

NEVADA COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

POST COMMISSION MEETING
8:00 A.M., THURSDAY,
OCTOBER 26, 2023

SOUTHPOINTE HOTEL/CASINO
9777 LAS VEGAS BLVD., S.
NAPA ROOMS A/B
LAS VEGAS, NV

PUBLIC COMMENT HEARING

1. Call to Order

2. Roll call of Commission Members

TOPICS

A. LCB File R004-23 – Amend NAC 289.110 to accommodate recent law changes regarding marijuana. NAC 289.110(5) *The provisions of subsection 4 do not apply to a person who has been convicted of an offense involving the unlawful use, sale or possession of marijuana if the offense is not unlawful at the time the person submits an application for certification as a peace officer.*

B. LCB File R005-23 – Amend NAC 289.300(1)(b) "*a person enrolling in a basic training program* ***may*** *be required to pass…."*

C. LCB File R006-23 – Amend NAC 289.200(4)(a) to remove the requirement that the physical fitness examination be passed "not later than 16 weeks after the first day" and instead require the physical fitness examination to be passed "during" the academy.

D. LCB File R007-23 – Amend NAC 289.200(8) to remove the "full-time" requirement to maintain the basic certificate.

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

JOE LOMBARDO
Governor

MICHAEL D. SHERLOCK
Executive Director

NOTICE OF INTENT TO ACT UPON A REGULATION

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

PUBLIC COMMENT HEARING NOTICE: The Commission on Peace Officer Standards and Training ("Commission") will be holding a Public Comment Hearing at **8:00 a.m. on Thursday, October 26, 2023, at the Southpoint Hotel and Casino, 9777 Las Vegas Blvd., S., Napa Room B, Las Vegas, NV 89183**. The purpose of the hearing is to receive comments from all interested persons regarding the adoption and/or amendment of regulations that pertain to Chapter 289 of the Nevada Administrative Code (NAC).

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

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

Existing law requires the Peace Officer Standards and Training Commission to adopt regulations establishing minimum standards for the certification and decertification, recruitment, selection and training of peace officers. (NRS 289.510)
NAC289.110(4) states a person may not be appointed to perform the duties of a peace officer if he or she has been convicted of an offense involving moral turpitude or the unlawful use, sale or possession of a controlled substance. This update to the regulation (R004-23P) will update the hiring standards to accommodate recent law changes regarding marijuana. The update states "The provisions of subsection 4 do not apply to a person who has been convicted of an offense involving the unlawful use, sale or possession of marijuana if the offense is not unlawful at the time the person submits an application for certification as a peace officer."
This change will allow previously disqualified candidates to be eligible for peace officer positions, potentially expanding the hiring field for agencies.

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

This is a permanent regulation.

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

   The proposed regulation text may be obtained by going to the Register of Administrative Regulations for 2023 and clicking the link: https://www.leg.state.nv.us/Register/2023Register/R004-23P.pdf, by contacting Chief Kathy Floyd at kfloyd@post.state.nv.us or by telephone at 775-687-7678, ext. 3335 or going to the Nevada Commission on POST website at https://post.nv.gov.

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

   (a) Both adverse and beneficial effects; and

   (1) Adverse effects: None

   (2) Beneficial effects: Allow agencies to hire a previously disqualified group of candidates, which can expand their ability to hire.

   (b) Both immediate and long-term effects:

   (1) The immediate effects: Expanding the ability of agencies to hire.

   (2) The long-term effects: Providing a newly expanded pool of applicants would aid agencies in the ability to fill much needed positions.

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

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

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

   None

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

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

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

   The proposed regulation is not required by federal law.

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

   There are no federal regulations that regulate the same activity.

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

This regulation does not involve or establish fees.

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

N/A

****

Persons wishing to comment upon the proposed action of the Commission on Peace Officer Standards and Training (Commission on POST) may appear at the scheduled public hearing or may address their comments, data, views or arguments, in written form, to Michael D. Sherlock, Executive Director, Commission on POST, 5587 Wa Pai Shone Avenue, Carson City, Nevada 89701. **Written submissions must be received by the Commission on POST on or before 5:00 pm on October 12, 2023.** If no person who is directly affected by the proposed action appears to request time to make an oral presentation, the Commission on POST may proceed immediately to act upon any written submissions.
This Notice of Intent to Act Upon Regulations and the proposed regulation will be on file at the State Library, Archives and Public Records Administrator, 100 Stewart Street, Carson City, Nevada for inspection by members of the public during business hours. Additional copies of the notice and regulations to be adopted, amended or repealed will be available at the Commission on POST Administrative Offices, 5587 Wai Pai Shone Avenue, Carson City, 89701, State of Nevada Register of Administrative Regulations, which is prepared and published monthly by the Legislative Counsel Bureau pursuant to NRS 233B.0653, and on the Internet at http://leg.state.nv.us, the POST web site at http://post.nv.gov and the State of Nevada Department of Administration website at https://notice.nv.gov .

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

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

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

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SEE ATTACHED COPIES OF THE PROPOSED REGULATIONS

PROPOSED REGULATION OF THE PEACE OFFICERS'

STANDARDS AND TRAINING COMMISSION

LCB File No. R004-23

July 17, 2023

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

AUTHORITY: §1, NRS 289.510.

A REGULATION relating to peace officers; revising provisions concerning standards for the appointment of peace officers; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law creates the Peace Officers' Standards and Training Commission and requires the Commission to adopt regulations establishing minimum standards for the certification and decertification, recruitment, selection and training of peace officers. (NRS 289.500, 289.510) Existing regulations prohibit a person from being appointed to perform the duties of a peace officer if the person has, among other things, been convicted of an offense involving moral turpitude or the unlawful use, sale or possession of a controlled substance. (NAC 289.110, as amended by section 1 of Adopted Reg. of Peace Officers' Standards & Training Comm'm, LCB File No. R078-21) This regulation exempts from this prohibition a person who has been convicted of an offense involving the unlawful use, sale or possession of marijuana if the offense is not unlawful at the time the person submits an application for certification as a peace officer.

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

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

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

(b) Is a citizen of the United States;

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

(d) Has:

(1) Graduated from high school;

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

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

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

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

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

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

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

(d) A financial history of the person;

(e) The educational background of the person;

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

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

(h) A drug screening test;

(i) A psychological evaluation;

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

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

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

4. ~~[A]~~ ***Except as otherwise provided in subsection 5, a*** person may not be appointed to perform the duties of a peace officer if he or she has:

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

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

(c) A documented history of physical violence; or

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

5. The provisions of subsection 4 do not apply to a person who has been convicted of an offense involving the unlawful use, sale or possession of marijuana if the offense is not unlawful at the time the person submits an application for certification as a peace officer.

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

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

Existing law requires the Peace Officer Standards and Training Commission to adopt regulations establishing minimum standards for the certification and decertification, recruitment, selection and training of peace officers. (NRS 289.510)
NAC289.300(1)(b) requires a person enrolling in a basic training program must be required to pass the 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. This update to the regulation (R005-23RP1) will make this requirement optional for academies by updating the language to say "a person enrolling in a basic training program may be required to pass…." With strict, regimented physical training, a cadet that could not pass the physical fitness test at the start of the academy could be conditioned to pass the final physical fitness examination before the end of the academy. Dismissing such a cadet causes a financial burden on agencies that have spent several thousand dollars completing a full background on a candidate that can be conditioned to pass the examination. Using this "entrance level" physical fitness test as a guide to evaluate the physical fitness of cadets at the start of the academy, instead of a mandatory requirement to pass, will allow agencies to maintain their new hires and train the cadet to meet the physical fitness standard during the academy and allow them to retain the officers that otherwise would have been dismissed.

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

This is a permanent regulation.

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

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

(a) Both adverse and beneficial effects; and

(1) Adverse effects: None

(2) Beneficial effects: Allow for retention of newly hired officers and allow the academy to condition these officers to pass the final physical fitness examination instead of dismissing the officer and having to start the hiring process over again, costing thousands of dollars agencies do not have in their budgets.

(b) Both immediate and long-term effects:

(1) The immediate effects: Retention of officers, fewer dismissals

(2) The long-term effects: Retention of officers that only need regimented physical fitness training to pass the final physical fitness test. Agencies will benefit from retaining these new hires and not having to start the hiring process over.

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

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

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

None

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

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

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

The proposed regulation is not required by federal law.

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

There are no federal regulations that regulate the same activity.

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

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N/A

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REVISED PROPOSED REGULATION OF THE PEACE

OFFICERS' STANDARDS AND TRAINING COMMISSION

LCB File No. R005-23

July 19, 2023

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

AUTHORITY: § 1, NRS 289.510, as amended by section 7 of Senate Bill No. 225, chapter 422, Statutes of Nevada 2023, at page 2546, and section 1 of Senate Bill No. 323, chapter 158, Statutes of Nevada 2023, at page 839.

