

1 STATE OF NEVADA

2 COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

3
4 A Workshop and Regularly Scheduled Meeting of
5 the Commission on Peace Officer Standards and Training was held
6 on Thursday, May 1, 2025 commencing at 10:00 a.m. at 5587 Wa Pai
7 Shone Avenue, Carson City, Nevada.

8
9 COMMISSIONERS:

10 Tyler Trouten, Chairman

11 Dan Coverley

12 Oliver Miller

13 Russ Niel

14 Jamie Prosser

15 Rob Straube

16 George Togliatti

17
18
19 STAFF:

20 Kathy Floyd, POST F

21 Geordan Goebel, Attorney General's Office

22 Mike Sherlock, POST F

23
24
25 TRANSCRIBED BY: Marsha Steverman-Meech

INDEX

ITEM:	PAGE:
WORKSHOP	
1. Call to order	4
2. Roll call of Commission Members	4
3. Public Comment	5
4a. Approval of minutes from October 17, 2024, public hearing and regularly scheduled meeting	5
4b. Approval of minutes from the February 5, 2025, regularly scheduled meeting	5
5. Executive Director's Report	6
6. Chairman statement	55
7. Request from the Douglas County Sheriff's Office for an Executive Certificate for their employee Captain Richard Koontz, pursuant to NAC 289.270(1)(a)	11
8. Request from the City of Las Vegas Department of Public Safety for an Executive Certificate for their employee Assistant Chief Robert Straube, pursuant to NAC 289.270(1)(a)	12
9. Request from the City of Las Vegas Department of Public Safety for an Executive Certificate for their employee Deputy Chief Kyle Ward, pursuant to NAC 289.270(1)(a)	13
10. Request from the Washoe County Sheriff's Office for an Executive Certificate for their employee Chief Deputy Sandra Barboza, pursuant to NAC 289.270(1)(a)	13

1	11. Hearing pursuant to NAC 289.290(1)(g) and NAC	
2	289.290(1)(i) on the revocation of Robert G. Cummins's	
3	Category III basic certificate	16
4	12. Hearing pursuant to NAC 289.290(1)(h) and NAC	
5	189.290(1)(1) on the revocation of Darriel K. Gaynor's	
6	Category II and III basic certificates	20
7	13. Hearing pursuant to NAC 289.290(1)(g) on the revocation	
8	of Jeremy P. Harvey's Category I, II, and III basic	
9	certificates	22
10	14. Hearing pursuant to NAC 289.290(1)(e) on the revocation	
11	of Mark A. Lawson's Category I basic certificate	23
12	15. Hearing pursuant to NAC 289.290(1)(e) on the revocation	
13	of Sean W. Lucero's Category I basic certificate	28
14	16. Hearing pursuant to NAC 289.290(1)(g) on the revocation	
15	of Christopher Pena's Category III basic certificate	35
16	17. Hearing pursuant to NAC 290.290(1)(g) on the revocation	
17	of Bryce K. Tokunaga's Category II basic certificate	37
18	18. Commission to consider the development of language	
19	related to the ability of staff to suspend the	
20	certificate of a certified peace officer or suspend the	
21	privilege on one who has been arrested and/or charged	
22	under certain limited circumstances	38
23	19. Public Comment	57
24	20. Schedule upcoming Commission Meeting - July	53
25	21. Adjournment	57

PROCEEDINGS

TROUTEN: Good morning everyone. The POST Commission meeting scheduled for May 1st, 2025 is called to order. The time is 10:00 AM. I will ask Ms. Kathy Floyd for information on the legal postings of the agenda packet and open meeting compliance.

FLOYD: The agenda was physically posted at the POST Administration Building in the Nevada State Library in Carson City in compliance with NRS 241.020. It was also posted electronically at post.nv.gov, State of Nevada website at notice.nv.gov, and emailed to all single point of contacts and agency administrators on the POST listserv.

TROUTEN: Thank you. We'll proceed to roll call and then move to my left. I'm Ty Trouten from Elko Police Department.

NIEL: Russ Niel, State Gaming Control Board.

PROSSER: Jamie Prosser, Las Vegas Metro.

STRAUBE: Rob Straube, City of Las Vegas Department of Public Safety.

COVERLEY: Dan Coverley, Douglas County.

MILLER: Oliver Miller, Reno Police Department.

TOGLIATTI: George Togliatti, Nevada Department of Public Safety.

FLOYD: Kathy Floyd with POST.

SHERLOCK: Mike Sherlock with POST.

1 GOEBEL: Geordan Goebel with the Attorney
2 General's office.

3 TROUTEN: All right, thank you. I have a couple
4 absences this morning. We'll now go to public comments. The
5 Commission may not take any action on any matter considered
6 under this item until the matter is specifically included on an
7 agenda as an action item. We will have another opportunity for
8 public comment at the end of the meeting. If you do wish to
9 make public comment, please speak into the microphone and please
10 state your name clearly for the record. Do we have any public
11 comment at this time? All right, hearing none, we'll move
12 forward to Item Number 4. This will be approval of the minutes
13 from both the February 5th, 2025 meeting, as well as we have the
14 October 17th, 2024 meeting that were attached this time. So we
15 will address the October 17th, 2024 meeting first. Are there
16 any additions or corrections to the minutes as presented? Do I
17 have a motion to accept the minutes?

18 NIEL: Russ Niel. So moved.

19 TROUTEN: Is there a second?

20 PROSSER: Jamie Prosser. Second.

21 TROUTEN: Motion and a second to accept the
22 minutes. All in favor, please say aye.

23 MEMBERS: Aye.

24 TROUTEN: Any opposed? I also vote aye. Now to
25 minutes on February 5th, 2025 regularly scheduled meeting. Are

1 there any additions or amendments to those minutes as presented?

2 If not, motion to accept?

3 NIEL: Russ Niel, motion to accept.

4 TROUTEN: Have a second.

5 PROSSER: Jamie Prosser. Second.

6 TROUTEN: Any further discussion? All in favor
7 say aye.

8 MEMBERS: Aye.

9 TROUTEN: Any opposed? I also vote aye. Minutes
10 have been accepted. Move on to Item Number 5. This is
11 informational only item. We'll go to Director Sherlock, let's
12 see here, for update on POST activity.

13 SHERLOCK: Thank you. Mike Sherlock for the
14 record. So again, it's that time of year or that time of the
15 biennium, budget and legislative bills. You know, just I'd like
16 to remind the Commission, my response in many cases to the
17 legislature is that they should not do what the Commission is
18 tasked to do. When the legislature mandates training or other
19 standards, it really undermines the very mission and the purpose
20 of the Commission. I often tell the legislators that you, the
21 Commission, are the experts and make decisions on training and
22 standards based on the needs across the state and not in a
23 vacuum. That usually works for a couple bills and it has a
24 little bit this biennium. Overall though, they're going to do
25 what they do based on politics and not really what we say.

1 That's just the way it is. We are in sort of a weird world,
2 actually, a better world as we're hopeful some of the bills that
3 concern POST may be vetoed, but again, it's a wait and see for
4 us. We did provide some feedback on bills dealing with
5 mandatory training related to dementia and cognitive disorders
6 and some related areas in two separate bills. One bill, we
7 believe our input was accepted and the bill no longer has any
8 real, you know, impact on POST. The other one is still out
9 there and it mandates some specific training that may or may not
10 impact us, depending on final language and so we'll wait and see
11 on that. You know, as has become the custom, we're tracking and
12 providing input related to hiring non-citizens as peace
13 officers. The last language I saw removes, or demands, or
14 forces the removal of statute and directs the POST Commission to
15 remove regulations mandating that only US citizens can be peace
16 officers, and it adds permanent residents who are honorably
17 discharged from the military could become peace officers. So
18 just from our perspective, most of those permanent resident
19 green card holders that are in the military, by the time they're
20 coming out, they're pretty close to being eligible for
21 citizenship anyway so there is some ability to do backgrounds
22 and vet them at least for that short period, but it's still not
23 the best in terms of background in vetting, just based on how
24 far back you can go. But let's be honest, it's better than --
25 you know, we went from DACA to any permanent resident to now

1 we're down to those honorably discharged so we're making some
2 headway there and we can try to track that where we can. On our
3 budget, we're still a little bit in limbo. Our budget does
4 include a one shot for data management system. If that somehow
5 gets cut, you know, there's no sugar coating it, we're in
6 trouble. The system forced on us by the state is not practical
7 and the cost for that system from the state is not known so we
8 can't even budget for it. We don't know what they're going to
9 charge us, and yet we'll be at the mercy of OCIO with the state
10 in terms of billing so it's just not acceptable. We are hopeful
11 at this point though, it is part of the Governor's budget for
12 us. We are such a small budget in the big scheme of things, to
13 cut that from our budget wouldn't be a benefit for anybody else
14 so we're hopeful that it's going to remain in there and we'll
15 get through that. Last week we had another Supreme Court
16 decision. Actually, this was the third in a very short period
17 of time in our favor, really thanks to the work of the Attorney
18 General's office. The elected sheriff of Esmeralda County was
19 ordered removed. Those of you that followed this, POST had
20 denied certification and notified Esmeralda based on a sealed
21 domestic violence conviction and also the fact that he would not
22 be able to meet certification requirements within the one year
23 timeframe. The county at that time refused to remove him, the
24 Attorney General's office filed a writ to have him removed, the
25 district court denied that writ, and it was appealed to the

