which is a copy of the notice that was, uh, sent. And if you look at exhibit B, you

have another serve with this notice. Chief Floyd, did you receive any response from Mr. Caseres of any intent to appear dispute the basis for, uh, revocation of this matter?

KATHY FLOYD: No, I did not.

HASTINGS: Thank you. Exhibit E in your materials is the initial indictment from May of 2022 outlines some 26 felony, uh, sexual assault related charges. (Inaudible) was amended upon a guilty plea to reduce charges. Uh, Exhibit G is the guilty plea agreement. Exhibit H is the judgment of conviction. Under your regulation, both the guilty plea and -- and conviction of this establish the impropriety of this individual maintaining a POST certificate and proper basis.

TROUTEN: Thank you. Questions or discussion from the board? Is there a motion on this item?

MCKINNEY: Kevin McKinney I make a motion that we revoke.

NIEL: Russ Niel, second.

TROUTEN: A motion and second to reveal, not reveal ,to revoke the category I and II basic certificates for Mr. Caseres. All those in favor please signify by saying aye.

MEMBERS: Aye.

TROUTEN: Any opposed? And I also vote aye. Item 14 as previously noted has been removed, continued to the July meeting, which brings us to item 15. Public comment. The commission may not take action on any matter considered under

this item, specifically included on an agenda as an action item. Do we have any public comment? Hearing none, we'll close public comment. Item 16, discussion and for possible action scheduling of the upcoming commission meeting for July. Director Sherlock.

SHERLOCK: So, Mike Sherlock for the record. So, as you recall last year, uh, the commission opted to return to, uh, or continue our July meetings in Ely, um, in conjunction with the, uh, sheriffs and Chiefs Association. Uh, I did, uh, meet with Pam of Sheriffs and Chiefs. Um, I'll have to leave it up to the commission. Um, I generally we do Thursday, if you recall last year, we couldn't get it done till about one 1: 00 in the afternoon on Thursday and it makes it a little tough I know for people driving back. She's offered up the room, uh, for Thursday morning around 10 for us to do our meeting and that way we'll be able to get out of there, uh, Thursday. Uh, the only caveat to that is that will be during their Sheriff's and Chiefs is having a round table out at Ely Prison. Um, so I, I'll leave that on you. If, -- if we would prefer the 10:00 a.m. the agenda's filling up. Uh, obviously we've got two from today that have been continued, so we would prefer the 10:00, but I'll leave it to you if you want to do it after the, uh, Ely meeting or whatever the -- the training session out at Ely Prison. Uh, but that would be Thursday, July 11th. Um, either at 10:00 or 1:00 or what -- whatever,

uh, the commission would prefer.

TOGLIATTI: I prefer at 10:00.

(INAUDIBLE): I agree.

TROUTEN: So, uh, I form of motion, we'll look at the morning of the 11th to 10:00 a.m.

COVERLEY: Second.

TROUTEN: Is that good with everyone? All those in favor say aye.

MEMBERS: Aye.

TROUTEN: The 11th to 10:00 a.m. it is. Last item. Motion to adjourn.

TIM SHEA: We can make it so.

TROUTEN: Tip in the head there. All right. All in favor?

MEMBERS: Aye.

TROUTEN: Perfect, we adjourn.

3. <u>INFORMATION</u> Executive Director's report.

a. Training Division- Update regulations for minimum training hours
b. Standards Division – 1 Voluntary Surrender received
c. Administration

POST 2nd Quarterly Audit Report
(April-June)

Number of Agencies: 4 **Number of Agencies with Deficiencies: 4**
Number of Academies: 6 **Number of Academies with Deficiencies: 0**

AGENCIES:

Agency training deficiency and recommended corrective action:

1. **Agency Name/Date:** Yerington Paiute Tribal PD 4/17/2024
   Findings: Missing all AB 478 Training. Three officers employed during 2022 did not complete the 12 hours of continuing education as required by NAC 289.230(1)(b).
   Recommendation: At this point there is nothing to be done for the calendar year 2022 training. The department was negligent in completing the training. Chief Gutierrez was recently served a letter of non-compliance for calendar year 2023 as no training was reported to POST as having been completed. He has 60 days from the date of receiving the letter to complete the training for that particular year. I suggested he reach out to the Yerington Police Department immediately to get firearms, O/C, impact weapon and defensive tactics training to be current again. I told him that he and the one other officer currently employed are out of compliance for 2023 and must get their annual compliance training completed immediately. He told me he understood and had been in contact with Yerington PD to be trained in all these areas. I pointed out that any training done to comply with requirements for 2023 would not count towards training for 2024. He acknowledged understanding. **Audit Closed**

2. **Agency Name/Date:** South Fork Tribal PD 5/1/2024
   Findings: Initially missing all AB478 training – Completed by end of May
   Recommendation: **Audit Closed**

Corrections made:

1. South Fork Tribal PD – Completed training

Agency background deficiency and recommended corrective action

1. **Agency Name/Date**: Yerington Paiute Tribal 4/17/2024
   Findings: Fail BG. I requested to see the background file of the newest employee hired. Chief Gutierrez did not have it and said HR was working on gathering the file. It should be noted that I initially advised Chief Gutierrez on 1/17/24 that I wanted to see the BG file on the new employee. The audit was initially scheduled for 3/6/2024. Because of various reasons, the audit was pushed back until 4/17/24. Still, the file was not available. Chief Gutierrez said the HR department is responsible for BG's and he has not seen a completed BG yet. He did say that when he was hired, a full background was not completed for him. He said the Tribe utilizes a service for BG's.
   Recommendation: He told me he would send me the paperwork for the requested BG when HR is able to provide it to him. **Audit Closed**

2. **Agency Name/Date:** White Pine Co SO 5/20/2024
   Findings: Four (4) background files were audited for content. Initially two were missing high school diplomas/transcripts, however the Sheriff said he knew they had them. He sent scanned copies via email the next day, thus resulting in full compliance with NAC 289.110
   Recommendation: None **Audit Closed**

3. **Agency Name/Date:** Esmeralda Co SO 5/21/2024
   Findings: Four (4) background files were audited for content, resulting in non-compliance with NAC 289.110. None of the backgrounds contained proof of Psychological Exam or Polygraph/Computer Voice Stress Analyzer. According to Melendez, the agency has applicants complete the personal history statement and HR will schedule them for a medical and drug screening but beyond that, nothing much is done. Applicants are not assigned a BG Investigator and no thorough and complete investigation is performed as described in NAC 289.110. Melendez himself was one of the new hires and provided this information. He told me he collected the documents he possessed at the audit because I had requested them. There were no such documents maintained in BG files prior to the advisement of the audit
   Recommendation: Adhere to NAC 289.110 for complete and thorough background investigations. If the agency is not able to allow an in-house person to do BG investigations, the county needs to hire an outside source to perform this required function to stay in compliance with NAC requirements. **Audit Closed**

POST 3rd Quarterly Audit Report
(July-September)

Number of Agencies:7 **Number of Agencies with Deficiencies:2**
Number of Academies:6 **Number of Academies with Deficiencies:0**

AGENCIES:

Agency training deficiency and recommended corrective action:0

Agency background deficiency and recommended corrective action

1. **Agency Name/Date:** Reno/Tahoe Airport PD 9/24/2024
   Findings: A note in the previous audit which took place on February 3, 2022, revealed missing documents and items being maintained by multiple offices within the organization. I experienced the same issues during this audit. All of the files were missing Criminal History Checks and Nevada Driver License Histories. One file was missing proof of Psychological testing. It was located while I was meeting with Sawyer and the document was walked down to my location so I could see it. No one seemed to know why they were not collecting these documents as they had been doing such in the past. In fact, while in Sawyer's office, she showed me a BG that was done back in 2021 and it did contain the Criminal History check

   Recommendation: My feeling is that there are too many departments involved in this process and things are being overlooked as a result. I must defer back to the last audit and once again recommend that for the agency to attain compliance with NAC 289.110, they maintain the files in a locked facility within access to the Chief of Police. Sawyer maintains the training files within her office which is locked when she is not there and they are in a locked file cabinet. The Chief of Police is the ultimate hiring authority for members of the department and should have access to this information. **Audit Closed**

2. **Agency Name/Date:** Reno Municipal Court Marshalls 9/24/2024
   Findings: I was not able to locate a credit check in the file and was advised the agency does not perform credit checks. I advised him that NAC 289.110 requires a credit check be performed. He confirmed knowledge of such. He told me he does not do backgrounds but only knows the department does not do credit checks as part of the BG Investigation

Recommendation: I have copied and pasted NAC 289.110 so departmental administrators can see this is mandatory and not optional. **Audit Closed**

Significant or Repeated Deficiencies: Reno/Tahoe Airport PD-NOTE: Parts of the background files were located in separate files and in separate office locations. Files were broken down by individual officers, however, some of the required documents were in individual files and other sections of the background were located in another binder with all the agencies officers. Copies of Birth Certificate(s) and Drive License(s) were not present. The agency utilizes TSA Form I-9 for its citizenship requirements and does not maintain copies of the documents noted above. It is recommended that the requirements set forth by NAC 289.110, all required document(s) be filed in the individual officers' files and that those files be maintained by the Police Chief or his designee.

ACADEMIES:

Academy training deficiency and recommended corrective action:0

4. **DISCUSSION AND FOR POSSIBLE ACTION.**
   Discussion regarding NAC289.290(e). Possible action – direction by Commission on future misdemeanor and gross misdemeanor convictions and how they would like to proceed with the suspension/revocation process.

NAC 289.290 Denial, revocation or suspension of certificate; reinstatement of revoked certificate. (NRS 289.510)

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

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

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

(c) Chronic drinking or drunkenness on duty.

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

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

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

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

(h) Except as otherwise provided in paragraph (i), conviction of a misdemeanor. If the employing agency recommends suspension or revocation following the 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.

(i) Conviction of a misdemeanor crime of domestic violence as defined in 18 U.S.C. § 921(a)(33). Following the conviction of the employee for such a misdemeanor, suspension or revocation may be imposed regardless of whether the employing agency recommends suspension or revocation.

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

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

4. The Commission will notify the officer by certified mail at the officer's last known address of any pending revocation or suspension action and of the nature of the charges and the officer's right to appear and answer the charges. The officer shall, within 15 days after the date on the certified mail receipt, respond in writing, notifying the Commission of his or her intended action with reference to the charges.

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

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

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

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

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

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

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

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

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

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

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

12. Five years after the revocation of a certificate, an officer may submit a written request to the Commission to allow him or her to reinstate his or her certificate. The Commission will schedule a hearing to consider whether to reinstate the officer's certificate. The Commission will notify the agency that requested the revocation of the date and time of the hearing. After the hearing, the Commission will determine whether to reinstate the certificate. If the certificate is reinstated, the Commission may establish a probationary period during which any misconduct by the officer would result in revocation.

(Added to NAC by Peace Officers' Standards & Training Com., eff. 12-17-87; A 8-24-90; 4-28-94; A by Peace Officers' Standards & Training Comm'n by R102-99, 11-2-99; R003-07, 4-17-2008; R051-14, 10-24-2014; R006-19, 12-30-2019)

5. **DISCUSSION AND FOR POSSIBLE ACTION.**
The Commission to discuss and may take possible action to adopt their regulations as follows:

   a. **LCB R091-24–** Amends NAC 289.200 and creates a recertification program for officers whose basic certificate expired but have not been out of law enforcement for more than 10 years.
   b. **LCB R098-24 –** Amends NAC 289.290 to update subsection 1 to add subsection j, which allows revocation for "*conviction of, or entry of a plea of guilty, guilty but mentally ill or nolo contendere to, any misdemeanor, if the crime for which the officer was arrested was a misdemeanor crime of domestic violence, regardless of whether the crime to which the officer plead or was found guilty is a misdemeanor crime of domestic violence*." and amends subsection 4 to include personal service.

The Commission to fully consider all written and oral comments received on these proposed regulations before taking any action

a. **LCB R091-24–** Amends NAC 289.200 and creates a recertification program for officers whose basic certificate expired but have not been out of law enforcement for more than 10 years.

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

JOE LOMBARDO
Governor

MICHAEL D. SHERLOCK
Executive Director

NOTICE OF INTENT TO ACT UPON A REGULATION

Notice of Hearing for the Adoption, Amendment and Repeal Of Regulations of the Commission on Peace Officer Standards and Training

PUBLIC HEARING NOTICE: The Commission on Peace Officer Standards and Training ("Commission") will be holding a Public Hearing at **8:00 a.m. on Thursday, October 17, 2024, at the Southpoint Hotel/Casino, 9777 S. Las Vegas Blvd., Napa Room A, Las Vegas, Nevada, 89183**. The purpose of the hearing is to receive comments from all interested persons regarding the adoption, amendment and/or repeal of regulations that pertain to Chapter 289 of the Nevada Administrative Code (NAC).

The following information is provided pursuant to the requirements of NRS 233B.0603:

1. **The need for and purpose of the proposed amendment.**
Existing law requires the Peace Officer Standards and Training Commission to adopt regulations establishing minimum standards for the certification and decertification, recruitment, selection and training of peace officers. (NRS 289.510)
Under existing regulations, the basic certificate of a peace officer whose employment is terminated for any reason must be placed on inactive status. If such a person is again employed as a peace officer, existing regulations require the employing agency to request that the person's basic certificate be returned to active status. If the peace officer is not employed again within 60 months of separation from employment, their basic certificate expires. Currently, if they choose to return to a peace officer position after 60 months, they must meet all requirements under NAC 289.200(1).
This regulation change will create a program that will allow Nevada peace officers that have been out of law enforcement for more than 60 months, but less than 10 years, a program they can attend to update their training and certification, without being required to attend a full entry level basic academy. This regulation change will allow law enforcement agencies to rehire experienced, knowledgeable officers to once again serve Nevada and its citizens.
Recruitment is continually an issue for law enforcement agencies in Nevada, and this will allow agencies the option to bring back experienced officers that can be beneficial to the agency.

2. **For a proposed temporary regulation, the terms, or the substance of the regulation to be adopted, amended or repealed, or a description of the subjects and issues involved.**

This is a permanent regulation.

R091-24

3. **For a proposed permanent regulation, a statement explaining how to obtain the approved or revised text of the proposed regulation.**

The proposed regulation text may be obtained by going to the Register of Administrative Regulations for 2024 and clicking the link: https://www.leg.state.nv.us/Register/2024Register/R091-24P.pdf, by contacting Chief Kathy Floyd at kfloyd@post.state.nv.us or by telephone at 775-687-7678, ext. 3335 or going to the Nevada Commission on POST website at https://post.nv.gov.

4. **The estimated economic effect of the regulation on the business which it is to regulate and on the public. These must be stated separately and, in each case, must include:**

(a) Both adverse and beneficial effects; and

(1) Adverse effects: No adverse economic effects.
(2) Beneficial effects: Greatly increase the pool of applicants and allow Nevada law enforcement agencies to hire experienced peace officers that want to return to the profession.

(b) Both immediate and long-term effects:

(1) The immediate effects: Agencies will have a larger pool of applicants to fill vacant positions in the agency.
(2) The long-term effects: Allow agency fill vacant positions with experienced law enforcement officers.

5. **The methods used by the agency in determining the impact on a small business.**

The Commission on POST has reviewed the text of the proposed regulations. Because the proposed regulation amends Nevada Administrative Code Chapter 289, dealing with the training and certification of peace officers, the proposed amendments to NAC Chapter 289 will have no impact on small business.

6. **The estimated cost to the agency for enforcement of the proposed regulation.**
No estimated cost to the agency.

7. **A description of and citation to any regulations of other states or local governmental agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the proposed regulation overlaps or duplicates a federal regulation, the notice must include the name of the regulating federal agency.**

The proposed regulation does not overlap or duplicate any regulations of state, local or federal governmental agency regulating the same activity.

8. **If the regulation is required pursuant to federal law, a citation and description of the federal law.**

The proposed regulation is not required by federal law.

9. **If the regulation includes provisions which are more stringent than a federal regulation that regulates the same activity, a summary of such provision.**

There are no federal regulations that regulate the same activity.

10. Whether the proposed regulation establishes a new fee or increases an existing fee.

This regulation does not involve or establish fees.

11. For a temporary regulation, each address at which the text of the regulation may be inspected and copied.

N/A

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Persons wishing to comment upon the proposed action of the Commission on Peace Officer Standards and Training (Commission on POST) may appear at the scheduled public hearing or may address their comments, data, views or arguments, in written form, to Michael D. Sherlock, Executive Director, Commission on POST, 5587 Wa Pai Shone Avenue, Carson City, Nevada 89701. **Written submissions must be received by the Commission on POST on or before 5:00 pm on September 30, 2024.** If no person who is directly affected by the proposed action appears to request time to make an oral presentation, the Commission on POST may proceed immediately to act upon any written submissions.
This Notice of Intent to Act Upon Regulations and the proposed regulation will be on file at the State Library, Archives and Public Records Administrator, 100 Stewart Street, Carson City, Nevada for inspection by members of the public during business hours. Additional copies of the notice and regulations to be adopted, amended or repealed will be available at the Commission on POST Administrative Offices, 5587 Wa Pai Shone Avenue, Carson City, 89701, for the inspection and copying by members of the public during business hours. This notice and the text of the proposed regulation are also available in the State of Nevada Register of Administrative Regulations, which is prepared and published monthly by the Legislative Counsel Bureau pursuant to NRS 233B.0653, and on the Internet at http://leg.state.nv.us, the POST web site at http://post.nv.gov and the State of Nevada Department of Administration website at https://notice.nv.gov .

Copies of this notice and the proposed regulation will also be mailed to members of the public at no charge upon request.

Upon adoption of any regulation, the agency, if requested to do so by an interested person, either before adoption or within 30 days thereafter, shall issue a concise statement of the principal reasons for and against its adoption and incorporate therein its reason for overruling the consideration urged against its adoption.

The Notice of Intent to Act Upon Regulations and the proposed regulation have been sent to all criminal justice agencies on the Commission on POST Listserv list and 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

NOTE: We are pleased to make reasonable accommodations for members of the public with disabilities who wish to attend the meeting. If special arrangements for the meeting are necessary, please notify the Commission on POST, in writing, at 5587 Wa Pai Shone Avenue, Carson City, Nevada 89701, or call Chief Kathy Floyd at (775) 687-7678, Extension 3335, no later than five working days prior to the meeting.

SEE ATTACHED COPIES OF THE PROPOSED REGULATIONS

PROPOSED REGULATION OF THE PEACE OFFICERS'

STANDARDS AND TRAINING COMMISSION

LCB File No. R091-24

May 31, 2024

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 returning an inactive basic certificate to active status; 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) Under existing regulations, the basic certificate of a peace officer whose employment is terminated for any reason must be placed on inactive status. If such a person is again employed as a peace officer, existing regulations require the employing agency to request that the person's basic certificate be returned to active status. With limited exception, if the certification of such a person is on inactive status for more than 5 consecutive years, existing regulations require the person to renew his or her basic certificate by successfully completing the requirements applicable to the initial issuance of a basic certificate. (NAC 289.200) This regulation increases, from 5 consecutive years to 10 consecutive years, the amount of time the basic certificate of a person must be on inactive status before the person is required to renew his or her basic certificate by successfully completing the requirements applicable to the initial issuance of a basic certificate. This regulation also establishes requirements for returning a basic certificate that has been on inactive status for at least 5 consecutive years but not more than 10 consecutive years to active status.

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

FIRST PARALLEL SECTION

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

(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, during 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:

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

(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 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 ***:***

(a) Less than 5 consecutive years, the Executive Director shall return the basic certificate of the peace officer to active status upon the request of the employing agency.

(b) At least 5 consecutive years but not more than ~~[5]~~ ***10*** consecutive years, ***the Executive Director may return the basic certificate of the peace officer to active status upon the request of the employing agency if the Commission has not revoked or suspended the certificate of the peace officer for any cause set forth in subsection 1 of NAC 289.290 and the peace officer:***

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

(2) Successfully completes a recertification course provided by the Commission; and

(3) Satisfies the requirements of paragraphs (b) to (e), inclusive, of subsection 5 of NAC 289.230 and demonstrates a minimum level of proficiency in the use of each type of firearm he or she is authorized to use before commencing or resuming his or her duties as a peace officer.

(c) More than 10 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.

b. LCB R098-24 – Amends NAC 289.290 to update subsection 1 to add subsection j, which allows revocation for "*conviction of, or entry of a plea of guilty, guilty but mentally ill or nolo contendere to, any misdemeanor, if the crime for which the officer was arrested was a misdemeanor crime of domestic violence, regardless of whether the crime to which the officer plead or was found guilty is a misdemeanor crime of domestic violence*." and amends subsection 4 to include personal service.

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NOTICE OF INTENT TO ACT UPON A REGULATION

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The following information is provided pursuant to the requirements of NRS 233B.0603:

1. **The need for and purpose of the proposed amendments.**

Existing law requires the Peace Officer Standards and Training Commission to adopt regulations establishing minimum standards for the certification and decertification, recruitment, selection and training of peace officers. (NRS 289.510)

Existing regulation (NAC 289.290(i)) authorizes the Commission to revoke, refuse or suspend the certificate of a peace officer who is convicted of a misdemeanor crime of domestic violence, as defined by federal law. This regulation additionally provides that the authority of the Commission to suspend or revoke the certificate of such an officer applies, regardless of whether the employing agency recommends the suspension or revocation.
This regulation change (NAC 289.290(j)) adds language that will allow the Commission to revoke, refuse or suspend the certificate of a peace officer if the crime in which the officer was *arrested* for was a misdemeanor crime of domestic violence, regardless of what the conviction is. This will allow the commission to revoke, refuse or suspend an officer that has pled guilty to, or found guilty of, a lesser misdemeanor charge, regardless of whether the agency recommends suspension or revocation.

In addition, existing regulations require the Commission to notify a peace officer by certified mail of any pending revocation or suspension action concerning the certificate of the officer. (NAC 289.290(4)) This regulation change authorizes the Commission to provide such notice by personal service or certified mail. This will allow the Commission to have notices served in person by appropriate personnel, ensuring the proper notices are given for revocations and suspension hearings.

2. **For a proposed temporary regulation, the terms, or the substance of the regulation to be adopted, amended or repealed, or a description of the subjects and issues involved.**

This is a permanent regulation.

3. **For a proposed permanent regulation, a statement explaining how to obtain the approved or revised text of the proposed regulation.**

The proposed regulation text may be obtained by going to the Register of Administrative Regulations for 2024 and clicking the link: https://www.leg.state.nv.us/Register/2024Register/R098-24P.pdf, by contacting Chief Kathy Floyd at kfloyd@post.state.nv.us or by telephone at 775-687-7678, ext. 3335 or going to the Nevada Commission on POST website at https://post.nv.gov.

4. **The estimated economic effect of the regulation on the business which it is to regulate and on the public. These must be stated separately and, in each case, must include:**

(a) Both adverse and beneficial effects; and

No adverse or beneficial economic effect due to this language change.

(b) Both immediate and long-term effects:

No immediate or long-term economic effects due to this language change.

5. **The methods used by the agency in determining the impact on a small business.**

The Commission on POST has reviewed the text of the proposed regulations. Because the proposed regulation amends Nevada Administrative Code Chapter 289, dealing with the training and certification of peace officers, the proposed amendments to NAC Chapter 289 will have no impact on small business.

6. **The estimated cost to the agency for enforcement of the proposed regulation.**

None

7. **A description of and citation to any regulations of other states or local governmental agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the proposed regulation overlaps or duplicates a federal regulation, the notice must include the name of the regulating federal agency.**

The proposed regulation does not overlap or duplicate any regulations of state, local or federal governmental agency regulating the same activity.

8. **If the regulation is required pursuant to federal law, a citation and description of the federal law.**

The proposed regulation is not required by federal law.

9. **If the regulation includes provisions which are more stringent than a federal regulation that regulates the same activity, a summary of such provision.**

There are no federal regulations that regulate the same activity.

10. Whether the proposed regulation establishes a new fee or increases an existing fee.

This regulation does not involve or establish fees.

11. For a temporary regulation, each address at which the text of the regulation may be inspected and copied.

N/A

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Persons wishing to comment upon the proposed action of the Commission on Peace Officer Standards and Training (Commission on POST) may appear at the scheduled public hearing or may address their comments, data, views or arguments, in written form, to Michael D. Sherlock, Executive Director, Commission on POST, 5587 Wa Pai Shone Avenue, Carson City, Nevada 89701. **Written submissions must be received by the Commission on POST on or before 5:00 pm on September 30, 2024.** If no person who is directly affected by the proposed action appears to request time to make an oral presentation, the Commission on POST may proceed immediately to act upon any written submissions.
This Notice of Intent to Act Upon Regulations and the proposed regulation will be on file at the State Library, Archives and Public Records Administrator, 100 Stewart Street, Carson City, Nevada for inspection by members of the public during business hours. Additional copies of the notice and regulations to be adopted, amended or repealed will be available at the Commission on POST Administrative Offices, 5587 Wa Pai Shone Avenue, Carson City, 89701 for inspection and copying by members of the public during business hours.
This notice and the text of the proposed regulation are also available in the State of Nevada Register of Administrative Regulations, which is prepared and published monthly by the Legislative Counsel Bureau pursuant to NRS 233B.0653, and on the Internet at http://leg.state.nv.us, the POST web site at http://post.nv.gov and the State of Nevada Department of Administration website at https://notice.nv.gov .

Copies of this notice and the proposed regulation will also be mailed to members of the public at no charge upon request.

Upon adoption of any regulation, the agency, if requested to do so by an interested person, either before adoption or within 30 days thereafter, shall issue a concise statement of the principal reasons for and against its adoption and incorporate therein its reason for overruling the consideration urged against its adoption.

The Notice of Intent to Act Upon Regulations and the proposed regulation have been sent to all criminal justice agencies on the Commission on POST Listserv list and 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

NOTE: We are pleased to make reasonable accommodations for members of the public with disabilities who wish to attend the meeting. If special arrangements for the meeting are necessary, please notify the Commission on POST, in writing, at 5587 Wa Pai Shone Avenue, Carson City, Nevada 89701, or call Chief Kathy Floyd at (775) 687-7678, Extension 3335, no later than five working days prior to the meeting.

SEE ATTACHED COPIES OF THE PROPOSED REGULATIONS

PROPOSED REGULATION OF THE PEACE OFFICERS'

STANDARDS AND TRAINING COMMISSION

LCB File No. R098-24

May 31, 2024

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 governing the revocation, refusal or suspension of a certificate of 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 and decertification, recruitment, selection and training of peace officers. (NRS 289.510) Existing regulations authorize the Commission to revoke, refuse or suspend the certificate of a peace officer who is convicted of a misdemeanor crime of domestic violence, as defined by federal law. Existing regulations additionally provide that the authority of the Commission to suspend or revoke the certificate of such an officer applies, regardless of whether the employing agency recommends the suspension or revocation. (NAC 289.290) This regulation additionally authorizes the Commission to revoke, refuse or suspend the certificate of a peace officer who is convicted of or pleads guilty, guilty but mentally ill or nolo contendere to, any misdemeanor, if the crime for which the officer was arrested was a misdemeanor crime of domestic violence, as defined by federal law. This regulation additionally provides that the authority of the Commission to suspend or revoke the certificate of such an officer applies, regardless of whether the employing agency recommends the suspension or revocation.

Existing regulations require the Commission to notify a peace officer by certified mail of any pending revocation or suspension action concerning the certificate of the officer. (NAC 289.290) This regulation additionally authorizes the Commission to provide such notice by personal service.

Section 1. NAC 289.290 is hereby amended to read as follows:

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

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

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

(c) Chronic drinking or drunkenness on duty.

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

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

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

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

(h) Except as otherwise provided in ~~[paragraph (i).]~~ ***paragraphs (i) and (j),*** conviction of a misdemeanor. If the employing agency recommends suspension or revocation following the 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.

(i) Conviction of a misdemeanor crime of domestic violence**.** ~~[as defined in 18 U.S.C. § 921(a)(33).]~~ Following the conviction of the employee for such a misdemeanor, suspension or

revocation may be imposed regardless of whether the employing agency recommends suspension or revocation.

(j) Conviction of, or entry of a plea of guilty, guilty but mentally ill or nolo contendere to, any misdemeanor, if the crime for which the officer was arrested was a misdemeanor crime of domestic violence, regardless of whether the crime to which the officer plead or was found guilty is a misdemeanor crime of domestic violence. Following the conviction of the employee or entry of the plea by the employee for such a misdemeanor, suspension or revocation may be imposed regardless of whether the employing agency recommends suspension or revocation.

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 ***personal service or by*** certified mail at the officer's last known address of any pending revocation or suspension action and of the nature of the charges and the officer's right to appear and answer the charges. The officer shall, within 15 days after the date on the certified mail receipt, respond in writing, notifying the Commission of his or her intended action with reference to the charges.

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

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

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

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

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

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

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

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

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

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

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

12. Five years after the revocation of a certificate, an officer may submit a written request to the Commission to allow him or her to reinstate his or her certificate. The Commission will schedule a hearing to consider whether to reinstate the officer's certificate. The Commission will notify the agency that requested the revocation of the date and time of the hearing. After the hearing, the Commission will determine whether to reinstate the certificate. If the certificate is reinstated, the Commission may establish a probationary period during which any misconduct by the officer would result in revocation.

13. As used in this section, "misdemeanor crime of domestic violence" has the meaning ascribed to it in 18 U.S.C. § 921(a)(33).

6. **DISCUSSION AND FOR POSSIBLE ACTION.**
Request from the Henderson Police Department for an Executive Certificate for their employee Chief Hollie Chadwick, pursuant to NAC 289.270(1)(a). Possible action may include approval or denial of the requested Executive Certificate.

State of Nevada – POST

Professional Certificate Application

Agency Details

Agency Name *
Henderson PD

Officer's Details

POST ID *
18829

Officer's Name *
Hollie A Chadwick

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* forms for this.

*

- ○ Intermediate (NAC 289.240)
- ○ Advanced (NAC 289.250)
- ○ Supervisor (NAC 289.255)
- ○ Management (NAC 289.260)
- ● Executive (NAC 289.270)

*
6 yrs (1 Exec) exp., supervise 2 mgrs, head of agency/div/bureau, 200 hrs adv mgmt trng

Click the Attach button to submit Only the following documents as REQUIRED:

> Executive – a letter confirming job level, org. chart, and proof of 200 hrs. advanced management training

Attachments (1)

POST – PROFESSIONAL CERTIFICATE APPLICATION – – Hollie A Chadwick – 5/7/2024

Additional information or comments

Submitter Details

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 level selected.

Submitter's Full Name *	Submitter's Phone # *	Submitter's E-Mail *
Kalli Tackett	702-267-4858	Kalli.Tackett@cityofhenderson.com

This section is for POST approval only

Education	Credit Hours	Date Achieved
Approved By	**Certification Date**	**Document Type**
		PROFESSIONAL CERTIFICATE APPLICATION
Comments		

HENDERSON

May 1, 2024

State of Nevada
Commission on Peace Officers' Standards and Training

I am Hollie Chadwick, the Chief of Police, for the Henderson Police Department. I oversee a department of approximately 450 sworn police officers, 112 sworn corrections officers, and 250 professional staff.

My areas of responsibilities include Police Operations, Corrections Operations, Communications Center, Animal Control, Forensic Laboratory, Crime & Intelligence Division, Records Division, Office of Planning and Analysis, and Office of Professional Standards. As the Chief of Police I directly supervise three Deputy Chiefs, our Office of Planning and Analysis, our PIO unit, and Honor Guard. As you will see in our Organizational Chart, I oversee our entire police department.

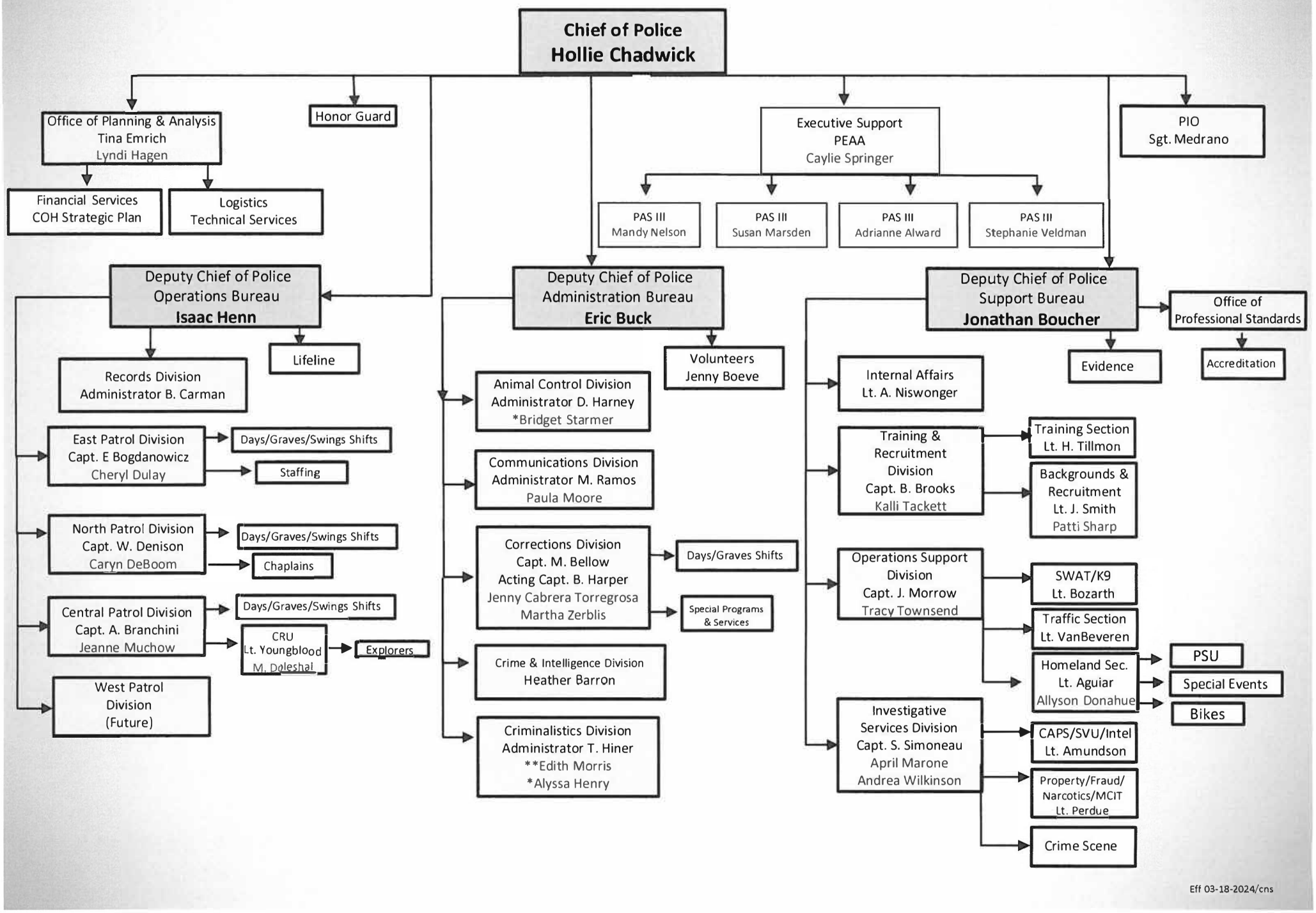
Thank you for your consideration in reviewing my application to receive my Post Executive Certificate.

Sincerely,

Chief Hollie Chadwick
Henderson Police Department

Chief of Police Hollie Chadwick
Henderson Police Department
223 Lead St, Henderson, NV 89015
T 702-267-5000 **W** cityofhenderson.com

HENDERSON POLICE DEPARTMENT



Eff 03-18-2024/cns

6/3/2024 Nevada Commission on POST Employee Profile

Chadwick, Hollie A (18829)

Certifications

Level	Status Date	Status	Cert Date	Exp Date
Management	12/7/2016	Active	12/8/2016	<>
Supervisor	6/6/2013	Active	6/6/2013	<>
Advanced	8/28/2008	Active	8/28/2008	<>
Intermediate	8/29/2005	Active	8/29/2005	<>
Category I	4/3/2003	Active	4/3/2003	<>

Official Transcript

Prepared for: Hollie Chadwick on 02/27/2024
[redacted]

Kelly Brooks, Registrar

Student Name: **Hollie Chadwick**	
Student ID: [redacted]	
Date of Birth: [redacted]	
Student Address: [redacted]	

Capella University	
PO BOX 211563	
Dallas, TX 75211	
Tel: 8882273552	Fax: 6129775060

Degrees Awarded

Degree: Doctor of Public Administration
Program: Doctor of Public Admin
Specialization: Specialization in General Public Administration
Confer Date: 2019-11-30
Degree GPA: 4.000
Honors: Graduation with Distinction
Dissertation Title: Diversity Management: A Program Evaluation of Recruiting Efforts to Attract Diverse Candidates

Transfer Quarter Credits

Total Graduate Career Credits Awarded In Transfer: **12.000**

Transfer Credit from University of Nevada Las Vegas
Eligible Toward Applied Toward Doctor of Public Admin

Course Trans GPA: 0.000 Credits: Eligible 12.000

Crs ID	Course Title	Competency	CrAtt	CrE	Grade/Performance	QPts
Beginning of Graduate Record						
Winter Quarter 2014						
Program:	Doctor of Public Admin					
Plan:	Specialization in General Public Administration					
PSL 8002	Collaboration, Communication, and Case Analysis for Doctoral Learners		4.00	4.00	A	16.000
	Term GPA: 4.000	Term Totals:	4.00	4.00		16.000
	Cum GPA: 4.000	Cum Totals:	4.00	4.00		16.000
Spring Quarter 2014						
Program:	Doctor of Public Admin					
Plan:	Specialization in General Public Administration					
DPA 8400	Theories of Leadership and Public Administration		4.00	4.00	A	16.000
	Term GPA: 4.000	Term Totals:	4.00	4.00		16.000
	Cum GPA: 4.000	Cum Totals:	8.00	20.00		32.000
Summer Quarter 2014						
Program:	Doctor of Public Admin					
Plan:	Specialization in General Public Administration					
DPA 8404	Principles of Organization Theory and Practice		4.00	4.00	A	16.000
DPA 8408	Ethics and Social Responsibility		4.00	4.00	A	16.000
	Term GPA: 4.000	Term Totals:	8.00	8.00		32.000
	Cum GPA: 4.000	Cum Totals:	16.00	28.00		64.000
Fall Quarter 2014						
Program:	Doctor of Public Admin					
Plan:	Specialization in General Public Administration					
DPA 8412	Global and Diverse Societies		4.00	4.00	A	16.000
DPA 8416	Public Administration and Community Collaboration		4.00	4.00	A	16.000
	Term GPA: 4.000	Term Totals:	8.00	8.00		32.000
	Cum GPA: 4.000	Cum Totals:	24.00	36.00		96.000
Winter Quarter 2015						
Program:	Doctor of Public Admin					
Plan:	Specialization in General Public Administration					
DPA 8420	Public Policy Analysis and Advocacy		4.00	4.00	A	16.000
DPA 8424	Theories and Practices of Public Human Resource Management		4.00	4.00	A	16.000
	Term GPA: 4.000	Term Totals:	8.00	8.00		32.000
	Cum GPA: 4.000	Cum Totals:	32.00	44.00		128.000
Spring Quarter 2015						
Program:	Doctor of Public Admin					
Plan:	Specialization in General Public Administration					
DPA 8100	Fundamentals of Public Administration Research		4.00	4.00	A	16.000
DPA 8428	Public Needs Assessment and Planning		4.00	4.00	A	16.000
	Term GPA: 4.000	Term Totals:	8.00	8.00		32.000
	Cum GPA: 4.000	Cum Totals:	40.00	52.00		160.000
Summer Quarter 2015						
Program:	Doctor of Public Admin					
Plan:	Specialization in General Public Administration					
DPA 8103	Theory Development in Public Administration Research		4.00	4.00	A	16.000
DPA 8432	Public Administration Topic Exploration and Analysis		4.00	4.00	A	16.000
	Term GPA: 4.000	Term Totals:	8.00	8.00		32.000
	Cum GPA: 4.000	Cum Totals:	48.00	60.00		192.000
Fall Quarter 2015						
Program:	Doctor of Public Admin					
Plan:	Specialization in General Public Administration					
DPA 8106	Program Evaluation and Participatory Research		4.00	4.00	A	16.000
	Term GPA: 4.000	Term Totals:	4.00	4.00		16.000
	Cum GPA: 4.000	Cum Totals:	52.00	64.00		208.000
Winter Quarter 2016						
Program:	Doctor of Public Admin					
Plan:	Specialization in General Public Administration					
PSL-R 8900	Professional Doctorate Colloquium		0.00	0.00	S	0.000
DPA 9920	Action Research Dissertation Courseroom		0.00	0.00	R	0.000
DPA 9921	Action Dissertation Research 1		5.00	5.00	R	0.000
	Term GPA: 0.000	Term Totals:	5.00	5.00		0.000
	Cum GPA: 4.000	Cum Totals:	57.00	69.00		208.000
Spring Quarter 2016						
Program:	Doctor of Public Admin					
Plan:	Specialization in General Public Administration					
DHA 9920	Dissertation Courseroom		0.00	0.00	R	0.000
DPA 9922	Action Dissertation Research 2		5.00	5.00	R	0.000
	Term GPA: 0.000	Term Totals:	5.00	5.00		0.000
	Cum GPA: 4.000	Cum Totals:	62.00	74.00		208.000
Summer Quarter 2016						
Program:	Doctor of Public Admin					
Plan:	Specialization in General Public Administration					
DHA 9920	Dissertation Courseroom		0.00	0.00	R	0.000
DPA 9923	Action Dissertation Research 3		5.00	5.00	R	0.000
	Term GPA: 0.000	Term Totals:	5.00	5.00		0.000
	Cum GPA: 4.000	Cum Totals:	67.00	79.00		208.000
Fall Quarter 2016						
Program:	Doctor of Public Admin					
Plan:	Specialization in General Public Administration					
DHA 9920	Dissertation Courseroom		0.00	0.00	R	0.000
DPA 9924	Action Dissertation Research 4		5.00	5.00	R	0.000
	Term GPA: 0.000	Term Totals:	5.00	5.00		0.000
	Cum GPA: 4.000	Cum Totals:	72.00	84.00		208.000
Winter Quarter 2017						
Program:	Doctor of Public Admin					
Plan:	Specialization in General Public Administration					

This transcript is official when downloaded directly from the Parchment Exchange website. To verify the validity of the transcript, go to https://exchange.parchment.com/d/tracking/didtracker.htm?did=TEY63KYL

Official Transcript

Prepared for: Hollie Chadwick on 02/27/2024

[redacted]

Kelly Brooks, Registrar

Student Name: **Hollie Chadwick**
Student ID: [redacted]
Date of Birth: [redacted]
Student Address: [redacted]

Capella University	
PO BOX 211563	
Dallas, TX 75211	
Tel: 8882273552	Fax: 6129775060

Crs ID	Course Title	Competency		CrAtt	CrE	Grade/Performance	QPts
Winter Quarter 2017							
DPA 9960	Dissertation Courseroom			5.00	5.00	S	0.000
	Term GPA:	0.000	Term Totals:	5.00	5.00		0.000
	Cum GPA:	4.000	Cum Totals:	77.00	89.00		208.000
Spring Quarter 2017							
Program:	Doctor of Public Admin						
Plan:	Specialization in General Public Administration						
DPA 9960	Dissertation Courseroom			5.00	5.00	S	0.000
	Term GPA:	0.000	Term Totals:	5.00	5.00		0.000
	Cum GPA:	4.000	Cum Totals:	82.00	94.00		208.000
Summer Quarter 2017							
Program:	Doctor of Public Admin						
Plan:	Specialization in General Public Administration						
DPA 9960	Dissertation Courseroom			5.00	5.00	S	0.000
	Term GPA:	0.000	Term Totals:	5.00	5.00		0.000
	Cum GPA:	4.000	Cum Totals:	87.00	99.00		208.000
Fall Quarter 2017							
Program:	Doctor of Public Admin						
Plan:	Specialization in General Public Administration						
DPA 9960	Dissertation Courseroom			5.00	5.00	S	0.000
	Term GPA:	0.000	Term Totals:	5.00	5.00		0.000
	Cum GPA:	4.000	Cum Totals:	92.00	104.00		208.000
Winter Quarter 2018							
Program:	Doctor of Public Admin						
Plan:	Specialization in General Public Administration						
DPA 9960	Dissertation Courseroom			5.00	5.00	S	0.000
	Term GPA:	0.000	Term Totals:	5.00	5.00		0.000
	Cum GPA:	4.000	Cum Totals:	97.00	109.00		208.000
Spring Quarter 2018							
Program:	Doctor of Public Admin						
Plan:	Specialization in General Public Administration						
DPA 9960	Dissertation Courseroom			5.00	5.00	S	0.000
	Term GPA:	0.000	Term Totals:	5.00	5.00		0.000
	Cum GPA:	4.000	Cum Totals:	102.00	114.00		208.000
Summer Quarter 2018							
Program:	Doctor of Public Admin						
Plan:	Specialization in General Public Administration						
DPA 9960	Dissertation Courseroom			5.00	5.00	S	0.000
	Term GPA:	0.000	Term Totals:	5.00	5.00		0.000
	Cum GPA:	4.000	Cum Totals:	107.00	119.00		208.000
Fall Quarter 2018							
Program:	Doctor of Public Admin						
Plan:	Specialization in General Public Administration						
DPA 9960	Dissertation Courseroom			5.00	5.00	S	0.000
	Term GPA:	0.000	Term Totals:	5.00	5.00		0.000
	Cum GPA:	4.000	Cum Totals:	112.00	124.00		208.000
Winter Quarter 2019							
Program:	Doctor of Public Admin						
Plan:	Specialization in General Public Administration						
DPA 9960	Dissertation Courseroom			5.00	5.00	S	0.000
	Term GPA:	0.000	Term Totals:	5.00	5.00		0.000
	Cum GPA:	4.000	Cum Totals:	117.00	129.00		208.000

Crs ID	Course Title	Competency		CrAtt	CrE	Grade/Performance	QPts
Spring Quarter 2019							
Program:	Doctor of Public Admin						
Plan:	Specialization in General Public Administration						
DPA 9960	Dissertation Courseroom			5.00	5.00	S	0.000
	Term GPA:	0.000	Term Totals:	5.00	5.00		0.000
	Cum GPA:	4.000	Cum Totals:	122.00	134.00		208.000
Summer Quarter 2019							
Program:	Doctor of Public Admin						
Plan:	Specialization in General Public Administration						
DPA 9960	Dissertation Courseroom			5.00	5.00	S	0.000
	Term GPA:	0.000	Term Totals:	5.00	5.00		0.000
	Cum GPA:	4.000	Cum Totals:	127.00	139.00		208.000
Fall Quarter 2019							
Program:	Doctor of Public Admin						
Plan:	Specialization in General Public Administration						
DPA 9960	Dissertation Courseroom			5.00	5.00	S	0.000
	Term GPA:	0.000	Term Totals:	5.00	5.00		0.000
	Cum GPA:	4.000	Cum Totals:	132.00	144.00		208.000

Academic Program Summary

		GPA	CrAtt	CrE	QPts
Level:	Graduate Transcript - All	4.000	132.0	144.0	208.000

End of Transcript

This transcript is official when downloaded directly from the Parchment Exchange website. To verify the validity of the transcript, go to https://exchange.parchment.com/d/tracking/didtracker.htm?did=TEY63KYL

Capella University
225 South Sixth Street, Ninth Floor
Minneapolis, MN 55402
1.888.CAPELLA (227.3552)
www.capella.edu FICE = 032673

Name Change
This institution was formerly known as The Graduate School of America. On June 1, 1999, the name of the institution was changed to Capella University.