A REGULATION relating to peace officers; revising requirements relating to the certification of basic training courses for peace officers; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Peace Officers' Standards and Training Commission to adopt regulations establishing minimum standards for the certification, decertification, recruitment, selection and training of peace officers. (NRS 289.510, as amended by section 7 of Senate Bill No. 225, chapter 422, Statutes of Nevada 2023, at page 2546, and section 1 of Senate Bill No. 323, chapter 158, Statutes of Nevada 2023, at page 839)

Existing regulations require the Executive Director of the Commission to certify basic training courses for peace officers which meet certain requirements, including that a person enrolling in such a course must pass a physical examination within a certain period. (NAC 289.300) This regulation instead requires the Executive Director to certify a basic training course if a person enrolling in the course may be required to pass a physical fitness examination.

Section 1. NAC 289.300 is hereby amended to read as follows:

289.300 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.

(c) Each course submitted to the Executive Director for certification must have a curriculum that contains the following elements:

(1) Each topic of instruction for which the Commission has not established standardized performance objectives must have specifically defined objectives for the performance of the students which are based upon known work requirements;

(2) Each topic of instruction for which the Commission has established standardized performance objectives must include, at a minimum, the standardized performance objectives established by the Commission;

(3) Each topic of instruction must have a detailed lesson plan that specifically describes what the student is taught; and

(4) Each topic of instruction must be assigned a specific amount of time.

(d) Each course must employ performance-oriented instructional methods that provide opportunities for each student to demonstrate achievement of the objectives.

(e) For each course, there must be a system of written or practical examinations, or both, that will measure on a pass or fail basis the success of each student in achieving the objectives, including an examination at the beginning and end of each course.

(f) Each agency submitting a course for certification shall provide an instructional facility that meets the following requirements:

(1) A classroom with adequate heating, cooling, ventilation, lighting and space and an environment conducive to learning;

(2) Comfortable chairs with tables or arms for writing;

(3) Audiovisual equipment necessary to support the course;

(4) Instructional films and videotapes necessary to support the course; and

(5) A firing range adequate to train officers safely in the use of firearms.

(g) If an agency authorizes the use of the carotid restraint or the lateral vascular neck restraint, the course must include at least 8 hours of instruction in that restraint and include presentations on the use of force, the rules of the agency relating to safety, medical implications, approved techniques, and instruction on care and control measures. The course provided by such an agency must also include a written test of at least 10 questions requiring a minimum score of 70 percent and a proficiency test requiring a minimum score of 85 percent. The agency shall maintain records of each student's performance in the course.

2. Certification of courses will be made and maintained on the basis of on-site inspections conducted by the Executive Director or the staff of the Executive Director. Inspections will be conducted at the discretion of the Executive Director. The agency shall notify the Executive Director of any proposed changes regarding courses, instructors and facilities.

3. The Executive Director shall deny, suspend or revoke the certification of any course for failure of the agency to maintain the minimum curriculum, qualified instructors or requirements for the facility established by the Commission. The Executive Director shall automatically suspend the certification of a course that ceases operation for 24 consecutive months.

4. An agency requesting certification of a course shall make the request in writing to the Executive Director at least 60 days before the course is scheduled to begin. The training course must be reviewed and the request signed by the administrator of the agency and the legal adviser. The Executive Director shall acknowledge receipt of the request within 5 working days. The Executive Director shall respond with a detailed review of the course within 30 days and rule on the request within 45 days after receipt of the request.

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

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

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

NAC289.200(4)(a) requires an officer to complete the physical fitness exam not later than 16 weeks after the first day of the officer's basic academy. This proposed regulation (R006-23) will require the physical fitness exam to be completed during the academy, removing the 16-week requirement. This will allow for better conditioning of cadets without the additional pressure of the 16-week deadline, and will produce better, overall scores with less injuries. This will allow for retention of cadets that would have otherwise been dismissed as they have more time to get into top physical condition.

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

This is a permanent regulation.

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

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

   (a) Both adverse and beneficial effects; and

   (1) Adverse effects: None

   (2) Beneficial effects: Retention of cadets/officers that would have been dismissed from the law enforcement academy due to physical fitness limitations. Less risk of injury to cadets in law enforcement academy because this allows for more time to be taken with conditioning and learning the benefits of physical fitness and lifetime fitness.

   (b) Both immediate and long-term effects:

   (1) The immediate effects: Retention of cadets in the law enforcement academy

   (2) The long-term effects: Retention of cadets/officers that would have been dismissed from the academy because of failure to pass the physical fitness test within the 16 weeks, who, by the end of the law enforcement academy, can pass the test at certification level because they received the additional conditioning they needed. There will be less funds spent on new recruiting and backgrounds because they've been able to condition and train cadets throughout the academy, therefore retaining these officers who previously would have been dismissed.

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

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

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

   None

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

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

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****

Persons wishing to comment upon the proposed action of the Commission on Peace Officer Standards and Training (Commission on POST) may appear at the scheduled public hearing or may address their comments, data, views or arguments, in written form, to Michael D. Sherlock, Executive Director, Commission on POST, 5587 Wa Pai Shone Avenue, Carson City, Nevada 89701. **Written submissions must be received by the Commission on POST on or before 5:00 pm on October 12, 2023.** If no person who is directly affected by the proposed action appears to request time to make an oral presentation, the Commission on POST may proceed immediately to act upon any written submissions.
This Notice of Intent to Act Upon Regulations and the proposed regulation will be on file at the State Library, Archives and Public Records Administrator, 100 Stewart Street, Carson City, Nevada for inspection by members of the public during business hours. Additional copies of the notice and regulations to be adopted, amended or repealed will be available at the Commission on POST Administrative Offices, 5587 Wai Pai Shone Avenue, Carson City, 89701, State of Nevada Register of Administrative Regulations, which is prepared and published monthly by the Legislative Counsel Bureau pursuant to NRS 233B.0653, and on the Internet at http://leg.state.nv.us, the POST web site at http://post.nv.gov and the State of Nevada Department of Administration website at https://notice.nv.gov .

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

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

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

Commission on POST Administrative Office
Carson City, NV 89701

http://post.nv.gov

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http://leg.state.nv.us

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

R006-23

SEE ATTACHED COPIES OF THE PROPOSED REGULATIONS

PROPOSED REGULATION OF THE PEACE OFFICERS'

STANDARDS AND TRAINING COMMISSION

LCB File No. R006-23

July 17, 2023

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

AUTHORITY: § 1, NRS 289.510, as amended by section 7 of Senate Bill No. 225, chapter 422, Statutes of Nevada 2023, at page 2546, and section 1 of Senate Bill No. 323, chapter 158, Statutes of Nevada 2023, at page 839.

A REGULATION relating to peace officers; requiring certain peace officers to pass the state physical fitness examination during basic training; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Peace Officers' Standards and Training Commission to adopt regulations establishing minimum standards for the certification, decertification, recruitment, selection and training of peace officers. (NRS 289.510, as amended by section 7 of Senate Bill No. 225, chapter 422, Statutes of Nevada 2023, at page 2546, and section 1 of Senate Bill No. 323, chapter 158, Statutes of Nevada 2023, at page 839)

Existing regulations require, with certain exceptions, a peace officer to pass the state physical fitness examination not later than 16 weeks after the first day of the officer's basic training course. (NAC 289.200) This regulation requires, with certain exceptions, a peace officer to instead pass the state physical fitness examination during the officer's basic training course.

FIRST PARALLEL SECTION

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

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

(a) Satisfactorily completed the basic training course for basic certification;

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

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

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

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

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

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

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

(1) Abuse of older persons;

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

(3) Civil liability;

(4) Classification and receiving of offenders;

(5) Constitutional law;

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

(7) Crimes against persons;

(8) Crimes against property;

(9) Cultural awareness;

(10) Domestic violence, stalking and aggravated stalking;

(11) Ethics in law enforcement;

(12) Fire safety and use of emergency equipment;

(13) Games offenders play;

(14) Gangs and cults;

(15) Juvenile law;

(16) Laws relating to arrest;

(17) Laws relating to correctional institutions;

(18) Laws relating to drugs, including, without limitation, current trends in drugs;

(19) Miscellaneous crimes;

(20) Modern correctional philosophy;

(21) Probable cause;

(22) Public and media relations;

(23) Records of offenders in institutions;

(24) Rights of victims;

(25) Search and seizure;

(26) Searches of offender institutions;

(27) Supervision of offenders;

(28) Training concerning active assailants; and

(29) Use of force;

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

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

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

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

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

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

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

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

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

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

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

5. If a student enrolled in a basic training course certified or approved pursuant to NAC 289.300 sustains a bona fide physical injury that renders him or her incapable of completing the requirements of the state physical fitness examination, an agency may submit a request for an extension of time for the student to complete the examination. The agency shall submit such a request to the Executive Director. The request must include, without limitation, written

verification by a physician that the student is incapable of completing the requirements of the state physical fitness examination. If the Executive Director determines that an extension of time is warranted, the Executive Director shall authorize an extension of time for a period not to exceed 12 months after the date on which the student was hired or, if the student is a reserve officer, the date of activation of his or her reserve status.