1 Supreme Court. Once again, the court agreed that rules matter
2 and the good-old-boy system, that's my interpretation, is not in
3 the best interest of anyone and in particular policing. The
4 Supreme Court found we properly interpreted both the conviction
5 and the fact that he couldn't get certified and should have been
6 removed by statute. So finally, as of April 26th, and so the
7 Supreme Court ordered the district court in Esmeralda County to
8 issue a writ to remove him. The district court finally did that
9 on April 22nd, based on that directive from the Supreme Court,
10 and removed Mr. Dondero. I will say that the delay by the
11 county and the district court did have us concerned. They
12 initially had not issued the writ despite the Supreme Court
13 decision and had stated they were looking at appealing the
14 decision in the federal system. I'm not really sure who they is
15 in terms of the county out there, but that was what we were
16 told. So we reached out to our DAG, Geordan, for advice as to
17 what recourse we as a regulatory agency have where an agency or
18 individuals ignore, you know, substantial statutes and
19 regulations and they are significantly out of compliance as both
20 the sheriff and some of the people there were. So in a
21 nutshell, you know, going -- and I know here at the Commission
22 we've talked about what our recourse is on some of these audits
23 and where agencies are just not complying with the standard but
24 in this case, it was rather egregious so we really wanted to
25 look at it. But what we were prepared to do is to initiate some

1 administrative sanctions, remove sort of that agency from under
2 the POST umbrella, certificates would be moved to inactive. We
3 would no longer provide services such as continuing education or
4 academy-type access and other sanctions, which we believe going
5 forward would help to provide an incentive for compliance with
6 those minimum standards. As it turns out, the judge did
7 eventually issue the writ and remove the elected sheriff and at
8 this point, we will work with that agency in helping them get
9 into compliance. So we were able to get through that but just
10 it did bring up some of the things we've talked about and what
11 could we do where when agencies, you know, they're just not
12 complying with the minimum standards, and that's what we came up
13 with. We also met with our DAG regarding sort of the procedure
14 and parameters of revocation hearings to bring them in focus and
15 I will talk about that at our first revocation hearing today.
16 So with that, I'll yield back to you.

17 TROUTEN: Thank you, Director. Any questions?

18 PROSSER: Jamie Prosser for the record. I know
19 back in our October meeting we talked about Esmeralda County not
20 having four of their officers in compliance for backgrounds and
21 you advised us that two (inaudible) the department were. What's
22 the status of those two?

23 FLOYD: As far as I know, they're still there.

24 SHERLOCK: They're -- yeah, and they're certified
25 now, right? The one was reciprocity and --

1 FLOYD: Right.

2 SHERLOCK: Yeah. So the remaining are certified
3 now.

4 TROUTEN: Anything further? All right, we'll move
5 on. We're going to push Item 6 towards further in the agenda,
6 so we'll move on to Item Number 7. This is a request from the
7 Douglas County Sheriff's Office for an executive certificate for
8 their employee Captain Richard Koontz, pursuant to NAC
9 289.270(1)(a). Possible action may include approval or denial
10 of the request of executive certificate. Director Sherlock.

11 SHERLOCK: Mike Sherlock for the record. So staff
12 has reviewed the application from Captain Koontz for executive
13 certificate and staff findhe does meet the requirements for the
14 executive certificate and would recommend the Commission approve
15 that certificate.

16 TROUTEN: Thank you. Is Captain Koontz here? All
17 right, do we have any questions or discussion from the
18 Commission? If not, I would entertain a motion.

19 MILLER: Oliver Miller, move to approve.

20 TROUTEN: Is there a second?

21 TOGLIATTI: George Togliatti will second.

22 TROUTEN: Have a motion and second to approve
23 executive certificate. All in favor, please say aye.

24 MEMBERS: Aye.

1 TROUTEN: Any opposed? I also vote aye. Motion
2 carries. Item Number 8, request from the city of Las Vegas
3 Department of Public Safety for an executive certificate for
4 their employee Assistant Chief Robert Straube pursuant to NAC
5 289.270(1)(a). Possible action may include approval or denial
6 of the request of the executive certificate. Before we get to
7 you, Mike, just a question. (Inaudible?)

8 SHERLOCK: Sure, why not. He might have to, we're
9 close to a quorum here. I don't know.

10 TROUTEN: All right. Please, sir.

11 SHERLOCK: Mike Sherlock for the record. So staff
12 has reviewed Deputy Chief Straube's application for an executive
13 certificate and find he meets or exceeds the requirements in no
14 small part because he's a Commissioner. Just kidding. Staff
15 find he exceeds all the requirements found under the executive
16 certificate requirements and would recommend the Commission
17 approve the executive certificate.

18 TROUTEN: All right, thank you. Any questions or
19 discussion? I'll entertain a motion.

20 COVERLEY: Dan Coverley, so moved.

21 TROUTEN: Do I have a second?

22 PROSSER: Jamie Prosser. Second.

23 TROUTEN: Motion, second for executive
24 certificate. All those in favor please say aye.

25 MEMBERS: Aye.

1 TROUTEN: Any opposed? I also vote aye. Moving
2 on to Item 9, request from the city of Las Vegas Department of
3 Public Safety for an executive certificate for their employee
4 Deputy Chief Kyle Ward, pursuant to NAC 289.270(1)(a). Possible
5 action may include approval or denial of the requested executive
6 certificate. Director Sherlock, back to you.

7 SHERLOCK: Mike Sherlock for the record. So staff
8 has reviewed Deputy Chief Ward's application for an executive
9 certificate and find he does meet or exceed the requirements and
10 would recommend the Commission approve that certificate.

11 TROUTEN: Thank you. Questions or discussion from
12 the Board? And do we have Deputy Chief Ward here? I would
13 entertain a motion.

14 STRAUBE: Rob Straube, so moved.

15 TROUTEN: Second?

16 NIEL: Russ Niel. Second.

17 TROUTEN: Have a motion and second for approval of
18 the executive certificate. All in favor please say aye.

19 MEMBERS: Aye.

20 TROUTEN: Any opposed? And I also vote aye.
21 Motion carries. Item Number 10, discussion, possible action
22 request from Washoe County Sheriff's Office for an executive
23 certificate for their employee Chief Deputy Sandra Barboza,
24 pursuant to NAC 289.270(1)(a). Possible action may include

1 approval or denial of the request of the executive certificate.

2 Director Sherlock, back to you, please.

3 SHERLOCK: Again Mike Sherlock for the record.
4 Staff again has reviewed the application for Chief Deputy Sandra
5 Barboza's executive certificate. Staff finds she meets the
6 requirements for the executive certificate and would recommend
7 the Commission approve that certificate.

8 TROUTEN: Thank you, sir. Questions or
9 discussion? Hearing none, is there a motion?

10 MILLER: Oliver Miller, so moved.

11 TROUTEN: Got a motion. Is there a second?

12 TOGLIATTI: George Togliatti. I'll second.

13 TROUTEN: Motion, second. All in favor please say
14 aye.

15 MEMBERS: Aye.

16 TROUTEN: Any opposed? And I also vote aye.
17 Motion carries. Very good. I like seeing those. All right.
18 We are now moving on to several hearings for possible revocation
19 or suspension. I think lead off with you, sir.

20 GOEBEL: Thanks, Commissioner. Geordan Goebel
21 for the record. We are on item 11. Just for all of the
22 revocation items, Agenda Items 11 through 17, I'm going to lay a
23 basis foundation for the admissibility and validity of the
24 materials I'm going to refer to and rely upon in making any
25 decisions here. I'm going to ask Chief Floyd some questions

1 about these documents to establish record for what they are,
2 their foundation, evidentiary validity for purposes of Agenda
3 Items 11 through 17. Chief Floyd, for the records and documents
4 that are contained in these meeting materials for the offenses
5 addressed in Agenda Items 11 through 17, did you obtain these
6 documents or records directly from the courts and/or the
7 employing agencies?

8 FLOYD: Yes, I did.

9 GOEBEL: And have you maintained these documents
10 and records in the ordinary course of your record keeping since
11 you obtained them from the courts or agencies?

12 FLOYD: Yes, I have.

13 GOEBEL: And are the versions of these documents
14 that are contained in the meeting materials true and accurate
15 copies of the original documents?