Accreditation
Capella University is accredited by the Higher Learning Commission (hlcommission.org)

Academic Calendar and Credits
Capella University operates on a quarterly academic calendar, with four 10-week quarters per calendar year. The Carnegie standard of 30 hours per credit is used to determine the number of quarter credits assigned to each course. Thus, a 4-credit course is approximately 120 hours of didactic instruction, reading, writing, projects and associated preparation. Prior to November 12, 2001, all courses taken at Capella were listed under the quarter in which the course ended. Effective November 12, 2001, all courses taken at Capella are listed under the quarter in which the course began.

FlexPath
This direct assessment delivery model assesses performance to established competencies. A competency is the knowledge, skills, abilities, and professional attributes required to successfully perform a task in a given context. At Capella University, courses are designed based on the competencies necessary to demonstrate a program's learning outcomes. No credits, grades or quality points are assigned in FlexPath programs. Learners enrolled in FlexPath programs receive competency evaluations in lieu of traditional letter grades. Degree progress is measured through a program points system and minimum level of performance achievement.

FlexPath Performance Scale
Distinguished Earned for course work that demonstrates mastery of the published competencies at a level exceeding course expectations as defined in the course syllabus or course learning plan.
Proficient Earned for course work that demonstrates mastery of the published competencies at a level meeting course expectations as defined in the course syllabus or course learning plan.
Basic Earned for course work that demonstrates published competencies at a level of performance minimally meeting course expectations as defined in the course syllabus or course learning plan.
Non-performance Earned for course work that demonstrates published competencies at a level which does not meet course expectations as described in the course syllabus or course learning plan.

Grading System
Letter grades are provided for GuidedPath courses taken at Capella University. Capella University uses a four-point grading system. As of January 28, 2008, grade point average is reported separately for graduate and undergraduate Capella course work. Prior to January 28, 2008, one cumulative grade point average was reported for Capella course work.

Grades		Quality Points
A	High involvement, substantive participation, exceeded expectations.	4
B	Active and knowledgeable participation, met expectations.	3
C	Adequate and competent participation, minimally met expectations.	2
D	Undergraduate only: limited participation, marginally met expectations.	1
F	Limited, minimal or no participation, did not meet expectations; also used when an I grade was assigned and course requirements were not met by the end of the next quarter.	0

Grades Not Affecting Grade Point Average
CC (Credential Credit) Assigned to credit awarded based on documentation of successful attainment of a specific credential.
HD (Disaster Hold) Assigned to courses for learners who must discontinue a course due to a nationally recognized disaster.
HM (Military Hold) Assigned to courses during which learners have been called to active duty; serves as a placeholder until they return to the course.
I (Incomplete) Indicates that the course requirements have not yet been fulfilled.
IP (In Progress) Assigned to comprehensive examination or dissertation courses for which learners require additional quarters to complete the components of the course. Also assigned to some internship and practicum courses.
IS (Incomplete) Indicates that the course requirements have not yet been fulfilled for a satisfactory/not satisfactory course.
MW (Military Withdrawal) Assigned to courses from which the learner has been withdrawn due to active duty. Prior to June 2009, these are reflected as grades of W.
NC (No Credit) Assigned to courses prior to April 1, 2003.
NG (No Grade) Assigned to comprehensive examination or dissertation courses for all course registrations subsequent to the initial registration, or to course registrations for which the registrar has determined that due to university curricular changes "NG" is the appropriate final grade. Also assigned to some internship and practicum courses.
NP (Non-participation) Assigned to courses prior to April 1, 2003.
NR (No Record) Assigned to courses awaiting official grade from instructor.
NS (Not Satisfactory) Limited, minimal, or no course participation and/or materials did not meet expectations. Also used when an IS grade has been assigned and course requirements were not met by the end of the following quarter.
PC (Petition for Credit) Assigned to courses for which learners successfully petitioned for credit of previous educational or work experience.
R (Required) Assigned to doctoral dissertation courses at the successful conclusion of each quarter's course.
S (Satisfactory) Active and knowledgeable course participation, materials met expectations. Equivalent to a grade of B or better for graduate and equivalent to a grade of C or better for undergraduate courses.
VR (Verified Residency) Assigned to completed residency requirements.
W (Withdrawal) Assigned to a course dropped by the learner within the authorized time period.

Withdrawal and Incompletes
A learner may drop a course during the first twelve calendar days of the course without transcript notation. If a learner drops a course on or after the thirteenth calendar day of the course through the last day to withdraw from the course, a grade of W will be assigned. Learners who discontinue a course after the last day to withdraw will be assigned a grade of F or NS, or a performance rating of Non-Performance for direct assessment programs. If a learner receives an incomplete and the final papers/projects are not completed prior to the end of the following quarter, the learner must be assigned a grade of F or NS.

Latin Honors
GuidedPath learners at the undergraduate and graduate levels (Master's and specialist only after January 2020), are eligible to graduate with honors upon meeting various criteria including earning the following grade point averages:
Undergraduate Level
Graduation with Honor (Cum Laude): 3.500 – 3.749
Graduation with High Honor (Magna Cum Laude): 3.750 – 3.849
Graduation with Highest Honor (Summa Cum Laude): 3.850 or above
Graduate Level
Graduation with Distinction: 3.850 or above

FlexPath learners are not eligible to graduate with honors.

Transfer
Previous college-level work submitted by applicants will be evaluated for transfer credit. Undergraduate programs require grades of C- or better for transfer. Graduate programs require grades of B- or better for transfer. Course work should be from regionally accredited institutions; however, Capella may consider transfer credit from international institutions and some non-regionally accredited institutions based on alternate accreditations. As of January 28, 2008, transfer credits reflect only those applied to a learner's current program.

Course Numbering System
Course levels determined by prefix:
9 Graduate course
8 Graduate course
7 Graduate course
6 Graduate course (Professional development courses prior to January 28, 2008)
5 Graduate course
4 Upper-division undergraduate course
3 Upper-division undergraduate course
2 Lower-division undergraduate course
1 Lower-division undergraduate course
FS Residency (course prefix)
Any course with the prefix "-FP" or "-FPX" was taken within a FlexPath program
Any course with the prefix "-H" was taken as part of the undergraduate honors pathway
Any course with the prefix "-R" includes a face-to-face component
Any course with the prefix "-V" includes a virtual residency component

Harold Abel School of Psychology course number system prior to January 28, 2008:
5500 - 5999 Graduate course
6000 - 6999 Non-credit residency and colloquium
7000 - 9999 Graduate course
PSY-R Psychology residency and colloquium (course prefix)
FS Residency (course prefix) prior to September 2003

Release of Information
The Family Educational Rights and Privacy Act of 1974 (FERPA), as amended, prohibits the release of this record or disclosure of its contents to any third party without the written consent of the learner.

Alteration or forgery of this document is a criminal offense.

Transcript key revised February 2021

7. **DISCUSSION AND FOR POSSIBLE ACTION.**

Request from the Henderson Police Department for an Executive Certificate for their employee Deputy Chief Jonathan Boucher, pursuant to NAC 289.270(1)(a). Possible action may include approval or denial of the requested Executive Certificate.

State of Nevada - POST

Professional Certificate Application

Agency Details

Agency Name *
Henderson PD

Officer's Details

POST ID *
21666

Officer's Name *
Jonathan D Boucher

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* forms for this.

*

- ○ Intermediate (NAC 289.240)
- ○ Advanced (NAC 289.250)
- ○ Supervisor (NAC 289.255)
- ○ Management (NAC 289.260)
- ● Executive (NAC 289.270)

*

6 yrs (1 Exec) exp., supervise 2 mgrs, head of agency/div/bureau, 200 hrs adv mgmt trng

Click the Attach button to submit Only the following documents as REQUIRED:

> Executive - a letter confirming job level, org. chart, and proof of 200 hrs. advanced management training

Attachments (4)

POST - PROFESSIONAL CERTIFICATE APPLICATION - - Jonathan D Boucher - 6/3/2024
POST - PROFESSIONAL CERTIFICATE APPLICATION - - Jonathan D Boucher - 6/3/2024
POST - PROFESSIONAL CERTIFICATE APPLICATION - - Jonathan D Boucher - 6/3/2024
POST - PROFESSIONAL CERTIFICATE APPLICATION - - Jonathan D Boucher - 6/3/2024

Additional information or comments

Submitter Details

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 level selected.

Submitter's Full Name *	Submitter's Phone # *	Submitter's E-Mail *
Kalli Tackett	702-267-4858	Kalli.Tackett@cityofhenderson.com

This section is for POST approval only

Education	Credit Hours	Date Achieved
Approved By	Certification Date	Document Type PROFESSIONAL CERTIFICATE APPLICATION
Comments		

HENDERSON

June 3, 2024

To whom it may concern:

I would like to recommend Deputy Chief Jonathan Boucher of the Henderson Police Department to receive his POST Executive Certificate. Deputy Chief Boucher is the Deputy Chief of the Support Bureau. His areas of responsibility include the Training and Recruitment Division, the Operations Support Division, and the Investigative Services Division, each of which are led by a captain. Furthermore, he also supervises the Office of Professional Standards, Internal Affairs, and the Evidence Vault.

Please accept this as my official letter of recommendation for Deputy Chief Jonathan Boucher to receive his POST Executive Certificate.

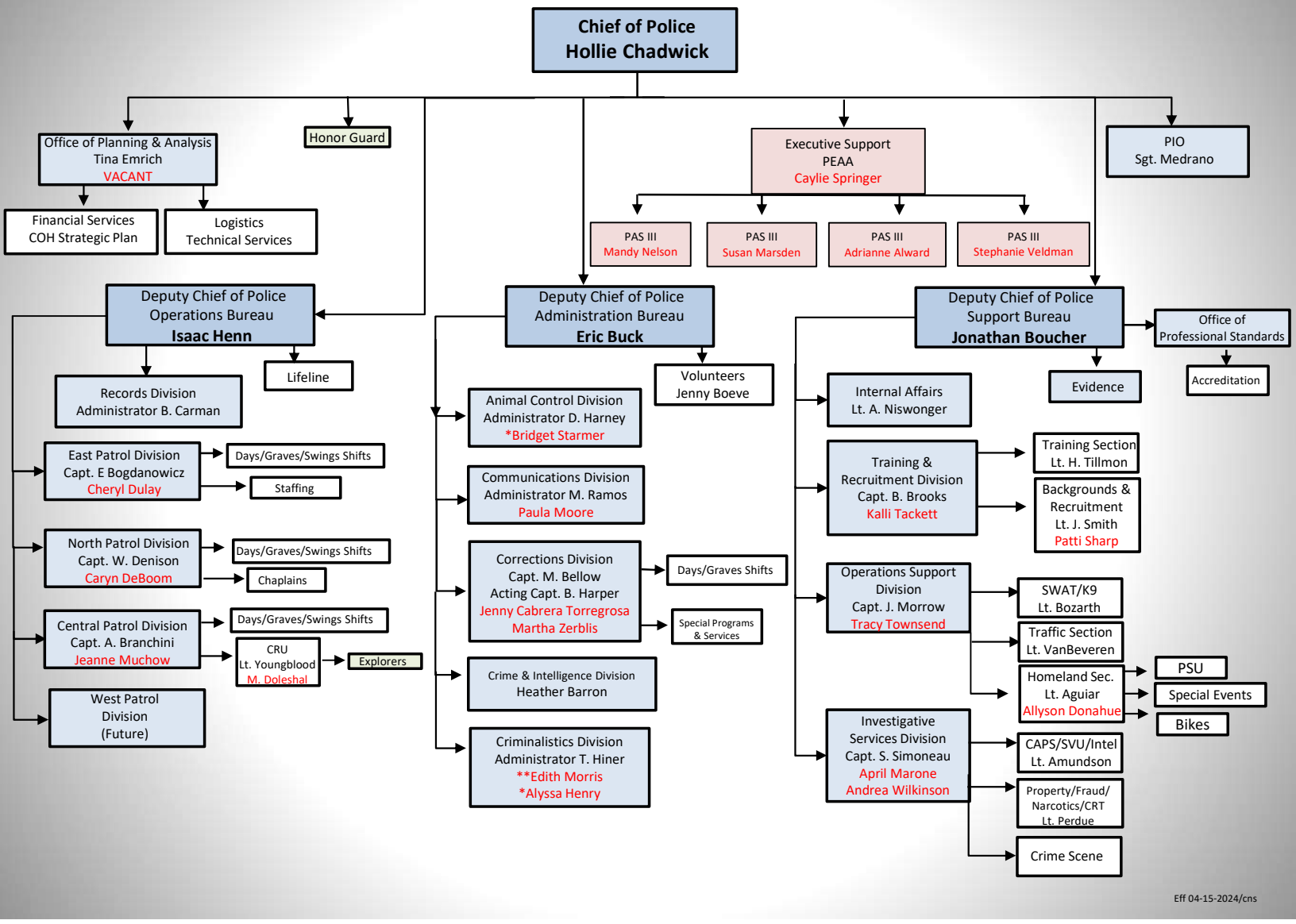
Sincerely,

1139

Chief Hollie Chadwick
Henderson Police Department

Chief of Police Hollie Chadwick
Henderson Police Department
223 Lead St, Henderson, NV 89015
T 702-267-5000 **W** cityofhenderson.com

HENDERSON POLICE DEPARTMENT



Eff 04-15-2024/cns

6/3/2024 Nevada Commission on POST Employee Profile

Boucher, Jonathan D (21666)

Certifications

Level	Status Date	Status	Cert Date	Exp Date
Management	12/7/2020	Active	12/2/2020	<>
Supervisor	4/27/2011	Active	4/27/2011	<>
Advanced	4/28/2009	Active	4/28/2009	<>
Intermediate	10/10/2007	Active	10/10/2007	<>
Category I	4/16/2004	Active	4/16/2004	<>

ICMA | PROFESSIONAL DEVELOPMENT ACADEMY
WE MAKE LEADERS BETTER

High Performance Leadership

Master Certificate

By authority of the National Executive Committee and upon recommendation of the Leadership Coaches and Faculty, The Professional Development Academy has conferred this Master Certificate of Leadership upon

Jonathan Boucher

with all the rights, privileges and honors appertaining thereto in consideration of the completion of program activities prescribed. As witness to this accomplishment, we hereby award this Master Certificate on this twelfth day of April, 2024.

WELCOME TO THE NEXT LEVEL OF LEADERSHIP.

Colin L. Powell
(1937-2021)
Former General & Secretary of State
United States of America

APPROVED · 2024 · PROVIDER HRCI HRCI.ORG

Certified

SHRM SHRM-CP | SHRM-SCP RECERTIFICATION PROVIDER

Tim Rahschulte Ph.D.
Chief Executive Officer
Professional Development Academy

VALID CERTIFICATE ID: 4/12/2024 VERIFIED CERTIFICATE: PROFESSIONAL DEVELOPMENT ACADEMY

Professional Development Academy is recognized by SHRM to offer Professional Development Credits (PDCs) forSHRM-CP® or SHRM-SCP®.

The use of this seal confirms that this activity has met HR Certification Institute's® (HRCI®) criteria for recertification credit pre-approval.

PROFESSIONAL DEVELOPMENT ACADEMY
WE MAKE LEADERS BETTER

HIGH PERFORMANCE LEADERSHIP ACADEMY

A 12-week, 4-course mentorship based program with content provided by industry leading executives. This program provides best practices in leadership, organizational development and change management, negotiation and collaboration, effective business communication, and delivering value within high performance management.

Course 1: Leadership Mindset & Positive Engagement

This course provides insights from members of the program's National Leadership Board on the ways leaders shift their mindset from being excellent individual contributors to becoming highly effective leaders. The course also focuses on increasing empowerment and engagement to achieve individual, team and enterprise success. The second half of this course demonstrates how leaders enable "positively deviant" performance and engender positive culture and communication.

Course 2: Leading Effective Change

The emphasis of this course is to prepare participants to engage in change initiated by others and to drive effective change as an active change agent. This course illustrates three facets of organizational change, including planning, executing and sustaining successful change. A balance of theoretical and pragmatic insights allows participants to understand the strategic, financial or market-based reasons for change and drive toward breakthrough results.

Course 3: Communication and Collaboration

Participants learn and practice the skills needed to improve the quality of interpersonal communication in a variety of contexts. Participants will learn how to effectively speak the language of business and convey information across diverse stakeholder groups, as well as break down silos between business divisions to drive better decision making. Each participant will understand effective communication as it relates to leading others, managing conflict, providing and receiving feedback, and negotiating with the Mutual Gains Approach.

Course 4: Leading High Performance Teams

This closing course focuses on measures, metrics, and practices used across the enterprise to achieve high performance. Participants learn that business results – values and benefits – may differ from one company to the next and even from department to department within a single company, but the consistent variable is It's All About People.

COURSE 1

Module 1: Your Leadership Mindset
Module 2: Your Potential as a Positive Leader
Module 3: Positive Leadership and Your Team: Empowerment & Engagement
Module 4: Leadership Rules and Your Oath
Break Week

COURSE 2

Module 1: The Process of Change: Planning
Module 2: The Process of Change: Executing
Module 3: The Process of Change: Sustaining
Module 4: Leadership Rules and Your Oath
Break Week

COURSE 3

Module 1: Speaking the Language of Business
Module 2: Positive Communications
Module 3: Mutual Gains Approach

COURSE 4

Module 1: It's All About People
Graduation

"The Professional Development Academy is having a profound impact on the business communication skills and leadership capabilities of those participating – must for anyone looking to maximize their potential and effectiveness as a leader in their organization."
Dave Kotch, CIO, FMC

PROFESSIONAL DEVELOPMENT ACADEMY
WE MAKE LEADERS BETTER

8. <u>DISCUSSION AND FOR POSSIBLE ACTION.</u>

Request from the Henderson Police Department for an Executive Certificate for their employee Deputy Chief Itzhak Henn, pursuant to NAC289.270(1)(a). Possible action may include approval or denial of the requested Executive Certificate.

State of Nevada – POST

Professional Certificate Application

Agency Details

Agency Name *
Henderson PD

Officer's Details

POST ID *
21762

Officer's Name *
Itzhak Henn

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* forms for this.

*

- ○ Intermediate (NAC 289.240)
- ○ Advanced (NAC 289.250)
- ○ Supervisor (NAC 289.255)
- ○ Management (NAC 289.260)
- ◉ Executive (NAC 289.270)

*
6 yrs (1 Exec) exp., supervise 2 mgrs, head of agency/div/bureau, 200 hrs adv mgmt trng

Click the Attach button to submit Only the following documents as REQUIRED:

> **Executive** – a letter confirming job level, org. chart, and proof of 200 hrs. advanced management training

Attachments (1)

POST – PROFESSIONAL CERTIFICATE APPLICATION – – Itzhak Henn – 7/24/2024

Additional information or comments

Submitter Details

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 level selected.

Submitter's Full Name *
KALLI TACKETT

Submitter's Phone # *
702-267-4858

Submitter's E-Mail *
KALLI.TACKETT@CITYOFHENDERSON.COM

This section is for POST approval only

Education

Credit Hours

Date Achieved

Approved By

Certification Date

Document Type
PROFESSIONAL CERTIFICATE APPLICATION

Comments

HENDERSON

July 23, 2024

Kathy Floyd
Chief, Standards Division
Nevada Commission on POST

Re: Acknowledgment of Executive Level Position

Dear Kathy Floyd,

Please accept this letter as an acknowledgement and affirmation that Deputy Chief Itzhak Henn currently serves in an executive level position with the Henderson Police Department, as defined in Nevada Administrative Code 289.047. He was appointed to his position on March 6, 2023. Deputy Chief Henn currently supervises more than two persons who hold management level positions (Captains) and oversees the Operations Bureau. In addition, he is authorized to serve, and has recently served, as the Acting Chief of Police in my absence.

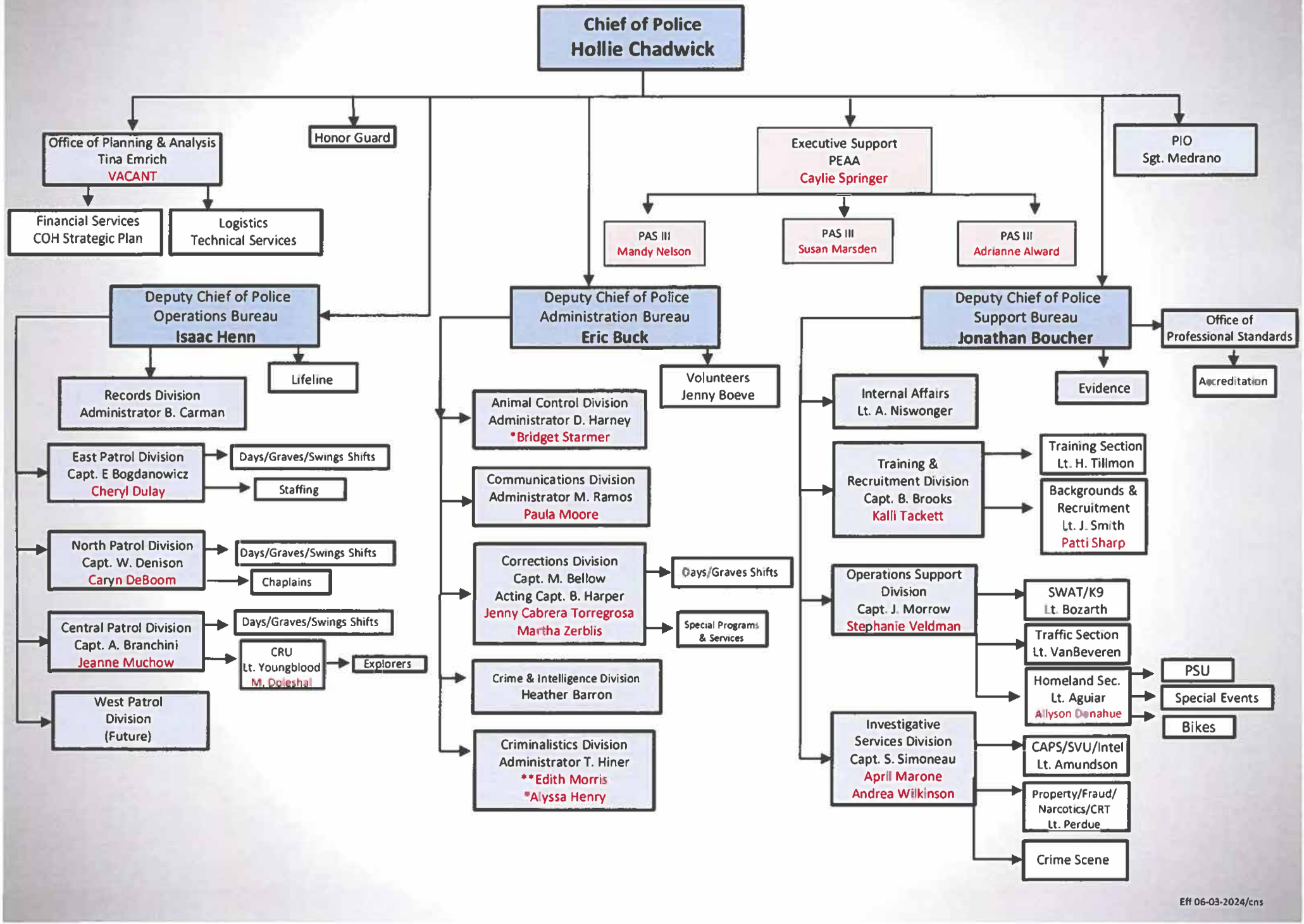
Sincerely,

1139

Hollie Chadwick
Chief of Police

Chief of Police Hollie Chadwick
Henderson Police Department
223 Lead St, Henderson, NV 89015
T 702-267-5000 **W** cityofhenderson.com

HENDERSON POLICE DEPARTMENT



9/3/2024 Nevada Commission on POST Employee Profile

Henn, Itzhak (21762)

Certifications

Level	Status Date	Status	Cert Date	Exp Date
Management	9/28/2017	Active	9/28/2017	
Supervisor	6/12/2013	Active	6/12/2013	
Advanced	8/25/2009	Active	8/25/2009	
Intermediate	4/23/2009	Active	4/23/2009	
Category I	5/3/2004	Active	5/3/2004	

Senior Management Institute for Police

POLICE EXECUTIVE
RESEARCH FORUM

hereby certifies that

Itzhak Henn

is a graduate of this course of study in
executive strategic management.
Presented this twenty-fourth day of June, 2022.

Executive Director, Police Executive Research Forum

President, Police Executive Research Forum

Institute Manager, Senior Management Institute for Police

POLICE EXECUTIVE
RESEARCH FORUM

Re: 2022 SMIP Program
Boston, MA

This document outlines the areas of instruction addressed at the Senior Management Institute for Police (SMIP), a leadership development program administered by the Police Executive Research Forum (PERF) since 1980. SMIP is a demanding and fast-paced three-week residential program designed for the up-and-coming leaders in law enforcement today. Through the case-study method, classroom lectures, interactive discussions, and extensive pre-session reading, participants are exposed to successful private sector concepts and principals that are applicable to the leadership and management of law enforcement agencies. SMIP's faculty members include currently affiliated professors from: MIT, Harvard, Johns Hopkins, Columbia, Dartmouth, Boston College, Tufts, University of South FL, and other top-tier schools. Additional instructors are among the most respected and highly regarded law enforcement chief executives in the United States and the United Kingdom.

Nowhere, other than at SMIP, is there such an assemblage of the best professors from the nation's top Schools of Business, Law, and Government teaching in a multi-week setting specifically for the uppermost levels of the law enforcement community. This coupled with lectures and the sharing of best practices and successful strategies by experienced police chief executives, aimed at increasing the professionalism of policing, makes SMIP a one-of-a-kind experience for attendees.

The following 16 instructional areas are covered during 21 classroom hours of lecture and discussion dedicated to the overall study of Management and Leadership.

- Successful Corporate Strategies;
- Strategy in the Public Sector;
- Bringing About Organizational Change;
- Cultural Aspects of Change;
- Strategic Partnerships and Networks of Capacity;
- Systems Thinking;
- Measuring Agency Performance;
- Recognizing Value Provided by an Agency;
- Aligning Systems and Strategies;
- Regulatory Reform;

- Innovation – Especially Under Fiscal Constraints;
- Information Management;
- Crisis Decision Making/Leadership Under Pressure;
- Maintaining Expectations;
- Risk Control;
- Adaptive Leadership.

The remaining topics that are covered, and the hours dedicated to them, during the overall 84 hours of classroom instruction, include:

- Labor Negotiation – Analysis and Techniques; 12 hours
- Media Relations: 6 hours
- Creating and Maintaining a Diverse Workforce; 6 hours
- Implicit Bias; 3 hours
- Leadership Communication; 9 hours
- Crisis Leadership; 6 hours
- Police Ethics; 6 hours
- Managing Critical Incidents; 3 hours
- Re-engineering Police Use of Force; 3 hours
- Police Executive Budgeting; 3 hours
- Executive Development; 3 hours
- Chief Executive Perspectives on Law Enforcement's Most Pressing Concerns; 9 hours

Participants are assigned to various study groups. In one venue, groups are assigned to conduct mock labor negotiations. In another, they meet each morning before class to engage in group-discussions relative to the case studies presented in class that day. This group work accounts for a minimum of 30 hours.

Reading assignments prior to each day of the program include case studies, chapters of textbooks and other significant reading. It is PERF's expectation that SMIP represents approximately 100 hours of reading. Classroom instruction, group study and reading combined, equates to approximately 214 hours of commitment.

INSTITUTE FOR
EXECUTIVE DEVELOPMENT

CERTIFICATE OF COMPLETION

This Certificate is presented to

Isaac Henn

Has successfully completed all phases of the Chief's Leadership Series, Cohort One for the City of Henderson Police Department
December 2020 through May 2022 - 45 Training Hours

Rick Culley, Ph.D. - President

Alex Culley, M.S. - Director

9. <u>DISCUSSION AND FOR POSSIBLE ACTION.</u>

Request from the Las Vegas Metropolitan Police Department for an Executive Certificate for their employee Undersheriff Andrew Walsh, pursuant to NAC 289.270(1)(b). Possible action may include approval or denial of the requested Executive Certificate.

State of Nevada – POST

Professional Certificate Application

Agency Details

Agency Name *
LV Metro PD

Officer's Details

POST ID *
10291

Officer's Name *
Andrew J Walsh

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* forms for this.

*	*
○ Intermediate (NAC 289.240) ○ Advanced (NAC 289.250) ○ Supervisor (NAC 289.255) ○ Management (NAC 289.260) ● Executive (NAC 289.270)	6 yrs (1 Exec) exp., supervise 2 mgrs, head of agency/div/bureau, 200 hrs adv mgmt trng

Click the Attach button to submit Only the following documents as REQUIRED:

> Executive – a letter confirming job level, org. chart, and proof of 200 hrs. advanced management training

Attachments (1)

POST – PROFESSIONAL CERTIFICATE APPLICATION – – Andrew J Walsh – 6/26/2024

Additional information or comments
Has held an appointed position for over 5 years. Complete pending review.

Submitter Details

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 level selected.

Submitter's Full Name *	Submitter's Phone # *	Submitter's E-Mail *
Officer Rob Santini	702-828-0131	r15387s@lvmpd.com

This section is for POST approval only

Education	Credit Hours	Date Achieved
Approved By	**Certification Date**	**Document Type**
		PROFESSIONAL CERTIFICATE APPLICATION
Comments		

LAS VEGAS METROPOLITAN
POLICE DEPARTMENT
Kevin McMahill, Sheriff

Partners with the Community

June 25, 2024

Nevada Commission on 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 Undersheriff Andrew Walsh

Dear Mr. Sherlock,

This letter certifies that Undersheriff Andrew Walsh meets the requirement for the award of a Nevada P.O.S.T. Professional Executive Certificate. This is based on the Undersheriff's service of 5 years or more in an appointed executive position, starting December 9, 2017, according to NAC 289.270.

Undersheriff Walsh oversees the Law Enforcement Operations Group and the Law Enforcement Investigations and Special Operations Group for the Las Vegas Metropolitan Police Department. He supervises 2 Assistant Sheriffs, and in total is responsible for 21 major bureaus within LVMPD.

An organization chart is included which demonstrates the Undersheriff's position within the Las Vegas Metropolitan Police Department.

Respectfully,

Kevin McMahill, Sheriff
Clark County Sheriff
Las Vegas Metropolitan Police Department



OFFICE OF THE SHERIFF
Kevin McMahill
Amelia Martinez
3233

- **OFFICE OF GENERAL COUNSEL** — G/C Liesl Freedman; *Krisi Langford*; 3310
- **OFFICE OF INTERGOVERNMENTAL SERVICES** — Cpt. Joshua Martinez; *Dawn Harris*; 5537/5538
- **OFFICE OF FINANCE** — CFO Richard Hoggan; *Taneka Wilson*; 1365/1368

UNDERSHERIFF
Andrew Walsh
Ronda Benson
3438/3439

- **PUBLIC INFORMATION OFFICE** — Dir. Jamie Ioos; Angelica Ortiz; 4063/2748

LAW ENFORCEMENT OPERATIONS GROUP
A/Sheriff Jamie Prosser
Nancy San Juan
3702/3707

- **TOURIST SAFETY DIVISION** — D/Chief Christopher Holmes; ~~*Danielle Wooten*~~; 5755/5760
  - **CONVENTION CENTER AREA COMMAND** — Cpt. Stephen Connell; *Jennifer Ristoski*; 4585/4597
  - **DOWNTOWN AREA COMMAND** — Cpt. Adam Seely; *Erin Blakey*; 4198/4206
  - **TRAFFIC BUREAU** — Cpt. Brian Cole; *Alexandria Reddit*; 4073/4074
- **WEST COMMUNITY POLICING DIVISION** — D/Chief Brandon Clarkson; *Mario Vega*; *5699/5754*
  - **BOLDEN AREA COMMAND** — Cpt. Esmeralda Boveda; *Elizabeth Velasquez*; 3221/4591
  - **ENTERPRISE AREA COMMAND** — Cpt. Byock Williams; *Andrea Tagliani*; 2875/2969
  - **NORTHWEST AREA COMMAND** — Cpt. Noe Esparza; *Kelly Barker*; 3151/3770
  - **SUMMERLIN AREA COMMAND** — Cpt. Joseph Lepore; *Amy Zinovitch*; 9508/9509
  - **SPRING VALLEY AREA COMMAND** — Cpt. Katie Geiger; *Danielle Kimbrough*; 1358/1359
- **EAST COMMUNITY POLICING DIVISION** — D/Chief Reggie Rader; *Kashonda Daniels*; 3263/8385
  - **NORTHEAST AREA COMMAND** — Cpt. Noel Roberts; *Jennifer Fa'aleava*; 8119/3706
  - **SOUTHEAST AREA COMMAND** — Cpt. Jeffrey Clark; *Stacey Dunparay*; 3158/3157
  - **SOUTH CENTRAL AREA COMMAND** — Cpt. William Malchiko; *Sheila Pedersen*; 8270/8269
  - **AIRPORT BUREAU** — Cpt. Michael Welch; *Tina Malcolm*; 8387/8389

LAW ENFORCEMENT INVESTIGATIONS AND SPECIAL OPERATIONS GROUP
VACANT
Cynthia Tauanuu
8381/8380

- **INVESTIGATIVE SERVICES DIVISION** — D/Chief Nicholas Farese; *Christopher Avila*; 5509/3511
  - **GANG/VICE/SIS BUREAU** — Cpt. Hector Cintron; *Evangeline Jackson*; 6721/6722
  - **HOMICIDE AND SEX CRIMES BUREAU** — Cpt. Timothy Hatchett; *Melanie Haskell*; 8377/8376
  - **MAJOR VIOLATOR/ NARCOTICS CRIMES BUREAU** — Cpt. Michelle Tavarez; *Nora Vihongkham*; 5505/5504
  - **THEFT CRIMES BUREAU** — Cpt. Jeffrey Coday; *Angela Wheaton*; 5599/5592
  - **CRIMINALISTICS BUREAU** — Exec. Dir. Kim Murga; *Shannon Foley*; 3909/3912
- **HOMELAND SECURITY AND SPECIAL OPERATIONS DIVISION** — D/Chief Dori Koren; *Souphaphone Garcia*; 3370/3488
  - **AIR SUPPORT/ SEARCH AND RESCUE SECTION** — Lt. David Gordon; *Lori Sorensman*; 8352/3552
  - **SPECIAL WEAPONS AND TACTICS BUREAU** — Comdr. Bryan Peterson; *Tobe Pollard*; 5688/3195
  - **SOUTHERN NEVADA COUNTER-TERRORISM CENTER** — Exec. Dir. Cary Underwood; *Cathy Donato*; 4046/4022
  - **COMMUNITY ENGAGEMENT/HOT PROGRAM** — Cpt. David Sims; *Doreen Ruckle*; 3569/3573

CHIEF ADMINISTRATIVE OFFICER
James Kilber
Nathalie Quinteros
1526/1523

- **WELLNESS BUREAU** — Dir. James Tenney; Mia Cauthen; 7642/7641
- **OFFICE OF LABOR RELATIONS** — L/R Counsel Jamie Frost; *Kaitlyn Stokey*; 3993/4989

LAW ENFORCEMENT ADMINISTRATION DETENTION AND SUPPORT GROUP
A/Sheriff Yasenia Yatomi
Ginger Molesid
2788/1397

- **INTERNAL OVERSIGHT AND CONSTITUTIONAL POLICING BUREAU** — Cpt. Kurt McKenzie; Brittney Hatfield; 5544/8452
- **DETENTION SERVICES DIVISION** — D/Chief Fred Haas; *Jennifer Donohue*; 2202/2203
  - **ADMIN OPERATIONS BUREAU** — Dir. Leah Anderson; *Colleen Lozano*; 671-8300/8301
  - **CENTRAL BOOKING BUREAU** — Cpt. Scott Zavsza; *Sakecia Crockett*; 671-3953/5792
  - **CIVIL/CONSTABLE BUREAU** — Cpt. Nita Schmidt; *Manuela Barela*; 455-0892/5359
  - **DSD RECORDS BUREAU** — Dir. Elsa Ireland; *Precia Jimenez-Mitchell*; 871-3913/3914
  - **NORTH TOWER BUREAU** — Cpt. Brian Fucile; *Tamela Lewis*; 671-3939/3954
  - **NORTH VALLEY BUREAU** — Cpt. Neldon Barrows; *Latoya Green*; 671-3955/3958
  - **SOUTH TOWER BUREAU** — Cpt. Jonathan Clark; *Maria Carlson*; 671-3862/3863
- **PROFESSIONAL STANDARDS DIVISION** — D/Chief Michael Gennaro; *Tia Wilson*; 3520/5850
  - **INTERNAL AFFAIRS BUREAU** — Cpt. Brandon Oris; *Andrea Nason*; 4433/4432
  - **OFFICE OF HUMAN RESOURCES** — Dir. Patricia Cervantes; *Anita Walker*; 3556/2023
  - **ORGANIZATIONAL DEVELOPMENT BUREAU** — Cpt. Raul Rodriguez; *Audrey Lewis*; 7951/7952
  - **COMMUNICATIONS BUREAU** — Cpt. Jose Hernandez; *Brandy Oris*; 7172/7196
  - **METRO VOLUNTEER PROGRAM** — Coord. Sharon Harding; 5609
- **BUSINESS TECHNOLOGY AND SUPPORT DIVISION** — D/Director Nicole Hart; *Katie Stits*; 0152/0150
  - **INFORMATION TECHNOLOGIES BUREAU** — Dir. William Sagal; *Sarah Di Lune*; 5538/3250
  - **RADIO SYSTEMS BUREAU** — Dir. Vinnie Puglia; *Christy Alatorre*; 4174/3870
  - **LOGISTICS BUREAU** — Dir. Cherie DeWilde; *Andrea Loretz*; 3413/4059
  - **DIGITAL INVESTIGATIONS BUREAU** — Comdr. Allen Larsen; *Dawn Sweeten*; 1530/8680
  - **RECORDS AND FINGERPRINT BUREAU** — Cpt. Christopher Dennis; *Elizabeth Murphy*; 8447/4494

May 25, 2024

9/3/2024 Nevada Commission on POST Employee Profile

Walsh, Andrew J (10291)

Certifications

Level	Status Date	Status	Cert Date	Exp Date
Management	4/21/2014	Active	4/21/2014	
Supervisor	7/30/2013	Active	7/30/2013	
Advanced	3/18/2009	Active	3/18/2009	
Intermediate	3/18/2009	Active	3/18/2009	
Category I	2/25/1999	Active	2/25/1999	

10. <u>DISCUSSION AND FOR POSSIBLE ACTION.</u>

Request from the 4th District, Elko County Juvenile Probation Department for an Executive Certificate for their employee Chief Heather Plager, pursuant to NAC 289.270(1)(b). Possible action may include approval or denial of the requested Executive Certificate.

State of Nevada - POST

Professional Certificate Application

Agency Details

Agency Name *
4th District, Elko Co Juvenile Probation

Officer's Details

POST ID *
11860

Officer's Name *
Heather C Plager-Heard

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* forms for this.

*	*
○ Intermediate (NAC 289.240) ○ Advanced (NAC 289.250) ○ Supervisor (NAC 289.255) ○ Management (NAC 289.260) ◉ Executive (NAC 289.270)	6 yrs (1 Exec) exp., supervise 2 mgrs, head of agency/div/bureau, 200 hrs adv mgmt trng

Click the Attach button to submit Only the following documents as REQUIRED:

> **Executive** - a letter confirming job level, org. chart, and proof of 200 hrs. advanced management training

Attachments (2)

POST - PROFESSIONAL CERTIFICATE APPLICATION - - Heather C Plager-Heard - 8/5/2024
POST - PROFESSIONAL CERTIFICATE APPLICATION - - Heather C Plager-Heard - 8/5/2024

Additional information or comments
NAC 289.270 1(b) - "An officer of this State who has been appointed or elected to an executive level position and has remained in the position for 5 consecutive years."

Attached is the Elko County Juvenile Probation Department's (ECJPD) organizational chart along with her Appointment letter as Chief Juvenile Probation Officer on August of 2017. Heather is still employed at the same position with the ECJPD

Submitter Details

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 level selected.

Submitter's Full Name *	Submitter's Phone # *	Submitter's E-Mail *
Thaddeus Rucker	775-748-1608	trucker@elkocountynv.net

This section is for POST approval only

Education	Credit Hours	Date Achieved
Approved By	**Certification Date**	**Document Type** PROFESSIONAL CERTIFICATE APPLICATION
Comments		

DOC # 729320
08/15/2017 04:20 PM
Official Record
Requested By
ELKO COUNTY DISTRICT COURT
Elko County – NV
D. Mike Smales – Recorder
Page 1 of 1 Fee:
Recorded By: ST RPTT:



OFFICIAL APPOINTMENT

STATE OF NEVADA,)
) ss.
COUNTY OF ELKO.)