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

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

(b) More than 16 weeks, but less than 12 months, after the date on which the officer was hired or, if the officer is a reserve officer, the date of activation of his or her reserve status,

➥ the employing agency of the officer may submit a request to the Executive Director to waive the requirements of subsection 4. The request must include, without limitation, the reason the officer was unable to pass the state physical fitness examination within the periods described in subsection 4. The Executive Director may, for good cause shown, grant a request submitted pursuant to this subsection.

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

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

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

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

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

8. The basic certificate of an officer whose employment is terminated for any reason will be placed on inactive status. If such a person is again employed as a 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.

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

JOE LOMBARDO
Governor

MICHAEL D. SHERLOCK
Executive Director

NOTICE OF INTENT TO ACT UPON A REGULATION

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

PUBLIC COMMENT HEARING NOTICE: The Commission on Peace Officer Standards and Training ("Commission") will be holding a Public Comment Hearing at **8:00 a.m. on Thursday, October 26, 2023, at the Southpoint Hotel and Casino, 9777 Las Vegas Blvd., S., Napa Room B, Las Vegas, NV 89183**. The purpose of the hearing is to receive comments from all interested persons regarding the adoption and/or amendment of regulations that pertain to Chapter 289 of the Nevada Administrative Code (NAC).

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

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

Existing law requires the Peace Officer Standards and Training Commission to adopt regulations establishing minimum standards for the certification and decertification, recruitment, selection and training of peace officers. (NRS 289.510)
NAC289.200(8) requires a person to be a full-time officer in order to be re-employed and maintain their basic certificate. In order to aid in the hiring and retention of officers, we will remove the full-time requirement. This will allow officers to pursue part time law enforcement employment, especially after retirement, utilizing a large, certified employment base for agencies.
The benefit is two-fold - Nevada law enforcement agencies will be able to save money by hiring part time, experienced, certified officers and Nevada officers will be able to maintain their certification without mandated full-time employment.

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

This is a permanent regulation.

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

The proposed regulation text may be obtained by going to the Register of Administrative Regulations for 2023 and clicking the link: https://www.leg.state.nv.us/Register/2023Register/R007-23P.pdf, by contacting Chief Kathy Floyd at kfloyd@post.state.nv.us or by telephone at 775-687-7678, ext. 3335 or going to the Nevada Commission on POST website at https://post.nv.gov.

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

(a) Both adverse and beneficial effects; and

(1) Adverse effects: None

(2) Beneficial effects: Nevada law enforcement agencies will be able to save money by hiring part time, experienced, certified officers.

(b) Both immediate and long-term effects:

(1) The immediate effects: Allow law enforcement agencies to immediately hire part time personnel to fill positions they cannot fill due to recruiting issues

(2) The long-term effects: Allow law enforcement agencies to build up part time, reserve programs, with certified, experienced officers.

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

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

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

None

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

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

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

The proposed regulation is not required by federal law.

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

There are no federal regulations that regulate the same activity.

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

This regulation does not involve or establish fees.

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

N/A

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Persons wishing to comment upon the proposed action of the Commission on Peace Officer Standards and Training (Commission on POST) may appear at the scheduled public hearing or may address their comments, data, views or arguments, in written form, to Michael D. Sherlock, Executive Director, Commission on POST, 5587 Wa Pai Shone Avenue, Carson City, Nevada 89701. **Written submissions must be received by the Commission on POST on or before 5:00 pm on October 12, 2023.** If no person who is directly affected by the proposed action appears to request time to make an oral presentation, the Commission on POST may proceed immediately to act upon any written submissions.
This Notice of Intent to Act Upon Regulations and the proposed regulation will be on file at the State Library, Archives and Public Records Administrator, 100 Stewart Street, Carson City, Nevada for inspection by members of the public during business hours. Additional copies of the notice and regulations to be adopted, amended or repealed will be available at the Commission on POST Administrative Offices, 5587 Wai Pai Shone Avenue, Carson City, 89701, State of Nevada Register of Administrative Regulations, which is prepared and published monthly by the Legislative Counsel Bureau pursuant to NRS 233B.0653, and on the Internet at http://leg.state.nv.us, the POST web site at http://post.nv.gov and the State of Nevada Department of Administration website at https://notice.nv.gov .

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

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SEE ATTACHED COPIES OF THE PROPOSED REGULATIONS

PROPOSED REGULATION OF THE PEACE OFFICERS'

STANDARDS AND TRAINING COMMISSION

LCB File No. R007-23

July 13, 2023

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

AUTHORITY: § 1, NRS 289.510, as amended by section 7 of Senate Bill No. 225, chapter 422, Statutes of Nevada 2023, at page 2546, and section 1 of Senate Bill No. 323, chapter 158, Statutes of Nevada 2023, at page 839.

A REGULATION relating to peace officers; requiring employing agencies to request the basic certification of certain persons be returned to active status; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Peace Officers' Standards and Training Commission to adopt regulations establishing minimum standards for the certification, decertification, recruitment, selection and training of peace officers. (NRS 289.510, as amended by section 7 of Senate Bill No. 225, chapter 422, Statutes of Nevada 2023, at page 2546, and section 1 of Senate Bill No. 323, chapter 158, Statutes of Nevada 2023, at page 839)

Existing regulations provide that the basic certificate of an officer whose employment is terminated for any reason will be placed on inactive status. If such person is again employed as a full-time peace officer, the employing agency is required to request that that person's basic certificate be returned to active status. (NAC 289.200) This regulation requires an employing agency to make such a request regardless of whether the person is employed as a full-time peace officer.

FIRST PARALLEL SECTION

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

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

(a) Satisfactorily completed the basic training course for basic certification;

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

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

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

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

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

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

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

(1) Abuse of older persons;

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

(3) Civil liability;

(4) Classification and receiving of offenders;

(5) Constitutional law;

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

(7) Crimes against persons;

(8) Crimes against property;

(9) Cultural awareness;

(10) Domestic violence, stalking and aggravated stalking;

(11) Ethics in law enforcement;

(12) Fire safety and use of emergency equipment;

(13) Games offenders play;

(14) Gangs and cults;

(15) Juvenile law;

(16) Laws relating to arrest;

(17) Laws relating to correctional institutions;

(18) Laws relating to drugs, including, without limitation, current trends in drugs;

(19) Miscellaneous crimes;

(20) Modern correctional philosophy;

(21) Probable cause;

(22) Public and media relations;

(23) Records of offenders in institutions;

(24) Rights of victims;

(25) Search and seizure;

(26) Searches of offender institutions;

(27) Supervision of offenders;

(28) Training concerning active assailants; and

(29) Use of force;

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

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

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

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

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

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

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

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

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

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

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

5. If a student enrolled in a basic training course certified or approved pursuant to NAC 289.300 sustains a bona fide physical injury that renders him or her incapable of completing the requirements of the state physical fitness examination, an agency may submit a request for an extension of time for the student to complete the examination. The agency shall submit such a

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

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

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

(b) More than 16 weeks, but less than 12 months, after the date on which the officer was hired or, if the officer is a reserve officer, the date of activation of his or her reserve status,

➥ the employing agency of the officer may submit a request to the Executive Director to waive the requirements of subsection 4. The request must include, without limitation, the reason the officer was unable to pass the state physical fitness examination within the periods described in subsection 4. The Executive Director may, for good cause shown, grant a request submitted pursuant to this subsection.

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

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

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

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

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

8. The basic certificate of an officer whose employment is terminated for any reason will be placed on inactive status. If such a person is again employed as a ~~[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.

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 and or amendment of regulations pertaining to Chapter 289 of the Nevada Administrative Code.

A workshop has been scheduled for **8:00 a.m. on Thursday, October 26, 2023, at the Southpoint Hotel/Casino, 9777 Las Vegas Blvd., S., Napa Room B, Las Vegas, 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 standards, pursuant to SB 323, *for the reciprocity of a person who has been certified as a category III peace officer or its equivalent by the certifying authority of another state or who has successfully completed a federal law enforcement training program that is equivalent to a category III peace officer in this State.*	**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.

