

NEVADA COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

POST COMMISSION MEETING
9:00 A.M., THURSDAY,
MAY 4, 2023

COMMISSION ON POST
ADMINISTRATIVE OFFICE
CLASSROOM #2
5587 WA PAI SHONE AVE.
CARSON CITY, NV 89701

AGENDAS/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 WORKSHOP TO SOLICIT COMMENTS ON PROPOSED REGULATIONS

The Commission on Peace Officer Standards and Training is proposing the adoption, amendment and repeal of regulations pertaining to Chapter 289 of the Nevada Administrative Code.

A workshop has been scheduled for **9:00 a.m. on Thursday, May 4, 2023, at the POST Administrative Office, Classroom #2, 5587 Wa Pai Shone Ave., Carson City, NV.** The purpose of the workshop is to solicit comments from interested persons on the following general topic(s) that may be addressed in the proposed regulations:

TOPIC	NAC REGULATION
A. Discussion regarding the creation of an Executive Level Basic Certificate and its requirements.	**New Regulation**

A copy of all materials for the meeting may be obtained by contacting Kathy Floyd, Standards Division Chief, at (775) 687-7678, ext.3335, Commission on Peace Officer Standards and Training at 5587 Wa Pai Shone Avenue, Carson City, Nevada 89701. A reasonable fee for copying may be charged.

This Notice of Workshop to Solicit Comments on Proposed Regulations has been sent to all listed meeting locations, all persons on the agency's mailing list for administrative regulations, all Nevada law enforcement agencies, agency single points of contact and posted at the following:

POST Administrative Office, Carson City
Nevada State Library and Archives, Carson City
http://post.nv.gov
http://notice.nv.gov
http://leg.state.nv.us
Electronically Posted pursuant to NRS 241.020(4)

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.

Executive Level Category I Basic Certificate

NAC 289.xxx–Executive Level Basic Certificate:

1. The Executive Director may award an executive level category I basic certificate to any peace officer who:
   a. Has been elected or appointed to the executive level position (NAC 289.047). No more than two (2) active executive level basic certificates will be permitted per agency.
   b. Has met all standards of NAC 289.110 and hired by a Nevada Law Enforcement Agency; and
   c. Has a history of at least 5 consecutive years of employment as a peace officer; and
   d. The certification of the peace officer has not been revoked or suspended in any state; and
   e. The peace officer has satisfactorily completed, within 1 year of date of appointment, 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

SAMPLE

f. The peace officer passes the state certification exam with a score of at least 70 percent; and
g. The peace officer passes the state physical readiness examination for category I or the Cooper Standard for Law Enforcement Physical Assessment above 50 percentile.
h. The peace officer must meet all requirements of Chapter 289 to maintain the basic certificate.
i. Executive level basic certificate expires immediately upon separation as an executive with that agency.

SAMPLE

The Cooper Standard for Law Enforcement Physical Assessment (Scored)

Dynamic Strength (One Minute Push Ups) Male					%	Category
20 - 29	30 - 39	40 - 49	50 - 59	60+		
100	86	64	51	39	99	Superior
62	52	40	39	28	95	
57	46	36	30	26	90	Excellent
51	41	34	28	24	85	
47	39	30	25	23	80	
44	36	29	24	22	75	Good
41	34	26	21	21	70	
39	31	25	20	20	65	
37	30	24	19	18	60	
35	29	22	17	16	55	Fair
33	27	21	15	15	50	
31	25	19	14	12	45	
29	24	18	13	10	40	
27	21	16	11	9	35	Poor
26	20	15	10	8	30	
24	19	13	9.5	7	25	
22	17	11	9	6	20	
19	15	10	7	5	15	Very Poor
18	13	9	6	4	10	
13	9	5	3	2	5	

The Cooper Standard for Law Enforcement Physical Assessment (Scored)

Dynamic Strength (One Minute Push Ups) Female					%	Category
*20 - 29	*30 - 39	*40 - 49	**50 - 59	**60+		
53	48	23			99	Superior
42	39.5	20			95	
37	33	18			90	Excellent
33	26	17			85	
28	23	15			80	
27	19	15			75	Good
24	18	14			70	
23	16	13			65	
21	15	13			60	
19	14	11			55	Fair
18	14	11			50	
17	13	10			45	
15	11	9			40	
14	10	8			35	Poor
13	9	7			30	
11	9	7			25	
10	8	6			20	
9	6.5	5			15	Very Poor
8	6	4			10	
6	4	1			5	
3	1	0			1	

The Cooper Standard for Law Enforcement Physical Assessment (Scored)

Dynamic Strength (One Minute Sit Ups) Males						%	Category
-20	20 - 29	30 - 39	40 - 49	50 - 59	60+		
62+	55+	51+	47+	43+	39+	99	Superior
62	55	51	47	43	39	95	
55	52	48	43	39	35	90	Excellent
53	49	45	40	36	31	85	
51	47	43	39	35	30	80	
50	46	42	37	33	28	75	Good
48	45	41	36	31	26	70	
48	44	40	35	30	24	65	
47	42	39	34	28	22	60	
46	41	37	32	27	21	55	Fair
45	40	36	31	26	20	50	
42	39	36	30	25	19	45	
41	38	35	29	24	19	40	
39	37	33	28	22	18	35	Poor
38	35	32	27	21	17	30	
37	35	31	26	20	16	25	
36	33	30	24	19	15	20	
34	32	28	22	17	13	15	Very Poor
33	30	26	22	15	10	10	
27	27	23	17	12	7	5	
-27	-27	-23	-17	-12	-7	1	

The Cooper Standard for Law Enforcement Physical Assessment (Scored)

Dynamic Strength (One Minute Sit Ups) Females						%	Category
-20	20 - 29	30 - 39	40 - 49	50 - 59	60+		
55+	51+	42+	38+	30+	28+	99	Superior
55	51	42	38	30	28	95	
54	49	40	34	29	26	90	Excellent
49	45	38	32	25	20	85	
46	44	35	29	24	17	80	
40	42	33	28	22	15	75	Good
38	41	32	27	22	12	70	
37	39	30	25	21	12	65	
36	38	29	24	20	11	60	
35	37	28	23	19	10	55	Fair
34	35	27	22	17	8	50	
34	34	26	21	16	8	45	
32	32	25	20	14	6	40	
30	31	24	19	12	5	35	Poor
29	30	22	17	12	4	30	
29	28	21	16	11	4	25	
28	24	20	14	10	3	20	
27	23	18	13	7	2	15	Very Poor
25	21	15	10	6	1	10	
25	18	11	7	5	0	5	
-25	-18	-11	-7	-5	0	1	

The Cooper Standard for Law Enforcement Physical Assessment (Scored)

Cardiorespiratory Fitness Test (1.5 Mile Run) Male						%	Category
20 - 29	30 - 39	40 - 49	50 - 59	60 - 69	70 - 79		
8:22	8:49	9:02	9:31	10:09	10:27	99	Superior
9:10	9:31	9:47	10:27	11:20	12:25	95	
9:34	9:52	10:09	11:09	12:10	13:25	90	Excellent
9:52	10:14	10:44	11:45	12:53	13:57	85	
10:08	10:38	11:09	12:08	13:25	14:52	80	
10:34	10:59	11:32	12:37	13:58	15:38	75	Good
10:49	11:09	11:52	12:53	14:33	16:22	70	
11:09	11:34	11:58	13:25	14:55	16:46	65	
11:27	11:49	12:25	13:53	15:20	17:37	60	
11:34	11:58	12:53	13:58	15:53	18:05	55	Fair
11:58	12:25	13:05	14:33	16:19	18:39	50	
12:11	12:44	13:25	14:35	16:46	19:19	45	
12:29	12:53	13:50	15:14	17:19	19:43	40	
12:53	13:25	14:10	15:53	17:49	20:28	35	Poor
13:08	13:48	14:33	16:16	18:39	21:28	30	
13:25	14:10	15:00	16:46	19:10	22:22	25	
13:58	14:33	15:32	17:30	20:13	23:55	20	
14:33	15:14	16:09	18:22	21:34	25:49:00	15	Very Poor
15:14	15:56	17:04	19:24	23:27	27:55:00	10	
16:46	17:30	18:39	21:40	25:58:00	30:34:00	5	
20:55	20:55	22:22	27:08:00	31:59:00	33:30:00	1	

The Cooper Standard for Law Enforcement Physical Assessment (Scored)

Cardiorespiratory Fitness Test (1.5 Mile Run) Female						%	Category
20 - 29	30 - 39	40 - 49	50 - 59	60 - 69	70 - 79		
9:23	9:52	10:09	11:34	12:25	12:25	99	Superior
10:20	11:08	11:35	13:16	14:28	14:33	95	
10:59	11:43	12:25	13:58	15:32	16:06	90	Excellent
11:34	12:23	13:14	14:33	16:22	16:57	85	
11:56	12:53	13:38	15:14	16:46	18:05	80	
12:07	13:08	13:58	15:47	17:34	18:39	75	Good
12:51	13:41	14:33	16:26	18:05	19:24	70	
13:01	13:58	15:03	16:46	18:39	20:02	65	
13:25	14:33	15:17	17:19	18:52	20:54	60	
13:58	14:33	15:56	17:38	19:29	21:45	55	Fair
14:15	15:14	16:13	18:05	20:08	22:22	50	
14:33	15:35	16:46	18:39	20:38	22:54	45	
15:05	15:56	17:11	19:10	20:55	23:47	40	
15:32	16:43	17:38	19:43	22:03	24:54:00	35	Poor
15:56	16:46	18:26	20:17	22:34	25:49:00	30	
16:43	17:38	18:39	20:55	23:20	26:15:00	25	
17:11	18:18	19:43	21:57	23:55	27:17:00	20	
17:53	19:01	20:49	22:53	25:02:00	27:55:00	15	Very Poor
18:39	20:13	21:52	23:55	26:32:00	30:34:00	10	
21:05	21:57	23:27	26:15:00	29:06:00	33:32:00	5	
25:17:00	25:10:00	27:55:00	30:34:00	33:05:00	37:26:00	1	

The Cooper Standard for Law Enforcement Physical Assessment (Scored)

*300 Meter Run (Measured in Seconds) Males					%	Category
20 - 29	30 - 39	40 - 49	50 - 59	**59+		
42.6	42	47	52		99	Superior
46	46.1	52	58		95	
48	49	55	61		90	Excellent
49	50	56	63		85	
50.3	51	57	66.4		80	
51	52	60	68		75	Good
52	53	61	70		70	
53.5	54	62	72		65	
54	55	64	74		60	
55	56	66	77.4		55	Fair
56	57	67.6	80		50	
57.5	58	70	82.6		45	
59	58.9	72	83.2		40	
60	61	74.8	85		35	Poor
62.1	63	77	87		30	
64	65	81	89		25	
66	68	83	95		20	
69	70	86	99		15	Very Poor
73.4	74.9	90	101.6		10	
81.3	80.9	104	112		5	
95.1	113.9	143	184		1	

The Cooper Standard for Law Enforcement Physical Assessment (Scored)

*300 Meter Run (Measured in Seconds) Females					%	Category
20 - 29	30 - 39	40 - 49	**50 - 59	**59+		
54	55	65			99	Superior
54.3	56.5	65			95	
56	60	66			90	Excellent
58	63.5	68.2			85	
58.3	66	72			80	
59.7	66.5	72			75	Good
60	68	75.3			70	
61	69.9	78.7			65	
61	71	79			60	
62.7	72	80.5			55	Fair
64	74	86			50	
68.5	75.5	91.7			45	
71	79	94			40	
74.5	80.5	101.8			35	Poor
75	82	106.7			30	
76	85.5	109.3			25	
78	86	110			20	
88	93.5	116			15	Very Poor
97	100	121.5			10	
106.7	114	125			5	
120	210	125			1	

The Cooper Standard for Law Enforcement Physical Assessment (Scored)

*Vertical Jump (Measured in Inches) Males					%	Category
20 - 29	30 - 39	40 - 49	50 - 59	**59+		
30.3	28.4	25.1	22		99	Superior
26.5	25	22	21		95	
25	24	20.3	19.5		90	Excellent
25	23	19.5	18		85	
24	22	19	17		80	
23	21	18	16.5		75	Good
22.5	21	18	16		70	
22	20	17	15.5		65	
21.5	20	17	15		60	
21	20	16.5	14.5		55	Fair
20.5	19.5	16	14		50	
20	19	16	14		45	
20	18.6	15.5	13.5		40	
19	18.5	15	13.5		35	Poor
18	18	14.5	13		30	
18	17	14	12.2		25	
17.5	16.5	14	11.9		20	
17	16	13	11		15	Very Poor
16	15.5	12.1	10		10	
13.6	14.5	11	9.3		5	
10.3	12.1	6.9	6.5		1	

The Cooper Standard for Law Enforcement Physical Assessment (Scored)

*Vertical Jump (Measured in Inches) Females					%	Category
20 - 29	30 - 39	40 - 49	**50 - 59	**59+		
19	18	13.5			99	Superior
18.8	16.9	13.5			95	
18.1	16	13.3			90	Excellent
18	15.5	13			85	
17.7	15	13			80	
17	15	12.7			75	Good
16.3	14.9	12.3			70	
16	14.3	11.6			65	
15.9	13.2	11.5			60	
15.5	13	11.1			55	Fair
15.2	12.5	10			50	
14.3	12.4	10			45	
14	12	9.6			40	
13.9	12	9			35	Poor
13.5	11.1	9			30	
13	11	8.5			25	
12.6	11	7.8			20	
12	10.9	7.1			15	Very Poor
12	10.2	7			10	
11.4	9.1	7			5	
11	6	7			1	

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 **9:00 A.M. ON THURSDAY, MAY 4, 2023,** THE COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING WILL HOLD A WORKSHOP AND REGULARLY SCHEDULED MEETING AT THE **POST ADMINISTRATIVE OFFICE, CLASSROOM #2, 5587 WA PAI SHONE AVE., CARSON CITY, NV 89701.**

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

I. WORKSHOP

1. Call to Order

2. Roll call of Commission Members

THE PURPOSE OF THE HEARING IS TO SOLICIT COMMENTS FROM INTERESTED PERSONS ON THE FOLLOWING TOPIC THAT MAY BE ADDRESSED IN FUTURE PROPOSED REGULATIONS (THIS WORKSHOP HAS BEEN PREVIOUSLY NOTICED PURSUANT TO THE REQUIREMENTS OF NRS CHAPTER 233B):

TOPIC	**NAC**
A. Discussion regarding the creation of an Executive Level Basic Certificate and its requirements.	**New Regulation**

3. **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.

II. REGULARLY SCHEDULED MEETING AGENDA ITEMS

1. **DISCUSSION, PUBLIC COMMENT AND FOR POSSIBLE ACTION.**
   a. Approval of minutes from the February 9, 2023, workshop and regularly scheduled meeting.

2. **INFORMATION** Executive Director's report.
   b. Training Division
   c. Standards Division – audit stats
   d. Administration

3. **DISCUSSION, PUBLIC COMMENT AND FOR POSSIBLE ACTION.**
   The Commission to decide whether to continue the rulemaking process to create an Executive Level Basic Certificate and its requirements.

4. **DISCUSSION, PUBLIC COMMENT AND FOR POSSIBLE ACTION.**
   The Commission to decide whether to continue the rulemaking process to revise NAC 289.110(4)(b) to update or make changes as it relates to marijuana offenses, sample language included in this book.

5. **DISCUSSION, PUBLIC COMMENT AND FOR POSSIBLE ACTION.**
   The Commission to decide whether to continue the rulemaking process to revise NAC289.300(1)(b) with proposed language, sample language included in this book.

6. **DISCUSSION, PUBLIC COMMENT AND FOR POSSIBLE ACTION.**
   The Commission to decide whether to continue the rulemaking process to revise NAC 289.200(4)(a) and (8), sample language included in this book.

7. **DISCUSSION, PUBLIC COMMENT AND FOR POSSIBLE ACTION.**
   Request from the North Las Vegas Police Department for an Executive Certificate for their employee Captain Adam L. Hyde. Possible action may include issuance or denial of the requested Executive Certificate.

8. **DISCUSSION, PUBLIC COMMENT AND FOR POSSIBLE ACTION.**
   Hearing pursuant to NAC 289.290(1)(g) on the revocation of Destini D. Woodruff's (formerly 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: Child Abuse, Neglect, or Endangerment (Category B Felony-NRS200.508.1- NOC 55226)

9. **DISCUSSION, PUBLIC COMMENT AND FOR POSSIBLE ACTION.**
   Hearing pursuant to NAC 289.290 (1)(g) on the revocation of John W. Woodruff'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 I: Child Abuse, Neglect, or Endangerment (Category B Felony – NRS 200.508.1- NOC 55226) and COUNT II: Child Abuse, Neglect, or Endangerment (Gross Misdemeanor – NRS 200.508.1-NOC 55239)

10. **DISCUSSION, PUBLIC COMMENT AND FOR POSSIBLE ACTION.**
Hearing pursuant to NAC 289.290 (1)(e) on the revocation of Richard B. Bogue's (currently employed with the Nevada Department of Corrections) Category III basic certificate based on a conviction of, or entry of a plea of guilty, guilty but mentally ill or nolo contendere to a gross misdemeanor. The conviction(s) which have led to this action are: COUNT I: Inhumanity to a prisoner (Gross Misdemeanor in violation of NRS 212.020(1)(b)).

11. **DISCUSSION, PUBLIC COMMENT AND FOR POSSIBLE ACTION.**
Discussion and possible action to restart the rulemaking process regarding the language change to NAC 289.270, revising the requirements to qualify for an Executive Certificate.

12. **PUBLIC COMMENTS**
The Commission may not take action on any matter considered under this item until the matter is specifically included on an agenda as an action item.

13. **DISCUSSION, PUBLIC COMMENT, AND FOR POSSIBLE ACTION.**
Schedule upcoming Commission Meeting – July

14. **DISCUSSION, PUBLIC COMMENT, AND FOR POSSIBLE ACTION**.
Adjournment.

POSTED AT THE FOLLOWING LOCATIONS:

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

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

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

WORKSHOP TO SOLICIT COMMENTS ON PROPOSED REGULATIONS

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 WORKSHOP TO SOLICIT COMMENTS ON PROPOSED REGULATIONS

The Commission on Peace Officer Standards and Training is proposing the adoption, amendment and repeal of regulations pertaining to Chapter 289 of the Nevada Administrative Code.

A workshop has been scheduled for **9:00 a.m. on Thursday, May 4, 2023, at the POST Administrative Office, Classroom #2, 5587 Wa Pai Shone Ave., Carson City, NV.** The purpose of the workshop is to solicit comments from interested persons on the following general topic(s) that may be addressed in the proposed regulations:

TOPIC	NAC REGULATION
A. Discussion regarding the creation of an Executive Level Basic Certificate and its requirements.	**New Regulation**

A copy of all materials for the meeting may be obtained by contacting Kathy Floyd, Standards Division Chief, at (775) 687-7678, ext.3335, Commission on Peace Officer Standards and Training at 5587 Wa Pai Shone Avenue, Carson City, Nevada 89701. A reasonable fee for copying may be charged.

This Notice of Workshop to Solicit Comments on Proposed Regulations has been sent to all listed meeting locations, all persons on the agency's mailing list for administrative regulations, all Nevada law enforcement agencies, agency single points of contact and posted at the following:

POST Administrative Office, Carson City
Nevada State Library and Archives, Carson City
http://post.nv.gov
http://notice.nv.gov
http://leg.state.nv.us
Electronically Posted pursuant to NRS 241.020(4)

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.

Executive Level Category I Basic Certificate

NAC 289.xxx–Executive Level Basic Certificate:

1. The Executive Director may award an executive level category I basic certificate to any peace officer who:
   a. Has been elected or appointed to the executive level position (NAC 289.047). No more than two (2) active executive level basic certificates will be permitted per agency.
   b. Has met all standards of NAC 289.110 and hired by a Nevada Law Enforcement Agency; and
   c. Has a history of at least 5 consecutive years of employment as a peace officer; and
   d. The certification of the peace officer has not been revoked or suspended in any state; and
   e. The peace officer has satisfactorily completed, within 1 year of date of appointment, 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

SAMPLE

f. The peace officer passes the state certification exam with a score of at least 70 percent; and
g. The peace officer passes the state physical readiness examination for category I or the Cooper Standard for Law Enforcement Physical Assessment above 50 percentile.
h. The peace officer must meet all requirements of Chapter 289 to maintain the basic certificate.
i. Executive level basic certificate expires immediately upon separation as an executive with that agency.

SAMPLE

The Cooper Standard for Law Enforcement Physical Assessment (Scored)

Dynamic Strength (One Minute Push Ups) Male					%	Category
20 - 29	30 - 39	40 - 49	50 - 59	60+		
100	86	64	51	39	99	Superior
62	52	40	39	28	95	
57	46	36	30	26	90	Excellent
51	41	34	28	24	85	
47	39	30	25	23	80	
44	36	29	24	22	75	Good
41	34	26	21	21	70	
39	31	25	20	20	65	
37	30	24	19	18	60	
35	29	22	17	16	55	Fair
33	27	21	15	15	50	
31	25	19	14	12	45	
29	24	18	13	10	40	
27	21	16	11	9	35	Poor
26	20	15	10	8	30	
24	19	13	9.5	7	25	
22	17	11	9	6	20	
19	15	10	7	5	15	Very Poor
18	13	9	6	4	10	
13	9	5	3	2	5	

The Cooper Standard for Law Enforcement Physical Assessment (Scored)

Dynamic Strength (One Minute Push Ups) Female					%	Category
*20 - 29	*30 - 39	*40 - 49	**50 - 59	**60+		
53	48	23			99	Superior
42	39.5	20			95	
37	33	18			90	Excellent
33	26	17			85	
28	23	15			80	
27	19	15			75	Good
24	18	14			70	
23	16	13			65	
21	15	13			60	
19	14	11			55	Fair
18	14	11			50	
17	13	10			45	
15	11	9			40	
14	10	8			35	Poor
13	9	7			30	
11	9	7			25	
10	8	6			20	
9	6.5	5			15	Very Poor
8	6	4			10	
6	4	1			5	
3	1	0			1	

The Cooper Standard for Law Enforcement Physical Assessment (Scored)

Dynamic Strength (One Minute Sit Ups) Males						%	Category
-20	20 - 29	30 - 39	40 - 49	50 - 59	60+		
62+	55+	51+	47+	43+	39+	99	Superior
62	55	51	47	43	39	95	
55	52	48	43	39	35	90	Excellent
53	49	45	40	36	31	85	
51	47	43	39	35	30	80	
50	46	42	37	33	28	75	Good
48	45	41	36	31	26	70	
48	44	40	35	30	24	65	
47	42	39	34	28	22	60	
46	41	37	32	27	21	55	Fair
45	40	36	31	26	20	50	
42	39	36	30	25	19	45	
41	38	35	29	24	19	40	
39	37	33	28	22	18	35	Poor
38	35	32	27	21	17	30	
37	35	31	26	20	16	25	
36	33	30	24	19	15	20	
34	32	28	22	17	13	15	Very Poor
33	30	26	22	15	10	10	
27	27	23	17	12	7	5	
-27	-27	-23	-17	-12	-7	1	

The Cooper Standard for Law Enforcement Physical Assessment (Scored)

Dynamic Strength (One Minute Sit Ups) Females						%	Category
-20	20 - 29	30 - 39	40 - 49	50 - 59	60+		
55+	51+	42+	38+	30+	28+	99	Superior
55	51	42	38	30	28	95	
54	49	40	34	29	26	90	Excellent
49	45	38	32	25	20	85	
46	44	35	29	24	17	80	
40	42	33	28	22	15	75	Good
38	41	32	27	22	12	70	
37	39	30	25	21	12	65	
36	38	29	24	20	11	60	
35	37	28	23	19	10	55	Fair
34	35	27	22	17	8	50	
34	34	26	21	16	8	45	
32	32	25	20	14	6	40	
30	31	24	19	12	5	35	Poor
29	30	22	17	12	4	30	
29	28	21	16	11	4	25	
28	24	20	14	10	3	20	
27	23	18	13	7	2	15	Very Poor
25	21	15	10	6	1	10	
25	18	11	7	5	0	5	
-25	-18	-11	-7	-5	0	1	

The Cooper Standard for Law Enforcement Physical Assessment (Scored)

Cardiorespiratory Fitness Test (1.5 Mile Run) Male						%	Category
20 - 29	30 - 39	40 - 49	50 - 59	60 - 69	70 - 79		
8:22	8:49	9:02	9:31	10:09	10:27	99	Superior
9:10	9:31	9:47	10:27	11:20	12:25	95	
9:34	9:52	10:09	11:09	12:10	13:25	90	Excellent
9:52	10:14	10:44	11:45	12:53	13:57	85	
10:08	10:38	11:09	12:08	13:25	14:52	80	
10:34	10:59	11:32	12:37	13:58	15:38	75	Good
10:49	11:09	11:52	12:53	14:33	16:22	70	
11:09	11:34	11:58	13:25	14:55	16:46	65	
11:27	11:49	12:25	13:53	15:20	17:37	60	
11:34	11:58	12:53	13:58	15:53	18:05	55	Fair
11:58	12:25	13:05	14:33	16:19	18:39	50	
12:11	12:44	13:25	14:35	16:46	19:19	45	
12:29	12:53	13:50	15:14	17:19	19:43	40	
12:53	13:25	14:10	15:53	17:49	20:28	35	Poor
13:08	13:48	14:33	16:16	18:39	21:28	30	
13:25	14:10	15:00	16:46	19:10	22:22	25	
13:58	14:33	15:32	17:30	20:13	23:55	20	
14:33	15:14	16:09	18:22	21:34	25:49:00	15	Very Poor
15:14	15:56	17:04	19:24	23:27	27:55:00	10	
16:46	17:30	18:39	21:40	25:58:00	30:34:00	5	
20:55	20:55	22:22	27:08:00	31:59:00	33:30:00	1	

The Cooper Standard for Law Enforcement Physical Assessment (Scored)

Cardiorespiratory Fitness Test (1.5 Mile Run) Female						%	Category
20 - 29	30 - 39	40 - 49	50 - 59	60 - 69	70 - 79		
9:23	9:52	10:09	11:34	12:25	12:25	99	Superior
10:20	11:08	11:35	13:16	14:28	14:33	95	
10:59	11:43	12:25	13:58	15:32	16:06	90	Excellent
11:34	12:23	13:14	14:33	16:22	16:57	85	
11:56	12:53	13:38	15:14	16:46	18:05	80	
12:07	13:08	13:58	15:47	17:34	18:39	75	Good
12:51	13:41	14:33	16:26	18:05	19:24	70	
13:01	13:58	15:03	16:46	18:39	20:02	65	
13:25	14:33	15:17	17:19	18:52	20:54	60	
13:58	14:33	15:56	17:38	19:29	21:45	55	Fair
14:15	15:14	16:13	18:05	20:08	22:22	50	
14:33	15:35	16:46	18:39	20:38	22:54	45	
15:05	15:56	17:11	19:10	20:55	23:47	40	
15:32	16:43	17:38	19:43	22:03	24:54:00	35	Poor
15:56	16:46	18:26	20:17	22:34	25:49:00	30	
16:43	17:38	18:39	20:55	23:20	26:15:00	25	
17:11	18:18	19:43	21:57	23:55	27:17:00	20	
17:53	19:01	20:49	22:53	25:02:00	27:55:00	15	Very Poor
18:39	20:13	21:52	23:55	26:32:00	30:34:00	10	
21:05	21:57	23:27	26:15:00	29:06:00	33:32:00	5	
25:17:00	25:10:00	27:55:00	30:34:00	33:05:00	37:26:00	1	

The Cooper Standard for Law Enforcement Physical Assessment (Scored)

*300 Meter Run (Measured in Seconds) Males					%	Category
20 - 29	30 - 39	40 - 49	50 - 59	**59+		
42.6	42	47	52		99	Superior
46	46.1	52	58		95	
48	49	55	61		90	Excellent
49	50	56	63		85	
50.3	51	57	66.4		80	
51	52	60	68		75	Good
52	53	61	70		70	
53.5	54	62	72		65	
54	55	64	74		60	
55	56	66	77.4		55	Fair
56	57	67.6	80		50	
57.5	58	70	82.6		45	
59	58.9	72	83.2		40	
60	61	74.8	85		35	Poor
62.1	63	77	87		30	
64	65	81	89		25	
66	68	83	95		20	
69	70	86	99		15	Very Poor
73.4	74.9	90	101.6		10	
81.3	80.9	104	112		5	
95.1	113.9	143	184		1	

The Cooper Standard for Law Enforcement Physical Assessment (Scored)

*300 Meter Run (Measured in Seconds) Females					%	Category
20 - 29	30 - 39	40 - 49	**50 - 59	**59+		
54	55	65			99	Superior
54.3	56.5	65			95	
56	60	66			90	Excellent
58	63.5	68.2			85	
58.3	66	72			80	
59.7	66.5	72			75	Good
60	68	75.3			70	
61	69.9	78.7			65	
61	71	79			60	
62.7	72	80.5			55	Fair
64	74	86			50	
68.5	75.5	91.7			45	
71	79	94			40	
74.5	80.5	101.8			35	Poor
75	82	106.7			30	
76	85.5	109.3			25	
78	86	110			20	
88	93.5	116			15	Very Poor
97	100	121.5			10	
106.7	114	125			5	
120	210	125			1	

The Cooper Standard for Law Enforcement Physical Assessment (Scored)

*Vertical Jump (Measured in Inches) Males					%	Category
20 - 29	30 - 39	40 - 49	50 - 59	**59+		
30.3	28.4	25.1	22		99	Superior
26.5	25	22	21		95	
25	24	20.3	19.5		90	Excellent
25	23	19.5	18		85	
24	22	19	17		80	
23	21	18	16.5		75	Good
22.5	21	18	16		70	
22	20	17	15.5		65	
21.5	20	17	15		60	
21	20	16.5	14.5		55	Fair
20.5	19.5	16	14		50	
20	19	16	14		45	
20	18.6	15.5	13.5		40	
19	18.5	15	13.5		35	Poor
18	18	14.5	13		30	
18	17	14	12.2		25	
17.5	16.5	14	11.9		20	
17	16	13	11		15	Very Poor
16	15.5	12.1	10		10	
13.6	14.5	11	9.3		5	
10.3	12.1	6.9	6.5		1	

The Cooper Standard for Law Enforcement Physical Assessment (Scored)

*Vertical Jump (Measured in Inches) Females					%	Category
20 - 29	30 - 39	40 - 49	**50 - 59	**59+		
19	18	13.5			99	Superior
18.8	16.9	13.5			95	
18.1	16	13.3			90	Excellent
18	15.5	13			85	
17.7	15	13			80	
17	15	12.7			75	Good
16.3	14.9	12.3			70	
16	14.3	11.6			65	
15.9	13.2	11.5			60	
15.5	13	11.1			55	Fair
15.2	12.5	10			50	
14.3	12.4	10			45	
14	12	9.6			40	
13.9	12	9			35	Poor
13.5	11.1	9			30	
13	11	8.5			25	
12.6	11	7.8			20	
12	10.9	7.1			15	Very Poor
12	10.2	7			10	
11.4	9.1	7			5	
11	6	7			1	

3. **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.