KNOW ALL MEN BY THESE PRESENTS: THAT I, **ALVIN (AL) R. KACIN, DISTRICT JUDGE,** IN AND FOR THE COUNTY OF ELKO, STATE OF NEVADA, DO HEREBY APPOINT **HEATHER C. PLAGER,** AS CHIEF JUVENILE PROBATION OFFICER IN AND FOR THE COUNTY OF ELKO, STATE OF NEVADA.

IN WITNESS WHEREOF, I HEREUNTO SET MY HAND THIS 15 DAY OF AUGUST, 2017.

ALVIN (AL) R. KACIN
DISTRICT JUDGE – DEPARTMENT 2

OATH OF OFFICE

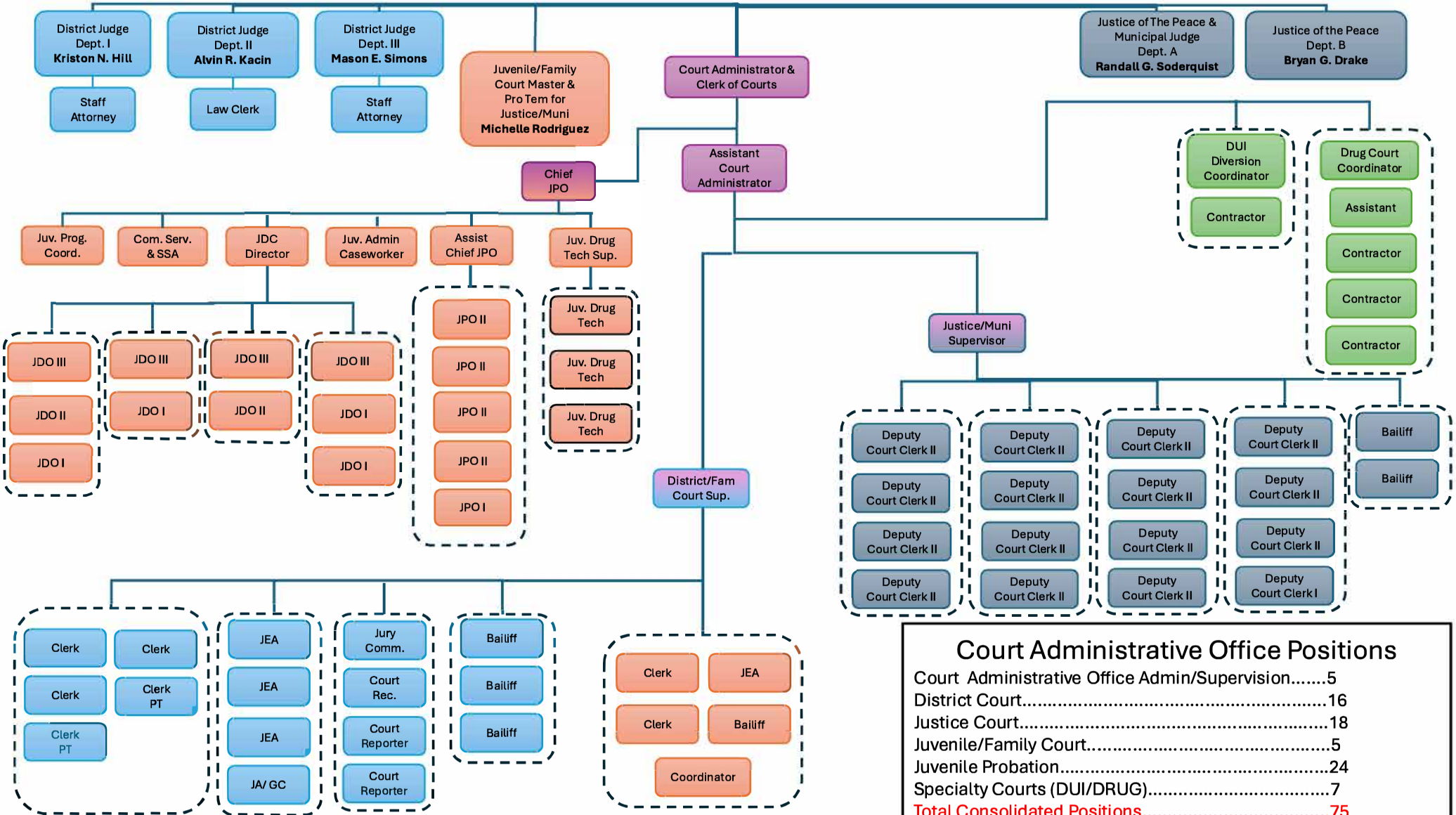
STATE OF NEVADA,)
) ss.
COUNTY OF ELKO.)

I, HEATHER C. PLAGER, do solemnly swear that I will support, protect, and defend the Constitution and Government of the United States, and the Constitution and Government of the State of Nevada, against all enemies, whether domestic or foreign, and that I will bear true faith, allegiance and loyalty to the same, any ordinance, resolution or law of any State notwithstanding, and that I will well and faithfully perform all the duties of the office of Chief Juvenile Probation Officer, on which I am about to enter; so help me God.

Heather Plager

Subscribed and sworn to before me this 15 day of August, 2017.

ALVIN (AL) R. KACIN
DISTRICT JUDGE – DEPARTMENT 2



Court Administrative Office Positions

Court Administrative Office Admin/Supervision	5
District Court	16
Justice Court	18
Juvenile/Family Court	5
Juvenile Probation	24
Specialty Courts (DUI/DRUG)	7
Total Consolidated Positions	75

9/3/2024 Nevada Commission on POST Employee Profile

Plager-Heard, Heather C (11860)

Certifications

Level	Status Date	Status	Cert Date	Exp Date
Advanced	6/26/2017	Active	4/23/2012	
Intermediate	6/26/2017	Active	4/23/2012	
Category II	6/26/2017	Active	8/4/2000	

11. <u>DISCUSSION AND FOR POSSIBLE ACTION.</u>

Request from the Washoe County Sheriff's Office for an Executive Certificate for their employee Chief Deputy Timothy Mosley, pursuant to NAC 289.270(1)(a). Possible action may include approval or denial of the requested Executive Certificate.

State of Nevada – POST

Professional Certificate Application

Agency Details

Agency Name *
Washoe Co SO

Officer's Details

POST ID *
11648

Officer's Name *
Timothy J Mosley

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* forms for this.

*	*
○ Intermediate (NAC 289.240) ○ Advanced (NAC 289.250) ○ Supervisor (NAC 289.255) ○ Management (NAC 289.260) ◉ Executive (NAC 289.270)	6 yrs (1 Exec) exp., supervise 2 mgrs, head of agency/div/bureau, 200 hrs adv mgmt trng

Click the Attach button to submit Only the following documents as REQUIRED:

> **Executive** – a letter confirming job level, org. chart, and proof of 200 hrs. advanced management training

Attachments (1)

POST – PROFESSIONAL CERTIFICATE APPLICATION – – Timothy J Mosley – 9/24/2024

Additional information or comments

Submitter Details

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 level selected.

Submitter's Full Name *	Submitter's Phone # *	Submitter's E-Mail *
Yolanda LeBlanc	775-328-3040	yleblanc@washoecounty.gov

This section is for POST approval only

Education	Credit Hours	Date Achieved
Approved By	**Certification Date**	**Document Type** PROFESSIONAL CERTIFICATE APPLICATION
Comments		

Darin Balaam, Sheriff

WASHOE COUNTY SHERIFF

September 18, 2024

Commission on Peace Officer Standard and Training
5587 Wa Pai Shone Avenue
Carson City, Nevada 89701

Dear P.O.S.T. Commission:

Chief Deputy Timothy Mosley POST #11648 is applying for the P.O.S.T. Executive Certificate. Please accept this letter as confirmation that Chief Deputy Mosley meets all POST requirements for the Executive Certificate.

As Chief Deputy of the Administrative Bureau, he has operational command of Administrative Services (Records and Civil), the Regional Public Safety Training Center, Training Division, Research and Development, Backgrounds, Community Relations, Dispatch, and Fleet Services. He has been in this position since July 17, 2023.

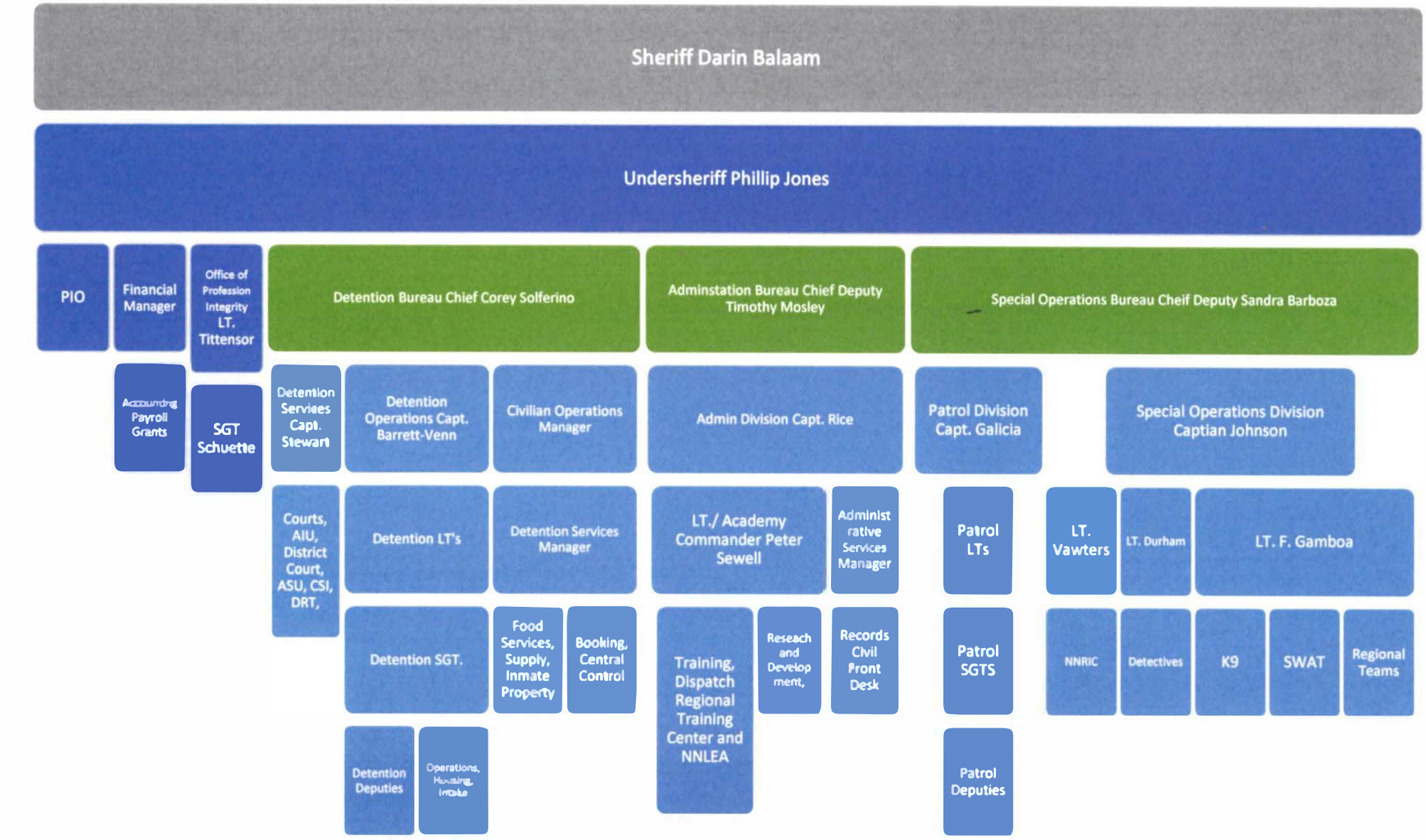
Chief Deputy Mosley's duties and responsibilities include but are not limited to administrative responsibility for the Administrative Bureau, management over the Administrative Bureau, and issues related to our Administrative Bureau staff.

Please accept this as part of the application requirements for the issuance of the P.O.S.T. Executive Certificate for Chief Deputy Mosley. If you have any questions, please don't hesitate to contact me.

Sincerely,

Darin Balaam, Sheriff

WASHOE COUNTY SHERIFF OFFICE



9/25/2024 Nevada Commission on POST Employee Profile

Mosley, Timothy J (11648)

Certifications

Level	Status Date	Status	Cert Date	Exp Date
Management	6/22/2021	Active	6/22/2021	
Supervisor	5/28/2021	Active	5/28/2021	
Advanced	6/19/2013	Active	6/19/2013	
Intermediate	6/19/2013	Active	6/19/2013	
Category I	8/23/2000	Active	8/23/2000	
Category III	8/23/2000	Active	8/23/2000	

The Southern Police Institute

Department of Criminal Justice
College of Arts and Sciences
University of Louisville

on recommendation of its faculty and by virtue of the authority vested in it by the trustees of the university has awarded to

Timothy J. Mosley

this certificate as evidence of the satisfactory completion of the

Administrative Officers Course

Given in the City of Louisville in the Commonwealth of Kentucky in the United States of America in the year of Our Lord two thousand twenty-one, this eleventh day of November.

President, University of Louisville

Chair, Criminal Justice

Dean, College of Arts and Sciences

Director, Southern Police Institute

Scheduled Courses

Full List of Continuing Education Courses

AOC

- AOC Dates
- How to Apply
- Curriculum: Undergraduate
- Curriculum: Graduate
- Budget Planning (AOC Tuition, Housing, and Fees)
- On-Campus Housing at Billy Minardi Hall for the AOC
- G I Bill Funding

CODC

Lodging for Louisville CE Courses

Administrative Officers Course (AOC)

Background

The Southern Police Institute is an integral part of the Department of Criminal Justice in the College of Arts and Sciences of the University of Louisville. It is an advanced educational and training institute whose mission is to enhance the professional development of law enforcement practitioners. Since the creation of the Southern Police Institute in 1951, its program of instruction has been based on the belief that law enforcement is a demanding activity requiring the highest level of professional preparation. The Administrative Officers Course has been offered continuously since 1951. Today, it is our primary leadership development program. It is designed to provide a comprehensive and challenging educational experience that is intended to enhance the professional and personal lives of our students.

Course Description

The Administrative Officers Course is a twelve week (480 hour) in-residence, accredited college level educational program. The course curriculum is designed to develop informed, effective, ethically and technically competent law enforcement managers who are capable of assuming positions of leadership in their respective agencies. It is an appropriate course for individuals in or about to be promoted to middle and upper management positions. This comprehensive development program provides instruction in law enforcement issues, diagnostic problem solving, and administrative law. The varied methods of instruction used by the faculty permit participants to engage their individual creativity and initiative through the analytical examination of issues and problems faced by contemporary law enforcement executives. This course is required as a prerequisite for appointment to the position of police chief by many government jurisdictions throughout the United States. Numerous graduates of the Administrative Officers Course are among today's law enforcement leaders directing agencies throughout the United States and abroad.

12. DISCUSSION AND FOR POSSIBLE ACTION.

Request from the Lyon County Sheriff' for a 6-month extension past the one-year requirement (NRS 289.550) in order to meet the requirements for certification for the following employees:

Deputy Benjamin Beck – Date of hire November 13, 2023, extension to May 23, 2025.

Deputy John VanDiver, Jr. – Date of CAT I position November 16, 2023, extension to May 16, 2025.

Possible action may include approval or denial of the requested extension.

LYON COUNTY
SHERIFF

Brad Pope
Sheriff

April 24, 2024

Dear Executive Director Sherlock,

I am requesting to be placed on the POST Commission meeting agenda for a 6-month extension, pursuant to NRS 289.550, for my employee Benjamin Beck. Due to staffing issues within the agency and already sending several employees to past and upcoming academies, Deputy Beck will be unable to attend an academy within the one-year requirement.
Deputy Beck's date of hire was November 13, 2023 and to be granted the 6-month extension would extend his time to May 13, 2025. He is scheduled to attend the Nevada Category I POST Academy in January 2025. Therefore, I am requesting this extension past the one-year requirement to become POST certified for my employee, Deputy Beck.

Respectfully,

Brad Pope

Sheriff Brad Pope

LYON COUNTY SHERIFF'S OFFICE • 911 HARVEY WAY #1 • YERINGTON, NV 89447
SHERIFF ADMINISTRATION • (775)463-6600 • (775) 577-5021 • FAX (775)463-6610

LYON COUNTY
SHERIFF

Brad Pope
Sheriff

August 12, 2024

Dear Executive Director Sherlock,

I am requesting to be placed on the POST Commission meeting agenda for a 6-month extension, pursuant to NRS 289.550, for my employee John VanDiver Jr. Due to staffing issues within the agency and already sending several employees to past and upcoming academies, Deputy VanDiver will be unable to attend an academy within the one-year requirement.
Deputy VanDiver was moved from a CAT III position to a CAT I position on November 16, 2023 and to be granted the 6-month extension would extend his time to May 16, 2025. He is scheduled to attend the Nevada Category I POST Academy in July 2025.
Therefore, I am requesting this extension past the one-year requirement to become POST certified for my employee, Deputy VanDiver.

Respectfully,

Brad Pope

Sheriff Brad Pope

LYON COUNTY SHERIFF'S OFFICE • 911 HARVEY WAY #1 • YERINGTON, NV 89447
SHERIFF ADMINISTRATION • (775)463-6600 • (775)577-5021 • FAX (775)463-6610

13. DISCUSSION AND FOR POSSIBLE ACTION.

Request from the Mineral County Sheriff' for a 6-month extension past the one-year requirement (NRS 289.550) in order to meet the requirements for certification for their employee Jorden Ferrell. Hire date October 30, 2023, extension to April 30, 2025. Possible action may include approval or denial of the requested extension.

Mineral County Sheriff's Office

Bill Ferguson
Sheriff

June 5, 2024

State of Nevada
Commission of Peace Officer
Standards and Training (POST)
Director - Mike Sherlock

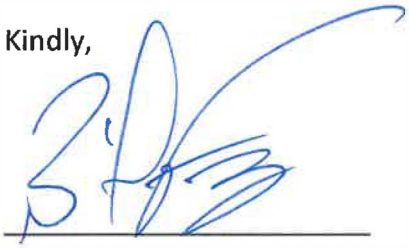
Dear Mr. Sherlock,

Due to staffing constraints, Mineral County Sheriff's Office is requesting a six-month extension for a peace officer to complete his POST training.

Officer's Name: Jorden Farrell
Hire Date: October 30, 2023

The last POST training for 2024, is scheduled in July. However, with your approval to our extension request, will allow us to enroll Mr. Farrell into the January, 2025 POST training. Thank you in advance for your time and consideration. Feel free to call me with any questions or concerns.

Kindly,



Bill Ferguson
Sheriff
Mineral County Sheriff's Office

P.O. Box 2290
105 South A Street, Suite 4
Hawthorne, NV 89415

Department (775) 945-2434
Direct Line (775) 945-1046
Facsimile (775) 945-5484

14. DISCUSSION AND FOR POSSIBLE ACTION.

Hearing pursuant to NAC 289.290(1)(g) **and/or** NAC 289.290(1)(h) on the revocation of George J. Head's (formerly employed with the White Pine County Sheriff's Office) Category I, II and III basic certificate(s). NAC 289.290(1) allows the Commission to revoke, refuse or suspend the certificate of a peace officer for: (g) conviction of, or entry of a plea of guilty, guilty but mentally ill or nolo contendere to a felony; **and/or** (h) Except as otherwise provided in paragraph (i), conviction of a misdemeanor. If the employing agency recommends suspension or revocation following the conviction of the employee for a misdemeanor, suspension or revocation may be imposed.

The conviction(s) which have led to this action are**:**

Case #091500069

Charge 1 – BURGLARY 2nd Degree Felony,

Charge 2 – THEFT 3rd Degree Felony,

Charge 3 – CRIMINAL MISCHIEF 3rd Degree Felony

Case #091500075

Charge 1- BURGLARY 3rd Degree Felony.

Possible action may be revocation of the Category I, II and III basic certificates.

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

JOE LOMBARDO
Governor

MICHAEL D. SHERLOCK
Executive Director

NOTICE OF INTENT TO REVOKE

September 10, 2024

George J. Head
[redacted]

POST PIN #: 36410

Dear Mr. Head,

Based upon documentation received by the Nevada Peace Officer Standards and Training Commission (the 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 certificate(s) 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 peace officer certificate(s) may be revoked pursuant to **NAC 289.290(1)(g) Conviction of, or entry of a plea of guilty, guilty but mentally ill or nolo contendere to, a felony and/or NAC 289.290(1)(e) Conviction of, or entry of a plea of guilty, guilty but mentally ill or nolo contendere to, a gross misdemeanor and/or NAC 289.290(1)(h) Except as otherwise provided in paragraph (i), conviction of a misdemeanor. If the employing agency recommends suspension or revocation following the conviction of the employee for a misdemeanor, suspension or revocation may be imposed.**

The conviction(s) which have led to this action are as follows:

Charge 1: 76-6-202 BURGLARY 2nd Degree Felony
Charge 2: 76-6-404 THEFT 3rd Degree Felony
Charge 3: 76-6-106 CRIMINAL MISCHIEF 3rd Degree Felony
Case#: 091500069
Jurisdiction: FIFTH DISTRICT COURT-ST GEORGE WASHINGTON, STATE OF UTAH

Charge 1: 76-6-202 BURGLARY 3rd Degree Felony
Case #: 091500075
Jurisdiction: FIFTH DISTRICT COURT-ST GEORGE WASHINGTON, STATE OF UTAH

You have the right to appear before the Commission to contest the revocation of your Nevada peace officer certificate(s) by providing written notice to the Commission within fifteen (15) days of the date of the hearing.

EXHIBIT A

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. If you or your counsel have any written arguments you would like to present to the Commission, you can send that information to me no less than ten (10) days prior to the date of the hearing.

Written requests can be made to:

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

The Commission will determine whether your Nevada peace officer certification(s) should be revoked at the meeting listed below:

Date: Thursday, October 17, 2024
Time: 8:00 a.m.
Location: Southpoint Hotel/Casino, 9777 S. Las Vegas Blvd., Napa Room A, Las Vegas, NV 89183

The hearing will cover the following: whether your P.O.S.T certificate(s) should be revoked, pursuant to **NAC 289.290(1)(g) Conviction of, or entry of a plea of guilty, guilty but mentally ill or nolo contendere to, a felony and/or NAC 289.290(1)(e) Conviction of, or entry of a plea of guilty, guilty but mentally ill or nolo contendere to, a gross misdemeanor and/or NAC 289.290(1)(h) Except as otherwise provided in paragraph (i), conviction of a misdemeanor. If the employing agency recommends suspension or revocation following the conviction of the employee for a misdemeanor, suspension or revocation may be imposed.**

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

If you need additional information concerning this matter, contact Kathy Floyd at (775) 687-7678, ext. 3335.

Sincerely,

Kathy Floyd
Chief of Standards Division
Nevada Commission on Peace
Officer Standards and Training

cc: Deputy Attorney General Jesselyn DeLuna
File

NAC 289.290 Denial, revocation or suspension of certificate; reinstatement of revoked certificate. (NRS 289.510)

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

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

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

(c) Chronic drinking or drunkenness on duty.

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

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

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

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

(h) Except as otherwise provided in paragraph (i), conviction of a misdemeanor. If the employing agency recommends suspension or revocation following the 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.

(i) Conviction of a misdemeanor crime of domestic violence as defined in 18 U.S.C. § 921(a)(33). Following the conviction of the employee for such a misdemeanor, suspension or revocation may be imposed regardless of whether the employing agency recommends suspension or revocation.

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

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

4. The Commission will notify the officer by certified mail at the officer's last known address of any pending revocation or suspension action and of the nature of the charges and the officer's right to appear and answer the charges. The officer shall, within 15 days after the date on the certified mail receipt, respond in writing, notifying the Commission of his or her intended action with reference to the charges.

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

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

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

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

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

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

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

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

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

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

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

12. Five years after the revocation of a certificate, an officer may submit a written request to the Commission to allow him or her to reinstate his or her certificate. The Commission will schedule a hearing to consider whether to reinstate the officer's certificate. The Commission will notify the agency that requested the revocation of the date and time of the hearing. After the hearing, the Commission will determine whether to reinstate the certificate. If the certificate is reinstated, the Commission may establish a probationary period during which any misconduct by the officer would result in revocation.

(Added to NAC by Peace Officers' Standards & Training Com., eff. 12-17-87; A 8-24-90; 4-28-94; A by Peace Officers' Standards & Training Comm'n by R102-99, 11-2-99; R003-07, 4-17-2008; R051-14, 10-24-2014; R006-19, 12-30-2019)

From: george head
To: Kathy Floyd
Subject: Re: October Commission Meeting
Date: Tuesday, September 10, 2024 10:43:59 AM

WARNING - This email originated from outside the State of Nevada. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Ok, just wanted to make sure

On Tue, Sep 10, 2024 at 11:41 AM Kathy Floyd <kfloyd@post.state.nv.us> wrote:

> The information from your case is presented to the 10 Commission members and then they will determine whether to suspend/revoke.
>
> ---
>
> **From:** george head <georgehead[redacted]>
> **Sent:** Tuesday, September 10, 2024 8:35 AM
> **To:** Kathy Floyd <kfloyd@post.state.nv.us>
> **Subject:** Re: October Commission Meeting
>
> **WARNING** - This email originated from outside the State of Nevada. Exercise caution when opening attachments or clicking links, especially from unknown senders.
>
> So if I understand correctly, it states it's up to the employing agency to decide if my POST is suspended or revoked based on a misdemeanor conviction.
>
> On Tue, Sep 10, 2024 at 8:52 AM Kathy Floyd <kfloyd@post.state.nv.us> wrote:
>
> > Good Morning,
> >
> > Attached is the notice for the hearing at the October meeting in Las Vegas. Please let me know if you are planning on attending and testifying, and if you would like any other statements in the book other than what I already have.
> >
> > Thank you,

EXHIBIT B

Kathy Floyd

Chief, Standards Division

Nevada Commission on POST

post.nv.gov

(775) 687-3335

State of Nevada - POST
UPDATE - Personnel Action Report (PAR)

Post ID Number: 36410

Last Name: Head **First Name:** George

MI: J **Suffix:**

☐ **Name Change?**

Last Name: Head First Name: George

MI: J Suffix:

☐ **Address Change?**

Street Address: [redacted]

City: [redacted] State: NV Zip Code: [redacted]

County: White Pine E-Mail:

Level Change? ◉ Line O Supervisor O Management O Executive

O Part Time O Full Time

Status Change? O Deceased O Retired ◉ Separated

NAC289.290 Notification (Cause For Commission Action)

Pursuant to NAC 289.290(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."

Does the above NAC apply? ◉ No O Yes

If you selected YES, ensure it is correct and provide details in the Comment field.

Comments\Additional Information:

Effective Date: 06/20/2023

Submitters Name: Scott Henriod

Submitters Phone: (775) 289-8808

Submitters E-Mail: shenriod@whitepinecountynv.gov

EXHIBIT C

STATE OF NEVADA

COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

Hereby Awards the

Category I
Basic Certificate

To

George J. Head

For having fulfilled all the requirements for basic certification
As prescribed by Nevada Administrative Code.

Governor

Executive Director

36410
POST ID #

015/22/2019
Date

EXHIBIT D

STATE OF NEVADA

COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

Hereby Awards the

Category II
Basic Certificate

To

George J. Head

For having fulfilled all the requirements for basic certification
As prescribed by Nevada Administrative Code.

Governor

Executive Director

36410
POST ID #

015/22/2019
Date

STATE OF NEVADA

COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

Hereby Awards the

Category III
Basic Certificate

To

George J. Head

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

Governor

Executive Director

36410
POST ID No.

August 10, 2018
Date

(0) 500B

WHITE PINE COUNTY SHERIFF'S OFFICE

1785 Great Basin Blvd. Ely, NV 89301

Phone: (775)289-8808
Fax: (775)289-1468

SCOTT HENRIOD
Sheriff
TODD FINCHER
Captain

September 5, 2023

TO: Chief Kathy Floyd

RE: George Head

FR: Sheriff Scott Henriod

George Head is a past employee with the White Pine County Sheriff's Office. He was hired as a Patrol Deputy and was sent to the Nevada Peace Officers Standards and Training Academy where he successfully graduated. He worked for the Sheriff's Office for several years before rendering his resignation. On or about August 31, 2023 I was contacted by Chief Kathy Floyd informing me of information she had received from the State of Utah reference George Head's background. I have reviewed George Head's application and background that was done when he was hired on with the Sheriff's Office. He does disclose in his application that he was arrested on January 3, 2009 for the crime of burglary and that the disposition was a misdemeanor. Looking over the criminal history that was done at the time of his background check, it does show the arrest and the disposition is a misdemeanor. After receiving the information from Chief Floyd that she obtained from Utah it appears that this is misleading. The documentation she received indicated that his conviction and disposition was for a felony and that latter on, after George Head completed his probation, the disposition was changed to a misdemeanor. At the request of Chief Floyd and the newly discovered information I am requesting the revocation of George Head's Nevada POST certification.

Respectfully,

Sheriff Scott Henriod

EXHIBIT E

From: george head
To: Kathy Floyd
Date: Monday, June 17, 2024 9:58:36 AM

WARNING - This email originated from outside the State of Nevada. Exercise caution when opening attachments or clicking links, especially from unknown senders.

LETTERS/STATEMENT RECEIVED FROM MR. HEAD

EXHIBIT F

Notice to Appeal

Nevada Commission on Peace Officer Standards and Training

5587 Wa Pai Shone Avenue

Carson City, Nevada, 89701

February 1, 2024

I am writing this letter to let the Nevada POST Commission know I would like to appeal for the Revocation of my Nevada POST Category 1 Certificate. I was hired at the White Pine County Sheriff's Office (WPCSO) on June 18, 2018. I wrote a detailed letter articulating the facts and circumstances regarding my criminal past, along with my application. I was commended for that letter by Captain Jaime Swetich, for my honesty. My criminal past was never kept secret during my hiring process and was even discussed in my Oral Board and my Voice Stress Analysis (VSA) screening.

My morals and ethics were never questioned during my 5 years as a Patrol Deputy with the WPCSO. As a matter of fact, I was given additional responsibility during my time with WPCSO. I was promoted to Deputy Coroner and became a certified Field Training Officer. I even went and put myself through Elko's Tri County SWAT training to better myself as a rural Deputy. I was President of our Association and helped negotiate a great contract for my department. On August 1, 2021, I was involved in an Officer Involved Shooting, to which I was given an accommodation letter for my actions that day.

I understand that I was convicted of a Misdemeanor Crime in 2009. I never lied during my hiring process, and I was 100% honest with all my information. I understand this situation must be evaluated, but I ask that you look at all the information I have provided, before taking one of my greatest accomplishments away. I am not my mistakes and not once have I ever been under investigation for my actions as a Law Enforcement Officer.

I helped investigate one of my own co-workers, who had been working with the WPCSO for 19 years. Its an active case #23-CR-00156-7K. This individual is going to jury trial for Sexual Assault charges against a minor and an adult female. I feel like this is clear retaliation since I am involved in an active Federal Lawsuit against WPCSO, which WPCSO received days before being contacted by the Nevada POST Commission.

I will not be able to attend the given date of the Appeal, since I will be in a remote location for 2 weeks, 3000 miles away for work. Please let me know if I can attend via Zoom. Again, I ask that you review everything rather than the 1 mistake I made as a teenager. Receiving my Category 1 Peace Officer Certificate was a huge accomplishment for me and it helped give me a greater sense of purpose as an Adult. None of my criminal charges were new information to WPCSO. I have upheld the honor of being a Peace Officer in my personal and professional life. Thank you for taking the time to read this letter and I eagerly await the decision.

Sincerely, George Head POST PIN #36410

George served as a law enforcement officer with your department for over 5 years, during which time he distinguished himself through his commitment to public safety and community service. His extensive knowledge of law enforcement protocols, combined with his practical experience, allowed him to handle a variety of challenging situations with ease and confidence. George's ability to remain calm under pressure and his quick decision-making skills were crucial assets in numerous situations.

One of George's most commendable qualities is his unwavering integrity. He consistently upheld the highest ethical standards, ensuring that all actions taken were in the best interest of justice and the community. His approachability and empathetic nature enabled him to build strong relationships with both colleagues and community members. George's excellent communication skills facilitated effective interactions with diverse populations, fostering a sense of trust and cooperation.

In summary, George Head is a remarkable law enforcement officer whose dedication, integrity, and leadership have left a lasting impact on your department and the community. I have no doubt that he will excel in any role he chooses to pursue and will continue to make significant contributions to any community and work he decides to pursue. I wholeheartedly recommend George for any position or opportunity that seeks a reliable, skilled, and dedicated professional.

Please feel free to contact me if you require any further information or wish to discuss George's qualifications in more detail.

Sincerely,

Nicholas Nuccitelli

Police Chief

LaVerkin City

Nicholas Nuccitelli

Chief of Police LaVerkin City

111 S Main Street

LaVerkin Utah, 84745

Nick.Nuccitelli@Laverkincity.org

(435) 635-0427

06/06/2024

To whom it may concern,

I am writing to provide you a clear picture who I know Geroge Head to be. I met George when Theresa Head adopted him after his father passed away from a medical emergency when George was 12 years old. George was an enthusiastic, fun-loving kid who already had experiences in life that would provide him with the background to become a law enforcement officer. When George turned 18 years old, he was surrounded by inexperienced, mischievous peers who together committed a crime. I hope that as law enforcement officers who uphold the laws understand that our society has adopted new tolerances for people who are young and commit a crime are not banished from our profession. George never hid or omitted anything on a record for POST. He accepted his actions and moved on to have a career dedicated to the profession which requires sacrifice of every soul who commits to this career.

With that being said- George spent the next 10 years of his life redeeming himself working hard and putting himself into a position to get into the field of law enforcement. I spoke with George many times and had him over to my house to talk about the structure, professionalism and respect that was earned by the work ethic he provided to your department. He understood that there was trust to be built. He called me when he was involved in an OIS and knew that there would be work ahead for him and the other officers involved to learn and grow from this experience- which he did. He spoke with me about trying to constantly improve and give young officers a better place to work with additional training opportunities. These are some of the traits I personally look for in police officers. The willingness to share their experiences and make the ones around them better- is a quality that I hope we all possess within our human being.

To: Nevada P.O.S.T

I am David Santana I am currently a Police Officer in Arizona. I was previously a Sheriff's Deputy with the White Pine County Sheriff's Office in Nevada. During my time with the White Pine County Sheriff's Office I worked with then Deputy George Head.

I recently learned that Deputy Head's Nevada P.O.S.T certification has been called into question. I am not aware of the specifics as to why Deputy Heads certification has been called into question. The purpose of this letter is to inform Nevada P.O.S.T and whom ever it may concern that I have no reservation nor doubt that Deputy Head has the necessary moral and ethical strength required to work as a Law Enforcement Officer in Nevada or any other state.

My professional opinion of Deputy Head comes from working closely with Deputy Head during my time with the White Pine County Sheriff's Office.

David Santana

Dsantana@cityofkingman.gov

UTAH COURT DOCUMENTS

FIFTH DISTRICT COURT-ST GEORGE
WASHINGTON COUNTY, STATE OF UTAH

FILED
IN THE DISTRICT COURT
2011 APR 27 AM 9:35
WASHINGTON COUNTY

STATE OF UTAH, Plaintiff,	:	MINUTES 402 REDUCTION ORDER
vs.	:	Case No: 091500069 FS
GEORGE HEAD, Defendant.	:	Judge: KARLA STAHELI Date: April 20, 2011

PRESENT
Clerk: michellh
Prosecutor: JAEGER, JERRY D
Defendant

DEFENDANT INFORMATION
Date of birth: [redacted]
Video
Tape Number: 3D Tape Count: 4:56/4:56

CHARGES
1. BURGLARY (402 amended) - Class A Misdemeanor
   Plea: Guilty - Disposition: 10/07/2009 Guilty
2. THEFT (402 amended) - Class A Misdemeanor
   Plea: Guilty - Disposition: 10/07/2009 Guilty
3. CRIMINAL MISCHIEF (402 amended) - Class A Misdemeanor
   Plea: Guilty - Disposition: 10/07/2009 Guilty

HEARING

Upon motion by the state, the court orders the charges be reduced by 402 to Class A misdemeanors and probation terminated successfully.

The defendant's probation is terminated successfully.

Date: 4/25/11

KARLA STAHELI
District Court Judge

EXHIBIT G

FIFTH DISTRICT COURT-ST GEORGE
WASHINGTON COUNTY, STATE OF UTAH

STATE OF UTAH vs. GEORGE HEAD

CASE NUMBER 091500069 State Felony

Defendants GEORGE HEAD, BRYAN DALE ANDRUS are linked.

CHARGES

Charge 1 - 76-6-202 - BURGLARY - 2nd Degree Felony (402 amended to) - Class A Misdemeanor
Offense Date: January 10, 2008
Plea: October 07, 2009 Guilty
Disposition: October 07, 2009 Guilty

Charge 2 - 76-6-404 - THEFT - 3rd Degree Felony (402 amended to) - Class A Misdemeanor
Offense Date: January 10, 2008
Plea: October 07, 2009 Guilty
Disposition: October 07, 2009 Guilty

Charge 3 - 76-6-106 - CRIMINAL MISCHIEF - 3rd Degree Felony (402 amended to) - Class A Misdemeanor
Offense Date: January 10, 2008
Plea: October 07, 2009 Guilty
Disposition: October 07, 2009 Guilty

CURRENT ASSIGNED JUDGE
ERIC GENTRY

PARTIES

Plaintiff - STATE OF UTAH
Represented by: JAMES WEEKS

Defendant - GEORGE HEAD
JEFFERY
[redacted]
IVINS, UT 84738

Bondsman - HY & MIKES BAIL BONDING
ATTN: STEVE BAUCUM
7659 S STATE ST
MIDVALE, UT 84047
mikebaucum57@gmail.com

Creditor - GEOFFREY HORNER
10 EAST 675 SOUGH
IVINS, UT 84738

Creditor - LARRY SEVERSON
1302 10TH ST N

MOORHEAD, MN 56560-1558

Creditor - TEMPE CENTRAL PROP ALLSTATE INSURANCE
P O BOX 16650
CLAIM #131547200
MESA, AZ 85211

Payee - GEOFFREY HORNER
10 EAST 675 SOUGH
IVINS, UT 84738

Payee - LARRY SEVERSON
1302 10TH ST N
MOORHEAD, MN 56560-1558

Payee - TEMPE CENTRAL PROP ALLSTATE INSURANCE
P O BOX 16650
CLAIM #131547200
MESA, AZ 85211

Payee - LAW OFFICES OF PHILIP SAUER
3 GOLF CENT STE 352
ATT: REST RECOVERY #4700042
HOFFMAN ESTATES, IL 60169

Payor - SHANNEL STEPHANIE HEAD

DEFENDANT INFORMATION

Defendant Name: GEORGE HEAD
Offense Tracking Number: [redacted]
Date of Birth:[redacted]
Drivers License Number:
Social Security Number: Country: UNITED STATES
Law Enforcement Agency: IVINS-SANTA CLARA PD
Prosecuting Agency: WASHINGTON COUNTY
Violation Date: 01-10-2008

ACCOUNT SUMMARY

Total Revenue Amount Due:	23.00
Amount Paid:	23.00
Amount Credit:	0.00
Balance:	0.00
Paper Bond Totals Posted:	30,000.00
Forfeited:	0.00
Exonerated:	30,000.00
Balance:	0.00

Trust Totals:

Trust Due:	190.00
Amount Paid:	190.00
Amount Credit:	0.00
Trust Balance Due:	0.00
Recurring/Openended Due:	0.38

Amount Paid: 0.38

Time Pay: 25.00 monthly on the 30th.
Most Recent Payment: January 10, 2011
Final Payment: April 30, 2070

NONMONETARY BOND DETAIL - TYPE: Surety
Posted By: HY & MIKES BAIL BONDING (#31758)
Posted: 30,000.00
Forfeited: 0.00
Exonerated: 30,000.00
Balance: 0.00

TRUST DETAIL
Trust Description: Restitution
Recipient: GEOFFREY HORNER
Amount Due: 0.00
Paid In: 0.00
Paid Out: 0.00

Account Adjustments Sum To Date	Amount	Reason
2011-05-24	-3,800.00	Adjusted to zero and set to State Debt Collection

TRUST DETAIL
Trust Description: Restitution
Recipient: LARRY SEVERSON
Amount Due: 0.00
Paid In: 0.00
Paid Out: 0.00

Account Adjustments Sum To Date	Amount	Reason
2011-05-24	-18.37	Adjusted to zero and set to State Debt Collection

TRUST DETAIL
Trust Description: Restitution
Recipient: LAW OFFICES OF PHILIP SAUER
Amount Due: 0.00
Paid In: 0.00
Paid Out: 0.00

Account Adjustments Sum To Date	Amount	Reason
2011-05-24	-5,648.82	Adjusted to zero and set to State Debt Collection

TRUST DETAIL
Trust Description: Interest on Rstitutn
Recipient: GEOFFREY HORNER
Amount Due: 76.26
Paid In: 76.26
Paid Out: 76.26

Account Adjustments Sum To Date	Amount	Reason
2011-05-24	-72.20	Adjusted to zero and set to State Debt Collection
2011-05-24	148.46	Criminal post judgment interest

TRUST DETAIL

Trust Description:	Interest on Rstitutn
Recipient:	LARRY SEVERSON
Amount Due:	0.38
Paid In:	0.38
Paid Out:	0.38

Account Adjustments Sum To Date	Amount	Reason
2011-05-24	-0.35	Adjusted to zero and set to State Debt Collection
2011-05-24	0.73	Criminal post judgment interest

TRUST DETAIL

Trust Description:	Interest on Rstitutn
Recipient:	LAW OFFICES OF PHILIP SAUER
Amount Due:	113.36
Paid In:	113.36
Paid Out:	113.36

Account Adjustments Sum To Date	Amount	Reason
2011-05-24	-107.27	Adjusted to zero and set to State Debt Collection
2011-05-24	220.63	Criminal post judgment interest

TRUST DETAIL

Trust Description:	Unclaimed Property
Recipient:	UTAH STATE TREASURER
Amount Due:	0.23
Paid In:	0.23
Paid Out:	0.23

TRUST DETAIL

Trust Description:	Unclaimed Property
Recipient:	UTAH STATE TREASURER
Amount Due:	0.00
Paid In:	0.00
Paid Out:	0.00

TRUST DETAIL

Trust Description:	Unclaimed Property
Recipient:	UTAH STATE TREASURER
Amount Due:	0.15
Paid In:	0.15
Paid Out:	0.15

REVENUE DETAIL - TYPE: CERTIFIED COPIES

Original Amount Due:	15.00
Amended Amount Due:	15.00
Amount Paid:	15.00
Amount Credit:	0.00
Balance:	0.00

REVENUE DETAIL - TYPE: CERTIFICATION

Original Amount Due:	8.00
Amended Amount Due:	8.00
Amount Paid:	8.00
Amount Credit:	0.00
Balance:	0.00

CASE NOTE

PROCEEDINGS

01-12-2009	Filed: Information	tippyl
01-12-2009	ARRAIGNMENT scheduled on January 12, 2009 at 01:30 PM with	tippyl
01-12-2009	Judge JAMES L SHUMATE assigned.	tippyl
01-12-2009	Filed: Warrantless Arrest Probable Cause Statement	tippyl
01-12-2009	Minute Entry - Minutes for Initial Appearance	karenbm

Judge: G RAND BEACHAM
PRESENT
Clerk: karenbm
Prosecutor: GENTRY, ERIC R
Defendant Present
Audio
Tape Number: FTR D Tape Count: 1:43/1:46
INITIAL APPEARANCE
A copy of the Information is given to the defendant.
Defendant waives reading of Information.
Advised of charges and penalties.
The defendant is advised of right to counsel.
Bail is set at $30000.00 cash or bond. Matter set for review on 1-13-09 at 9:00 a.m.
REVIEW HEARING is scheduled.
Date: 01/13/2009
Time: 01:31 p.m.
Location: Araignment Courtroom
Fifth District Court
220 North 200 East
St. George, UT

01-12-2009	REVIEW HEARING scheduled on January 13, 2009 at 01:31 PM with	karenbm
01-12-2009	Case filed by tippyl	tippyl
01-12-2009	Filed: From an Information	tippyl
01-13-2009	Minute Entry - Minutes for Appointment of Counsel	tippyl

Judge: G RAND BEACHAM
PRESENT
Clerk: tippyl
Prosecutor: GENTRY, ERIC R
Defendant Present
Audio
Tape Number: FTR C Tape Count: 2:04-2:07
INITIAL APPEARANCE
Advised of charges and penalties.
The defendant is advised of right to counsel.
APPOINTMENT OF COUNSEL

	Court finds the defendant indigent and appoints ARIC M CRAMER to represent the defendant. Appointed Counsel: Name: ARIC M CRAMER Address: 90 E 100 S STE 201 City: ST GEORGE UT 84770 Phone: (435)627-1565 ROLL CALL 1 is scheduled. Date: 02/02/2009 Time: 02:30 p.m. Location: Courtroom TBD Fifth District Court 220 North 200 East St. George, UT 84770 Before Judge: G RAND BEACHAM	
01-13-2009	Cancelled: ROLL CALL 1 scheduled on February 02, 2009 at 02:30 PM with Judge G RAND BEACHAM	tippyl
01-14-2009	Filed: Undertaking of Bail	karenbm
01-16-2009	Filed: Appearance of Counsel Request for Discovery	diannem
01-16-2009	Filed: State's Response to Defendant's Request for Hearing	diannem
01-27-2009	Bond Account created Total Due: 30,000.00	karenbm
01-27-2009	Bond Posted Non-Monetary Bond: 30,000.00	karenbm
02-02-2009	Minute Entry - ROLL CALL continued Judge: G RAND BEACHAM PRESENT Clerk: karenbm Prosecutor: ERICKSON, M RICK Defendant not present Defendant's Attorney(s): ARIEL K TAYLOR Audio Tape Number: FTR C Tape Count: 3:07/3:07 CONTINUANCE Whose Motion: The Stipulation of counsel. Roll call 1 heard. Set for attorney status. The motion is granted. STATUS OF COUNSEL is scheduled. Date: 02/11/2009 Time: 09:00 a.m. Location: Courtroom TBD Fifth District Court 220 North 200 East St. George, UT 84770 Before Judge: JAMES L SHUMATE	karenbm
02-03-2009	Cancelled: ROLL CALL 1 scheduled on February 02, 2009 at 02:30 PM with Judge G RAND BEACHAM	tippyl
02-03-2009	STATUS OF COUNSEL scheduled on February 11, 2009 at 09:00 AM with Judge JAMES L SHUMATE	karenbm
02-03-2009	Note: CONTINUANCE minutes modified.	karenbm
02-11-2009	Filed: Notice of Withdrawal	karenbm
02-11-2009	Minute Entry - Minutes for STATUS OF COUNSEL Judge: JAMES L SHUMATE PRESENT	michellh

Clerk: michellh
Prosecutor: FILTER, BRIAN G
Defendant not present
Defendant's Attorney(s): ARIEL K TAYLOR
Video
Tape Number: FTR-D Tape Count: 9:07/9:08

HEARING

Mr. Cramer has withdrawn due to the defendant's increase in income. Defendant to hire own attorney. Mr. Taylor will send notice.