16 FLOYD: Yes, they are.

17 GOEBEL: Thank you. Based on Chief Floyd's
18 testimony, I can advise the Commission that the materials
19 provided for Agenda Items 11 through 17 constitute valid public
20 records of charges and convictions that uphold the regulatory
21 standard for revocation in these matters. These materials may
22 be admitted for your consideration as to these agenda items.
23 Having advised you to that, does anyone have any questions about
24 the admissibility or legal validity of any of these documents?

25 TROUTEN: Very good, thank you sir.

1 GOEBEL: Thank you.

2 TROUTEN: We are now specifically on Item Number
3 11, discussion and for possible action. This is a hearing
4 pursuant to NAC 289.290(1)(g) and NAC 289.290(1)(i) on the
5 revocation of Robert G, Cummins, formerly employed with Nevada
6 Lakes Crossing Center Category III basic certificate based on a
7 conviction of or entry of a plea of guilty, guilty but mentally
8 ill, or nolo contendere to a felony and conviction of a
9 misdemeanor crime of domestic violence as defined in 18 USC
10 921(a)(33). The convictions which have led to this action are:
11 Count I, coercion with physical force or immediate threat of
12 physical force, a violation of NRS 207.190 92(a), a category B
13 Felony; Count II, domestic battery first offense violation of
14 NRS 200.485(1)(a) and NRS 33.018, a misdemeanor. Action may be
15 the revocation of the Category III basic certificate. Go back
16 to you, to our Deputy AG for information. Oh, I guess we've
17 already handled all that. We've got nothing more on this at
18 all. Get in the habit of it.

19 GOEBEL: You don't want to hear from me all over
20 again, do you? All in favor?

21 TROUTEN: Unfortunately, we'll have to go to
22 Director Sherlock to get some background.

23 SHERLOCK: Yeah, it's worse with me, but it is what
24 it is. Okay, so Mike Sherlock for the record. So first in
25 general, we did meet with Mr. Goebel regarding revocations.

1 Keeping in mind these are administrative and the purpose is
2 related to the regulation of POST certificates, as you can see,
3 we provide relevant information related to that purpose, the
4 certificate. As you heard the AG will validate the process of
5 receiving that information. In general terms, revocations under
6 our regulations require convictions in most -- a conviction in
7 most cases. The job of the Commission is to determine whether
8 or not that conviction is consistent with the profession. So it
9 should be noted that felony convictions, frankly, are just
10 semantics in almost every case. There is no discretion.
11 Whether or not you revoke, they are prohibited period just by
12 the felony. In contrast, misdemeanors and gross misdemeanors
13 are discretionary. Obviously there's some issues with
14 dishonesty and moral turpitude, but where that's an integral
15 part of the conviction. We won't get into that. I know we've
16 discussed gross misdemeanors and misdemeanors in the past with
17 the Commission's desire that the employing agency provide input
18 if we are going to submit those, which we would do obviously.
19 For today's purpose, none of the hearings involve anyone that's
20 employed, so there are no employing agencies for us to talk to.
21 They've all separated and so it's not an issue today in terms of
22 that, and we would provide that if we had to go forward, as the
23 Commission has instructed, with someone that they did not
24 separate and yet we still are going to move forward with the
25 revocation hearing, we would look to you or provide that

1 information on what the agency desires where we have that. With
2 that, we often see because it requires a conviction in most
3 cases, we often see discussion and excuses made that essentially
4 try to discredit the conviction as being improper. We want to
5 make sure the Commission is not here to re-litigate the
6 conviction mostly because regardless of what you do here today,
7 the conviction remains and so always the relevant question is
8 whether or not that conviction is consistent with our profession
9 or not. And as a reminder, the Supreme Court has agreed with us
10 in just one prior decision before last week. The question was
11 on an out-of-state revocation, was not whether the state was
12 proper in revoking the applicant, that out of state, but rather
13 was he or was he not revoked out of state. Our rules require
14 that you don't allow out-of-state revocation to come into the
15 state. So the same could be said for criminal convictions.
16 It's not whether they were properly convicted, it is whether
17 that conviction is consistent with the policing certifications.
18 I would go further to illustrate that in the most recent case
19 with Esmeralda, that conviction in question was sealed and yet
20 it was not a question of whether or not it was sealed, but
21 rather whether the applicant was convicted or not from the
22 Supreme Court's perspective. Further, there's no requirement
23 for the chairman to allow testimony or comments that are not
24 relevant in the interest of time. Irrelevant evidence is not
25 required to be heard. It is not unusual for staff to have those

1 subject to revocation want to come in and argue that they were
2 coerced into a plea bargain or they were railroaded. We've
3 heard it all. From the staff perspective, we generally attempt
4 to direct that person that's subject to revocation by saying any
5 problem with the conviction is a question for the court, not for
6 the POST Commission. So we're looking to, in the interest of
7 time, get relevant information in for you to hear, but not
8 irrelevant. You know, we often tell those involve that it's not
9 personal, it's business, this is a regulatory agency, and we're
10 just trying to uphold those regulations. In terms of the gross
11 misdemeanor and misdemeanor issues, we get caught in the middle
12 on serving people. We've heard some complaints. We don't
13 really care who serves anyone. We get anybody who can serve a
14 person that's subject to a revocation to serve them for us and
15 we don't -- again, it's not personal for us, it's business. We
16 got to get 'em served, we find people, they serve 'em. And so
17 they're served and provided with an opportunity to let us know
18 whether or not they intend on being present during the
19 revocation hearing, and that's the purpose of that service in
20 terms of due process. So with all that said, with the first
21 hearing today, Mr. Cummins was convicted of a felony and a
22 misdemeanor domestic violence. Staff would submit that both
23 convictions are inconsistent and incompatible with him being
24 placed in a position as a peace officer, and it violates the
25 public trust that is placed in peace officers, and staff would

1 recommend revocation. We would be happy to elaborate on any of
2 that should the Commission have questions. You know, and with
3 that, will submit to you, Mr. Chairman.

4 TROUTEN: Thank you Director. Are there any
5 questions or discussion from the Board? Hearing none, I should
6 ask is Mr. Cummins here? Anybody on his behalf? Okay, so
7 hearing none of that, I guess we're at a point of I would
8 entertain a motion.

9 PROSSER: Jamie Prosser. So moved.

10 TROUTEN: So we have a motion to revoke. Is there
11 a second?

12 COVERLEY: Dan Coverley. Second.

13 TROUTEN: Motion and a second to revoke. All
14 those in favor, please say aye.

15 MEMBERS: Aye.

16 TROUTEN: Any opposed? And I also vote aye.
17 Motion carries. Item Number 12, discussion and for possible
18 action. This is a hearing pursuant to NAC 289.290(1)(h) and NAC
19 189.290(1)(i) on the revocation of Darriel K. Gaynor's, formerly
20 employed with the Clark County Department of Juvenile Justice
21 Services, Category II and III basic certificates based on a
22 conviction of a misdemeanor and a conviction of a misdemeanor
23 crime of domestic violence as defined in 18 USC 921(a)(33). The
24 convictions which have led to this action are: Count I, assault,
25 violation of NOC 50200, a misdemeanor; Count II, domestic

1 battery, 1st violation of NOC 50235, a misdemeanor. Possible
2 action may be revocation of the Category II and III basic
3 certificates. Director Sherlock, some background please.

4 SHERLOCK: Mike Sherlock for the record. So in
5 this case, Mr. Gaynor was convicted of both an assault and a
6 domestic battery. Staff would submit that both convictions are
7 inconsistent and incompatible with being a peace officer and
8 violates public trust, and staff would recommend revocation. We
9 would also add that we realize that both convictions are a
10 misdemeanor but current standards prohibit the employment of a
11 peace officer with a documented history of physical violence.
12 In addition, those with a domestic battery conviction are
13 prohibited from possessing a firearm, which is often an integral
14 part of exercising peace officer powers. We did not receive any
15 notice that Mr. Gaynor would be present today. And with that,
16 we will turn it back to you.

17 TROUTEN: Thank you, Director. Mr. Gaynor here or
18 anyone on his behalf? Discussion or comments from the Board?

19 SHERLOCK: Mr. Chair, my mistake, it's Ms. Gaynor,
20 not Mister.

21 TROUTEN: Oh, okay. Correct as well so. Hearing
22 no comments, I would entertain a motion.

23 NIEL: Russ Niel. Motion to revoke.

24 TROUTEN: We have a motion to revoke. Is there a
25 second?

1 MILLER: Oliver Miller. Second.

2 TROUTEN: Motion and second to revoke the
3 certificates. All those in favor, please say aye.

4 MEMBERS: Aye.

5 TROUTEN: Any opposed? I also vote aye. Motion
6 carries. Item 13. This is a hearing pursuant to NAC
7 289.290(1)(g) on the revocation of Jeremy P. Harvey's, formerly
8 employed with Washoe County Sheriff's Office, Category I, II,
9 and III basic certificates based on a conviction of, or entry of
10 a plea of guilty, guilty but mentally ill or nolo contendere to
11 a felony. The conviction which has led to this action is Count
12 I, coercion with physical force or immediate threat of physical
13 force constituting domestic violence in violation of NRS
14 207.190.2(a), NRS 33.018 and NRS 176.094, a Category B felony.
15 Action may be revocation of a Category I, II, and III basic
16 certificates. Director Sherlock.