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 **9:00 A.M. ON THURSDAY, MAY 4, 2023,** THE COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING WILL HOLD A WORKSHOP AND REGULARLY SCHEDULED MEETING AT THE **POST ADMINISTRATIVE OFFICE, CLASSROOM #2, 5587 WA PAI SHONE AVE., CARSON CITY, NV 89701.**

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

I. WORKSHOP

1. Call to Order

2. Roll call of Commission Members

THE PURPOSE OF THE HEARING IS TO SOLICIT COMMENTS FROM INTERESTED PERSONS ON THE FOLLOWING TOPIC THAT MAY BE ADDRESSED IN FUTURE PROPOSED REGULATIONS (THIS WORKSHOP HAS BEEN PREVIOUSLY NOTICED PURSUANT TO THE REQUIREMENTS OF NRS CHAPTER 233B):

TOPIC	**NAC**
A. Discussion regarding the creation of an Executive Level Basic Certificate and its requirements.	**New Regulation**

3. **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.

II. REGULARLY SCHEDULED MEETING AGENDA ITEMS

1. **DISCUSSION, PUBLIC COMMENT AND FOR POSSIBLE ACTION.**
   a. Approval of minutes from the February 9, 2023, workshop and regularly scheduled meeting.

2. **INFORMATION** Executive Director's report.
   b. Training Division
   c. Standards Division – audit stats
   d. Administration

3. **DISCUSSION, PUBLIC COMMENT AND FOR POSSIBLE ACTION.**
   The Commission to decide whether to continue the rulemaking process to create an Executive Level Basic Certificate and its requirements.

4. **DISCUSSION, PUBLIC COMMENT AND FOR POSSIBLE ACTION.**
   The Commission to decide whether to continue the rulemaking process to revise NAC 289.110(4)(b) to update or make changes as it relates to marijuana offenses, sample language included in this book.

5. **DISCUSSION, PUBLIC COMMENT AND FOR POSSIBLE ACTION.**
   The Commission to decide whether to continue the rulemaking process to revise NAC289.300(1)(b) with proposed language, sample language included in this book.

6. **DISCUSSION, PUBLIC COMMENT AND FOR POSSIBLE ACTION.**
   The Commission to decide whether to continue the rulemaking process to revise NAC 289.200(4)(a) and (8), sample language included in this book.

7. **DISCUSSION, PUBLIC COMMENT AND FOR POSSIBLE ACTION.**
   Request from the North Las Vegas Police Department for an Executive Certificate for their employee Captain Adam L. Hyde. Possible action may include issuance or denial of the requested Executive Certificate.

8. **DISCUSSION, PUBLIC COMMENT AND FOR POSSIBLE ACTION.**
   Hearing pursuant to NAC 289.290(1)(g) on the revocation of Destini D. Woodruff's (formerly 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: Child Abuse, Neglect, or Endangerment (Category B Felony-NRS200.508.1- NOC 55226)

9. **DISCUSSION, PUBLIC COMMENT AND FOR POSSIBLE ACTION.**
   Hearing pursuant to NAC 289.290 (1)(g) on the revocation of John W. Woodruff'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 I: Child Abuse, Neglect, or Endangerment (Category B Felony – NRS 200.508.1- NOC 55226) and COUNT II: Child Abuse, Neglect, or Endangerment (Gross Misdemeanor – NRS 200.508.1-NOC 55239)

10. **DISCUSSION, PUBLIC COMMENT AND FOR POSSIBLE ACTION.**
Hearing pursuant to NAC 289.290 (1)(e) on the revocation of Richard B. Bogue's (currently employed with the Nevada Department of Corrections) Category III basic certificate based on a conviction of, or entry of a plea of guilty, guilty but mentally ill or nolo contendere to a gross misdemeanor. The conviction(s) which have led to this action are: COUNT I: Inhumanity to a prisoner (Gross Misdemeanor in violation of NRS 212.020(1)(b)).

11. **DISCUSSION, PUBLIC COMMENT AND FOR POSSIBLE ACTION.**
Discussion and possible action to restart the rulemaking process regarding the language change to NAC 289.270, revising the requirements to qualify for an Executive Certificate.

12. **PUBLIC COMMENTS**
The Commission may not take action on any matter considered under this item until the matter is specifically included on an agenda as an action item.

13. **DISCUSSION, PUBLIC COMMENT, AND FOR POSSIBLE ACTION.**
Schedule upcoming Commission Meeting – July

14. **DISCUSSION, PUBLIC COMMENT, AND FOR POSSIBLE ACTION**.
Adjournment.

POSTED AT THE FOLLOWING LOCATIONS:

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

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

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

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

    a. Approval of minutes from the February 9, 2023, 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, February 9, 2023 commencing at 8:00 AM at 5587 Wa Pai Shone Avenue, Carson City, Nevada.

COMMISSIONERS:

Tyler Trouten, Chairman
Dan Coverley
Oliver Miller
Kevin McKinney
Jamie Prosser
Tiffany Young
Tim Shea
Rob Straube
Russ Niel

STAFF:

Kathy Floyd, POST F
Mike Sherlock, POST F
Nathan Hastings

TRANSCRIBED BY: Marsha Steverman-Meech

INDEX

ITEM:	PAGE:
WORKSHOP	
1. Call to order	5
2. Roll call of Commission Members	5
Topic	
A. Discussion regarding the revision of NAC 289.110(4) (b) to update or make changes as it relates to marijuana offenses.	7
B. Discussion regarding the revision of NAC 289.200(8) to update the requirement to maintain the basic certificate in active status by removing "full-time peace officer"	8
C. Discussion regarding the revision of NAC 289.200(4)(a) *If the officer is not eligible for certification pursuant to subsection 2 or for the return of his or her certificate to active status pursuant to subsection 9, not later than 16 weeks after the first of the officer's basic training course certified or approved…."*	11
D. Discussion regarding the revision of NAC 289.300(1)(b) *A person enrolling in the course must be required to pass a physical fitness examination not sooner than 30 days before the commencement of the course and not later than 14 days after the commencement of the course.*	14
3. Public Comment	15

REGULARLY SCHEDULED MEETING AGENDA ITEMS

1. a. Approval of minutes from the November 17, 2022 regularly scheduled POST Commission meeting 15
2. Executive Director's report 16
b. Training Division 19
c. Standards Division -- Welcome 2 new Commissioners, Deputy Chief Oliver Miller (Reno PD) and Sheriff Dan Coverley (Douglas Co. Sheriff's Office) 16
d. Administration 25
3. The Commission to decide whether to continue the rulemaking process to revise NAC 289.110(4) (b) to update or make changes as it relates to marijuana offenses. 27
4. The Commission to decide whether to continue the rulemaking process to revise NAC 289.200(8) to update the requirement to maintain the basic certificate in active status by removing "full-time peace officer" 39
5. The Commission to decide whether to continue the rulemaking process to revise NAC 289.200(4) (a) *If the officer is not eligible for certification pursuant to subsection 2 or for the return of his or her certificate to active status pursuant to subsection 9, not later than 16 weeks after the first day of the officer's basic training course certified or approved...."* 46
6. The Commission to decide whether to continue the rulemaking process to revise NAC 289.300(1)(b) *A person enrolling in the course must be required to pass a physical fitness examination*

not sooner than 30 days before the commencement of the course and not later than 14 days after the commencement of the course. 55

7. Discussion regarding the creation of a new category of basic certificate for Executive Level staff. Possible action may include the Commission deciding whether to begin the rulemaking process on this issue. 57

8. Request from the Fernley Municipal Court for an Executive Certificate for their employee Marshal Daniel Lynch. Possible action may include issuance or denial of the requested Executive Certificate. 65

9. Public Comments 66

10. Schedule upcoming Commission Meeting -- May 66

11. Adjournment 67

PROCEEDINGS

TROUTEN: Nobody's saying anything right now.

FLOYD: I muted it.

TROUTEN: You're on mute, Nate. There you go. Can you hear us now?

HASTINGS: Yes, (inaudible). I'll leave myself on mute unless I need to speak up, but for a while I didn't have any audio from you guys.

TROUTEN: Yeah, you were muted. We can hear you good right now.

HASTINGS: Okay.

FLOYD: Ready whenever you are.

TROUTEN: Good morning. We'll go ahead and call this workshop to order for the POST Commission. Today is February 9th, 2023. For the record, the time is 0800 hours. And we'll go to Kathy for information on legal postings and open meeting law compliance.

FLOYD: The workshop notice and meeting agenda have been posted in compliance with NRS 241.020. These agendas were physically posted at the POST Administration Building and the Nevada State Library in Carson City, electronically posted at POST.nv.gov, state of Nevada website at notice.nv.gov, legislative website at leg.state.nv.gov, and email to all SPOC's and admins on the POST listserv.

TROUTEN: Thank you. I'd like to welcome everybody out this morning. It's one of our earlier meetings, so thank you. We've got a lot of folks out here from the public. Appreciate that. We also have two new POST Commissioners and we would like to welcome them. We have Sheriff Dan Coverley from Douglas County, appreciate you being here, and Deputy Chief Oliver Miller from Reno PD. Thank you for assisting and support. With that, we'll proceed with roll call. Start with myself, Ty Trouten from Elko PD, and then we'll move to Kathy and start there and just kind of loop our way around.

FLOYD: Kathy Floyd with POST.

SHERLOCK: Mike Sherlock with POST.

MILLER: Oliver Miller, Reno Police Department.

COVERLEY: Dan Coverley, Sheriff, Douglas County

PROSSER: Jamie Prosser, Deputy Chief, LVPD.

NIEL: Russ Niel, Gaming Board.

MCKINNEY: Kevin McKinney, Carlin Police Department.

YOUNG: Tiffany Young, Community member.

SHEA: Tim Shea, Boulder City Police.

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

TROUTEN: And then we also have Nathan Hastings from the Attorney General's office via telephone. With that,

we'll proceed with the workshop. To be clear, the purpose of the workshop is for the members of the Board to hear comments from the public. This is not for the Board themselves to have discussions or debate that will follow in our Commission meeting. So comments from the Board should be directed towards any questions or clarifying needs from the comments made by our public. So with that we'll go ahead and start off with topic A, and this is all pursuant to the requirements of NRS Chapter 233(b). This workshop is intended to solicit discussion regarding revisions to NAC 289.110, Subsection 4, Subsection B, to update or make changes as it relates to marijuana offenses. And with that, we'll go Mike Sherlock for some background information.

SHERLOCK: Thank you, Chief. Mike Sherlock for the record. So as many of you know, we've been having or been hearing concerns in today's world with 289.110 under the NAC, which deals with the automatic disqualifier for any controlled-substance offenses and convictions. The example given to us recently was there was a person in background who was truthful, admitted to, and discovered, and it was discovered they had a conviction as an adult, but it was several years ago for a marijuana offense that was specified a misdemeanor. This particular candidate in this example had an otherwise stellar background and the misdemeanor conviction was for a marijuana offense that would not be criminal today. So this workshop is

sort of in response to those situations, and we're scheduled here today to gather any public input on that issue, on that automatic disqualifier, which would include marijuana, which we all know is still a controlled substance, and then the Commission would address it in a regular meeting after public comment. So I would say for the public's part of this, we're looking to -- looking for the best way to address the issue.

TROUTEN: Okay. Thank you, Mr. Sherlock. With that, we will open it up for public comments. If you do wish to have comments entered into the record, can you please come forward, state your name, and speak loudly so we can make sure it gets on the report. Are there any comments from the public regarding this issue or questions?

RANGEL: Good morning. Mike Rangel, Chief of police, Winnemucca, for the record. I believe that we have to keep in mind of the evolution of legislation and each of those offenses if we're looking for integrity and moral judgment and so on. Therefore, I would just ask the Commission to keep in mind that if possible, we can keep that on a case-by-case basis with marijuana. Thank you.

TROUTEN: Thank you, Chief. Are there any questions from the Board, for Mr. Rangel? Seeing none, any other comments on this item from the public? All right. We'll move on to Topic B. This workshop is intended solicit discussion regarding your revisions with NAC 289.200, Section 8,

to update the requirement to maintain a basic certificate and active status by removing "full-time peace officer" from that statute. And I'll go back again to Mike Sherlock for some background.

SHERLOCK: Thanks. Mike Sherlock for the record. Again, we're looking for some public comment in this area. We have had some confusion in the past. Again, this will come to the Commission in a regular meeting but the current requirement is that you must be a full-time peace officer to maintain your basic certificate. The problem we see is we often have incumbents or veteran officers that, for instance, retire and then want to come back part-time and, you know, if you read the regulation, that certificate is not maintained by part-time work. So we are looking to get some input on that and see if -- the public comments might be and the Commission's take on this on just updating that provision to allow reserves and part-time people to maintain their certificate once they retire and remove the full-time requirement at that point.

TROUTEN: All right. Thank you, Mr. Sherlock, again, we'll go to the public for any comments they may have on this matter. Chief Rangel?

RANGEL: Mike Rangel for the record, I do have a very healthy and a very successful reserve program. It gives a retired law-enforcement officer, CAT 1 Peace Officer, from Highway Patrol to Sheriffs to Police in my reserve program.

Some, even though they're retired, they do work. It's up to them to keep track of PERS (phonetic), okay, so they do work 10, 20 hours a week. It keeps them involved, I don't want to say anything bad, but mentally sane and involved with the community. Us cops, we're a different breed, we understand that, so when they retire, I like to give 'em a place they can call home. And if this was the case, I wouldn't be able to do that as they're working functioning, as you can see through the audits and academy or POST audits of the agency. They keep up with their training and well, they offset my force as well. Thank you.

TROUTEN: Thank you, Mike. Questions moving forward?

YOUNG: I have a question. The first sentence says the basic -- for the record, Commissioner Young, the basic certificate of an officer whose employment is terminated. And so are we talking about retirement or are we talking about termination?

SHERLOCK: So Mike Sherlock for the record. For our purposes, termination means any separation. I know that gets confusing for people, termination means being fired, and under our regulatory scheme, termination is just a separation. It has nothing to do with personnel issues so. We get the confusion, but that's what that is. If someone's actually terminated, then it would trigger our revocation regulations anyway so it's really not an issue when it comes to maintaining

a certificate on how they left unless it was for a revocable offense.

YOUNG: So it's not termination in Human Resources standards that they were fired from that position?

SHERLOCK: Correct. Not at all.

TROUTEN: Any other questions from the Board? Any other comments from the public? All right, we will move onto Topic C. This workshop is intended to solicit discussion regarding revisions to NAC 289.200, Section 4, Subsection A, to update the requirement -- excuse me, the time requirement to complete the POST physical readiness test. Currently, the regulation requires it to be completed within 16 weeks of the start date of the basic training program, and we'll go back over to Mike Sherlock for information with this.

SHERLOCK: Thank you, Mike Sherlock for the record. So under our current regulations, someone must pass the physical readiness test at 100 percent by the 16th week of an academy. That 16-week period was developed due to the validation study. At the time of the original validation, the average length of an academy was 16 weeks. We have been contacted by some of the academies whose -- rightfully so their concern is that most of academies are much longer than 16 weeks. With you know, a 22-week or 26-week academy, whatever it may be, it would give the academies more time to physically prepare a candidate to pass that test. We looked at this, we don't believe changing that

would affect the validation in any way as far as the physical readiness test. It would give some flexibility to the academies if we extended that or changed the regulation in some way that allowed that passing of the test to simply occur during the academy regardless of the length of the academy so they could do it in 22 weeks or 26 weeks. So again, we don't think that would affect the validation in any way, and so we're looking for any public comment on it.

TROUTEN: Thank you, Mr. Sherlock. Comments from the public?

CRAWFORTH: Good morning. Chris Crawforth for the record, Sparks Police Chief. The only thing that I'll throw out to the Commission is just to consider that's four months of training. So why have we not got to that point? I have a big question of why someone is not -- in physical-fitness standards, is going to do a 30-year career and they can't commit -- and our academies can't commit in four months to train someone so. Highly trained people for marathons and things like that are -- they can get in shape in much less time than that so I would just throw that out there. I think either way is fine, but where's the commitment from the individual and agency after four months? Thank you.

TROUTEN: Thank you, Chief.

SHERLOCK: Mike Sherlock for the record, Chief, if I may. Just so everyone knows, so an academy -- for instance,

our academy would probably keep this right? The regulations are guidance and the minimum standard for academies. If they want stricter standards, under our regulatory scheme, they can do that.

TROUTEN: Any questions from the Board reference Chief Crawforth's comments?

MILLER: Yeah, Ollie Miller for the record, Reno Police Department. So it would be at the discretion of each individual academy to set the standard more stringent or to keep it as is?

SHERLOCK: Mike Sherlock for the record. Yes. So it would have to be during the academy under our current regulations. Well, we're looking to remove that 16-week time period. So again, if an academy wants to do it at -- frankly, if an academy says you have to pass it 10 weeks, it would still be within the regulation. We establish the minimum and so if we said during the academy, then they would have the discretion of make it what point they want that.

MILLER: That's good. Thank you.

PROSSER: Jamie Prosser for the record. Would we be getting rid of about 30 days prior and 14? Okay.

SHERLOCK: Mike Sherlock. That's our next workshop, by the way.

PROSSER: Oh, okay. Sorry.

TROUTEN: Ty Trouten again. Any further comments from the public? Questions from the Board? All right, we'll move on to Topic D. This workshop is intended to solicit a discussion regarding revisions to NAC 289.300, Section 1, Subsection B to update the requirement for the basic training entrance POST physical readiness test, and once again we'll go to Mike Sherlock for more information.

SHERLOCK: So Mike Sherlock for the record. Currently it is mandated that a person pass the entrance level physical readiness test at an 80 percent of the certification level to enter an academy, and that's 30 days before up to two weeks into the academy for them to continue that. We're looking for public comment on this. Again, that standard was developed through the validation that said if you -- in a 16-week academy, if you pass at 80 percent on entrance within the 16 weeks, you could pass it a hundred percent. Again, with the longer academies, we believe it's still a good measuring tool but we would suggest -- staff would suggest removing the mandate and allow agencies to use that for their own measurement but not mandated for that academy entrance as it currently is, and we're looking public comment on that.

TROUTEN: All right. Thank you. Once again we'll go to the public for comments, questions they may have.

CRAWFORTH: Good morning. Again, Chris Crawforth for the record, Sparks Police Chief. Same thing that I'll throw

out to the Commission. Changing these standards, where's the dedication from these people? And on the long end, we're asking them for a 30-year healthy career, and we're not going to establish them for training and for physical fitness that is going to have them making the right decisions and things of that nature. So I believe holding these standards within POST Commission is where it needs to stay so that we're not changing academies, so that we're just getting people through. I don't think that makes an appropriate officer with appropriate things for a 30-year career. So thank you.

TROUTEN: Thank you, Chief. Any questions for Chief Crawforth on his comments? Other public comment? All right. Well, with no further comments from the public, that will conclude the workshop and we'll move over now to our regular POST Commission meeting. Item Number 1, discussion, public comment, possible action, approval of minutes from the November 17, 2022, regularly scheduled POST Commission meeting. Has everyone had a chance to review the minutes from that POST Commission meeting? Are there any public comments on minutes? Any comments from the Board? Seeing none, I'd entertain a motion to approve the minutes.

SHEA: Tim Shea, I'll make a motion to approve the minutes.

PROSSER: Jamie Prosser, second.

TROUTEN: Thank you. All of those in favor, please say aye.

MEMBERS: Aye.

TROUTEN: I also say aye. Any opposed? Okay. Motion carries. Item 2, information from the Executive Director of POST. Mike, we'll turn this over to you for update on all things related.

SHERLOCK: Thank you. Mike Sherlock for the record. First, let staff welcome our two new Commissioners and let me say this, that over the years we have generally had to beg people, Commissioners, and chairperson for that matter. It is pretty refreshing and frankly new to us to have people reach out and express interest in being a Commissioner and we appreciate that. I'd also like to thank our new governor for being responsive on this. We had reached out to see if we could possibly get the appointments done before this meeting. Based on our history, we weren't holding our breath as appointments traditionally take quite a bit of time, and I'm talking months to over a year, yet this was -- our new governor did this in, like, five days so we truly appreciate that. And I also want to thank the Sheriff's and Chief's Association for nominating and providing a letter of recommendation for these two great law-enforcement professionals. So first, to represent Washoe County Area Category 1, Commissioner Reno Police Deputy Chief Oliver Miller was appointed, and representing the Rural Category 1

Commissioner position, Sheriff Dan Coverley. Both of these new Commissioners bring an impressive background -- backgrounds and experience to the Commission. We're happy to have 'em. Next thing I want to talk about real quick is we only have a draft of the audit done of POST, apparently the final takes six months, but we had an open meeting on it, so I think we can release it. I have a copy here. Our copy machine died, so I don't have a copy for you, but I'll give you this one or email it to you. The audit identifies several areas of improvement. A vast majority addresses funding and budget. Hopefully the Commission can continue to advocate for us on this. You know, as staff, we don't have the direct authority to increase our budget or change the funding source or anything like that, but the audit does a good job of recognizing our funding crisis, no doubt about it. The audit identified that many of our performance measures do not directly correlate with improving public safety. If you understand the state system performance measures are part of the budget process, and they're highly controlled by GFO, so we have attempted many times over the years to change those performance measures. We think this audit could help in that area, though hopefully. The audit did expose that our auditing from POST lack the ability or the process to change behavior when we do find deficiencies and we need to share those, which we do quite often, but it's not in policy and we're fixing that, and we have in fact updated our policy and that's why you'll hear me today

providing you with some of the common deficiencies we found in the period from the last Commission meeting, and you'll hear the same things over and over again, to provide a synopsis for all those audits. They also wanted us to give our audits more bite, as it were, so we have added -- there's not a lot that POST as an entity can do in terms of, you know, discipline or anything like that but we're adding a minimum time to our policy to rectify any deficiencies that are discovered during an audit, and we'll see how that goes, and I have a synopsis for you here in a second. But I will say that during the governor's audit meeting, we received comments that this was the best audit they'd ever seen from the standpoint that it zeroed in on budgeting only, and so we're really hoping that that will help us in the budget process. We'll see. And again, I have a copy of it and I can email that to you. So along those lines, since January, we have conducted a total of 11 agency and academy audits. Many of those had no deficiencies. The deficiencies that we did see in the audits are fairly typical. They're incomplete backgrounds, training compliance, record keeping itself, and the methods of record keeping. As a result, we scheduled a follow-up to review records and background policy and recommended background investigator training for three agencies, and each of these incidents where there were deficiencies, the agencies were given 30 days to make changes or enroll in classes, and that's probably what you'll hear over and

over is what we find when we do audit. So off to training issues, we have developed and created a POST leadership institute training course. We contracted with a nationally recognized curriculum or leadership curriculum developers who have helped us create this training. This is a facilitated learning environment that will be two and three days per month for four months. We are scheduling the first one for after July to allow for new budget years for agencies. We'll have a sign-up on our website and expect it will fill up fast. We're pretty excited about to get that going. The first one we'll be in the north. And if you understand leadership institute type training, the goal is to get different people into that. So we're hopeful to get some from the south and some from the north, some from the east, all in the same class to share experiences and get that going. By the way, these hours can be used towards the management certificate. Again, leadership institute training is for that transition from line-level supervision to mid-management or so sergeant to lieutenant type transition and that's what it's designed for.

TROUTEN: Mike, if I could interrupt you with a question real quick?

SHERLOCK: Sure.

TROUTEN: Ty Trouten for the record. Is that an in-person class or a mixed class or online? How's that going to (inaudible)?

SHERLOCK: Mike Sherlock for the record. So it's in-person. That's the idea is to get different experiences together. We're looking at venues right now, but generally what you want to do is have it at a hotel where all attendees stay at the same hotel so there's activity after-hours and that kind of thing, but yeah, it's in person. And we had split -- you know, we hear the complaints about we can't afford to send somebody for 40 hours or 80 hours and that kind of thing. This is once a month for two and three days. So we're hoping that -- and that's generally how leadership institute type training is run anyway but we're hoping we'll get more participation by doing that. And again, those hours would go towards the management certificate. Along those lines, we're look -- and I know the Commission has asked us to do this, but we're looking into making changes to the management certificate requirements. We have tried many different things. First there was a complaint about the 80-hour class. The agencies couldn't afford to send their people. We changed it to online. And then 40-hour classes, nothing has worked. We have -- with the online we get 100 people will sign up before their lieutenants oral, and then after they never finish it. We had one person finish the online training. So, you know, we're just looking at how do we change the culture here to get people to attend training, but that said, we also have to consider the management certificate and the ability to get that, to attain what's required of that. So

we are looking at -- it's already within the regulations of what we can do as staff to help make improvements there, we are leaning to and we'll look for guidance at some point from the Commission, the two-track system where first staff would review training that you went to that's already been obtained, you know, NA, Northwestern, Command Call, whatever it may be, compare that to our current core-management competencies, and give credit for that, or if you don't have that, to attend an 80-hour class that we have already, and allow people to get credit for the training that they've already attended and not demand that they only go to the POST training to obtain the training hours required for the management certificate. Self-study has not been the solution. Go ahead.

YOUNG: Commissioner Young for the record. Is it that the challenge is that they don't see the value in the training? Because I guess I'm concerned about responsibility and opportunity in the form of education, and if we have provided various forms of training opportunities and people are still not taking advantage of it and is it mandatory, is it not of value, how does it apply? Like, what justification are we using to modify, shift, and continue to provide?

SHERLOCK: So Mike Sherlock for the record. So I think it's a combination of many things, right? So quality is always an issue. We hear it all the time. I think that's unfair. We have some of the top curriculum developers in the

country that have helped with our management program, in terms of curriculum. So normally what we hear is there's a staffing issue and they can't send people to training. That's the normal. So that was our response in providing self-study. You know, the problem with self-study is life goes on and, you know, without, you know, consequences, it doesn't get done and then on the flip side of that, we weren't recognizing the quality training that someone does attend, right? Because it's a Nevada management certificate, we said you had to have Nevada training and I think that was a problem. So it was a combination of a lot of things, and I think by recognizing some of that outside training will help us in the long run. Certainly will help in recruitment when we're bringing people from outside the state that we can recognize their training from that other state that they came from and they can obtain that management certificate here, but I think it was a combination of a lot of things. So with that, we'll keep looking at and bring that to the Commission as we move forward in terms of that management training and the management certificate itself.

SHEA: So Mike is it -- can I make a comment on that or is this --

SHERLOCK: Sure.

SHEA: So I hear what you're saying and I agree with this 100 percent, and you're talking about how to make it meaningful. The only way to make it meaningful is for the

agencies themselves to make it meaningful and, again as we know in California, we went through our POST certificate levels as fast as we could because in San Diego, it meant something and we got more money. So when I went to Seattle, they didn't have that system up in Washington State, they didn't have different levels, but they had management and leadership ones. To get promoted, you had to have those. You couldn't get promoted. Some agencies would say well, you have to have a bachelor's degree to do this. The problem we found is we didn't have a large enough personnel pool with that degree so if we gave you lieutenant's test, we may only have, you know, out of our almost 900 commissioned people, it's only a very small pool of people that actually had a bachelor's degree that could go out. When I came down here, when I went to Boulder City, I looked at the -- went into POST and looked to see where people were and I found I had people that have been here 20 years and still only had a basic. They hadn't bothered. So this year what I did is I finally convinced the city is say, okay, educational incentive, include the certificates because everybody can get a certificate. Not everybody may have the opportunity to go get their bachelor's degree. So they did. So now we have a host of people completing all the requirements of things to get the degree. If you make them worth something, either -- and the agencies have to do it themselves, then you get the people there to get the training done and you just have to facilitate it.

When it doesn't mean a thing, why bother? And I don't believe that philosophy, I do it cause I think it's the right thing to do, but that's how we got that.

SHERLOCK: Yeah. Hundred percent we agree. So Mike Sherlock for the record. I'll continue on just because I don't want you guys late for lunch or whatever over at Sheriffs and Chiefs. Continuing with training real quick, we are contracting with some outside experts to develop curriculum related to AB 478, annual training requirements. So the plan at this point is we're in the process of creating a Train the Trainer program, we will deliver this around the state, we have some grant money for this, and the plan at this point, talking to the experts, is the class will be combined -- a combined instructor-development class with the AB 478 basic material. In addition and part of this grant, we will be reimbursing agencies up to $200 per student to send their people to the Train the Trainer class on this, and again, we will be doing it around the state, but to send the people there, we will -- we do have some money to reimburse the per-diem tuition, whatever it is. Well, there won't be any tuition, but the per-diem and travel and backfill, whatever it may be at only $200 per student but it's more than -- that's new for us and we wanted to get that into the grant and we were able to. We are also in the process of conducting an integration study on our Academy curriculum. This will be looking at minimum hours for each mandated subject and

again, it's not we would come to the Commission for any regulatory change, we're just looking at best practices. We don't currently, as many of you know, mandate any specific hour for any subject, just overall for the entire academy, but also we're looking at best practices in terms of when a subject should be taught in the whole scheme of a basic training program, right, and a lot of states have already done this on these integration studies on, you know, what the succession of training should be in a basic program. So we are in the process of doing that right now. Hopefully we'll have most of that done by July actually. Obviously the legislative session is well underway. We have already met with some legislators who wish to meet with staff on BDRs and Bills. So far we have been contacted on US citizen requirements, citizenship requirements I've talked to so many of you about, NDI, the National Decertification Index, a little bit on dispatchers we were contacted. That said, there are many BDRs and bills, as most of you know, relating to policing in general and POST. We'll see and try to keep up as best we can, and I'll try to keep the Commission updated. We did meet just the other day with Senator Harris. It was actually a very productive meeting on the Decertification Index. We'll have to look at the wording of that bill, but I thought it was a very productive meeting on her part last week actually. And so that's the update from POST.

TROUTEN: Thank you, Mr. Sherlock. Any questions from the Board? Any comments from the public on that?

BANKS: Hi, Carol Banks with the City of Henderson. I was just inquiring whether or not there's any updates with regards to the criteria for Assembly Bill 336 regarding the mental-health assessment that's mandatory for peace officers and whether or not it's going to be on any upcoming agendas.

SHERLOCK: So Mike Sherlock for the record. That language is at LCB, right?

FLOYD: Correct.

SHERLOCK: Right. So the rulemaking from this body is to the point where language has been sent to LCB, the Legislative Committee Bureau. They now go in slow mode because of the session. We have just created, or we are creating something for our website to help people -- help agencies on this issue but the language has already been submitted and the only thing left is once that comes back from LCB, there will be a public comment hearing and then the Commission will vote whether or not to adopt that LCB language. We suspect that the language will be pretty close to what we submitted, which is basically what the bill requires, with just some minor regulatory changes, but it's there and we are advising agencies that that bill went into effect January 1st so it is mandated by NRS even without the regulation, and we're just trying to give

guidance on which way to go with that. But we're -- it's moving right along.

TROUTEN: Anything further? All right. We'll move on to Item Number 3, discussion, public comment, and for possible action, discussion with this Commission to decide whether to continue the rulemaking process to revise NAC 289.110, Section 4, Subsection B to update or make changes related to marijuana offenses. So back to you, Mike.

SHERLOCK: So Mike Sherlock for the record. As was stated in the workshop, we're looking to update our regulation related to controlled-substance convictions. So staff would really like some direction from the Commission on language if the Commission decides to continue the rulemaking. Just our staff thoughts are either we carve out an exception for those specified misdemeanor convictions or those other offenses that are not criminal or treated criminally today. You know, some of the fears have been expressed to us that the exception is so broad that we allow -- you know, where something's pled, where it's a trafficking arrest and it's pled down to possession and, you know, there's a fear that those would slip through the cracks in terms of hiring and, you know, so we're looking for some direction on language and where the Commission sees limiting that should you vote to continue the rule meeting, and I'll leave it at that.