02-13-2009	Filed: Notice of Withdrawal of Counsel	tippyl
02-17-2009	Cancelled: REVIEW HEARING scheduled on February 25, 2009 at 09:00 AM with Judge JAMES L SHUMATE	diannem
02-17-2009	Filed: Request for Hearing	diannem
02-17-2009	Rescheduled: REVIEW HEARING rescheduled to February 25, 2009 at 09:01 AM with Judge JAMES L SHUMATE	
02-25-2009	ROLL CALL 2 scheduled on March 23, 2009 at 02:30 PM with Judge ERIC A LUDLOW	diannem
02-25-2009	Minute Entry - Minutes for STATUS OF COUNSEL	diannem

Judge: JAMES L SHUMATE

PRESENT

Clerk: diannem
Prosecutor: SHAUM, RYAN J
Defendant Present
Video
Tape Number: FTR-D Tape Count: 10:28/10:31

HEARING

Court does find the defendant indigent and appoints Aric Cramer as counsel and also in defendants other case 091500075.

Court orders roll call 2 set for 03/23/2009 at 2:30 p.m.

ROLL CALL 2 is scheduled.

Date: 03/23/2009
Time: 02:30 p.m.
Location: Courtroom TBD
Fifth District Court
220 North 200 East
St. George, UT 84770
Before Judge: ERIC A LUDLOW

02-25-2009	Filed order: Affidavit of Indigency and Order	diannem

Judge JAMES L SHUMATE
Signed February 25, 2009

03-23-2009	Minute Entry - Minutes for INCOURT NOTE	dennisgd

Judge: JAMES L SHUMATE

PRESENT

Clerk: dennisgd
Prosecutor: MICHAEL V LASTOWSKI
Defendant not present
Defendant's Attorney(s): ARIEL K TAYLOR
Audio
Tape Number: FTR D Tape Count: 2.49/2.49

Defendant is not in custody. Roll Call 3 set for 4.13.2009 at 2.30 pm with EAL.

ROLL CALL is scheduled.

	Date: 04/13/2009 Time: 02:30 p.m. Location: Courtroom TBD Fifth District Court 220 North 200 East St. George, UT 84770 Before Judge: ERIC A LUDLOW	
03-24-2009	ROLL CALL scheduled on April 13, 2009 at 02:30 PM with Judge ERIC A LUDLOW	dennisgd
04-13-2009	Minute Entry - Minutes for ROLL CALL Judge: ERIC A LUDLOW PRESENT Clerk: dennisgd Prosecutor: WEEKS, JAMES R Defendant not present Defendant's Attorney(s): ARIEL K TAYLOR Audio Tape Number: FTR C Tape Count: 2.41/2.41 HEARING Roll Call 3 heard. Counsel requests Preliminary Hearing set for 5.11.2009. PRELIMINARY HEARING is scheduled. Date: 5/11/2009 Time: 09:00 a.m. Location: Courtroom TBD Fifth District Court 220 North 200 East St. George, UT 84770 Before Judge: JAMES L SHUMATE	dennisgd
04-14-2009	Cancelled: PRELIM INJUNCTION scheduled on May 11, 2009 at 09:00 AM with Judge JAMES L SHUMATE	dennisgd
04-15-2009	Modified: PRELIM INJUNCTION scheduled on May 11, 2009 at 09:00 AM with Judge JAMES L SHUMATE	dennisgd
04-15-2009	PRELIMINARY HEARING scheduled on May 11, 2009 at 09:00 AM with Judge JAMES L SHUMATE	dennisgd
04-15-2009	Note: ROLL CALL minutes modified.	dennisgd
04-20-2009	Filed: Supplemental Response to Defendant's Discovery Request	michellh
05-11-2009	Minute Entry - Minutes for Preliminary Hearing Judge: JAMES L SHUMATE PRESENT Clerk: diannem Prosecutor: WEEKS, JAMES R Defendant not present Tape Number: FTR-C Tape Count: 9:16/9:17 HEARING There being no appearance by defendant Court orders forfeiture notice to be given and bench warrant to issue in the amount of $20,000.00 cash only. BOND FORFEITURE NOTICE is scheduled. Date: 12/15/2009 Time: 01:36 p.m. Location: Araignment Courtroom Fifth District Court 220 North 200 East	diannem

	St. George, UT	
05-11-2009	Cancelled: BOND FORFEITURE NOTICE scheduled on December 15, 2009 at 01:36 PM with	diannem
05-11-2009	Filed: Motion to Recall Warrant	diannem
05-11-2009	Filed: Stipulation to Recall Warrant	diannem
05-12-2009	Bail/Bond Forfeited Notice - Bail/Bond Forfeiture Notice	
05-12-2009	NOTICE for Case 091500069 ID 12126032	diannem
	Commissioner:	
	BOND FORFEITURE NOTICE is scheduled.	
	Date: 12/15/2009	
	Time: 01:36 p.m.	
	Location: Araignment Courtroom	
	Fifth District Court	
	220 North 200 East	
	St. George, UT	
05-12-2009	Filed order: Notice of Defendant's Failure to Appear and Order to Commence Bond Forfeiture Proceedings	diannem
	Judge JAMES L SHUMATE	
	Signed May 12, 2009	
05-12-2009	Filed order: Order to Recall Warrant	diannem
	Judge JAMES L SHUMATE	
	Signed May 12, 2009	
05-12-2009	NOTICE for Case 091500069 ID 12128432	diannem
	Judge: JAMES L SHUMATE	
	PRELIMINARY HEARING is scheduled.	
	Date: 06/05/2009	
	Time: 09:00 a.m.	
	Location: Courtroom TBD	
	Fifth District Court	
	220 North 200 East	
	St. George, UT 84770	
	Before Judge: JAMES L SHUMATE	
05-12-2009	Cancelled: BOND FORFEITURE NOTICE scheduled on December 15, 2009 at 01:36 PM with	diannem
	Reason: Stipulation of counsel	
05-12-2009	Cancelled: PRELIMINARY HEARING scheduled on June 05, 2009 at 09:00 AM with Judge JAMES L SHUMATE	diannem
05-12-2009	Ruling Entry - ORDER VACATING FORFEITURE PROCEEDINGS	diannem
	Judge: JAMES L SHUMATE	
	Court orders that the forfeiture proceedings previously ordered on 05/12/2009 be vacated and bond to be reinstated.	
	Date: _____	
	_____	
	Judge JAMES L SHUMATE	
05-12-2009	Filed order: Order Vacating Forfeiture Proceedings	diannem
	Judge JAMES L SHUMATE	
	Signed May 12, 2009	
05-15-2009	Filed: Stipulated Motion to continue Preliminary Hearing	diannem
05-18-2009	Filed order: Order to Continue Preliminary Hearing	diannem
	Judge JAMES L SHUMATE	
	Signed May 18, 2009	
05-18-2009	Rescheduled: PRELIMINARY HEARING rescheduled to June 22, 2009 at 09:00 AM with Judge JAMES L SHUMATE	diannem
	Reason: Stipulation of counsel	

05-18-2009	NOTICE for Case 091500069 ID 12139040 Judge: JAMES L SHUMATE PRELIMINARY HEARING. Date: 06/22/2009 Time: 09:00 a.m. Location: Courtroom TBD Fifth District Court 220 North 200 East St. George, UT 84770 Before Judge: JAMES L SHUMATE The reason for the change is Stipulation of counsel	diannem
06-16-2009	Filed order: Stipulated Motion for Continuance and Order Judge JAMES L SHUMATE Signed June 15, 2009	diannem
06-16-2009	PRELIMINARY HEARING scheduled on July 13, 2009 at 09:00 AM with Judge JAMES L SHUMATE	diannem
06-16-2009	NOTICE for Case 091500069 ID 12205262 Judge: JAMES L SHUMATE PRELIMINARY HEARING. Date: 07/13/2009 Time: 09:00 a.m. Location: Courtroom TBD Fifth District Court 220 North 200 East St. George, UT 84770 Before Judge: JAMES L SHUMATE The reason for the change is Stipulation of counsel	diannem
07-13-2009	Minute Entry - Minutes for PRELIM WAIVER/BINDOVER ORDER Judge: JAMES L SHUMATE PRESENT Clerk: michellh Prosecutor: WEEKS, JAMES R Defendant Present Defendant's Attorney(s): TRAVIS R CHRISTIANSEN Video Tape Number: FTR-D Tape Count: 9:07/9:08 HEARING Defendant waives his preliminary hearing. Defendant to make application to drug court. Drug Court Staffing to be set for 8/5/09. DRUG COURT STAFFING is scheduled. Date: 08/05/2009 Time: 02:30 p.m. Location: Courtroom TBD Fifth District Court 220 North 200 East St. George, UT 84770 Before Judge: JAMES L SHUMATE	michellh
07-16-2009	Cancelled: DRUG COURT STAFFING scheduled on August 05, 2009 at 02:30 PM with Judge JAMES L SHUMATE	michellh
07-16-2009	Rescheduled: DRUG COURT STAFFING rescheduled to August 05, 2009 at 03:59 PM with Judge JAMES L SHUMATE	
08-05-2009	Minute Entry - Minutes for DRUG COURT STAFFING	diannem

	Judge: JAMES L SHUMATE	
	PRESENT	
	Clerk: diannem	
	Prosecutor: JAEGER, JERRY D	
	Defendant Present	
	Video	
	Tape Number: FTR-D Tape Count: 4:05/4:05	
	HEARING	
	Defendant needs to complete his evaluation	
	Court orders this matter set for 08/19/2009 at 3:59 p.m.	
	DRUG COURT STAFFING.	
	Date: 08/19/2009	
	Time: 03:59 p.m.	
	Location: Courtroom TBD	
	Fifth District Court	
	220 North 200 East	
	St. George, UT 84770	
	Before Judge: JAMES L SHUMATE	
08-06-2009	DRUG COURT STAFFING scheduled on August 19, 2009 at 03:59 PM with Judge JAMES L SHUMATE	diannem
08-19-2009	Minute Entry - Minutes for DRUG COURT STAFFING	michellh
	Judge: JAMES L SHUMATE	
	PRESENT	
	Clerk: michellh	
	Prosecutor: JAEGER, JERRY D	
	Defendant Present	
	Video	
	Tape Number: FTR-D Tape Count: 4:07/4:08	
	HEARING	
	Drug court application is approved. Evaluation needed.	
	DRUG COURT STAFFING.	
	Date: 09/09/2009	
	Time: 03:59 p.m.	
	Location: Courtroom TBD	
	Fifth District Court	
	220 North 200 East	
	St. George, UT 84770	
	Before Judge: JAMES L SHUMATE	
08-20-2009	DRUG COURT STAFFING scheduled on September 09, 2009 at 03:59 PM with Judge JAMES L SHUMATE	michellh
08-20-2009	Note: DRUG COURT STAFFING minutes modified.	michellh
09-09-2009	Minute Entry - Minutes for DRUG COURT STAFFING	michellh
	Judge: JAMES L SHUMATE	
	PRESENT	
	Clerk: michellh	
	Prosecutor: JAEGER, JERRY D	
	Defendant not present	
	Video	
	Tape Number: FTR-D Tape Count: 4:20/4:20	
	HEARING	
	Evaluation is scheduled for 9/23/09.	
	DRUG COURT STAFFING.	

	Date: 10/07/2009 Time: 03:59 p.m. Location: Courtroom TBD Fifth District Court 220 North 200 East St. George, UT 84770 Before Judge: JAMES L SHUMATE	
09-10-2009	Cancelled: DRUG COURT STAFFING scheduled on October 07, 2009 at 03:59 PM with Judge JAMES L SHUMATE	michellh
09-10-2009	DRUG COURT STAFFING scheduled on October 07, 2009 at 03:59 PM with Judge JAMES L SHUMATE	michellh
09-25-2009	Rescheduled: DRUG COURT STAFFING rescheduled to September 30, 2009 at 03:59 PM with Judge JAMES L SHUMATE	
09-30-2009	Minute Entry - Minutes for DRUG COURT STAFFING Judge: JAMES L SHUMATE PRESENT Clerk: michellh Prosecutor: JAEGER, JERRY D Defendant Present Tape Number: FTR-D Tape Count: 4:02/4:02 HEARING Counsel for the defendant is not present. Defendant to return next week to sign paperwork. DRUG COURT STAFFING. Date: 10/07/2009 Time: 03:59 p.m. Location: Courtroom TBD Fifth District Court 220 North 200 East St. George, UT 84770 Before Judge: JAMES L SHUMATE	michellh
10-01-2009	Note: DRUG COURT STAFFING minutes modified.	michellh
10-02-2009	**** PROTECTED **** Filed: Substance Abuse Evaluation dtd 9/23/09 Southwest Behavioral Health Center	michellh
10-07-2009	Charge 1 Disposition is Guilty	michellh
10-07-2009	Charge 2 Disposition is Guilty	michellh
10-07-2009	Charge 3 Disposition is Guilty	michellh
10-07-2009	Minute Entry - Minutes for Arraignment Judge: JAMES L SHUMATE PRESENT Clerk: michellh Prosecutor: JAEGER, JERRY D Defendant Present Defendant's Attorney(s): ADAMSON, BRYAN T Video Tape Number: FTR-D Tape Count: 4:14/4:19 ARRAIGNMENT A copy of the Information is given to the defendant. Defendant waives reading of Information. Advised of rights and penalties. Defendant is arraigned. The defendant is advised that this offense may be used as an enhancement to the penalties for a subsequent offense.	michellh

Amended information filed. Factual basis found in the Statement of Defendant. Guilty pleas accepted and entered. 2 level 402 motion taken under advisement. Defendant to schedule intake at Southwest.

SENTENCE PRISON

Based on the defendant's conviction of BURGLARY a 2nd Degree Felony, the defendant is sentenced to an indeterminate term of not less than one year nor more than fifteen years in the Utah State Prison.

The prison term is suspended.

Based on the defendant's conviction of THEFT a 3rd Degree Felony, the defendant is sentenced to an indeterminate term of not to exceed five years in the Utah State Prison.

The prison term is suspended.

Based on the defendant's conviction of CRIMINAL MISCHIEF a 3rd Degree Felony, the defendant is sentenced to an indeterminate term of not to exceed five years in the Utah State Prison.

The prison term is suspended.

SENTENCE PRISON CONCURRENT/CONSECUTIVE NOTE

Prison terms to be served concurrently.

SENTENCE FINE

Charge # 1 Fine: $18538.00
Suspended: $18538.00
Due: $0.00
Charge # 2 Fine: $9283.00
Suspended: $9283.00
Due: $0.00
Charge # 3 Fine: $9283.00
Suspended: $9283.00
Due: $0.00
Total Fine: $37104.00
Total Suspended: $37104.00
Total Surcharge: $0
Total Principal Due: $0
Plus Interest

ORDER OF PROBATION

The defendant is placed on probation for 36 month(s).

Probation is to be supervised by Fifth District Court.

The imposition of sentence is stayed and the defendant is placed on probation.

PROBATION CONDITIONS

Commit no law violations during the term of probation.

Successfully complete Washington County Drug Court.

10-08-2009	Filed: Amended Information	michellh
10-08-2009	Bond Exonerated -30,000.00	michellh
10-08-2009	Filed order: Statement of Defendant in Support of Guilty Plea and Certificate of Counsel Judge JAMES L SHUMATE Signed October 07, 2009	michellh
10-08-2009	Filed: Drug Court Agreement	michellh
10-08-2009	Note: ARRAIGNMENT minutes modified.	michellh
10-20-2009	Filed: Motion for Restitution Judgment Filed by: JAMES R WEEKS	michellh
11-02-2009	Filed: Motion to Submit for Decision Regarding Restitution Judgment	michellh

	Filed by: JAMES R WEEKS	
11-03-2009	Judgment Entered - Amount $9647.01	sharlena
11-03-2009	Filed order: Judgment, Restitution Judgment and Sentence Judge JAMES L SHUMATE Signed November 03, 2009	michellh
11-03-2009	**** PRIVATE **** Filed: Restitution Judgment Information Statement	michellh
11-03-2009	Judgment Entered - Amount $3818.37	michellh
11-03-2009	Filed judgment: Criminal Sentence Judge JAMES L SHUMATE Signed November 03, 2009	michellh
11-03-2009	Trust Account created Total Due: 3,800.00	michellh
11-03-2009	Trust Account created Total Due: 18.37	michellh
03-18-2010	Filed: Motion for Amended Restitution Judgment Filed by: JAMES R WEEKS	michellh
04-07-2010	Filed: Motion to Submit for Decision Regarding Amended Judgment Filed by: JAMES R WEEKS	michellh
04-13-2010	**** PRIVATE **** Filed: Amended Restitution Judgment Information Statement	michellh
04-13-2010	Filed order: Amended Resitution Judgment Judge JAMES L SHUMATE Signed April 13, 2010	michellh
04-13-2010	Judgment # 1 Modified $ 7574.31	michellh
04-13-2010	Trust Account created Total Due: 5,648.82	michellh
04-13-2010	Trust Account created Total Due: 76.26	michellh
04-13-2010	Trust Account created Total Due: 0.38	michellh
04-13-2010	Trust Account created Total Due: 113.36	michellh
04-13-2010	Note: Added to payment schedule 1060043408	michellh
04-13-2010	Note: Added to payment schedule 1060043408	michellh
04-13-2010	Note: Added to payment schedule 1060043408	michellh
04-13-2010	Note: Added to payment schedule 1060043408	michellh
04-13-2010	Note: Added to payment schedule 1060043408	michellh
04-13-2010	Note: Added to payment schedule 1060043408	michellh
04-30-2010	Interest on Rstitutn Payment Received: 20.07	shannoxc
04-30-2010	Interest on Rstitutn Payment Received: 0.10	shannoxc
04-30-2010	Interest on Rstitutn Payment Received: 29.83	shannoxc
05-24-2010	Interest on Rstitutn Check # 16546 Trust Payout: 20.07	janaj
05-24-2010	Interest on Rstitutn Check # 16555 Trust Payout: 29.83	janaj
05-26-2010	Interest on Rstitutn Payment Received: 16.06	shannoxc
05-26-2010	Interest on Rstitutn Payment Received: 0.08	shannoxc
05-26-2010	Interest on Rstitutn Payment Received: 23.86	shannoxc
06-15-2010	Interest on Rstitutn Check # 16654 Trust Payout: 16.06	janaj
06-15-2010	Interest on Rstitutn Check # 16657 Trust Payout: 23.86	janaj
08-02-2010	Interest on Rstitutn Payment Received: 10.03	dennisgd
08-02-2010	Interest on Rstitutn Payment Received: 0.05	dennisgd
08-02-2010	Interest on Rstitutn Payment Received: 14.92	dennisgd
08-03-2010	Interest on Rstitutn Check # 16794 Trust Payout: 0.23	janaj
08-03-2010	Interest on Rstitutn Check # 16795 Trust Payout: 10.03	janaj
08-03-2010	Interest on Rstitutn Check # 16804 Trust Payout: 14.92	janaj
08-17-2010	Interest on Rstitutn Payment Received: 10.03	claudiak
08-17-2010	Interest on Rstitutn Payment Received: 0.05	claudiak
08-17-2010	Interest on Rstitutn Payment Received: 14.92	claudiak

09-07-2010	Interest on Rstitutn Check # 16960 Trust Payout: 10.03	janaj
09-07-2010	Interest on Rstitutn Check # 16963 Trust Payout: 14.92	janaj
11-01-2010	Filed: Letter: from Phillip R. Sauer stating rest. for Allstate should be sent to him and new address. Called All State, they verified this information.	sharlena
11-01-2010	Judgment # 1 Modified $ 7574.31	sharlena
11-03-2010	Note: Debt Collection Letter 2 sent.	sharlena
11-03-2010	Tracking started -- Collection Letter on 12/02/2010	
11-15-2010	Note: Letter returned, no address	sharlena
11-15-2010	Tracking ended -- Collection Letter	
11-15-2010	Tracking started for {Collections}. Review date November 20, 2010	sharlena
11-29-2010	Note: Phillip Sauer is the Attorney for Geoffrey Horner. Creditor to be changed to this law officer per letter & call to All State.	sharlena
11-29-2010	Note: Judge Shumate, Defendant is in drug ct. on case 091500075. He has only paid $140 towards rest. in this case. I sent a letter, it was returned with no forwarding address. Rest. is $7,574.31 in this case. CAN I SEND THIS CASE TO OSDC?	sharlena
12-01-2010	Tracking {Collections}. Changed to Review date January 20, 2011	sharlena
12-06-2010	DRUG COURT scheduled on December 15, 2010 at 03:59 PM in Courtroom 3D with Judge JAMES L SHUMATE	michellh
12-28-2010	DRUG COURT scheduled on January 12, 2011 at 04:00 PM in Courtroom 3D with Judge JAMES L SHUMATE	michellh
01-10-2011	Interest on Rstitutn Payment Received: 20.07	dennisgd
01-10-2011	Interest on Rstitutn Payment Received: 0.10	dennisgd
01-10-2011	Interest on Rstitutn Payment Received: 29.83	dennisgd
	Note: 100.00 cash tendered. 50.00 change given.	
01-10-2011	Tracking {Collections}. Changed to Review date April 10, 2011	sharlena
01-18-2011	DRUG COURT scheduled on January 19, 2011 at 04:00 PM in Courtroom 3D with Judge JAMES L SHUMATE	michellh
01-22-2011	Cancelled: DRUG COURT scheduled on January 26, 2011 at 04:00 PM in Courtroom 3D with Judge JAMES L SHUMATE	michellh
01-22-2011	Cancelled: DRUG COURT scheduled on January 26, 2011 at 04:00 PM in Courtroom 3D with Judge JAMES L SHUMATE	michellh
	Reason: Hearing no longer required.	
02-01-2011	Interest on Rstitutn Check # 17479 Trust Payout: 20.07	janaj
02-01-2011	Interest on Rstitutn Check # 17499 Trust Payout: 29.83	janaj
04-14-2011	Note: Debt Collection Letter 2 sent.	sharlena
04-14-2011	Tracking {Collections}. Changed to Review date July 10, 2011	sharlena
04-20-2011	Minute Entry - Minutes for 402 REDUCTION ORDER	michellh

Judge: KARLA STAHELI

PRESENT

Clerk: michellh

Prosecutor: JAEGER, JERRY D

Defendant Present

Video

Tape Number: 3D Tape Count: 4:56/4:56

HEARING

Upon motion by the state, the court orders the charges be reduced by 402 to Class A misdemeanors and probation terminated successfully.

The motion to enter judgment pursuant to 76-3-402, U.C.A. for the charge of CRIMINAL MISCHIEF, is granted.

Charge severity decreased from 3rd Degree Felony to Class A Misdemeanor.

The defendant's probation is terminated successfully.

04-20-2011	Charge 1 amended to Class A Misdemeanor	michellh
04-20-2011	Charge 2 amended to Class A Misdemeanor	michellh
04-20-2011	Charge 3 amended to Class A Misdemeanor	michellh
04-25-2011	Tracking ended for {Collections}	michellh
04-25-2011	Note: 402 REDUCTION ORDER minutes modified.	michellh
04-27-2011	Filed order: 402 Reduction Order Judge JAMES L SHUMATE Signed April 25, 2011	michellh
05-24-2011	Note: Case sent to State Debt Collection	sharlena
08-23-2011	Filed: Notice of Withdrawal of Counsel	jamieap
10-31-2011	Interest on Rstitutn Payment Reversal: -0.23 Note: GOING TO UNCLAIMED PROPERTY	janaj
10-31-2011	Trust Account created Total Due: 0.23	janaj
10-31-2011	Interest on Rstitutn Transfer Out: 0.23	janaj
10-31-2011	Unclaimed Property Transfer In: 0.23 Note: Unclaimed Property Transfer	janaj
11-01-2011	Unclaimed Property Check # 18403 Trust Payout: 0.23	janaj
07-12-2012	Trust Account created Total Due: 0.00	janaj
07-17-2012	Interest on Rstitutn Check # 19334 Trust Payout: 0.15	janaj
07-28-2014	Judge G MICHAEL WESTFALL assigned.	carolybb
08-19-2014	Filed: Email from OSDC concerning bankruptcy.	sharlena
08-10-2015	Filed: Unclaimed Letter Returned with Update Address	triciab
08-10-2015	Note: Unclaimed letter returned and remailed to updated address.	triciab
10-28-2015	Interest on Rstitutn Payment Reversal: -0.15 Note: Unclaimed Property	triciab
10-28-2015	Trust Account created Total Due: 0.15	triciab
10-28-2015	Interest on Rstitutn Transfer Out: 0.15	triciab
10-28-2015	Unclaimed Property Transfer In: 0.15 Note: Unclaimed Property Transfer	triciab
10-29-2015	Unclaimed Property Check # 24749 Trust Payout: 0.15	triciab
11-21-2017	Judge MATTHEW L BELL assigned.	dpx
11-22-2017	Judge G MICHAEL WESTFALL assigned.	carolybb
08-22-2023	Fee Account created Total Due: 15.00	lydiaz
08-22-2023	Fee Account created Total Due: 8.00	lydiaz
08-22-2023	CERTIFIED COPIES Payment Received: 15.00	lydiaz
08-22-2023	CERTIFICATION Payment Received: 8.00	lydiaz
09-01-2023	Judge ERIC GENTRY assigned.	cades

FIFTH DISTRICT COURT-ST GEORGE
WASHINGTON COUNTY, STATE OF UTAH

FILED
FIFTH DISTRICT COURT
2011 APR 27 AM 9:36
WASHINGTON COUNTY
BY

STATE OF UTAH, Plaintiff,	:	MINUTES 402 REDUCTION ORDER
vs.	:	Case No: 091500075 FS
GEORGE JEFFERY HEAD, Defendant.	:	Judge: KARLA STAHELI Date: April 20, 2011

PRESENT
Clerk: michellh
Prosecutor: JAEGER, JERRY D
Defendant

DEFENDANT INFORMATION
Date of birth: [redacted]
Video
Tape Number: 3D Tape Count: 4:56/4:56

CHARGES
1. BURGLARY (402 amended) - Class A Misdemeanor
Plea: Guilty - Disposition: 10/07/2009 Guilty

HEARING

Upon motion by the state, the court orders probation terminated successfully and a 402 reduction on the charges.

The defendant's probation is terminated successfully.

Date: 4/25/11

Karla Staheli
KARLA STAHELI
District Court Judge

EXHIBIT H

FIFTH DISTRICT COURT-ST GEORGE
WASHINGTON COUNTY, STATE OF UTAH

STATE OF UTAH vs. GEORGE JEFFERY HEAD

CASE NUMBER 091500075 State Felony

Defendants GEORGE JEFFERY HEAD, BRYAN DALE ANDRUS are linked.

CHARGES

Charge 1 - 76-6-202 - BURGLARY - 3rd Degree Felony (402 amended to) - Class A Misdemeanor
Offense Date: January 11, 2008
Plea: October 07, 2009 Guilty
Disposition: October 07, 2009 Guilty

CURRENT ASSIGNED JUDGE

ERIC GENTRY

PARTIES

Plaintiff - STATE OF UTAH
Represented by: JAMES WEEKS

Defendant - GEORGE JEFFERY HEAD
[redacted]
IVINS, UT 84738
Represented by: BRYAN T ADAMSON

Bondsman - HY & MIKES BAIL BONDING
ATTN: STEVE BAUCUM
7659 S STATE ST
MIDVALE, UT 84047
mikebaucum57@gmail.com

Creditor - DAVID BERUMEN
1487 WEST 1270 NORTH
ST GEORGE, UT 84770

Payee - DAVID BERUMEN
1487 WEST 1270 NORTH
ST GEORGE, UT 84770

Payee - BRYAN ANDRUS
CO-DEFENDANT

Payor - GEORGE HEAD
1165 w indian hills dr #230
sinner1_hatebreed2@yahoo.com

DEFENDANT INFORMATION

Defendant Name: GEORGE JEFFERY HEAD
Offense Tracking Number: 31535172

Date of Birth: [redacted]
Drivers License Number:
Social Security Number: Country: UNITED STATES
Law Enforcement Agency: ST GEORGE POLICE
Prosecuting Agency: WASHINGTON COUNTY
Violation Date: 01-11-2008

ACCOUNT SUMMARY

Paper Bond Totals Posted:	15,000.00
Forfeited:	0.00
Exonerated:	15,000.00
Balance:	0.00

Trust Totals:

Trust Due:	1,401.03
Amount Paid:	1,401.03
Amount Credit:	0.00
Trust Balance Due:	0.00

Time Pay:	25.00 monthly on the 30th.
Most Recent Payment:	November 16, 2011
Final Payment:	July 30, 2021

NONMONETARY BOND DETAIL - TYPE: Surety

Posted By:	HY & MIKES BAIL BONDING (#31759)
Posted:	15,000.00
Forfeited:	0.00
Exonerated:	15,000.00
Balance:	0.00

TRUST DETAIL

Trust Description:	Restitution
Recipient:	DAVID BERUMEN
Amount Due:	1,401.03
Paid In:	1,401.03
Paid Out:	1,401.03

Account Adjustments Sum To Date	Amount	Reason
2011-11-16	-2,127.97	Adjusted to zero and set to State Debt Collection

CASE NOTE

PROCEEDINGS

01-12-2009	ARRAIGNMENT scheduled on January 12, 2009 at 01:30 PM with	tippyl
01-12-2009	Filed: Information	tippyl
01-12-2009	Filed: Warrantless Arrest Probable Cause Statement	tippyl
01-12-2009	Minute Entry - Minutes for Initial Appearance	karenbm

Judge: G RAND BEACHAM
PRESENT
Clerk: karenbm
Prosecutor: GENTRY, ERIC R

Defendant Present
Audio
Tape Number: FTR D Tape Count: 1:43/1:46

INITIAL APPEARANCE
A copy of the Information is given to the defendant.
Defendant waives reading of Information.
Advised of charges and penalties.
The defendant is advised of right to counsel.
Matter set for review on 1-13-09 at 1:30 p.m. Bail is set at $15000.00 cash or bond.

REVIEW HEARING is scheduled.
Date: 01/13/2009
Time: 01:31 p.m.
Location: Araignment Courtroom
Fifth District Court
220 North 200 East
St. George, UT

01-12-2009	REVIEW HEARING scheduled on January 13, 2009 at 01:31 PM with	karenbm
01-12-2009	Case filed by tippyl	tippyl
01-12-2009	Filed: From an Information	tippyl
01-13-2009	Minute Entry - Minutes for Appointment of Counsel	tippyl

Judge: G RAND BEACHAM

PRESENT
Clerk: tippyl
Prosecutor: GENTRY, ERIC R
Defendant Present
Video
Tape Number: FTR C Tape Count: 2:04-2:07

APPOINTMENT OF COUNSEL
Court finds the defendant indigent and appoints ARIC M CRAMER to represent the defendant.
Appointed Counsel:
Name: ARIC M CRAMER
Address: 90 E 100 S STE 201
City: ST GEORGE UT 84770
Phone: (435)627-1565
Affidavit of indigency is to be submitted by the defendant
Instructions to the defendant:
1. You are to immediately contact and consult with appointed counsel.
2. You are to cooperate with the appointed counsel in the defense of this case.
3. You are to keep appointed counsel advised at all times of an address and a telephone number where you can be reached.
4. Attorney's fees for services of counsel may be assessed at the time of sentence.
The matter is set for Roll Call 1.

ROLL CALL 1 is scheduled.
Date: 02/02/2009
Time: 02:30 p.m.
Location: Courtroom TBD
Fifth District Court
220 North 200 East

	St. George, UT 84770 Before Judge: G RAND BEACHAM	
01-20-2009	Judge JAMES L SHUMATE assigned.	lailm
01-20-2009	Filed: Appearance of Counsel Request for Discovery	diannem
01-23-2009	Filed: State's Response to Defendant's Request for Discovery	diannem
01-26-2009	Cancelled: ROLL CALL 1 scheduled on February 02, 2009 at 02:30 PM with Judge G RAND BEACHAM	tippyl
01-27-2009	Bond Account created Total Due: 15,000.00	karenbm
01-27-2009	Bond Posted Non-Monetary Bond: 15,000.00	karenbm
02-02-2009	Minute Entry - ROLL CALL continued Judge: G RAND BEACHAM PRESENT Clerk: karenbm Prosecutor: ERICKSON, M RICK Defendant not present Defendant's Attorney(s): ARIEL K TAYLOR Audio Tape Number: FTR C Tape Count: 3:05/3:07 CONTINUANCE Whose Motion: The Stipulation of counsel. Roll call 1 heard. Status of counsel set. The motion is granted. STATUS OF COUNSEL is scheduled. Date: 02/11/2009 Time: 09:00 a.m. Location: Courtroom TBD Fifth District Court 220 North 200 East St. George, UT 84770 Before Judge: JAMES L SHUMATE	karenbm
02-03-2009	Cancelled: ROLL CALL 1 scheduled on February 02, 2009 at 02:30 PM with Judge G RAND BEACHAM	tippyl
02-03-2009	STATUS OF COUNSEL scheduled on February 11, 2009 at 09:00 AM with Judge JAMES L SHUMATE	karenbm
02-11-2009	Filed: Notice of Withdrawal	karenbm
02-11-2009	Minute Entry - Minutes for STATUS OF COUNSEL Judge: JAMES L SHUMATE PRESENT Clerk: michellh Prosecutor: FILTER, BRIAN G Defendant not present Defendant's Attorney(s): ARIEL K TAYLOR Video Tape Number: FTR-D Tape Count: 9:07/9:08 HEARING Mr. Cramer has withdrawn due to the defendant's increase in income. Defendant to hire own attorney. Mr. Taylor will send notice.	michellh
02-25-2009	Minute Entry - Minutes for Appointment of Counsel Judge: JAMES L SHUMATE PRESENT Clerk: diannem	diannem

Prosecutor: SHAUM, RYAN J
Defendant Present
Video
Tape Number: FTR-D Tape Count: 10:28/10:31

HEARING

Court finds defendant indigent and appoints Aric Cramer as counsel.

Court further orders that this matter is set for roll call 2 on 03/23/2009 at 2:30 p.m.

APPOINTMENT OF COUNSEL

Court finds the defendant indigent and appoints ARIC M CRAMER to represent the defendant.

Appointed Counsel:
Name: ARIC M CRAMER
Address: 90 E 100 S STE 201
City: ST GEORGE UT 84770
Phone: (435)627-1565

ROLL CALL 2 is scheduled.
Date: 03/23/2009
Time: 02:30 p.m.
Location: Courtroom TBD
Fifth District Court
220 North 200 East
St. George, UT 84770
Before Judge: ERIC A LUDLOW

02-25-2009 ROLL CALL 2 scheduled on March 23, 2009 at 02:30 PM with Judge ERIC A LUDLOW — diannem

03-23-2009 Minute Entry - Minutes for INCOURT NOTE — dennisgd

Judge: JAMES L SHUMATE

PRESENT
Clerk: dennisgd
Prosecutor: MICHAEL V LASTOWSKI
Defendant not present
Defendant's Attorney(s): ARIEL K TAYLOR
Audio
Tape Number: FTR D Tape Count: 2.49/2.49
Defendant is not in custody. Roll Call 3 set for 4.13.2009 at 2.30 pm with EAL.

ROLL CALL is scheduled.
Date: 04/13/2009
Time: 02:30 p.m.
Location: Courtroom TBD
Fifth District Court
220 North 200 East
St. George, UT 84770
Before Judge: ERIC A LUDLOW

03-24-2009 ROLL CALL scheduled on April 13, 2009 at 02:30 PM with Judge ERIC A LUDLOW — dennisgd

04-13-2009 Minute Entry - Minutes for ROLL CALL — dennisgd

Judge: ERIC A LUDLOW

PRESENT
Clerk: dennisgd
Prosecutor: WEEKS, JAMES R
Defendant not present

	Defendant's Attorney(s): ARIEL K TAYLOR	
	Audio	
	Tape Number: FTR C Tape Count: 2.41/2.41	
	HEARING	
	TAPE: FTR C COUNT: 2.41/2.41	
	Roll Call 3 heard. Counsel request Preliminary Hearing set on 5.11.2009	
	PRELIMINARY HEARING is scheduled.	
	Date: 05/11/2009	
	Time: 09:00 a.m.	
	Location: Courtroom TBD	
	Fifth District Court	
	220 North 200 East	
	St. George, UT 84770	
	Before Judge: JAMES L SHUMATE	
04-14-2009	PRELIMINARY HEARING scheduled on May 11, 2009 at 09:00 AM with Judge JAMES L SHUMATE	dennisgd
05-11-2009	Minute Entry - Minutes for Preliminary Hearing	diannem
	Judge: JAMES L SHUMATE	
	PRESENT	
	Clerk: diannem	
	Prosecutor: WEEKS, JAMES R	
	Defendant not present	
	Defendant's Attorney(s): CRAMER, ARIC M	
	Tape Number: FTR-C Tape Count: 9:15/9:17	
	HEARING	
	Mr. Cramer informs the Court that he has had no contact with the defendant and understands that defendant is hiring his own counsel.	
	There being no appearance by defendant,	
	Court orders forfeiture notice to be given and bench warrant to issue with bail set at $20,000.00 cash only.	
	Court further orders Mr. Cramer withdrawn as counsel.	
	FORFEITURE NOTICE is scheduled.	
	Date: 12/15/2009	
	Time: 01:36 p.m.	
	Location: Araignment Courtroom	
	Fifth District Court	
	220 North 200 East	
	St. George, UT	
05-11-2009	Cancelled: FORFEITURE NOTICE scheduled on December 15, 2009 at 01:36 PM with	diannem
05-12-2009	Bail/Bond Forfeited Notice - Bail/Bond Forfeiture Notice	
05-12-2009	NOTICE for Case 091500075 ID 12126040	diannem
	Commissioner:	
	FORFEITURE NOTICE is scheduled.	
	Date: 12/15/2009	
	Time: 01:36 p.m.	
	Location: Araignment Courtroom	
	Fifth District Court	
	220 North 200 East	
	St. George, UT	
05-12-2009	Filed order: Notice of Defendant's Failure to Appear and Order to Commence Bond Forfeiture Proceedings	diannem

	Judge JAMES L SHUMATE Signed May 12, 2009	
05-12-2009	Filed order: Order to Recall Warrant Judge JAMES L SHUMATE Signed May 12, 2009	diannem
05-12-2009	Cancelled: PRELIMINARY HEARING scheduled on June 05, 2009 at 09:00 AM with Judge JAMES L SHUMATE	diannem
05-12-2009	NOTICE for Case 091500075 ID 12128502 Judge: JAMES L SHUMATE PRELIMINARY HEARING is scheduled. Date: 06/05/2009 Time: 09:00 a.m. Location: Courtroom TBD Fifth District Court 220 North 200 East St. George, UT 84770 Before Judge: JAMES L SHUMATE	diannem
05-12-2009	Cancelled: FORFEITURE NOTICE scheduled on December 15, 2009 at 01:36 PM with Reason: Stipulation of counsel	diannem
05-12-2009	Ruling Entry - ORDER VACATING FORFEITURE PROCEEDINGS Judge: JAMES L SHUMATE Court orders that the forfeiture proceedings previously ordered on 05/12/2009 be vacated and bond to be reinstated. Date: _____ _____ Judge JAMES L SHUMATE	diannem
05-12-2009	Filed order: Order Vacating Forfeiture Proceedings Judge JAMES L SHUMATE Signed May 12, 2009	diannem
05-15-2009	Filed: Stipulated Motion to Continue Preliminary Hearing	diannem
05-18-2009	Filed order: Order to Continue Preliminary Hearing Judge JAMES L SHUMATE Signed May 18, 2009	diannem
05-18-2009	Rescheduled: PRELIMINARY HEARING rescheduled to June 22, 2009 at 09:00 AM with Judge JAMES L SHUMATE Reason: Stipulation of counsel	diannem
05-18-2009	NOTICE for Case 091500075 ID 12138972 Judge: JAMES L SHUMATE PRELIMINARY HEARING. Date: 06/22/2009 Time: 09:00 a.m. Location: Courtroom TBD Fifth District Court 220 North 200 East St. George, UT 84770 Before Judge: JAMES L SHUMATE The reason for the change is Stipulation of counsel	diannem
06-16-2009	Filed order: Stipulated Motion for Continuance and Order Judge JAMES L SHUMATE Signed June 15, 2009	diannem
06-16-2009	NOTICE for Case 091500075 ID 12205253 Judge: JAMES L SHUMATE	diannem

	PRELIMINARY HEARING. Date: 07/13/2009 Time: 09:00 a.m. Location: Courtroom TBD Fifth District Court 220 North 200 East St. George, UT 84770 Before Judge: JAMES L SHUMATE The reason for the change is Stipulation of counsel	
06-16-2009	PRELIMINARY HEARING scheduled on July 13, 2009 at 09:00 AM with Judge JAMES L SHUMATE	diannem
07-13-2009	Minute Entry - Minutes for PRELIM WAIVER/BINDOVER ORDER Judge: JAMES L SHUMATE PRESENT Clerk: michellh Prosecutor: WEEKS, JAMES R Defendant Present Defendant's Attorney(s): TRAVIS R CHRISTIANSEN Video Tape Number: FTR-D Tape Count: 9:07/9:08 HEARING Defendant waives his preliminary hearing and is bound over. Matter to be set for drug court staffing 8/5/09. DRUG COURT STAFFING is scheduled. Date: 08/05/2009 Time: 03:59 p.m. Location: Courtroom TBD Fifth District Court 220 North 200 East St. George, UT 84770 Before Judge: JAMES L SHUMATE	michellh
07-16-2009	DRUG COURT STAFFING scheduled on August 05, 2009 at 03:59 PM with Judge JAMES L SHUMATE	michellh
07-16-2009	Note: PRELIM WAIVER/BINDOVER ORDER minutes modified.	michellh
08-05-2009	Minute Entry - Minutes for DRUG COURT STAFFING Judge: JAMES L SHUMATE PRESENT Clerk: diannem Prosecutor: JAEGER, JERRY D Defendant Present Video Tape Number: FTR-D Tape Count: 4:05/4:05 HEARING Evaluation has to be completed Court orders this matter set for drug court staffing on 08/19/2009 at 3:59 p.m. DRUG COURT STAFFING. Date: 08/19/2009 Time: 03:59 p.m. Location: Courtroom TBD Fifth District Court 220 North 200 East St. George, UT 84770	diannem

	Before Judge: JAMES L SHUMATE	
08-06-2009	DRUG COURT STAFFING scheduled on August 19, 2009 at 03:59 PM with Judge JAMES L SHUMATE	diannem
08-19-2009	Minute Entry - Minutes for DRUG COURT STAFFING Judge: JAMES L SHUMATE PRESENT Clerk: michellh Prosecutor: JAEGER, JERRY D Defendant Present Video Tape Number: FTR-D Tape Count: 4:07/4:08 HEARING Drug Court application approved. Evaluation needed. DRUG COURT STAFFING. Date: 09/09/2009 Time: 03:59 p.m. Location: Courtroom TBD Fifth District Court 220 North 200 East St. George, UT 84770 Before Judge: JAMES L SHUMATE	michellh
08-20-2009	DRUG COURT STAFFING scheduled on September 09, 2009 at 03:59 PM with Judge JAMES L SHUMATE	michellh
08-20-2009	Note: DRUG COURT STAFFING minutes modified.	michellh
09-09-2009	Minute Entry - Minutes for DRUG COURT STAFFING Judge: JAMES L SHUMATE PRESENT Clerk: michellh Prosecutor: JAEGER, JERRY D Defendant Present Video Tape Number: FTR-D Tape Count: 4:20/4:20 HEARING Evaluation is scheduled for 9/23/09. DRUG COURT STAFFING. Date: 10/07/2009 Time: 03:59 p.m. Location: Courtroom TBD Fifth District Court 220 North 200 East St. George, UT 84770 Before Judge: JAMES L SHUMATE	michellh
09-10-2009	Cancelled: DRUG COURT STAFFING scheduled on October 07, 2009 at 03:59 PM with Judge JAMES L SHUMATE	michellh
09-10-2009	DRUG COURT STAFFING scheduled on October 07, 2009 at 03:59 PM with Judge JAMES L SHUMATE	michellh
09-25-2009	Rescheduled: DRUG COURT STAFFING rescheduled to September 30, 2009 at 03:59 PM with Judge JAMES L SHUMATE	
09-30-2009	Minute Entry - Minutes for DRUG COURT STAFFING Judge: JAMES L SHUMATE PRESENT Clerk: michellh Prosecutor: JAEGER, JERRY D	michellh

Defendant Present
Tape Number: FTR-D Tape Count: 4:02/4:02
HEARING
Defense counsel is not present. Defendant to return next week to sign paperwork.
DRUG COURT STAFFING.
Date: 10/07/2009
Time: 03:59 p.m.
Location: Courtroom TBD
Fifth District Court
220 North 200 East
St. George, UT 84770
Before Judge: JAMES L SHUMATE

10-01-2009 Note: DRUG COURT STAFFING minutes modified. michellh

10-02-2009 **** PROTECTED **** Filed: Substance Abuse Evaluation dtd 9/23/09 Southwest Behavioral Health Center michellh

10-07-2009 Minute Entry - Minutes for Arraignment michellh

Judge: JAMES L SHUMATE
PRESENT
Clerk: michellh
Prosecutor: JAEGER, JERRY D
Defendant Present
Defendant's Attorney(s): ADAMSON, BRYAN T
Video
Tape Number: FTR-D Tape Count: 4:14/4:19
ARRAIGNMENT
A copy of the Information is given to the defendant.
Defendant waives reading of Information.
Advised of rights and penalties.
Defendant is arraigned.
The defendant is advised that this offense may be used as an enhancement to the penalties for a subsequent offense.
Amended information filed. Factual basis found in the Statement of Defendant. Guilty pleas accepted and entered. 2 level 402 motion taken under advisement. Defendant to schedule intake at Southwest. Drug Court Orientation 10/8/09 at 3:00 p.m.
SENTENCE PRISON
Based on the defendant's conviction of BURGLARY a 3rd Degree Felony, the defendant is sentenced to an indeterminate term of not to exceed five years in the Utah State Prison.
The prison term is suspended.
SENTENCE FINE
Charge # 1 Fine: $9283.00
Suspended: $9283.00
Due: $0.00
Total Fine: $9283.00
Total Suspended: $9283.00
Total Surcharge: $0
Total Principal Due: $0
Plus Interest
ORDER OF PROBATION
The defendant is placed on probation for 36 month(s).
Probation is to be supervised by Fifth District Court.