1. Workshop on proposed regulation change.

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 REGULATION**
A. Discussion regarding the creation of standards, pursuant to SB 323, *for the reciprocity of a person who has been certified as a category III peace officer or its equivalent by the certifying authority of another state or who has successfully completed a federal law enforcement training program that is equivalent to a category III peace officer in this State.*	**New Regulation**

NAC 289.200. The Executive Director may award a basic certificate to any officer working in an assignment equivalent to the category III Nevada officer position who has been certified by the certifying entity of another state, where that state has a statewide certifying entity, or has successfully completed a Federal Law Enforcement Training Centers of the United States Department of Homeland Security training program regarding custody and detention approved by the Commission or provides verifiable evidence of training equivalent to category III training in Nevada when employed in a state that does not have a statewide certifying entity for custody and detention assignments, 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 or employment from that other state and was at least equivalent to the basic training course for category III certification;

(b) The certification of the officer in the other jurisdiction has not been revoked or suspended; in the case where no certification is required in that other state, no discipline or acts that, if occurred in Nevada, would be cause for revocation or suspension.

(c) Not more than 60 months have lapsed since the officer was employed full time in the other jurisdiction as a custody or detention officer;

(d) The officer has satisfactorily completed a training course that is approved by the Executive Director which consists of a minimum of 40 hours of training that satisfies the requirements established by the Commission pursuant to subsection 1 of NAC 289.300 in:

Ethics in Law Enforcement
Cultural Awareness
Crisis Intervention
Handling of Persons with Mental Illness
Public & Media relations
Constitutional Law
Use of Force
Civil Liability
Laws Relating to Drugs
Modern Correctional Philosophy
Laws Relating to Correctional Institutions
Classification & Receiving Prisoners
Supervision of Offenders
Care of Persons in Custody
Searches of Offender Institutions
Games Offenders Play
Gangs & Cults
Records of Offenders in Institutions

DRAFT

Domestic Violence
Active Assailant & Building Searches
Counter Terrorism & WMD
Fire Safety & Use of Equipment

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

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

DRAFT

Senate Bill No. 323–Senators Seevers Gansert; and Hansen

CHAPTER.....

AN ACT relating to peace officers; requiring the Peace Officers' Standards and Training Commission to adopt certain regulations concerning the recruitment and selection of category III peace officers from other states or the Federal Government; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law creates the Peace Officers' Standards and Training Commission and requires the Commission to adopt regulations establishing minimum standards for the certification and decertification, recruitment, selection and training of peace officers. (NRS 289.500, 289.510) This bill requires the Commission to adopt regulations to establish standards for the reciprocity of a person from another state or the Federal Government with a certification or law enforcement training equivalent to a category III peace officer.

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

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 289.510 is hereby amended to read as follows:

289.510 1. The Commission:

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

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

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

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

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

(3) Standards for programs for the continuing education of peace officers, including minimum courses of study and requirements concerning attendance, which must require that all

peace officers annually complete not less than 12 hours of continuing education in courses that address:

(I) Racial profiling;

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

(III) The well-being of officers;

(IV) Implicit bias recognition;

(V) De-escalation;

(VI) Human trafficking; and

(VII) Firearms.

(4) Qualifications for instructors of peace officers;

(5) Requirements for the certification of a course of training; ~~[and]~~

(6) Standards for an annual behavioral wellness visit for peace officers to aid in preserving the emotional and mental health of the peace officer and assessing conditions that may affect the performance of duties by the peace officer ~~[.]~~ ***; and***

(7) Standards for the reciprocity of a person who has been certified as a category III peace officer or its equivalent by the certifying authority of another state or who has successfully completed a federal law enforcement training program that is equivalent to a category III peace officer in this State.

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

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

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

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

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

(i) Shall develop and approve a standard curriculum of certified training programs in crisis intervention, which may be made available in an electronic format, and which address specialized responses to persons with mental illness and train peace officers to identify the signs and symptoms of mental illness, to de-escalate situations involving persons who appear to be experiencing a behavioral health crisis and, if appropriate, to connect such persons

to treatment. A peace officer who completes any program developed pursuant to this paragraph must be issued a certificate of completion.

2. Regulations adopted by the Commission:

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

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

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

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

Sec. 2. 1. This section becomes effective upon passage and approval.

2. Section 1 of this act becomes effective:

(a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On January 1, 2024, for all other purposes.

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

AMENDED NOTICE OF PUBLIC MEETING (NRS 241)

NOTICE IS HEREBY GIVEN THAT STARTING AT **8:00 A.M. ON THURSDAY, OCTOBER 26, 2023,** THE COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING WILL HOLD A PUBLIC COMMENT, WORKSHOP AND REGULARLY SCHEDULED MEETING AT **THE SOUTHPOINT HOTEL/CASINO, 9777 LAS VEGAS BLVD., S., NAPA ROOM B, LAS VEGAS, NV 89183.**

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

I. PUBLIC COMMENT HEARINGS

1. Call to order

2. Roll call of Commission Members

3. Public Comment Hearing on Proposed Regulations LCB File R004-23, R005-23, R006-23, R007-23.

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

TOPICS

A. LCB File R004-23 – Amend NAC 289.110 to accommodate recent law changes regarding marijuana. NAC 289.110(5) *The provisions of subsection 4 do not apply to a person who has been convicted of an offense involving the unlawful use, sale or possession of marijuana if the offense is not unlawful at the time the person submits an application for certification as a peace officer.*

B. LCB File R005-23 – Amend NAC 289.300(1)(b) "*a person enrolling in a basic training program **may** be required to pass…."*

C. LCB File R006-23 – Amend NAC 289.200(4)(a) to remove the requirement that the physical fitness examination be passed "not later than 16 weeks after the first day" and instead require the physical fitness examination to be passed "during" the academy.

D. LCB File R007-23 – Amend NAC 289.200(8) to remove the "full-time" requirement to maintain the basic certificate.

II. WORKSHOP

1. Workshop on proposed regulation change.

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 REGULATION**
A. Discussion regarding the creation of standards, pursuant to SB 323, *for the reciprocity of a person who has been certified as a category III peace officer or its equivalent by the certifying authority of another state or who has successfully completed a federal law enforcement training program that is equivalent to a category III peace officer in this State.*	**New Regulation**

2. 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.

III. REGULARLY SCHEDULED MEETING AGENDA ITEMS

1. **DISCUSSION, PUBLIC COMMENT, AND FOR POSSIBLE ACTION.**
   a. Approval of minutes from the July 27, 2023 regularly scheduled meeting.

2. **INFORMATION** Executive Director's report.
   a. Training Division
   b. Standards Division
   c. Administration

3. **DISCUSSION, PUBLIC COMMENT, AND FOR POSSIBLE ACTION.**
   The Commission to discuss and take possible action to adopt, amend or repeal their regulations as follows:

   A. LCB File R004-23 – Amend NAC 289.110 to accommodate recent law changes regarding marijuana. NAC 289.110(5) The provisions of subsection 4 do not apply to a person who has been convicted of an offense involving the unlawful use, sale or possession of marijuana if the offense is not unlawful at the time the person submits an application for certification as a peace officer.

B. LCB File R005-23 – Amend NAC 289.300(1)(b) "a person enrolling in a basic training program ***may*** be required to pass…."

C. LCB File R006-23 – Amend NAC 289.200(4)(a) to remove the requirement that the physical fitness examination be passed "not later than 16 weeks after the first day" and instead require the physical fitness examination to be passed "during" the academy.

D. LCB File R007-23 – Amend NAC 289.200(8) to remove the "full-time" requirement to maintain the basic certificate.

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

4. **DISCUSSION, PUBLIC COMMENT, AND FOR POSSIBLE ACTION.**
Discussion by the Commission to continue the rulemaking process regarding the creation of standards pursuant to SB 323, *for the reciprocity of a person who has been certified as a category III peace officer or its equivalent by the certifying authority of another state or who has successfully completed a federal law enforcement training program that is equivalent to a category III peace officer in this State.*

5. **DISCUSSION, PUBLIC COMMENT, AND FOR POSSIBLE ACTION.**
Request from the North Las Vegas Police Department for an Executive Certificate for their employee Deputy Chief Michael Harris. Possible action may include issuance or denial of the requested Executive Certificate.

6. **DISCUSSION, PUBLIC COMMENT, AND FOR POSSIBLE ACTION.**
Discussion and possible rulemaking on changing the physical fitness requirements (NAC 289.200(2)(f)) for reciprocity applicants.