TROUTEN: Thank you, Director Sherlock. So we'll go to the Board for comments and discussion at this point.

SHEA: Tim Shea. What if you put something in here, Mike, that said along the lines of civil possession of a controlled substance, which would be a criminal violation if committed in this state at the time of application and or appointment, or something along those lines? So if you did something five years ago and it was no longer a crime when you applied or were appointed, then it would be negated. And I know what you're saying about something might slip through. I believe agencies do their due diligence in doing backgrounds on people and when they pull out all the information and make those decisions, I trust agencies to make proper decisions since they're the ones that got an answer for the people they hire. So you need enough flexibility in here to cover the changes in the laws as they keep occurring but if we made it that way, it kind of mirrors the language we have when dealing with Arizona going 25 miles into the border. If it's a crime in Nevada, and it's a crime in Arizona, we can arrest for it and vice versa, Arizona can arrest in Nevada. So it's got to be a crime in both states. So this would be if it's a crime here when you apply it, then it's a criminal violation and it would be an exclusion.

TROUTEN: Thank you, Chief. Other comments?

COVERLEY: Would -- Dan Coverley. Wouldn't we have to change the definition of what a controlled substance is? As long as marijuana remains a controlled substance, then --

SHERLOCK: So Mike Sherlock for the record. So what it says, in addition to sales, use, possession is any conviction for a controlled-substance offense. So from our perspective, we would carve out an exception, you know, as a disqualifier any conviction of a controlled-substance offense except, you know, whatever it is, a sale or that would stay in there, and that's why I'm leaning the other way, is not identifying which marijuana convictions would be a disqualifier, but rather which ones wouldn't. And so you would say, you know, except for, you know, minor possession of -- you know, I don't know what the wording is, we'd have to really look at that, but -- or what is not a crime today which is more difficult, right? We'd have to put in there after January 1 or whatever, but something along those lines where we could still keep controlled-substance convictions and just carve out an exception for those minor marijuana convictions. And let me tell you, there's a lot of confusion out there. Again, speaking to Senator Harris, there's, there's a big difference between use and conviction, right? There's a push in the legislature to deal with marijuana use. Well, we don't deal with that, right? We look at convictions only. Marijuana use and how long it's been since they last used is an agency issue we do not get

involved with. That's a policy issue so. Just so everyone knows, there's some confusion out there and there's some bills related to that right now that we're trying to head off to explain to 'em what the rules are. But that's what it would be is trying to carve out an exception.

COVERLEY: I think the problem that I have with this is not that, you know, marijuana is a minor offense or, you know, that looking at it from that perspective is that, you know, if you want to be -- have a career in law enforcement, then your decision making needs to be on track at an early age if that's what you want to do. If you don't have an interest in being in law enforcement, then maybe your -- you know, your definition of right and wrong and the decisions you make as a young person are a little more open. So I think if we want to hold a high standard in everything, then I think we have to, you know, kind of leave this -- you know, leave this alone, and if your hiring, it pivots on whether or not this changes, I think you've got a bigger issue there also. So that's kind of my opinion.

SHERLOCK: So, yeah, Mike Sherlock for the record. Yeah, our opinion doesn't matter over here. We bring this out because we've been contacting it and all of you know the pressure on trying to hire people. I mean, it's -- and we get the calls.

TROUTEN: Ty Trouten for the record. I concur with what you're saying, that it is concerning. You would expect that someone who desires to be in law enforcement would live their lives prior to that point in-line, that they, you know, don't go out and get in trouble and do stupid things. However, I will tell you, and I'm not sure why this is occurring, but we have a generation of folks that we're seeing now who do not look beyond next week, and many of them don't -- they just know that in the state of Nevada, personal use of marijuana, you know, it's legal. Many of 'em don't even understand they can't do it in public. They just -- they go with the headlines and the little blips on social media, marijuana's legalized. They don't understand the disparity that on the federal level, it's still, you know, a Schedule I controlled substance. They really do not comprehend that. And so the concern would be is there could be folks who sometimes just, I guess, being unlucky, they get caught with, you know, an ounce and a half not knowing that there's limit on the ounce. Things like this where it's a misdemeanor conviction or, you know, for possession, for use. There's a vast disparity between somebody who has some marijuana, different things, versus somebody who's selling it, possession for sale, trafficking, these things. Those are still significant. That's intentional criminal activity. You know, if you're going to sell marijuana in this state, you better be a dispensary or have your license

in order of such. So there is a differentiation there. I think many of us here remember when marijuana was still listed felony in this state. I don't know that I'm aware of anyone ever got sent to prison just for, you know, possession of a couple, you know, joints or, you know, a little bit of marijuana but we could come across these folks. They're probably holding up now they want to start a career as cops here. I do think that probably bears some discussion and some consideration about how do we give agencies the authority that if somebody got picked up on a simple possession the year before it's legalized, that does not preclude somebody otherwise who may be a decent cop.

YOUNG: And Commissioner Young for the record. I think that was what I was discussing last time and it was on the phone with the challenges and concerns I had about unintentional barriers for potential candidates to come into the system. And so I do believe that it warrants some greater conversation and some language around it and I agree with some of the sentiments shared by Commissioner Shea in that we have to -- I mean, there's the challenge of the law, I mean, the challenge of the systems that are changing, but I think there's some gray where we potentially create some unintentional barriers with opportunities to recruit, hire, and maintain people based on that line. That's very gray.

SHERLOCK: Mike Sherlock for the record. So I just remind -- I would remind the Commission that regardless of what

you do, the agency policy can always be stricter than the regulation one-two under the decriminalization. It's really not decriminalization. Under the current marijuana laws, the agencies have the authority to prohibit use of marijuana for all law-enforcement employees on or off-duty. So that wouldn't change, right? And again, the agency discretion, no matter what you decide here, would still apply if that helps.

MILLER: Ollie Miller for the record. That actually does help me. I like the idea or notion that each individual agency has the discretion to, you know, look at this law and, you know, basically set a more strict guideline for hiring people. You know I absolutely get what the sheriff was talking about with maintaining a high standard of personnel but I also give some weight to those individuals who are 18 to 21 to 22, younger folks that make mistakes, you know, that are experimenting. You know, should this preclude them from having an opportunity in this career field for the rest of their lives, you know, and that's a big decision to make, you know, and a big rule to live by. So I'm open to evaluating, you know, what we would allow in in terms of the new state law here in terms of marijuana.

SHERLOCK: And Mike Sherlock for the record. To be clear, there is no discretion right now, and that's why it's been brought to us, right? If there is a conviction for

misdemeanor marijuana possession, they are disqualified under the current rules so everyone's clear on that.

SHEA: Tim Shea for the record. I -- again, coming from a place where we struggled that this is one of the first states in the union that did this, we basically had to come to the conclusion that we had to treat it like alcohol. So if you're 17 and you get a ticket for alcohol, you're not disqualified. If you get a ticket for possession of marijuana, you are. If you have a ticket for possession of tobacco at 15, you're not disqualified but if it's for marijuana, you are. So if we don't treat them the same, I don't know why once the law says they're not any worse than the other, so why would we treat them any worse than the other? Because again, when I was youngster, a single seed in a car was a felony in the state of California. So, and if you've ever been around southern California, there's a tree called the pepper tree and the little peppers looked just like marijuana seeds and we were always scared to death that we were going to get hauled in because when they pulled us out of our car cause they thought we were doing something improper, which deputies could do back then, and found a pepper seed, we were gone. So I just think that we need to take a look at this. And qualifications for our job have changed significantly. When I first got hired, this finger almost kept me out because the end of it's gone, but two doctors grabbed it, I can move the end, it's got a fingernail, so it's a

full finger. Vision requirements were 20/70, correctable 20/20. I was the absolute minimum height you could be at 5'10" and there were other things. Women, there were no women in patrol anywhere in this country. The only women we hired were matrons or jail. That was it. So things have changed significantly, and I think we need to evolve as society evolves and not punish kids who really don't commit a crime. They haven't really committed a crime. They've created -- according to the law, they've created a no worse than drinking a beer at a fraternity party before they're 21.

SHERLOCK: Chief, Mike Sherlock for the record. If I can just, just so my staff doesn't get yelled at, yeah, if they're juveniles, they're not convicted. So juveniles are adjudicated. So we are not -- we're not pro -- in our current regulation, if it was a juvenile adjudication for our purposes, our regulation says conviction, they are not precluded right now anyway, so I just -- I don't want someone calling and yelling at us that --

SHEA: Okay.

SHERLOCK: -- but I see what you're saying. You know, I agree.

PROSSER: Jamie Prosser for the record. I agree with Chief Shea's statement earlier that the blanket statement of hey, if it is not a crime now, it's at least up to us as agencies to determine what we're accepting and what we're not.

SHERLOCK: Okay.

PROSSER: So with that being said, are you looking for a motion today or are we just still having a conversation and then we come back and vote?

TROUTEN: So what we be looking for is a motion to continue the basically rule-making process on this and change the language that we could accept, but want to have the Commissioners comments. We were kind of precluded in basically the workshop cause it's not an action item in the workshop so now this is our time for actions and also, again, give the public another chance to comment on anything that they now want to share.

SHERLOCK: Mike Sherlock for the record. And then we would come back with you -- back to you with sample language, and if that's the way the Commission wants to go, and then you would vote on that language if it meets what, what you're -- and we may bring different ones, but -- and then you would vote on that.

PROSSER: Okay.

STRAUBE: Rob Straube for the record. I also agree with just on that language and everything that was said. Also, I think it's incumbent upon such as my department, our background investigators to, you know, those that are questionable, really look at, get those court cases, really take a look, deep dive and so we have those hiring meetings, we're

asking information, we're getting clarity that can help (inaudible).

TROUTEN: Okay. Any further comments from the Board?

COVERLEY: I just have a question. This is Dan Coverley? What -- so we're just make a recommendation, but the law has to go through to be changed, it has to go through the legislature, correct? How does that work I guess?

SHERLOCK: So Michael Sherlock for the record. So at this point we're looking to the Commission to authorize staff or ask staff to continue the process. So the next thing we would do on this is to create some sample language and bring that back to you. Whatever the language that you approve then would go over to legislature, not -- it's -- the Legislative Council Bureau would look at it from a legal standpoint, where it fits in our regulations. They do sometimes change the wording a little bit, we argue back and forth with 'em on the wording, but their job is really not what your job is. Their job is to see where it fits in the regulatory scheme. Then they would send it back to us and you guys then would do the final adoption of the language in the end, right, after they've massaged it, after you've approved a basic language, they massage it, send it back to us, and we go to you. It takes a while, which sometimes is frustrating for us, but it ultimately

ends up with the Commission and they make the final -- you guys make the final decision.

TROUTEN: No further comments from the Board. Are there any public comments on this item?

WALKER: I'll make public comment on that. My name is Jason Walker. I work for the Washoe County Sheriff's Office. I'm a sergeant over backgrounds. And I agree with everything that you have all said. Lastly, with Mr. Straube, what you had talked about the background investigators doing a complete investigation, you have a conviction for marijuana. Those of us that are police in the room, you know that there's more to that if you have a conviction for marijuana; it's not an eighth, it's not a joint, it's not a I have a seed, there's much more to that investigation that goes on to get that conviction. The totality of the investigation is what the Washoe County Sheriff's Office looks at. We can agree that physical standards need to be met. Somebody needs to make a better decision-making process, whether they're a young man or if they're 21, 22, 23 years old. All that plays into your hiring decision. I think another thing that's written on this line is also the two words moral turpitude. That's a pretty big lane. What we do on our end, and I'll speak for Sheriff Balaam right now, he's highly opposed to marijuana usage, but he does also understand that four years ago somebody made a bad decision and on our (inaudible) investigative questionnaire it says any drug use

within five years, write that out there, let's talk about it, let's get 'em on a CVSA, let's look at the entire thing. So I agree with what Chief Shea says with if it wasn't then, and it is now, and I agree with what Sheriff says and the chiefs and all that, I believe it bears more conversation. That's my two cents on that.

TROUTEN: Thank you. Other comments? Seeing none, I would entertain a motion to continue the rulemaking process.

MCKINNEY: Kevin McKinney, I'll so move.

TROUTEN: Do I have a second?

NIEL: Russ Niel, I'll second.

TROUTEN: All members in favor, say aye.

MEMBERS: Aye.

TROUTEN: I also vote aye. Any opposed? Thank you. Moving on, Item Number 4, discussion, public comment, and for possible action, discussion with the Commission to decide whether to continue the rulemaking process to revise NAC 289.200, Section 8 to update the requirements to maintain the basic certificate and active status by removing the words full-time peace officer, that requirement. Once again, back to you.

SHERLOCK: So Mike Sherlock for the record. Hopefully this will be a lot faster. This one I think is fairly easy. Again, under our current regulations and when someone is terminated, which is what all our regs say way, before our time,

I don't know why it says that, where someone terminates their full-time status as a peace officer, they have to maintain full-time status or that certificate goes inactive and the clock starts on that. So once you move to inactive, you have 60 months to come back full-time, or you start all over, right, under our current regulations. So to be completely frank, we have not been aware of this or putting that out to agencies. We are aware of agencies that currently have retired people that they've brought back on a part-time status that we have left active, which would be in violation of the regulation. We want to rectify that. So we would simply suggest that language is included that a person with a basic POST certificate maintains that certificate in an active status if they move to part-time. That would allow agencies to use veteran people, experienced officers, whatever for those things they need without affecting that particular officer's certificate. And so we'd be looking to continue the rulemaking on that and to clear that regulation up.

TROUTEN: So essentially this is matching the NAC to actual practice --

SHERLOCK: Right.

TROUTEN: And I don't know that there's anyone in here that's not in a staffing crisis to some degree, and it's nice to pull in the veterans for some of the cold-case,

background type stuff. So is there any public comment on this item? Comments from the Board? Oh, excuse me. Sorry.

MCGILL: Sheriff Joe McGill, Nye County. I might be shooting myself in the foot on this, but I myself was in this position. I retired after 26 years, went back part-time, reserve part-time. I think that there needs to be some clarity as to the consideration of part-time is assumed to be for pay reserve is, I believe, assumed to be not paid. That needs to be taken into consideration in the language, but I think it just should make perfect sense that if we've got somebody who's retired and comes back in in either capacity, it needs to be considered that their certificate does not expire during that period. So that's all I have. Thank you.

TROUTEN: Thank you. Other public comment?

SHERLOCK: Chief, Mike Sherlock for the record. I just -- we don't look at pay so for us, reserve is a certificate issue, not -- you know, nothing to do with paying Sheriff, so we would simply look at removing that one sentence, full-time equivalent and just remove that and make it part-time or full-time.

NIEL: Russ Niel for the record. Mike, did -- in all the research you've done, are other states doing this? Are they removing this full-time requirement? And did you solicit any of the other departments and agencies around the state to see what they have to say about it?

SHERLOCK: So Mike Sherlock for the record. So that's really a moving target. Some states, reserve is a very specific category, so you can't move from full-time peace officer to reserve. The POST agency will recognize you as a reserve, not as a full-time officer. Our regulatory scheme is different than most states in that regard. Frankly, reserve's fairly new for Nevada. When I say new, it's, like, 12, 15 years, something like that but so it is hard to say, but some states very much do what we're talking about, that if you've completed all the full-time requirements, you were full-time and you move to a part-time or reserve position, your certificate is good. So those states that do that, we would be consistent with that.

TROUTEN: I would just say too, having started as a reserve initially and what would be considered basically the Category IV level or that reserve level now, there's limitations on what they can do. They have to be basically directly attached, almost up the hip, to a CAT-I officer for performance of peace officer duties because their training is so much less. Whereas if you have a retired CAT-I officer who's in your Reserve Corps, there's still a valid CAT-I officer that not only has all the training, but all the years of service with that. All right. Other comments from the Board?

PROSSER: Jamie Prosser for the record. Are we going to consider break-in employment? If an officer retires

after 25 years, takes a few months, and then decides to come back part-time, are we going to take into consideration that it's not switching from full-time to part-time?

SHERLOCK: Yeah. So Mike Sherlock for the record. So as long as they had a CAT-I basic certificate and that separation is less than 60 months and they come back, if we change this and they come back as a reserve, they're still a CAT I as long as 60 months hasn't lapsed. And so they'll be okay.

TROUTEN: And clarification, Ty Trouten for the record. Clarification, they're still required, if they come back --

PROSSER: Mm-hmm.

TROUTEN: -- at some point in that six months to keep updated on their yearly training and certifications.

SHERLOCK: So Mike Sherlock for the record. That's correct. And if there is a separation before they can resume duties a separate regulation that requires them to go through perishable skills before they resume duty, so that's all covered in the regulation as it stands now.

STRAUBE: Rob Straube for the record. Has there been any consideration for the Cat III? Because the jails and prisons are in very similar situations with possibly looking at some of those that retired try to come back? I don't know the language on that if there is language.

FLOYD: I don't think there's differentiation.

SHERLOCK: Yeah, Mike Sherlock for the record. I think this would -- this change would apply to all categories, all I, II, and III, so I think it would be okay for those too. And, and you get into some weird areas because we don't have reserves technically for Cat IIs and IIIs and so you get into a weird area but when you're talking full-time CAT III, I think this change pertains to all -- would pertain to all of those. Yeah. And so it would affect IIs and IIIs.

SHEA: Tim Shea for the record. I inherited some people in this category when I first came here. In fact, I called you about it because I had a part-time officer who'd only -- always been a part-time officer who had an advanced certificate. I said how in the world did you get that? And POST doesn't know if they're full-time or part-time really, they just know they're in a classification of peace officer. So and I have some part-time officers now that are conservation marshals, one of which is a retired lieutenant from Metro who they fill a necessary position. At one point the Supreme Court ruled an emergency in the courts, which allowed officers to go work in the courts in (inaudible) positions because of the shortage of staffing. Changing this language does help us out a great deal in certain areas and what you classify them at, I think it's kind of immaterial. I don't pay reserves, the FSLA is pretty strict on what you do with reserves and reserves can normally only get paid for very special occasions and special

reasons under the Fair Labor Standards Act, so these people have a different title, they call 'em marshals, but I think if you just write something in here that basically they're reappointed or appointed as a peace officer as to defined in our statute, that covers everybody and it covers every situation.

SHERLOCK: Yeah. Mike Sherlock for the record. Thanks for snitching us off, Chief, but that is the problem. But the -- you know, Chief Trouten touched on this, that is the huge issue, that if you have a reserve certificate, it's completely different under the regulation. Those reserves are not allowed to work by themselves, they have to be under the direct supervision of a Category-I officer. By changing this, we allow those Category Is to work as Category Is, you know, sole officers, whatever, in those reserve or part-time positions.

SHEA: Tim Shea for the record, I've had had a Category I officer, who was classified in our structure as a reserve. He was an unpaid volunteer, but he was running under his Cat-I POST certificate. And how I employed him was up to me but -- and he maintained all of the standards to keep his Category I cause there's nothing that says we have to pay somebody for them to maintain their Category I, it just says they have to meet these minimum standards every year. It's an interesting -- yeah.

SHERLOCK: Yeah. I know.

TROUTEN: Any further comments? All right, I will entertain a motion then.

SHEA: I'll make a motion to continue the rule making.

YOUNG: Commissioner Young. I'll second.

TROUTEN: Thank you. All members in favor, please say aye.

MEMBERS: Aye.

TROUTEN: I also vote aye. And opposed? Thank you. Was that a little bit shorter?

SHERLOCK: Not like I thought.

TROUTEN: Item 5, discussion, public comment, and for possible action, discussion with the Commission to decide whether to continue the rulemaking process to revise NAC 289.200, Section 4, Subsection A, to update the time in which a person must pass the POST physical readiness test.

SHERLOCK: So again, Mike Sherlock for the record. We talked about it in the workshop. We're asking whether the Commission has a desire to continue the rulemaking to remove the time limit on the physical-readiness passing. Right? It's currently 16 weeks. By the 16th week of the academy, they must currently pass at 100 percent. We are asking if the Commission would entertain removing that 16-week limit and simply required to be passed during the academy. This would allow for longer academies to spend more time working on their physical issues

with a candidate and give them some flex flexibility. Our concern, we know there's been a lot of conversation about our physical readiness test but at this point, we're just looking at this change. We can talk about that at another time, but we believe this will not affect the validation. For us that's a big issue in terms of liability on that particular test, and this change, if the Commission decides wants to continue won't affect that validation, and leave the -- we will be able to continue with the defensibility of that particular test.

TROUTEN: So I'll open it first. Public comment on this item? Board comments?

PROSSER: Jamie Prosser for the record. I am definitely for changing the time limit and allowing it to just simply state that you have to pass at 100 percent by completion of the academy. I agree with the statements that were made earlier and I know as our agency, we will still represent completing 80 percent to ensure that by the time we get to the end, they will be at 100 percent. Just for the record, the problem that we have, and the reason we want this verbiage changed from our standpoint is the physical agility, as it's written, is required to be completed, the entire thing, 100 percent, and if someone misses one push-up, they're failed. And it just -- that stringent of a agility test is what sometimes sets us back a little bit and we oftentimes lose someone, or if we have a recruit that passes at 100 within four weeks of the

academy and then blows a knee, he's not going to graduate the academy based on, you know, wherever he ends up. So if we could just do a flat language, I know that I would be supportive of that and I know you said that we're not talking about changing the standards for the physical agility at this meeting, but I would like to propose that we at least talk about removing the serpentine, what you call the agility run, because that's where we are blowing our knees.

STRAUBE: Rob Straube for the record. Just along with what you just said, I was thinking to myself the medical component to it, right, and having that extra time on a 22-week academy or whatever it may be that agencies have is -- and help me clarify, does that help if somebody blows out their knee and they can recover by the end of the academy, then allows them to now pass and remain in that status?

SHERLOCK: Mike Sherlock for the record? Yeah. Yeah. It would. Let me be clear, though: if it's an in injury, staff can extend that. That's the one time we can go right now beyond the 16 weeks if there's a bona fide injury is what the regulation says, but this way it alleviates some of that, true. Yeah.

SHEA: Tim Shea. As you know that the fitness test has been one of my (inaudible) for 10 years. I agree that, Chief Prosser, this really needs to be looked at. I went and did some research. There's no -- I don't know why the language

was changed, but it was changed for January 2010 and prior to that, it just said the requirement was you had to pass while enrolled in a basic-training course, certified or approved, pursued to NAC 289.300. Now it changed in January when they changed the test. The test you're taking now was not the test prior to January of '10, or January of 2010. January 28, 2010 is when this was adopted. There was only one test for everybody and every category and some of the things when they did this in January doubled. So now if you're going to be Category I, it doubled. So some things doubled, some things just decreased in time, but it became different also for every Category. So if you are a lateral and you passed the test in 2009, you did not pass the current test, you passed a different one at different standards. So again, I don't know why it was changed. So I think it should be. Also, I don't know why we have to take it multiple times. If a guy is going to the academy or gal and they pass it at 100 percent, why did they have to do it again? This is not a hiring requirement. This is a certification requirement. Agencies can choose to do this however -- I do it during the hiring process cause I don't want to waste time going through the entire background and everything else and have a person that can't pass this. So during the hiring process, they must complete it at at least 80 percent or I don't go any further. I can't put the time and effort into it. I don't have the resources to spend investigating people, doing all the

background, send 'em to psychologicals, all the stuff we have to do. But again, then they take it again when they get ready to go to the academy, if they pass it at 100 percent, it doesn't count, they've got to do it again. And again, we're talking about a certification process, not a hiring process. So I believe we do need to be looking at this and looking at the entire process and especially when we have large agencies that, you know, have massive vacancies and we're losing people during the academy to a certification requirement.

SHERLOCK: Yeah. So Mike Sherlock for the record. So that -- so we don't require it for hiring in any way.

SHEA: Nope.

SHERLOCK: (Inaudible.) So we don't require it for hiring, that's true. It's a good measuring tool I hope that -- cause to get through the academy, you have to pass it but -- and just be clear, if at any point, from a regulatory standpoint, at any point that they pass that during the academy, that they pass, they're done with us. That's an academy issue, right, so when you're saying they have to take it again when they go, if they -- if the academy is started and they're taking their entrance and they pass it 100 percent, they have met the regulatory and there's a lot of confusion about this. They've met our requirements, it's not -- we are done with them. So if they pass at 100 percent and on day two they get injured, it's not a PT issue. They've already passed at 100 percent during an

academy. So that doesn't change. This would just extend how long they have to pass it at 100 percent if that makes sense.

SHEA: That's a very good explanation, Mike, and I didn't realize that. I think the academies may have misinterpreted too cause I know some of the cadets have taken it more than once and passed it. But if they failed it at the 16-week thing, just like one push-up, one sit up on the third -- on, you know, doing their little jump, they're out and then we have to go through the extension process.

SHERLOCK: True. So Mike Sherlock for the record. So one of the reasons this came up is we had -- in fact we're dealing it with it right now at an academy where an applicant or a candidate or recruit in the academy is missing one of the runs, I don't know if it was a sprint or the mile-and-a-half by, like, 22 seconds, right? So and they're running up on the 16 weeks. We understand that. On the other hand, you have from staff's perspective, we can't just say, yeah, ignore the 22 seconds because then what do we do when it's 50 seconds? Or what do we do when it's three minutes? You know what I mean? So that's why we're looking at this to try to alleviate some of those issues and not, you know, waiver on our minimum standards or whatever it may be, and this would allow us to do that and allow the academies to do that.

SHEA: Well, Tim Shea, Mike, I agree with you. I don't think we should change the standards or ignore them or

waive them. That's a whole different discussion. But to me, giving this test in the middle of an academy is like giving them the POST one certification test at 16 weeks and say here you have to pass this. This is a certification requirement and it's, you know, a little bit over halfway through the academy.

SHERLOCK: Sure. Yeah.

TROUTEN: So Ty Trouten for the record. I can see both sides of this issue. And I believe also the fact that staffing levels what they are bring issues like this to the forefront. Yes, it is just a qualification to get certified, however, when I was hired, the standard was much higher, I think it was 14 minutes, 14 seconds for the mile-and-a-half rather than almost 17. As I've watched the standard change over the years, the number of people that we lose, and we always test at the exit standard for hiring, knowing that they should then be able to meet the 80 percent when months later to go to the academy, we still lose the same percentage of people. And one of the things that irritates me is when you see someone who is one push-up, one sit-up away from something and they essentially give up, they can't give you one more and it makes me question what will they be like on the street as an officer when they are in a difficult situation? Do they give up? And while it's yes, a physical-readiness test, to me it is also a measure of character and commitment. So again, and I like Chief Crawforth's analogy, I did prepare for marathons and you can do

a lot of things in 16 weeks. So I guess I have to question, and I know, like, this academy they go through physical training together, I believe all the other academies do, or at least should, how is it a person cannot get there within that period of time? And the other comment would be for some of these agencies, I know several agencies run their own academies. If there's concerns on that level and you have somebody you think is going to struggle throughout on this thing and it would be hard, model active military, they bring you in to do pre-training with you before the academy starts to at least get you to some level of physical fitness, then you would be able to pass within that. There's no conclusion on that. So I guess that's where I come down.

MILLER: So Ollie Miller for the record. I'm sorry, I didn't mean to cut you off. I agree with what you're saying and I agree with the comments here on the Commission. I would add that we're making an investment in people. Everyone's different. You know, you're going to have folks that aren't able to necessarily make that 100 percent within the 16 weeks. You know, with that being said, if I've got another five weeks or if I've got a longer academy at 31 weeks, you know, I want to give my talented staff the opportunity to get that individual who I've done a background on, who I've been training for the past 16 weeks, an opportunity to succeed, you know, and I, I do think that there are people that give up in the academy, but I

also think that there are folks that give it their all and, you know, they can't make that extra push-up in the timeframe it gives. The organizations, the academy itself a little more in latitude to get things done. You know, so that's the one point I would make. I agree with what you're saying, sir. I'd make that point that folks are different.

SHERLOCK: Mike Sherlock, real quick, for the record. Just to give you a sense of how an academy, and we see it here a lot is, look, if the legislature keeps mandating new training topics and we can't extend our academy, it does affect our ability for lifetime fitness and physical fitness and that kind of thing, and so academies deal with that a lot, and this may be why they're coming to us with this issue. You know from our perspective we do see that to a certain extent, and believe me, we value physical fitness here at our academy at POST, it's extremely important, but you have a lot of other pressures in the academy.

MCKINNEY: Kevin McKinney for the record. There's also a fiscal issue here because, you know, we invest a lot of money into training these subjects and, you know, if it's a 20-week academy or 24-week academy and we're failing people out after 16 weeks, there's a fiscal impact there. So we have to consider that as well.

TROUTEN: Any other comments from the Board? Any more from the public? Somebody has a motion to make, I'd entertain that now.

PROSSER: I move to continue on with the -- well, you know what.

SHEA: I'll second either way.

SHERLOCK: We'll figure that out I guess, (inaudible).

TROUTEN: So we have a motion that's been seconded to continue the rule making process. All those in favor, say aye.

MEMBERS: Aye.

TROUTEN: I'll also vote aye. Any opposed? Item Number 6, discussion, public comment, and for possible actions, discussion with the Commission to decide whether to continue the rulemaking process, revise NAC 289.300, Section 1, subsection B, to update or modify the requirement for a person to pass the basic training entrance physical readiness test. And now I'll go to Mike Sherlock.

SHERLOCK: So Mike Sherlock for the record. Hopefully we've beat a dead horse pretty good here. This is just related to the last item. We would simply, based on suggestions to us, remove the mandatory part of the entrance -- academy entrance requirement. It's simply a measurement for academies to use it that frankly may not be valid at this point

because academies are much longer than 16 weeks, and that's what that advisory or that mandated entrance test was about. So staff would suggest that we continue the rulemaking and look at making that an advisory tool rather than a mandated tool to give agent -- or give academies some flexibility. You know, again, we go back to missing the push-up by one. This would give them some flexibility on whether or not they want to continue with that candidate into the academy.

TROUTEN: Thank you Mr. Sherlock. Public comment? Board comment?

PROSSER: Jamie Prosser for the record. I think we beat that dead horse. Can I move to go forward with the rule making process?

TROUTEN: If there's no Board comments, you may.

SHERLOCK: The public. Any public?

TROUTEN: I already asked.

SHERLOCK: Oh, sorry. Sorry.

MILLER: Ollie Miller, second.

TROUTEN: Okay. We have a first and a second. All those in favor, say aye.

MEMBERS: Aye.

TROUTEN: I also vote aye. Any opposed? Motion carries. Look that one was quick.

SHERLOCK: Problem is the next one's not.

TROUTEN: Board okay? Do we need to take a short recess or anything or can we continue? All right, we shall continue then. Item Number 7, discussion, public comment, and for possible action, discussion regarding the creation of a new basic POST certificate category of executive level. Mike, I'll let you get all the background.