	PROBATION CONDITIONS Commit no law violations during the term of probation. Successfully complete Washington County Drug Court. DRUG COURT is scheduled. Date: 10/14/2009 Time: 04:00 p.m. Location: Courtroom TBD Fifth District Court 220 North 200 East St. George, UT 84770 Before Judge: JAMES L SHUMATE	
10-07-2009	Charge 1 Disposition is Guilty	michellh
10-08-2009	Bond Exonerated -15,000.00	michellh
10-08-2009	Filed: Amended Information	michellh
10-08-2009	Filed: Statement of Defendnat in Support of Guilty Plea and Certificate of Counsel	michellh
10-08-2009	Filed: Drug Court Agreement	michellh
10-08-2009	DRUG COURT scheduled on October 14, 2009 at 04:00 PM with Judge JAMES L SHUMATE	michellh
10-22-2009	DRUG COURT scheduled on October 28, 2009 at 04:00 PM with Judge JAMES L SHUMATE	michellh
10-22-2009	Filed: Motion for Restitution Judgment Filed by: JAMES R WEEKS	michellh
10-28-2009	Judgment Entered - Amount $2127.97	sharlena
10-28-2009	**** PRIVATE **** Filed: Restitution Judgment Information Statement	michellh
10-28-2009	Judgment Entered - Amount $3529.00	michellh
10-28-2009	Filed judgment: Criminal Sentence Judge JAMES L SHUMATE Signed October 23, 2009	michellh
10-28-2009	Trust Account created Total Due: 3,529.00	michellh
11-02-2009	Filed: Motion to Submit for Decision Regarding Restitution Judgment Filed by: JAMES R WEEKS	michellh
11-02-2009	DRUG COURT scheduled on November 04, 2009 at 04:00 PM with Judge JAMES L SHUMATE	michellh
11-12-2009	DRUG COURT scheduled on November 18, 2009 at 04:00 PM with Judge JAMES L SHUMATE	michellh
11-25-2009	DRUG COURT scheduled on December 02, 2009 at 04:00 PM with Judge JAMES L SHUMATE	michellh
12-02-2009	Minute Entry - Minutes for Drug Court Judge: JAMES L SHUMATE PRESENT Clerk: michellh Prosecutor: JAEGER, JERRY D Defendant Present Video Tape Number: FTR-D HEARING Defendant missed drug court. Defendant to serve 48 hours beginning Friday at 8:00 p.m. DRUG COURT. Date: 12/15/2009 Time: 04:00 p.m.	michellh

	Location: Courtroom 3D St. George Courthouse 206 West Tabernacle St. George, UT 84770 Before Judge: JAMES L SHUMATE	
12-14-2009	DRUG COURT scheduled on December 15, 2009 at 04:00 PM in Courtroom 3D with Judge JAMES L SHUMATE	michellh
12-15-2009	Minute Entry - Minutes for Drug Court Judge: JAMES L SHUMATE PRESENT Clerk: michellh Prosecutor: GENTRY, ERIC R Defendant Present Video Tape Number: FTR-3D Tape Count: 5:13/5:13 HEARING Defendant given 2 hours community service. DRUG COURT. Date: 01/06/2010 Time: 04:00 p.m. Location: Courtroom 3D St. George Courthouse 206 West Tabernacle St. George, UT 84770 Before Judge: JAMES L SHUMATE	michellh
12-22-2009	DRUG COURT scheduled on January 06, 2010 at 04:00 PM in Courtroom 3D with Judge JAMES L SHUMATE	michellh
12-22-2009	Note: DRUG COURT minutes modified.	michellh
01-06-2010	Minute Entry - Minutes for Drug Court Judge: JAMES L SHUMATE PRESENT Clerk: michellh Prosecutor: JAEGER, JERRY D Defendant Present Video Tape Number: FTR-3D Tape Count: 5:07/5:07 HEARING Defendant missed group and is given 6 hours community service. DRUG COURT. Date: 01/13/2010 Time: 04:00 p.m. Location: Courtroom 3D St. George Courthouse 206 West Tabernacle St. George, UT 84770 Before Judge: JAMES L SHUMATE	michellh
01-11-2010	DRUG COURT scheduled on January 13, 2010 at 04:00 PM in Courtroom 3D with Judge JAMES L SHUMATE	michellh
01-20-2010	DRUG COURT scheduled on January 20, 2010 at 03:57 PM in Courtroom 3D with Judge JAMES L SHUMATE	michellh
01-26-2010	DRUG COURT scheduled on February 03, 2010 at 04:00 PM in Courtroom 3D with Judge JAMES L SHUMATE	michellh

02-04-2010	DRUG COURT scheduled on February 10, 2010 at 04:00 PM in Courtroom 3D with Judge JAMES L SHUMATE	michellh
02-09-2010	Note: Added to payment schedule 1060040916	sharlena
02-10-2010	Minute Entry - Minutes for Drug Court Judge: JAMES L SHUMATE PRESENT Clerk: michellh Prosecutor: JAEGER, JERRY D Defendant Present Video Tape Number: 3D Tape Count: 4:18/4:18 HEARING Defendant graduates to Phase II. DRUG COURT. Date: 02/24/2010 Time: 04:00 p.m. Location: Courtroom 3D St. George Courthouse 206 West Tabernacle St. George, UT 84770 Before Judge: JAMES L SHUMATE	michellh
02-11-2010	DRUG COURT scheduled on February 24, 2010 at 04:00 PM in Courtroom 3D with Judge JAMES L SHUMATE	michellh
02-24-2010	Minute Entry - Minutes for ORDER TO WAIVE PAY-TO-STAY Judge: JAMES L SHUMATE PRESENT Clerk: michellh Prosecutor: JAEGER, JERRY D Defendant Present Video Tape Number: 3D Tape Count: 4:20/4:20 HEARING It is hereby ordered that the Pay-to-Stay Requirement imposed by the Purgatory Correctional Facility shall be waived for the Defendant in the above entitled matter. DRUG COURT is scheduled. Date: 03/17/2010 Time: 04:00 p.m. Location: Courtroom 3D St. George Courthouse 206 West Tabernacle St. George, UT 84770 Before Judge: JAMES L SHUMATE	michellh
02-26-2010	DRUG COURT scheduled on March 17, 2010 at 04:00 PM in Courtroom 3D with Judge JAMES L SHUMATE	michellh
03-24-2010	DRUG COURT scheduled on March 31, 2010 at 04:00 PM in Courtroom 3D with Judge JAMES L SHUMATE	michellh
03-31-2010	Restitution Payment Received: 50.00 Note: 100.00 cash tendered. 50.00 change given.	shannoxc
04-05-2010	DRUG COURT scheduled on April 14, 2010 at 04:00 PM in Courtroom 3D with Judge JAMES L SHUMATE	michellh
04-16-2010	DRUG COURT scheduled on April 28, 2010 at 04:00 PM in Courtroom 3D with Judge JAMES L SHUMATE	jeaneneh
05-04-2010	Restitution Check # 16470 Trust Payout: 50.00	janaj

05-07-2010	DRUG COURT scheduled on May 12, 2010 at 04:00 PM in Courtroom 3D with Judge JAMES L SHUMATE	michellh
05-14-2010	DRUG COURT scheduled on May 26, 2010 at 04:00 PM in Courtroom 3D with Judge JAMES L SHUMATE	michellh
05-28-2010	DRUG COURT scheduled on June 09, 2010 at 04:00 PM in Courtroom 3D with Judge JAMES L SHUMATE	michellh
06-14-2010	DRUG COURT scheduled on June 16, 2010 at 04:00 PM in Courtroom 3D with Judge JAMES L SHUMATE	michellh
06-16-2010	Minute Entry - Minutes for Drug Court Judge: JAMES L SHUMATE PRESENT Clerk: michellh Prosecutor: JAEGER, JERRY D Defendant Present Video Tape Number: 3D Tape Count: 4:42/4:42 HEARING Defendant graduates to Phase III. DRUG COURT. Date: 07/14/2010 Time: 04:00 p.m. Location: Courtroom 3D St. George Courthouse 206 West Tabernacle St. George, UT 84770 Before Judge: JAMES L SHUMATE	michellh
06-17-2010	DRUG COURT scheduled on July 14, 2010 at 04:00 PM in Courtroom 3D with Judge JAMES L SHUMATE	michellh
07-02-2010	Restitution Payment Received: 50.00	dennisgd
07-15-2010	DRUG COURT scheduled on August 18, 2010 at 04:00 PM in Courtroom 3D with Judge JAMES L SHUMATE	michellh
08-02-2010	Restitution Payment Received: 25.00	dennisgd
08-03-2010	Restitution Check # 16793 Trust Payout: 75.00	janaj
08-17-2010	Restitution Payment Received: 25.00	claudiak
08-27-2010	DRUG COURT scheduled on September 15, 2010 at 04:00 PM in Courtroom 3D with Judge JAMES L SHUMATE	michellh
08-31-2010	Restitution Check # 16936 Trust Payout: 25.00	janaj
09-15-2010	Restitution Payment Received: 50.00 Note: 100.00 cash tendered. 50.00 change given.	dennisgd
09-16-2010	Cancelled: DRUG COURT scheduled on October 20, 2010 at 04:00 PM in Courtroom 3D with Judge JAMES L SHUMATE	michellh
09-16-2010	Note: Drug Court Referral Date 08/05/2009.	michellh
09-16-2010	Note: Drug Court First Appearance in Court Date 10/07/2009.	michellh
09-30-2010	Restitution Payment Received: 50.00	shannoxc
10-05-2010	Restitution Check # 17051 Trust Payout: 100.00	janaj
10-13-2010	Restitution Payment Received: 50.00	dennisgd
10-13-2010	Minute Entry - Minutes for Drug Court Judge: JAMES L SHUMATE PRESENT Clerk: michellh Prosecutor: JAEGER, JERRY D Defendant Present Video Tape Number: 3D Tape Count: 4:27/4:28	michellh

	HEARING Defendant graduates to Phase IV. DRUG COURT. Date: 04/20/2011 Time: 04:01 p.m. Location: Courtroom 3D St. George Courthouse 206 West Tabernacle St. George, UT 84770 Before Judge: JAMES L SHUMATE	
10-15-2010	Rescheduled: DRUG COURT rescheduled to April 20, 2011 at 04:01 PM in Courtroom 3D with Judge JAMES L SHUMATE	
11-16-2010	Restitution Check # 17191 Trust Payout: 50.00	janaj
11-30-2010	Restitution Payment Received: 50.00	dennisgd
12-28-2010	Restitution Check # 17353 Trust Payout: 50.00	janaj
12-28-2010	DRUG COURT scheduled on January 12, 2011 at 04:00 PM in Courtroom 3D with Judge JAMES L SHUMATE	michellh
01-18-2011	DRUG COURT scheduled on January 19, 2011 at 04:00 PM in Courtroom 3D with Judge JAMES L SHUMATE	michellh
01-31-2011	Tracking started -- Collection Letter on 03/01/2011	
02-14-2011	Restitution Payment Received: 50.00	lailm
02-16-2011	Filed: Letter from defendant	kathylh
02-28-2011	Tracking modified -- Collection Letter on 05/01/2011	
03-08-2011	Restitution Check # 17660 Trust Payout: 50.00	janaj
03-16-2011	Restitution Payment Received: 50.00	dennisgd
	Note: 60.00 cash tendered. 10.00 change given.	
03-30-2011	Restitution Payment Received: 25.00	webpaymt
03-30-2011	Restitution Payment Received: 25.00	webpaymt
04-12-2011	Restitution Check # 17804 Trust Payout: 100.00	janaj
04-13-2011	Restitution Endorsed Out: 1,261.26	sharlena
04-13-2011	Note: Co-defendant, Bryan Andrus, case #091500077 paid $630.63 on restitution through AP&P.	sharlena
04-20-2011	Minute Entry - Minutes for 402 REDUCTION ORDER Judge: KARLA STAHELI PRESENT Clerk: michellh Prosecutor: JAEGER, JERRY D Defendant Present Video Tape Number: 3D Tape Count: 4:56/4:56 HEARING Upon motion by the state, the court orders probation terminated successfully and a 402 reduction on the charges. The motion to enter judgment pursuant to 76-3-402, U.C.A. for the charge of BURGLARY, is granted. Charge severity decreased from 3rd Degree Felony to Class A Misdemeanor. The defendant's probation is terminated successfully.	michellh
04-20-2011	Charge 1 amended to Class A Misdemeanor	michellh
04-25-2011	Tracking ended -- Collection Letter	
04-25-2011	Note: Drug Court Completed 04/20/2011.	michellh
04-25-2011	Note: 402 REDUCTION ORDER minutes modified.	michellh
04-27-2011	Filed order: 402 Reduction Order Judge JAMES L SHUMATE	michellh

	Signed April 25, 2011	
05-01-2011	Restitution Payment Received: 50.00	webpaymt
05-23-2011	Restitution Payment Received: 50.00	webpaymt
06-21-2011	Restitution Check # 17977 Trust Payout: 100.00	janaj
11-16-2011	Restitution Endorsed Out: 340.80	sharlena
	Note: Bryan Andrus, on with AP&P, pd. $170.40 more as of 11/3/11	
11-16-2011	Note: Bryan Andrus, on with AP&P, pd. $170.40 more as of 11/3/11	sharlena
11-16-2011	Note: Case sent to State Debt Collection	sharlena
11-16-2011	Note: State ordered case terminated successfully and he still owes this restitution. Judge ordered it sent to OSDC>	sharlena
07-28-2014	Judge G MICHAEL WESTFALL assigned.	carolybb
07-10-2018	**** PRIVATE **** Filed: Judgment Information Statement - Criminal	sharlena
07-10-2018	Note: co-def paid $801.03 before case was sent to OSDC	sharlena
06-16-2021	Filed: Satisfaction of Judgment	efiler
06-16-2021	Filed: Return of Electronic Notification	efiler
06-16-2021	Judgment # 1 Modified 2,127.97 Disposition: Satisfied	judymb
	Creditor : DAVID BERUMEN	
	Debtor : GEORGE JEFFERY HEAD	
	2,127.97 Restitution	
	2,127.97 Judgment Grand Total	
09-01-2023	Judge ERIC GENTRY assigned.	cades

15. DISCUSSION AND FOR POSSIBLE ACTION.

Hearing pursuant to NAC 289.290(1)(g) on the revocation of Stewart E. Handte's (formerly employed with the Reno Sparks Indian Colony Police) Category I basic certificate based on a conviction of, or entry of a plea of guilty, guilty but mentally ill or nolo contendere to a felony. The conviction(s) which have led to this action are:

Count II: BURGLARY, a violation of NRS 205.060, a category B Felony.

Possible action may be revocation of the Category I basic certificate.

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

JOE LOMBARDO
Governor

MICHAEL D. SHERLOCK
Executive Director

NOTICE OF INTENT TO REVOKE

September 10, 2024

Stewart E. Handte
[redacted]

POST PIN#: 17187

Dear Mr. Handte,

Based upon documentation received by the Nevada Peace Officer Standards and Training Commission (the 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 certificate(s) 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 peace officer certificate(s) will be revoked pursuant to **NAC 289.290(1)(g) Conviction of, or entry of a plea of guilty, guilty but mentally ill or nolo contendere to, a felony.** The conviction(s) which have led to this action are as follows:

Count II: BURGLARY, a violation of NRS 205.060, a category B Felony.
Case#: CR19-1535B
Dept No: 8
Jurisdiction: 2nd JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA IN AND FOR THE COUNTY OF WASHOE

You have the right to appear before the Commission to contest the revocation of your Nevada peace officer certificate(s) by providing written notice to the Commission within fifteen (15) days of the date of the hearing.

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. **If you or your counsel have any written arguments you would like to present to the Commission, you can send that information to me no less than ten (10) days prior to the date of the hearing.**

EXHIBIT A

Written requests can be made to:

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

The Commission will determine whether your Nevada peace officer certification(s) should be revoked at the meeting listed below:

Date: Thursday, October 17, 2024
Time: 8:00 a.m.
Location: Southpoint Hotel/Casino, 9777 S. Las Vegas Blvd., Napa Room A, Las Vegas, NV 89183

The hearing will cover the following: whether your P.O.S.T certificate(s) should be revoked, pursuant to **NAC 289.290(1)(g) Conviction of, or entry of a plea of guilty, guilty but mentally ill or nolo contendere to, a felony.**

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

If you need additional information concerning this matter, contact Kathy Floyd at (775) 687-7678, ext. 3335.

Sincerely,



Kathy Floyd
Chief of Standards Division
Nevada Commission on Peace
Officer Standards and Training

cc: Deputy Attorney General Jesselyn DeLuna
File

NAC 289.290 Denial, revocation or suspension of certificate; reinstatement of revoked certificate. (NRS 289.510)

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

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

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

(c) Chronic drinking or drunkenness on duty.

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

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

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

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

(h) Except as otherwise provided in paragraph (i), conviction of a misdemeanor. If the employing agency recommends suspension or revocation following the 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.

(i) Conviction of a misdemeanor crime of domestic violence as defined in 18 U.S.C. § 921(a)(33). Following the conviction of the employee for such a misdemeanor, suspension or revocation may be imposed regardless of whether the employing agency recommends suspension or revocation.

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

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

4. The Commission will notify the officer by certified mail at the officer's last known address of any pending revocation or suspension action and of the nature of the charges and the officer's right to appear and answer the charges. The officer shall, within 15 days after the date on the certified mail receipt, respond in writing, notifying the Commission of his or her intended action with reference to the charges.

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

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

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

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

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

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

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

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

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

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

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

12. Five years after the revocation of a certificate, an officer may submit a written request to the Commission to allow him or her to reinstate his or her certificate. The Commission will schedule a hearing to consider whether to reinstate the officer's certificate. The Commission will notify the agency that requested the revocation of the date and time of the hearing. After the hearing, the Commission will determine whether to reinstate the certificate. If the certificate is reinstated, the Commission may establish a probationary period during which any misconduct by the officer would result in revocation.

(Added to NAC by Peace Officers' Standards & Training Com., eff. 12-17-87; A 8-24-90; 4-28-94; A by Peace Officers' Standards & Training Comm'n by R102-99, 11-2-99; R003-07, 4-17-2008; R051-14, 10-24-2014; R006-19, 12-30-2019)

IN THE COURT OF THE STATE OF
IN AND FOR THE COUNTY OF

State of Nevada Commission on Peace Officer Standards and Training PLAINTIFF vs Stewart Handte DEFENDANT	)))))))	Dated September 25, 2024 CASE No. File Number: 24007410 **AFFIDAVIT OF NON-SERVICE**

STATE OF NEVADA }
} **ss:**
COUNTY OF WASHOE }

Tony Falls,W3112, being duly sworn, deposes and says:

That he/she is a regularly appointed, qualified Sheriff's Agent of the said County of Washoe, in the State of Nevada and over the age of eighteen years, not a party to the action or related to either party, nor an attorney for a party, nor in any way interested in the within named action, and authorized to serve civil process by the laws of the State of Nevada, and competent to be a witness therein; that he/she and now is a citizen of the United States of America and of the State of Nevada and that he/she received the within stated civil process:

That after due search and diligent inquiry throughout Washoe County, State of Nevada, I was unable to effect service upon the said ***Stewart Handte*** within Washoe County, Nevada.

DOCUMENTS: **NOTICE OF INTENT TO REVOKE**

ATTEMPTS OF SERVICE

9/11/2024 at 11:09 AM - [redacted]
VM left for def

9/17/2024 at 12:16 PM - [redacted]
Neg contact at residence.

9/17/2024 at 12:34 PM - [redacted]
Def called back stating he was enroute to califirnia. Sytates he has permission from Nevada P&P. Will attempt to verify and forward to appropriate agency.

9/17/2024 at 2:25 PM - [redacted]
Left message for P&P Sgt Northington regarding location of Handte. (775) 687-7101

9/25/2024 at 6:08 AM - [redacted]
texted to verify def. location.

Date: **9/25/2024** **Time:** **2:33 PM**

EXHIBIT B

State of Nevada - POST
UPDATE - Personnel Action Report (PAR)

Post ID Number: 17187

Last Name: Handte **First Name:** Stewart

MI: E **Suffix:**

☐ **Name Change?**

Last Name: Handte First Name: Stewart

MI: E Suffix:

☐ **Address Change?**

Street Address: [redacted]

City: Reno State: NV Zip Code: 89521

County: Washoe E-Mail:

Level Change? O Line O Supervisor O Management O Executive

O Part Time O Full Time

Status Change? O Deceased O Retired ◉ Separated

NAC289.290 Notification (Cause For Commission Action)

Pursuant to NAC 289.290(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."

Does the above NAC apply? ◉ No O Yes

If you selected YES, ensure it is correct and provide details in the Comment field.

Comments\Additional Information:

TERMINATED

Effective Date: 07/15/2019

Submitters Name: Angelo Hafalla

Submitters Phone: (775) 785-8776

Submitters E-Mail: ahafalla@rscic.org

EXHIBIT C

POST Update PAR form
Revised 01/01/2016

Submission number: 137330

STATE OF NEVADA

PEACE OFFICER STANDARDS AND TRAINING COMMITTEE

Hereby Awards the

Basic Certificate

To

STEWART E. HANDTE

For having completed 700 *hours, fulfilling the requirements for training as prescribed by Nevada Revised Statutes.*

Governor

Director, Nevada Department of Motor Vehicles

Presented this 7th day of June, 19 84

EXHIBIT D

F I L E D
Electronically
CR19-1535B
2021-09-07 09:08:48 AM
Alicia L. Lerud
Clerk of the Court
Transaction # 8631999 : bblough

DA #19-9747

RPD RP19-015652

CODE 1800
Christopher J. Hicks
#7747
One South Sierra Street
Reno, NV 89501
districtattorney@da.washoecounty.us
(775) 328-3200
Attorney for Plaintiff

IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA,

IN AND FOR THE COUNTY OF WASHOE

* * *

THE STATE OF NEVADA,

Plaintiff,

Case No.: CR19-1535

v.

Dept. No.: D01

ROGER EUGENE HILLYGUS (A),
and
STEWART EVANS HANDTE (B),

Defendants.

_____/

INFORMATION

CHRISTOPHER J. HICKS, District Attorney within and for the County of Washoe, State of Nevada, in the name and by the authority of the State of Nevada, informs the above-entitled Court that, the defendants above-named, ROGER EUGENE HILLYGUS, and STEWART EVANS HANDTE, have committed the crime(s) of:

COUNT I. CONSPIRACY TO COMMIT SECOND DEGREE KIDNAPPING, a violation of NRS 199.480 and NRS 200.310.2, a category B felony, (50090) in the manner following, to wit:

///

EXHIBIT E

That the said defendants ROGER EUGENE HILLYGUS and STEWART EVANS HANDTE on or about August 8, 2019, within the County of Washoe, State of Nevada, did willfully and unlawfully conspire and agree to commit the crime of second-degree kidnapping in that the said defendants did meet and agree between themselves and/or others to commit the crime of second-degree kidnapping against Susan Hillygus.

COUNT II. BURGLARY, a violation of NRS 205.060, a category B felony, (50424) in the manner following, to wit:

That the said defendants, ROGER EUGENE HILLYGUS and STEWART EVANS HANDTE, on or about August 8, 2019, within the County of Washoe, State of Nevada, did willfully and unlawfully enter a certain building known as STONE VALLEY ALZHEIMER'S SPECIAL CARE CENTER, located at 6155 Stone Valley Drive in Washoe County, Nevada with the intent then and there to commit second degree kidnapping therein, the said defendants are responsible under one or more of the following principles of criminal liability, to wit:

(1) by the defendant(s) directly committing the acts constituting the offense, and/or,

(2) pursuant to a conspiracy to commit the offense whereby each co-conspirator is vicariously liable for the acts of the other co-conspirators when the acts are done in furtherance of the conspiracy, and/or

(3) by the defendant(s) aiding, abetting, counseling, encouraging, commanding, or procuring each other in the commission of the crime, by the said defendant ROGER EUGENE HILLYGUS procuring, encouraging, or recruiting STEWART EVANS HANDTE to aid in the

offense, the defendants did then contact or attempt to contact Reno Police Department staff in an effort to use the influence of STEWART EVANS HANDTE as a former law enforcement officer, the defendants upon agreement meeting outside of the facility, where they further planned the removal of SUSAN HILLYUGS, one or more of the defendants did then enter facility, one of them or an unknown third actor wrote a fictitious name in the visitors log or signed in under the guise of visiting a resident, or otherwise misinforming Stone Valley staff of their intentions, one or more of the defendants then escorted SUSAN HILLYGUS from the facility, the defendants then fled the scene together, the said SUSAN HILLYGUS being a person 60 years of age or older, namely being 80 years of age and/or the said SUSAN HILLYGUS being a vulnerable person in that she suffers from a condition of physical or mental incapacitation because of organic brain damage or a person who has one or more physical or mental limitations that restrict the ability of the person to perform the normal activities of daily living.

COUNT III. SECOND DEGREE KIDNAPPING OF AN OLDER OR VULNERABLE PERSON, a violation of NRS 200.310.2 and NRS 193.167, a category B felony, (50077) in the manner following, to wit:

That the said defendants, ROGER EUGENE HILLYGUS and STEWART EVANS HANDTE, on or about August 8, 2019, within the County of Washoe, State of Nevada, did willfully, unlawfully, and without authority of law, seize, inveigle, take, carry away and/or kidnap the person of SUSAN HILLYGUS, with the intent to keep the victim secretly imprisoned within the state or for the purpose of conveying the

victim out of the state without authority of law or with the intent to detain the victim against her will, in that the said defendants ROGER EUGENE HILLYGUS and STEWART EVANS HANDTE did enter 6155 Stone Valley Drive in Washoe County, Nevada and did therein seize, take, carry away, inveigle or kidnap the person of SUSAN HILLYGUS without authority of law, the said defendants being responsible under one or more of the following principles of criminal liability, to wit:

((1) by the defendant(s) directly committing the acts constituting the offense, and/or,

(2) pursuant to a conspiracy to commit the offense whereby each co-conspirator is vicariously liable for the acts of the other co-conspirators when the acts are done in furtherance of the conspiracy, and/or

(3) by the defendants aiding, abetting, counseling, encouraging, commanding, or procuring each other in the commission of the crime, by the said defendant ROGER EUGENE HILLYGUS procuring, encouraging, or recruiting STEWART EVANS HANDTE to aid in the offense, the defendants did then contact or attempt to contact Reno Police Department staff in an effort to use the influence of STEWART EVANS HANDTE as a former law enforcement officer, the defendants upon agreement meeting outside of the facility, where they further planned the removal of SUSAN HILLYUGS, one or more of the defendants did then enter facility, one of them or an unknown third actor wrote a fictitious name in the visitors log or signed in under the guise of visiting a resident, or otherwise misinforming Stone Valley staff of their intentions, one or more of the defendants then escorted SUSAN

HILLYGUS from the facility, the defendants then fled the scene together, the said SUSAN HILLYGUS being a person 60 years of age or older, namely being 80 years of age and/or the said SUSAN HILLYGUS being a vulnerable person in that she suffers from a condition of physical or mental incapacitation because of organic brain damage or a person who has one or more physical or mental limitations that restrict the ability of the person to perform the normal activities of daily living.

COUNT IV. PREPARING OR DELIVERING SIMULATED LEGAL DOCUMENTS, a violation of Nevada AB15 2019, a category D felony, (61691) in the manner following, to wit:

That the said defendant ROGER EUGENE HILLYGUS, on or about August 8, 2019, within the County of Washoe, State of Nevada, did cause to be delivered to another person any document the simulates a judgment, order, or other legal process with the intent to induce another person to submit to the putative authority of the document or to take any action or refrain from taking any action in response to the document or to comply with the document, in that the said defendant did cause a number of documents to be sent to STONE VALLEY ALZHEIMER'S SPECIAL CARE CENTER which purported to be an actual judgment, order, or legal process to include a document entitled "Jury Verdict-Sworn Affidavit", "Notice to Judges NV" all with the intent to induce submission to the putative authority of the document or take an action or refrain from an action, or comply with the document(s).

///

COUNT V. PREPARING OR DELIVERING SIMULATED LEGAL DOCUMENTS, a violation of Nevada AB15 2019, a category D felony, (61691) in the manner following, to wit:

That the said defendant ROGER EUGENE HILLYGUS, on or between July 24 and August 8, 2019, within the County of Washoe, State of Nevada, did cause to be delivered to another person any document the simulates a judgment, order, or other legal process with the intent to induce another person to submit to the putative authority of the document or to take any action or refrain from taking any action in response to the document or to comply with the document, in that the said defendant did cause a number of documents to be filed with the SECOND JUDICIAL DISTRICT COURT and served upon a number of attorneys the said documents purporting to be an actual judgment, order, or legal process, the said documents including a document entitled "Jury Verdict-Sworn Affidavit", "Notice to Judges NV", "Sworn Affidavit-Sworn Verdict Affirmation of Trust Documents", "2nd Notice of Judgement, the Encumberence [*sic*] of 2685 Knob Hill Drive", all with the intent to induce the Court and/or the parties to submit to the putative authority of the document or take an action or refrain from an action, or comply with the document(s).

COUNT VI. PREPARING OR DELIVERING SIMULATED LEGAL DOCUMENTS, a violation of Nevada AB15 2019, a category D felony, (61691) in the manner following, to wit:

That the said defendant ROGER EUGENE HILLYGUS, on or between July 19 and July 30, 2019, within the County of Washoe, State of Nevada, did cause to be delivered to another person any document

the simulates a judgment, order, or other legal process with the intent to induce another person to submit to the putative authority of the document or to take any action or refrain from taking any action in response to the document or to comply with the document, in that the said defendant did deliver a number of documents to JARED RUSSELL AND/OR KEN AMUNDSON that purported to be an actual judgment, order, or legal process, the said documents including a document entitled “Jury Verdict and Options Available to the Court”, "Notice of Judgement, The Encumerence of 2685 Knob Hill Drive”, “Notice of Legal Disclosure”, “Notice of Lien”, “Notice of Rescission”, and/or “Notice of Judgement Sworn Affidavit, and Jury Verdict” all with the intent to induce the Jared Russel and/or Ken Amundson to submit to the putative authority of the document or take an action or refrain from an action, or comply with the document(s).

COUNT VII. PREPARING OR DELIVERING SIMULATED LEGAL DOCUMENTS, a violation of Nevada AB15 2019, a category D felony, (61691) in the manner following, to wit:

That the said defendant ROGER EUGENE HILLYGUS, on or about July 26, 2019, within the County of Washoe and/or Carson City, State of Nevada, did cause to be delivered to another person any document the simulates a judgment, order, or other legal process with the intent to induce another person to submit to the putative authority of the document or to take any action or refrain from taking any action in response to the document or to comply with the document, in that the said defendant did deliver a number of documents to the office of the PUBLIC EMPLOYEE RETIREMENT SYSTEM (“PERS”) that

purported to be an actual judgment, order, or legal process, the said documents including a document entitled “Jury Verdict and Options Available to the Court”, "The Jury Verdict”, “Jury Verdict – Sworn Affidavit”, all with the intent to induce any person to submit to the putative authority of the document or take an action or refrain from an action, or comply with the document(s), or:

The defendant is liable for above acts under the principles of conspiracy liability, whereby each co-conspirator is vicariously liable for the acts of the other co-conspirators when the acts are done in furtherance of the conspiracy, in that the defendant did conspire with others presently unknown to cause various entities to submit to the putative authority of the above-referenced documents.

All of which is contrary to the form of the Statute in such case made and provided, and against the peace and dignity of the State of Nevada.

CHRISTOPHER J. HICKS
District Attorney
Washoe County, Nevada

By: /s/ Amos Stege
AMOS STEGE
9200
DEPUTY District Attorney

The following are the names of such witnesses as are known to me at the time of the filing of the within Information:

KEN AMUNDSON
TIMOTHY AVILLA
MICHAEL BARNES
JACQUELINE BRYANT
LISA CAMPBELL
DAVE DORREGO
ANGELA MAY FARIAS
KATIE FLAHERTY
TIMOTHY GRAFTON
TRACY GRIFFITH
JOHN GURRIERE
ROBERT HANIFAN
DIAMOND HARRIS
BETTIE HEDRICK
JASON RANDOLPH HEDRICK
SABRINA HEDRICK
DEBBIE HILLYGUS
SUSAN HILLYGUS
ADAM JENKINS
ALLISON JENKINS-KLEIDOSTY
FELICIA KING
F JAVIER LOPEZ
NICOLE LUBICH
VANNESSA LYONS
PATRICK MCCAULEY
MINDY McKAY
OLIVER MILLER
DAVID MILLSAP
STEFANIE OLIVIERI
RENO JUSTICE COURT
ROBIN RENWICK
JOEL C REYNOLDS
BENJAMIN RHODES
JARED RUSSELL
CAITLIN SAFFORD
THOMAS TAYLOR
TODD L TORVINEN ESQ
KAYCEE ZUSMAN

The witnesses listed above may also be called in the case in chief of the State.

AFFIRMATION PURSUANT TO NRS 239B.030

The party executing this document hereby affirms that this document submitted for recording does not contain the social security number of any person or persons pursuant to NRS 239B.030.

CHRISTOPHER J. HICKS
District Attorney
Washoe County, Nevada

By: /s/ Amos Stege
AMOS STEGE
9200
DEPUTY District Attorney

The document to which this certificate is attached is a full, true and correct copy of the original on file and of record in my office.

By: ALICIA L. LERUD, Clerk of the Second Judicial District Court in and for the County of Washoe.

F I L E D
Electronically
CR19-1535B
2023-11-07 02:42:47 PM
Alicia L. Lerud
Clerk of the Court
Transaction # 9983485

CASE NO. CR19-1535A **STATE OF NEVADA VS. ROGER EUGENE HILLYGUS**
CASE NO. CR19-1535B **STATE OF NEVADA VS. STEWART EVANS HANDTE**

DATE, JUDGE OFFICERS OF COURT PRESENT	APPEARANCES-HEARING	CONTINUED TO
09/08/2023 **HONORABLE BARRY BRESLOW** **DEPT. NO. 8** **A. DeGayner (Clerk)** **L. Stubbs (Reporter)**	**CHANGE OF PLEA** Deputy District Attorney Amos Stege represented the State. Defendant Hillygus was present, in custody, represented by Deputy Public Defender Joseph Goodnight, appointed for limited purposes. Deputy Alternate Public Defender Ian Silverberg was present on behalf of Defendant Handte, who was also present. The Court offered preliminary comments. DAPD Silverberg addressed and advised the Court that the parties are not yet at a resolution; an issue came up with respect to the applicability of Rule 252 and the parties need additional time to work with the State regarding the issue. DAPD Silverberg requested that the matter be reset in two weeks for change of plea or trial setting. Defendant Hillygus advised the Court that some discovery was not provided, there is a pending motion to dismiss and the State is not showing up in good faith. **COURT ORDERED:** If this matter is reset, the Court will not have a hearing without a signed and filed guilty plea memorandum in advance or the matter will be reset for trial. DDA Stege advised that a resolution is within reach and all parties have come to the table in good faith, the settlement conference was productive. **COURT ORDERED:** Matter CONTINUED to **September 22, 2023 at 10:30 a.m.** for Change of Plea or Trial Setting. Court stood in recess. Defendant Hillygus remanded to the custody of the Sheriff. Defendant Handte remained out of custody.	**09/22/2023** **10:30 a.m.** **Change of Plea / Trial Setting**

The document to which this certificate is attached is a full, true and correct copy of the original on file and of record in my office.

By: ALICIA L. LERUD, Clerk of the Second Judicial District Court, in and for the County of Washoe.

EXHIBIT F

FILED
Electronically
CR19-1535B
2024-01-09 09:41:08 AM
Alicia L. Lerud
Clerk of the Court
Transaction # 10087064

DA #19-9747

RPD RP19-015652

CODE 1800
Christopher J. Hicks
#7747
One South Sierra Street
Reno, NV 89501
districtattorney@da.washoecounty.us
(775) 328-3200
Attorney for Plaintiff

IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA,

IN AND FOR THE COUNTY OF WASHOE

* * *

THE STATE OF NEVADA,

Plaintiff,

Case No.: CR19-1535

v.

Dept. No.: D08

ROGER EUGENE HILLYGUS (A),
and
STEWART EVANS HANDTE (B),

Defendants.

_____/

AMENDED INFORMATION

CHRISTOPHER J. HICKS, District Attorney within and for the County of Washoe, State of Nevada, in the name and by the authority of the State of Nevada, informs the above-entitled Court that, the defendants above-named, ROGER EUGENE HILLYGUS, and STEWART EVANS HANDTE, have committed the crime(s) of:

COUNT I. CONSPIRACY TO COMMIT SECOND DEGREE KIDNAPPING, a violation of NRS 199.480 and NRS 200.310.2, a category B felony, (50090) in the manner following, to wit:

EXHIBIT G ///

That the said defendants ROGER EUGENE HILLYGUS and STEWART EVANS HANDTE on or about August 8, 2019, within the County of Washoe, State of Nevada, did willfully and unlawfully conspire and agree to commit the crime of second-degree kidnapping in that the said defendants did meet and agree between themselves and/or others to commit the crime of second-degree kidnapping against Susan Hillygus.

COUNT II. BURGLARY, a violation of NRS 205.060, a category B felony, (50424) in the manner following, to wit:

That the said defendants, ROGER EUGENE HILLYGUS and STEWART EVANS HANDTE, on or about August 8, 2019, within the County of Washoe, State of Nevada, did willfully and unlawfully enter a certain building known as STONE VALLEY ALZHEIMER'S SPECIAL CARE CENTER, located at 6155 Stone Valley Drive in Washoe County, Nevada with the intent then and there to commit second degree kidnapping therein, the said defendants are responsible under one or more of the following principles of criminal liability, to wit:

(1) by the defendant(s) directly committing the acts constituting the offense, and/or,

(2) pursuant to a conspiracy to commit the offense whereby each co-conspirator is vicariously liable for the acts of the other co-conspirators when the acts are done in furtherance of the conspiracy, and/or

(3) by the defendant(s) aiding, abetting, counseling, encouraging, commanding, or procuring each other in the commission of the crime, by the said defendant ROGER EUGENE HILLYGUS procuring, encouraging, or recruiting STEWART EVANS HANDTE to aid in the

offense, the defendants did then contact or attempt to contact Reno Police Department staff in an effort to use the influence of STEWART EVANS HANDTE as a former law enforcement officer, the defendants upon agreement meeting outside of the facility, where they further planned the removal of SUSAN HILLYUGS, one or more of the defendants did then enter facility, one of them or an unknown third actor wrote a fictitious name in the visitors log or signed in under the guise of visiting a resident, or otherwise misinforming Stone Valley staff of their intentions, one or more of the defendants then escorted SUSAN HILLYGUS from the facility, the defendants then fled the scene together.