17 SHERLOCK: Mike Sherlock for the record. Here Mr.
18 Harvey was convicted of a felony domestic violence crime. For
19 similar reason stated before, staff would submit that the
20 convictions are inconsistent with being a peace officer, it
21 violates public trust, and would recommend the revocation. It
22 was a felony and Mr. Harvey did not notify us of any intent of
23 being here.

1 TROUTEN: Thank you. Is Mr. Harvey or anyone on
2 his behalf present? Seeing none, comments or discussion from
3 the Board? Hearing none, is there a motion from the Board?

4 COVERLEY: Dan Coverley, so moved.

5 TROUTEN: A motion to revoke. Is there a second?

6 TOGLIATTI: George Togliatti. I'll second.

7 TROUTEN: Motion and second to revoke. All those
8 in favor, please say aye.

9 MEMBERS: Aye.

10 TROUTEN: Any opposed? I also vote aye. Motion
11 carries. We're on to item 14. This is a hearing pursuant to
12 NAC 289.290(1)(e) on the revocation of Mark A. Lawson's,
13 formerly employed with the University Police Department Northern
14 Command, for his Category I basic certificate based on a
15 conviction of, or entry of a plea of guilty, guilty but mentally
16 ill or nolo contendere to a gross misdemeanor. The conviction
17 that has led to this action is Count I, conspiracy to possess a
18 drug that may not be introduced into interstate commerce in
19 violation of NRS 454.351(1) and NRS 199.480(3)(g), a gross
20 misdemeanor. Possible action may be revocation of a Category I
21 basic certificate. Director Sherlock.

22 SHERLOCK: Mike Sherlock for the record. As the
23 Commission may remember at our last meeting we had continued
24 this revocation hearing to give Mr. Lawson the opportunity of
25 voluntary surrender should he desire. You can see by the letter

1 in your material that he chose not to do that and we believe he
2 is here today to speak to the Commission. Here Mr. Lawson was
3 convicted of a gross misdemeanor related to a controlled
4 substance transaction. Staff would submit that that conviction
5 is inconsistent with being in a peace officer position and
6 violates public trust, and staff would recommend that the
7 certificate be revoked.

8 TROUTEN: Thank you, Director Sherlock. Is Mr.
9 Lawson or anyone on his behalf here?

10 LAWSON: I am, sir.

11 TROUTEN: Okay. Please come forward (inaudible),
12 make a statement. And if you please, state your name clearly in
13 the microphone.

14 LAWSON: Yes, sir. Can you hear me?

15 TROUTEN: Yes.

16 LAWSON: Well, thank you for the opportunity to
17 be here, Mr. Chair, Members of the Board. My name is Mark
18 Lawson. I'm formerly employed by, actually most recently, the
19 City of Sparks as the fire chief. I was lucky enough to spend
20 half of my career actually (inaudible) being in the fire
21 service, was fortunate enough to be a peace officer for over 25
22 years, most of which was in California. I am still certified,
23 POST certified, in the state of California. Just (inaudible), I
24 didn't bring legal counsel or anything. Here to ask for
25 flexibility and compassion on behalf of the Board. Um, I have

1 honorably served the communities of Washoe County as a peace
2 officer in the state of Nevada, most recently as a peace officer
3 for UNR, and the majority of my peace officer time was with the
4 state of California, with CalFire working in the Prevention
5 Bureau. I can tell you that as far as a reputation and career,
6 never been in any trouble my whole life. In fact, I'm so used
7 to sitting on the other side of the table as you folks and
8 sitting through hearings and listening to, you know,
9 disciplinary hearings and listening to facts and we're gathering
10 information and then processing an outcome and or a decision. I
11 just ask that you exercise some flexibility, like I said,
12 compassion, and I was always taught in peace Officer about,
13 about flexing (inaudible) the spirit of the law. There's a lot
14 of folks that I interacted with that I was able to exercise
15 spirit of the law and I believe that the outcome was a very
16 positive outcome. So I would ask that this Board consider that
17 when you make this decision, I can tell you that might be
18 already let in, I'm not going to sit here and worry you all day
19 with it but, you know, I do have a prescription for HRT. I've
20 never done a drug in my life. I don't do marijuana. I've done
21 nothing. That's why I passed every background. In fact, I just
22 competed for the neighboring county, Douglas (inaudible),
23 Douglas County, East Fork Fire Protection District and made to
24 the finals, fire chief. I'm not here to do wrong. I've always
25 done what's right. We make mistakes in life and you learn from

1 those. I'm 56 years old. I'm not necessarily going to work
2 again as a peace officer, but I want to leave that as an opening
3 to maybe do something to help the community as I've done for two
4 thirds of my life over three decades. I just ask, like I said,
5 for flexibility with this honorable Board and I appreciate the
6 opportunity to speak today and just hope that you consider all
7 the facts. And I'm not sure how much you read into it but, you
8 know, about suing the City of Sparks for like \$400,000, it
9 wasn't about the money, it was about my reputation and that's
10 why they ended up firing the city manager as well as paying
11 almost four hundred thousand dollars to me because of the
12 defamation, something that I've worked so hard to do for a full
13 career. Testosterone that you can buy on a line from a legal
14 website and I told them that even my attorney told the judge
15 that said maybe you need to look into the people that are
16 advertising this online because you don't need a prescription.
17 It says it online. I have a legal prescription for all of my
18 stuff. I was simply trying to help somebody whose dad is
19 suffering from Stage 4 cancer. That's it. He asked me for
20 that. I told him where you'd find it. It's an out of state
21 thing online and it's a legal website. You can pull it up on
22 your phone as we speak. That's all I have to say. I appreciate
23 the opportunity again and it's an honor to be here before you
24 all today. Thank you very much.

1 TROUTEN: Thank you, sir. Any questions from the
2 Board for Mr. Lawson? So while I appreciate it, what I'm trying
3 to impress upon you as well is we're a regulatory Board.

4 LAWSON: Yes sir.

5 TROUTEN: We operate off a couple basic facts and
6 then, you know, we take the actions we take based on those.
7 What comes down the road, maybe other remedies there so.

8 LAWSON: Understand, sir.

9 TROUTEN: Any discussion or comments from the
10 Board? Hearing none, I would entertain a motion.

11 COVERLEY: Dan Coverley, I move to revoke.

12 TROUTEN: We have a motion to revoke. Is there a
13 second?

14 MILLER: Oliver Miller. Second. Have a motion
15 and a second to revoke. All those in favor, please say aye.

16 MEMBERS: Aye.

17 TROUTEN: Any opposed? I also vote aye. Motion
18 carries.

19 UNIDENTIFIED: (Inaudible.)

20 TROUTEN: On this matter?

21 UNIDENTIFIED: Yes.

22 TROUTEN: So there is a point for public comment
23 at the back.

24 UNIDENTIFIED: Okay.

1 TROUTEN: This matter has just been concluded by
2 action.

3 UNIDENTIFIED: Okay.

4 TROUTEN: So you're welcome --

5 UNIDENTIFIED: You guys need to investigate the
6 Attorney General's office when I have recording saying let's
7 frame this guy for all the drugs they're bringing to the prison.

8 TROUTEN: We will move on. Item Number 15. This
9 is a hearing pursuant to NAC 289.290(1)(e) on the revocation of
10 Sean W. Lucero's, formerly employed with Las Vegas Metropolitan
11 Police Department, Category I basic certificate based on a
12 conviction of, or entry of a plea of guilty, guilty but mentally
13 ill or nolo contendere to a gross misdemeanor. The conviction -
14 - excuse me, convictions that have led to this action are: Count
15 I, attempt theft, Category F -- or excuse me, E Felony/Gross
16 Misdemeanor in violation of NRS 205.0832, NRS 205.0835, NRS
17 193.153, and NOC 61956/61957; and Count II, oppression under
18 color of office, gross misdemeanor, in violation of NRS
19 197.200(2)(b), NOC 52314. Possible action may be the revocation
20 of the Category I basic certificate. Director Sherlock, some
21 background please.

22 SHERLOCK: Mike Sherlock for the record. So here,
23 Mr. Lucero was convicted of a wobbler (phonetic) and a gross
24 misdemeanor of oppression under the color of office. I believe
25 in both cases he was sentenced under the gross misdemeanor

1 parameters. Staff would simply submit that both convictions are
2 clearly Brady issues and the convictions themselves are
3 inconsistent with being in a peace officer position and violates
4 public trust, and we would recommend revocation. Mr. Lucero did
5 not notify us of any intent of being here.