SHERLOCK: So Mike Sherlock for the record. I thought this would be the long one, and so I'll try to explain what we're getting at this from staff's perspective, some of the comments made by Commissioners, some of the issues we have going on with the elections and that kind of thing. So we are looking to whether or not the Commission wants to continue rulemaking or begin the rulemaking process on a very specific area and that is command staff recruitment and reciprocity in general. So, you know, what's happened with the last election, we have had several elected sheriffs that are in need of certification, right? We've also had agencies hiring command staff from outside of Nevada, right? So with this in mind, you know, using some of the ideas that the Commission has already brought to us, we are asking whether there's an appetite to create an executive level basic certificate. For one, we have the sheriff's departments that are trying to put together a full academy for their newly elected sheriffs that need to go to an academy, and in some cases their undersheriff. You know, beyond just the really poor perception of creating an academy just for the

sheriff that's run by the sheriff, it also causes work for us as staff that we are going to have to go out and certify these academies for one or two people that we know will never be put on again, and that's a lot of staff work for that. And so we looked at this -- you know, and it's just a lot of wasted man hours, from our perspective, in these very specific areas to get their own people to go through the certification process of the academy, all that. We're also sensitive to the issues raised by Chief Shea and others on the ability to get experienced command staff that are either from out of state or have been out of policing for more than five years, which is our cutoff, right? So we believe the best answer and to maintain our minimum standards and without lowering standards is perhaps to create a basic certificate for these situations, which other states have done. So we would look at language that would incorporate the idea that it must be the agency head and maybe the Number 2, no more than two certificates per agency to keep that integrity, and the big thing here would be that that basic certificate is only active while they hold the position. If they leave the position -- as we've spoke over and over again, our fear with our basic certificates right now is we create some bifurcated or shortened process even, and they're done with the agency they came into, and now they can go work patrol at Metro or Henderson or Reno because they have a basic certificate, yet they haven't met the same requirements. So we're looking at how can we do

that, meet the needs of what's been expressed to us in those areas? So by creating this basic certificate for these situations I think kind accomplishes all those things that have been brought to us. Again, you know, our suggestion would be to use an 80-hour online class that we do now for reciprocity. Again, it would require state certification tests, that's part of the regulations all over, and then add the flexibility based on the concern over a physical test, perhaps have a choice between our validated physical readiness test for that applicant, or the Cooper test. So Cooper, as many of you know, is scaled for age and gender, which again, would go back to some of the concerns we've heard about hey, this person's working in a command level, they're not out doing, you know, what a person on the street's doing and so the physical test is invalid. The Cooper test would be a physical fitness test rather than a readiness test that's scale for age and gender, so we think that would accomplish some of the concerns there, and again, it would just alleviate some of those concerns about people taking shortcuts and ending up in patrol. But believe it or not, we do see on occasion, but really creating a better pathway for the certification in those limited areas of the chief executive, that we make that process more realistic, and this would apply to, you know, cities where they're hiring from outside the state, where, you know, there's a need for that person, they're certified outside the state where they could come in in this

process rather than our other process, which is designed frankly for a patrol level, that kind of thing. So we are simply asking for the Commission -- asking if the Commission has some appetite to begin the rule making on that so we can move forward with that. Our preference would be to get this done as quickly as possible. We have three sheriffs, maybe something like that, three or four that are looking to create their own academy for one person, and again, I just don't think that's the best use of our staff in these type of situations and we're looking for some help there.

TROUTEN: Thank you, Mike. Open up first for public comment.

MCGILL: Sheriff Joe McGill, Nye County. We're in that position right now. Myself, my POST certificate hadn't expired prior to my election. However, my undersheriff was expired. He was a POST I. Also Esmeralda sheriff is having to get a full certification cause his is also, if I'm not mistaken, expired from California, I believe and he's trying to come into our program so that he can get certified because he doesn't have staff to put on an academy. So I think that this just makes perfect sense. I would say to make sure that the wording is for an elected or an appointed by the elected official position. Anybody below that, I don't think you're going to bring anybody from the outside and try to do that, but sheriff, undersheriff, chief, assistant chief, something like that. Thank you.

TROUTEN: Thank you. Other public comments?

CRAWFORTH: Chris Crawforth for the record. The only thing is what you said, Mike, is just I think where you make it as long as they're in that position. So just make sure you stick to that is what I would say. Thank you.

TROUTEN: Thank you. Any other public comment? Go to Board member comments.

YOUNG: Commissioner Young for the record. I agree with some of the public comment and I'm just trying to make sure I understand what you're saying is that any elected official or anyone outside of our state coming into this executive level position would go through this certification process and it's mandatory?

SHERLOCK: Mike Sherlock for the record, yes.

YOUNG: Okay.

MILLER: Ollie Miller for the record. Clarifying question to you, Mr. Sherlock. Specifically with regard to the executive POST, we all know that Sheriffs and Chiefs are not going to generally be doing any law enforcement unless they're on a ride-along, but if it means something does happen, you know, at the corner of walk and don't walk when they're not expecting it, does it put the organization in risk and liability? Does that POST certificate have the same authority as any other Category-I peace officer certificate, you know, in the state if they had to get out on something on their own?

SHERLOCK: Sure. So Mike Sherlock for the record. So I would -- you know, we looked at this. This is simply modifying our current reciprocity process anyway, and at the same time recognizing the essential functions of the command level, so I think it does give them full authority, but also recognizes their limited exercising of peace officer powers. So I think, from that perspective, it does give 'em full authority, but it is no different than reciprocity and we believe that there's no issue there.

MILLER: Thank you.

SHEA: Tim Shea for the record. I'd say this is something we've discussed a couple times when it comes to executive appointments and cities go through a great deal searching nationwide to find chiefs, they hire somebody and if they break their toe and they can't run the run as quick as they're supposed to, what's the city supposed to do with them? Perhaps we could look at a system very similar to the reciprocity and for people that have been expired more than five, put 'em through basically the in lieu-of course that used to be taught in person and now is done online if you wanted to have some sort of refresh and again, I think that putting them through the physical ability test is not appropriate for electeds or the chief of police, but that's my opinion. So I think this is a good move and I agree that it should only remain in place while the person's in the position but there's a little

part of me that says, well, this guy was a cop for 32 years, he spent 17 years in patrol, he was a detective, he was a lieutenant, he was a captain retired seven years ago and now he forgot everything he learned somehow some way. I'm just a little -- I don't know. So that's where I'm kind of, whether or not it should be that position only or, you know, we refresh it, we bring 'em back up to standard and then while they're in office, they have to maintain the same Category I standards anyway so it's not like they're not refreshing it for a sheriff that's going to be for at least four years and for a police chief, you might get eight or nine months out of 'em, who knows nowadays, but I just think it's a good move, Mike.

TROUTEN: Any other comments?

PROSSER: Jamie Prosser for the record. I agree. I would just like us to keep in mind the consideration that all of our agencies are built differently and if we follow what Sheriff McGill said about the appointed by the sheriff or chief of that agency, I think that that would cover that spectrum depending on how your agency is built.

SHERLOCK: Yeah, Mike Sherlock for the record. We agree with that. We realize there's, you know, different areas and maybe that's what the language is, that that appointing -- that appointed executive may appoint one -- you know, one more that falls under this exception or something like that, whatever

the language may be, but yeah, we recognize that not everyone's elected and that kind of thing.

SHEA: Tim Shea. I'd be a little leery about saying one or two because we are talking about some agencies that are very large. This may be a -- Mr. Togliatti's not here, but that may be a difficulty for some place like DPS with multiple different divisions and things, Metro also with quite a number of people that could be put into appointed slots, and to be held at the same standard for an agency that has 14 people is pretty restrictive.

SHERLOCK: Yeah. Mike Sherlock for the record. We looked at that and, you know, from a realistic standpoint, you know, how many people from outside is Metro going to bring in at command, not very many. And even when you look at DPS, DPS for us is not one agency. So just so everyone knows, that would apply to Chief of Probation or Chief of, you know, whatever else they have, Fire Services, they have, you know, NDI, I don't know. In our concept, that chief executive would be an agency that we recognize as an agency so, right, DPS is split into a whole -- so they would cover them is what I'm getting at.

FLOYD: They have different divisions.

TROUTEN: If there's no further comment, I would entertain a motion.

SHEA: I can't quite do it as eloquently as Chief Prosser, but I'll make a motion to extend the rulemaking.

PROSSER: I'll second that.

TROUTEN: All those in favor, say aye.

MEMBERS: Aye.

TROUTEN: I also vote aye. Any opposed, nay?

FLOYD: Who was nay? Oh, got you. Thank you.

TROUTEN: This will be a good one. Item Number 8, discussion, public comment, and for possible action, discussion with the Commission to decide whether to award POST executive certificate to Fernley Municipal Court Marshall, Daniel Lynch. Mike, we'll go back to you once again.

SHERLOCK: Mike Sherlock for the record. I know this will be a short one. I really do. Staff has reviewed an application for an executive certificate for Fernley Municipal Court Marshall, Daniel Lynch. Staff finds Marshall Lynch meets the requirements for the executive certificate and recommends the Commission issue that executive certificate.

TROUTEN: Thank you. Director, is Mr. Lynch here? Okay, I do find it good to have one of these come before us again. I believe this is the first one since we've changed a bunch of things to clarify for folks. Are there any public comments on this topic? Any Board member comments? Hearing none, do we have a motion?

SHEA: Tim Shea, I'll make a motion to award the certificate.

MCKINNEY: Kevin McKinney. I'll second.

TROUTEN: All right. All Board members in favor, please say aye.

MEMBERS: Aye.

TROUTEN: I vote aye as well. Old habits. All right, thank you. Item Number 9, public comment. The Commission not act on any manner considered under this item until the matter is specifically agenda'd on a future agenda or future meeting time, but this time is open for public comment. Is there any public comment? All righty, we'll move on then to Item Number 10, discussion, public comment, and for possible action, scheduling of the next meeting. Mr. Sherlock?

SHERLOCK: So Mike Sherlock for the record. So we -- traditionally and historically we do the meeting during the police memorial week and day of the actual memorial, which is May 4th, so we would ask that we tentatively schedule it for May 4th. Uh, generally we want to do it in the morning. The memorial's usually at 1:00, sometimes 12:00, I haven't seen what time they're going to do it, but if we do it at 9:00 AM it will allow everyone to get over to the memorial on May 4th.

TROUTEN: Thank you, sir. Any public comment? Board member comment? Do we have a motion?

SHEA: Tim Shea, I'll make a motion to schedule for May 4th.

TROUTEN: Is there a second?

PROSSER: I'll second.

TROUTEN: Thank you. All those in favor, say aye.

MEMBERS: Aye.

TROUTEN: And I also vote aye. Item Number 11, looking for a motion to adjournment if there is no further comment, public or Board.

YOUNG: So moved.

TROUTEN: Second?

MILLER: Second, Ollie Miller.

TROUTEN: Thank you. All those favor, say aye.

MEMBERS: Aye.

TROUTEN: Thank you, all, we are adjourned.

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

a. Training Division
b. Standards Division – Audit Stats
c. Administration

1st Quarter Audit Report

Number of Agencies: 18
Number of Academies: 11
Courses Certified: 65

Agency background deficiency and recommended corrective action:

1. Sparks Justice Court – 01/18/23
    a. Missing documents, incomplete backgrounds
   Recommendation-
   Attend Background Investigator Course. Must complete background pursuant to NAC289.110

2. NV Department of Corrections – 01/31/23
    a. Incomplete backgrounds
   Recommendation –
   Attend Background Investigator Course. Must complete background pursuant to NAC289.110

3. Walker River Tribal PD- 02/06/23
    a. Unable to audit Background files at this time due to no employee in HR department. Follow up audit will be scheduled when new HR employee starts.
   Recommendation-Notify my office when HR person is in office.

4. Lovelock Police Department – 03/29/23
    a. Missing documents/incomplete backgrounds
   Recommendation-
   Attend Background Investigator Course. Must complete background pursuant to NAC289.110

Findings-

1. Sparks Justice Court- SPOC did not complete background class scheduled in February. **Critical Finding** – **Audit Closed**

2. NV Department of Corrections-Two employees attended the February POST Background class. **Critical Finding – Audit Closed**

3. Walker River Tribal PD-emailed training rosters have been entered. HR office staffed, follow up background file audit May 1. **TBD**

4. Lovelock Police Department **– Critical Finding** – **Audit Closed**

Significant or Repeated Deficiencies:

1. New Hire Backgrounds incomplete or not done at all.

Critical Finding-3
Major Finding-0
Minor Finding-0

Officer Training File Audit Deficiencies:

1. Sparks Justice Court – 01/18/23
    a. Organize training files

    Recommendation –

    Separate and organize training files for easy accessibility.

2. NV Department of Corrections – 01/31/23
    a. 2021 Training documents were not included in training files. Some documents were electronic and some hard copy, no consistency.

    Recommendation –

    Update and organize officer training files for follow up audit.

3. Fernley Justice Court – 02/02/23
    a. Single employee, no training file, no verification of training for 2021.

    Recommendation – 30 days to provide verification of training

4. Walker River Tribal PD- 02/06/23
    a. Missing documentation for 2nd Firearms qual. Chief Sanchez was to follow up with roster.

    Recommendation-Enter training and email auditor roster.

5. Fallon Paiute Shoshone Tribal PD – 02/13/23
    a. One officer missing one course to meet the 12 hrs. of continuing education requirement.

    Recommendation-Complete missing class and email auditor with certificate of completion.

6. Nye County Sheriff's Office -03/22/23
    a. Perishable skills instructors need updated training at least every three years per NAC289.230(8)

    Recommendation- recertify instructors at least every 3 years and make sure documentation is kept on file.

7. 4th District Elko Co. Juvenile Probation- 03/28/23
    a. Missing a couple of training rosters

   Recommendation- Provide documentation when found.

8. 4th Judicial District Court-Dept.1 – 03/28/23
    a. Missing several 12 hr. continuing education courses

   Recommendation- Provide agenda of conference attended for review to confirm if it meets the 12 hr. requirement.

Findings:

1. Sparks Justice Court – 01/18/23
   Critical Finding – **Audit Closed**

2. NV Department of Corrections – 01/31/23
   Major Finding – **Audit Closed**

3. Fernley Justice Court – 02/02/23
   POST notified Bailiff is no longer employed – **Audit Closed**

4. Walker River Tribal PD- 02/06/23
   Major Finding -**Audit Closed**

5. Fallon Paiute Shoshone Tribal PD – 02/13/23
   Major Finding – **Audit Closed**

6. Nye County Sheriff's Office -03/22/23
   Critical Finding – **Audit Closed**

7. 4th District Elko Co. Juvenile Probation- 03/28/23
   Documentation provided - Major Finding – **Audit Closed**

8. 4th Judicial District Court-Dept.1 – 03/28/23
   Documentation received, requirement met. Major Finding – **Audit Closed**

Significant or repeated deficiencies found:
Unorganized training files.
Missing training (12 hrs. of continuing education)

Critical Finding-2
Major Finding-5
Minor Finding-0

Academy deficiency and recommended corrective action:

1. Nevada Department of Public Safety – 01/24/2023
    a. Update resume on file for all instructors

    Recommendation- upon start of each academy, have updated resume on file for every instructor.

Academy Audit Corrections:

1. Nevada Department of Public Safety – **Minor Finding – Audit Closed**

Significant or repeated deficiencies found:
Missing Instructor resumes or need updated Instructor resumes.

Critical Finding-0
Major Finding-0
Minor Finding-1

AUDIT FINDINGS KEY:
Critical Finding – Corrective Action Impossible
Major Finding – Corrective Action Required
Minor Finding – Corrective Action Recommended

3. <u>DISCUSSION, PUBLIC COMMENT, AND FOR POSSIBLE ACTION.</u>

The Commission to decide whether to continue the rulemaking process to create an Executive Level Basic Certificate and its requirements.

Executive Level Category I Basic Certificate

NAC 289.xxx–Executive Level Basic Certificate:

1. The Executive Director may award an executive level category I basic certificate to any peace officer who:
   a. Has been elected or appointed to the executive level position (NAC 289.047). No more than two (2) active executive level basic certificates will be permitted per agency.
   b. Has met all standards of NAC 289.110 and hired by a Nevada Law Enforcement Agency; and
   c. Has a history of at least 5 consecutive years of employment as a peace officer; and
   d. The certification of the peace officer has not been revoked or suspended in any state; and
   e. The peace officer has satisfactorily completed, within 1 year of date of appointment, 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

SAMPLE

f. The peace officer passes the state certification exam with a score of at least 70 percent; and
g. The peace officer passes the state physical readiness examination for category I or the Cooper Standard for Law Enforcement Physical Assessment above 50 percentile.
h. The peace officer must meet all requirements of Chapter 289 to maintain the basic certificate.
i. Executive level basic certificate expires immediately upon separation as an executive with that agency.

SAMPLE

The Cooper Standard for Law Enforcement Physical Assessment (Scored)

Dynamic Strength (One Minute Push Ups) Male					%	Category
20 - 29	30 - 39	40 - 49	50 - 59	60+		
100	86	64	51	39	99	Superior
62	52	40	39	28	95	
57	46	36	30	26	90	Excellent
51	41	34	28	24	85	
47	39	30	25	23	80	
44	36	29	24	22	75	Good
41	34	26	21	21	70	
39	31	25	20	20	65	
37	30	24	19	18	60	
35	29	22	17	16	55	Fair
33	27	21	15	15	50	
31	25	19	14	12	45	
29	24	18	13	10	40	
27	21	16	11	9	35	Poor
26	20	15	10	8	30	
24	19	13	9.5	7	25	
22	17	11	9	6	20	
19	15	10	7	5	15	Very Poor
18	13	9	6	4	10	
13	9	5	3	2	5	

The Cooper Standard for Law Enforcement Physical Assessment (Scored)

Dynamic Strength (One Minute Push Ups) Female					%	Category
*20 - 29	*30 - 39	*40 - 49	**50 - 59	**60+		
53	48	23			99	Superior
42	39.5	20			95	
37	33	18			90	Excellent
33	26	17			85	
28	23	15			80	
27	19	15			75	Good
24	18	14			70	
23	16	13			65	
21	15	13			60	
19	14	11			55	Fair
18	14	11			50	
17	13	10			45	
15	11	9			40	
14	10	8			35	Poor
13	9	7			30	
11	9	7			25	
10	8	6			20	
9	6.5	5			15	Very Poor
8	6	4			10	
6	4	1			5	
3	1	0			1	

The Cooper Standard for Law Enforcement Physical Assessment (Scored)

Dynamic Strength (One Minute Sit Ups) Males						%	Category
-20	20 - 29	30 - 39	40 - 49	50 - 59	60+		
62+	55+	51+	47+	43+	39+	99	Superior
62	55	51	47	43	39	95	
55	52	48	43	39	35	90	Excellent
53	49	45	40	36	31	85	
51	47	43	39	35	30	80	
50	46	42	37	33	28	75	Good
48	45	41	36	31	26	70	
48	44	40	35	30	24	65	
47	42	39	34	28	22	60	
46	41	37	32	27	21	55	Fair
45	40	36	31	26	20	50	
42	39	36	30	25	19	45	
41	38	35	29	24	19	40	
39	37	33	28	22	18	35	Poor
38	35	32	27	21	17	30	
37	35	31	26	20	16	25	
36	33	30	24	19	15	20	
34	32	28	22	17	13	15	Very Poor
33	30	26	22	15	10	10	
27	27	23	17	12	7	5	
-27	-27	-23	-17	-12	-7	1	

The Cooper Standard for Law Enforcement Physical Assessment (Scored)

Dynamic Strength (One Minute Sit Ups) Females						%	Category
-20	20 - 29	30 - 39	40 - 49	50 - 59	60+		
55+	51+	42+	38+	30+	28+	99	Superior
55	51	42	38	30	28	95	
54	49	40	34	29	26	90	Excellent
49	45	38	32	25	20	85	
46	44	35	29	24	17	80	
40	42	33	28	22	15	75	Good
38	41	32	27	22	12	70	
37	39	30	25	21	12	65	
36	38	29	24	20	11	60	
35	37	28	23	19	10	55	Fair
34	35	27	22	17	8	50	
34	34	26	21	16	8	45	
32	32	25	20	14	6	40	
30	31	24	19	12	5	35	Poor
29	30	22	17	12	4	30	
29	28	21	16	11	4	25	
28	24	20	14	10	3	20	
27	23	18	13	7	2	15	Very Poor
25	21	15	10	6	1	10	
25	18	11	7	5	0	5	
-25	-18	-11	-7	-5	0	1	

The Cooper Standard for Law Enforcement Physical Assessment (Scored)

Cardiorespiratory Fitness Test (1.5 Mile Run) Male						%	Category
20 - 29	30 - 39	40 - 49	50 - 59	60 - 69	70 - 79		
8:22	8:49	9:02	9:31	10:09	10:27	99	Superior
9:10	9:31	9:47	10:27	11:20	12:25	95	
9:34	9:52	10:09	11:09	12:10	13:25	90	Excellent
9:52	10:14	10:44	11:45	12:53	13:57	85	
10:08	10:38	11:09	12:08	13:25	14:52	80	
10:34	10:59	11:32	12:37	13:58	15:38	75	Good
10:49	11:09	11:52	12:53	14:33	16:22	70	
11:09	11:34	11:58	13:25	14:55	16:46	65	
11:27	11:49	12:25	13:53	15:20	17:37	60	
11:34	11:58	12:53	13:58	15:53	18:05	55	Fair
11:58	12:25	13:05	14:33	16:19	18:39	50	
12:11	12:44	13:25	14:35	16:46	19:19	45	
12:29	12:53	13:50	15:14	17:19	19:43	40	
12:53	13:25	14:10	15:53	17:49	20:28	35	Poor
13:08	13:48	14:33	16:16	18:39	21:28	30	
13:25	14:10	15:00	16:46	19:10	22:22	25	
13:58	14:33	15:32	17:30	20:13	23:55	20	
14:33	15:14	16:09	18:22	21:34	25:49:00	15	Very Poor
15:14	15:56	17:04	19:24	23:27	27:55:00	10	
16:46	17:30	18:39	21:40	25:58:00	30:34:00	5	
20:55	20:55	22:22	27:08:00	31:59:00	33:30:00	1	

The Cooper Standard for Law Enforcement Physical Assessment (Scored)

Cardiorespiratory Fitness Test (1.5 Mile Run) Female						%	Category
20 - 29	30 - 39	40 - 49	50 - 59	60 - 69	70 - 79		
9:23	9:52	10:09	11:34	12:25	12:25	99	Superior
10:20	11:08	11:35	13:16	14:28	14:33	95	
10:59	11:43	12:25	13:58	15:32	16:06	90	Excellent
11:34	12:23	13:14	14:33	16:22	16:57	85	
11:56	12:53	13:38	15:14	16:46	18:05	80	
12:07	13:08	13:58	15:47	17:34	18:39	75	Good
12:51	13:41	14:33	16:26	18:05	19:24	70	
13:01	13:58	15:03	16:46	18:39	20:02	65	
13:25	14:33	15:17	17:19	18:52	20:54	60	
13:58	14:33	15:56	17:38	19:29	21:45	55	Fair
14:15	15:14	16:13	18:05	20:08	22:22	50	
14:33	15:35	16:46	18:39	20:38	22:54	45	
15:05	15:56	17:11	19:10	20:55	23:47	40	
15:32	16:43	17:38	19:43	22:03	24:54:00	35	Poor
15:56	16:46	18:26	20:17	22:34	25:49:00	30	
16:43	17:38	18:39	20:55	23:20	26:15:00	25	
17:11	18:18	19:43	21:57	23:55	27:17:00	20	
17:53	19:01	20:49	22:53	25:02:00	27:55:00	15	Very Poor
18:39	20:13	21:52	23:55	26:32:00	30:34:00	10	
21:05	21:57	23:27	26:15:00	29:06:00	33:32:00	5	
25:17:00	25:10:00	27:55:00	30:34:00	33:05:00	37:26:00	1	

The Cooper Standard for Law Enforcement Physical Assessment (Scored)

*300 Meter Run (Measured in Seconds) Males					%	Category
20 - 29	30 - 39	40 - 49	50 - 59	**59+		
42.6	42	47	52		99	Superior
46	46.1	52	58		95	
48	49	55	61		90	Excellent
49	50	56	63		85	
50.3	51	57	66.4		80	
51	52	60	68		75	Good
52	53	61	70		70	
53.5	54	62	72		65	
54	55	64	74		60	
55	56	66	77.4		55	Fair
56	57	67.6	80		50	
57.5	58	70	82.6		45	
59	58.9	72	83.2		40	
60	61	74.8	85		35	Poor
62.1	63	77	87		30	
64	65	81	89		25	
66	68	83	95		20	
69	70	86	99		15	Very Poor
73.4	74.9	90	101.6		10	
81.3	80.9	104	112		5	
95.1	113.9	143	184		1	

The Cooper Standard for Law Enforcement Physical Assessment (Scored)

*300 Meter Run (Measured in Seconds) Females					%	Category
20 - 29	30 - 39	40 - 49	**50 - 59	**59+		
54	55	65			99	Superior
54.3	56.5	65			95	
56	60	66			90	Excellent
58	63.5	68.2			85	
58.3	66	72			80	
59.7	66.5	72			75	Good
60	68	75.3			70	
61	69.9	78.7			65	
61	71	79			60	
62.7	72	80.5			55	Fair
64	74	86			50	
68.5	75.5	91.7			45	
71	79	94			40	
74.5	80.5	101.8			35	Poor
75	82	106.7			30	
76	85.5	109.3			25	
78	86	110			20	
88	93.5	116			15	Very Poor
97	100	121.5			10	
106.7	114	125			5	
120	210	125			1	

The Cooper Standard for Law Enforcement Physical Assessment (Scored)

*Vertical Jump (Measured in Inches) Males					%	Category
20 - 29	30 - 39	40 - 49	50 - 59	**59+		
30.3	28.4	25.1	22		99	Superior
26.5	25	22	21		95	
25	24	20.3	19.5		90	Excellent
25	23	19.5	18		85	
24	22	19	17		80	
23	21	18	16.5		75	Good
22.5	21	18	16		70	
22	20	17	15.5		65	
21.5	20	17	15		60	
21	20	16.5	14.5		55	Fair
20.5	19.5	16	14		50	
20	19	16	14		45	
20	18.6	15.5	13.5		40	
19	18.5	15	13.5		35	Poor
18	18	14.5	13		30	
18	17	14	12.2		25	
17.5	16.5	14	11.9		20	
17	16	13	11		15	Very Poor
16	15.5	12.1	10		10	
13.6	14.5	11	9.3		5	
10.3	12.1	6.9	6.5		1	

The Cooper Standard for Law Enforcement Physical Assessment (Scored)

*Vertical Jump (Measured in Inches) Females					%	Category
20 - 29	30 - 39	40 - 49	**50 - 59	**59+		
19	18	13.5			99	Superior
18.8	16.9	13.5			95	
18.1	16	13.3			90	Excellent
18	15.5	13			85	
17.7	15	13			80	
17	15	12.7			75	Good
16.3	14.9	12.3			70	
16	14.3	11.6			65	
15.9	13.2	11.5			60	
15.5	13	11.1			55	Fair
15.2	12.5	10			50	
14.3	12.4	10			45	
14	12	9.6			40	
13.9	12	9			35	Poor
13.5	11.1	9			30	
13	11	8.5			25	
12.6	11	7.8			20	
12	10.9	7.1			15	Very Poor
12	10.2	7			10	
11.4	9.1	7			5	
11	6	7			1	

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

The Commission to decide whether to continue the rulemaking process to revise NAC 289.110(4)(b) to update or make changes as it relates to marijuana offenses, sample language included in this book.

NAC 289.110 Minimum standards for appointment. (NRS 289.510)

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

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

(b) Is a citizen of the United States;

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

(d) Has:

(1) Graduated from high school;

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

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

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

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

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

(b) An inquiry into the criminal history of the person in the State of Nevada and in any other state where the person is known to have resided, which must include, without limitation, any warrants issued for the person and the submission of the person's fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report;

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

(d) A financial history of the person;

(e) The educational background of the person;

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

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

(h) A drug screening test;

(i) A psychological evaluation; and

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

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

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

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

(b) Been convicted of an offense involving moral turpitude or the unlawful use, sale or possession of a controlled substance, excluding marijuana convictions for use or possession that would not be prosecutable under the law as of January 1, 2023;

(c) A documented history of physical violence; or

SAMPLE

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

[Peace Officers' Standards & Training Com., § IV, eff. 5-7-82]—(NAC A 12-17-87; 8-24-90; A by Peace Officers' Standards & Training Comm'n by R102-99, 11-2-99; R118-09, 1-28-2010; R085-10, 12-16-2010, eff. 7-1-2011; R066-12, 9-14-2012; R167-20, 12-22-2021)

SAMPLE

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

The Commission to decide whether to continue the rulemaking process to revise NAC289.300(1)(b) with proposed language, sample language included in this book.

NAC 289.300 Basic training courses. (NRS 289.510, 289.590)

1. The Executive Director shall certify basic training courses presented by agencies or approved by the Commission which meet the following requirements:

(a) The length of the course must meet the minimum standards for training established by the Commission.

(b) A person enrolling in the course ~~***must***~~ ***MAY*** *be required to pass a physical fitness examination not sooner than 30 days before the commencement of the course and not later than 14 days after the commencement of the course*. To pass such a physical fitness examination, the person must:

(1) For category I and reserve training:

(I) Complete a vertical jump of not less than 11.5 inches.

(II) Complete not less than 24 sit-ups in 1 minute.

(III) Complete not less than 18 push-ups.

(IV) Run 300 meters in not more than 1 minute and 22 seconds.

(V) Walk or run 1.5 miles in not more than 20 minutes and 20 seconds.

(VI) Complete an agility run in not more than 23.4 seconds.

(2) For category II training:

(I) Complete a vertical jump of not less than 12 inches.

(II) Complete not less than 23 sit-ups in 1 minute.

(III) Complete not less than 12 push-ups.

(IV) Run 300 meters in not more than 1 minute and 36 seconds.

(V) Walk or run 1.5 miles in not more than 24 minutes and 10 seconds.

(VI) Complete an agility run in not more than 24.9 seconds.

(3) For category III training:

(I) Complete a vertical jump of not less than 12 inches.

(II) Complete not less than 16 push-ups.

(III) Run 300 meters in not more than 1 minute and 29 seconds.

(IV) Walk or run 1.5 miles in not more than 21 minutes and 10 seconds.

(V) Complete an agility run in not more than 24.5 seconds.

SAMPLE

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. [Effective on 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;

SAMPLE

(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, not later than 16 weeks after the first day of the officer's basic training course certified or approved pursuant to NAC 289.300; or

(b) If the officer is eligible for certification pursuant to subsection 2, not later than 16 weeks 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.

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.

SAMPLE

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

The Commission to decide whether to continue the rulemaking process to revise NAC 289.200(4)(a) and (8), sample language included in this book.

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;

SAMPLE

(23) Records of offenders in institutions;
(24) Rights of victims;
(25) Search and seizure;
(26) Searches of offender institutions;
(27) Supervision of offenders;
(28) Training concerning active assailants; and
(29) Use of force;

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

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

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

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

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

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

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

*(a) If the officer is not eligible for certification pursuant to subsection 2 or for the return of his or her certificate to active status pursuant to subsection 9, ~~not later than 16 weeks after the first day of~~ **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;

SAMPLE

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

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

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

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

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

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

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

(c) Within 5 consecutive years of his or her termination of employment as a category I or category II peace officer, became a full-time employee of the Commission or a full-time law enforcement officer of a federal law enforcement agency approved by the Commission, and subsequently, within 5 consecutive years of his or her termination of employment with the Commission or federal law enforcement agency, as applicable, became employed as a peace officer in the same category of peace officer as he or she held immediately prior to his or her employment with the Commission or the federal law enforcement agency.