COUNT III. SECOND DEGREE KIDNAPPING OF AN OLDER OR VULNERABLE PERSON, a violation of NRS 200.310.2 and NRS 193.167, a category B felony, (50077) in the manner following, to wit:

That the said defendants, ROGER EUGENE HILLYGUS and STEWART EVANS HANDTE, on or about August 8, 2019, within the County of Washoe, State of Nevada, did willfully, unlawfully, and without authority of law, seize, inveigle, take, carry away and/or kidnap the person of SUSAN HILLYGUS, with the intent to keep the victim secretly imprisoned within the state or for the purpose of conveying the victim out of the state without authority of law or with the intent to detain the victim against her will, in that the said defendants ROGER EUGENE HILLYGUS and STEWART EVANS HANDTE did enter 6155 Stone Valley Drive in Washoe County, Nevada and did therein seize, take, carry away, inveigle or kidnap the person of SUSAN HILLYGUS without authority of law, the said defendants being responsible under one or

more of the following principles of criminal liability, to wit:

((1) by the defendant(s) directly committing the acts constituting the offense, and/or,

(2) pursuant to a conspiracy to commit the offense whereby each co-conspirator is vicariously liable for the acts of the other co-conspirators when the acts are done in furtherance of the conspiracy, and/or

(3) by the defendants aiding, abetting, counseling, encouraging, commanding, or procuring each other in the commission of the crime, by the said defendant ROGER EUGENE HILLYGUS procuring, encouraging, or recruiting STEWART EVANS HANDTE to aid in the offense, the defendants did then contact or attempt to contact Reno Police Department staff in an effort to use the influence of STEWART EVANS HANDTE as a former law enforcement officer, the defendants upon agreement meeting outside of the facility, where they further planned the removal of SUSAN HILLYUGS, one or more of the defendants did then enter facility, one of them or an unknown third actor wrote a fictitious name in the visitors log or signed in under the guise of visiting a resident, or otherwise misinforming Stone Valley staff of their intentions, one or more of the defendants then took SUSAN HILLYGUS from the facility, the defendants then fled the scene together;

The said crime being committed against SUSAN HILLYGUS, a person 60 years of age or older, namely being 80 years of age and/or the said SUSAN HILLYGUS being a vulnerable person in that she suffers from a condition of physical or mental incapacitation because of

organic brain damage or a person who has one or more physical or mental limitations that restrict the ability of the person to perform the normal activities of daily living.

COUNT IV. PREPARING OR DELIVERING SIMULATED LEGAL DOCUMENTS, a violation of NRS 207.337, a category D felony, (61691) in the manner following, to wit:

That the said defendant ROGER EUGENE HILLYGUS, on or about August 8, 2019, within the County of Washoe, State of Nevada, did cause to be delivered to another person any document the simulates a judgment, order, or other legal process with the intent to induce another person to submit to the putative authority of the document or to take any action or refrain from taking any action in response to the document or to comply with the document, in that the said defendant did cause a number of documents to be sent to STONE VALLEY ALZHEIMER'S SPECIAL CARE CENTER which purported to be an actual judgment, order, or legal process to include a document entitled "Jury Verdict-Sworn Affidavit", "Notice to Judges NV" all with the intent to induce submission to the putative authority of the document or take an action or refrain from an action, or comply with the document(s).

COUNT V. PREPARING OR DELIVERING SIMULATED LEGAL DOCUMENTS, a violation of NRS 207.337, a category D felony, (61691) in the manner following, to wit:

That the said defendant ROGER EUGENE HILLYGUS, on or between July 24 and August 8, 2019, within the County of Washoe, State of Nevada, did cause to be delivered to another person any

document the simulates a judgment, order, or other legal process with the intent to induce another person to submit to the putative authority of the document or to take any action or refrain from taking any action in response to the document or to comply with the document, in that the said defendant did cause a number of documents to be filed with the SECOND JUDICIAL DISTRICT COURT and served upon a number of attorneys the said documents purporting to be an actual judgment, order, or legal process, the said documents including a document entitled "Jury Verdict-Sworn Affidavit", "Notice to Judges NV", "Sworn Affidavit-Sworn Verdict Affirmation of Trust Documents", "2nd Notice of Judgement, the Encumberence [*sic*] of 2685 Knob Hill Drive", all with the intent to induce the Court and/or the parties to submit to the putative authority of the document or take an action or refrain from an action, or comply with the document(s).

COUNT VI. PREPARING OR DELIVERING SIMULATED LEGAL DOCUMENTS, a violation of NRS 207.337, a category D felony, (61691) in the manner following, to wit:

That the said defendant ROGER EUGENE HILLYGUS, on or between July 19 and July 30, 2019, within the County of Washoe, State of Nevada, did cause to be delivered to another person any document the simulates a judgment, order, or other legal process with the intent to induce another person to submit to the putative authority of the document or to take any action or refrain from taking any action in response to the document or to comply with the document, in that the said defendant did deliver a number of documents to JARED RUSSELL AND/OR KEN AMUNDSON that purported to be an actual judgment,

order, or legal process, the said documents including a document entitled “Jury Verdict and Options Available to the Court”, "Notice of Judgement, The Encumerence of 2685 Knob Hill Drive”, “Notice of Legal Disclosure”, “Notice of Lien”, “Notice of Rescission”, and/or “Notice of Judgement Sworn Affidavit, and Jury Verdict” all with the intent to induce the Jared Russel and/or Ken Amundson to submit to the putative authority of the document or take an action or refrain from an action, or comply with the document(s).

COUNT VII. PREPARING OR DELIVERING SIMULATED LEGAL DOCUMENTS, a violation of NRS 207.337, a category D felony, (61691) in the manner following, to wit:

That the said defendant ROGER EUGENE HILLYGUS, on or about July 26, 2019, within the County of Washoe and/or Carson City, State of Nevada, did cause to be delivered to another person any document the simulates a judgment, order, or other legal process with the intent to induce another person to submit to the putative authority of the document or to take any action or refrain from taking any action in response to the document or to comply with the document, in that the said defendant did deliver a number of documents to the office of the PUBLIC EMPLOYEE RETIREMENT SYSTEM (“PERS”) that purported to be an actual judgment, order, or legal process, the said documents including a document entitled “Jury Verdict and Options Available to the Court”, "The Jury Verdict”, “Jury Verdict – Sworn Affidavit”, all with the intent to induce any person to submit to the putative authority of the document or take an action or refrain from an action, or comply with the document(s), or;

The defendant is liable for these acts under the principles of conspiracy liability, whereby each co-conspirator is vicariously liable for the acts of the other co-conspirators when the acts are done in furtherance of the conspiracy, in that the defendant did conspire with others presently unknown to cause various entities to submit to the putative authority of the above-referenced documents, and in furtherance of the conspiracy one or more of the conspirators delivered simulated legal documents to PERS.

All of which is contrary to the form of the Statute in such case made and provided, and against the peace and dignity of the State of Nevada.

CHRISTOPHER J. HICKS
District Attorney
Washoe County, Nevada

By: /s/ Amos Stege
AMOS STEGE
9200
Chief Deputy District Attorney

The following are the names of such witnesses as are known to me at the time of the filing of the within Amended Information:

KEN AMUNDSON
TIMOTHY AVILLA
MICHAEL BARNES
JACQUELINE BRYANT
LISA CAMPBELL
DAVE DORREGO
ANGELA MAY FARIAS
KATIE FLAHERTY
TIMOTHY GRAFTON
TRACY GRIFFITH
JOHN GURRIERE
ROBERT HANIFAN
DIAMOND HARRIS
BETTIE HEDRICK
JASON RANDOLPH HEDRICK
SABRINA HEDRICK
DEBBIE HILLYGUS
SUSAN HILLYGUS
ADAM JENKINS
ALLISON JENKINS-KLEIDOSTY
FELICIA KING
F JAVIER LOPEZ
NICOLE LUBICH
VANNESSA LYONS
PATRICK MCCAULEY
MINDY McKAY
OLIVER MILLER
DAVID MILLSAP
STEFANIE OLIVIERI
RENO JUSTICE COURT
ROBIN RENWICK
JOEL C REYNOLDS
BENJAMIN RHODES
JARED RUSSELL
CAITLIN SAFFORD
THOMAS TAYLOR
TODD L TORVINEN ESQ
KAYCEE ZUSMAN

The witnesses listed above may also be called in the case in chief of the State.

AFFIRMATION PURSUANT TO NRS 239B.030

The party executing this document hereby affirms that this document submitted for recording does not contain the social security number of any person or persons pursuant to NRS 239B.030.

CHRISTOPHER J. HICKS
District Attorney
Washoe County, Nevada

By: /s/ Amos Stege
AMOS STEGE
9200
Chief Deputy District Attorney

The document to which this certificate is attached is a full, true and correct copy of the original on file and of record in my office.
By: ALICIA L. LERUD, Clerk of the Second Judicial District Court in and for the County of Washoe.

FILED
Electronically
CR19-1535B
2024-01-17 10:46:18 AM
Alicia L. Lerud
Clerk of the Court
Transaction # 10102041

CODE 1785
Christopher J. Hicks
#7747
One South Sierra, South Tower, 4th Floor
Reno, NV 89501
districtattorney@da.washoecounty.gov
(775) 328-3200
Attorney for Plaintiff

IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA,

IN AND FOR THE COUNTY OF WASHOE

* * *

THE STATE OF NEVADA,

Plaintiff,

v.

STEWART EVANS HANDTE,

Defendant.
_____/

Case No.: CR19-1535B

Dept. No.: D08

NOLO CONTENDERE PLEA MEMORANDUM

1. I, STEWART EVANS HANDTE, understand that I am charged with the offense(s) of COUNT I. CONSPIRACY TO COMMIT SECOND DEGREE KIDNAPPING, a violation of NRS 199.480 and NRS 200.310.2, a category B felony, COUNT II. BURGLARY, a violation of NRS 205.060, a category B felony, and COUNT III. SECOND DEGREE KIDNAPPING OF AN OLDER OR VULNERABLE PERSON, a violation of NRS 200.310.2 and NRS 193.167, a category B felony.

2. I desire to enter a plea of nolo contendere to the offense(s) of COUNT II. BURGLARY, a violation of NRS 205.060, a category B felony, as more fully alleged in the charge(s) filed against me.

EXHIBIT H

1 of 7 Certified by AJuarez on 03/27/2024

3. By entering my plea of nolo contendere I know and understand that I am waiving the following constitutional rights:

A. I waive my privilege against self-incrimination.

B. I waive my right to trial by jury, at which trial the State would have to prove my guilt of all elements of the offense(s) beyond a reasonable doubt.

C. I waive my right to confront my accusers, that is, the right to confront and cross examine all witnesses who would testify at trial.

D. I waive my right to subpoena witnesses for trial on my behalf.

4. I understand the charge(s) against me and that the elements of the offense(s) which the State would have to prove beyond a reasonable doubt at trial are:

That on or about August 8, 2019, within the County of Washoe, State of Nevada, Roger Hillygus and I did willfully and unlawfully enter a certain building known as STONE VALLEY ALZHEIMER'S SPECIAL CARE CENTER, located at 6155 Stone Valley Drive in Washoe County, Nevada with the intent then and there to commit second degree kidnapping therein, Roger Hillygus and I are responsible under one or more of the following principles of criminal liability, to wit:

(1) we directly committed the acts constituting the offense, and/or,

(2) we committed the acts pursuant to a conspiracy to commit the offense whereby each of us is vicariously liable for each other's acts when the acts are done in furtherance of the conspiracy,

2 of 7 Certified by AJuarez on 03/27/2024

and/or

(3) by Roger Hillygus e and I aiding, abetting, counseling, encouraging, commanding, or procuring each other in the commission of the crime, by ROGER EUGENE HILLYGUS procuring, encouraging, or recruiting STEWART EVANS HANDTE to aid in the offense, the defendants did then contact or attempt to contact Reno Police Department staff in an effort to use the influence of STEWART EVANS HANDTE as a former law enforcement officer, the defendants upon agreement meeting outside of the facility, where they further planned the removal of SUSAN HILLYUGS, one or more of the defendants did then enter facility, one of them or an unknown third actor wrote a fictitious name in the visitors log or signed in under the guise of visiting a resident, or otherwise misinforming Stone Valley staff of their intentions, one or more of the defendants then escorted SUSAN HILLYGUS from the facility, the defendants then fled the scene together;

5. I understand that I admit the facts which support all the elements of the offense(s) by pleading nolo contendere. I admit that the State possesses sufficient evidence which would result in my conviction. I have considered and discussed all possible defenses and defense strategies with my counsel. I understand that I have the right to appeal from adverse rulings on pretrial motions only if the State and the Court consent to my right to appeal in a separate written agreement. I understand that any substantive or procedural pretrial issue(s) which could have been raised at trial are waived by my plea.

3 of 7 Certified by AJuarez on 03/27/2024

6. I understand that the consequences of my plea of nolo contendere nolo contendere are that I may be imprisoned for 1-10 years in the Nevada State Department of Corrections and fined up to $10,000. I am eligible for probation.

7. In exchange for my plea of nolo contendere, the State, my counsel and I have agreed to recommend the following: The State will not oppose probation. The term of probation shall be for a fixed term of 3 years. The parties are free to argue all other terms, conditions, and the underlying sentence of probation. Upon entry of plea, the defendant agrees to remain on GPS monitoring and house arrest until sentencing. All other conditions are to remain in effect. If the defendant successfully completes probation, including earning an honorable discharge, he may withdraw his plea and plead guilty or no contest to Conspiracy to Commit Burglary, a Gross Misdemeanor offense and receive credit for time served. This negotiation is conditioned on both defendants entering pleas that resolve the case.

8. I understand that, even though the State and I have reached this plea agreement, the State is reserving the right to present arguments, facts, and/or witnesses at sentencing in support of the plea agreement.

9. Where applicable, I additionally understand and agree that I will be responsible for the repayment of any costs incurred by the State or County in securing my return to this jurisdiction. I also agree that I will make full restitution in this matter, as determined by the Court.

4 of 7 Certified by AJuarez on 03/27/2024

10. I understand that the State, at their discretion, is entitled to either withdraw from this agreement and proceed with the prosecution of the original charges or be free to argue for an appropriate sentence at the time of sentencing if I fail to appear at any scheduled proceeding in this matter OR if prior to the date of my sentencing I am arrested in any jurisdiction for a violation of law OR if I have misrepresented my prior criminal history. I represent that I have no prior felony or gross misdemeanor convictions. I understand and agree that the occurrence of any of these acts constitutes a material breach of my plea agreement with the State. I further understand and agree that by the execution of this agreement, I am waiving any right I may have to remand this matter to Justice Court should I later withdraw my plea.

11. I understand and agree that pursuant to the terms of the plea agreement stated herein, any counts which are to be dismissed and any other cases charged or uncharged which are either to be dismissed or not pursued by the State, may be considered by the court at the time of my sentencing.

12. I understand that the Court is not bound by the agreement of the parties and that the matter of sentencing is to be determined solely by the Court. Pursuant to Cripps, NRS 174.035(4), and Supreme Court Rules this is a conditional plea in that it is conditioned on the court accepting the terms of the agreement. If the Court does not follow the recommendations, either party may withdraw from the agreement. I have discussed the charge, the facts, and the possible defenses with my attorney. All of the foregoing

5 of 7 Certified by AJuarez on 03/27/2024

rights, waiver of rights, elements, possible penalties, and consequences, have been carefully explained to me by my attorney. My attorney has not promised me anything not mentioned in this plea memorandum, and, in particular, my attorney has not promised that I will get any specific sentence. I am satisfied with my counsel's advice and representation leading to this resolution of my case. I am aware that if I am not satisfied with my counsel, I should advise the Court at this time. I believe that entering my plea is in my best interest and that going to trial is not in my best interest. My attorney has advised me that if I wish to appeal, any appeal, if applicable to my case, must be filed within thirty days of my sentence and/or judgment.

13. I understand that this plea and resulting conviction will likely have adverse effects upon my residency in this country if I am not a U. S. Citizen. I have discussed the effects my plea will have upon my residency with my counsel.

14. I offer my plea freely, voluntarily, knowingly and with full understanding of all matters set forth in the Amended Information and in this Plea Memorandum. I have read this plea memorandum completely and I understand everything contained within it.

15. My plea of nolo contendere is voluntary and is not the result of any threats, coercion or promises of leniency.

16. I am signing this Plea Memorandum voluntarily with advice of counsel, under no duress, coercion, or promises of leniency.

6 of 7 Certified by AJuarez on 03/27/2024

17. I do hereby swear under penalty of perjury that all of the assertions in this written plea agreement document are true.

AFFIRMATION PURSUANT TO NRS 239B.030

The undersigned does hereby affirm that the preceding document does not contain the social security number of any person.

Dated this 17th day of January, 2024.

Defendant

Attorney Witnessing Defendant's Signature

Chief Deputy District Attorney

The document to which this certificate is attached is a full, true and correct copy of the original on file and of record in my office.

By: ALICIA L. LERUD, Clerk of the Second Judicial District Court, in and for the County of Washoe.

7 of 7 Certified by AJuarez on 03/27/2024

F I L E D
Electronically
CR19-1535B
2024-03-18 11:56:22 AM
Alicia L. Lerud
Clerk of the Court
Transaction # 10223492

CASE NO. CR19-1535A **STATE OF NEVADA VS. ROGER EUGENE HILLYGUS**
CASE NO. CR19-1535B **STATE OF NEVADA VS. STEWART EVANS HANDTE**

DATE, JUDGE OFFICERS OF COURT PRESENT	APPEARANCES-HEARING	CONTINUED TO
01/17/2024 **HONORABLE BARRY BRESLOW** **DEPT. NO. 8** **A. DeGayner (Clerk)** **L. Stubbs (Reporter)**	**PRETRIAL CONFERENCE / CHANGE OF PLEA** Deputy District Attorney Amos Stege represented the State. Deputy Defendant was present, in custody, represented by Deputy Public Defender Joseph Goodnight for limited purposes. Defendant Handte was present, represented by Deputy Alternate Public Defender Ian Silverberg. DDA Stege addressed the changes made in the Amended Information, confirmed that there were no new charges and no changes to any theories. DDA Stege advised that he does not believe the Defendant's need to be re-arraigned. Defendant Hillygus argued that the State needs to be sanctioned for charging with an Assembly Bill. DAPD Silverberg confirmed that there is no need to re-arraign, no new charges were brought against Defendant Handte. The Court conducted a canvass pursuant to *Missouri v Frye.* DDA Stege addressed the plea negotiations/offers. DAPD Silverberg confirmed that the offer was received and discussed with Defendant Handte; Defendant Handte rejected the offer. DPD Goodnight confirmed that the offer was received and discussed with Defendant Hillygus; Defendant Hillygus rejected the offer. Recess. Court reconvened with Court, respective counsel and Defendants present. DDA Stege advised the Court that a resolution was reached and stated the negotiations. DAPD Silverberg and DPD Goodnight confirmed the negotiations as stated by DDA Stege. Defendants sworn. Defendant Hillygus and Defendant Handte entered a plea of nolo contendre to COUNT II. BURGLARY, a violation of NRS 205.060, a category B felony, as contained in Count II of the Amended Information. Court interrogated the Defendants, advised them of their rights, found that there was a factual basis for the plea and that the	**03/20/2024** **11:00 a.m.** **Sentencing**

EXHIBIT I

Defendants understood the elements of the offense and the possible punishment therefore. Court further found that the plea was knowing, voluntary and intelligent, that the Defendant was competent to enter the plea and accepted the same. Nolo Contendre Plea Memoranda provided to the Court.

COURT ORDERED: Jury Trial VACATED. Motion to Quash – MOOT. Defendant Hillygus to be released from custody.

DPD Goodnight advised that Defendant Hillygus has requested to not be released from custody prior to sentencing and will request to come back before the Court to request a change of custody if the Defendant finds a place to go upon release.

DDA Stege advised that, when a release decision is made for Defendant Hillygus, the State would like to be heard regarding release conditions. DDA Stege advised that the State will request pre-trial supervision, a no contact order with Defendant Handte and an order to not leave Northern Nevada counties up to Winnemucca.

Defendant Hillygus requested to remain in custody pending sentencing.

COURT ORDERED: Defendant Hillygus custody status to remain unchanged.

COURT ORDERED: Presentence Investigation Report and matters CONTINUED to March 28, 2024 at 1:30 p.m. for Entry of Judgment and Imposition of Sentence.

Presentence Investigation Report packets provided to each Defendant.

Defendant Hillygus requested the Washoe County Public Defender's Office be appointed for sentencing purposes.

The Court canvassed Defendant Hillygus.

COURT ORDERED: Washoe County Public Defender's Office is appointed to represent Defendant Hillygus for purposes of sentencing. Defendant Handte to remain under Pretrial Services supervision pending sentencing.

DDA Stege asked the Court to adopt the preliminary hearing transcript as a factual basis for accepting the plea; so ORDERED.

Defendant Hillygus remanded to the custody of the Sheriff.

Defendant Handte remanded to the custody of the Sheriff.

After session Clerk's Note: Sentencing date vacated and reset to ***March 20, 2024 at 11:00 a.m.*** *In Department 8.*

The document to which this certificate is attached is a full, true and correct copy of the original on file and of record in my office.

By: ALICIA L. LERUD, Clerk of the Second Judicial District Court, in and for the County of Washoe.

F I L E D
Electronically
CR19-1535B
2024-03-20 11:48:26 PM
Alicia L. Lerud
Clerk of the Court
Transaction # 10230838

CODE 1850

IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF WASHOE

STATE OF NEVADA,

Plaintiff,

vs. **Case No. CR19-1535B**

STEWART EVANS HANDTE, **Dept. No. 8**

Defendant.

_____/

JUDGMENT OF CONVICTION

The Defendant, having entered a plea of nolo contendre, and no sufficient cause being shown by Defendant as to why judgment should not be pronounced against him, the Court rendered judgment as follows:

Stewart Evans Handte is guilty of the crime of BURGLARY, a violation of NRS 205.060, a category B felony, as charged in Count II of the Amended Information, and that he be punished by imprisonment in the Nevada Department of Corrections for a minimum term of Nineteen (19) months to a maximum term of Forty-Eight (48) months, with One Hundred and Three (103) days credit for time served and by payment of a fine in the amount of Five Hundred Dollars ($500.00). It is further ordered that the sentence is suspended, and the Defendant is placed on probation for a fixed term of Thirty-Six (36) months, with special conditions imposed. Special conditions of probation are as outlined in the Order Admitting Defendant to Probation and Fixing the Terms Thereof.

EXHIBIT J

The Defendant is further ordered to pay a Three Dollar ($3.00) administrative assessment for obtaining a biological specimen and conducting a genetic marker analysis, a Twenty-Five Dollar ($25.00) administrative assessment fee, a One Hundred Fifty Dollar ($150.00) DNA analysis fee and extradition costs in the amount of One Thousand, Sixty-Four Dollars and Forty Cents ($1,064.40). Attorney's fees are hereby waived by the Court.

Any fine, fee administrative assessment or restitution imposed today (as reflected in this Judgment) constitutes a lien, as defined in Nevada Revised Statute NRS 176.275. Should the Defendant not pay these fines, fees, or assessments, collection efforts may be undertaken against STEWART EVANS HANDTE.

IT IS FURTHER ORDERED that Counts I, III, IV, V, VI and VII of the Amended Information are hereby DISMISSED.

Dated this 20th day of March, 2024.

DISTRICT JUDGE

The document to which this certificate is attached is a full, true and correct copy of the original on file and of record in my office.

By: ALICIA L. LERUD, Clerk of the Second Judicial District Court, in and for the County of Washoe.

16. DISCUSSION AND FOR POSSIBLE ACTION.

Hearing pursuant to NAC 289.290(1)(g) on the revocation of Daniel Kelly's (formerly employed with the Las Vegas Metropolitan Police Department) Category I basic certificate based on a conviction of, or entry of a plea of guilty, guilty but mentally ill or nolo contendere to a felony. The conviction(s) which have led to this action are:
Count I: ATTEMPT LEWDNESS WITH A CHILD UNDER THE AGE OF 14 (Category B Felony) in violation of NRS 201.230(2)-NOC 60471.
Possible action may be revocation of the Category I basic certificate.

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

JOE LOMBARDO
Governor

MICHAEL D. SHERLOCK
Executive Director

NOTICE OF INTENT TO REVOKE

September 10, 2024

Daniel S. Kelly
[redacted]

POST PIN #: 35626

Dear Mr. Kelly,

Based upon documentation received by the Nevada Peace Officer Standards and Training Commission (the 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 certificate(s) 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 peace officer certificate(s) will be revoked pursuant to **NAC 289.290(1)(g) based on a Conviction of, or entry of a plea of guilty, guilty but mentally ill or nolo contendere to, a felony.** The conviction(s) which have led to this action are as follows:

Count I: ATTEMPT LEWDNESS WITH A CHILD UNDER THE AGE OF 14 (Category B Felony) in violation of NRS 201.230(2).
Case#: C-20-349812-1
Dept No: III
Jurisdiction: DISTRICT COURT, CLARK COUNTY, NEVADA

You have the right to appear before the Commission to contest the revocation of your Nevada peace officer certificate(s) by providing written notice to the Commission within fifteen (15) days of the date of the hearing.

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. **If you or your counsel have any written arguments you would like to present to the Commission, you can send that information to me no less than ten (10) days prior to the date of the hearing.**

EXHIBIT A

Written requests can be made to:

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

The Commission will determine whether your Nevada peace officer certification(s) should be revoked at the meeting listed below:

Date: Thursday, October 17, 2024
Time: 8:00 a.m.
Location: Southpoint Hotel/Casino, 9777 S. Las Vegas Blvd., Napa Room A, Las Vegas, NV 89183

The hearing will cover the following: whether your P.O.S.T certificate(s) should be revoked pursuant to **NAC 289.290(1)(g) based on a Conviction of, or entry of a plea of guilty, guilty but mentally ill or nolo contendere to, a felony.**

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

If you need additional information concerning this matter, contact Chief Kathy Floyd at (775) 687-7678, ext. 3335.

Sincerely,



Kathy Floyd
Chief of Standards Division
Nevada Commission on Peace
Officer Standards and Training

cc: Deputy Attorney General Jesselyn De Luna
File

NAC 289.290 Denial, revocation or suspension of certificate; reinstatement of revoked certificate. (NRS 289.510)

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

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

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

(c) Chronic drinking or drunkenness on duty.

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

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

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

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

(h) Except as otherwise provided in paragraph (i), conviction of a misdemeanor. If the employing agency recommends suspension or revocation following the 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.

(i) Conviction of a misdemeanor crime of domestic violence as defined in 18 U.S.C. § 921(a)(33). Following the conviction of the employee for such a misdemeanor, suspension or revocation may be imposed regardless of whether the employing agency recommends suspension or revocation.

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

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

4. The Commission will notify the officer by certified mail at the officer's last known address of any pending revocation or suspension action and of the nature of the charges and the officer's right to appear and answer the charges. The officer shall, within 15 days after the date on the certified mail receipt, respond in writing, notifying the Commission of his or her intended action with reference to the charges.

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

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

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

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

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

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

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

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

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

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

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

12. Five years after the revocation of a certificate, an officer may submit a written request to the Commission to allow him or her to reinstate his or her certificate. The Commission will schedule a hearing to consider whether to reinstate the officer's certificate. The Commission will notify the agency that requested the revocation of the date and time of the hearing. After the hearing, the Commission will determine whether to reinstate the certificate. If the certificate is reinstated, the Commission may establish a probationary period during which any misconduct by the officer would result in revocation.

(Added to NAC by Peace Officers' Standards & Training Com., eff. 12-17-87; A 8-24-90; 4-28-94; A by Peace Officers' Standards & Training Comm'n by R102-99, 11-2-99; R003-07, 4-17-2008; R051-14, 10-24-2014; R006-19, 12-30-2019)

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

JOE LOMBARDO
Governor

MICHAEL D. SHERLOCK
Executive Director

DECLARATION OF SERVICE

I LT Jonathan Binder, served the foregoing **Notice of Intent to Revoke**
Print name of the person serving this document

To Individual's Name: **DANIEL S. KELLY**

at HDSP Shift Command office on this
(location)

12th day of September, 2024.
Day *Month* *Year*

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

Executed on this 12th day of September, 2024.
Day *Month* *Year*

Signature of person serving the Notice

Jonathan Binder
Printed name of person serving the Notice

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

EXHIBIT B

State of Nevada – POST

Update – Personnel Action Report (PAR)

Agency Login

Agency Name *
LV Metro PD

Employee Details

POST ID *
35626

First Name *
DANIEL

Last Name *
KELLY

Middle Initial
S

Suffix

☐ Name Changed

☑ Address Changed

Updated Address

Street Address
[redacted]

City
[redacted]

State
NV

Zip Code
[redacted]

Level Change

Level Changed *
◉ Line ○ Supervisor ○ Management ○ Executive

*
○ Part Time ◉ Full Time

EXHIBIT C

Status Changed
○ Deceased ○ Retired ◉ Separated

Effective Date *
07/24/2023

NAC 289.290 Notification (Cause for Commission Action)

Pursuant to NAC 289.290(3): "The employing agency shall notify the Commission anytime that it becomes aware that one of its officer's 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."

Does the above NAC apply?
○ No ◉ Yes

Is your agency requesting revocation?
○ Yes ○ No

Comments\Additional Information:
Voluntary Resignation- Felony Charges in District Court C-20-349812-1

Submitter Details

Submitter's Full Name *	Submitter's Phone #*	Submitter's E-Mail Address
Jessica Reynolds	702-828-6944	J16596R@LVMPD.com

txtFormType
Update PAR

STATE OF NEVADA

COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

Hereby Awards the

Category I
Basic Certificate

To

Daniel S. Kelly

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

Governor | Executive Director

35626
POST ID No.

January 24, 2018
Date

(O) 500

EXHIBIT D

Electronically Filed
8/5/2020 9:59 AM
Steven D. Grierson
CLERK OF THE COURT

IND
STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001565
STACEY KOLLINS
Chief Deputy District Attorney
Nevada Bar #05391
200 Lewis Avenue
Las Vegas, Nevada 89155-2212
(702) 671-2500
Attorney for Plaintiff

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

DANIEL STEVEN KELLY, #3010060

Defendant.

CASE NO: C-20-349812-1

DEPT NO: XV

INDICTMENT

STATE OF NEVADA)
) ss.
COUNTY OF CLARK)

The Defendant above named, DANIEL STEVEN KELLY, accused by the Clark County Grand Jury of the crime(s) of LEWDNESS WITH A CHILD UNDER THE AGE OF 14 (Category A Felony - NRS 201.230 - NOC 50975), committed at and within the County of Clark, State of Nevada, on or about the 16th day of June, 2019, as follows:

COUNT 1

did willfully, lewdly, unlawfully, and feloniously commit a lewd or lascivious act upon or with the body, or any part or member thereof, of a child, to wit: G.C., a child under the age of fourteen years, by causing G.C. to rub and/or touch and/or fondle Defendant's penis with G.C.'S hand, with the intent of arousing, appealing to, or gratifying the lust, passions, or sexual desires of defendant, or G.C.

EXHIBIT E

Case Number: C-20-349812-1

COUNT 2

did willfully, lewdly, unlawfully, and feloniously commit a lewd or lascivious act upon or with the body, or any part or member thereof, of a child, to wit: G.C., a child under the age of fourteen years, by causing G.C. to rub and/or touch and/or fondle Defendant's penis with G.C.'S hand, with the intent of arousing, appealing to, or gratifying the lust, passions, or sexual desires of defendant, or G.C.

COUNT 3

did willfully, lewdly, unlawfully, and feloniously commit a lewd or lascivious act upon or with the body, or any part or member thereof, of a child, to wit: G.C., a child under the age of fourteen years, by causing G.C. to rub and/or touch and/or fondle Defendant's penis with G.C.'S hand, with the intent of arousing, appealing to, or gratifying the lust, passions, or sexual desires of defendant, or G.C.

COUNT 4

did willfully, lewdly, unlawfully, and feloniously commit a lewd or lascivious act upon or with the body, or any part or member thereof, of a child, to wit: G.C, a child under the age of fourteen years, by rubbing and/or touching and/or fondling G.C.'S buttocks and or body with Defendant's penis, with the intent of arousing, appealing to, or gratifying the lust, passions, or sexual desires of defendant, or G.C.

COUNT 5

did willfully, lewdly, unlawfully, and feloniously commit a lewd or lascivious act upon or with the body, or any part or member thereof, of a child, to wit: G.C, a child under the

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age of fourteen years, by rubbing and/or touching and/or fondling G.C.'S buttocks and or body with Defendant's hand, with the intent of arousing, appealing to, or gratifying the lust, passions, or sexual desires of defendant, or G.C.

DATED this 4th day of August, 2020.

STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001565

BY /s/Stacey Kollins
STACEY KOLLINS
Chief Deputy District Attorney
Nevada Bar #05391

ENDORSEMENT: A True Bill

/s/Carl Davis
Foreperson, Clark County Grand Jury

Names of Witnesses and testifying before the Grand Jury:

ASHCROFT, JONATHAN - HPD

G.C. – c/o CCDA, 200 Lewis Avenue, LV, NV 89101

Additional Witnesses known to the District Attorney at time of filing the Indictment:

CUSTODIAN OF RECORDS - CCDC

CUSTODIAN OF RECORDS - LVMPD COMMUNICATIONS

CUSTODIAN OF RECORDS - LVMPD RECORDS

August 13, 2024

UNITED STATES OF AMERICA DISTRICT COURT OF THE EIGHTH JUDICIAL DISTRICT COUNTY OF CLARK STATE OF NEVADA

CERTIFIED COPY
ELECTRONIC SEAL (NRS 1.190(3))

20AGJ008X/20CRH000753/cl-GJ
HPD EV# 2008859
(TK)

Electronically Filed
4/24/2023 8:41 AM
Steven D. Grierson
CLERK OF THE COURT

AIND
STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001565
STACEY KOLLINS
Chief Deputy District Attorney
Nevada Bar #005391
200 Lewis Avenue
Las Vegas, Nevada 89155-2212
(702) 671-2500
Attorney for Plaintiff

DISTRICT COURT

CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

DANIEL STEVEN KELLY, #3010060

Defendant.

CASE NO: **C-20-349812-1**

DEPT NO: **III**

A M E N D E D

I N D I C T M E N T

STATE OF NEVADA)
) ss.
COUNTY OF CLARK)

AS Defendant above named, **DANIEL STEVEN KELLY** is accused by the Clark County Grand Jury of the crime of **ATTEMPT LEWDNESS WITH A CHILD UNDER THE AGE OF 14 (Category B Felony - NRS 201.230(2) - NOC 60471)** committed at and within the County of Clark, State of Nevada, on or about the 16th day of June, 2019, as follows:

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EXHIBIT F

Defendant did willfully, lewdly, unlawfully, and feloniously attempt to commit a lewd or lascivious act upon or with the body, or any part or member thereof, of a child, to wit: G.C., a child under the age of 14 years, by attempting to use his hand(s) and/or finger(s) and/or penis to touch and/or rub and/or fondle the buttock(s) and/or body of G.C., and/or attemtping to cause and/or direct and/or encourage G.C. to use the hand(s) and/or finger(s) of G.C. to touch and/or rub and/or fondle the penis of Defendant, with the intent of arousing, appealing to, or gratifying the lust, passions, or sexual desires of Defendant, or G.C.

STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001565

BY */s/ Stacey Kollins*
STACEY KOLLINS
Chief Deputy District Attorney
Nevada Bar #005391

August 13, 2024



CERTIFIED COPY
ELECTRONIC SEAL (NRS 1.190(3))

20AGJ008X/20CRH000753/hjc/SVU
HPD EV#2008859

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4/18/2023 9:18 AM
Steven D. Grierson
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GPA
STEVEN B. WOLFSON
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Nevada Bar #001565
STACEY KOLLINS
Chief Deputy District Attorney
Nevada Bar #005391
200 Lewis Avenue
Las Vegas, NV 89155-2212
(702) 671-2500
Attorney for Plaintiff

DISTRICT COURT

CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

DANIEL STEVEN KELLY, #3010060

Defendant.

CASE NO: **C-20-349812-1**

DEPT NO: **III**

GUILTY PLEA AGREEMENT

I hereby agree to plead guilty to: **ATTEMPT LEWDNESS WITH A CHILD UNDER THE AGE OF 14 (Category B Felony - NRS 201.230(2) - NOC 60471)** as more fully alleged in the charging document attached hereto as Exhibit "1".

My decision to plead guilty is based upon the plea agreement in this case which is as follows:

The State agrees to not argue for a maximum term of incarceration ~~to exceed~~ NOT to exceed fifteen (15) years in the Nevada Department of Corrections.

I agree to the forfeiture of any and all electronic storage devices, computers, and/or related equipment and/or weapons or any interest in any electronic storage devices, computers and/or related equipment and/or weapons seized and/or impounded in connection with the instant case and/or any other case negotiated in whole or in part in conjunction with this plea agreement.

EXHIBIT G

I understand and agree that, if I fail to interview with the Department of Parole and Probation (P&P), fail to appear at any subsequent hearings in this case, or an independent magistrate, by affidavit review, confirms probable cause against me for new criminal charges including reckless driving or DUI, but excluding minor traffic violations, the State will have the unqualified right to argue for any legal sentence and term of confinement allowable for the crime(s) to which I am pleading guilty, including the use of any prior convictions I may have to increase my sentence as an habitual criminal to five (5) to twenty (20) years, Life without the possibility of parole, Life with the possibility of parole after ten (10) years, or a definite twenty-five (25) year term with the possibility of parole after ten (10) years.

Otherwise I am entitled to receive the benefits of these negotiations as stated in this plea agreement.

CONSEQUENCES OF THE PLEA

I understand that by pleading guilty I admit the facts which support all the elements of the offense to which I now plead as set forth in Exhibit "1".

I understand that as a consequence of my plea of guilty the Court must sentence me to imprisonment in the Nevada Department of Corrections for a minimum term of not less than two (2) years and a maximum term of not more than twenty (20) years. The minimum term of imprisonment may not exceed forty percent (40%) of the maximum term of imprisonment. I understand that, if appropriate, I will be ordered to make restitution to the victim of the offense to which I am pleading guilty and to the victim of any related offense which is being dismissed or not prosecuted pursuant to this agreement. I will also be ordered to reimburse the State of Nevada for any expenses related to my extradition, if any. I understand that the law requires me to pay an Administrative Assessment Fee.

I understand that pursuant to NRS 176.139 and my plea of guilty to a sexual offense for which the suspension of sentence or the granting of probation is permitted, P&P shall arrange for a psychosexual evaluation as part of the Division's Presentence Investigation (PSI) Report to the court.

//

I understand that I am not eligible for probation pursuant to NRS 176A.110 unless the psychosexual evaluation certifies that I do not represent a high risk to reoffend based upon a currently accepted standard of assessment. I understand that, except as otherwise provided by statute, the question of whether I receive probation is in the discretion of the sentencing judge.

I understand that, before I am eligible for parole a panel consisting of the Administrator of the Mental Health and Developmental Services of the Department of Human Resources or his designee; the Director of the Department of Corrections or his designee; and a psychologist licensed to practice in this state or a psychiatrist licensed to practice medicine in this state certifies that I was under observation while confined in an institution of the department of corrections and that I do not represent a high risk to reoffend based upon a currently accepted standard of assessment.

I understand that, pursuant to NRS 176.0931, the Court must include as part of my sentence, in addition to any other penalties provided by law, a special sentence of lifetime supervision commencing after any period of probation or any term of imprisonment and period of release upon parole.

I understand that the Court will include as part of my sentence, in addition to any other penalties provided by law, pursuant to NRS 179D.441 to 179D.550, inclusive, I must register as a sex offender within forty-eight (48) hours of release from custody onto probation or parole.

I understand that I must submit to blood and/or saliva tests under the direction of P&P to determine genetic markers and/or secretor status.

I understand that information regarding charges not filed, dismissed charges, or charges to be dismissed pursuant to this agreement may be considered by the judge at sentencing.

I have not been promised or guaranteed any particular sentence by anyone. I know that my sentence is to be determined by the Court within the limits prescribed by statute.

I understand that if my attorney or the State of Nevada or both recommend any specific punishment to the Court, the Court is not obligated to accept the recommendation.

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I understand that if the State of Nevada has agreed to recommend or stipulate a particular sentence or has agreed not to present argument regarding the sentence, or agreed not to oppose a particular sentence, such agreement is contingent upon my appearance in court on the initial sentencing date (and any subsequent dates if the sentencing is continued). I understand that if I fail to appear for the scheduled sentencing date or I commit a new criminal offense prior to sentencing the State of Nevada would regain the full right to argue for any lawful sentence.

I understand if the offense to which I am pleading guilty to was committed while I was incarcerated on another charge or while I was on probation or parole that I am not eligible for credit for time served toward the instant offense.

I understand that P&P will prepare a report for the sentencing judge prior to sentencing. This report will include matters relevant to the issue of sentencing, including my criminal history. This report may contain hearsay information regarding my background and criminal history. My attorney and I will each have the opportunity to comment on the information contained in the report at the time of sentencing. Unless the District Attorney has specifically agreed otherwise, then the District Attorney may also comment on this report.

WAIVER OF RIGHTS

By entering my plea of guilty, I understand that I am waiving and forever giving up the following rights and privileges:

1. The constitutional privilege against self-incrimination, including the right to refuse to testify at trial, in which event the prosecution would not be allowed to comment to the jury about my refusal to testify.

2. The constitutional right to a speedy and public trial by an impartial jury, free of excessive pretrial publicity prejudicial to the defense, at which trial I would be entitled to the assistance of an attorney, either appointed or retained. At trial the State would bear the burden of proving beyond a reasonable doubt each element of the offense charged.

3. The constitutional right to confront and cross-examine any witnesses who would testify against me.

4. The constitutional right to subpoena witnesses to testify on my behalf.

5. The constitutional right to testify in my own defense.

//

6. The right to appeal the conviction with the assistance of an attorney, either appointed or retained, unless specifically reserved in writing and agreed upon as provided in NRS 174.035(3). I understand this means I am unconditionally waiving my right to a direct appeal of this conviction, including any challenge based upon reasonable constitutional, jurisdictional or other grounds that challenge the legality of the proceedings as stated in NRS 177.015(4). However, I remain free to challenge my conviction through other post-conviction remedies including a habeas corpus petition pursuant to NRS Chapter 34.

VOLUNTARINESS OF PLEA

I have discussed the elements of all of the original charge against me with my attorney and I understand the nature of the charge against me.

I understand that the State would have to prove each element of the charge against me at trial.

I have discussed with my attorney any possible defenses, defense strategies and circumstances which might be in my favor.

All of the foregoing elements, consequences, rights, and waiver of rights have been thoroughly explained to me by my attorney.

I believe that pleading guilty and accepting this plea bargain is in my best interest, and that a trial would be contrary to my best interest.

I am signing this agreement voluntarily, after consultation with my attorney, and I am not acting under duress or coercion or by virtue of any promises of leniency, except for those set forth in this agreement.

I am not now under the influence of any intoxicating liquor, a controlled substance or other drug which would in any manner impair my ability to comprehend or understand this agreement or the proceedings surrounding my entry of this plea.

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My attorney has answered all my questions regarding this guilty plea agreement and its consequences to my satisfaction and I am satisfied with the services provided by my attorney.

DATED this 14 day of April, 2023.

DANIEL STEVEN KELLY
Defendant

AGREED TO BY:

STACEY KOLLINS
Chief Deputy District Attorney
Nevada Bar #005391

CERTIFICATE OF COUNSEL:

I, the undersigned, as the attorney for the Defendant named herein and as an officer of the court hereby certify that:

1. I have fully explained to the Defendant the allegations contained in the charge to which guilty pleas are being entered.

2. I have advised the Defendant of the penalties for each charge and the restitution that the Defendant may be ordered to pay.

3. I have inquired of Defendant facts concerning Defendant's immigration status and explained to Defendant that if Defendant is not a United States citizen any criminal conviction will most likely result in serious negative immigration consequences including but not limited to:

   a. The removal from the United States through deportation;

   b. An inability to reenter the United States;

   c. The inability to gain United States citizenship or legal residency;

   d. An inability to renew and/or retain any legal residency status; and/or

   e. An indeterminate term of confinement, by with United States Federal Government based on the conviction and immigration status.

   Moreover, I have explained that regardless of what Defendant may have been told by any attorney, no one can promise Defendant that this conviction will not result in negative immigration consequences and/or impact Defendant's ability to become a United States citizen and/or legal resident.