6 TROUTEN: Is Mr. Lucero here or anyone on his
7 behalf? All right, is there comments or discussion from the
8 Board?

9 PROSSER: Jamie Prosser for the record. First and
10 foremost, I also would like to revoke his Commission status.
11 However, I would like to discuss the process in which we do
12 these revocations. I understand that they are not personal, but
13 if we go back to the minutes in October of '24, I requested that
14 we start the rulemaking process to change so that we can have
15 more discussions on gross misdemeanor charges against officers.
16 Should my agency wish to keep Lucero employed, if he gets
17 through probation, his charges then get dropped down. Yet
18 obviously we're not keeping him, but our agency wasn't even
19 consulted and furthermore, where our agency most of the time
20 receives revocation hearings to be served, we find out that he
21 received his revocation hearing to be served through Henderson
22 Police Department. Again, I understand it's not personal and
23 you guys get whoever you can to serve them, but at the next
24 meeting, I would like to know what that process is and how we go
25 about doing that because our agency didn't even know we were

1 moving to revoke his until Henderson Police Department called
2 the Las Vegas Metropolitan Police Department to get his address.
3 And also for the record, he has no residence in Henderson,
4 nothing related to Henderson. So why went through Henderson
5 Police Department in first place is particularly question.

6 SHERLOCK: So Mike Sherlock for the record. So
7 when we're doing civil process, we use a constable's office,
8 we've used Metro's Las Vegas township constable function and,
9 you know, we're not funded so we've looked for help from where
10 wherever we can get it. Understand on the flip side of that, up
11 here in the north, we've had issues where agencies do not want
12 to serve their former employees so we get hit from both sides,
13 you know: why, you know, are you making us serve our own people
14 or why is someone else serving our people? In this case, not
15 sure why we ended up with Henderson, but they're ones that
16 agreed to serve for us. I don't know. In terms of the gross
17 misdemeanor, we understand what the direction of the Commission
18 was, right? In this case, we received a term par from Metro
19 that listed the crime, the criminal case, and that he's
20 terminated. So from a staff perspective, he doesn't have an
21 employer and I would even go further that Metro in this case is
22 telling us take a look at his crime, that's why he's terminated.
23 You know what I mean? So from our perspective, it wasn't an
24 issue of what does the agency want to do. They don't employ him
25 anymore and they wanted to terminate him, and so that's why we

1 put him on the agenda. As I said before, if an agency, another
2 Metro case where Metro decides not to terminate someone, that's
3 a different issue and we would follow what your directive is
4 that you want to know what the agency wants, but we don't have
5 the authority to revoke anybody and gross misdemeanors are
6 brought to the Commission for you to decide if they need to be
7 revoked or if you want them revoked. Period. Misdemeanors
8 require the employing agency to request revocations. So there
9 is a difference between misdemeanors and gross misdemeanors. I
10 just want to make sure we're clear on that. But we don't want
11 to get involved in personnel issues. Please don't misunderstand
12 us.

13 PROSSER: So just so we're clear, this Board
14 previously said that we wanted the agencies to have the
15 opportunity to make a decision on whether or not someone's
16 Commission status was revoked. This case, I understand we've
17 already terminated him.

18 SHERLOCK: Correct.

19 PROSSER: We want him revoked. So I just think
20 for this Board's sake, we need to make sure that that's very
21 clear. If an agency has already terminated the employee, then
22 they have charges go forward with the revocation hearing without
23 asking the agency. If they're not terminated, make sure that
24 the Board -- make sure that the agency has a say in whether or
25 not it becomes a revocation hearing.

1 SHERLOCK: Yeah, exactly. That's how we interpret
2 it.

3 PROSSER: Okay.

4 SHERLOCK: No doubt about it.

5 PROSSER: I just want to make sure we're very
6 clear because I felt somewhat --

7 SHERLOCK: No, we understood that and --

8 PROSSER: -- contradicted in our previous meetings
9 and I asked for the rulemaking process to go forward and change
10 it, and now all of a sudden another agency's serving my employee
11 or my ex-employee. So I just want to make sure we're clear --

12 SHERLOCK: Yeah.

13 PROSSER: -- with what this Board wants.

14 SHERLOCK: We didn't understand the whole civil
15 process side of it. For us, that's just due process. We have
16 to get 'em served and we call anybody that's willing to take
17 that paper and serve 'em, you know, and we have had issues in
18 the past where the agency that used to employ them doesn't want
19 -- for reasons that you might understand, doesn't want to serve
20 them. So we didn't give a lot of thought to that. So that's
21 our fault.

22 PROSSER: I think it's very clear that my agency
23 has never had a problem serving when it's (inaudible).

24 SHERLOCK: And you guys serve a lot for us, don't
25 get me wrong.

1 PROSSER: I think my Henderson counterpart back
2 there would say that we probably serve more than they do.

3 SHERLOCK: Yeah, yeah, no, I get that. Yeah, no,
4 but we are clear on that. Also understand that once they are
5 terminated, it's no longer about the employing agency, it's
6 about policing in Nevada and preventing that person that was
7 terminated to going to another agency, you know, jump around.
8 So that's how we kind of, you know --

9 PROSSER: I understand.

10 SHERLOCK: -- look at it. But again, we've been
11 involved in employment issues and we don't want to be. We're --
12 more often we are used as an excuse for personnel actions than
13 us wanting to interject in personnel actions and we don't want
14 to do that. So we're clear on that. We knew that all of these
15 were no longer employed.

16 PROSSER: Okay. Thank you.

17 TROUTEN: Any other questions or discussion from
18 the Board?

19 COVERLEY: Chairman, I have a comment or a
20 question. I guess would it be reasonable to ask that the
21 agency, whether they were -- the employee's currently employed
22 or they've been dismissed, has kind of the first right of
23 refusal as far as serving that employee irregardless of whether
24 they've been fired or if they're still --

1 SHERLOCK: Yeah, we don't have a problem with that.
2 Again, only because we get hit from both sides, right? Why
3 didn't we get to serve 'em or why are you making us serve 'em?

4 COVERLEY: Yeah, and I understand that, but I also
5 understand Jamie's --

6 SHERLOCK: Yeah, and we do. We get that.

7 COVERLEY: So if you ask them and they say we don't
8 want, you know, then you got to do what you got to do kind of
9 thing.

10 SHERLOCK: Yeah. And to be honest, a fallback for
11 us is often in the constable's office because they're kind of
12 the neutral, that's all they do, and they do serve a lot for us,
13 the constables, especially in the south but.

14 MILLER: Oliver Miller, just a quick comment in
15 that, I think about it, I'm kind of the opposite. In Reno
16 Police Department, we'd not want to serve one of our former or
17 current members. You want another agency to do that, but we
18 still want to be in the know about that. So similar to Sheriff
19 Coverley, you know, either first right of refusal or some type
20 of notice because it will impact, you know, the former employee.
21 I'd want to know. So I think that's a good practice.

22 SHERLOCK: Yeah, certainly we can do that. Let me
23 just say that. You know, again, we worry about litigation stuff
24 sometimes, but in that case, that's not an issue. You've
25 already terminated them and often did the investigation.

1 GOEBEL: So I will add one point for the Commission's
2 consideration, although it has not come up here, it was alluded
3 to: we all understand what service is and how simple it is
4 handing something to somebody, but the actual service itself and
5 the proof of the service is part of the documentation that goes
6 in your paperwork here, and I have personally been involved in
7 cases where there have been parties that have disputed service
8 where you've had to bring in the process server. Did you serve
9 'em? Yes, I did. It happens. So that's the reason why. So it
10 is -- we're trying to make sure we've got an above-the-board
11 piece of paper approved service.

12 TROUTEN: All right, back to matter at hand,
13 reference Mr. Lucero's certificates. Any further discussion?
14 Is there a motion?

15 STRAUBE: Rob Straube, move to revoke.

16 TROUTEN: We have a motion to revoke. Is there a
17 second?

18 NIEL: Russ Niel, I'll second.

19 TROUTEN: We have a motion and a second to revoke.
20 All in favor, please say aye.

21 MEMBERS: Aye.

22 TROUTEN: Any opposed? And I also vote aye.

23 Moving on to Item Number 16. This is a hearing. It's
24 discussion and possible action. a hearing pursuant to NAC
25 289.290(1)(g) on the revocation of Christopher Pena's, formerly

1 employed with Nevada Department of Corrections, Category III
2 basic certificate based on a conviction of, or entry of a plea
3 of guilty, guilty but mentally ill or nolo contendere to a
4 felony. The conviction that led to this action is: Count I,
5 trafficking in a controlled substance, 100 grams or more, but
6 less than 400 grams, which is a Category B Felony in violation
7 of NRS 453.3385(1)(a). Action would be the revocation of the
8 Category III basic certificate. Director Sherlock, some
9 background please.