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

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

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

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

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

[Peace Officers' Standards & Training Com., § VI, eff. 5-7-82]—(NAC A 12-17-87; 8-24-90; 4-28-94; R024-97, 10-1-97; R169-97, 1-30-98; R170-97, 1-30-98; A by Peace Officers' Standards & Training Comm'n by R102-99, 11-2-99; R005-01, 11-1-2001; R100-02, 11-12-2002; R066-03, 12-4-2003; R127-04, 11-8-2004; R146-05, 12-29-2005; R003-07, 4-17-2008; R110-08, 8-26-2008; R118-09, 1-28-2010; R079-14, 10-24-2014; R003-17, 12-19-2017; R112-19, 11-2-2020; R168-20, 12-22-2021)

SAMPLE

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

Request from the North Las Vegas Police Department for an Executive Certificate for their employee Captain Adam L. Hyde. Possible action may include issuance or denial of the requested Executive Certificate.

State of Nevada - POST
Professional Certificate Application

POST ID# 21506

Officer's Name Hyde Adam L

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

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

	Meets the following requirements:
○ Intermediate (NAC 289.240)	
	Has an Intermediate Certificate and meets the following requirements:
○ Advanced (NAC 289.250)	
	Meets the following requirements:
○ Supervisor (NAC 289.255)	
	Has Advanced and Supervisor Certificates and meets the following:
○ Management (NAC 289.260)	
	Has a Management Certificate and meets the following:
◉ Executive (NAC 289.270)	6 yrs (1 Exec) exp., supervise 2 mgrs, head of agency/div./bureau, 200 hrs adv mgmt trng

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

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

Additional Information or comments: All documentation sent in 1 attachment

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

Submitters Name:	**Submitters Phone:**	**Submitters E-Mail:**
Gabriela Vazquez	(702) 633-1832	vazquezgd@cityofnorthlasvegas.com

Submission number: 265021

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

Education	**Credit Hours**	**Date Achieved**	**Approved By:**
		/ /	

Comments: **Certification Date:** / /

NORTH LAS VEGAS

POLICE

JACQUELINE GRAVATT
CHIEF OF POLICE

April 11th, 2023

Mike Sherlock, Executive Director
Commission on Peace Officers' Standards & Training
5587 Wa Pai Shone Avenue
Carson City, NV 89701

Dear Mr. Sherlock,

Effective 9/12/20 Adam Hyde was promoted to Captain with this Department. As Captain, he supervises two or more persons who hold management level posititions. He graduated from the FBI National Academy on 3/16/23. Please consider this a letter of authority. It is acknowledged and affirmed by the chief executive of this agency to be in direct line and immediately available and authorized to act as the chief executive of this agency during the absence of the chief executive.

Enclosed is an updated Personnel order and a copy of the Department's Organization Chart.

If additional information or documentation is necessary, please contact Gaby Vazquez at 702-633-1832, ext. 5775.

Thank you,

JGravatt

Jacqueline Gravatt
Chief of Police

CITY OF NORTH LAS VEGAS
POLICE DEPARTMENT

PERSONNEL ORDER # 20~334

Title: **Promotion ~ Lt. Adam Hyde, P# 1487**		
Effective Date: **September 12, 2020**	Supersedes:	Revises:
Cancellation Date:	Review Date:	
Approved by: **Pamela Ojeda**	Title: **Chief of Police**	Date: **August 31, 2020**
Paper Copy Distribution: **Lt. Adam Hyde** **Signed Copy to Resource Management Division** **Signed Copy to Chief's Office for Personnel File** **Signed Copy to PSA Office**		
Completed By: **Sharon Goldsberry**		

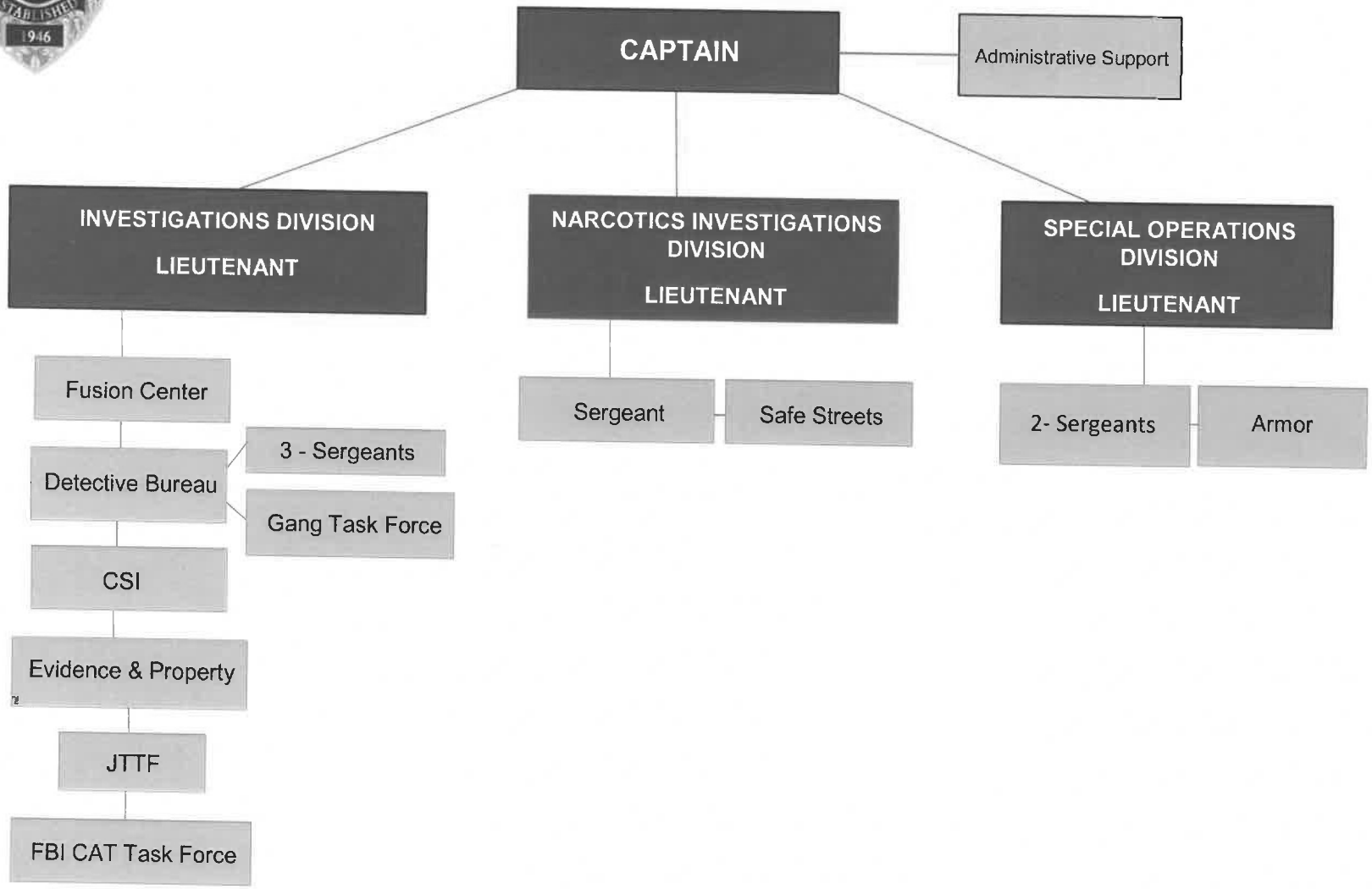
Effective Saturday, September 12, 2020, you are being promoted to the rank of Captain of the South Area Command.

Report to Asst. Chief Jackie Gravatt for further instructions.

Congratulations on your promotion!

NORTH LAS VEGAS POLICE DEPARTMENT





INVESTIGATIVE SERVICES COMMAND STRUCTURE

Rev. 8/4/21
Eff. 8/4/21

FBI National Academy Student Transcript

Adam Lee Hyde

FBI Academy, Quantico, Virginia
Session: NA285 - 01/09/2023 - 03/16/2023

This is to certify the student listed above attended the following courses of the FBI National Academy.

Course Number	Course Title	Classroom Hours	Semester Hours
CJ-3400	Fitness in Law Enforcement	30	2
CJ-5250	Seminar in Executive Writing	45	3
CJ-5400	Advanced Perspectives and Strategies to Enhancing Community Partnerships	45	3
CJ-5820	Leadership in Advanced Investigative Strategies for Violent Crime	45	3
CJ-5890	Essentials for Law Enforcement Executives	45	3
CJ-5930	Leading At-Risk Employees for Executive	45	3
			Total Credits: 17.00

In addition to the above identified course of study, all students participated in several plenary sessions dealing with selected National Law Enforcement issues, additional time was allocated for staff consultation, study and research and voluntary participation in the National Academy enrichment and physical fitness challenge programs.

as of 3/7/2023 9:04:13 AM

UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION





Issues this award thereby certifying that

Adam Hyde

North Las Vegas Police Department, North Las Vegas, NV

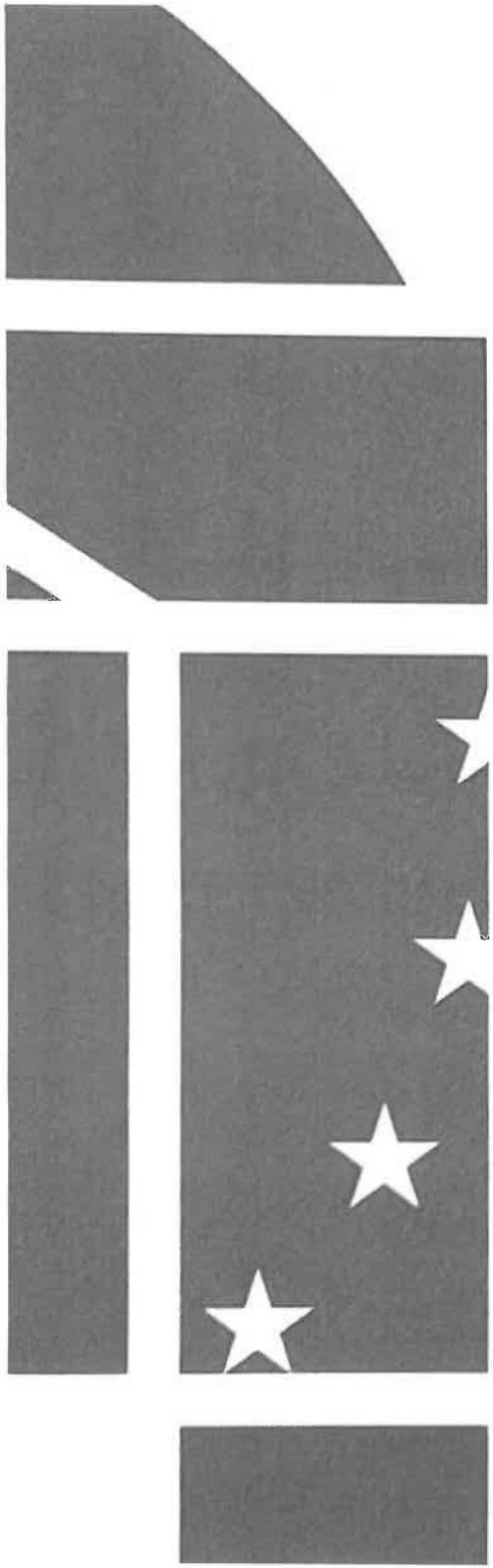
has completed a general course of instruction afforded by the

FBI National Academy

at Quantico in the state of Virginia for a period of ten weeks
ending the sixteenth day of March in the year of two thousand and twenty three.

Christopher A. Wray
Director
Federal Bureau of Investigation

Timothy Dunham
Assistant Director
Training Division



University of Virginia
School of Continuing and Professional Studies

Awards this

Certificate of Achievement

to

Adam Hyde

For the successful completion of the
Graduate Certificate in

Criminal Justice Education

March 16th, 2023

Melissa M. Lubin

Dean, School of Continuing and Professional Studies

Martha Ann Tomo Farmer

Registrar, School of Continuing and Professional Studies

Ashford University

Upon the recommendation of the faculty and by virtue
of the authority vested in the Board of Trustees,
Ashford University hereby confers upon

Adam L. Hyde

With Distinction

the degree

Bachelor of Arts

Organizational Management

with all the Rights and Privileges thereunto appertaining.
In testimony whereof, this degree is granted at Clinton in the State of Iowa,
on the Twenty-fifth day of April, in the year Two Thousand and Eleven.

Elizabeth T. Tice
President and Chief Executive Officer

ASHFORD UNIVERSITY
Founded 1918 Clinton, Iowa

D. J. Laura
Chairman of the Board of Trustees

Hyde, Adam L. (21506)

Employment Summary

North LV PD - Active Full-time **Total Service:** 21 Years 227 Days
Hired: 9-04-2001 **Last Action:** 9-04-2001 Hired

Assignment: **Pos/Rank:**
Level: Management **Class:**
Shift: :

Certification

Date	Status	Certified	Expires	Probation	Cert #
Professional: Management					
6-17-2021	Active	6-17-2021			
Professional: Supervisor					
6-20-2019	Active	6-20-2019			
Professional: Advanced					
11-05-2009	Active	11-05-2009			
Professional: Intermediate					
11-05-2009	Active	11-05-2009			
Basic: Category I					
4-15-2002	Active	4-15-2002			

Training

Course	Title	Date	Hours	Score	Status
C0000003	Arrest Control/ Defensive Tactics	12-31-2022	1.00	0.00	Passed
C0000004	Less Lethal Weapon Proficiency	12-31-2022	1.00	0.00	Passed
C0000005	Use of Force Policy Review	12-31-2022	1.00	0.00	Passed
C0000001	Firearms Proficiency 1	12-31-2022	1.00	0.00	Passed
C0000002	Firearms Proficiency 2	12-31-2022	1.00	0.00	Passed
M0000359	Agency Continuing Education Training	12-31-2022	1.00	0.00	Passed
		2022 Pass/Complete:	**6.00**		
M0000359	Agency Continuing Education Training	12-31-2021	1.00	0.00	Passed
C0000001	Firearms Proficiency 1	12-31-2021	1.00	0.00	Passed
C0000003	Arrest Control/ Defensive Tactics	12-31-2021	1.00	0.00	Passed
C0000004	Less Lethal Weapon Proficiency	12-31-2021	1.00	0.00	Passed
C0000005	Use of Force Policy Review	12-31-2021	1.00	0.00	Passed
C0000002	Firearms Proficiency 2	12-31-2021	1.00	0.00	Passed
P0000432	Management Module 4	4-28-2021	40.00	0.00	Passed
P0000433	Management Module 5	2-21-2021	40.00	0.00	Passed
		2021 Pass/Complete:	**86.00**		
M0000359	Agency Continuing Education Training	12-31-2020	1.00	0.00	Passed
C0000005	Use of Force Policy Review	12-31-2020	1.00	0.00	Passed
C0000003	Arrest Control/ Defensive Tactics	12-31-2020	1.00	0.00	Passed
C0000001	Firearms Proficiency 1	12-31-2020	1.00	0.00	Passed
C0000002	Firearms Proficiency 2	12-31-2020	1.00	0.00	Passed

Hyde, Adam L. (21506)

C0000004	Less Lethal Weapon Proficiency	12-30-2020	1.00	0.00	Passed
P0000436	Management Module 1	12-17-2020	80.00	0.00	Passed
P0000431	Management Module 2	12-14-2020	74.00	0.00	Passed
P0000292	Policy Formulation Independent Study Program	12-10-2020	6.00	0.00	Passed
C0000003	Arrest Control/ Defensive Tactics	5-14-2020	1.00	0.00	Passed
C0000004	Less Lethal Weapon Proficiency	5-14-2020	1.00	0.00	Passed
C0000005	Use of Force Policy Review	5-14-2020	1.00	0.00	Passed
		2020 Pass/Complete:	**169.00**		
C0000001	Firearms Proficiency 1	12-31-2019	1.00	0.00	Passed
C0000002	Firearms Proficiency 2	12-31-2019	1.00	0.00	Passed
P0760098	Basic Instructor Development	9-27-2019	32.00	0.00	Passed
P1030030	Performance and Accountability	9-19-2019	15.00	0.00	Passed
C0000003	Arrest Control/ Defensive Tactics	8-05-2019	1.00	0.00	Passed
C0000004	Less Lethal Weapon Proficiency	8-05-2019	1.00	0.00	Passed
C0000005	Use of Force Policy Review	8-05-2019	1.00	0.00	Passed
M0000359	Agency Continuing Education Training	7-30-2019	1.00	0.00	Passed
P0000260	POST First-Line Supervisor Program	6-20-2019	80.00	0.00	Passed
		2019 Pass/Complete:	**133.00**		
C0000001	Firearms Proficiency 1	12-31-2018	1.00	0.00	Passed
M0000359	Agency Continuing Education Training	12-31-2018	1.00	0.00	Passed
C0000003	Arrest Control/ Defensive Tactics	12-31-2018	1.00	0.00	Passed
C0000004	Less Lethal Weapon Proficiency	12-31-2018	1.00	0.00	Passed
C0000005	Use of Force Policy Review	12-31-2018	1.00	0.00	Passed
C0000002	Firearms Proficiency 2	12-31-2018	1.00	0.00	Passed
		2018 Pass/Complete:	**6.00**		
M0000359	Agency Continuing Education Training	12-31-2017	1.00	0.00	Passed
C0000001	Firearms Proficiency 1	12-31-2017	1.00	0.00	Passed
C0000002	Firearms Proficiency 2	12-31-2017	1.00	0.00	Passed
C0000004	Less Lethal Weapon Proficiency	10-19-2017	1.00	0.00	Passed
C0000003	Arrest Control/ Defensive Tactics	5-12-2017	1.00	0.00	Passed
C0000005	Use of Force Policy Review	5-12-2017	1.00	0.00	Passed
		2017 Pass/Complete:	**6.00**		
C0000002	Firearms Proficiency 2	11-21-2016	1.00	0.00	Passed
M0000359	Agency Continuing Education Training	10-13-2016	1.00	0.00	Passed
C0000003	Arrest Control/ Defensive Tactics	9-13-2016	1.00	0.00	Passed
C0000005	Use of Force Policy Review	9-13-2016	1.00	0.00	Passed
C0000001	Firearms Proficiency 1	7-21-2016	1.00	0.00	Passed
C0000004	Less Lethal Weapon Proficiency	5-19-2016	1.00	0.00	Passed
		2016 Pass/Complete:	**6.00**		
C0000002	Firearms Proficiency 2	12-15-2015	1.00	0.00	Passed
C0000001	Firearms Proficiency 1	7-28-2015	1.00	0.00	Passed

Hyde, Adam L. (21506)

C0000003	Arrest Control/ Defensive Tactics	6-18-2015	1.00	0.00	Passed
C0000005	Use of Force Policy Review	6-18-2015	1.00	0.00	Passed
P0000490	Dog Related Incidents and Encounters	5-26-2015	6.00	0.00	Passed
M0000359	Agency Continuing Education Training	5-20-2015	1.00	0.00	Passed
C0000004	Less Lethal Weapon Proficiency	2-26-2015	1.00	0.00	Passed
		2015 Pass/Complete:	**12.00**		
C0000002	Firearms Proficiency 2	12-29-2014	1.00	0.00	Passed
M0000359	Agency Continuing Education Training	11-19-2014	1.00	0.00	Passed
C0000003	Arrest Control/ Defensive Tactics	8-06-2014	1.00	0.00	Passed
C0000005	Use of Force Policy Review	8-06-2014	1.00	0.00	Passed
P1030026	Open Carry	6-11-2014	4.00	0.00	Passed
P0760709	Narcotic Officers Association Training conference	5-01-2014	32.00	0.00	Passed
C0000001	Firearms Proficiency 1	4-23-2014	1.00	0.00	Passed
C0000004	Less Lethal Weapon Proficiency	3-18-2014	1.00	0.00	Passed
		2014 Pass/Complete:	**42.00**		
P1030023	Firearms Instructor Course	10-10-2013	40.00	0.00	Passed
C0000002	Firearms Proficiency 2	9-17-2013	0.00	0.00	Passed
P0760236	Advanced Undercover Techniques and Survival	8-02-2013	36.00	0.00	Passed
M0000359	Agency Continuing Education Training	7-29-2013	6.00	0.00	Passed
C0000004	Less Lethal Weapon Proficiency	7-10-2013	9.00	0.00	Passed
C0000004	Less Lethal Weapon Proficiency	7-09-2013	9.00	0.00	Passed
C0000001	Firearms Proficiency 1	2-14-2013	0.00	0.00	Passed
C0000004	Less Lethal Weapon Proficiency	1-30-2013	18.00	0.00	Passed
C0000003	Arrest Control/ Defensive Tactics	1-09-2013	8.00	0.00	Passed
C0000005	Use of Force Policy Review	1-09-2013	1.00	0.00	Passed
		2013 Pass/Complete:	**127.00**		
C0000002	Firearms Proficiency 2	12-20-2012	0.00	0.00	Passed
M0000359	Agency Continuing Education Training	10-17-2012	6.00	0.00	Passed
C0000004	Less Lethal Weapon Proficiency	7-17-2012	9.00	0.00	Passed
C0000001	Firearms Proficiency 1	5-09-2012	0.00	0.00	Passed
C0000003	Arrest Control/ Defensive Tactics	2-22-2012	9.00	0.00	Passed
C0000005	Use of Force Policy Review	2-22-2012	0.00	0.00	Passed
		2012 Pass/Complete:	**24.00**		
P0760738	NRA LEO Handgun-Shotgun Instructor Development	10-15-2010	44.00	0.00	Passed
		2010 Pass/Complete:	**44.00**		
P0760950	Undercover Field Operations	5-14-2009	40.00	0.00	Passed
		2009 Pass/Complete:	**40.00**		
M1030003	OC Spray Recertification	11-19-2008	1.00	0.00	Passed
M1030002	Expandable Baton Recertification	11-19-2008	4.00	0.00	Passed
M1030004	Taser Recertification	11-13-2008	4.00	0.00	Passed
M1030002	Expandable Baton Recertification	11-12-2008	4.00	0.00	Passed

Hyde, Adam L. (21506)

M1030003	OC Spray Recertification	11-12-2008	1.00	0.00	Passed
P1470021	Street Crimes Seminar	7-18-2008	24.00	0.00	Passed
M1030003	OC Spray Recertification	7-17-2008	1.00	0.00	Passed
M1030002	Expandable Baton Recertification	7-17-2008	4.00	0.00	Passed
M1030004	Taser Recertification	7-16-2008	4.00	0.00	Passed
M1030002	Expandable Baton Recertification	7-16-2008	4.00	0.00	Passed
M1030003	OC Spray Recertification	7-16-2008	1.00	0.00	Passed
M1030010	Side Handle Baton Recertification	7-16-2008	4.00	0.00	Passed
M1030002	Expandable Baton Recertification	5-29-2008	4.00	0.00	Passed
M1030003	OC Spray Recertification	5-29-2008	1.00	0.00	Passed
M1030004	Taser Recertification	5-28-2008	4.00	0.00	Passed
M1030003	OC Spray Recertification	5-14-2008	1.00	0.00	Passed
M1030002	Expandable Baton Recertification	5-14-2008	4.00	0.00	Passed
M1030004	Taser Recertification	5-14-2008	4.00	0.00	Passed
P0760831	Rolling Surveillance (LCIServices)	4-04-2008	40.00	0.00	Passed
M1030006	Defensive Tactics Recertification	3-13-2008	8.00	0.00	Passed
M1030008	Use of Force	3-12-2008	1.00	0.00	Passed
M1030006	Defensive Tactics Recertification	3-05-2008	8.00	0.00	Passed
M1030008	Use of Force	2-26-2008	1.00	0.00	Passed
M1030006	Defensive Tactics Recertification	2-26-2008	8.00	0.00	Passed
		2008 Pass/Complete:	**140.00**		
P0076054	Indoor Marijuana Grow-Refresher Class	10-25-2007	8.00	0.00	Passed
		2007 Pass/Complete:	**8.00**		
P0760941	Traffic Radar Certification	10-05-2006	16.00	0.00	Passed
		2006 Pass/Complete:	**16.00**		
P0103008	Criminal Interview and Interrogation	10-06-2004	8.00	0.00	Passed
		2004 Pass/Complete:	**8.00**		
P1030025	Field Training Officer Seminar	12-12-2003	40.00	0.00	Passed
P1030016	Bicycle Patrol School	10-22-2003	20.00	0.00	Passed
		2003 Pass/Complete:	**60.00**		
B1670001	Southern Desert Regional Category I Academy	2-01-2002	796.00	0.00	Passed
S000001	Category I State Certification Examination	1-30-2002	2.00	82.00	Passed
		2002 Pass/Complete:	**798.00**		
		Total Pass/Complete:	**1,731.00**		

8. <u>DISCUSSION, PUBLIC COMMENT, AND FOR POSSIBLE ACTION.</u>

Hearing pursuant to NAC 289.290(1)(g) on the revocation of Destini D. Woodruff's (formerly 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: Child Abuse, Neglect, or Endangerment (Category B Felony-NRS200.508.1- NOC 55226)

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

March 9, 2023

Destini D. Woodruff
[redacted]

POST PIN #: 34528

Dear Mrs. Woodruff,

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) 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: CHILD ABUSE, NEGLECT, OR ENDANGERMENT (Category B Felony-NRS200.508.1-NOC 55226)
Case#: C-20-348747-2
Dept No: XV
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.

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: May 4, 2023
Time: 9:00 a.m.
Location: Commission on POST, 5587 Wai Pai Shone Ave., Carson City, NV 89701

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 Kathy Floyd at (775) 687-7678, ext. 3335.

Sincerely,

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

cc: Senior Deputy Attorney General Nathan Hastings
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, C. CALLOWAY, served the foregoing **Notice of Intent to Revoke**
Print name of the person serving this document

To Individual's Name: **Destini D. Woodruff**

at [redacted] on this
(location)

14th day of MARCH, 2023.
Day *Month* *Year*

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

Executed on this 14th day of MARCH, 2023.
Day *Month* *Year*

Signature of person serving the Notice

C. CALLOWAY DPS SGT.
Printed name of person serving the Notice

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

EXHIBIT B

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

March 9, 2023

Destini D. Woodruff
[redacted]

POST PIN #: 34528

Dear Mrs. Woodruff,

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) 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: CHILD ABUSE, NEGLECT, OR ENDANGERMENT (Category B Felony-NRS200.508.1-NOC 55226)
Case#: C-20-348747-2
Dept No: XV
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.

3/14/23

D.W. 3/14/2023

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: May 4, 2023
Time: 9:00 a.m.
Location: Commission on POST, 5587 Wai Pai Shone Ave., Carson City, NV 89701

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 Kathy Floyd at (775) 687-7678, ext. 3335.

Sincerely,

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

cc: Senior Deputy Attorney General Nathan Hastings
File

DAG SGT 3/14/23

O.N. 3114/2023

STATE OF NEVADA

COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

Hereby Awards the

Category I
Basic Certificate

To

Destini S. Hover

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

Governor

Executive Director

34528
POST ID No.

April 13, 2017
Date

(O) 500

EXHIBIT C

State of Nevada - POST
UPDATE - Personnel Action Report (PAR)

Post ID Number: 34528

Last Name: Woodruff **First Name:** Destini

MI: D **Suffix:**

☐ **Name Change?**

Last Name: Woodruff First Name: Destini

MI: D Suffix:

☐ **Address Change?**

Street Address: [redacted]

City: [redacted] State: NV Zip Code: [redacted]

County: Clark E-Mail:

Level Change? ○ Line ○ Supervisor ○ Management ○ Executive ○ Part Time ○ Full Time

Status Change? ○ Deceased ○ 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 ◉ Yes

*****If you selected YES, ensure it is correct and provide details in the Comment field.*****

Comments\Additional Information:

Voluntary Resignation- Felony Case C-20-348747-2

Effective Date: 01/12/2023

Submitters Name: Jessica Reynolds

Submitters Phone: (702) 828-6944

Submitters E-Mail: J16596R@LVMPD.com

EXHIBIT D

Submission number: 257108

Electronically Filed
9/29/2022 10:22 AM
Steven D. Grierson
CLERK OF THE COURT

AIND
STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001565
MICHELLE JOBE
Chief Deputy District Attorney
Nevada Bar #10575
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-

JOHN WOODRUFF, aka,
John Wesley Woodruff III #2849577,
DESTINI WOODRUFF, aka,
Destini Denee Hover, #6055102

Defendant(s).

CASE NO: C-20-348747-2

DEPT NO: XXI

AMENDED

INDICTMENT

STATE OF NEVADA)
) ss.
COUNTY OF CLARK)

The Defendant(s) above named, JOHN WOODRUFF, aka, John Wesley Woodruff III, DESTINI WOODRUFF, aka, Destini Denee Hover, accused by the Clark County Grand Jury of the crime of **CHILD ABUSE, NEGLECT, OR ENDANGERMENT (Category B Felony - NRS 200.508.1 - NOC 55226);** committed at and within the County of Clark, State of Nevada, on or between October 1, 2018 and May 15, 2020, as follows: did willfully, unlawfully, and feloniously cause a child under the age of 18 years, to wit: [redacted], being approximately 6 year(s) of age, to suffer unjustifiable physical pain or mental suffering as a result of abuse or neglect, to wit: physical injury of a non-accidental nature and/or negligent treatment or maltreatment of a child,, and/or cause [redacted] to be placed in a situation where he or she might have suffered unjustifiable physical pain or mental suffering as a result of abuse or neglect, to wit: physical injury of a non-accidental nature and/or negligent treatment or

EXHIBIT E

Case Number: C-20-348747-2

maltreatmentof a child, by punishing [redacted], a boy, by purchasing girl's clothing and making [redacted] wear said clothing to school and/or to McDonalds wearing girl's clothing and/or by "beating" [redacted] and/or by striking the bare bottom, legs and/or back of [redacted]. with their hands and/or a belt and/or unknown object(s), and/or by Defendant John Woodruff grabbing [redacted] by the neck and/or throat and lifting him off the ground, Defendant being criminally liable under one or more of the following principles of criminal liability, to-wit: (1) by directly committing said crime; and/or (2) by aiding or abetting JOHN WOODRUFF in the commission of this crime, with the intent to commit this crime, by providing counsel and/or encouragement JOHN WOODRUFF, the defendant and JOHN WOODRUFF acting in concert; and/or pursuant to a conspiracy to commit this crime.

DATED this 29th day of September, 2022.

STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001565

BY _____
MICHELLE JOBE
Chief Deputy District Attorney
Nevada Bar #10575

19BGJ118A-B/202019901C/mlb/SVU
LVMPD EV# 200500069371
(TK)

February 3, 2023
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))

Electronically Filed
10/3/2022 1:25 PM
Steven D. Grierson
CLERK OF THE COURT

GPA
STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001565
MICHELLE JOBE
Chief Deputy District Attorney
Nevada Bar #010575
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-

DESTINI WOODRUFF, aka,
Destini Denee Hover, #6055102,

Defendant.