7. **DISCUSSION, PUBLIC COMMENT, AND FOR POSSIBLE ACTION.**
Hearing pursuant to NAC 289.290(1)(g) on the revocation of Joshua M. Miller's (formerly employed with the Nevada Department of Public Safety) Category I and III basic certificates based on a conviction of, or entry of a plea of guilty, guilty but mentally ill or nolo contendere to a felony. The conviction(s) which have led to this action are: COUNT I – ATTEMPT LEWDNESS WITH A CHILD UNDER THE AGE OF 14 (Category B Felony-NRS201.230(2)-NOC 60471) (Clark County) and COUNT I-ATTEMPT MISCONDUCT OF A PUBLIC OFFICER (A category "E" Felony, in violation of NRS 197.110 and NRS 93.153) (White Pine County). Possible action may be revocation of the Category I and III basic certificates.

8. **DISCUSSION, PUBLIC COMMENT, AND FOR POSSIBLE ACTION.**
Hearing pursuant to NAC 289.290(1)(g) on the revocation of Michael O'Farrell's (formerly employed with the Nevada Cannabis Compliance Board) 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-DRIVING UNDER THE INFLUENCE OF ALCOHOL AND/OR CONTROLLED OR PROHIBITED SUBSTANCE, ABOVE THE LEGAL LIMIT, RESULTING IN SUBSTANTIAL BODILY HARM (Violation of NRS 424C.110 and NRS 484C.430, a category B Felony) and COUNT II-DUTY TO STOP AT SCENE OF CRASH INVOLVING DEATH OR PERSAONL INJURY (Violation of NRS484E.010, a category B Felony). Possible action may be revocation of the Category I basic certificate.

9. **DISCUSSION, PUBLIC COMMENT, AND FOR POSSIBLE ACTION.**
Hearing pursuant to NAC 289.290(1)(e) on the revocation of James E. Vega's (formerly employed with the Laughlin Township Constables Office) Category I and II basic certificate(s) 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: FALSE RESIDENCY STATEMENT BY CANDIDATE (Gross Misdemeanor – NRS293.1755-NOC 52502). Possible action may be revocation of the Category I and II basic certificates.

10. **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.

11. **DISCUSSION, PUBLIC COMMENT, AND FOR POSSIBLE ACTION.**
Schedule upcoming Commission Meeting

12. **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 July 27, 2023 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, July 27th, 2023, commencing at 1:00 p.m. at Bristlecone Convention Center, 150 6th Street, Ely, Nevada.

COMMISSIONERS:

Tyler Trouten, Chairman

Dan Coverley

Oliver Miller

Kevin McKinney

Jamie Prosser

Russ Niel

Tim Shea

Rob Straube

George Togliatti

STAFF:

Kathy Floyd, POST F

Nathan Hastings, Attorney General's Office

Mike Sherlock, POST F

TRANSCRIBED BY: Marsha Stevermen-Meech

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5. Continued discussion regarding the establishment of a new regulation pursuant to NRS 290.510 (1)(c)(6) which requires the POST Commission to adopt a regulation establishing "standards for an annual behavior wellness visit for peace officers to aid in preserving the emotional and mental health of the peace officer and assessing the conditions that may affect the performance of the duties by the peace officer." 51

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PROCEEDINGS

TROUTEN: Order. The POST commission meeting in workshops set for July 27th, 2023. For the record, the time is 1:00 PM and we will go to Kathy Floyd, if you could give us information on the legal postings and the open meeting compliance please.

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 the POST website, at post.nv.gov, the State of Nevada website at notice.nv.gov, the legislative website at leg.state.nv.gov, and email to all SPOCS and admins on the POST listserv.

TROUTEN: All right, thank you. We'll proceed with roll call. I'm Ty Trouten from Elko Police Department.

MILLER: Oliver Miller, Reno Police Department.

PROSSER: Jamie Prosser, Las Vegas Metro.

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

SHERLOCK: Mike Sherlock from POST.

FLOYD: Kathy Floyd, POST.

TOGLIATTI: George Togliatti, Nevada Department of Public Safety.

NEIL: Russ Neil, State Gaming Control Board.

SHEA: Tim Shea, Boulder City Police.

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

MCKINNEY: Kevin McKinney, Carlin Police Department.

TROUTEN: And on the phone we have?

FLOYD: Nathan, you there?

HASTINGS: Nathan Hastings with the Attorney General's office. Thank you.

TROUTEN: That's all we have on the phone. All right, thank you. We'll now start with the workshops. Uh, first item workshop is to solicit comments from interested persons on the following topics that may be addressed in future proposed regulations. This workshop has been previously noticed pursuant to the requirements of NRS Chapter 233 D. This workshop is intended to solicit continued discussion regarding the addition of a new regulation regarding the creation of an executive level basic certificate and its requirements. Mike, would you give us some background information?

SHERLOCK: Sure. So, Mike Sherlock, for the record. Um, just a reminder for the commission, uh, that the commission expressed some concerns about the ability to recruit and hire for executive level positions. Um, what we derived from that as staff were that the complaints, uh,

were around the requirements to one, attend an academy. For those that have been out for five years or more, the physical testing for certification, um, and frankly, how the online reciprocity learning, uh, was not applicable to that executive level type applicant. In addition, we were dealing with, as we do every two years or so, the election of sheriffs who need basic training and the hiring of executive level, uh, personnel who need basic training. Last commission meeting, we presented some sample language related to an executive level basic certificate. Uh, the commission voted to continue that rule making and ask that we obtain input from around the state. Um, we, uh, specifically in this case, um, in relation to our current regulatory scheme, would be looking at, uh, possibly removing the five-year rule, changing the physical readiness requirement, um, and allow for more training related to the duties of an executive. Uh, given all that, we conducted a statewide study that, uh, was directed at the executive level for all agencies in Nevada. Uh, we had a pretty res -- uh, impressive response. Out of a total of about 134 law enforcements -- uh, law enforcement agencies in Nevada, uh, we received about 75 responses, so a majority, um, and those responses represented near all, all of the category one agencies in the state. Uh, keep in mind the commission asked for input, and so we gathered

that, um, the commission, of course, uh, in the regular meeting will be able to, uh, discuss and decide how they want to proceed. Uh, in response to this for the workshop purposes, I've, uh, brought down the results of that survey, and I'll just quickly go over those, um, each of those questions very quickly. So the first question, should the requirement, uh, for the executive certificate include the applicant had prior executive or command level experiences -- or experience? Uh, 73% said yes. Uh, should the requirement include a maximum amount of time of, uh, of policing and, uh, or out of policing, and if so, what should that maximum time be? Uh, 58% said no more than six years, and it's important to realize that now, under the current regulatory scheme, um, anyone who's out for five years or more would have to start over. Um, for this particular, uh, proposal, um, six or more was the largest response. Number two was no more than 10 years out of policing for the certificate to apply . What ranks should the certificate apply? Um, 44% said only the deputy chief, undersheriff and above. And the next, uh, largest response was 24% for captain or above. Uh, current certification requires the passing of a validated physical readiness test for the executive level only should the certificate requirement include, um, and then we gave a, uh, uh, options, no fitness requirement. An agency approve

fitness test tied to job duties, uh, agency's choice of either the POST PPRT or the Cooper Law Enforcement Physical Scale. Physical has scale for gender and age. About 80%, uh, said some, uh, physical requirement with the choice of the agency's choice or where the agency could either use their own the PPRT or the Coopers. And that was the biggest response on that, that group. Um, and actually of that, of that 80%, 36% said either the Cooper or the POST PPRT. How many years of policing experience should qualify for this executive level basic certificate? Um, the largest, uh, response was 15 years, followed at 41%, followed at, uh, 34% for 10 years. And then the big question, should the POST commission even carve out a certificate with special standards designed for the executive level position recruitment? And 78% said, yes, the commission should do that. Um, should the requirement include the applicant had prior executive level or command experience? And 73% said yes. Um, in terms of the training, uh, the question was this certificate would limit the duties to those at command level. And as such, the number of, uh, uh, the total number assigned to each agency would have to be limited should the maximum number allowed per be, what should the maximum number per agency be? The biggest, uh, response at 23% was two, um, followed by four at eight -- or 19.2%. All basic certificates, um, are tied

to a basic training program and the state certification written test for the executive level certificate should the basic training include -- and then we gave choices. Uh, the number one choice at 75%; the training should be online training focused on Nevada, uh, Nevada law and command level subjects. And then just to give the commission and, and anybody wish to speak in the workshop, some ideas on the, uh, narrative responses, um, and try to give you the other side. I picked a few that, um, had specific requests, but, um, one was, there's no need for a special restrict restricted certificate, uh, suggested using their, uh, current reciprocal process, um, minus the PPFT. Um, and most others were simply comments related to the training itself, not, uh, in opposition to that executive level basic certificate. Um, with that said, I would just, uh, suggest chairman that the, um, workshop continue for any public, uh, comments or ideas related to the certificate. And then there is an agenda item to, for the commission to discuss, uh, in the regular meeting, uh, as to whether you want to continue rulemaking or not.