10 SHERLOCK: Mike Sherlock for the record. Here Mr.
11 Pena was convicted of a felony trafficking and a controlled
12 substance. Staff would submit that the conviction is
13 inconsistent with being in a peace officer position and violates
14 public trust and would recommend a revocation. Mr. Pena is in
15 custody -- is in custody and did not notify us of any intent of
16 being here today.

17 TROUTEN: Okay, we have anyone here on his behalf?
18 All right, discussion or comments from the Board? Hearing none,
19 I would entertain a motion.

20 COVERLEY: Dan Coverley. So moved.

21 TROUTEN: We have a motion to revoke. Is there a
22 second?

23 PROSSER: Jamie Prosser. Second.

24 TROUTEN: Have a motion and second to revoke. All
25 in favor, please say aye.

MEMBERS: Aye.

TROUTEN: Any opposed? I also vote aye. Motion carries. Onto Item Number seven (SIC) for discussion, possible action. This is a hearing pursuant to NAC 289.290(1)(g) on the revocation of Bryce K. Tokunaga's, formerly employed with the 8th Judicial District Court Marshals Division, Category II basic certificate based on conviction of, or entry of a plea of guilty, guilty but mentally ill or nolo contendere to a felony. The conviction that led to this action is: Count I, attempted pandering, Category D Felony/Gross Misdemeanor, in violation of NRS 201.300, NRS 193.153, and NOC 62184/62185. Action can be revocation of the Category II basic certificate. Director Sherlock, background information please.

SHERLOCK: Mike Sherlock for the record here. Mr. Tokunaga's -- you're better than I am, Chief, that's a tough one, was convicted of a wobbler (phonetic), attempted pandering. Staff would submit the conviction is for a crime of moral turpitude, a Brady issue, and further, staff would submit that the conviction itself is inconsistent with being in a peace officer position and violates public trust, and staff would recommend revocation. We were not notified of any intent for him to appear.

TROUTEN: Okay. Is Mr. Tokunaga or any of his representatives here? Comments, questions, discussion by the Board? Hearing none, I would entertain a motion.

1 PROSSER: Jamie Prosser. So moved.

2 TROUTEN: Okay. We have a motion to revoke
3 certificate. Is there a second?

4 STRAUBE: Rob Straube. Second.

5 TROUTEN: Motion and second to revoke. All in
6 favor, please say aye.

7 MEMBERS: Aye.

8 TROUTEN: Any opposed? And I also vote aye.
9 Motion carries. Item 18, discussion for possible action,
10 Commission to consider the development of language related to
11 the ability of staff to suspend the certificate of a certified
12 peace officer or suspend the privilege on one who has been
13 arrested or charged under certain limited circumstances.
14 Commission may decide to initiate the rulemaking, develop
15 language for such action. Director Sherlock.

16 SHERLOCK: Mike Sherlock the record. You know,
17 after I sit here and say we don't have any authority and we
18 don't want authority, but we seem to have this issue coming up
19 more and more and really these delays in the Commission's action
20 sort of undermines the very function and, you know, purpose of
21 the Commission so unfortunately, it's not unusual to have a
22 certified officer get arrested for a serious crime. We're
23 seeing it more and more, unfortunately. What happens then is
24 the media will get ahold of us and begin making inquiries as to
25 their certificate status. So we've actually had it where an

1 officer is arrested for murder, is in custody, and we have to
2 tell the media that they have a valid and active POST
3 certificate and, you know, the perception there is bad enough.
4 We have to report that it's in good standing and to be honest
5 with both the media and the public have sort of a different
6 expectation in someone who is accused of a heinous crime,
7 obviously. Another issue we do see is where we may have an
8 officer that's accused of a crime, resigns, and then applies to
9 work at another agency. I'm not going to go into background
10 failures, but let me just tell you that it happens and when they
11 do that, we have to report that their certificate is in good
12 standing because either we don't have the information yet, there
13 hasn't been a Commission meeting, that kind of thing, and, you
14 know, which of course is a problem in itself. Again, this sort
15 of undermines the whole trust and mission of the POST
16 Commission. So we're interested or would like to see perhaps a
17 regulation change that would allow for suspension by staff or
18 the director, however it's written, in limited circumstances to
19 prevent these things from happening. We of course are sensitive
20 to getting caught up in the employment issues and so right off
21 the top, I could tell you that our thought on any language, if
22 you would entertain it, would bring back some language for you
23 to look at that would limit suspensions to those that are 1,
24 accused of a crime, they actually have charges filed and who are
25 either terminated or on admin leave at the agency they're

1 employed at so we're not the ones causing that or part of that
2 in any way until you guys are available to listen to it. And
3 then of course, those suspensions that occur would have to be
4 approved by the Commission at the next available meeting. We're
5 just looking to get that gap where someone gets arrested for
6 murder, is in custody, and we have the media calling us and
7 we've done nothing on their certificate and we can't for four
8 months and they're calling us every day or we even get the
9 public calling us on those quite a bit, or those cases where
10 it's a heinous type crime and they get themselves out of custody
11 and somehow get hired at an agency in the interim before you
12 guys can take any action or even the court case is done. And so
13 we are simply asking if the Commission would entertain a motion
14 to begin the rulemaking, which would include a workshop for us
15 to provide language ideas for you to consider on a future
16 Commission meeting. And I can take any questions.

17 PROSSER: Jamie Prosser for the record. I don't
18 recall the time that you brought somebody before us to suspend
19 their certificate that's been arrested for murder.

20 SHERLOCK: Right.

21 PROSSER: I mean, I don't (inaudible) the record
22 of not being on POST staff being suspended certificates without
23 the Board being able to have a say in it.

24 SHERLOCK: Yeah, we haven't because we can't.

25 PROSSER: I understand.

1 SHERLOCK: We have revoked people for murder, but
2 it's long time after, you know.

3 TROUTEN: so I guess my question would be is under
4 the current regulations we're allowed to suspend on, like, a
5 gross misdemeanor, but it's always upon a conviction. We
6 require the conviction for the felony, for the misdemeanor
7 requested by the agency, whatever it is. So this would actually
8 be the gap between arrest, discovery of the crime, I guess, and
9 conviction?

10 SHERLOCK: Yeah. And again, only where -- you
11 know, for us they have to be terminated or on admin leave
12 because again, we're not going to get into any personnel. We
13 don't want to be the reason they're on admin leave or terminated
14 so we wouldn't have that authority unless they were on admin
15 leave or terminated.

16 PROSSER: Jamie Prosser for the record. This
17 Board has the authority to suspend people's certificates,
18 correct?

19 SHERLOCK: Yes.

20 PROSSER: So if someone gets arrested --

21 SHERLOCK: Well --

22 PROSSER: -- and they're not convicted yet, we
23 could still have a hearing to suspend their certificate in the
24 interim, which would fill that gap and have this Commission have
25 a say in what gets suspended.

1 SHERLOCK: Yes, that's true.

2 TOGLIATTI: George Togliatti for the record. I,
3 having a fair amount of experience with the media, I think
4 that's kind of a weak argument as far as your ability to answer
5 the meeting and say all of our decisions on somebody's POST
6 certificate is pending review by the Commission, call it a day,
7 and --

8 SHERLOCK: Which is what we say.

9 TOGLIATTI: -- (inaudible) away the media twists it,
10 it's going to be the way twists it. Having through an
11 experience here really recently on a retirement situation really
12 turned really bizarre. I also would be concerned about the
13 administrative leave claim. I think that there's too many ifs,
14 buts, and it's a little bit too gray to just move on that but,
15 you know, a conviction, somebody's in jail, murder, (inaudible),
16 they've been in there forever, I mean, I can see that kind of
17 argument, but it's rather broad right now what you're proposing
18 in my opinion.

19 SHERLOCK: Sure. Again, we're just trying to cover
20 that gap. I totally get.

21 COVERLEY: Is your concern, which I think it is,
22 and I'm trying to understand the time lapse between the incident
23 and when we meet to review, right, that's the one of the issues?

24 SHERLOCK: Yeah, that is definitely the issue and
25 I'd go even a step further. A lot of times we're looking at

1 these cases that we are going to revoke them and so we may not
2 have anything more than the fact that they're arrested and so
3 we're a little reluctant to bring that for suspension knowing
4 that we're going to also have to then bring it for revocation.
5 And so we could look at that closer and maybe do it more often,
6 I understand that, but you still have that gap of the day
7 they're arrested is today and we don't have another meeting
8 until July. And that's the only thing we are trying to address
9 but I understand.

10 NIEL: Russ Niel for the record, I got this
11 same interpretation that Dan, Sheriff Coverley had, that this
12 was just a, you know about the arrests, you're going to suspend
13 him, you're going to put him on the agenda as soon as we can to
14 go for revocation. This gets him out of the field, the industry
15 basically.