CASE NO: C-20-348747-2

DEPT NO: XV

GUILTY PLEA AGREEMENT

I hereby agree to plead guilty to: **CHILD ABUSE, NEGLECT, OR ENDANGERMENT (Category B Felony - NRS 200.508.1 - NOC 55226),** 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 make no recommendation at sentencing. The deal is contingent on the co-defendant following through with negotiations to resolve the case. The Defendant agrees to waive all defects in the pleading. All remaining counts contained in the Indictment shall be dismissed when Defendant is adjudged guilty and sentenced.

I agree to the forfeiture of any and all weapons or any interest in any 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 F

Case Number: C-20-348747-2

I understand and agree that, if I fail to obtain an assessment of my risk to reoffend before my scheduled sentencing date, 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(s) to which I now plead as set forth in Exhibit "1".

I understand that as a consequence of my plea of guilty I may be imprisoned in the Clark County Detention Center for a period of not more than three hundred sixty-four (364) days and that I may be fined up to $2,000.00.

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 victim of the offense(s) 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 I am not eligible for probation pursuant to NRS 176A.110 unless a psychologist licensed to practice in this State who is trained to conduct psychological evaluations or a psychiatrist licensed to practice medicine in this State who is certified by the American Board of Psychiatry and Neurology, Inc., and is trained to conduct psychological evaluations certifies in a written report to the court 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 my attorney is responsible for obtaining this psychological evaluation and providing it to the Court and the assigned Deputy District Attorney prior to my sentencing.

I understand that I must submit to blood and/or saliva tests under the Direction of the Division of Parole and Probation 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 offense(s) to which I am pleading guilty 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(s).

I understand that if I am not a United States citizen, any criminal conviction will likely result in serious negative immigration consequences including but not limited to:

1. The removal from the United States through deportation;
2. An inability to reenter the United States;
3. The inability to gain United States citizenship or legal residency;
4. An inability to renew and/or retain any legal residency status; and/or
5. An indeterminate term of confinement, with the United States Federal Government based on my conviction and immigration status.

//

//

Regardless of what I have been told by any attorney, no one can promise me that this conviction will not result in negative immigration consequences and/or impact my ability to become a United States citizen and/or a legal resident.

I understand that the Division of Parole and Probation 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, 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(s) 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(s) against me with my attorney and I understand the nature of the charge(s) against me.

I understand that the State would have to prove each element of the charge(s) 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.

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 3 day of ~~September~~ October, 2022.

DESTINI WOODRUFF, aka,
Destini Denee Hover
Defendant

AGREED TO BY:

MICHELLE JOBE
Chief Deputy District Attorney
Nevada Bar #010575

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(s) 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 3 day of ~~September~~ October, 2022.

ROBERT DRASKOVICH, ESQ.

mlb/SVU

February 3, 2023

UNITED STATES OF AMERICA DISTRICT COURT OF THE 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
MICHELLE JOBE
Chief Deputy District Attorney
Nevada Bar #10575
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-

JOHN WOODRUFF, aka,
John Wesley Woodruff III #2849577,
DESTINI WOODRUFF, aka,
Destini Denee Hover, #6055102

Defendant(s).

CASE NO: C-20-348747-2

DEPT NO: XXI

AMENDED

INDICTMENT

STATE OF NEVADA)
) ss.
COUNTY OF CLARK)

The Defendant(s) above named, JOHN WOODRUFF, aka, John Wesley Woodruff III, DESTINI WOODRUFF, aka, Destini Denee Hover, accused by the Clark County Grand Jury of the crime of **CHILD ABUSE, NEGLECT, OR ENDANGERMENT (Category B Felony - NRS 200.508.1 - NOC 55226);** committed at and within the County of Clark, State of Nevada, on or between October 1, 2018 and May 15, 2020, as follows: did willfully, unlawfully, and feloniously cause a child under the age of 18 years, to wit: [redacted] being approximately 6 year(s) of age, to suffer unjustifiable physical pain or mental suffering as a result of abuse or neglect, to wit: physical injury of a non-accidental nature and/or negligent treatment or maltreatment of a child,, and/or cause [redacted] to be placed in a situation where he or she might have suffered unjustifiable physical pain or mental suffering as a result of abuse or neglect, to wit: physical injury of a non-accidental nature and/or negligent treatment or

EXHIBIT "1"

maltreatmentof a child, by punishing [redacted], a boy, by purchasing girl's clothing and making [redacted] wear said clothing to school and/or to McDonalds wearing girl's clothing and/or by "beating" [redacted] and/or by striking the bare bottom, legs and/or back of [redacted] with their hands and/or a belt and/or unknown object(s), and/or by Defendant John Woodruff grabbing [redacted] by the neck and/or throat and lifting him off the ground, Defendant being criminally liable under one or more of the following principles of criminal liability, to-wit: (1) by directly committing said crime; and/or (2) by aiding or abetting JOHN WOODRUFF in the commission of this crime, with the intent to commit this crime, by providing counsel and/or encouragement JOHN WOODRUFF, the defendant and JOHN WOODRUFF acting in concert; and/or pursuant to a conspiracy to commit this crime.

DATED this 29th day of September, 2022.

STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001565

BY _____
MICHELLE JOBE
Chief Deputy District Attorney
Nevada Bar #10575

19BGJ118A-B/202019901C/mlb/SVU
LVMPD EV# 200500069371
(TK)

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor | **COURT MINUTES** | **June 11, 2020**

C-20-348747-2 State of Nevada
vs
Destini Woodruff

June 11, 2020 **11:30 AM** **Grand Jury Indictment**

HEARD BY: Bell, Linda Marie **COURTROOM:** RJC Lower Level Arraignment

COURT CLERK: Estala, Kimberly

RECORDER: Scott, Deloris

REPORTER:

PARTIES PRESENT:

Michelle Y. Jobe	**Attorney for Plaintiff**
State of Nevada	**Plaintiff**

JOURNAL ENTRIES

Steve Lurvey , Grand Jury Foreperson, stated to the Court that at least twelve members had concurred in the return of the true bill during deliberation, but had been excused for presentation to the Court. State presented Grand Jury Case Number 19BGJ118B to the Court. COURT ORDERED, the Indictment may be filed and is assigned Case Number C-20-348747-2, Department XXI.

State requested a summons, advised Deft is not in custody, and that bail is currently at $10,000.00. COURT ORDERED, INDICTMENT SUMMONS ISSUED. BAIL in the amount of $10,000.00 TRANSFERRED with the ADDED CONDITIONS of no contact with victim, no unsupervised contact with minors and no possession of firearms. COURT FURTHER ORDERED, matter SET for Arraignment. A Pre-Trial Risk Assessment will be prepared if one was not previously done.

Upon Court's inquiry, the State advised there are no material witness warrants to quash. COURT FURTHER ORDERED, Exhibits 1-20 to be lodged with the Clerk of the Court; Las Vegas Justice Court case no. 20-CR-03645-002 DISMISSED per the State's request.

BOND (SUMMON)

06/25/20 1:45 PM INITIAL ARRAIGNMENT (DEPT XXI)

EXHIBIT G

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor **COURT MINUTES** **June 25, 2020**

C-20-348747-2 State of Nevada
vs
Destini Woodruff

June 25, 2020 **1:45 PM** **Initial Arraignment**

HEARD BY: Adair, Valerie **COURTROOM:** RJC Courtroom 11C

COURT CLERK: April Watkins

RECORDER: Robin Page

PARTIES PRESENT:

Jacks, David R.	Attorney for Deft. appearing by Blue Jeans
Jobe, Michelle Y.	Attorney for Pltf. appearing by Blue Jeans
State of Nevada	Plaintiff

JOURNAL ENTRIES

- Ms. Jobe stated there is no objection waiving Deft's presence and continuing this matter. COURT ORDERED, Deft's presence WAIVED and matter CONTINUED.

BOND

7/7/2020 1:45 PM ARRAIGNMENT CONTINUED

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor **COURT MINUTES** **July 07, 2020**

C-20-348747-2 State of Nevada
vs
Destini Woodruff

July 07, 2020 **1:45 PM** **Arraignment Continued**

HEARD BY: Adair, Valerie **COURTROOM:** RJC Courtroom 11C

COURT CLERK: April Watkins

RECORDER: Robin Page

PARTIES PRESENT:

Jacks, David R.	Attorney for Deft. appearing by Blue Jeans
Jobe, Michelle Y.	Attorney for Pltf. appearing by Blue Jeans
State of Nevada	Plaintiff
Woodruff, Destini	Defendant

JOURNAL ENTRIES

- DEFT. WOODRUFF ARRAIGNED, PLED NOT GUILTY, and WAIVED the 60-DAY RULE. COURT ORDERED, matter SET for trial. Ms. Jobe stated she will be submitting order to the Court for Division of Family Services (DFS) records.

BOND

3/18/2021 9:30 AM CALENDAR CALL

3/22/2021 9:00 AM JURY TRIAL

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor	**COURT MINUTES**	**February 04, 2021**

C-20-348747-2 State of Nevada
vs
Destini Woodruff

February 04, 2021 **10:00 AM** **Reset Trial**

HEARD BY: Hardy, Joe **COURTROOM:** RJC Courtroom 11D

COURT CLERK: Duncan, Kristin

RECORDER: Yarbrough, Matt

REPORTER:

PARTIES PRESENT:

David R Jacks	**Attorney for Defendant**
Destini Woodruff	**Defendant**
Michelle Y. Jobe	**Attorney for Plaintiff**
State of Nevada	**Plaintiff**

JOURNAL ENTRIES

All parties (including the Defendant) present via Blue Jeans.

Upon Court's inquiry, the State advised that the Defendant had waived the 60-Day Rule. Colloquy regarding scheduling. COURT ORDERED a trial date was hereby SET.

BOND

11/2/21 8:30 AM STATUS CHECK: TRIAL READINESS

12/2/21 8:30 AM CALENDAR CALL

12/6/21 10:30 AM JURY TRIAL

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor | **COURT MINUTES** | **November 02, 2021**

C-20-348747-2 State of Nevada
vs
Destini Woodruff

November 02, 2021 **09:30 AM** **Status Check: Trial Readiness**

HEARD BY: Hardy, Joe **COURTROOM:** RJC Courtroom 11D

COURT CLERK: Duncan, Kristin

RECORDER: Yarbrough, Matt

REPORTER:

PARTIES PRESENT:

Destini Woodruff	**Defendant**
Michelle Y. Jobe	**Attorney for Plaintiff**
Robert M. Draskovich	**Attorney for Defendant**
State of Nevada	**Plaintiff**

JOURNAL ENTRIES

All parties present in court.

Robert Draskovish Esq confirmed as counsel for Defendant. Mr. Draskovish requested to continue trial as he is just coming onto the case. The State represented they are ready for trial but is amendable to continuing if need be. There being no opposition from The State, COURT ORDERED the trial dates VACATED and RESET.

BOND

05/24/2022 08:30 AM STATUS CHECK: TRIAL READINESS

06/21/2022 08:30 AM CALENDAR CALL

06/27/2022 10:30 AM JURY TRIAL

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor | **COURT MINUTES** | **January 27, 2022**

C-20-348747-2 State of Nevada
vs
Destini Woodruff

January 27, 2022 **09:30 AM** **All Pending Motions**

HEARD BY: Hardy, Joe **COURTROOM:** RJC Courtroom 11D

COURT CLERK: Duncan, Kristin

RECORDER: Yarbrough, Matt

REPORTER:

PARTIES PRESENT:

Destini Woodruff	**Defendant**
Robert M. Draskovich	**Attorney for Defendant**
State of Nevada	**Plaintiff**
Steven Rose	**Attorney for Plaintiff**

JOURNAL ENTRIES

Defendant and Michael Horvath, Esq. present via Blue Jeans. Also present: Louis Schneider, Esq. (via Blue Jeans) on behalf of co-Defendant John Woodruff (not present).

Mr. Schneider requested that Defendant John Woodruff's presence at the instant hearing be waived. Additionally, Mr. Schneider noted that Michelle Jobe, DDA, currently had COVID-19, and was requesting a continuance of the status checks in both Defendants' cases, the pending Motion to transfer in Defendant J. Woodruff's case, and the Motion to Address Indigent Status in Defendant D. Woodruff's case. The State confirmed Mr. Schneider's representations, noting that the State was requesting a continuance to the end of February 2022. The Court inquired as to what the parties wished for the Court to do with the DFS records that were submitted in camera. The State advised that DFS records could not be disseminated without a Court Order; therefore, the parties wished for the Court to review the DFS records, determine which records were relevant to the case, and then send those respective records to both parties. Mr. Schneider joined the State's statements, clarifying that the DFS records would remain confidential even after dissemination, and both sides would need to sign non-disclosure agreements related to the records. COURT ORDERED the instant status check, as well as Defendant's Motion to Transfer Jurisdiction to Veterans Treatment Court Pursuant to NRS 176A, currently pending on February 3, 2022, in J. Woodruff's case, were hereby CONTINUED / RESET to February 24, 2022. COURT FURTHER ORDERED the instant status check, as well as the Motion to Address Defendant's Indigent Status, in D. Woodruff's case, were hereby CONTINUED to February 24, 2022.

Mr. Schneider noted that Defendant J. Woodruff had been accepted into Veterans Court, and inquired as to whether there was an expiration date on transferring the Defendant into said program. The Court advised that it was unsure of whether there was an expiration date, and suggested the Mr. Schneider look into the issue further.

BOND

2/24/22 9:30 AM STATUS CHECK: DFS RECORDS...MOTION TO ADDRESS DEFENDANT'S INDIGENT STATUS

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor	**COURT MINUTES**	**March 03, 2022**

C-20-348747-2 State of Nevada
vs
Destini Woodruff

March 03, 2022 **09:30 AM** **All Pending Motions**

HEARD BY: Hardy, Joe **COURTROOM:** RJC Courtroom 11D

COURT CLERK: Mason, Jessica

RECORDER: Yarbrough, Matt

REPORTER:

PARTIES PRESENT:

Destini Woodruff	**Defendant**
Michelle Y. Jobe	**Attorney for Plaintiff**
Robert M. Draskovich	**Attorney for Defendant**
State of Nevada	**Plaintiff**

JOURNAL ENTRIES

MOTION TO ADDRESS DEFENDANT'S INDIGENT STATUS... STATUS CHECK: DFS RECORDS

All parties present via Bluejeans.

The Court noted it found the request for DFS records to be extensively relevant. Mr. Draskovich indicated he had nothing to add. The State represented given the Court's inclination, it would submit as well. COURT ORDERED DFS Records RELEASED pending non-disclosure agreement. Upon the Court's inquiry as to getting the records, The State represented it could pick them up and disseminate them to Counsel. COURT SO ORDERED. Mr. Draskovich represented he would submit on the pleadings as to Defendant's indigent status. The State represented he would submit it to the Court. Mr. Draskovich represented they are looking for a forensic psychologist and investigator. At the request of the Court as to the amounts seeking, Mr. Draskovich represented Drew Christiansen will determine the amounts The Court having reviewed the Motion, and supplemental exhibit of Application for Counsel; COURT ORDERED the Motion to Address Defendant's Indigent Status is GRANTED and Deft. is entitled to reasonable witness costs and/or fees. The State added that it has repeatedly found recordings of this case particularly on Youtube, and this case does not qualify under media to be recording and posting. Mr. Draskovich noted he had no position, the Court noted hearings are public. The State noted it did not believe recording in the Court room was admissible unless proper motion is file. The Court requested The State file a Report or Motion so that it can know the details. The State noted it would file accordingly.

BOND

05/24/2022 08:30 AM STATUS CHECK: TRIAL READINESS
06/21/2022 08:30 AM CALENDAR CALL
06/24/2022 10:30 AM JURY TRIAL

C-20-348747-2 State of Nevada
vs
Destini Woodruff

May 24, 2022 08:30 AM All Pending Motions

HEARD BY: Hardy, Joe COURTROOM: RJC Courtroom 11D

COURT CLERK: Mason, Jessica

RECORDER: Yarbrough, Matt

REPORTER:

PARTIES PRESENT:

Destini Woodruff	**Defendant**
Michelle Y. Jobe	**Attorney for Plaintiff**
Robert M. Draskovich	**Attorney for Defendant**
State of Nevada	**Plaintiff**

JOURNAL ENTRIES

MOTION TO CONTINUE TRIAL... STATUS CHECK: TRIAL READINESS.

CALLED with the Co- Defendant case C-20-348747-1.

Upon the Court's inquiry, parties indicated they had no objection to continuing the trial. The Court found there is good cause to grant the continuance. COURT ORDERED the Motion to Continue Trial is GRANTED; Trial Dates VACATED and RESET.

BOND

08/23/2022 08:30 AM STATUS CHECK: TRIAL READINESS
09/20/2022 08:30 AM CALENDAR CALL
09/26/2022 10:30 AM JURY TRIAL

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor	**COURT MINUTES**	**August 23, 2022**

C-20-348747-2 State of Nevada
vs
Destini Woodruff

August 23, 2022 **08:30 AM** **Status Check: Trial Readiness**

HEARD BY: Hardy, Joe **COURTROOM:** RJC Courtroom 11D

COURT CLERK: Mason, Jessica

RECORDER: Yarbrough, Matt

REPORTER:

PARTIES PRESENT:

Destini Woodruff	**Defendant**
Michelle Y. Jobe	**Attorney for Plaintiff**
Robert M. Draskovich	**Attorney for Defendant**
State of Nevada	**Plaintiff**

JOURNAL ENTRIES

CALLED WITH THE CO-DEFENDANT CASE C-20-348747-1 JOHN WOODRUFF

Upon the Court's inquiry as to the upcoming trial, Mr. Draskovich advised barring cases with other trials, anticipates to be ready for trial. Mr. Schneider advised he will be ready at the time for trial. The State also anticipated to be ready for trial. COURT SO NOTED.

BOND

09/20/2022 08:30 AM CALENDAR CALL
09/26/2022 10:30 AM JURY TRIAL

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor	**COURT MINUTES**	**September 20, 2022**

C-20-348747-2 State of Nevada
vs
Destini Woodruff

September 20, 2022 **08:30 AM** **Calendar Call**

HEARD BY: Hardy, Joe **COURTROOM:** RJC Courtroom 11D

COURT CLERK: Mason, Jessica

RECORDER: Maldonado, Nancy

REPORTER:

PARTIES PRESENT:

JOURNAL ENTRIES

CALLED WITH THE CO-DEFENDANT CASE C-20-348747-1 JOHN WOODRUFF

Upon the Court's inquiry as to the upcoming trial, Mr. Schneider and Mr. Draskovich advised these matters have been resolved. Counsel requested to vacate the upcoming trial date and set an entry of plea for both Defendants. The State agreed with the representations. COURT ORDERED trial dates VACATED and SET an entry of plea for both Defendants.

BOND

10/4/2022 08:30 AM ENTRY OF PLEA

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor	**COURT MINUTES**	**October 04, 2022**

C-20-348747-2 State of Nevada
vs
Destini Woodruff

October 04, 2022 **08:30 AM** **All Pending Motions**

HEARD BY: Hardy, Joe **COURTROOM:** RJC Courtroom 11D

COURT CLERK: Mason, Jessica

RECORDER: Yarbrough, Matt

REPORTER:

PARTIES PRESENT:

Destini Woodruff	**Defendant**
Lindsey Moors	**Attorney for Plaintiff**
Robert M. Draskovich	**Attorney for Defendant**
State of Nevada	**Plaintiff**

JOURNAL ENTRIES

ALL PENDING MOTIONS... DEFENDANT'S MOTION TO MODIFY CONDITIONS OF RELEASE... ENTRY OF PLEA.

CALLED WITH THE CO-DEFENDANT CASE C-348747-C, JOHN WOODRUFF

Mr. Draskovich represented this matter had been resolved, although requested a two week continuance to fix the Guilty Plea Agreement. The State noted the pleas were contingent on one another, therefore, requested to continue both cases. Upon the Court's inquiry as to the Instant Motion, Mr. Draskovich requested the family court Judge, Judge Gibson be allowed to make the ruling. The Court was inclined to continue the Motion to Modify Conditions of Release to be heard with the entry of plea. The State added there is a reason that the child is needed to be protected. The State further added the Victim's father would be present to give testimony regarding the Instant Motion. COURT ORDERED the Entry of Plea and Deft. Destini Woodruff's Motion to Modify Conditions of Release is CONTINUED

BOND

10/18/2022 08:30 AM ENTRY OF PLEA... DEFENDANT'S MOTION TO MODIFY CONDITIONS OF RELEASE

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor	**COURT MINUTES**	**October 18, 2022**

C-20-348747-2 State of Nevada
vs
Destini Woodruff

October 18, 2022 **08:30 AM** **All Pending Motions**

HEARD BY: Hardy, Joe **COURTROOM:** RJC Courtroom 11D

COURT CLERK: Mason, Jessica

RECORDER: Yarbrough, Matt

REPORTER:

PARTIES PRESENT:

JOURNAL ENTRIES

ALL PENDING MOTIONS... DEFENDANT'S MOTION TO MODIFY CONDITIONS OF RELEASE... ENTRY OF PLEA

Called with the Co-Defendant case C-20-348747-1.

NEGOTIATIONS are as contained in the Guilty Plea Agreement FILED ELECTRONICALLY and noted the cases are CONTINGENT on one another. DEFT. DESTINI WOODRUFF ARRAIGNED AND PLED GUILTY to CHILD ABUSE NEGLECT OR ENDANGERMENT (F). Court ACCEPTED plea and ORDERED, matter referred to the Division of Parole and Probation (P & P) and set for sentencing. COURT ORDERED Deft. to report to Parole and Probation (P&P) IMMEDIATELY, or no later than close of business on October 19, 2022.

The State argued against the Motion to Modify Conditions of Release, noting the victim has not seen either Defendant in 2.5 years, and in doing so would cause additional trauma to the child. The State requested the no contact order stand, noting if it were to be lifted, the Defendant would be free to see the victim. The State also argued as part of the terms, Defendant Destini Woodruff was to do therapy prior to the unification and the Defendant has not done so. The State noted the Defendant continues to deny some of the allegations, and there are a number on concerns here. Mr. Draskovich argues in support of the instant motion, noting they are not seeking a cart launch here, but instead unification under therapeutic supervision. The Court was inclined to continue the matter due to the limited Motion and Opposition and needing additional information. The Court noted there are arguments today that this Court is not familiar with. The Court requested supplemental briefing and an opposition. Colloquy regarding scheduling. CONFERENCE AT THE BENCH. COURT SET a briefing schedule.

11/22/2022 DEFENDANTS SUPPLEMENTAL BRIEFING

12/6/2022 STATES SUPPLEMENTAL OPPOSITION

BOND

12/13/2022 08:30 AM DEFENDANT'S MOTION TO MODIFY CONDITIONS OF RELEASE

1/17/2023 08:30 AM SENTENCING

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor	**COURT MINUTES**	**December 13, 2022**

C-20-348747-2 State of Nevada
vs
Destini Woodruff

December 13, 2022 08:30 AM Defendant's Motion to Modify Conditions of Release

HEARD BY: Hardy, Joe **COURTROOM:** RJC Courtroom 11D

COURT CLERK: Forte, Stephanie; Maldonado, Nancy

RECORDER: Yarbrough, Matt

REPORTER:

PARTIES PRESENT:

Destini Woodruff	**Defendant**
Michelle Y. Jobe	**Attorney for Plaintiff**
Robert M. Draskovich	**Attorney for Defendant**
State of Nevada	**Plaintiff**

JOURNAL ENTRIES

Court advised the Motion to Modify, the State's Opposition, and the State's Supplement had all been reviewed. Arguments by Mr. Draskovich. Ms. Jobe noted the child's father was present and would like to speak. [redacted] Sworn in and Testified at 9:56 am. Arguments by Ms. Jobe. Further arguments by Mr. Draskovich. COURT STATED it's concerns regarding the Motion to Modify and ORDERED, Motion DENIED WITHOUT PREJUDICE.

BOND

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor | **COURT MINUTES** | **January 17, 2023**

C-20-348747-2 State of Nevada
vs
Destini Woodruff

January 17, 2023 **08:30 AM** **Sentencing**

HEARD BY: Hardy, Joe **COURTROOM:** RJC Courtroom 11D

COURT CLERK: Forte, Stephanie

RECORDER: Yarbrough, Matt

REPORTER:

PARTIES PRESENT:

Destini Woodruff	**Defendant**
Michelle Y. Jobe	**Attorney for Plaintiff**
Robert M. Draskovich	**Attorney for Defendant**
State of Nevada	**Plaintiff**

JOURNAL ENTRIES

Co-Defendant John Woodruff and Louis Schneider, Esq. also present.

Ms. Jobe indicated to the Court that there was a calendaring error and the Co-Defendant, John Woodruff, was supposed to be sentenced today as well. Mr. Schneider indicated that they are still waiting on the Pre-Sentence Investigation (PSI) Report before they can proceed with sentencing of Mr. Woodruff. Mr. Draskovich indicated to the Court that Ms. Woodruff is ready for sentencing. Ms. Jobe responded that the negotiations were contingent on Mr. Woodruff being sentenced at the same time.

COURT ORDERED, matter CONTINUED.

BOND

CONTINUED TO: 01/31/2023 08:30 AM

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor	**COURT MINUTES**	**January 31, 2023**

C-20-348747-2 State of Nevada
vs
Destini Woodruff

January 31, 2023 **08:30 AM** **Sentencing**

HEARD BY: Hardy, Joe **COURTROOM:** RJC Courtroom 11D

COURT CLERK: Forte, Stephanie

RECORDER: Yarbrough, Matt

REPORTER:

PARTIES PRESENT:

Dena I. Rinetti	**Attorney for Plaintiff**
Destini Woodruff	**Defendant**
Robert M. Draskovich	**Attorney for Defendant**
State of Nevada	**Plaintiff**

JOURNAL ENTRIES

The State had no recommendation. Statement by Defendant. Arguments by Mr. Draskovich. [redacted] SWORN and TESTIFIED at 10:10 AM. COURT ADJUDGED DEFENDANT WOODRUFF GUILTY of CHILD ABUSE NEGLECT OR ENDANGERMENT (F). COURT ORDERED, in addition to the $25.00 Administrative Assessment fee, a $150.00 DNA Analysis fee including testing to determine genetic markers, and $3.00 DNA Collection fee, Defendant SENTENCED to a MINIMUM of TWENTY-EIGHT (28) MONTHS and a MAXIMUM of SEVENTY-TWO (72) MONTHS in the Nevada Department of Corrections (NDC) with ONE (1) DAY credit for time served; SUSPENDED; placed on PROBATION for an indeterminate period not to exceed THREE (3) YEARS.

STANDARD CONDITIONS OF PROBATION:

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 whatsoever. 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.

SPECIAL CONDITIONS OF PROBATION:

1. Defendant shall submit their digital storage media or any digital storage media that they have access or use, including computers, handheld communication devices and any network applications associated with those devices, including social media and remote storage services to a search and shall provide all passwords, unlock codes and account information associated with those items, with or without a search warrant, by the Division of Parole and Probation or its agent.

2. Complete a parenting class as approved by Parole and Probation (P & P).

3. Abide by any curfew imposed by the Division of Parole and Probation.

4. Defendant to report to Parole and Probation (P & P) by close of business tomorrow.

5. Have no contact with the victim or the victim's family except through therapeutic setting as recommended by therapist.

BOND, if any, EXONERATED.

NIC

February 3, 2023

UNITED STATES OF AMERICA DISTRICT COURT EIGHTH JUDICIAL DISTRICT COUNTY OF CLARK STATE OF NEVADA

CERTIFIED COPY
ELECTRONIC SEAL (NRS 1.190(3))

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

Hearing pursuant to NAC 289.290 (1)(g) on the revocation of John W. Woodruff'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 I: Child Abuse, Neglect, or Endangerment (Category B Felony – NRS 200.508.1- NOC 55226) and COUNT II: Child Abuse, Neglect, or Endangerment (Gross Misdemeanor – NRS 200.508.1-NOC 55239)

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

March 9, 2023

John W. Woodruff
[redacted]

POST PIN #: 34477

Dear Mr. Woodruff,

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) 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: CHILD ABUSE, NEGLECT, OR ENDANGERMENT (Category B Felony-NRS200.508.1-NOC 55226)
Count II: CHILD ABUSE, NEGLECT, OR ENDANGERMENT (Gross Misdemeanor)
Case#: C-20-348747-1
Dept No: XV
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.

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: May 4, 2023
Time: 9:00 a.m.
Location: Commission on POST, 5587 Wai Pai Shone Ave., Carson City, NV 89701

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 Kathy Floyd at (775) 687-7678, ext. 3335.

Sincerely,

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

cc: Senior Deputy Attorney General Nathan Hastings
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

RECEIVED
CLARK COUNTY SHERIFF
2023 MAR -9 A 9:41

DECLARATION OF SERVICE

I, Jamie Osburn, served the foregoing **Notice of Intent to Revoke**
Print name of the person serving this document

To Individual's Name: **John W. Woodruff**

at [redacted] on this
(location)

10th day of March, 2023. @ 0853hrs.
Day *Month* *Year*

I declare under penalty of perjury that the forgoing is true and correct.
Executed on this 10th day of March, 2023.
Day *Month* *Year*

Jamie Osburn 18067
Signature of person serving the Notice

Jamie Osburn
Printed name of person serving the Notice

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

EXHIBIT B

STATE OF NEVADA

COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

Hereby Awards the

Category I
Basic Certificate

To

John W. Woodruff III

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

Governor

Executive Director

34477
POST ID No.

April 13, 2017
Date

(O) 500

EXHIBIT C

State of Nevada - POST
UPDATE - Personnel Action Report (PAR)

Post ID Number: 34477

Last Name: Woodruff **First Name:** John

MI: W **Suffix:** III

☐ **Name Change?**

Last Name: Woodruff First Name: John

MI: W Suffix: III

☒ **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 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:

Involuntary Termination - Violation of Truthfulness Required at all Times, Maintenance of Values and Ethics, Search and Seizure and Body Worn Cameras.

Effective Date: 05/19/2020

Submitters Name: Theresa Chambers

Submitters Phone: (702) 828-3989

Submitters E-Mail: t16418c@lvmpd.com

EXHIBIT D

Submission number: 163102

Electronically Filed
9/29/2022 9:57 AM
Steven D. Grierson
CLERK OF THE COURT

AIND
STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001565
MICHELLE JOBE
Chief Deputy District Attorney
Nevada Bar #10575
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-

JOHN WOODRUFF, aka,
John Wesley Woodruff III #2849577,
DESTINI WOODRUFF, aka,
Destini Denee Hover, #6055102

Defendant(s).