TROUTEN: Thank you, Director Sherlock. So, as we open this up for public comment, a reminder of the board that we can seek out and ask for clarification on comments by the public, um, but our comments for discussion reserved for later. So, with that said, any members of our audience

who would like to come forward and make some comments on this topic? All right. Well, hearing none, we'll move on to the next workshop item. This item is intended to solicit continued discussion regarding the establishment of a new regulation to NRS 289.510, sub one, sub C, subsection six, which requires the POST commission to adopt a regulation establishing and I quote, standards for an annual behavioral behavior behavior wellness visit for peace officers to aid in preserving the emotional and mental health of the peace officer and assessing the conditions that may affect the performance of the duties by the peace officer, end quote. Again, we'll go over to Director Sherlock for some background, please.

SHERLOCK: So, Mike Sherlock for the record. Um, I will, uh, first let me remind the commission that the 2021 legislative session, uh, introduced and passed AB 336, which mandated that POST, uh, require agencies to implement a behavioral health visit. Um, during that process, just to kind of give you a little background, um, we were contacted, we immediately felt that the language, uh, was problematic. We let the author of this bill know, uh, she made a couple small changes, but, um, essentially it remains the same. Um, our research would indicate that under ADA and case law, specifically to peace officers, um, in our minds clearly state that an ag -- agency cannot

arbitrarily force an officer into a fitness for duty exam. Um, as you may recall -- recall, we attempted to create language that was broad enough to leave agencies, some discretion and what programs they currently have and what they're looking at and where they want to go. Um, that language was sent over to LCB legal, they kicked it back. Uh, again, if you look at the wording of AB 336 in your books, that, um, they're requiring POST to establish a standard for such visit and felt that our language, first go around, was too broad. Um, again, we we're, we're struggling with it. Um, I have had the chance to look at IACPs, uh, just released, recommended model for a regulation related to be behavioral health visits. Um, I had the opportunity to talk several times with Dr. Casas in, um, Reno, who was quite helpful, uh, providing, uh, some of the background in that. Um, I will say that I did talk to Assemblywoman Monroe Moreno specifically about this bill. Um, despite the language, um, she made it clear that the intent was not to weed out or discover, uh, uh, officers that that may be, uh, acting inappropriately, inappropriately, but rather for the wellbeing of officers. So I take it at her word. So, based on all that information and, and much of that's in the book, um, we have created, um, a possible pathway or language, uh, again, with the workshop here to try to, uh, maybe make

that even better, but, uh, that we think would satisfy the language of that bill. Um, and at the same time, allow agencies to, uh, create a program that's, that be best, benefits them individually, um, uh, without pigeonholing everybody in a certain area. So again, at this point, um, is the time for a workshop to allow the public to, uh, provide input and ideas. Um, and there is an agenda item during the meeting.

TROUTEN: Thank you, Director Sherlock. We'll now open it up to our audience if there's any public comment on this item. All right, hearing none, we'll move to the final workshop. This workshop is intended to solicit continued discussion regarding possible revisions to NAC 289.270 to update the requirements to qualify for an executive certificate. Once again, we'll go to Director Sherlock for the background on this.

SHERLOCK: Mike Sherlock for the record. And, and I just, I'm just the messenger. So, (laugh), this, this one's back. Um, you may recall, uh, this issue essentially died once. Um, but again, we had not addressed any of those, uh, concerns. Um, so it was brought back last meeting. Um, the way staff understood this is, um, there was some concern, uh, as to, uh, our current executive certificate requirements that, uh, there should be some discretion left to the, the chief or sheriff as to who

actually occupies that executive level, uh, requirement for the certificate one and two, um, those who accomplish the same requirements that we require in Nevada, but have come from other outside of Nevada, uh, they've accomplished it in other states that maybe we should consider, uh, using that as, uh, the qualification for that particular, uh, professional certificate. And finally, we had some, uh, if you'll recall, comments, uh, related to, um, perhaps a sheriff being elected, um, you know, being in that elected sheriff's position for eight years, but, uh, still not able to qualify for the executive certificate, uh, because they don't have the, uh, the other certificates that are required as stepping stone. Um, and so we looked at, and, and again, the argument being that, um, they're -- they've occupied an executive level position, uh, for eight years, and as such, have performed well and should be eligible for that particular certificate. So the sample language that, uh, we're here to talk about and, and or any other language the public may want to, uh, propose, uh, would simply, um, one, allow the sheriff to, or sheriff or chief or executive of that agency to decide who is in an executive level position, and thus would be qualified for the, for that, uh, certificate. And two, would give credit to, uh, either an appointed or elective, uh, uh, executive who occupies that position for a specific amount of time. Then they

also would be eligible for that executive certificate. And so, again, this is a workshop to if there's any other language or any other proposals, and there is an agenda item.

TROUTEN: Thank you, director. Are there any public comments on this item? All right. Hearing none, we will now close the, uh, workshops and move on to the regularly scheduled, uh, POST commission meeting. Item number one, discussion, public comment, and for possible action approval of minutes from May 4th, 2023, regularly scheduled commission meeting. Uh, presume the board's had opportunity to re review those in the packet. Um, do I have any comments or corrections from the board? Are there any comments or corrections from the public? Hearing none, looking for a motion to approve the minutes from the May 20 -- excuse me, May 4th, 2023, regular commission meeting.

PROSSER: I move to approve.

TROUTEN: Motion from Ms. Prosser. Second.

NIEL: I'll second.

TROUTEN: All right, second from Ross -- or excuse me, Russ. All board members in favor, please say aye.

BOARD: Aye.

TROUTEN: I also vote aye, motion carries. Item number two. Uh, this is an informational item. Um, this

will go back to Mike for just update on POST activity.

SHERLOCK: Okay, thank you, Mike Sherlock, for the record, real quick. Um, we have an academy, uh, is in session at the moment. Um, we, beginning in May of this year, we're going to move, uh, category two away from our basic academy. That includes category one, just to better serve category two, uh, disciplines and to maintain the integrity of our category one. And we are seeing some increases. Uh, we were full at the beginning of this, uh, cat one academy, so we want to keep the seats available for that. And at the same time, and like I said, better serve the cat twos. Um, the, uh, ongoing, uh, audits or, uh, synopsis in your book, if anyone's interested. Um, we have rolled out, uh, a basic instructor development that combines AB 478 subjects into that. Um, we've created new curriculum for AB 478 subjects, and we are rolling that out across the state now. Uh, we've began our first POST, uh, leadership institute training course. Um, reviews are quite good on that, and, uh, we hope to, hope to keep getting good participation, uh, legislation se -- legislative session ended. Of course, uh, uh, we were, what we've been trying for a long time, we were moved into general fund, um, which, uh, is just a, a much better, uh, funding or mechanism for our budget. So we're happy about that. Um, I don't want to beat a dead horse on

legislation. We did, uh, one bill that was passed, uh, is to allow for reciprocity for category three applicants. Um, we worked with the assemblywoman on that. We'll be coming back to the commission for, uh, a reg change to include cat threes and what the requirements will be. Um, we are currently updating curriculum and we'll get that out to the academies based on legislative changes. Uh, in terms of our basic training, we should have that out, uh, pretty soon. Uh, we did a, our six month review of our audit. Uh, the only issue remaining is our evoc, uh, request for funds. Um, and that's pending CIP right now. And, uh, we just gave an update on that, and I believe we will be talking about SB 225 here in a moment. So with that, I'll, I'll leave it. Mr. Chairman.

TROUTEN: All right, thank you, Director Sherlock. Any questions from the board up to the report? Any questions for the public? Okay, hearing none, we'll now move on to item number three, which is an update on SB 225 and its imple -- implementation. Uh, some discussion of the provisions within the bill, Director Sherlock.

SHERLOCK: Just so, again, Mike Sherlock for the, for the record, it's a fairly lengthy bill. I won't, I'll just, uh, talk basically what's, uh, what's required of the PO -- of POST. Um, it requires POST to create an attestation. What do we have to, or -- yeah, a attestation

document that must be included in any, uh, cer -- certification applicant. Um, we've already done that. It should be up on our website soon. Yeah, hopefully next week. Um, 225 did expand the, um, automatic disqualifiers to be certified. Um, we're reviewing that now just to determine what if and if any regulatory changes must be made. And I'm sure there will be because, uh, there's some very specific areas that, uh, that would fall into 289.110 of the NAC for us. So we'll, we'll be bringing that to the commission once we determine what exactly has to be, be changed, understanding that most of it, or all of these disqualifies or disqualifiers are, uh, now statutory. So, uh, but we'll still look at, uh, updating our regulations with that. And that's it for 225 at this point.