16 SHERLOCK: For those four months.

17 COVERLEY: They can't bounce around. But there has
18 to be a mechanism, right? Whether I'm thinking technology,
19 right, of Zoom and the district, you know, the DA's the Attorney
20 General, I'm going to mess up your title.

21 SHERLOCK: (Inaudible.)

22 COVERLEY: Attorney General. Yes, we can do this
23 virtually at a moment's notice, correct? Does it have to be in
24 person as we are doing it today?

1 GOEBEL: The reason that's not an easy question
2 to answer is the agenda that we have here flows under the Open
3 Meeting Law rules.

4 COVERLEY: Okay.

5 GOEBEL: So it would -- not getting too much into
6 it, I suppose it's possible we could discuss setting up a quasi-
7 emergency type scenario where we could do a virtual and bring
8 the Commission together if it's pressing enough and because
9 there are some exceptions when you have something semi-emergency
10 to OML, but that's the biggest problem for that.

11 COVERLEY: And I guess my second question, which I
12 understand is -- I lost my train of thought. All right, I'll
13 have to circle back if I (inaudible).

14 NIEL: Russ Niel for the record. So Mike,
15 you're looking for a vote from us to let you guys start making
16 the rules, what this procedure --

17 SHERLOCK: That's all we're asking is whether or
18 not the Commission would entertain us bringing back some sample
19 language to cover that four months. That's it. If not, not. I
20 mean, you don't want us to do it, we don't do it.

21 COVERLEY: Dan Coverley for the record. I just
22 remembered what I want to ask. So if you suspend someone's
23 certificate and then the case is dismissed or adjudicated or
24 whatever and reinstated, is there any lasting impact of that

1 going forward? What is the downside of doing that to that
2 individual? Or is there one? That's the question I'm asking.

3 SHERLOCK: Not a downside that I can think of, and
4 we have done it in the past with the Commission itself where the
5 person was arrested and ultimately found not guilty. Under our
6 current regs, they were reinstated upon the not guilty and it
7 was -- and so this wouldn't change any of that, right? It's
8 just giving you that extra four months but it is what is.

9 TROUTEN: So Ty Trouten for the record. Just
10 reading through NAC 289.290, even for the pretrial ones, for us
11 to do a suspension, there would have to already be a termination
12 by the agency, or there would have to be, like, a chronic
13 drunkenness or whatever. So it may need to be appended anyway,
14 just to allow us to have an emergency meeting to consider that
15 because right now it's still relying heavily upon the conviction
16 by the crimes or a few set specific circumstances.

17 SHERLOCK: And again, Mike Sherlock for the record.
18 So, you know, for us, you know, if you had -- the Commission
19 meets at the call of the Chair and, but we are still bound by
20 open meeting rules, so we have to notice it, we have to post it,
21 we have to have an agenda, and we have to have the ability for
22 people to attend. And so, you know, might as well just wait for
23 the next scheduled meeting at that point, you know, and if
24 you're good with it, you know, hey, we're just staff. We're
25 just throwing it out.

1 TOGLIATTI: George Togliatti for the record. In
2 that case, could you have the meeting here? And if you don't
3 have a quorum, you could still have it virtually and get a
4 quorum virtually? Is that --

5 SHERLOCK: Yes. So we have in the past.

6 TOGLIATTI: -- legal?

7 PROSSER: Jamie Prosser.

8 TOGLIATTI: It's still open to the public, but we'll
9 send some people that are on the Commission here who may not
10 come all the way up or travel for this.

11 SHERLOCK: Oh, certainly. Yeah. And we've done
12 that in the past.

13 TOGLIATTI: So we can still do it.

14 SHERLOCK: Yeah.

15 TOGLIATTI: It's not that big a deal, right, to call
16 the Commission if we have those types of situations?

17 SHERLOCK: Yeah, keep in mind we're not the
18 legislature though, so seven days minimum, we have to note --
19 well, three days minimum to notice with an agenda, post it and
20 all that stuff. So we could do it.

21 PROSSER: Jamie Prosser for the record. We are
22 struggling as a Board, as a Commission to even figure out how
23 we're going to revoke people's certificates where an agency
24 doesn't want it revoked. The last thing I want is someone not
25 in my agency to have a say on suspending my cops' POST

1 certificates. I mean, it just takes one person to say oh,
2 (inaudible) for dv, let's suspend them until we find out that
3 they're convicted. I mean, a week or two goes by, my cop's back
4 to work, ultimately gets misdemeanor battery or even gets thrown
5 out, and yet he's working with a suspended certificate because
6 we didn't have a say in it. That's a problem.

7 STRAUBE: Rob Straube for the record. One of my
8 concerns is too, especially in my department's kind of the admin
9 leave language, what that would look like. I hear the
10 conviction part, that makes me feel a little bit better but, and
11 maybe I'm not so understanding what you meant by the admin
12 leave, who's got the onus to notify of that? I would imagine
13 all of our departments, at least the bigger ones have 3, 4, 5 on
14 admin leave any time. And what is it based on, a crime or what
15 (inaudible).

16 SHERLOCK: Right. And then, so our only -- we
17 agree with what Chief Prosser says is, look, we don't want to be
18 that, right, but if they're not exercising peace officer powers,
19 there's no issue with suspension. If you bring 'em back -- and
20 again, it's all language, but I don't want to beat a dead horse.
21 That's not what the Commission wants, then we just threw it out
22 there. We want you to know that we do deal with this. We have
23 the public calls constantly. This is not about individual
24 agencies, it's about the state and it is uncomfortable. That's
25 our job, it's fine with us that you got a guy that's arrested

1 for a serious crime and we're not suspended him. And yes, we do
2 tell the media hey, this is our procedure, here's what 289 says,
3 the Commission will take action when appropriate. We do that
4 but you understand from a perspective standpoint, it's sometimes
5 an issue and we are concerned about officers that commit crimes
6 are not convicted, there is no revocation, and they move to
7 another agency before we can catch up to 'em, and so that's the
8 only reason we brought it out here, brought it today. And the
9 language can say whatever you want or there could be no
10 language. We're good. It's up to the Commission.

11 STRAUBE: Rob Straube for the record. So for
12 clarity on the comment you just said, you have people convicted
13 of a -- or facing serious crime and they're able to jump to
14 another agency. So that gets into the agency's background.

15 SHERLOCK: Absolutely.

16 STRAUBE: You're saying that happens, it's
17 interesting.

18 SHERLOCK: Yeah. Yeah. Believe us, it happens.
19 Which of course is a different issue in terms of background.

20 PROSSER: Jamie Prosser for the record. I think
21 everyone knows my stance not to move forward with the rule
22 making process or have a workshop.

23 TROUTEN: I would just say I think it would be
24 useful to be more responsive in some situations prior to the
25 convictions, but that would take a workshop to create some sort

1 of language of, you know, a person who's arrested for a felony.
2 You know, maybe that's the category focus on, but I think you
3 need to have a workshop. You need to look at this.

4 PROSSER: So if that's the way you want to go, I
5 would say a workshop, but it has to be that this Board regulates
6 the suspensions, period. It's not based on --

7 TROUTEN: No, I'm talking about this Board being
8 able to convene. We pump out, like, an agenda, two weeks later
9 we have an impromptu meeting to consider this issue. I agree
10 with you wholehearted than it's at the Board's discretion. But
11 right now, under the NAC, you can hold the meeting, but you
12 still have to have that conviction or, you know, the
13 drunkenness, chronic physical impairment. It doesn't talk about
14 it right before something serious.

15 TOGLIATTI: George Togliatti for the record. I
16 still have a bit of an issue over the frequency of these
17 occurrences. For one, I've already spoke to the media issue.
18 The agency's going to hear it loud and clear from the media.
19 But long before POST will know, and I just have a little bit of
20 concern of basically what could go wrong. I would think if
21 there's some -- that there's some exigent circumstances, we
22 really have to address a particular issue, that you call a
23 meeting, have it here, it's a three-day deal virtually, get
24 enough for a quorum, call it a day. I don't know if we would
25 need to go through the whole workshop thing were we not -- I

1 mean, if you can give us an idea of how many occurrences there
2 are in the state where we have people who have been moved to
3 other -- hired by other agencies. I know our background
4 investigations take forever. I'm just -- and then what kind of
5 crime would it be that we wouldn't -- everyone here in the state
6 wouldn't know about it?

7 TROUTEN: Well, I think the same thing.

8 TOGLIATTI: Now we're operating on a three month
9 between means for ones that are convicted and they're still out
10 there with their certificate even after conviction, and I don't
11 know how much problem that is.

12 SHERLOCK: I just want to clear -- Mike Sherlock
13 for the record. So you do currently have the authority where
14 for suspension upon criminal indictment or filing of a criminal
15 complaint, suspension may be imposed. So that is the other, so
16 just to clarify that, that we could in those cases have a
17 meeting and you would have currently the authority to suspend
18 based on the criminal complaint. So that may be the way to go
19 too.