CASE NO: C-20-348747-1

DEPT NO: XXI

AMENDED

INDICTMENT

STATE OF NEVADA)
) ss.
COUNTY OF CLARK)

The Defendant(s) above named, JOHN WOODRUFF, aka, John Wesley Woodruff III, DESTINI WOODRUFF, aka, Destini Denee Hover, accused by the Clark County Grand Jury of the crime(s) of **CHILD ABUSE, NEGLECT, OR ENDANGERMENT (Category B Felony - NRS 200.508.1 - NOC 55226); and CHILD ABUSE, NEGLECT, OR ENDANGERMENT (Gross Misdemeanor - NRS 200.508.1 - NOC 55239),** committed at and within the County of Clark, State of Nevada, on or between October 1, 2018 and May 15, 2020, as follows:

COUNT 1 - CHILD ABUSE, NEGLECT, OR ENDANGERMENT

did on or about May 9, 2020, willfully, unlawfully, and feloniously cause a child under the age of 18 years, to wit: [redacted], being approximately 6 year(s) of age, to suffer unjustifiable physical pain or mental suffering as a result of abuse or neglect, to wit: physical injury of a

EXHIBIT E

non-accidental nature and/or negligent treatment or maltreatment of a child, and/or cause [redacted] to be placed in a situation where he or she might have suffered unjustifiable physical pain or mental suffering as a result of abuse or neglect, to wit: physical injury of a non-accidental nature and/or negligent treatment or maltreatment of a child, by striking the bare bottom, legs and/or back of [redacted] with their hands and/or a belt and/or unknown object(s) and/or by Defendant John Woodruff grabbing [redacted] by the neck and/or throat and lifting him off the ground, Defendants being criminally liable under one or more of the following principles of criminal liability, to-wit: (1) by directly committing said crime; and/or (2) by aiding or abetting DESTINI WOODRUFF in the commission of this crime, with the intent to commit this crime, by providing counsel and/or encouragement, the defendant and DESTINI WOODRUFF acting in concert; and/or pursuant to a conspiracy to commit this crime.

COUNT 2 – CHILD ABUSE, NEGLECT, OR ENDANGERMENT

did on or between October 2018 and April 30, 2019, willfully and unlawfully, being responsible for the safety or welfare of a child under the age of 18 years, to wit: [redacted], being approximately 6 year(s) of age, permit or allow [redacted] to suffer unjustifiable physical pain or mental suffering as a result of abuse or neglect, to wit: negligent treatment or maltreatment of a child, by punishing [redacted], a boy, by purchasing girl's clothing and making [redacted] wear said clothing to school and/or to McDonalds wearing girl's clothing and/or by "beating" [redacted] Defendant being criminally liable under one or more of the following principles of criminal liability, to-wit: (1) by directly committing said crime; and/or (2) by aiding or abetting DESTINI WOODRUFF in the commission of this crime, with the intent to commit this crime, by providing counsel and/or encouragement, DESTINI WOODRUFF, defendant and

//

//

//

//

//

//

DESTINI WOODRUFF acting in concert; and/or pursuant to a conspiracy to commit this crime.

DATED this 29th day of September, 2022.

STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001565

BY _____
MICHELLE JOBE
Chief Deputy District Attorney
Nevada Bar #10575

January 31, 2023



CERTIFIED COPY
ELECTRONIC SEAL (NRS 1.190(3))

19BGJ118A-B/202019901C/mlb/SVU
LVMPD EV# 200500069371
(TK)

Electronically Filed
10/19/2022 9:37 AM
Steven D. Grierson
CLERK OF THE COURT

GPA
STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001565
MICHELLE JOBE
Chief Deputy District Attorney
Nevada Bar #10575
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-

JOHN WOODRUFF, aka,
John Wesley Woodruff III #2849577,

Defendant.

CASE NO: C-20-348747-1
DEPT NO: XXI

GUILTY PLEA AGREEMENT

I hereby agree to plead guilty to: **COUNT 1 - CHILD ABUSE, NEGLECT, OR ENDANGERMENT (Category B Felony - NRS 200.508.1 - NOC 55226); and COUNT 2 - CHILD ABUSE, NEGLECT, OR ENDANGERMENT (Gross Misdemeanor - NRS 200.508.1 - NOC 55239),** 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 make no recommendations at sentencing. The parties waive any defects in the pleading as to Count 2. The deal is contingent on the co-defendant following through with negotiations to resolve the case. All remaining counts in the Indictment shall be dismissed when Defendant is adjudged guilty and sentenced.

I agree to the forfeiture of any and all weapons or any interest in any weapons seized and/or impounded in connection with the instant case and/or any other case negotiated in

EXHIBIT F

whole or in part in conjunction with this plea agreement.

I understand and agree that, if I fail to obtain an assessment of my risk to reoffend before my scheduled sentencing date, 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(s) to which I now plead as set forth in Exhibit "1".

As to Count 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 ONE (1) year and a maximum term of not more than SIX (6) years. The minimum term of imprisonment may not exceed forty percent (40%) of the maximum term of imprisonment.

As to Count 2, I may be imprisoned in the Clark County Detention Center for a period of not more than three hundred sixty-four (364) days and that I may be fined up to $2,000.00.

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 victim of the offense(s) 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.

As to Count 1, and Count 2, I understand that I am not eligible for probation pursuant to NRS 176A.110 unless a psychologist licensed to practice in this State who is trained to conduct psychological evaluations or a psychiatrist licensed to practice medicine in this State who is certified by the American Board of Psychiatry and Neurology, Inc., and is trained to conduct psychological evaluations certifies in a written report to the court 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 my attorney is responsible for obtaining this psychological evaluation and providing it to the Court and the assigned Deputy District Attorney prior to my sentencing.

I understand that I must submit to blood and/or saliva tests under the Direction of the Division of Parole and Probation 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 offense(s) to which I am pleading guilty 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(s).

I understand that if I am not a United States citizen, any criminal conviction will likely result in serious negative immigration consequences including but not limited to:

1. The removal from the United States through deportation;
2. An inability to reenter the United States;

3. The inability to gain United States citizenship or legal residency;

4. An inability to renew and/or retain any legal residency status; and/or

5. An indeterminate term of confinement, with the United States Federal Government based on my conviction and immigration status.

Regardless of what I have been told by any attorney, no one can promise me that this conviction will not result in negative immigration consequences and/or impact my ability to become a United States citizen and/or a legal resident.

I understand that the Division of Parole and Probation 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, 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(s) 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(s) against me with my attorney and I understand the nature of the charge(s) against me.

I understand that the State would have to prove each element of the charge(s) 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.

//

//

//

//

//

//

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 4 day of September, 2022.

JOHN WOODRUFF, aka,
John Wesley Woodruff III
Defendant

AGREED TO BY:

MICHELLE JOBE
Chief Deputy District Attorney
Nevada Bar #10575

January 31, 2023

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))

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(s) 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 September, ~~2022~~ 2022.

LOUIS SCHNEIDER, ESQ.

mlb/SVU

AIND
STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001565
MICHELLE JOBE
Chief Deputy District Attorney
Nevada Bar #10575
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-

JOHN WOODRUFF, aka,
John Wesley Woodruff III #2849577,
DESTINI WOODRUFF, aka,
Destini Denee Hover, #6055102

Defendant(s).

CASE NO: C-20-348747-1
DEPT NO: XXI

AMENDED

INDICTMENT

STATE OF NEVADA)
) ss.
COUNTY OF CLARK)

The Defendant(s) above named, JOHN WOODRUFF, aka, John Wesley Woodruff III, DESTINI WOODRUFF, aka, Destini Denee Hover, accused by the Clark County Grand Jury of the crime(s) of **CHILD ABUSE, NEGLECT, OR ENDANGERMENT (Category B Felony - NRS 200.508.1 - NOC 55226); and CHILD ABUSE, NEGLECT, OR ENDANGERMENT (Gross Misdemeanor - NRS 200.508.1 - NOC 55239)**, committed at and within the County of Clark, State of Nevada, on or between October 1, 2018 and May 15, 2020, as follows:

COUNT 1 - CHILD ABUSE, NEGLECT, OR ENDANGERMENT

did on or about May 9, 2020, willfully, unlawfully, and feloniously cause a child under the age of 18 years, to wit: [redacted], being approximately 6 year(s) of age, to suffer unjustifiable physical pain or mental suffering as a result of abuse or neglect, to wit: physical injury of a

EXHIBIT "1"

non-accidental nature and/or negligent treatment or maltreatment of a child, and/or cause [redacted] to be placed in a situation where he or she might have suffered unjustifiable physical pain or mental suffering as a result of abuse or neglect, to wit: physical injury of a non-accidental nature and/or negligent treatment or maltreatment of a child, by striking the bare bottom, legs and/or back of [redacted] with their hands and/or a belt and/or unknown object(s) and/or by Defendant John Woodruff grabbing [redacted] by the neck and/or throat and lifting him off the ground, Defendants being criminally liable under one or more of the following principles of criminal liability, to-wit: (1) by directly committing said crime; and/or (2) by aiding or abetting DESTINI WOODRUFF in the commission of this crime, with the intent to commit this crime, by providing counsel and/or encouragement, the defendant and DESTINI WOODRUFF acting in concert; and/or pursuant to a conspiracy to commit this crime.

COUNT 2 – CHILD ABUSE, NEGLECT, OR ENDANGERMENT

did on or between October 2018 and April 30, 2019, willfully and unlawfully, being responsible for the safety or welfare of a child under the age of 18 years, to wit: [redacted], being approximately 6 year(s) of age, permit or allow [redacted] to suffer unjustifiable physical pain or mental suffering as a result of abuse or neglect, to wit: negligent treatment or maltreatment of a child, by punishing [redacted], a boy, by purchasing girl's clothing and making [redacted]. wear said clothing to school and/or to McDonalds wearing girl's clothing and/or by "beating" [redacted], Defendant being criminally liable under one or more of the following principles of criminal liability, to-wit: (1) by directly committing said crime; and/or (2) by aiding or abetting DESTINI WOODRUFF in the commission of this crime, with the intent to commit this crime, by providing counsel and/or encouragement, DESTINI WOODRUFF, defendant and

//

//

//

//

//

//

DESTINI WOODRUFF acting in concert; and/or pursuant to a conspiracy to commit this crime.

DATED this 29th day of September, 2022.

STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001565

BY _____
MICHELLE JOBE
Chief Deputy District Attorney
Nevada Bar #10575

19BGJ118A-B/202019901C/mlb/SVU
LVMPD EV# 200500069371
(TK)

Electronically Filed
02/02/2023 1:37 PM
CLERK OF THE COURT

JOC

STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001565
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-

JOHN WOODRUFF, aka,
John Wesley Woodruff, III, #2849577

Defendant.

CASE NO: C-20-348747-1

DEPT NO: XV

JUDGMENT OF CONVICTION
(PLEA OF GUILTY)

The defendant previously appeared before the Court with counsel and entered a plea of guilty to the crime(s) of **COUNT 1 - CHILD ABUSE, NEGLECT, OR ENDANGERMENT (Category B Felony), and COUNT 2 - CHILD ABUSE, NEGLECT, OR ENDANGERMENT (Gross Misdemeanor),** in violation of NRS 200.508.1, 200.508.2 ; thereafter, on the 31st day of January, 2023, the defendant was present in court for sentencing with his counsel, LOUIS SCHNEIDER, 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, and $3.00 DNA Collection fee, the defendant was sentenced as follows: to COUNT 1 - a MINIMUM of TWENTY-EIGHT (28) MONTHS and a MAXIMUM of SEVENTY-TWO (72) MONTHS in the Nevada Department of Corrections (NDC); SUSPENDED; placed on PROBATION for an indeterminate period not to exceed THREE (3) YEARS.

STANDARD CONDITIONS OF PROBATION:

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 whatsoever. 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.

SPECIAL CONDITIONS OF PROBATION:

1. Defendant to serve NINE (9) MONTHS in the Clark County Detention Center (CCDC) with ONE (1) DAY credit for time served.
2. Defendant shall submit their digital storage media or any digital storage media that they have access or use, including computers, handheld communication devices and any network applications associated with those devices, including social media and remote storage services to a search and shall provide all passwords, unlock codes

//

//

//

//

//

and account information associated with those items, with or without a search warrant, by the Division of Parole and Probation or its agent.

3. Have no contact whatsoever with the victim or the victim's family.

And; COUNT 2: THREE HUNDRED SIXTY-FOUR (364) DAYS in the Clark County Detention Center (CCDC) CONCURRENT WITH COUNT 1.

Dated this 2nd day of February, 2023

30A CA6 BC80 E97A
Joe Hardy
District Court Judge

March 2, 2023



CERTIFIED COPY
ELECTRONIC SEAL (NRS 1.190(3))

mlb/SVU

CSERV

DISTRICT COURT
CLARK COUNTY, NEVADA

State of Nevada	CASE NO: C-20-348747-1
vs	DEPT. NO. Department 15
John Woodruff	

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: 2/2/2023

Louis Schneider, Esq.	Lcslawllc@yahoo.com
dept lc	dept15lc@clarkcountycourts.us
MICHELLE Chief DDA	michelle.jobe@clarkcountyda.com
Alex Falconi	admin@ournevadajudges.com
Brittany Falconi	media@ournevadajudges.com

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor	**COURT MINUTES**	**June 11, 2020**

C-20-348747-1 State of Nevada
vs
John Woodruff

June 11, 2020 **11:30 AM** **Grand Jury Indictment**

HEARD BY: Bell, Linda Marie **COURTROOM:** RJC Lower Level Arraignment

COURT CLERK: Kimberly Estala

RECORDER: Deloris Scott

REPORTER:

PARTIES PRESENT:

Jobe, Michelle Y.	Attorney
State of Nevada	Plaintiff

JOURNAL ENTRIES

- Steve Lurvey , Grand Jury Foreperson, stated to the Court that at least twelve members had concurred in the return of the true bill during deliberation, but had been excused for presentation to the Court. State presented Grand Jury Case Number 19BGJ118A to the Court. COURT ORDERED, the Indictment may be filed and is assigned Case Number C-20-348747-1, Department XXI.

State requested a summons, advised Deft is not in custody, and that bail is currently at $10,000.00. COURT ORDERED, INDICTMENT SUMMONS ISSUED. BAIL in the amount of $10,000.00 TRANSFERRED with the ADDED CONDITIONS of no contact with victim, no unsupervised contact with minors and no possession of firearms. COURT FURTHER ORDERED, matter SET for Arraignment. A Pre-Trial Risk Assessment will be prepared if one was not previously done.

Upon Court's inquiry, the State advised there are no material witness warrants to quash. COURT FURTHER ORDERED, Exhibits 1-20 to be lodged with the Clerk of the Court; Las Vegas Justice Court case no. 20-CR-03645-001 DISMISSED per the State's request.

BOND (SUMMON)

EXHIBIT G

06/25/20 1:45 PM INITIAL ARRAIGNMENT (DEPT XXI)

DISTRICT COURT

CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor	**COURT MINUTES**	**June 25, 2020**

C-20-348747-1 State of Nevada
vs
John Woodruff

June 25, 2020 **1:45 PM** **Initial Arraignment**

HEARD BY: Adair, Valerie **COURTROOM:** RJC Courtroom 11C

COURT CLERK: April Watkins

RECORDER: Robin Page

REPORTER:

PARTIES PRESENT:

Jacks, David R	Attorney
Jobe, Michelle Y.	Attorney
State of Nevada	Plaintiff

JOURNAL ENTRIES

- Ms. Jobe stated there is no objection waiving Deft's presence and continuing this matter. COURT ORDERED, Deft's presence WAIVED and matter CONTINUED.

BOND

7/7/2020 1:45 PM ARRAIGNMENT CONTINUED

DISTRICT COURT

CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor	**COURT MINUTES**	**July 07, 2020**

C-20-348747-1 State of Nevada
vs
John Woodruff

July 07, 2020 **1:45 PM** **Arraignment Continued**

HEARD BY: Adair, Valerie **COURTROOM:** RJC Courtroom 11C

COURT CLERK: April Watkins

RECORDER: Robin Page

REPORTER:

PARTIES PRESENT:

Jacks, David R	Attorney
Jobe, Michelle Y.	Attorney
State of Nevada	Plaintiff
Woodruff, John	Defendant

JOURNAL ENTRIES

- DEFT. WOODRUFF ARRAIGNED, PLED NOT GUILTY, and WAIVED the 60-DAY RULE. COURT ORDERED, matter SET for trial. Ms. Jobe stated she will be submitting order to the Court for Division of Family Services (DFS) records.

BOND

3/18/2021 9:30 AM CALENDAR CALL

3/22/2021 9:00 AM JURY TRIAL

DISTRICT COURT

CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor	**COURT MINUTES**	**February 04, 2021**

C-20-348747-1 State of Nevada
vs
John Woodruff

February 04, 2021 **10:00 AM** **Status Check**

HEARD BY: Hardy, Joe **COURTROOM:** RJC Courtroom 11D

COURT CLERK: Kristin Duncan

RECORDER: Matt Yarbrough

REPORTER:

PARTIES PRESENT:

Jobe, Michelle Y.	Attorney
Schneider, Louis C.	Attorney
State of Nevada	Plaintiff
Woodruff, John	Defendant

JOURNAL ENTRIES

- All parties (including the Defendant) present via Blue Jeans.

Upon Court's inquiry, the State advised that the Defendant had waived the 60-Day Rule. Colloquy regarding scheduling. COURT ORDERED a trial date was hereby SET.

BOND

11/2/21 8:30 AM STATUS CHECK: TRIAL READINESS

12/2/21 8:30 AM CALENDAR CALL

12/6/21 10:30 AM JURY TRIAL

DISTRICT COURT

CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor	**COURT MINUTES**	**June 03, 2021**

C-20-348747-1 State of Nevada
vs
John Woodruff

June 03, 2021 **10:00 AM** **Motion**

HEARD BY: Hardy, Joe **COURTROOM:** RJC Courtroom 11D

COURT CLERK: Kristin Duncan

RECORDER: Matt Yarbrough

REPORTER:

PARTIES PRESENT:

Jacks, David R	Attorney
Jobe, Michelle Y.	Attorney
Schneider, Louis C.	Attorney
State of Nevada	Plaintiff
Woodruff, John	Defendant

JOURNAL ENTRIES

- The State present via Blue Jeans.

Mr. Jacks indicated that he was joining the instant Motion on behalf of his client, Destini Woodruff (the Defendant's wife). The State opposed the joinder, noting that a co-Defendant could not join the other co-Defendant's Motion the day of the hearing. Mr. Schneider argued that it did not make sense to file the same Motion on the same set of circumstances, and submitted to the Court's discretion. The State noted that a different argument would be made regarding the instant Defendant, as compared to the co-Defendant, given which of the children were their biological children. COURT ORDERED Mr. Jacks' oral joinder, was hereby DENIED WITHOUT PREJUDICE.

Mr. Schneider argued in support of the instant Motion, stating that the Defendant and Destini

Woodruff each had one biological child with other individuals, and one biological child that they shared. Additionally, Mr. Schenider argued that the Defendant co-Defendant each completed the abuse and neglect program, and should be permitted contact with their children, in order to facilitate reunification. Furthermore, Mr. Schneider argued that the decision regarding whether the instant Defendant should have contact with Destini Woodruff's biological child, [redacted], should be left to the Family Court. The State argued in opposition, stating that the biological child of the instant Defendant co-Defendant, was the only child in the custody of the Department of Family Services (DFS), Additionally, the State argued that neither of the other two children were under Family Court's jurisdiction, nor were they part of a reunification plan. Due to the circumstances, the State requested the no contact order remain in place. Mr. Schneider argued in rebuttal, stating that reunification with all three of the children was at a stand-still due to the no contact order. Noting the brevity of the instant Motion and the State's Opposition, as well as the conflicting representations from each side, COURT ORDERED Defendant's Motion to Allow Defendant to Have Contact With the Minor Children, was hereby GRANTED IN PART, to allow contact with the instant Defendant's and co-Defendant's biological child in common, bearing the initial [redacted], based upon the supervision and recommendation of DFS.

There being no pending custody case as to the other two children involved in the instant case, COURT ORDERED the remainder of the Defendant's Motion to Allow Defendant to Have Contact With the Minor Children, was hereby CONTINUED; SUPPLEMENTAL BRIEFING to be submitted, as follows: (1) Defendant's supplemental brief to be submitted on later than June 24, 2021; (2) State's supplemental Opposition to be submitted no later than July 13, 2021; and (3) Defendant's Reply may be submitted at least one day prior to the continued hearing date.

BOND

CONTINUED TO: 7/22/21 10:00 AM

DISTRICT COURT

CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor	**COURT MINUTES**	**July 22, 2021**

C-20-348747-1 State of Nevada
vs
John Woodruff

July 22, 2021 **10:00 AM** **Motion**

HEARD BY: Hardy, Joe **COURTROOM:** RJC Courtroom 11D

COURT CLERK: Kristin Duncan

RECORDER: Matt Yarbrough

REPORTER:

PARTIES PRESENT:

Rinetti, Dena I.	Attorney
Schneider, Louis C.	Attorney
State of Nevada	Plaintiff

JOURNAL ENTRIES

- The State and Louis Schneider, Esq. present via Blue Jeans.

Mr. Schneider requested the instant Motion be taken off calendar. There being no opposition, COURT ORDERED the Defendant's Motion to Allow Defendant to Have Contact with the Minor Children, was hereby TAKEN OFF CALENDAR as WITHDRAWN.

BOND

DISTRICT COURT

CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor	**COURT MINUTES**	**November 02, 2021**

C-20-348747-1 State of Nevada
vs
John Woodruff

November 02, 2021 9:30 AM Status Check

HEARD BY: Hardy, Joe **COURTROOM:** RJC Courtroom 11D

COURT CLERK: Kristin Duncan

RECORDER: Matt Yarbrough

REPORTER:

PARTIES PRESENT:

Jobe, Michelle Y.	Attorney
Schneider, Louis C.	Attorney
State of Nevada	Plaintiff
Woodruff, John	Defendant

JOURNAL ENTRIES

- The Defendant present via Blue Jeans. Co-Defendant Destini Woodruff and her counsel Robert Draskovich, Esq. present.

Mr. Draskovich CONFIRMED as counsel of record for co-Defendant Destini Woodruff. Due to only recently coming into the case, and having a scheduling conflict in December 2021, Mr. Draskovich requested a continuance of the trial date. The State announced that it would have been ready to proceed to trial on December 6, 2021; however, there was no objection to continuing the trial date. Following a colloquy regarding scheduling, and there being no objection to a continuance from Mr. Schneider, COURT ORDERED the trial date was hereby VACATED and RESET.

BOND

5/24/22 8:30 AM STATUS CHECK: TRIAL READINESS

6/21/22 8:30 AM CALENDAR CALL

6/27/22 10:30 AM JURY TRIAL

DISTRICT COURT

CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor	**COURT MINUTES**	**January 27, 2022**

C-20-348747-1 State of Nevada
vs
John Woodruff

January 27, 2022 **9:30 AM** **Status Check**

HEARD BY: Hardy, Joe **COURTROOM:** RJC Courtroom 11D

COURT CLERK: Kristin Duncan

RECORDER: Matt Yarbrough

REPORTER:

PARTIES PRESENT:

Rose, Steven	Attorney
Schneider, Louis C.	Attorney
State of Nevada	Plaintiff

JOURNAL ENTRIES

- Louis C. Schneider, Esq. present via Blue Jeans. Also present: Co-Defendant Destini Woodruff (via Blue Jeans) and her counsel Michael Horvath, Esq. (via Blue Jeans).

Mr. Schneider requested that Defendant John Woodruff's presence at the instant hearing be waived. Additionally, Mr. Schneider noted that Michelle Jobe, DDA, currently had COVID-19, and was requesting a continuance of the status checks in both Defendants' cases, the pending Motion to transfer in Defendant J. Woodruff's case, and the Motion to Address Indigent Status in Defendant D. Woodruff's case. The State confirmed Mr. Schneider's representations, noting that the State was requesting a continuance to the end of February 2022. The Court inquired as to what the parties wished for the Court to do with the DFS records that were submitted in camera. The State advised that DFS records could not be disseminated without a Court Order; therefore, the parties wished for the Court to review the DFS records, determine which records were relevant to the case, and then send those respective records to both parties. Mr. Schneider joined the State's statements, clarifying

that the DFS records would remain confidential even after dissemination, and both sides would need to sign non-disclosure agreements related to the records. COURT ORDERED the instant status check, as well as Defendant's Motion to Transfer Jurisdiction to Veterans Treatment Court Pursuant to NRS 176A, currently pending on February 3, 2022, in J. Woodruff's case, were hereby CONTINUED / RESET to February 24, 2022. COURT FURTHER ORDERED the instant status check, as well as the Motion to Address Defendant's Indigent Status, in D. Woodruff's case, were hereby CONTINUED to February 24, 2022.

Mr. Schneider noted that Defendant J. Woodruff had been accepted into Veterans Court, and inquired as to whether there was an expiration date on transferring the Defendant into said program. The Court advised that it was unsure of whether there was an expiration date, and suggested the Mr. Schneider look into the issue further.

BOND

2/24/22 9:30 AM STATUS CHECK: DFS RECORDS...DEFENDANT'S MOTION TO TRANSFER JURISDICTION TO VETERANS TREATMENT COURT PURSUANT TO NRS 176A

DISTRICT COURT

CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor	**COURT MINUTES**	**April 12, 2022**

C-20-348747-1 State of Nevada
vs
John Woodruff

April 12, 2022 **9:30 AM** **Status Check**

HEARD BY: Hardy, Joe **COURTROOM:** RJC Courtroom 11D

COURT CLERK: Jessica Mason

RECORDER: Matt Yarbrough

REPORTER:

PARTIES PRESENT:

JOURNAL ENTRIES

DISTRICT COURT

CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor	**COURT MINUTES**	**April 12, 2022**

C-20-348747-1 State of Nevada
vs
John Woodruff

April 12, 2022 **9:30 AM** **Motion**

HEARD BY: Hardy, Joe **COURTROOM:** RJC Courtroom 11D

COURT CLERK: Jessica Mason

RECORDER: Matt Yarbrough

REPORTER:

PARTIES PRESENT:

Jobe, Michelle Y.	Attorney
Schneider, Louis C.	Attorney
State of Nevada	Plaintiff
Woodruff, John	Defendant

JOURNAL ENTRIES

- The State noted as a preliminary request, there were two individuals/entities logged on, Our Nevada Judges and Our Nevada Politics, and noted it was not permissible to record then post the videos. Ms. Schneider indicated there was a media request and order on 03/11/2021 to allow electronic coverage. The State indicated they were not served with it, and will file accordingly. The Court verified the Order and also noted the court hearings are generally open to the public, and will review motions as they come. Upon the Court's inquiry as to if the State had an opposition, the State indicated it had filed an opposition to the original motion as they do oppose. The Court noted will listen to arguments today but likely will take under advisement.

Mr. Schneirder argued Mr. Wilson that anyone who was accepted into the Veteran's Court program. Mr. Schneider further argued the Deft. would be best suited in Veterans Court. The Court noted the State was arguing that there was no jurisdiction as there is no guilty plea agreement or finding of guilty at trial. Upon the Court's inquiry as to how Mr. Schneider would address that, Mr. Schneider

noted he did not create the Veterans Court program, so he was unsure how that works. Upon the Court's further inquiry, Ms. Schneider noted although the letter is dated 12/16/2021, the Veterans Program noted although the letter is only good 60 days, the Veterans Court indicated they would extend the offer.

The State argued Veterans Court is established under chapter 176A Nevada Revised Statue and labeled under Probation and Suspension of Sentencing nothing is procedurally premature to be discussing weather or not defendant should be accepted into Veterans Court. The State further argued this should only come in front of this court at time of sentencing. The State also argued this matter is out of jurisdiction at this time. Mr. Schneider later argued in his experience these matters are usually transferred before sentencing or trial. Mr Schneider noted he wouldn't have an objection the this Court reaching out to the Veterans Court Program outside his presence. The State also indicated it would have no objection to the Court contacting the Veterans Court program outside it's presence, but would reserve argument/discussion. The Court was inclined to continue this matter to contact Veterans Court. The Court continued this matter for additional argument on April 26, 2022.

BOND

CONTINUED TO: 04/26/2022 08:30 AM

05/24/2022 08:30 AM STATUS CHECK: TRIAL READINESS
06/21/2022 08:30 AM CALENDAR CALL
06/27/2022 10:30 AM JURY TRIAL

DISTRICT COURT

CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor	**COURT MINUTES**	**April 12, 2022**

C-20-348747-1 State of Nevada
vs
John Woodruff

April 12, 2022 **9:30 AM** **All Pending Motions**

HEARD BY: Hardy, Joe **COURTROOM:** RJC Courtroom 11D

COURT CLERK: Jessica Mason

RECORDER: Matt Yarbrough

REPORTER:

PARTIES PRESENT:

Jobe, Michelle Y.	Attorney
Schneider, Louis C.	Attorney
State of Nevada	Plaintiff
Woodruff, John	Defendant

JOURNAL ENTRIES

- COURT NOTED it had spoke with Veterans Court, and was advised it is only used as a treatment court during probation. COURT FOUND it cannot send the Defendant to Veterans Court as this time, as there is not a guilty verdict nor has the Defendant been found guilty. The State requested to deny the Defendant's Motion without prejudice. Ms. Schneider indicated he accepted the Court's discretion. COURT NOTED if Ms. Schneider has communications with Veterans Court, he can put it back on. COURT ORDERED Defendant's Motion to Transfer Jurisdiction to Veterans Treatment Court Pursuant to NRS 176A is DENIED.

DISTRICT COURT

CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor	**COURT MINUTES**	**April 26, 2022**

C-20-348747-1 State of Nevada
vs
John Woodruff

April 26, 2022 **8:30 AM** **Status Check**

HEARD BY: Hardy, Joe **COURTROOM:** RJC Courtroom 11D

COURT CLERK: Jessica Mason

RECORDER: Matt Yarbrough

REPORTER:

PARTIES PRESENT:

Jobe, Michelle Y.	Attorney
Schneider, Louis C.	Attorney
State of Nevada	Plaintiff
Woodruff, John	Defendant

JOURNAL ENTRIES

- COURT NOTED it had spoke with Veterans Court, and was advised it is only used as a treatment court during probation. COURT FOUND it cannot send the Defendant to Veterans Court as this time, as there is not a guilty verdict nor has the Defendant been found guilty. The State requested to deny the Defendant's Motion without prejudice. Ms. Schneider indicated he accepted the Court's discretion. COURT NOTED if Ms. Schneider has communications with Veterans Court, he can put it back on. COURT ORDERED Defendant's Motion to Transfer Jurisdiction to Veterans Treatment Court Pursuant to NRS 176A is DENIED.

DISTRICT COURT

CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor	**COURT MINUTES**	**April 26, 2022**

C-20-348747-1 State of Nevada
vs
John Woodruff

April 26, 2022 **8:30 AM** **All Pending Motions**

HEARD BY: Hardy, Joe **COURTROOM:** RJC Courtroom 11D

COURT CLERK: Jessica Mason

RECORDER: Matt Yarbrough

REPORTER:

PARTIES PRESENT:

Jobe, Michelle Y.	Attorney
Schneider, Louis C.	Attorney
State of Nevada	Plaintiff
Woodruff, John	Defendant

JOURNAL ENTRIES

- DEFENDANT'S MOTION TO TRANSFER JURISDICTION TO VETERANS COURT PURSUANT TO NRS 176A... STATUS CHECK: DFS RECORDS

COURT NOTED it had spoke with Veterans Court, and was advised it is only used as a treatment court during probation. COURT FOUND it cannot send the Defendant to Veterans Court as this time, as there is not a guilty verdict nor has the Defendant been found guilty. The State requested to deny the Defendant's Motion without prejudice. Ms. Schneider indicated he accepted the Court's discretion. COURT NOTED if Ms. Schneider talks to Veterans Court, he can put it back on. COURT ORDERED Defendant's Motion to Transfer Jurisdiction to Veterans Treatment Court Pursuant to NRS 176A is DENIED.