TROUTEN: Okay. And thank you, director Sherlock. I guess I'll just add to, this is an, an October one, active date of this year, so I'll have to get busy on that. Are there any comments or questions from the board, any from the public. Hearing none, we'll move to item number four, discussion, public comment, and for possible action. This is discussion with the commission regarding the creation of an executive level basic certificate. Possible action may include continuation of rulemaking to create a regulation for an executive level basic certificate. Go

back to Director Sherlock for some more information on this item, and then move towards the comments.

SHERLOCK: So, Mike Sherlock, for the record. In, in your books is some, is a sample, um, regulation, should the commission, uh, go that way. Um, this sample is based on the survey and comments from the commission. Uh, looking at the majority, um, it encap -- it, it takes into account, uh, those, uh, majority opinions across the state and any comments from the commission, um, should, uh, the commission decide to, uh, continue the rulemaking. This is one sample understanding that any language that, uh, we submit to LCB would come back to the commission for approval before it would become a regulation. I, the only other thing I would add is there was some talk of whether or not we have to create a new regulation or add it to our current reciprocity. This is a standalone, I don't, we, we don't want to, uh, sort of create a two-tier system with within our normal basic, uh, training requirements. Um, and so, but again, ultimately where that falls in NAC 289 comes down to LCB, not us anyway. Um, so I, and I would leave it at that. We're just looking for the commission, uh, to decide whether they want to continue on, uh, on this particular item.

TROUTEN: All right. Thank you, Director Sherlock. Any public comment on this item or questions of the board?

SHEA: Uh, I, Tim Shea, for the record, I have a couple questions. Um, I'm looking at this executive basic level certificate, and I'm looking at the standards. Where are the differences between this proposal and what we currently require for reciprocity for a basic certificate? Uh, where, where are the differences for, um, requirements to, to apply and for the things that the person has to complete to get this certificate?

SHERLOCK: So, Mike Sherlock, for the record, the, the biggest of course is the five year rule is gone. Um, in terms of reciprocity, um, it's limited to executive level, which would be different. Um, the 80 hours of training then would be, although that's hard to see in a reregulate regulatory form, those training subjects would be, uh, focused on command level training rather than basic, uh, uh, officer training that you would see. And, and at that basic level. Um, and the physical requirement is different for this than our current basic, uh, certificate.

SHEA: So, Mike, is this 80 hours virtually the online reciprocity course you take now, is this the same?

SHERLOCK: So again, Mike Sherlock, for the record, it's 80 hours, but again, considering the survey, we would create performance objectives that are consistent with that

survey, that being a more executive level focus on those subjects.

SHEA: Okay. So, it wouldn't --

SHERLOCK: Still Nevada law, but focused on the executive side.

SHEA: So the intent wasn't to have the person to take the current reciprocity online course?

SHERLOCK: No, it wasn't.

SHEA: We developed a new one.

SHERLOCK: Correct.

SHEA: Okay.

SHERLOCK: Correct.

SHEA: And, um -- okay. I, I, um, I have a question again about -- so a person goes through all this. He's been a, a, a law enforcement for who knows how many years. Um, it doesn't have any while the, it just says has five consecutive years of employment. And while I understand that someone could come in now that has been out of law enforcement for five years, but if he's only been out four years or two years, or currently, it doesn't make any differentiation yet. The person's now working for an agency and to maintain his POST one certificate must do all of the annual training requirements that we require all the training. But yet, at the end of this period there, this expires. And I'm curious, why would it expire? If you

have to basically go through reciprocity, then you have to continue your ongoing training for 10 years, but yet your certificate expires. If you want to move from North Las Vegas to Henderson, you got to start all over again. And I don't know if that's very efficient or not. And why would that be a requirement, because you're moving from one agency to another, and you've got to go back and do the basic all over again.

SHERLOCK: Sure. Mike Sherlock, for the record, so again, as we've said before, our concern is that they're a, you know, uh, deputy chief at one agency and their movement is to line level. And so, you know, in other words, they bypass the normal basic academy requirement, and we're trying to prevent that. And so if they did move from one executive level to another agency executive level, they're not required to go through a full basic academy. They would be eligible for this process. And --

SHEA: So they have to --

SHERLOCK: -- so that's the difference.

SHEA: What if we put language in there to say, these certificates are only valid while the person maintains employment in an executive level position as determined by the hiring agency? So would that not solve the line level issue without the person having to repeat this if he happens to move to a different agency?

SHERLOCK: Uh, Mike Sherlock, for the record. Yeah. But again, I think that we would want to look at then how much time passes now between the executive level they're occupying and the new one that, you know, they're, they're obtaining and it, and which obviously it's up to you guys that you know, but it could be done, yes.

TROUTEN: Other comments from the board?

MCKINNEY: Uh, Kevin McKinney for the record. Um, over the last couple months, I've reached out to several states, neighboring states and western states, uh, to see what their, uh, what they do. Um, I don't know if it's best practice or, uh, just a consensus, but they, none of the, none of the state's neighboring have an executive level basic certificate. They have basically reciprocity, uh, which, um, you know, some of the states have different differing requirements. Uh, uh, it seems to me like the bone of contention here is the physical fitness requirement for reciprocity. Um, I think maybe we should look at the reciprocity, uh, uh, requirements versus creating a whole new, uh, certificate. That's my opinion on it. Um, because like I said, no one else does this. I, I have, I'm not aware of any other, uh, state, at least regionally that does this. Um, and I just don't know if this would be a good practice. I, I think it might open up a can of worms

that, uh, we might not be able to control after we do it. So ...

TROUTEN: Are there other board comments? I, I guess I would just make a comment that I see a potential for conflict as we discuss, uh, two different types of executive certificates here right now. So we're talking about out-of-state folks coming in and, and so forth. And according to the survey, we have a very solid majority who are looking at, you know, they have to have prior executive experience. And then the other certificate we're looking at the actual executive certificate, not basic certificate, but executive certificate. We're looking at, um, you know, those requirements and reciprocity kind of feel the same way. That if we're bringing in someone who was a line level troop from out of state or did not have that, and plugging them into an executive level here and then trying to diminish the requirements and the categories, we're all intimately familiar with the changes in laws, the need to be familiar with Nevada. I think we're creating a, a precarious situation here. Um, and in particular, and then, you know, even discussion of allowing it to continue and continue and continue, um, much as your certificate would, um, otherwise. Again, I'm also uneasy that, um, you know, for this executive basic, we allow it to go beyond the five years. But then if you're a line level troop

going to another agency, you know, coming from out of state going line level, it's only five years, we would consider that as a lateral. I just, I think we're convoluting this whole issue. And, you know, I think there's, there's obviously times when this comes up in conflict, but is it sufficient enough to drive this type of change? So I guess that's what I would ask of the, the board to consider.

PROSSER: Jamie Prosser for the record. Um, you know, we've heard from other people in past boards that, you know, they're hindered by, um, employing under sheriffs and directors because of our current state of affairs. So in, in not trying to hinder our, you know, fellow brothers and sisters, why don't we just make it as a history of five consecutive years of employment as a peace officer in the state of Nevada. That way we know that they've already been through a police academy in the state of Nevada. And then if we -- I don't understand this, you got to either do the physical readiness exam, category one, the Cooper standard, or a physical readiness test approved by the employee agency, get rid of all that crap and just say it's up to the agency what that, what that physical readiness is. Those are my thoughts.

TROUTEN: I, I guess a question here. I'm not sure I understand. So if they have, you're saying that they

have five years or more of law enforcement experience, but they exceed the, the five year window to essentially --

PROSSER: Correct.

TROUTEN: -- keep their -- okay, thank you.

PROSSER: So you have a, you have an officer who has retired six years; they lose their POST certification. Now that you have a new sheriff who wants to appoint them as an undersheriff, yet they cannot get their certification because they can't handle going through an entire category one academy because of their age, specifically their physical fitness. Those are the concerns that, that are there. But you have somebody who could, could function as a, as a superior leader in an agency. Um, they have the experience, the background, the leadership, but they're hindered by our current practice by POST certifications.

TROUTEN: So it'd basically be a reactivation caveat. Um, would that be conditional on then still the completion of like an in lieu of academy to come current on laws and changes and so forth?

PROSSER: Which I think this is, would satisfy based on your 80 hours of training, correct?