4. All pleas of guilty offered by the Defendant pursuant to this agreement are consistent with the facts known to me and are made with my advice to the Defendant.

5. To the best of my knowledge and belief, the Defendant:

   a. Is competent and understands the charges and the consequences of pleading guilty as provided in this agreement,

   b. Executed this agreement and will enter all guilty pleas pursuant hereto voluntarily, and

   c. Was not under the influence of intoxicating liquor, a controlled substance or other drug at the time I consulted with the Defendant as certified in paragraphs 1 and 2 above.

Dated: This 14 day of April, 2023.

August 13, 2024

Colleen Savage

COLLEEN SAVAGE, ESQ.

hjc/SVU

UNITED STATES OF AMERICA DISTRICT COURT OF THE EIGHTH JUDICIAL DISTRICT COUNTY OF CLARK STATE OF NEVADA

CERTIFIED COPY
ELECTRONIC SEAL (NRS 1.190(3))

AIND
STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001565
STACEY KOLLINS
Chief Deputy District Attorney
Nevada Bar #005391
200 Lewis Avenue
Las Vegas, Nevada 89155-2212
(702) 671-2500
Attorney for Plaintiff

DISTRICT COURT

CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

DANIEL STEVEN KELLY, #3010060

Defendant.

CASE NO: **C-20-349812-1**

DEPT NO: **III**

AMENDED

INDICTMENT

STATE OF NEVADA)
) ss.
COUNTY OF CLARK)

AS Defendant above named, **DANIEL STEVEN KELLY** is accused by the Clark County Grand Jury of the crime of **ATTEMPT LEWDNESS WITH A CHILD UNDER THE AGE OF 14 (Category B Felony - NRS 201.230(2) - NOC 60471)** committed at and within the County of Clark, State of Nevada, on or about the 16th day of June, 2019, as follows:

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EXHIBIT "1"

Defendant did willfully, lewdly, unlawfully, and feloniously attempt to commit a lewd or lascivious act upon or with the body, or any part or member thereof, of a child, to wit: G.C., a child under the age of 14 years, by attempting to use his hand(s) and/or finger(s) and/or penis to touch and/or rub and/or fondle the buttock(s) and/or body of G.C., and/or attemtping to cause and/or direct and/or encourage G.C. to use the hand(s) and/or finger(s) of G.C. to touch and/or rub and/or fondle the penis of Defendant, with the intent of arousing, appealing to, or gratifying the lust, passions, or sexual desires of Defendant, or G.C.

STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001565

BY */s/ Stacey Kollins*
STACEY KOLLINS
Chief Deputy District Attorney
Nevada Bar #005391

20AGJ008X/20CRH000753/hjc/SVU
HPD EV#2008859

Electronically Filed
4/18/2023 9:18 AM
Steven D. Grierson
CLERK OF THE COURT

GPA
STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001565
STACEY KOLLINS
Chief Deputy District Attorney
Nevada Bar #005391
200 Lewis Avenue
Las Vegas, NV 89155-2212
(702) 671-2500
Attorney for Plaintiff

DISTRICT COURT

CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

DANIEL STEVEN KELLY, #3010060

Defendant.

CASE NO: **C-20-349812-1**

DEPT NO: **III**

AMENDED BY ORDER OF THE COURT
STEVEN D. GRIERSON, CLERK OF THE COURT
BY _____ DEPUTY
4-25-2023

GUILTY PLEA AGREEMENT

I hereby agree to plead guilty to: **ATTEMPT LEWDNESS WITH A CHILD UNDER THE AGE OF 14 (Category B Felony - NRS 201.230(2) - NOC 60471)** as more fully alleged in the charging document attached hereto as Exhibit "1".

My decision to plead guilty is based upon the plea agreement ~~in this case~~ which is as follows:

The State agrees to not argue for a maximum term of incarceration ~~to exceed fifteen~~ not to exceed fifteen (15) years in the Nevada Department of Corrections.

I agree to the forfeiture of any and all electronic storage devices, computers, and/or related equipment and/or weapons or any interest in any electronic storage devices, computers and/or related equipment and/or weapons seized and/or impounded in connection with the instant case and/or any other case negotiated in whole or in part in conjunction with this plea agreement.

EXHIBIT H

I understand and agree that, if I fail to interview with the Department of Parole and Probation (P&P), fail to appear at any subsequent hearings in this case, or an independent magistrate, by affidavit review, confirms probable cause against me for new criminal charges including reckless driving or DUI, but excluding minor traffic violations, the State will have the unqualified right to argue for any legal sentence and term of confinement allowable for the crime(s) to which I am pleading guilty, including the use of any prior convictions I may have to increase my sentence as an habitual criminal to five (5) to twenty (20) years, Life without the possibility of parole, Life with the possibility of parole after ten (10) years, or a definite twenty-five (25) year term with the possibility of parole after ten (10) years.

Otherwise I am entitled to receive the benefits of these negotiations as stated in this plea agreement.

CONSEQUENCES OF THE PLEA

I understand that by pleading guilty I admit the facts which support all the elements of the offense to which I now plead as set forth in Exhibit "1".

I understand that as a consequence of my plea of guilty the Court must sentence me to imprisonment in the Nevada Department of Corrections for a minimum term of not less than two (2) years and a maximum term of not more than twenty (20) years. The minimum term of imprisonment may not exceed forty percent (40%) of the maximum term of imprisonment. I understand that, if appropriate, I will be ordered to make restitution to the victim of the offense to which I am pleading guilty and to the victim of any related offense which is being dismissed or not prosecuted pursuant to this agreement. I will also be ordered to reimburse the State of Nevada for any expenses related to my extradition, if any. I understand that the law requires me to pay an Administrative Assessment Fee.

I understand that pursuant to NRS 176.139 and my plea of guilty to a sexual offense for which the suspension of sentence or the granting of probation is permitted, P&P shall arrange for a psychosexual evaluation as part of the Division's Presentence Investigation (PSI) Report to the court.

//

I understand that I am not eligible for probation pursuant to NRS 176A.110 unless the psychosexual evaluation certifies that I do not represent a high risk to reoffend based upon a currently accepted standard of assessment. I understand that, except as otherwise provided by statute, the question of whether I receive probation is in the discretion of the sentencing judge.

I understand that, before I am eligible for parole a panel consisting of the Administrator of the Mental Health and Developmental Services of the Department of Human Resources or his designee; the Director of the Department of Corrections or his designee; and a psychologist licensed to practice in this state or a psychiatrist licensed to practice medicine in this state certifies that I was under observation while confined in an institution of the department of corrections and that I do not represent a high risk to reoffend based upon a currently accepted standard of assessment.

I understand that, pursuant to NRS 176.0931, the Court must include as part of my sentence, in addition to any other penalties provided by law, a special sentence of lifetime supervision commencing after any period of probation or any term of imprisonment and period of release upon parole.

I understand that the Court will include as part of my sentence, in addition to any other penalties provided by law, pursuant to NRS 179D.441 to 179D.550, inclusive, I must register as a sex offender within forty-eight (48) hours of release from custody onto probation or parole.

I understand that I must submit to blood and/or saliva tests under the direction of P&P to determine genetic markers and/or secretor status.

I understand that information regarding charges not filed, dismissed charges, or charges to be dismissed pursuant to this agreement may be considered by the judge at sentencing.

I have not been promised or guaranteed any particular sentence by anyone. I know that my sentence is to be determined by the Court within the limits prescribed by statute.

I understand that if my attorney or the State of Nevada or both recommend any specific punishment to the Court, the Court is not obligated to accept the recommendation.

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//

I understand that if the State of Nevada has agreed to recommend or stipulate a particular sentence or has agreed not to present argument regarding the sentence, or agreed not to oppose a particular sentence, such agreement is contingent upon my appearance in court on the initial sentencing date (and any subsequent dates if the sentencing is continued). I understand that if I fail to appear for the scheduled sentencing date or I commit a new criminal offense prior to sentencing the State of Nevada would regain the full right to argue for any lawful sentence.

I understand if the offense to which I am pleading guilty to was committed while I was incarcerated on another charge or while I was on probation or parole that I am not eligible for credit for time served toward the instant offense.

I understand that P&P will prepare a report for the sentencing judge prior to sentencing. This report will include matters relevant to the issue of sentencing, including my criminal history. This report may contain hearsay information regarding my background and criminal history. My attorney and I will each have the opportunity to comment on the information contained in the report at the time of sentencing. Unless the District Attorney has specifically agreed otherwise, then the District Attorney may also comment on this report.

WAIVER OF RIGHTS

By entering my plea of guilty, I understand that I am waiving and forever giving up the following rights and privileges:

1. The constitutional privilege against self-incrimination, including the right to refuse to testify at trial, in which event the prosecution would not be allowed to comment to the jury about my refusal to testify.

2. The constitutional right to a speedy and public trial by an impartial jury, free of excessive pretrial publicity prejudicial to the defense, at which trial I would be entitled to the assistance of an attorney, either appointed or retained. At trial the State would bear the burden of proving beyond a reasonable doubt each element of the offense charged.

3. The constitutional right to confront and cross-examine any witnesses who would testify against me.

4. The constitutional right to subpoena witnesses to testify on my behalf.

5. The constitutional right to testify in my own defense.

//

6. The right to appeal the conviction with the assistance of an attorney, either appointed or retained, unless specifically reserved in writing and agreed upon as provided in NRS 174.035(3). I understand this means I am unconditionally waiving my right to a direct appeal of this conviction, including any challenge based upon reasonable constitutional, jurisdictional or other grounds that challenge the legality of the proceedings as stated in NRS 177.015(4). However, I remain free to challenge my conviction through other post-conviction remedies including a habeas corpus petition pursuant to NRS Chapter 34.

VOLUNTARINESS OF PLEA

I have discussed the elements of all of the original charge against me with my attorney and I understand the nature of the charge against me.

I understand that the State would have to prove each element of the charge against me at trial.

I have discussed with my attorney any possible defenses, defense strategies and circumstances which might be in my favor.

All of the foregoing elements, consequences, rights, and waiver of rights have been thoroughly explained to me by my attorney.

I believe that pleading guilty and accepting this plea bargain is in my best interest, and that a trial would be contrary to my best interest.

I am signing this agreement voluntarily, after consultation with my attorney, and I am not acting under duress or coercion or by virtue of any promises of leniency, except for those set forth in this agreement.

I am not now under the influence of any intoxicating liquor, a controlled substance or other drug which would in any manner impair my ability to comprehend or understand this agreement or the proceedings surrounding my entry of this plea.

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My attorney has answered all my questions regarding this guilty plea agreement and its consequences to my satisfaction and I am satisfied with the services provided by my attorney.

DATED this 14 day of April, 2023.

DANIEL STEVEN KELLY
Defendant

AGREED TO BY:

STACEY KOLLINS
Chief Deputy District Attorney
Nevada Bar #005391

CERTIFICATE OF COUNSEL:

I, the undersigned, as the attorney for the Defendant named herein and as an officer of the court hereby certify that:

1. I have fully explained to the Defendant the allegations contained in the charge to which guilty pleas are being entered.

2. I have advised the Defendant of the penalties for each charge and the restitution that the Defendant may be ordered to pay.

3. I have inquired of Defendant facts concerning Defendant's immigration status and explained to Defendant that if Defendant is not a United States citizen any criminal conviction will most likely result in serious negative immigration consequences including but not limited to:

   a. The removal from the United States through deportation;

   b. An inability to reenter the United States;

   c. The inability to gain United States citizenship or legal residency;

   d. An inability to renew and/or retain any legal residency status; and/or

   e. An indeterminate term of confinement, by with United States Federal Government based on the conviction and immigration status.

   Moreover, I have explained that regardless of what Defendant may have been told by any attorney, no one can promise Defendant that this conviction will not result in negative immigration consequences and/or impact Defendant's ability to become a United States citizen and/or legal resident.

4. All pleas of guilty offered by the Defendant pursuant to this agreement are consistent with the facts known to me and are made with my advice to the Defendant.

5. To the best of my knowledge and belief, the Defendant:

   a. Is competent and understands the charges and the consequences of pleading guilty as provided in this agreement,

   b. Executed this agreement and will enter all guilty pleas pursuant hereto voluntarily, and

   c. Was not under the influence of intoxicating liquor, a controlled substance or other drug at the time I consulted with the Defendant as certified in paragraphs 1 and 2 above.

Dated: This 14 day of April, 2023.

August 13, 2024

COLLEEN SAVAGE, ESQ.

hjc/SVU

UNITED STATES OF AMERICA DISTRICT COURT OF THE EIGHTH JUDICIAL DISTRICT COUNTY OF CLARK STATE OF NEVADA

CERTIFIED COPY
ELECTRONIC SEAL (NRS 1.190(3))

AIND
STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001565
STACEY KOLLINS
Chief Deputy District Attorney
Nevada Bar #005391
200 Lewis Avenue
Las Vegas, Nevada 89155-2212
(702) 671-2500
Attorney for Plaintiff

DISTRICT COURT

CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

DANIEL STEVEN KELLY, #3010060

Defendant.

CASE NO: **C-20-349812-1**

DEPT NO: **III**

AMENDED

INDICTMENT

STATE OF NEVADA)
) ss.
COUNTY OF CLARK)

AS Defendant above named, **DANIEL STEVEN KELLY** is accused by the Clark County Grand Jury of the crime of **ATTEMPT LEWDNESS WITH A CHILD UNDER THE AGE OF 14 (Category B Felony - NRS 201.230(2) - NOC 60471)** committed at and within the County of Clark, State of Nevada, on or about the 16th day of June, 2019, as follows:

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EXHIBIT "1"

Defendant did willfully, lewdly, unlawfully, and feloniously attempt to commit a lewd or lascivious act upon or with the body, or any part or member thereof, of a child, to wit: G.C., a child under the age of 14 years, by attempting to use his hand(s) and/or finger(s) and/or penis to touch and/or rub and/or fondle the buttock(s) and/or body of G.C., and/or attemtping to cause and/or direct and/or encourage G.C. to use the hand(s) and/or finger(s) of G.C. to touch and/or rub and/or fondle the penis of Defendant, with the intent of arousing, appealing to, or gratifying the lust, passions, or sexual desires of Defendant, or G.C.

STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001565

BY */s/ Stacey Kollins*
STACEY KOLLINS
Chief Deputy District Attorney
Nevada Bar #005391

20AGJ008X/20CRH000753/hjc/SVU
HPD EV#2008859

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06/18/2024 1:02 PM
CLERK OF THE COURT

JOCP

DISTRICT COURT

CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

DANIEL STEVEN KELLY,
#3010060

Defendant.

CASE NO. C-20-349812-1

DEPT. NO. III

JUDGMENT OF CONVICTION

(PLEA OF GUILTY)

The Defendant previously appeared before the Court with counsel and entered a plea of guilty to the crime of ATTEMPT LEWDNESS WITH A CHILD UNDER THE AGE OF 14 (Category B Felony) in violation of NRS 201.230(2); thereafter, on the 12th day of June, 2024, the Defendant was present in court for sentencing with counsel, COLLEEN N. SAVAGE, Esq., and good cause appearing,

THE DEFENDANT IS HEREBY ADJUDGED guilty of said offense and, in addition to the $25.00 Administrative Assessment Fee, and $150.00 DNA Analysis Fee including testing to determine genetic markers plus $3.00 DNA Collection Fee, the Defendant is

EXHIBIT I

sentenced as follows: a MAXIMUM of SEVENTY-TWO (72) MONTHS with a MINIMUM parole eligibility of TWENTY-FOUR (24) MONTHS in the Nevada Department of Corrections (NDC); with NINETEEN (19) DAYS credit for time served.

COURT FURTHER ORDERED, Defendant REMANDED into custody and SPECIAL SENTENCE of LIFETIME SUPERVISION is imposed to commence upon release from any term of imprisonment, probation or parole. In addition, before the Defendant is eligible for parole, a panel consisting of the Administrator of the Mental Health and Development Services of the Department of Human Resources or his designee; the Director of the Department of corrections or his designee; and a psychologist licensed to practice in this state; or a psychiatrist licensed to practice medicine in Nevada must certify that the Defendant does not represent a high risk to re-offend based on current accepted standards of assessment.

ADDITIONALLY, the Defendant is ORDERED to REGISTER as a sex offender in accordance with NRS 179D.460 within FORTY-EIGHT (48) HOURS after any release from custody.

August 13, 2024

Dated this 18th day of June, 2024

UNITED STATES OF AMERICA
DISTRICT COURT
OF THE
EIGHTH
JUDICIAL
DISTRICT
COUNTY OF CLARK
STATE OF NEVADA

D97 774 8952 E348
Monica Trujillo
District Court Judge

CERTIFIED COPY
ELECTRONIC SEAL (NRS 1.190(3))

CSERV

DISTRICT COURT
CLARK COUNTY, NEVADA

State of Nevada	CASE NO: C-20-349812-1
vs	DEPT. NO. Department 3
Daniel Kelly	

AUTOMATED CERTIFICATE OF SERVICE

This automated certificate of service was generated by the Eighth Judicial District Court. The foregoing Judgment of Conviction was served via the court's electronic eFile system to all recipients registered for e-Service on the above entitled case as listed below:

Service Date: 6/18/2024

Anthony Sgro	tsgro@sgroandroger.com
E File	efile@sgroandroger.com
Colleen Savage	csavage@sgroandroger.com
DA SVU	DASVUTeam@clarkcountydanv.gov
Stacey Kollins	stacey.kollins@clarkcountyda.com
Richard Chavez	rchavez@sgroandroger.com
DEPT 03 LAW CLERK	Dept03LC@clarkcountycourts.us
Emiliano Alvarez	ealvarez@sgroandroger.com
Bella Rodriguez	legalassistant.three@sgroandroger.com

17. <u>DISCUSSION AND FOR POSSIBLE ACTION.</u>

Hearing pursuant to NAC 289.290(1)(g) on the revocation of Christopher T. Peto's (formerly of the Las Vegas Metropolitan Police Department) Category I basic certificate based on a conviction of, or entry of a plea of guilty, guilty but mentally ill or nolo contendere to a felony. The conviction(s) which have led to this action are:

COUNT 1: ATTEMPT LEWDNESS WITH A CHILD UNDER THE AGE OF 16 (Category C Felony), in violation of NRS 201.230, 193.153.

COUNT 2: SECOND DEGREE KIDNAPPING (Category B Felony), in violation of NRS 200.310, 200.330.

Possible action may be revocation of the Category I basic certificate.

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

JOE LOMBARDO
Governor

MICHAEL D. SHERLOCK
Executive Director

NOTICE OF INTENT TO REVOKE

September 10, 2024

Christopher T. Peto
[redacted]

POST PIN #: 10553

Dear Mr. Peto,

Based upon documentation received by the Nevada Peace Officer Standards and Training Commission (the 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 certificate(s) 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 peace officer certificate(s) will be revoked pursuant to **NAC 289.290(1)(g) based on a Conviction of, or entry of a plea of guilty, guilty but mentally ill or nolo contendere to, a felony.** The conviction(s) which have led to this action are as follows:

COUNT 1: ATTEMPT LEWDNESS WITH A CHILD UNDER THE AGE OF 16 (Category C Felony), in violation of NRS 201.230, 193.153
COUNT 2: SECOND DEGREE KIDNAPPING (Category B Felony), in violation of NRS 200.310, 200.330
Case#: C-20-350350-1
Dept No: III
Jurisdiction: DISTRICT COURT CLARK COUNTY, NEVADA

You have the right to appear before the Commission to contest the revocation of your Nevada peace officer certificate(s) by providing written notice to the Commission within fifteen (15) days of the date of the hearing.

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. **If you or your counsel have any written arguments you would like to present to the Commission, you can send that information to me no less than ten (10) days prior to the date of the hearing.**

EXHIBIT A

Written requests can be made to:

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

The Commission will determine whether your Nevada peace officer certification(s) should be revoked at the meeting listed below:

Date: Thursday, October 17, 2024
Time: 8:00 a.m.
Location: Southpoint Hotel/Casino, 9777 S. Las Vegas Blvd., Napa Room A, Las Vegas, NV 89183

The hearing will cover the following: whether your P.O.S.T certificate(s) should be revoked pursuant to **NAC 289.290(1)(g) based on a Conviction of, or entry of a plea of guilty, guilty but mentally ill or nolo contendere to, a felony.**

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

If you need additional information concerning this matter, contact Chief Kathy Floyd at (775) 687-7678, ext. 3335.

Sincerely,



Kathy Floyd
Chief of Standards Division
Nevada Commission on Peace
Officer Standards and Training

cc: Deputy Attorney General Jesselyn DeLuna
File

NAC 289.290 Denial, revocation or suspension of certificate; reinstatement of revoked certificate. (NRS 289.510)

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

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

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

(c) Chronic drinking or drunkenness on duty.

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

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

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

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

(h) Except as otherwise provided in paragraph (i), conviction of a misdemeanor. If the employing agency recommends suspension or revocation following the 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.

(i) Conviction of a misdemeanor crime of domestic violence as defined in 18 U.S.C. § 921(a)(33). Following the conviction of the employee for such a misdemeanor, suspension or revocation may be imposed regardless of whether the employing agency recommends suspension or revocation.

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

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

4. The Commission will notify the officer by certified mail at the officer's last known address of any pending revocation or suspension action and of the nature of the charges and the officer's right to appear and answer the charges. The officer shall, within 15 days after the date on the certified mail receipt, respond in writing, notifying the Commission of his or her intended action with reference to the charges.

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

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

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

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

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

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

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

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

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

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

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

12. Five years after the revocation of a certificate, an officer may submit a written request to the Commission to allow him or her to reinstate his or her certificate. The Commission will schedule a hearing to consider whether to reinstate the officer's certificate. The Commission will notify the agency that requested the revocation of the date and time of the hearing. After the hearing, the Commission will determine whether to reinstate the certificate. If the certificate is reinstated, the Commission may establish a probationary period during which any misconduct by the officer would result in revocation.

(Added to NAC by Peace Officers' Standards & Training Com., eff. 12-17-87; A 8-24-90; 4-28-94; A by Peace Officers' Standards & Training Comm'n by R102-99, 11-2-99; R003-07, 4-17-2008; R051-14, 10-24-2014; R006-19, 12-30-2019)

OFFICE OF THE SHERIFF
CLARK COUNTY DETENTION
CIVIL PROCESS SECTION

NEVADA COMMISSION OF PEACE OFFICERS	)	
	)	
PLAINTIFF	)	CASE No. POST PIN# 10553
vs	)	SHERIFF CIVIL NO: 24004325
CHRISTOPHER T PETO	)	
	)	
DEFENDANT	)	**NOT FOUND AFFIDAVIT**

STATE OF NEVADA }
} **ss:**
COUNTY OF CLARK }

ALAN GHASSERANI, being duly sworn, deposes and says:

That he/she is a regularly appointed, qualified Deputy Sheriff of the said County of Clark, in the State of Nevada and over the age of twenty-one years, not a party to the action or related to either party, nor an attorney for a party, nor in any way interested in the within named action, and authorized to serve civil process by the laws of the State of Nevada, and competent to be a witness therein; that he/she and now is a citizen of the United States of America and of the State of Nevada and that he/she received the within stated civil process: NOTICE OF INTENT TO REVOKE on 9/10/2024 at the hour of 8:45 AM.

That after due search and diligent inquiry throughout Clark County, State of Nevada, I was unable to effect service upon the said ***CHRISTOPHER T PETO*** Defendant within Clark County, Nevada.

ATTEMPTS TO LOCATE:

Date: 9/25/2024 @ 11:41 AM - [redacted], NV [redacted]

Attempted By: ALAN GHASSERANI

Service Type: DEFENDANT DOES NOT RESIDE HERE

Notes: BWC 095340

SPOKE WITH RESIDENT OF THE HOME, STATED THE DEFENDANT MOVED TO PITTSBURGH.

I, DECLARE UNDER PENALTY OF PERJURY UNDER THE LAW OF THE STATE ON NEVADA THAT THE FOREGOING IS TRUE AND CORRECT.

Dated: September 26, 2024

Kevin McMahill, Sheriff

By: 1906Y
ALAN GHASSERANI P#18064
Deputy Sheriff

EXHIBIT B

State of Nevada - POST
UPDATE - Personnel Action Report (PAR)

Post ID Number: 10553

Last Name: Peto **First Name:** Christopher

MI: T **Suffix:**

☐ **Name Change?**

Last Name: Peto First Name: Christopher

MI: T Suffix:

☒ **Address Change?**

Street Address: [redacted]

City: [redacted] State: NV Zip Code: [redacted]

County: Clark E-Mail:

Level Change? O Line O Supervisor O Management O Executive

O Part Time O Full Time

Status Change? O Deceased ◉ Retired O Separated

NAC289.290 Notification (Cause For Commission Action)

Pursuant to NAC 289.290(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."

Does the above NAC apply? O No ◉ Yes

If you selected YES, ensure it is correct and provide details in the Comment field.

Comments\Additional Information:

Voluntary Retirement - Active Felony caes - Justice Court

Effective Date: 03/06/2020

Submitters Name: Theresa Chambers

Submitters Phone: (702) 828-3989

Submitters E-Mail: t16418c@lvmpd.com

EXHIBIT C

POST Update PAR form
Revised 01/01/2016

Submission number: 158190

STATE OF NEVADA

COMMISSION ON PEACE OFFICERS' STANDARDS AND TRAINING

Hereby Awards the

Basic Certificate

To

CHRISTOPHER T. PETO

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

CATEGORY I

Governor

Executive Director, Commission on Peace Officers' Standards and Training

Presented this 7TH day of JANUARY , 2000

EXHIBIT D

(O) 389

Electronically Filed
8/31/2020 4:07 PM
Steven D. Grierson
CLERK OF THE COURT

INFM
STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001565
LISA LUZAICH
Chief Deputy District Attorney
Nevada Bar #005056
200 Lewis Avenue
Las Vegas, Nevada 89155-2212
(702) 671-2500
Attorney for Plaintiff

I.A. 09/03/2020
9:30 AM
TOMSHECK

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

CHRISTOPHER THOMAS PETO, #1647408

Defendant.

CASE NO: **C-20-350350-1**

DEPT NO: **XIX**

I N F O R M A T I O N

STATE OF NEVADA)
) ss.
COUNTY OF CLARK)

STEVEN B. WOLFSON, District Attorney within and for the County of Clark, State of Nevada, in the name and by the authority of the State of Nevada, informs the Court:

That **CHRISTOPHER THOMAS PETO**, as Defendant above named, has committed the crimes of **LEWDNESS WITH A CHILD UNDER THE AGE OF 16 (Category B Felony - NRS 201.230 - NOC 60336), FIRST DEGREE KIDNAPPING OF A MINOR (Category A Felony - NRS 200.310, 200.320 - NOC 50053), SOLICITING A CHILD FOR PROSTITUTION (Category D Felony - NRS 201.354 - NOC 61729) and ADMINISTRATION OF DRUG TO AID COMMISSION OF A FELONY (Category B Felony - NRS 200.405 - NOC 50170)** in the manner following:

That on or between the January 1, 2018 and December 31, 2019, within the County of Clark, State of Nevada, contrary to the form, force and effect of, statutes in such cases made and provided, and against the peace and dignity of the State of Nevada

EXHIBIT E

COUNT 1 - LEWDNESS WITH A CHILD UNDER THE AGE OF 16

Defendant did willfully, lewdly, unlawfully and feloniously commit a lewd or lascivious act upon or with the body, or any part or member thereof, of a child, to wit: L.O., a child under the age of 16 years, by kissing L.O., or having L.O. kiss him, with the intent of arousing, appealing to, or gratifying the lust, passions, or sexual desires of the Defendant, or L.O.

COUNT 2 - FIRST DEGREE KIDNAPPING OF A MINOR

Defendant did willfully, unlawfully and feloniously, lead, take, entice, and/or carry away or detain L.O., a minor, with the intent to keep him or her for a protracted period of time or permanently and/or imprison or confine L.O., from the parents, guardians, or other person or persons having lawful custody of L.O., or with the intent to hold L.O. to unlawful service, or to perpetrate upon the person of L.O. any unlawful act, to wit: by luring and/or enticing L.O. to come to his home for the purpose of committing Lewdness with a Child Under The Age of 16 and/or Soliciting a Child for Prostitution.

COUNT 3 - SOLICITING A CHILD FOR PROSTITUTION

Defendant did willfully and unlawfully solicit L.O., a child, by word, gesture, publication or any other means offer to pay L.O. to commit an act of prostitution, to wit: fellatio.

COUNT 4 - ADMINISTRATION OF DRUG TO AID COMMISSION OF A FELONY

Defendant did then and there, willfully, unlawfully, feloniously and knowingly administer to L.O., a controlled substance, anesthetic, or intoxicating agent, to wit: alcohol, with the intent thereby to enable or assist himself to commit a felony, to wit: Lewdness with a Minor Under the Age of 16 and/or Soliciting a Child for Prostitution.

COUNT 5 - LEWDNESS WITH A CHILD UNDER THE AGE OF 16

Defendant did willfully, lewdly, unlawfully and feloniously commit a lewd or lascivious act upon or with the body, or any part or member thereof, of a child, to wit: L.O., a child under the age of 16 years, by causing L.O. to fellate his penis, with the intent of arousing, appealing to, or gratifying the lust, passions, or sexual desires of the Defendant, or

L.O.

COUNT 6 - LEWDNESS WITH A CHILD UNDER THE AGE OF 16

Defendant did willfully, lewdly, unlawfully and feloniously commit a lewd or lascivious act upon or with the body, or any part or member thereof, of a child, to wit: V.C., a child under the age of 16 years, directing L.O. and V.C. to remove their respective shirts and bras and kiss one another as he watched, with the intent of arousing, appealing to, or gratifying the lust, passions, or sexual desires of the Defendant, or V.C.

COUNT 7 - FIRST DEGREE KIDNAPPING OF A MINOR

Defendant did willfully, unlawfully and feloniously, lead, take, entice, and/or carry away or detain V.C., a minor, with the intent to keep V.C. for a protracted period of time or permanently and/or imprison or confine V.C., from the parents, guardians, or other person or persons having lawful custody of V.C., or with the intent to hold V.C. to unlawful service, or to perpetrate upon the person of V.C. any unlawful act, to wit: by luring and/or enticing V.C. to come to his home for the purpose of committing Lewdness with a Child Under The Age of 16 and/or Soliciting a Child for Prostitution.

COUNT 8 - SOLICITING A CHILD FOR PROSTITUTION

Defendant did willfully and unlawfully solicit V.C., a child, by word, gesture, publication or any other means offer to pay V.C. to commit an act of prostitution, to wit: fellatio.

COUNT 9 - ADMINISTRATION OF DRUG TO AID COMMISSION OF A FELONY

Defendant did then and there willfully, unlawfully, feloniously, and knowingly administer to L.O., a controlled substance, anesthetic, or intoxicating agent, to wit: alcohol, with the intent thereby to enable or assist himself to commit a felony, to wit: Lewdness with a Minor Under the Age of 16 and/or Soliciting a Child for Prostitution.

COUNT 10 - LEWDNESS WITH A CHILD UNDER THE AGE OF 16

Defendant did willfully, lewdly, unlawfully and feloniously commit a lewd or lascivious act upon or with the body, or any part or member thereof, of a child, to wit: V.C., a child under the age of 16 years, by causing V.C. to fellate his penis, with the intent of

arousing, appealing to, or gratifying the lust, passions, or sexual desires of the Defendant, or V.C.

COUNT 11 - LEWDNESS WITH A CHILD UNDER THE AGE OF 16

Defendant did willfully, lewdly, unlawfully and feloniously commit a lewd or lascivious act upon or with the body, or any part or member thereof, of a child, to wit: V.C., a child under the age of 16 years, directing L.O. and V.C. to remove their respective shirts and bras and kiss one another as he watched, with the intent of arousing, appealing to, or gratifying the lust, passions, or sexual desires of the Defendant, or V.C.

COUNT 12 - LEWDNESS WITH A CHILD UNDER THE AGE OF 16

Defendant did willfully, lewdly, unlawfully and feloniously commit a lewd or lascivious act upon or with the body, or any part or member thereof, of a child, to wit: V.C., a child under the age of 16 years, by placing his penis into the genital opening of the said V.C., with the intent of arousing, appealing to, or gratifying the lust, passions, or sexual desires of the Defendant, or V.C.

COUNT 13 - FIRST DEGREE KIDNAPPING OF A MINOR

Defendant did willfully, unlawfully and feloniously, lead, take, entice, and/or carry away or detain A.V., a minor, with the intent to keep him or her for a protracted period of time or permanently and/or imprison or confine the said A.V., from his or her parents, guardians, or other person or persons having lawful custody of A.V., or with the intent to hold A.V. to unlawful service, or to perpetrate upon the person of A.V. any unlawful act, to wit: by luring and/or enticing A.V., to come to his home for the purpose of committing Lewdness with a Child Under The Age of 16 and/or Soliciting a Child for Prostitution.

COUNT 14 - SOLICITING A CHILD FOR PROSTITUTION

Defendant did willfully and unlawfully solicit A.V., a child, by word, gesture, publication or any other means offer to pay A.V. to commit an act of prostitution, to wit: fellatio.

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COUNT 15 - LEWDNESS WITH A CHILD UNDER THE AGE OF 16

Defendant did willfully, lewdly, unlawfully and feloniously commit a lewd or lascivious act upon or with the body, or any part or member thereof, of a child, to wit: A.V., a child under the age of 16 years, by causing A.V. to fellate his penis, with the intent of arousing, appealing to, or gratifying the lust, passions, or sexual desires of the Defendant, or A.V.

COUNT 16 - LEWDNESS WITH A CHILD UNDER THE AGE OF 16

Defendant did willfully, lewdly, unlawfully and feloniously commit a lewd or lascivious act upon or with the body, or any part or member thereof, of a child, to wit: L.O., a child under the age of 16 years, directing L.O. and A.V. to remove their respective shirts and bras and kiss one another as he watched, with the intent of arousing, appealing to, or gratifying the lust, passions, or sexual desires of the Defendant, or L.O.

COUNT 17 - LEWDNESS WITH A CHILD UNDER THE AGE OF 16

Defendant did willfully, lewdly, unlawfully and feloniously commit a lewd or lascivious act upon or with the body, or any part or member thereof, of a child, to wit: A.V., a child under the age of 16 years, directing L.O. and A.V. to remove their respective shirts and bras and kiss one another as he watched, with the intent of arousing, appealing to, or gratifying the lust, passions, or sexual desires of the Defendant, or A.V.

COUNT 18 - LEWDNESS WITH A CHILD UNDER THE AGE OF 16

Defendant did willfully, lewdly, unlawfully and feloniously commit a lewd or lascivious act upon or with the body, or any part or member thereof, of a child, to wit: A.V., a child under the age of 16 years, by touching the breasts of A.V., with the intent of arousing, appealing to, or gratifying the lust, passions, or sexual desires of the Defendant, or A.V.

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COUNT 19 - LEWDNESS WITH A CHILD UNDER THE AGE OF 16

Defendant did willfully, lewdly, unlawfully and feloniously commit a lewd or lascivious act upon or with the body, or any part or member thereof, of a child, to wit: A.V., a child under the age of 16 years, by sucking on the breasts of A.V., with the intent of arousing, appealing to, or gratifying the lust, passions, or sexual desires of the Defendant, or A.V.

STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001565

BY */s/ Lisa Luzaich*
LISA LUZAICH
Chief Deputy District Attorney
Nevada Bar #005056

Names of witnesses known to the District Attorney's Office at the time of filing this Information are as follows:

A.V. PARENT OR GUARDIAN	c/o CCDA, 200 Lewis Ave., LV, NV
A.V.	c/o CCDA, 200 Lewis Ave., LV, NV
CALDERON-LOPEZ, R.	LVMPD P#8547
CARNELL, CRISTEN	CCDA INVESTIGATOR
CASTRO, VANESSA	c/o CCDA, 200 Lewis Ave., LV, NV
CISESKI, ASHLEY	c/o CCDA, 200 Lewis Ave., LV, NV
CUSTODIAN OF RECORDS Or Designee	LVMPD, Communications, 400 Martin Luther King Blvd., LV, NV
CUSTODIAN OF RECORDS Or Designee	LVMPD, Records, 400 Martin Luther King Blvd., LV, NV
CUSTODIAN OF RECORDS Or Designee	CCDC, 330 So. Casino Center Blvd., LV, NV
CUSTODIAN OF RECORDS Or Designee	CHILD PROTECTIVE SERVICES
CUSTODIAN OF RECORDS Or Designee	DEPARTMENT OF FAMILY SERVICES

CUSTODIAN OF RECORDS	SNACC
Or Designee	
HERRING, J.	LVMPD P#5241
JOHNSON, M.	LVMPD P#8721
L.O.	c/o CCDA, 200 Lewis Ave., LV, NV
MADSEN, N.	LVMPD P#7315
MC GILL, JODI	CCDA INVESTIGATOR
NASTANSKY, C.	THUSTON CO. SHERIFFS DEPT
ORLANDO, CINDY	c/o CCDA, 200 Lewis Ave., LV, NV
REVELS, JEROME	CCDA INVESTIGATOR
SNODGRASS, T.	LVMPD P#13701
TAPIA, D.	LVMPD P#10044
VIGIL, C.	LVMPD P#14100

20FL0022X/mlb/SVU
LVMPD EV#200100113277
(TK4)

May 8, 2024



CERTIFIED COPY
ELECTRONIC SEAL (NRS 1.190(3))

Electronically Filed
12/20/2023 9:32 AM
Steven D. Grierson
CLERK OF THE COURT

AINF
STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001565
LISA LUZAICH
Chief Deputy District Attorney
Nevada Bar #005056
200 Lewis Avenue
Las Vegas, Nevada 89155-2212
(702) 671-2500
Attorney for Plaintiff

DISTRICT COURT

CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

CHRISTOPHER THOMAS PETO, #1647408

Defendant.

CASE NO: **C-20-350350-1**

DEPT NO: **III**

A M E N D E D

I N F O R M A T I O N

STATE OF NEVADA)
) ss.
COUNTY OF CLARK)

STEVEN B. WOLFSON, District Attorney within and for the County of Clark, State of Nevada, in the name and by the authority of the State of Nevada, informs the Court:

That **CHRISTOPHER THOMAS PETO**, as Defendant above named, has committed the crimes of **COUNT 1 - ATTEMPT LEWDNESS WITH A CHILD UNDER THE AGE OF 16 (Category C Felony - NRS 201.230, 193.153 - NOC 60321)** and **COUNT 2 - SECOND DEGREE KIDNAPPING (Category B Felony - NRS 200.310, 200.330 - NOC 50075)** in the manner following:

That on or between the January 1, 2018 and December 31, 2019, within the County of Clark, State of Nevada, contrary to the form, force and effect of, statutes in such cases made and provided, and against the peace and dignity of the State of Nevada,

//

EXHIBIT F

COUNT 1 - ATTEMPT LEWDNESS WITH A CHILD UNDER THE AGE OF 16

Defendant did willfully, lewdly, unlawfully and feloniously attempt to commit a lewd or lascivious act upon or with the body, or any part or member thereof, of a child, to wit: L.O. and/or V.C. and/or A.V., a child under the age of 16 years, by attempting to use his mouth and/or tongue to touch and/or lick and/or kiss L.O. and/or V.C. and/or A.V. on the mouth and/or breast(s), and/or attempting to use his penis to touch and/or rub and/or fondle the genital area and/or mouth of L.O. and/or V.C. and/or A.V., with the intent of arousing, appealing to, or gratifying the lust, passions, or sexual desires of the Defendant, or L.O. and/or V.C. and/or A.V.

COUNT 2 - SECOND DEGREE KIDNAPPING

Defendant did willfully, unlawfully, and feloniously, seize, inveigle, take, carry away, or kidnap L.O. and/or V.C. and/or A.V., a human being, against the will and without the consent of L.O. and/or V.C. and/or A.V., with the intent to keep L.O. detained against the will of L.O. and/or V.C. and/or A.V.

STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001565

BY */s/ Lisa Luzaich*
LISA LUZAICH
Chief Deputy District Attorney
Nevada Bar #005056

May 8, 2024

UNITED STATES OF AMERICA
DISTRICT COURT
OF THE
EIGHTH
JUDICIAL
DISTRICT
COUNTY OF CLARK
STATE OF NEVADA

CERTIFIED COPY
ELECTRONIC SEAL (NRS 1.190(3))

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LVMPD EV#200100113277
(TK04)

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Steven D. Grierson
CLERK OF THE COURT

GPA
STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001565
LISA LUZAICH
Chief Deputy District Attorney
Nevada Bar #005056
200 Lewis Avenue
Las Vegas, NV 89155-2212
(702)671-2500
Attorney for Plaintiff

DISTRICT COURT

CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

CHRISTOPHER THOMAS PETO, #1647408

Defendant.

CASE NO: **C-20-350350-1**

DEPT NO: **III**

GUILTY PLEA AGREEMENT

I hereby agree to plead guilty, pursuant to North Carolina v. Alford, 400 U.S. 25 (1970), to: **COUNT 1 - ATTEMPT LEWDNESS WITH A CHILD UNDER THE AGE OF 16 (Category C Felony - NRS 201.230, 193.153 - NOC 60321)** and **COUNT 2 - SECOND DEGREE KIDNAPPING (Category B Felony - NRS 200.310, 200.330 - NOC 50075)** as more fully alleged in the charging document attached hereto as Exhibit "1".

My decision to plead guilty is based upon the Alford plea agreement in this case which is as follows:

Provided that I am not deemed a high risk to reoffend pursuant to the psychosexual evaluation, the State will not oppose my being granted probation at the rendition of sentence, with both parties stipulating to an underlying suspended minimum term of two (2) years to a maximum term of five (5) years as to Count 1, and an underlying suspended minimum term of six (6) years to a maximum term of fifteen (15) years as to Count 2, to be served

EXHIBIT G

consecutively in the Nevada Department of Corrections. All remaining counts contained in the Criminal Complaint which were bound over to District Court shall be dismissed when I am adjudged guilty and sentenced.

I agree to the forfeiture of any and all electronic storage devices, computers, and/or related equipment and/or weapons or any interest in any electronic storage devices, computers and/or related equipment and/or weapons seized and/or impounded in connection with the instant case and/or any other case negotiated in whole or in part in conjunction with this plea agreement.

I understand and agree that, if I fail to interview with the Department of Parole and Probation (P&P), fail to appear at any subsequent hearings in this case, or an independent magistrate, by affidavit review, confirms probable cause against me for new criminal charges including reckless driving or DUI, but excluding minor traffic violations, the State will have the unqualified right to argue for any legal sentence and term of confinement allowable for the crime(s) to which I am pleading guilty, including the use of any prior convictions I may have to increase my sentence as an habitual criminal to five (5) to twenty (20) years, Life without the possibility of parole, Life with the possibility of parole after ten (10) years, or a definite twenty-five (25) year term with the possibility of parole after ten (10) years.

Otherwise I am entitled to receive the benefits of these negotiations as stated in this plea agreement.

CONSEQUENCES OF THE PLEA

By pleading guilty pursuant to the Alford decision, it is my desire to avoid the possibility of being convicted of more offenses or of a greater offense if I were to proceed to trial on the original charges and of also receiving a greater penalty. I understand that my decision to plead guilty by way of the Alford decision does not require me to admit guilt, but is based upon my belief that the State may present sufficient evidence at trial that a jury may return a verdict of guilty of a greater offense or of more offenses than that to which I am pleading guilty.

//

I understand that in pleading guilty by way of the Alford decision, I am not contesting the facts alleged by the State that support all the elements of the offenses to which I now plead as set forth in Exhibit "1."

I understand that as a consequence of my plea of guilty by way of the Alford decision, as to

COUNT 1, the Court must sentence me to imprisonment in the Nevada Department of Corrections for a minimum term of not less than one (1) years and a maximum term of not more than five (5) years. The minimum term of imprisonment may not exceed forty percent (40%) of the maximum term of imprisonment. I understand that I may also be fined up to $10,000.00; and as to

COUNT 2, the Court must sentence me to imprisonment in the Nevada Department of Corrections for a minimum term of not less than two (2) years and a maximum term of not more than fifteen (15) years. The minimum term of imprisonment may not exceed forty percent (40%) of the maximum term of imprisonment. I understand that I may also be fined up to $15,000.00.

I understand that the law requires me to pay an Administrative Assessment Fee.