20 TOGLIATTI: George Togliatti --

21 SHERLOCK: And then we don't need a workshop or,
22 you know, what have you.

23 TOGLIATTI: Me again for the record. Without
24 getting specific, I just handed you some paper on an issue with
25 somebody, correct?

1 SHERLOCK: Yes.

2 TOGLIATTI: I would think that as an agency, if we
3 require people to say hey, here's somebody to in this situation
4 and we notify you, I don't know whether do we have to suspend.
5 I think it's just a matter of communication more than anything
6 else. I think I'm more concerned about what could go wrong to
7 your point about an administrative leave thing that lasts
8 another month or two and all of a sudden it comes back and hey,
9 were you ever suspended? Well, yeah, but we're revoked, blah,
10 blah, blah, blah, and we're wrong. I'd just like to make sure
11 we ensure we have due process for every person is I guess that's
12 my concern. Maybe we almost feel like we're trying to, you
13 know, kind of make our process more efficient but it could be at
14 the cost to make a mistake on some person.

15 MILLER: Oliver Miller for the record. I can
16 recall into that are we aware, and I think it was said, I don't
17 necessarily like it, another agency, especially this premature
18 into a criminal investigation, having the ability to make
19 decisions on behalf of my personnel. You know, so if we were
20 going to head down this path that want to go to a workshop to
21 ensure that, you know, the agency where the officer's coming
22 from, you know, has the ability to make the request or have a
23 say, you know, in whether suspension is going to occur, and
24 maybe that looks like, you know, I'm just using my own agency as
25 the example, Reno Police Department's got to make the request to

1 the Board to, you know, get the virtual meeting off the ground
2 or the suspension because we may have details that the Board's
3 not privy to or the Commission's not privy to, or that POST
4 staff is not privy to. You know, I'd want there to be some
5 discretion for the impacted agency and I think that comes out
6 rule making if we're to go down this path.

7 SHERLOCK: Yeah. Mike Sherlock for the record. So
8 again, what I'm hearing, and I think we already have the
9 authority, the Commission already has the authority so meetings
10 are at the call of the Chair, and looking at our current regs,
11 which we did add not too long ago, was the suspension now that I
12 -- for the Commission. You as a Commission do have an
13 authority, I just want to make sure then if that's the
14 preference here we're hearing, understand that there may be more
15 meetings if these things come up and again, you know, we have to
16 have three-day notice and all those things, but we could deal
17 with it in that manner, and it sounds like that's what the
18 Commission is thinking right now. So, and we're good with that.
19 I mean, it is what it is.

20 TROUTEN: So if we take no action, that
21 automatically comes back next agenda, so this needs to be a
22 tabled item, I believe?

23 SHERLOCK: No, as long as there's no motion, we're
24 done with this agenda item and --

25 TROUTEN: Okay.

1 SHERLOCK: -- and we've got the input from our
2 perspective. We just want to make sure the issue's known by the
3 Commission, that these things do happen, and there's ways to
4 address it and we can go from there.

5 TROUTEN: So everybody good with that? Done? All
6 right. Let's move on to Item Number 20 real quick. Discussion,
7 possible action, schedule upcoming Commission meeting in July,
8 which will be in -- the Sheriff's and Chief's meeting will be in
9 Fallon but potential for it to maybe have a meeting in Reno.

10 (Inaudible) Director Sherlock.

11 SHERLOCK: So Mike Sherlock for the record. The
12 Sheriff's and Chiefs is in Fallon the 16th and 17th, correct?
13 Yeah, we, we would leave it to the Commission on what your
14 preference is. We were thinking that -- I know Chief Miller has
15 offered up Reno PD if they're available. We could on the 17th
16 have the meeting in Reno and not Fallon in the afternoon to
17 allow those of you that are flying home to be closer to the
18 airport. At the same time, we do have room at the Fallon
19 location for the afternoon, so it's up to what's most convenient
20 for the Commissioners. We're not opposed to going to Reno or
21 Fallon. It doesn't matter to us.

22 MILLER: Pleasure of the Board.

23 SHERLOCK: It'd be in the afternoon on the 17th
24 either way because sheriffs and Chief's business meeting is in

1 the morning and so we wouldn't be able to do it until after that
2 anyway.

3 PROSSER: Pardon my ignorance, but how far is
4 Fallon?

5 COVERLEY: Probably 80 miles.

6 PROSSER: Thank you.

7 SHERLOCK: We're just saying that Reno is a little
8 more convenient. You could leave, have lunch and get to Reno,
9 do the meeting and jump on your plane. It doesn't matter.

10 MILLER: I might even schedule you guys on a
11 morning tour.

12 COVERLEY: Dan Coverley for the record. I think it
13 would be more convenient for those from the south that are
14 flying out to have a meeting in Reno then, you know what I mean?

15 PROSSER: I'm good. I just didn't know how far it
16 is.

17 COVERLEY: I mean, it's an easy drive.

18 SHERLOCK: Yeah. It's not --

19 COVERLEY: 80 to Fernley and then over, but I mean,
20 yeah, it's still about 45 minutes to an hour.

21 PROSSER: So moved. Reno, it is. I move for Reno
22 in the afternoon.

23 NIEL: Russ Niel. Second.

24 TROUTEN: Motion, Second for Reno. All in favor?
25 All in favor of Reno, aye please.

1 MEMBERS: Aye.

2 TROUTEN: Any opposed? I'm going to abstain on
3 that one.

4 SHERLOCK: Well, we'll lock down times and we'll
5 get it out to you.

6 TROUTEN: Well, I'm going to move on now to Item
7 6, if you'll indulge here for a moment. So my appointment
8 expires in July and I'm also retiring in July. So that's why
9 I'm abstaining. I have no dog in fight on the next meeting.
10 I'd just like to take a few moments to say thanks. First,
11 Kathy, you do a lot of work for us, thank you so much, you and
12 your staff. Very much appreciate it. Director Sherlock, our
13 AGs, sound wise advice, appreciate that as well. I also very
14 much appreciate the Board members. I think it was you, Jamie,
15 that pointed out somewhere along the line that we don't just
16 always agree with anyone like it has always been, it seems like
17 that everything was unanimous. I think that's the best way to
18 have it. It should be a healthy discussion, should be debate,
19 we shouldn't all see everything the same way every time. To me
20 that's a weakness and then we just become, you know, a rubber
21 stamp. So I thank you very much for, you know, pushing ideas
22 and points and concerns, all these things. I think it makes it
23 better. It makes us stronger. I've enjoyed my time here and I
24 also want to thank the folks that show up that don't have to.
25 It's nice to see people here to just find out what's going on

1 and be aware and be involved. So it's been a great experience.
2 I'm grateful to the previous governor and this governor for the
3 appointment. And with that, I'm also kind of happy not to be
4 doing these anymore. I got to be honest.

5 SHERLOCK: Mike Sherlock for the record. So staff
6 would like to thank Chief Trouten for his leadership and
7 commitment both to the Commission and to our operations here.
8 You've been a pretty integral part of our academies and sending
9 people and helping us get those done. We really do hate to see
10 you go, but we're envious of your retirement. We do have a
11 little symbol of our gratitude that we'd like to present. If we
12 can get it out of here.

13 FLOYD: Just don't drop it.

14 SHERLOCK: Yeah, I probably will drop it. So this
15 says Chief Tyler Trouten, January 29th, 2020 to May 1st, 2025,
16 in recognition of your dedication to raising professional
17 standards for Nevada law enforcement and your unwavering
18 commitment to the POST Commission.

19 TROUTEN: Thank you, sir. Thank you all. It's
20 been enjoyable and it's a lot of times we've been all
21 (inaudible) for some good discussions. Wish you all the best
22 and please keep at it.

23 SHERLOCK: So, you know, you're gone now, so
24 thanks. Thanks, dude. Yeah. Just so everyone knows, so the
25 first agenda item at the next meeting will be the Chairman or

1 Chairperson. It is by statute a simple majority vote. I'm not
2 going to say diddly about it. So hopefully somebody will have
3 interest in doing that for us and we'll determine that at the
4 next meeting, first agenda item.

5 TROUTEN: All right.

6 SHERLOCK: Thanks, Chief.

7 TROUTEN: Believe that covers our agenda except
8 for the final item, which is public comment. We have any
9 comments from the public? Outstanding. Hearing none, is there
10 a motion to adjourn?

11 COVERLEY: Dan Coverley, so moved.

12 TROUTEN: Second?

13 PROSSER: Jamie Prosser.

14 TROUTEN: All in favor?

15 MEMBERS: Aye.

16 TROUTEN: And I also vote aye. Thank you all.

17 SHERLOCK: Thank you, Chief.

1