BOND

05/24/2022 08:30 AM STATUS CHECK: TRIAL READINESS
06/21/2022 08:30 AM CALENDAR CALL
06/27/2022 10:30 AM JURY TRIAL

DISTRICT COURT

CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor	**COURT MINUTES**	**May 24, 2022**

C-20-348747-1 State of Nevada
vs
John Woodruff

May 24, 2022 **8:30 AM** **Status Check**

HEARD BY: Hardy, Joe **COURTROOM:** RJC Courtroom 11D

COURT CLERK: Jessica Mason

RECORDER: Matt Yarbrough

REPORTER:

PARTIES PRESENT:

Jobe, Michelle Y.	Attorney
Schneider, Louis C.	Attorney
State of Nevada	Plaintiff
Woodruff, John	Defendant

JOURNAL ENTRIES

- CALLED with the Co- Defendant case C-20-348747-2.

Upon the Court's inquiry, parties indicated they had no objection to continuing the trial. The Court found there is good cause to grant the continuance. COURT ORDERED the Motion to Continue Trial is GRANTED for the Co- Defendat; Trial Dates VACATED and RESET.

BOND

08/23/2022 08:30 AM STATUS CHECK: TRIAL READINESS
09/20/2022 08:30 AM CALENDAR CALL
09/26/2022 10:30 AM JURY TRIAL

DISTRICT COURT

CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor	**COURT MINUTES**	**August 23, 2022**

C-20-348747-1 State of Nevada
vs
John Woodruff

August 23, 2022 **8:30 AM** **Status Check: Trial Readiness**

HEARD BY: Hardy, Joe **COURTROOM:** RJC Courtroom 11D

COURT CLERK: Jessica Mason

RECORDER: Matt Yarbrough

REPORTER:

PARTIES PRESENT:

Jobe, Michelle Y.	Attorney
Schneider, Louis C.	Attorney
State of Nevada	Plaintiff
Woodruff, John	Defendant

JOURNAL ENTRIES

- CALLED WITH THE CO-DEFENDANT CASE C-20-348747-2 DESTINI WOODRUFF

Upon the Court's inquiry as to the upcoming trial, Mr. Draskovich advised barring cases with other trials, anticipates to be ready for trial. Mr. Schneider advised he will be ready at the time for trial. The State also anticipated to be ready for trial. COURT SO NOTED.

BOND

09/20/2022 08:30 AM CALENDAR CALL
09/26/2022 10:30 AM JURY TRIAL

DISTRICT COURT

CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor	**COURT MINUTES**	**September 20, 2022**

C-20-348747-1 State of Nevada
vs
John Woodruff

September 20, 2022 8:30 AM Calendar Call

HEARD BY: Hardy, Joe **COURTROOM:** RJC Courtroom 11D

COURT CLERK: Jessica Mason

RECORDER: Nancy Maldonado

REPORTER:

PARTIES PRESENT:

Jobe, Michelle Y.	Attorney
Schneider, Louis C.	Attorney
State of Nevada	Plaintiff
Woodruff, John	Defendant

JOURNAL ENTRIES

- CALLED WITH THE CO-DEFENDANT CASE C-20-348747-2 DESTINI WOODRUFF

Upon the Court's inquiry as to the upcoming trial, Mr. Schneider and Mr. Draskovich advised these matters have been resolved. Counsel requested to vacate the upcoming trial date and set an entry of plea for both Defendants. The State agreed with the representations. COURT ORDERED trial dates VACATED and SET an entry of plea for both Defendants.

BOND

10/4/2022 08:30 AM ENTRY OF PLEA

DISTRICT COURT

CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor	**COURT MINUTES**	**October 04, 2022**

C-20-348747-1 State of Nevada
vs
John Woodruff

October 04, 2022 **8:30 AM** **Entry of Plea**

HEARD BY: Hardy, Joe **COURTROOM:** RJC Courtroom 11D

COURT CLERK: Jessica Mason

RECORDER: Matt Yarbrough

REPORTER:

PARTIES PRESENT:

JOURNAL ENTRIES

- ALL PENDING MOTIONS... DEFENDANT'S MOTION TO MODIFY CONDITIONS OF RELEASE... ENTRY OF PLEA.

CALLED WITH THE CO-DEFENDANT CASE C-348747-C, JOHN WOODRUFF

Mr. Draskovich represented this matter had been resolved, although requested a two week continuance to fix the Guilty Plea Agreement. The State noted the pleas were contingent on one another, therefore, requested to continue both cases. Upon the Court's inquiry as to the Instant Motion, Mr. Draskovich requested the family court Judge, Judge Gibson be allowed to make the ruling. The Court was inclined to continue the Motion to Modify Conditions of Release to be heard with the entry of plea. The State added there is a reason that the child is needed to be protected. The State further added the Victim's father would be present to give testimony regarding the Instant Motion. COURT ORDERED the Entry of Plea and the Motion to Modify Conditions of Release is CONTINUED.

BOND

10/18/2022 08:30 AM ENTRY OF PLEA... DEFENDANT'S MOTION TO MODIFY CONDITIONS OF RELEASE

DISTRICT COURT

CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor	**COURT MINUTES**	**October 18, 2022**

C-20-348747-1 State of Nevada
vs
John Woodruff

October 18, 2022 **8:30 AM** **Entry of Plea**

HEARD BY: Hardy, Joe **COURTROOM:** RJC Courtroom 11D

COURT CLERK: Jessica Mason

RECORDER: Matt Yarbrough

REPORTER:

PARTIES PRESENT:

Jobe, Michelle Y.	Attorney
Schneider, Louis C.	Attorney
State of Nevada	Plaintiff
Woodruff, John	Defendant

JOURNAL ENTRIES

- Called with the Co-Defendant case C-20-348747-2

NEGOTIATIONS are as contained in the Guilty Plea Agreement to be FILED ELECTRONICALLY, WAIVED DEFECTS and noted the cases are CONTINGENT on one another. DEFT. JOHN WOODRUFF ARRAIGNED AND PLED GUILTY to COUNT 1 CHILD ABUSE NEGLECT OR ENDANGERMENT (F), and as to COUNT 2- CHILD ABUSE NEGLECT OR ENDANGERMENT (GM). Court ACCEPTED plea and ORDERED, matter referred to the Division of Parole and Probation (P & P) and set for sentencing. COURT ORDERED Deft. to report to Parole and Probation (P&P) IMMEDIATELY, or no later than close of business on October 19, 2022.

BOND

1/17/2023 08:30 AM SENTENCING

January 31, 2023



CERTIFIED COPY
ELECTRONIC SEAL (NRS 1.190(3))

10. <u>DISCUSSION, PUBLIC COMMENT, AND FOR POSSIBLE ACTION.</u>

Hearing pursuant to NAC 289.290 (1)(e) on the revocation of Richard B. Bogue's (currently employed with the Nevada Department of Corrections) Category III basic certificate based on a conviction of, or entry of a plea of guilty, guilty but mentally ill or nolo contendere to a gross misdemeanor. The conviction(s) which have led to this action are: COUNT I: Inhumanity to a prisoner (Gross Misdemeanor in violation of NRS 212.020(1)(b)).

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

March 21, 2023

Richard B. Bogue
[redacted]

POST PIN #: 31441

Dear Mr. Bogue,

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)(e) based on a conviction of, or entry of a plea of guilty, guilty but mentally ill or nolo contendere to a gross misdemeanor.** The conviction(s) which have led to this action are as follows:

Count I: INHUMANITY TO A PRISONER, a Gross Misdemeanor, in violation of NRS212.020(1)(b)
Case#: C-22-364535-1
Dept No: District Court
Jurisdiction: 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.

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: May 4, 2023
Time: 9:00 a.m.
Location: Commission on POST, 5587 Wai Pai Shone Ave., Carson City, NV 89701

The hearing will cover the following: whether your P.O.S.T certificate(s) should be revoked, pursuant to **NAC 289.290 (1)(e) for the above referenced gross misdemeanor conviction.**

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: Senior Deputy Attorney General Nathan Hastings
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, Ross Somerville, served the foregoing **Notice of Intent to Revoke**
Print name of the person serving this document

To Individual's Name: **Ricard B. Bogue**

at [redacted] on this
(location)

23 day of March, 2023.
Day *Month* *Year*

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

Executed on this 23 day of March, 2023.
Day *Month* *Year*

Ross S

Signature of person serving the Notice

Ross Somerville

Printed name of person serving the Notice

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

EXHIBIT B

STATE OF NEVADA

Commission On Peace Officers' Standards And Training

Hereby Awards the

Basic Certificate

To

RICHARD B. BOGUE

CATEGORY III

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

Governor

Executive Director

June 5, 2013

Issuance Date

STATE OF NEVADA

Commission On Peace Officers' Standards And Training

Hereby Awards the

Basic Certificate

To

Richard B. Bogue

CATEGORY III

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

Governor

Executive Director

June 5, 2013

Issuance Date

Nevada Commission on Peace Officers' Standards and Training
Peace Officer Basic Certification and Training Identification Card

Name: **Richard B. Bogue** POST ID No.: **31441**

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 affect your ability to carry out your duties as a peace officer.

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

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

INSTRUCTIONS

This is your POST Basic Certificate and Identification Card.

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

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

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

EXHIBIT C

(O) 1897

Kathy Floyd

From: Benu Clark
Sent: Wednesday, January 25, 2023 12:33 PM
To: Kathy Floyd
Cc: James Jones
Subject: Fw: Correctional Officer Richard Bogue POST CAT III certificate revocation request.
Attachments: RBogueJOC.pdf

Follow Up Flag: Follow up
Due By: Wednesday, February 15, 2023 9:00 AM
Flag Status: Flagged

Good afternoon Kathy. Could we request the revocation of the POST Certificate of this individual based on the attached judgement of conviction? This is at the request of out Inspector General. Please let me know if there are any questions or concerns.

Thank you,

Benu Clark
Training Lieutenant
Employee Development Division
Nevada Department of Corrections
Office - 775-[redacted]
Cell - [redacted]

From: James Jones [redacted]
Sent: Wednesday, January 25, 2023 10:17 AM
To: Benu Clark [redacted]
Subject: Correctional Officer Richard Bogue POSC CAT III certificate revocation request.

I would like to request Correctional Officer Richard Bogue have his CAT III POST certificate revoked based on the attached Judgement of Conviction.

EXHIBIT D

Electronically Filed
9/23/2022 5:10 PM
Steven D. Grierson
CLERK OF THE COURT

AINF
AARON FORD
Attorney General
Erica M. Gold, Bar No. 8574
Senior Deputy Attorney General
Office of the Attorney General
555 E. Washington Ave., Ste. 3900
Las Vegas, Nevada 89101-1068
P: (702) 486-5889
F: (702) 486-0660
EGold@ag.nv.gov
Attorneys for the State of Nevada

DISTRICT COURT

CLARK COUNTY, NEVADA

STATE OF NEVADA, Plaintiff, v. RICHARD BOGUE ID #2785337, Defendant.	Case No.: C-22-364535-1 Dept. No.: XXIV

THIRD AMENDED INFORMATION

AARON FORD, Attorney General for the State of Nevada, in the name and by the authority of the State of Nevada, by and through ERICA M. GOLD, Senior Deputy Attorney General, informs the Court that RICHARD BOGUE has committed the crime of INHUMANITY TO A PRISONER, a Gross Misdemeanor, in violation of NRS 212.020(1)(b).

All of the acts alleged herein were committed or completed on or about March 23, 2020, by the above-named Defendant, within Clark County, Nevada, in the following manner:

COUNT 1
INHUMANITY TO A PRISONER
Gross Misdemeanor – NRS 212.020(1)(b)

The Defendant, RICHARD BOGUE, willfully and unlawfully subjected a prisoner under his care or custody to inhumanity or oppression, to wit: the Defendant, while a correctional officer employed by the Nevada Department of Corrections, willfully and unlawfully subjected [redacted], a prisoner under the Defendant's care or custody, to inhumanity or oppression by using a deadly weapon and force or

EXHIBIT E

Case Number: C-22-364535-1

violence upon [redacted] by applying pressure to his neck area with the use of a baton and/or by pulling the hair of inmate [redacted], and/or by shoving inmate [redacted], and/or by dragging inmate [redacted] by his hair, and/or by causing the head of inmate [redacted] to strike a door, and/or doorframe, and/or wall.

All of which is contrary to the form, force, and effect of statutes in such cases made and provided against the peace and dignity of the State of Nevada.

DATED this 23rd day of September, 2022.

SUBMITTED BY

AARON FORD
Attorney General

/s/ Erica M. Gold
Erica M. Gold (Bar No. 8574)
Senior Deputy Attorney General
Attorneys for the State of Nevada

January 31, 2023

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))

Electronically Filed
10/7/2022 1:47 PM
Steven D. Grierson
CLERK OF THE COURT

AGPA
AARON D. FORD
Attorney General
ERICA M. GOLD (Bar No. 8574)
Senior Deputy Attorney General
State of Nevada
Office of the Attorney General
555 E. Washington Ave., Ste. 3900
Las Vegas, Nevada 89101-1068
702 486-5889 (phone)
702 486-0660 (fax)
Egold@ag.nv.gov
Attorneys for the State of Nevada

DISTRICT COURT

CLARK COUNTY, NEVADA

STATE OF NEVADA, Plaintiff, v. RICHARD BOGUE, ID #2785337, Defendant.	Case No.: C-22-364535-1 Dept. No.: XXIV

AMENDED GUILTY PLEA AGREEMENT

I hereby agree to enter a guilty plea pursuant to *North Carolina v. Alford*, 400 U.S. 25 (1970), in Count I, to INHUMANITY TO A PRISONER, a Gross Misdemeanor, in violation of NRS 212.020(1)(b), as more fully alleged in the charging document attached hereto as Exhibit "1."

My decision to plead guilty pursuant to the *Alford* decision is based upon the plea agreement in this case which is as follows:

1. The State has no opposition to probation, not to exceed one year, with a 364-day suspended sentence in the Clark County Detention Center, to include standard probation conditions, AS WELL AS the following special conditions:
   a. That I pay a fine to the court of $2000;
   b. That I will pay for, attend, and complete court-authorized parenting classes concerning the proper parenting of special needs children;

/ / /

EXHIBIT F

Case Number: C-22-364535-1

c. That I will comply with any orders or directives from the Nevada Division of Child and Family Services relative to my daughter, [redacted]; and

d. That I agree to be forever barred from maintaining employment in any law enforcement capacity;

2. The parties stipulate and agree that pursuant to my guilty plea pursuant to the *Alford* decision in this case, and after the judgement of conviction for this case is filed, the State will dismiss the charges in Las Vegas Justice Court Case No. 22-CR-033278;

3. The State retains the right to argue for any other lawful terms and conditions of probation after review of the Pre-Sentence Investigation Report;

4. I agree to forfeit any property seized in connection with this matter;

5. I agree to waive any defects or infirmities as to this process, my plea, this guilty plea agreement, and/or the form and/or force of the charging document attached as Exhibit "1";

6. I understand that pursuant to NRS 176.015(3), any victims so desiring will be allowed to make impact statements; and

7. I understand and agree that the State's agreement to recommend or stipulate to a particular sentence, to not present argument regarding the sentence, to not oppose a particular sentence, or to not seek punishment as a habitual criminal is contingent upon my conduct between now and sentencing: If I fail to interview with the Division of Parole and Probation ("P & P"); fail to appear at any subsequent hearings in this case; fail to appear at any court-ordered appearances related to this case, prior to sentencing; or a magistrate reviews a declaration of arrest and finds probable cause to believe that I have committed a new criminal offense, including reckless driving or DUI, but excluding minor traffic violations, the State will regain the right to argue for any lawful sentence and term of confinement allowable for the crime to which I am now pleading, including the use of any prior convictions I may have to increase my sentence as a habitual criminal to 5 to 20 years, life without the possibility of parole, life with the possibility of parole after 10 years, or a definite 25-year term with the possibility of parole after 10 years.

///

CONSEQUENCES OF THE PLEA

I understand that by pleading guilty pursuant to the *Alford* decision I am not contesting the facts that support 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 pursuant to the *Alford* decision to the charge of INHUMANITY TO A PRISONER, a Gross Misdemeanor, the Court shall sentence me to imprisonment in the county jail for not more than 364 days, or by a fine of not more than $2,000, or by both fine and imprisonment. I also understand that the law requires me to pay Administrative Assessment Fees.

I understand that, if appropriate, I will be ordered to make restitution to the victim of the offense to which I am pleading guilty pursuant to the *Alford* decision and to the victim of any related offense being dismissed or not prosecuted pursuant to this agreement.

I understand that I am eligible for probation for the offense to which I am pleading guilty pursuant to the *Alford* decision. I further understand that, except as otherwise provided by statute, the question of whether I receive probation is in the discretion of the sentencing judge.

I also 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.

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 Attorney General has specifically agreed otherwise, the Attorney General may also comment on this report.

I understand that if I am not a United States citizen, this criminal conviction will likely result in serious negative immigration consequences including but not limited to: removal from the United States through deportation; an inability to reenter the United States; the inability to gain United States citizenship or legal residency; an inability to renew and/or retain any legal residency status; and/or an indeterminate term of confinement, with the United States Federal Government based on my conviction and immigration status. Regardless of what I have been told by an attorney, no one can promise me that this conviction will not result in negative immigration consequences and/or impact my ability to become a United States citizen and/or legal resident.

WAIVER OF RIGHTS

By entering my plea of guilty pursuant to the *Alford* decision, 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 the appeal is based upon reasonable constitutional, jurisdictional, or other grounds that challenge the legality of the proceedings and except as otherwise provided in subsection 3 of NRS 174.035.

///

///

VOLUNTARINESS OF PLEA

I have discussed the elements of all the original charges against me with my attorney and I understand the nature of the charges against me.

I understand 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 pursuant to the *Alford* decision 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.

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 28 day of September, 2022.

RICHARD BOGUE, Defendant

AGREED TO BY:

/s/ Erica M. Gold
Erica M. Gold
Senior Deputy Attorney General

CERTIFICATE OF DEFENSE COUNSEL

I, the undersigned, as the attorney for RICHARD BOGUE named herein and as an officer of the court hereby certify that:

1. I have fully explained to RICHARD BOGUE the allegations contained in the charge to which a guilty plea pursuant to the *Alford* decision is being entered.

2. I have advised RICHARD BOGUE of the penalties for each charge and the restitution/costs/fine that RICHARD BOGUE may be ordered to pay.

3. I have inquired of RICHARD BOGUE facts concerning RICHARD BOGUE's immigration status and explained to RICHARD BOGUE that if RICHARD BOGUE 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 with the United States Federal Government based on his/her conviction and immigration status.

Moreover, I have explained that regardless of what RICHARD BOGUE may have been told by any attorney, no one can promise RICHARD BOGUE that this conviction will not result in negative immigration consequences and/or impact RICHARD BOGUE's ability to become a United States citizen and/or legal resident.

4. The plea of guilty pursuant to the *Alford* decision offered by RICHARD BOGUE pursuant to this agreement are consistent with all the facts known to me, and are made with my advice to RICHARD BOGUE and are in the best interest of RICHARD BOGUE:

5. To the best of my knowledge and belief RICHARD BOGUE:

a. Is competent and understands the charges and the consequences of pleading guilty pursuant to the *Alford* decision as provided in this agreement.

///

b. Executed this agreement and will enter his guilty plea pursuant to the *Alford* decision pursuant hereto voluntarily.

c. Was not under the influence of intoxicating liquor, a controlled substances or other drug at the time of the execution of this agreement.

DATED this 28 day of September, 2022

THOMAS PITARO, ESQ.
Attorney for RICHARD BOGUE

January 31, 2023

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))

EXHIBIT 1

EXHIBIT 1

Electronically Filed
9/23/2022 5:10 PM
Steven D. Grierson
CLERK OF THE COURT

AINF
AARON FORD
Attorney General
Erica M. Gold, Bar No. 8574
Senior Deputy Attorney General
Office of the Attorney General
555 E. Washington Ave., Ste. 3900
Las Vegas, Nevada 89101-1068
P: (702) 486-5889
F: (702) 486-0660
EGold@ag.nv.gov
Attorneys for the State of Nevada

DISTRICT COURT

CLARK COUNTY, NEVADA

STATE OF NEVADA, Plaintiff, v. RICHARD BOGUE ID #2785337, Defendant.	Case No.: C-22-364535-1 Dept. No.: XXIV

THIRD AMENDED INFORMATION

AARON FORD, Attorney General for the State of Nevada, in the name and by the authority of the State of Nevada, by and through ERICA M. GOLD, Senior Deputy Attorney General, informs the Court that RICHARD BOGUE has committed the crime of INHUMANITY TO A PRISONER, a Gross Misdemeanor, in violation of NRS 212.020(1)(b).

All of the acts alleged herein were committed or completed on or about March 23, 2020, by the above-named Defendant, within Clark County, Nevada, in the following manner:

COUNT 1
INHUMANITY TO A PRISONER
Gross Misdemeanor – NRS 212.020(1)(b)

The Defendant, RICHARD BOGUE, willfully and unlawfully subjected a prisoner under his care or custody to inhumanity or oppression, to wit: the Defendant, while a correctional officer employed by the Nevada Department of Corrections, willfully and unlawfully subjected [redacted] a prisoner under the Defendant's care or custody, to inhumanity or oppression by using a deadly weapon and force or

Case Number: C-22-364535-1

violence upon [redacted] by applying pressure to his neck area with the use of a baton and/or by pulling the hair of inmate [redacted], and/or by shoving inmate [redacted], and/or by dragging inmate [redacted] by his hair, and/or by causing the head of inmate [redacted] to strike a door, and/or doorframe, and/or wall.

All of which is contrary to the form, force, and effect of statutes in such cases made and provided against the peace and dignity of the State of Nevada.

DATED this 23rd day of September, 2022.

SUBMITTED BY

AARON FORD
Attorney General

/s/ Erica M. Gold
Erica M. Gold (Bar No. 8574)
Senior Deputy Attorney General
Attorneys for the State of Nevada

Electronically Filed
12/29/2022 2:15 PM
CLERK OF THE COURT

JOC

AARON D. FORD
Attorney General
Alissa Engler (Bar No. 11940)
Chief Deputy Attorney General
State of Nevada
Office of the Attorney General
555 E. Washington Ave., Ste. 3900
Las Vegas, Nevada 89101-1068
P: (702) 486-5706
F: (702) 486-3914
aengler@ag.nv.gov
Attorneys for the State of Nevada

DISTRICT COURT

CLARK COUNTY, NEVADA

STATE OF NEVADA, Plaintiff, v. RICHARD BOGUE ID #2785337, Defendant.	Case No.: C-22-364535-1 Dept. No.: XXIV

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 INHUMANITY TO A PRISONER, a Gross Misdemeanor, in violation of NRS 212.020(1)(b); thereafter, on the 19th day of December, 2022, the Defendant was present in Court for sentencing with counsel Osvaldo E. Fumo, Esq., and good cause appearing,

THE DEFENDANT IS HEREBY ADJUDGED guilty of said offense and, in addition to the $25.00 Administrative Assessment fee, $150.00 DNA Analysis fee, including testing to determine genetic markers, and $3.00 DNA Collection fee, the Defendant is SENTENCED to Clark County Detention Center (CCDC) for THREE HUNDRED SIXTY-FOUR (364) DAYS, SUSPENDED; placed on PROBATION for an indeterminate period not to exceed ONE (1) YEAR. In addition to the Standard Condition of Probation, COURT ORDERED, SPECIAL CONDITIONS IMPOSED.

/ / /

Statistically closed: A. USJR - CR - Guilty Plea With Sentence (Before trial) (USGPB)

SPECIAL CONDITIONS:

1. Defendant to pay a $2,000.00 fine;

2. Defendant will pay for, attend, and complete Court-authorized parenting classes concerning the proper parenting of special needs children;

3. Defendant will comply with any orders or directives from the Nevada Division of Child and Family Services relative to Defendant's daughter, [redacted]

4. Defendant will be barred from maintaining employment in any law enforcement capacity; and

5. Defendant will enroll and complete impulse control classes.

COURT FURTHER ORDERED, Defendant is to report to Parole and Probation within forty-eight (48) hours.

COURT ADDITIONALLY ORDERED, STANDARD PROBATION CONDITIONS IMPOSED as follows:

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.

Residence: You shall not change your place of residence without first obtaining permission from the Division of Parole and Probation, in each instance.

Intoxicants: You shall not consume any alcoholic beverages whatsoever. 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.

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.

Weapons: You shall not possess, have access to, or have under your control any type of weapon.

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.

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 to a correctional institution unless specific written permission has been granted by the Division and the correctional institution.

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.

Laws: You shall comply with all municipal, county, state, and federal laws and ordinances.

Out of State Travel: You shall not leave the state without first obtaining written permission from the Division of Parole and Probation.

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.

/ / /

/ / /

/ / /

/ / /

/ / /

/ / /

/ / /

/ / /

/ / /

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.

BOND, if any, EXONERATED.

DATED _____ day of_____, 2022.

Dated this 29th day of December, 2022

DISTRICT COURT JUDGE

7FA BD6 4588 3C1A
Carli Kierny
District Court Judge

January 31, 2023

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))

SUBMITTED BY:

AARON D. FORD
Attorney General

/s/ Alissa Engler
ALISSA ENGLER (Bar No. 11940)
Chief Deputy Attorney General
Attorneys for the State of Nevada

CSERV

DISTRICT COURT
CLARK COUNTY, NEVADA

State of Nevada	CASE NO: C-22-364535-1
vs	DEPT. NO. Department 24
Richard Bogue	

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: 12/29/2022

Ronda Holm	rholm@ag.nv.gov
Courtney Ross	CRoss@ag.nv.gov
Ozzie Fumo	Ozzie@Fumolaw.com
Marcie Burris	mburris@ag.nv.gov
Eddie Rueda	erueda@ag.nv.gov
Kristine Tacata	kristine.fumolaw@gmail.com
Erica Gold	egold@ag.nv.gov
Tiffany DiBari	tdibari@ag.nv.gov

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor | **COURT MINUTES** | **December 19, 2022**

C-22-364535-1 State of Nevada
vs
Richard Bogue

December 19, 2022 09:30 AM Sentencing

HEARD BY: Kierny, Carli COURTROOM: RJC Courtroom 12C

COURT CLERK: Burchfield, Pharan

RECORDER: Curameng, Aimee

REPORTER:

PARTIES PRESENT:

Alissa Engler	**Attorney for Plaintiff**
Osvaldo E Fumo	**Attorney for Defendant**
Richard Bogue	**Defendant**
State of Nevada	**Plaintiff**

JOURNAL ENTRIES

COURT NOTED a conflict with Hon. Ballou, and therefore, Hon. Kierny presided over this hearing.

DEFT. BOGUE ADJUDGED GUILTY of INHUMANITY TO A PRISONER (GM). Matter argued by Ms. Engler and Mr. Fumo. Statement by Defendant. [redacted] SWORN and TESTIFIED at 11:03 a.m. COURT ORDERED, in addition to the $25.00 Administrative Assessment fee, $150.00 DNA Analysis fee, including testing to determine genetic markers, and $3.00 DNA Collection fee, Deft. SENTENCED to Clark County Detention Center (CCDC) for THREE HUNDRED SIXTY-FOUR (364) DAYS, SUSPENDED; placed on PROBATION for an indeterminate period not to exceed ONE (1) YEAR. In addition to the Standard Condition of Probation, COURT ORDERED, SPECIAL CONDITIONS IMPOSED.
SPECIAL CONDITIONS:
1. Deft. to pay a $2,000.00 fine;
2. Deft. will pay for, attend, and complete Court-authorized parenting classes concerning the proper parenting of a special needs children;
3. Deft. will comply with any orders or directives from the Nevada Division of Child and Family Services relative to Defendant's daughter, [redacted]
4. Deft. will be barred from maintaining employment in any law enforcement capacity; and
5. Deft. will enroll and complete impulse control classes.

COURT FURTHER ORDERED, Defendant is to report to Parole and Probation within forty-eight (48) hours.

COURT ADDITIONALLY ORDERED, STANDARD PROBATION CONDITIONS IMPOSED as follows:

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.

EXHIBIT G

Residence: You shall not change your place of residence without first obtaining permission from the Division of Parole and Probation, in each instance.

Intoxicants: You shall not consume any alcoholic beverages whatsoever. 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.

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.

Weapons: You shall not possess, have access to, or have under your control any type of weapon.

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.

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 to a correctional institution unless specific written permission has been granted by the Division and the correctional institution.

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.

Laws: You shall comply with all municipal, county, state, and federal laws and ordinances.

Out of State Travel: You shall not leave the state without first obtaining written permission from the Division of Parole and Probation.

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.

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.

January 31, 2023

BOND, if any, EXONERATED.

NIC

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))

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

Discussion and possible action to restart the rulemaking process regarding the language change to NAC 289.270, revising the requirements to qualify for an Executive Certificate.

CURRENT LANGUAGE:

NAC 289.270 Executive certificate. (NRS 289.510)

1. The Commission will grant an executive certificate to an officer upon submission of proof satisfactory to the Commission that the officer meets the following minimum requirements:

(a) A current basic certificate.

(b) A current intermediate certificate.

(c) A current advanced certificate.

(d) A current supervisor certificate.

(e) A current management certificate.

(f) Six years of experience as a peace officer, including at least 1 year of experience in an executive level position and a current assignment in an executive level position.

(g) Two hundred hours of training in advanced management in addition to the training completed for the basic, intermediate, advanced, supervisor and management certificates.

(h) The applicant must present proof that the current assignment meets the criteria for an executive level position as set forth in NAC 289.047 by submitting a letter of recommendation with the application which is signed by the administrator of the agency. The letter must include an organizational chart which demonstrates the applicant's position within the agency and must describe the manner in which the applicant's current assignment meets the criteria for an executive level position as set forth in NAC 289.047.

2. In making a determination pursuant to subsection 1, the Commission will review and consider each applicant individually.

PROPOSED LANGUAGE:

NAC 289.270 Executive certificate. (NRS 289.510)

1. ***Except as otherwise provided in subsection 2, the*** Commission ***may*** grant an executive certificate to an officer upon submission of proof satisfactory to the Commission that the officer meets the following minimum requirements:

(a) A current basic certificate.

(b) A current intermediate certificate.

(c) A current advanced certificate.

(d) A current supervisor certificate.

(e) A current management certificate.

(f) Six years of experience as a peace officer, including at least 1 year of experience in an executive level position and a current assignment in an executive level position.

(g) Two hundred hours of training in advanced management in addition to the training completed for the basic, intermediate, advanced, supervisor and management certificates.

(h) The applicant must present proof that the current assignment meets the criteria for an executive level position as set forth in NAC 289.047 by submitting a letter of recommendation with the application which is signed by the administrator of the agency. The letter must describe the manner in which the applicant's current assignment meets the criteria for an executive level position as set forth in NAC 289.047 ***or***

2. Where the applicant is eligible for reciprocity and meets sections 1. (f), (g) and (h) above and possesses a basic, intermediate, advanced, supervisor and management certificate from that state or federal agency recognized for reciprocity. Should the reciprocity state not issue such certificates, proof from the applicant that they have the training and experience in that reciprocity state that would meet Nevada POST requirement for such certificate had the applicant been a Nevada peace officer ***or***

3. The applicant has been appointed or elected to the executive level position and has 5 consecutive years in the position.

4. 4 In making a determination, the Commission will review and consider each applicant individually.

12. PUBLIC COMMENTS

The Commission may not take action on any matter considered under this item until the matter is specifically included on an agenda as an action item.

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

Schedule upcoming Commission Meeting – July

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

Adjournment.