I understand that, if appropriate, I will be ordered to make restitution to the victims of the offenses to which I am pleading guilty and to the victim of any related offense which is being dismissed or not prosecuted pursuant to this agreement. I will also be ordered to reimburse the State of Nevada for any expenses related to my extradition, if any.

I understand that pursuant to NRS 176.139 and my plea of guilty to a sexual offense for which the suspension of sentence or the granting of probation is permitted, P&P shall arrange for a psychosexual evaluation as part of the Division's presentence investigation and report (PSI) to the court.

I understand that I am not eligible for probation pursuant to NRS 176A.110 unless the psychosexual evaluation certifies that I do not represent a high risk to reoffend based upon a currently accepted standard of assessment. I understand that, except as otherwise provided by statute, the question of whether I receive probation is in the discretion of the sentencing judge.

I understand that, before I am eligible for parole a panel consisting of the Administrator of the Mental Health and Developmental Services of the Department of Human Resources or his designee; the Director of the Department of Corrections or his designee; and a psychologist licensed to practice in this state or a psychiatrist licensed to practice medicine in this state certifies that I was under observation while confined in an institution of the department of corrections and that I do not represent a high risk to reoffend based upon a currently accepted standard of assessment.

I understand that, pursuant to NRS 176.0931, the Court must include as part of my sentence, in addition to any other penalties provided by law, a special sentence of lifetime supervision commencing after any period of probation or any term of imprisonment and period of release upon parole.

I understand that the Court will include as part of my sentence, in addition to any other penalties provided by law, pursuant to NRS 179D.441 to 179D.550, inclusive, I must register as a sex offender within forty-eight (48) hours of release from custody onto probation or parole.

I understand that I must submit to blood and/or saliva tests under the direction of P&P to determine genetic markers and/or secretor status.

I understand that if more than one sentence of imprisonment is imposed and I am eligible to serve the sentences concurrently, the sentencing judge has the discretion to order the sentences served concurrently or consecutively.

I understand that information regarding charges not filed, dismissed charges, or charges to be dismissed pursuant to this agreement may be considered by the judge at sentencing.

I have not been promised or guaranteed any particular sentence by anyone. I know that my sentence is to be determined by the Court within the limits prescribed by statute.

I understand that if my attorney or the State of Nevada or both recommend any specific punishment to the Court, the Court is not obligated to accept the recommendation.

I understand that if the State of Nevada has agreed to recommend or stipulate a particular sentence or has agreed not to present argument regarding the sentence, or agreed not to oppose a particular sentence, such agreement is contingent upon my appearance in court on

the initial sentencing date (and any subsequent dates if the sentencing is continued). I understand that if I fail to appear for the scheduled sentencing date or I commit a new criminal offense prior to sentencing the State of Nevada would regain the full right to argue for any lawful sentence.

I understand if the offenses to which I am pleading guilty to was committed while I was incarcerated on another charge or while I was on probation or parole that I am not eligible for credit for time served toward the instant offenses.

I understand that P&P will prepare a report for the sentencing judge prior to sentencing. This report will include matters relevant to the issue of sentencing, including my criminal history. This report may contain hearsay information regarding my background and criminal history. My attorney and I will each have the opportunity to comment on the information contained in the report at the time of sentencing. Unless the District Attorney has specifically agreed otherwise, then the District Attorney may also comment on this report.

WAIVER OF RIGHTS

By entering my plea of guilty, I understand that I am waiving and forever giving up the following rights and privileges:

1. The constitutional privilege against self-incrimination, including the right to refuse to testify at trial, in which event the prosecution would not be allowed to comment to the jury about my refusal to testify.

2. The constitutional right to a speedy and public trial by an impartial jury, free of excessive pretrial publicity prejudicial to the defense, at which trial I would be entitled to the assistance of an attorney, either appointed or retained. At trial the State would bear the burden of proving beyond a reasonable doubt each element of the offenses charged.

3. The constitutional right to confront and cross-examine any witnesses who would testify against me.

4. The constitutional right to subpoena witnesses to testify on my behalf.

5. The constitutional right to testify in my own defense.

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6. The right to appeal the conviction with the assistance of an attorney, either appointed or retained, unless specifically reserved in writing and agreed upon as provided in NRS 174.035(3). I understand this means I am unconditionally waiving my right to a direct appeal of this conviction, including any challenge based upon reasonable constitutional, jurisdictional or other grounds that challenge the legality of the proceedings as stated in NRS 177.015(4). However, I remain free to challenge my conviction through other post-conviction remedies including a habeas corpus petition pursuant to NRS Chapter 34.

VOLUNTARINESS OF PLEA

I have discussed the elements of all of the original charges against me with my attorney and I understand the nature of the charges against me.

I understand that the State would have to prove each element of the charges against me at trial.

I have discussed with my attorney any possible defenses, defense strategies and circumstances which might be in my favor.

All of the foregoing elements, consequences, rights, and waiver of rights have been thoroughly explained to me by my attorney.

I believe that pleading guilty and accepting this plea bargain is in my best interest, and that a trial would be contrary to my best interest.

I am signing this agreement voluntarily, after consultation with my attorney, and I am not acting under duress or coercion or by virtue of any promises of leniency, except for those set forth in this agreement.

I am not now under the influence of any intoxicating liquor, a controlled substance or other drug which would in any manner impair my ability to comprehend or understand this agreement or the proceedings surrounding my entry of this plea.

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My attorney has answered all my questions regarding this guilty plea agreement and its consequences to my satisfaction and I am satisfied with the services provided by my attorney.

DATED this 20th day of December, 2023.

/s/ Christopher Peto
CHRISTOPHER THOMAS PETO
Defendant

AGREED TO BY:

LISA LUZAICH
Chief Deputy District Attorney
Nevada Bar #005056

CERTIFICATE OF COUNSEL:

I, the undersigned, as the attorney for the Defendant named herein and as an officer of the court hereby certify that:

1. I have fully explained to the Defendant the allegations contained in the charges to which guilty pleas are being entered.

2. I have advised the Defendant of the penalties for each charge and the restitution that the Defendant may be ordered to pay.

3. I have inquired of Defendant facts concerning Defendant's immigration status and explained to Defendant that if Defendant is not a United States citizen any criminal conviction will most likely result in serious negative immigration consequences including but not limited to:

   a. The removal from the United States through deportation;

   b. An inability to reenter the United States;

   c. The inability to gain United States citizenship or legal residency;

   d. An inability to renew and/or retain any legal residency status; and/or

   e. An indeterminate term of confinement, by with United States Federal Government based on the conviction and immigration status.

   Moreover, I have explained that regardless of what Defendant may have been told by any attorney, no one can promise Defendant that this conviction will not result in negative immigration consequences and/or impact Defendant's ability to become a United States citizen and/or legal resident.

4. All pleas of guilty offered by the Defendant pursuant to this agreement are consistent with the facts known to me and are made with my advice to the Defendant.

5. To the best of my knowledge and belief, the Defendant:

   a. Is competent and understands the charges and the consequences of pleading guilty as provided in this agreement,

   b. Executed this agreement and will enter all guilty pleas pursuant hereto voluntarily, and

   c. Was not under the influence of intoxicating liquor, a controlled substance or other drug at the time I consulted with the Defendant as certified in paragraphs 1 and 2 above.

Dated: This 20th day of December, 2023.

/s/ J. Tomsheck
ATTORNEY FOR DEFENDANT

hjc/SVU

AINF
STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001565
LISA LUZAICH
Chief Deputy District Attorney
Nevada Bar #005056
200 Lewis Avenue
Las Vegas, Nevada 89155-2212
(702) 671-2500
Attorney for Plaintiff

DISTRICT COURT

CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

CHRISTOPHER THOMAS PETO, #1647408

Defendant.

CASE NO: **C-20-350350-1**

DEPT NO: **III**

A M E N D E D

I N F O R M A T I O N

STATE OF NEVADA)
) ss.
COUNTY OF CLARK)

STEVEN B. WOLFSON, District Attorney within and for the County of Clark, State of Nevada, in the name and by the authority of the State of Nevada, informs the Court:

That **CHRISTOPHER THOMAS PETO**, as Defendant above named, has committed the crimes of **COUNT 1 - ATTEMPT LEWDNESS WITH A CHILD UNDER THE AGE OF 16 (Category C Felony - NRS 201.230, 193.153 - NOC 60321)** and **COUNT 2 - SECOND DEGREE KIDNAPPING (Category B Felony - NRS 200.310, 200.330 - NOC 50075)** in the manner following:

That on or between the January 1, 2018 and December 31, 2019, within the County of Clark, State of Nevada, contrary to the form, force and effect of, statutes in such cases made and provided, and against the peace and dignity of the State of Nevada,

//

EXHIBIT "1"

COUNT 1 - ATTEMPT LEWDNESS WITH A CHILD UNDER THE AGE OF 16

Defendant did willfully, lewdly, unlawfully and feloniously attempt to commit a lewd or lascivious act upon or with the body, or any part or member thereof, of a child, to wit: L.O. and/or V.C. and/or A.V., a child under the age of 16 years, by attempting to use his mouth and/or tongue to touch and/or lick and/or kiss L.O. and/or V.C. and/or A.V. on the mouth and/or breast(s), and/or attempting to use his penis to touch and/or rub and/or fondle the genital area and/or mouth of L.O. and/or V.C. and/or A.V., with the intent of arousing, appealing to, or gratifying the lust, passions, or sexual desires of the Defendant, or L.O. and/or V.C. and/or A.V.

COUNT 2 - SECOND DEGREE KIDNAPPING

Defendant did willfully, unlawfully, and feloniously, seize, inveigle, take, carry away, or kidnap L.O. and/or V.C. and/or A.V., a human being, against the will and without the consent of L.O. and/or V.C. and/or A.V., with the intent to keep L.O. detained against the will of L.O. and/or V.C. and/or A.V.

STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001565

BY */s/ Lisa Luzaich*
LISA LUZAICH
Chief Deputy District Attorney
Nevada Bar #005056

DA#20FL0022X/hjc/SVU
LVMPD EV#200100113277
(TK04)

May 8, 2024

UNITED STATES OF AMERICA
DISTRICT COURT
OF THE
EIGHTH
JUDICIAL
DISTRICT
COUNTY OF CLARK
STATE OF NEVADA

CERTIFIED COPY
ELECTRONIC SEAL (NRS 1.190(3))

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CLERK OF THE COURT

JOC

DISTRICT COURT

CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

CHRISTOPHER THOMAS PETO, #1647408

Defendant.

CASE NO: C-20-350350-1

DEPT NO: III

JUDGMENT OF CONVICTION

(PLEA OF GUILTY - ALFORD)

The Defendant previously appeared before the Court with counsel and entered a plea of guilty pursuant to the Alford Decision to the crime(s) of COUNT 1 – ATTEMPT LEWDNESS WITH A CHILD UNDER THE AGE OF 16 (Category C Felony), in violation of NRS 201.230, 193.153 and COUNT 2 – SECOND DEGREE KIDNAPPING (Category B Felony), in violation of NRS 200.310, 200.330; thereafter, on the 1st day of May, 2024, the Defendant was present in court for sentencing with counsel, JOSHUA TOMSHECK ESQ., and good cause appearing,

THE DEFENDANT WAS HEREBY ADJUDGED guilty of said offense(s) and, in addition to the $25.00 Administrative Assessment fee, a $150.00 DNA Analysis fee including testing to determine genetic markers, a $3.00 DNA Collection fee, and a $1,676.70 Psychosexual Evaluation Fee, Defendant SENTENCED as to COUNT 1- to a MINIMUM of TWO (2) YEARS and a MAXIMUM of FIVE (5) YEARS in the Nevada Department of Corrections (NDC) and as to COUNT 2- to a MINIMUM of SIX (6) YEARS and a MAXIMUM of FIFTEEN (15) YEARS in the Nevada Department of Corrections (NDC) CONSECUTIVE to COUNT 1, SUSPENDED; placed on PROBATION for an indeterminate period not to exceed SIXTY (60) MONTHS with the following CONDITIONS:

EXHIBIT H

Statistically closed: A. USJR - CR - Guilty Plea With Sentence (Before trial) (USGPB)

STANDARD TERMS AND CONDITIONS:

1. Reporting: You are to report in person to the Division of Parole and Probation as instructed by the Division or its agent. You are required to submit a written report each month on forms supplied by the Division. This report shall be true and correct in all respects.

2. Residence: You shall not change your place of residence without first obtaining permission from the Division of Parole and Probation, in each instance.

3. Intoxicants: You shall not consume any alcoholic beverages to excess. Upon order of the Division of Parole and Probation or its agent, you shall submit to a medically recognized test for blood/breath alcohol content. Test results of .08 blood alcohol content or higher shall be sufficient proof of excess.

4. Controlled Substances: You shall not use, purchase or possess any illegal drugs, or any prescription drugs, unless first prescribed by a licensed medical professional. You shall immediately notify the Division of Parole and Probation of any prescription received. You shall submit to drug testing as required by the Division or its agent.

5. Weapons: You shall not possess, have access to, or have under your control, any type of weapon.

6. Search: You shall submit your person, property, place of residence, vehicle or areas under your control to search including electronic surveillance or monitoring of your location, at any time, with or without a search warrant or warrant of arrest, for evidence of a crime or violation of probation by the Division of Parole and Probation or its agent.

7. Associates: You must have prior approval by the Division of Parole and Probation to associate with any person convicted of a felony, or any person on probation or parole supervision. You shall not have any contact with persons confined in a correctional institution unless specific written permission has been granted by the Division and the correctional institution.

8. Directives and Conduct: You shall follow the directives of the Division of Parole and Probation and your conduct shall justify the opportunity granted to you by this community supervision.

9. Laws: You shall comply with all municipal, county, state, and federal laws and ordinances.

10. Out-of-State Travel: You shall not leave the state without first obtaining written permission from the Division of Parole and Probation.

11. Employment/Program: You shall seek and maintain legal employment, or maintain a program approved by the Division of Parole and Probation and not change such employment or program without first obtaining permission. All terminations of employment or program shall be immediately reported to the Division.

12. Financial Obligation: You shall pay fees, fines, and restitution on a schedule approved by the Division of Parole and Probation. Any excess monies paid will be applied to any other outstanding fees, fines, and/or restitution, even if it is discovered after your discharge.

SEX OFFENDER CONDITIONS:

Defendant is to abide by the Special Conditions of NRS 176A.410:

1. Except as otherwise provided in subsection 3, if a defendant is convicted of a sexual offense and the court grants probation or suspends the sentence, the court shall, in addition to any other condition ordered pursuant to NRS 176A.400, order as a condition of probation or suspension of sentence that the defendant:

(a) Submit to a search and seizure of his person, residence or vehicle or any property under his control, at any time of the day or night, without a warrant, by any parole and probation officer or any peace officer, for the purpose of determining whether the defendant has violated any condition of probation or suspension of sentence or committed any crime;

(b) Reside at a location only if it has been approved by the parole and probation officer assigned to the defendant and keep the parole and probation officer informed of his current address;

(c) Accept a position of employment or a position as a volunteer only if it has been approved by the parole and probation officer assigned to the defendant and keep the parole and probation officer informed of the location of his position of employment or position as a volunteer;

(d) Abide by any curfew imposed by the parole and probation officer assigned to the defendant;

(e) Participate in and complete a program of professional counseling approved by the Division;

(f) Submit to periodic tests, as requested by the parole and probation officer assigned to the defendant, to determine whether the defendant is using a controlled substance;

(g) Submit to periodic polygraph examinations, as requested by the parole and probation officer assigned to the defendant;

(h) Abstain from consuming, possessing or having under his control any alcohol;

(i) Not have contact or communicate with a victim of the sexual offense or a witness who testified against the defendant or solicit another person to engage in such contact or communication on behalf of the defendant, unless approved by the parole and probation officer assigned to the defendant, and a written agreement is entered into and signed in the manner set forth in subsection 2;

(j) Not use aliases or fictitious names;

(k) Not obtain a post office box unless the defendant receives permission from the parole and probation officer assigned to the defendant;

(l) Not have contact with a person less than 18 years of age in a secluded environment unless another adult who has never been convicted of a sexual offense is present and permission has been obtained from the parole and probation officer assigned to the defendant in advance of each such contact;

(m) Unless approved by the parole and probation officer assigned to the defendant and by a psychiatrist, psychologist or counselor treating the defendant, if any, not be in or near:

(1) A playground, park, school or school grounds;

(2) A motion picture theater; or

(3) A business that primarily has children as customers or conducts events that primarily children attend;

(n) Comply with any protocol concerning the use of prescription medication prescribed by a treating physician, including, without limitation, any protocol concerning the use of psychotropic medication;

(o) Not possess any sexually explicit material that is deemed inappropriate by the parole and probation officer assigned to the defendant;

(p) Not patronize a business which offers a sexually related form of entertainment and which is deemed inappropriate by the parole and probation officer assigned to the defendant;

(r) Inform the parole and probation officer assigned to the defendant if the defendant expects to be or becomes enrolled as a student at an institution of higher education or changes the date of commencement or termination of his enrollment at an institution of higher education. As used in this paragraph, institution of higher education: has the meaning ascribed to it in NRS 179D

2. A written agreement entered into pursuant to paragraph (i) of subsection 1 must state that the contact or communication is in the best interest of the victim or witness, and specify the type of contact or communication authorized. The written agreement must be signed and agreed to by:

(a) The victim or the witness;

(b) The defendant;

(c) The parole and probation officer assigned to the defendant;

(d) The psychiatrist, psychologist or counselor treating the defendant, victim or witness, if any; and

(e) If the victim or witness is a child under 18 years of age, each parent, guardian or custodian of the child.

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3. The court is not required to impose a condition of probation or suspension of sentence listed in subsection 1 if the court finds that extraordinary circumstances are present and the court enters those extraordinary circumstances in the record.

4. As used in this section, sexual offense has the meaning ascribed to it in NRS 179D.410. (Added to NRS by 1997, 1667; A 2001, 2051: 2003, 566; 2005, 2862)

Court DIRECTED Defendant to request and obtain approval for interstate compact before leaving the state.

COURT FURTHER ORDERED, a special SENTENCE OF LIFETIME SUPERVISION is imposed to commence upon release from any term of probation, parole or imprisonment; Defendant to Register as a sex offender in accordance with NRS 179D.460 within 48 hours after sentencing. BOND, if any, EXONERATED.

May 8, 2024

Dated this 7th day of May, 2024



for Sr. Judge Michael Cherry

584 7CD 9039 B243
Monica Trujillo
District Court Judge

CERTIFIED COPY
ELECTRONIC SEAL (NRS 1.190(3))

CSERV

DISTRICT COURT
CLARK COUNTY, NEVADA

State of Nevada	CASE NO: C-20-350350-1
vs	DEPT. NO. Department 3
Christopher Peto	

AUTOMATED CERTIFICATE OF SERVICE

This automated certificate of service was generated by the Eighth Judicial District Court. The foregoing Judgment of Conviction was served via the court's electronic eFile system to all recipients registered for e-Service on the above entitled case as listed below:

Service Date: 5/7/2024

Joshua Tomsheck	joshT@hoflandlaw.com
Sarah Daniels	sarahd@hoflandlaw.com

18. <u>FOR DISCUSSION ONLY.</u>

Hearing pursuant to NAC 289.290(1)(d) on the revocation of Chris D. Trzaska's (formerly with the Henderson Police Department) Category I basic certificate based on **a request and documentation submitted by Henderson Police Department which details the finding of an Internal Affairs investigation which concluded November 25, 2019, with the determination of Termination of Employment due to 6 Policy Violations which include "using any illicit or illegal drug (a violation of NAC 289.290(1)(d)).**

Possible action may be revocation of the Category I basic certificate.

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

JOE LOMBARDO
Governor

MICHAEL D. SHERLOCK
Executive Director

NOTICE OF INTENT TO REVOKE

September 10, 2024

Chris D. Trzaska
[redacted]

POST PIN #: 25238

Dear Mr. Trzaska,

Based upon documentation received by the Nevada Peace Officer Standards and Training Commission (the 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 certificate(s) 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 peace officer certificate(s) may be revoked pursuant to **NAC 289.290(1)(d) Addiction to or the unlawful use or possession of narcotics or other drugs.** The actions which have led to this action are as follows:

Documentation provided by Henderson Police Department which details the findings of an Internal Affairs investigation which concluded November 25, 2019, with the determination of Termination of Employment due to 6 Policy Violations which included <u>Using any illicit or illegal drug (a violation of NAC 289.290(1)(d))</u> and a formal request from Henderson Police Department for revocation of your Category I basic certificate.

You have the right to appear before the Commission to contest the revocation of your Nevada peace officer certificate(s) by providing written notice to the Commission within fifteen (15) days of the date of the hearing.

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.

EXHIBIT A

Written requests can be made to:

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

The Commission will determine whether your Nevada peace officer certification(s) should be revoked at the meeting listed below:

Date: Thursday, October 17, 2024
Time: 8:00 a.m.
Location: Southpoint Hotel/Casino, 9777 S. Las Vegas Blvd., Napa Room A, Las Vegas, NV 89183

The hearing will cover the following: whether your P.O.S.T certificate(s) should be revoked, pursuant **NAC 289.290(1)(d) Addiction to or the unlawful use or possession of narcotics or other drugs.**

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

If you need additional information concerning this matter, contact Kathy Floyd at (775) 687-7678, ext. 3335.

Sincerely,



Kathy Floyd
Chief of Standards Division
Nevada Commission on Peace
Officer Standards and Training

cc: Deputy Attorney General Jesselyn DeLuna
File

NAC 289.290 Denial, revocation or suspension of certificate; reinstatement of revoked certificate. (NRS 289.510)

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

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

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

(c) Chronic drinking or drunkenness on duty.

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

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

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

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

(h) Except as otherwise provided in paragraph (i), conviction of a misdemeanor. If the employing agency recommends suspension or revocation following the 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.

(i) Conviction of a misdemeanor crime of domestic violence as defined in 18 U.S.C. § 921(a)(33). Following the conviction of the employee for such a misdemeanor, suspension or revocation may be imposed regardless of whether the employing agency recommends suspension or revocation.

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

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

4. The Commission will notify the officer by certified mail at the officer's last known address of any pending revocation or suspension action and of the nature of the charges and the officer's right to appear and answer the charges. The officer shall, within 15 days after the date on the certified mail receipt, respond in writing, notifying the Commission of his or her intended action with reference to the charges.

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

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

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

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

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

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

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

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

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

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

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

12. Five years after the revocation of a certificate, an officer may submit a written request to the Commission to allow him or her to reinstate his or her certificate. The Commission will schedule a hearing to consider whether to reinstate the officer's certificate. The Commission will notify the agency that requested the revocation of the date and time of the hearing. After the hearing, the Commission will determine whether to reinstate the certificate. If the certificate is reinstated, the Commission may establish a probationary period during which any misconduct by the officer would result in revocation.

(Added to NAC by Peace Officers' Standards & Training Com., eff. 12-17-87; A 8-24-90; 4-28-94; A by Peace Officers' Standards & Training Comm'n by R102-99, 11-2-99; R003-07, 4-17-2008; R051-14, 10-24-2014; R006-19, 12-30-2019)

Remove ✕

Tracking Number:

9589071052700727422946

Copy Add to Informed Delivery

Latest Update

Your item arrived at our USPS facility in COPPELL TX DISTRIBUTION CENTER on October 7, 2024 at 8:49 pm. The item is currently in transit to the destination.

Get More Out of USPS Tracking:

USPS Tracking Plus®

Moving Through Network

Arrived at USPS Regional Facility
COPPELL TX DISTRIBUTION CENTER
October 7, 2024, 8:49 pm

In Transit to Next Facility
October 7, 2024

Arrived at USPS Facility
IRVING, TX 75063
October 5, 2024, 2:11 pm

Unclaimed/Being Returned to Sender
IRVING, TX 75063
October 5, 2024, 2:07 pm

Reminder to Schedule Redelivery of your item
September 22, 2024

Notice Left (No Authorized Recipient Available)
IRVING, TX 75039
September 17, 2024, 11:26 am

Rescheduled to Next Delivery Day
IRVING, TX 75039
September 16, 2024, 12:48 pm

Arrived at USPS Regional Facility
COPPELL TX DISTRIBUTION CENTER
September 14, 2024, 6:32 am

Arrived at USPS Regional Facility
RENO NV DISTRIBUTION CENTER
September 10, 2024, 9:33 pm

Hide Tracking History

EXHIBIT B

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- 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:

Chris D. Trzaska
[redacted]

9590 9402 8594 3244 4945 41

2. Article Number *(Transfer from service label)*
9589 0710 5270 0727 4250 91

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X [signature] ☐ Agent ☐ Addressee

B. Received by *(Printed Name)* CHRIS TRZASKA | C. Date of Delivery 4/19/24

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

APR 19 2024

3. Service Type
- ☒ Adult Signature
- ☐ Adult Signature Restricted Delivery
- ☒ Certified Mail®
- ☐ Certified Mail Restricted Delivery
- ☐ Collect on Delivery
- ☐ Collect on Delivery Restricted Delivery
- ☐ Insured Mail
- ☐ Insured Mail Restricted Delivery (over $500)
- ☐ Priority Mail Express®
- ☐ Registered Mail™
- ☐ Registered Mail Restricted Delivery
- ☒ Signature Confirmation™
- ☐ Signature Confirmation Restricted Delivery

PS Form 3811, July 2020 PSN 7530-02-000-9053 Domestic Return Receipt

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- 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:

[redacted]s D. Trzaska
[redacted]

9590 9402 4927 9063 8897 00

2. Article Number *(Transfer from service label)*
7019 1120 0000 6613 9017

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X [signature] ☐ Agent ☐ Addressee

B. Received by *(Printed Name)* | C. Date of Delivery 9-8

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type
- ☐ Adult Signature
- ☒ Adult Signature Restricted Delivery
- ☒ Certified Mail®
- ☐ Certified Mail Restricted Delivery
- ☐ Collect on Delivery
- ☐ Collect on Delivery Restricted Delivery
- ☐ Insured Mail
- ☐ Insured Mail Restricted Delivery (over $500)
- ☐ Priority Mail Express®
- ☐ Registered Mail™
- ☐ Registered Mail Restricted Delivery
- ☐ Return Receipt for Merchandise
- ☒ Signature Confirmation™
- ☐ Signature Confirmation Restricted Delivery

PS Form 3811, July 2015 PSN 7530-02-000-9053 Domestic Return Receipt

9589 0710 5270 0727 4229 46

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

For delivery information, visit our website at www.usps.com®.

Certified Mail Fee
$

Extra Services & Fees *(check box, add fee as appropriate)*
- ☐ Return Receipt (hardcopy) $
- ☐ Return Receipt (electronic) $
- ☐ Certified Mail Restricted Delivery $
- ☐ Adult Signature Required $
- ☐ Adult Signature Restricted Delivery $

Postage
$

Total Postage and Fees
$

Sent To
Chris D. Trzaska

St [redacted]
Ci

BA 377

CARSON CITY NV 89701
Postmark Here
SEP 10 2024
PLEASE RETURN
TO: 377

PS Form 3800, January 2023 PSN 7530-02-000-9047 See Reverse for Instructions

State of Nevada - POST
UPDATE - Personnel Action Report (PAR)

Post ID Number: 25238

Last Name: Trzaska **First Name:** Chris

MI: D **Suffix:**

☐ **Name Change?**

Last Name: Trzaska First Name: Chris

MI: D Suffix:

☐ **Address Change?**

Street Address: [redacted]

City: [redacted] State: NV Zip Code: 89123

County: Clark E-Mail:

Level Change? O Line O Supervisor O Management O Executive

O Part Time O Full Time

Status Change? O Deceased O Retired ◉ Separated

NAC289.290 Notification (Cause For Commission Action)

Pursuant to NAC 289.290(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."

Does the above NAC apply? O No ◉ Yes

****If you selected YES, ensure it is correct and provide details in the Comment field.*****

Comments\Additional Information:

Officer was found to be under the influence of Cocaine while on duty. Terminated from employment. The Henderson PD recommends revocation of the Basic Certificate(s) pursuant to NAC 289.290.

Effective Date: 01/21/2020

Submitters Name: DeeAnn Bill

Submitters Phone: (702) 267-4850

Submitters E-Mail: DeeAnn.Bill@cityofhenderson.com

EXHIBIT C

POST Update PAR form
Revised 01/01/2016

Submission number: 154236

STATE OF NEVADA

Commission On Peace Officers' Standards And Training

Hereby Awards the

Basic Certificate

To

CHRIS D. TRZASKA

CATEGORY I

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

Governor

Executive Director

October 30, 2006

Issuance Date

Nevada Commission on Peace Officers' Standards and Training
Peace Officer Basic Certification and Training Identification Card

Name: **CHRIS D. TRZASKA** POST ID No.: **25238**

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 on POST course rosters 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 effect 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 Pai Shone Avenue
Carson City, NV 89701
775-687-7678 (POST)

STATE OF NEVADA

Commission On Peace Officers' Standards And Training

Hereby Awards the

Basic Certificate

To

CHRIS D. TRZASKA

CATEGORY I

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

Governor

Executive Director

October 30, 2006

Issuance Date

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.

EXHIBIT D

HENDERSON

November 21, 2023

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

Re: Revocation of former Officer Chris Trzaska

On January 21, 2020, Officer Chris Trzaska, POST # 25238, was terminated from the Henderson Police Department due to being under the influence of cocaine. A Personnel Action Report (PAR) was submitted at that time, but unfortunately may have been overlooked.

This letter is being sent to recommend the revocation of the Basic Certificate pursuant to NAC 289.290(d).

Sincerely,

Hollie Chadwick
Chief of Police
Henderson Police Department

EXHIBIT E

Chief of Police Hollie Chadwick
Henderson Police Department
223 Lead St, Henderson, NV 89015
T 702-267-5000 **W** cityofhenderson.com

19. DISCUSSION AND FOR POSSIBLE ACTION.

Request from Chief Jason Potts, City of Las Vegas Department of Public Safety, to appeal the decision to deny Robert Falche Category I reciprocity. Pursuant to NAC 289.200(2), Robert Falche's employment and certification makes him eligible for Category II reciprocity. The Commission to determine whether POST staff's decision was valid.

NAC 289.200 Basic and reserve basic certificate: Requirements; extension of time to complete or waiver of certain requirements; request for certification; placement of basic certificate on inactive status; return to active status. [Effective until the date of the repeal of 42 U.S.C. § 666, the federal law requiring each state to establish procedures for withholding, suspending and restricting the professional, occupational and recreational licenses for child support arrearages and for noncompliance with certain processes relating to paternity or child support proceedings.] (NRS 289.510, 289.550, 289.600)

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

(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.

STATEMENT AND DOCUMENTS FROM CITY OF LAS VEGAS BACKGROUNDS

Agent Falche has received a formal offer letter for Deputy City Marshal. Both he and the City of Las Vegas are seeking approval for him to complete POST I reciprocity in Nevada.

Although his FLECT (CITP-232) certification is categorized as CAT II under current Nevada POST standards, we believe his law enforcement experience at the municipal and federal level reflects extensive experience at the Nevada CAT I level.

Further, based on his time with the Brea Police Department and his federal law enforcement experience, California POST will allow Agent Falche to reactive his Californian certification following a 3-week POST requalification program.

He has a combination of 27 plus years of law enforcement experience between his current positon with the United States Department of Homeland Security and various California law enforcement agencies from 3/1995 to 3/2002.

His training and experience are both extensive and impressive and we submit the following in support of this request.

Law Enforcement Training and Certification

He completed training and certification with the Los Angeles County Sheriff's Department in October of 1995.

In October 23, 2002 he earned certification through the Criminal Investigator Training Program (CITP-232) through the Department of Treasury, Federal Law Enforcement Training Center (FLECT) in Glynco, Georgia.

In addition to the Sheriff's Academy and CITP Academy, he has also attended the Inspector General Academy (1 month training) and the ICE (Customs) Academy (2 month training). All of these academies provided further training in patrol related duties, such as traffic stops, felony arrests etc.

He is currently qualified to teach firearms, defensive tactics, and present classroom instruction at FLETC.

Municipal Law Enforcement Experience (5 years)

From 9/1995 to 9/1996 he was employed as a **Police Officer** with the Torrance Police Department where he completed the academy and field training while performing routine law enforcement patrol duties at the POST I certification level.

From 3/1997 to 10/1999 he was employed as a **Public Safety Officer** with the University of Southern California where he performed routine law enforcement patrol duties at the POST I certification level.

From 10/1999 to 7/2000 he was employed as a **Deputy Sheriff** with the Tulare County Sheriff's Office where he performed routine duties regarding inmate supervision, security, and safety.

From 7/2000 to 12/2001 he was employed as a **Police Officer** with the City of Brea and Yorba Linda Brea Police Department where he performed routine law enforcement patrol duties at the POST I certification level.

Federal Law Enforcement Experience (22 years)

In 1/2002 he began a long federal law enforcement career as a **Special Agent** with the Federal Emergency Management Agency (FEMA) Office of Inspector General where he conducted investigations related to fraud, waste, and abuse involving FEMA.

FEMA became a part of the Department of Homeland Security on March 1, 2003.

From 3/2003 to 11/2011 he was employed as a **Special Agent** with the United States Department of Homeland Security, Office of Inspector General where he conducted investigations related to public corruption, government contracting, and grant fraud.

During this time he served as acting supervisor as required and led various task force groups as shown below:

- Supervised a Homeland Security Led Taskforce following Hurricane Katrina, based out of Baton Rouge, LA consisting of HSI OIG Agents, other Federal Agencies and Local Police and specifically focused on fraudulent claims for Disaster Relief.

- Supervised a Taskforce group in Las Vegas with the same focus on Disaster Relief Fraud and worked with Department of Labor OIG, Postal Inspectors and detectives from Las Vegas Metro.

- Supervised a gang unit in my current agency which regularly conducted gang sweeps, arrests, etc. in conjunction with LAPD, Long Beach PD and the LA County Sheriff's Department.

- Currently supervises what can be considered a Taskforce unit conducting parcel/cargo interdictions.

He has been in his current role as **Program Coordinator** with the United States Homeland Security since 11/2011. In this role he serves as a Special Agent GS-13-10 for investigations with the Los Angeles International Mail Facility.

Specific duties related to this position include, but not limited to:

- Coordination of Customs and Border Protection (CBP) seizure referrals from mail and parcel environments.

- Direction of a team including special agents, pre-academy agents, intelligent analysts, and contractors.

- Conducts investigations related to violations of immigration law, narcotics trafficking law, copyright infringement, bulk cash smuggling, and money laundering.

- Formerly assigned to human smuggling, human trafficking, and sex trafficking investigative group. Like the gang unit, this unit conducted prostitution sweeps on a regular basis in conjunction with LAPD, Long Beach PD and the LA County Sheriff's Department.

- Assigned to LAX where duties included patrol of the international terminal and arrests related to security incidents, assaults against federal employees and smuggling of narcotics and other contraband.

Special assignments include:

- Temporary duty at the Federal Law Enforcement Training Center (FLETC) as a classroom instructor (2023)

- Temporary duty at FLETC Firearms Division as an instructor (2019).

- Secret Service protection detail for presidential candidates (2016) and residential protection detail. Worked the Secret Service detail for the United Nations General Assembly, specifically, the protective detail for the Prime Minister of Cambodia (2015).

Sheriff's Department

County of Los Angeles

California

This Certificate is Presented to

Robert J. Falche

in recognition of successfully

completing the prescribed course of instruction for

Police Officer

City of Torrance

Given at La Mirada, California, this 29th day of March, 1996.

Sherman Block

Sherman Block, Sheriff

Department of the Treasury

Federal Law Enforcement Training Center

Glynco, Georgia

By authority of the Board of Directors and on recommendation of the Faculty awards this

Certificate of Graduation

to

ROBERT J. FALCHE

for having completed all requirements in the

Criminal Investigator Training Program CITP-232

OCTOBER 23, 2002

Date



Connie L. Patrick

Director

From: Ronald Prewitt
To: Brian Griffith; Cheryl Manning
Cc: Kathy Floyd
Subject: FW: Re:
Date: Monday, September 23, 2024 10:21:05 AM
Attachments: Outlook-b0u2lref.png
Outlook-POST Linke.png
Outlook-POST Faceb.png
Outlook-POST Twitt.png
Outlook-POST YouTu.png
Outlook-052yfztv

WARNING - This email originated from outside the State of Nevada. Exercise caution when opening attachments or clicking links, especially from unknown senders.

See my final clarifying question below.

From: Watkins, William@POST <William.Watkins@post.ca.gov>
Sent: Monday, September 23, 2024 10:13 AM
To: Ronald Prewitt <rprewitt@LasVegasNevada.GOV>
Subject: Re:

Good morning,

That is correct. Robert Joseph Falche completed Basic Training on 03/15/1996 but has never been awarded a POST Basic Certificate.

He may have been awarded a certificate for completing his Basic Academy, but that is separate from the Professional Certificates that POST offers.

Best Regards,

William Watkins
Associate Governmental Program Analyst| Certifications Bureau
916-227-4536 | Desk

CA Commission on Peace Officer Standards and Training (POST)
860 Stillwater Road, Suite 100, West Sacramento, CA 95605

Connect with POST

Work at POST

**POST is hiring. Check out our career opportunities.*

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From: Ronald Prewitt <rprewitt@LasVegasNevada.GOV>
Sent: Monday, September 23, 2024 9:32 AM
To: Watkins, William@POST <William.Watkins@post.ca.gov>
Subject:

You don't often get email from rprewitt@lasvegasnevada.gov. Learn why this is important

CAUTION: This email originated from outside of POST. Please do not click links or open attachments unless you recognize the sender. Report SPAM to the Helpdesk.

Hi William,

Does this mean that the officer completed POST training, but never received a certificate?

Ron Prewitt
Sr. Human Resources Analyst
Human Resources | Recruitment & Selection
(702) 229-5049
833 N Las Vegas Blvd. | Las Vegas, NV 89101

lasvegasnevada.gov

POST PROFILE NAME:

FALCHE, ROBERT JOSEPH

CALIFORNIA COMMISSION ON **POST**

Certification Status: Inactive

AKA: N/A

DATE: 09/18/2024

PERSONAL IDENTIFICATION

POST I.D.	Agency	Birth Date	Gender	Race/Ethnicity
A85-M42		02/26/1971	Male	Hispanic or Latino

CERTIFICATES AWARDED

Total Number of Certificates: 0

EMPLOYMENT

Hired From	To	R*	Rank	Rank Date	Agency	Agency Name	F/P	P/U	Seas
09/12/1995	03/14/1996	7	TRN	09/12/1995	19720	TORRANCE PD	F	P	
03/14/1996	09/24/1996	1	PO	03/14/1996	19720	TORRANCE PD	F	P	
10/10/1999	06/26/2000	1	DPTY	10/10/1999	54000	TULARE CO SO	F	P	
07/17/2000	12/25/2001	1	PO	07/17/2000	30020	BREA PD	F	P	

***Reason for Separation: 1 = Resigned, 7 = Promotion/Demotion**

POST CERTIFIED TRAINING

Comp Date	Cat	CCN	Hrs	Rmb	Cmp	Agency	School	*	Course Name
10/22/1993	K	6840-32310-93-001	240		Y	60000	USC/DCI		JUVENILE PROCEDURES, DCI
01/31/1996	K	1820-21050-95-125	8		Y	19720	LASD		LASER FIREARMS TRAINING UPDATE
03/15/1996	A	1820-00100-95-003	928	R	Y	19720	LASD		BASIC COURSE-INTENSIVE
04/13/1996	K	2800-29900-95-024	8		Y	19720	TPD		S&K-DRIVER TRAINING/MODULE 1
06/08/1996	K	2800-29900-95-031	8		Y	19720	TPD		S&K-DEFENSIVE TACTICS/MODULE 3
06/24/1997	K	4410-29900-96-258	8		Y	60000	RIO HONDO		S&K-COMMUNITY BASED POLICING
08/11/1997	K	4410-29900-97-061	8		Y	60000	RIO HONDO		S&K-FIREARMS UPDATE
08/12/1997	K	4410-29900-97-003	8		Y	60000	RIO HONDO		S&K-FIREARMS UPDATE
06/16/1998	C	4410-00300-97-030	24		Y	60000	RIO HONDO		ADVANCED OFFICER COURSE
01/22/1999	K	4410-29900-98-334	8		Y	60000	RIO HONDO		S&K-FIREARMS UPDATE/SEMI-AUTO
04/13/1999	K	4410-29900-98-284	8		Y	60000	RIO HONDO		S&K-ASIAN GANG/CONTRLD SUBSTAN
06/29/1999	K	4410-29900-98-349	8		Y	60000	RIO HONDO		S&K-FIRST AID/CPR REFRESHER
08/20/1999	K	4410-29900-99-054	8		Y	60000	RIO HONDO		S&K-FIREARMS UPDATE
01/20/2000	K	2850-29900-99-023	8		Y	54000	TULARE SO		S&K-SEMI-AUTO PISTOLS
04/16/2000	K	3550-25001-99-002	144	X	Y	54000	FRESNO C C		REQUAL-BASIC COURSE (EXTENDED)
09/25/2009	K	2540-24261-09-002	16	X	Y	60000	SOBAYRTC		SEARCH WARRANT-PATROL
02/21/2018	K	1820-21842-17-007	8	X	Y	60000	LASD		COPLINK BASIC USERS' COURSE

***Meets Perishable Skills**

FOOTNOTES

NO FOOTNOTE ON FILE.

PLEASE REFER TO THE ENCLOSED EXPLANATION SHEET FOR ADDITIONAL INFORMATION.

COMMISSION ON POST – PROFILE REPORT

The Profile Report contains confidential information.

EXPLANATION SHEET

PERSONAL IDENTIFICATION: Subject's personal information as indicated in POST database (EDI system)	
POST ID:	Unique identification number assigned to subject by POST.
Agency:	Indicates the agency (or one of the agencies) where subject is currently employed. An "*" indicates that the subject is employed in more than one position within the same agency.
Birth Date/Gender:	Self-explanatory.
Race/Ethnicity:	**A** = Asian **B** = African American (Black) **N** = Native American **S** = Spanish/Hispanic **W** = White **O** = Other

CERTIFICATES AWARDED	
Cert:	Certificate serial number.
Type:	**B** = Basic **I** = Intermediate **A** = Advanced **S** = Supervisory **M** = Management **E** = Executive **R** = Reserve **D** = Public Safety Dispatcher **SX**= Specialized X (example: SA = Specialized Advanced)
Awarded:	Date certificate was issued.
Education:	Educational points or degree used for earning a certificate.
T:	Training points used for awarding the certificate.
T+:	Additional training points.
Comments:	Comments regarding training or institute(s) where subject received education.
Total Number of Certificates:	Number of certificates awarded to subject as indicated in POST database.

EMPLOYMENT: Subject's employment history as indicated in POST database	
Hired From:	Date subject was hired or sworn into the agency.
To:	Date subject left agency (if applicable).
R*:	Reason for separation as indicated by number in the Report description.
Rank / Rank Date:	Indicates rank as translated by POST database and date subject made rank.
Agency / Agency Name:	Agency code number and name where subject is currently working or previously worked.
F/P:	Time base: **F** = Full time **P** = Part time
P/U:	Wage status: **P** = Paid **U** = Unpaid
Seas:	Provisional or seasonal employment.

POST TRAINING: Courses attended or completed as indicated in POST database	
Comp Date:	Date course ended.
Cat:	General course category (for POST use only).
CCN:	Course Control Number.
Hrs:	Hours completed in course.
Rmb:	Reimbursement indicator: **R** = Reimbursed *(before FY 83/84 reimbursable agency not necessarily reimbursed)* **J** = Job specific ***** = Job specific, SALARY NOT PAID **Blank** = None or no data available
Cmp:	Completion indicator: **Blank or Y** = Course completed **N** = Course not completed **?** = Prior to 1979
Agency:	Agency where subject was employed at time of course enrollment.
School:	Training institute offering the course.
Course Name:	Course name as shown in POST database.

NON-CERTIFIED COURSES
This section will only appear if applicable.

FOOTNOTES
This section reserved for additional information.

20. PUBLIC COMMENT

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.

21. DISCUSSION AND FOR POSSIBLE ACTION.
Schedule upcoming Commission Meeting – February

22. DISCUSSION AND FOR POSSIBLE ACTION.
Adjournment.