SHERLOCK: Yeah, Mike Sherlock, for the record, but keep in mind it doesn't address out of state applicants.

PROSSER: I'm don't -- I'm sorry.

SHERLOCK: Well --

PROSSER: Prosser, for the record, I, I'm more concerned about making sure that our local law enforcement who have retired and lost their commission can come back to work in a capacity. That's my opinion.

SHEA: So we -- Tim Shea, for the record, we -- go ahead, Mr. Chairman.

TOGLIATTI: No, go ahead. You're up.

SHEA: So we do have two kind of conditions that are facing us, especially when we're talking about wellness of retired officers and people who are still have a lot they can still do and give, trying to bring people into, uh, like we have some part-time marshal positions that are POST certified and or we, let's say a new sheriff does come in and there was a person that worked for his office but has been out of the office for six years and wants to bring him back as an undersheriff. And then we have the other situation where municipalities or they hire new chief executives from out of state. So we kind of have two things instead of just one ball of wax. So we have in-state people that we want to bring back in an executive level or even a, some line level positions. And then we have the executive level people we're talking about to bring back in or to bring in from out of state because they've been hired from out state. And how do -- so both things were hidden. And so one of the sheriffs I talked

to, he wanted to bring a, a fellow back and another city brought in a guy from Prince George's County who'd been out for six years. So they put him through a special academy because putting him in an academy with all of his subordinates for, uh, 20 weeks wasn't really a good thing to do with this poor guy. So we kind of got two separate things going on at once.

PROSSER: So, Prosser for the record, if we could just stick to this one topic, 'cause the way I understood it from the very beginning was this would be specific to, 'cause it's an executive level, it would be specific to if, if I retired today, which I'm not, I know you wish I would if I retired today and in six years I come back and I decide I want to run for sheriff, I have to go back through a POST academy in order to get my commission. However, this would provide me the opportunity to get an executive level commission and be the sheriff. That's the way I understood that this was going to be applied. Um, as far as out of state coming in, that is totally different than coming in as the sheriff, the executive level, correct? And I'm not running for sheriff.

TOGLIATTI: George Togliatti, for the record. Um, I agree. And I, I also agree with Chief Shea, uh, to the extent I think that, you know, when we brought this topic up originally, it seems it, even at looking at Chief Shea's

situation where you come from another state, you're going to be in executive position, the chances of you going out on arrest team, et cetera, et cetera, requiring to go through a whole academy just doesn't make any sense. Uh, and I also think we're getting, the more we seem to be working on this, the more confusing it gets and the more we're dividing it into, uh, maybe too many different areas, I'd like to see it. Maybe we stick to, this is in state, this is out of state, but the issue remains if there's a qualified employee who is out of state, who a department wants to bring in, I think they should, we should help facilitate that. Uh, I look at how many, uh, employees you have right now who can pass the academy's physical fitness test. Um, and I would, you know, tend to take a measure that way. If you have an outstanding lieutenant who's with LAPD or something like that and is coming, and you got an opportunity to come here to some department, I know it's going to be difficult to do, but I think we should be able to measure the, the, uh, that person's abilities and performance and keep it broad enough where the department still has the options to hire this person without requiring to go through an entire rookie type of thing. I don't want to ever lose sight of the requirement for Nevada law, Nevada practice. Uh, how about the situation of, uh, you've never been involved in a domestic violence or

something like that, and you're requiring this person comes in from out of state and they have to address as a manager or even as a lateral, uh, a domestic violence situation. So it's going to be, uh, it's, it's difficult to, I think, resolve this in one way or another because so much it relies on the individual that we are bringing in, but clearly an executive position and we clarify it's going to remain executive position, then we should eliminate some of the tedious things like physical fitness test when somebody will never get out from behind that desk and, and make it and keep it simple. And I hate to pick on Chief Shea, but transferring from to Boulder City from say, uh, uh, uh, San Diego, chief to chief or deputy chief to chief should be a pretty clear, easy way to, uh, transit, make that transition. That's my 2 cents.

SHEA: And I have another question. Um, I noticed it's only for category one. So if you were going to be brought in, and I don't know how the Department of Corrections works or even DPS, would it be advantageous to also have something in place for category two and category three if you wanted to bring somebody in to head, maybe, uh, I don't know, parole and probation that they allowed to be twos or ones. I really don't know. So they all have to be ones --

TOGLIATTI: Ones --

SHEA: So there is no --

TOGLIATTI: Correction -- correction --

SHEA: -- there would be no necessity for twos and threes?

SHERLOCK: Uh, Mike Sherlock, for the record. I, I, I mean, certainly you could add that to the regulation, you know, if, if that's the direction you want to go. We, we just don't deal with that very often. And again, I, I'll go back to the elected or appointed. Uh, the only issues we generally have in that area are category one and that, and that's why it was concentrated.

SHEA: I just didn't know if it was advantageous for these other entities to have that ability or not.

SHERLOCK: Not that we've heard to, to, you know, lately.

COVERLEY: Chairman, uh, Dan Coverley, for the record, the category three thing is pretty easy to do. We, you can do an in-house one, which is much easier than the cat one academy. So that's pretty simplified. Um, are -- and chairman -- chairman, are you looking for a motion today on this? Or what -- are we just discussing this?

TROUTEN: So this is for possible action, however, um, hearing the comments from the board, I think the action may be to continue the rulemaking process, because again, it seems like we have several questions. I think it was

pointed out we're, we're more convoluted than we started this thing.

COVERLEY: So I, I agree with, uh, Ms. Prosser, uh, if you want to make that a motion to change the, the sample to, um, to the points that she, uh, direct up, make it Nevada specific, and then I would get rid of the physical fitness thing, leave it up to the agency whether they want to do one or not, uh, approve that under that motion, motion and then send it to the, the next step, which we have to get back before it's approved. Anyways, that gets us started, right? I know there's several agencies that are waiting for us to make a ruling on this, so, so they can move forward. Uh, so I think it's important we move in some kind of direction. Uh, we're, you know, we, we, we got to make a decision here, (laugh).

TROUTEN: Yeah, I agree. And, you know, looking at the list of some of the questions talked about, one of the greatest difficulties is again, uh, you try to put a number on, you know, certificates per agency or so forth. Well, that varies differently from, you know, a small agency. It might be one position where as you get into a larger agencies, um, you're just talking about, uh, such as Metro, I think you're talking 20 some what, 30 some people, um, Ms. Prosser for, that's in the upper echelon executive level. So how do you, you know, limit those? But maybe

there are some decisions we could make today on the things we would like to see specifically within that requirement. You know, do we want to have it at, you know, two positions or four positions, um, max. Um, do we want to talk about, you know, the experience level? Do they have to have been an executive, um, at another agency to qualify for this? Do they just have to have x number of years of experience that that might be some of the topics we could decide today and then still try to reroute through this other issue on the PT side. I, I would say on the physical readiness, uh, testing requirement, it would look like the, the vast majority is there should be some form of physical readiness testing. Um, but perhaps the level of the agency or the PPRT.

MILLER: Ollie Miller, for the record, uh, I do like the idea of leaving it up to the individual agency with regard to implementing its own physical testing. Uh, and I'm, I'm glad you brought it up, uh, with regard to the number of executive posts per agency. So clarifying question to Mr. Sherlock, uh, in your sample of respondents for your survey, was there a number where they, uh, actually had the most respondents or most positive for the number of executive certificates?

SHERLOCK: Yeah, Mike Sherlock, for the record, the, the biggest percentage was for two.

MILLER: Okay.

SHERLOCK: Uh, next was four, and then followed by a percentage, which, uh, we had put 10% or something, you know, or should it be a percentage of that particular agency trying again, to take into consideration rurals -- you know, and, and just doing it by percentage. But, uh, again, that's a, that could be a moving target also.

TOGLIATTI: Uh, George Togliatti, for the record. Uh, how many respondents have we yet?

SHERLOCK: 78.

TROUTEN: So I guess we could be at the point of discussion to just start going down the list of do we want to have a, looking at the notes made here, a cap on the number of years they can have been out of law enforcement before rejoining. Now the current, just to reactivate your certificate is five years, I believe, uh, it was 58%, um, was six years or less out to return. And then the, I missed the percentage on this, but there was another percentage that was, um, basically under 10 years they could come back.

SHERLOCK: Yep. Uh, Mike Sherlock, for the record, 58, uh, a little over 58% said, uh, no more than six years. Um, and then the second one at 23% was no more than 10 years. But again, that's, you know, we're looking at it from a different perspective than, than what was even put

out there. I think, um, when you're talking about Nevada only, that may affect, uh, the thinking, um, where their experience is, in Nevada. We put that out as even from out of state, you know what I mean? So that could change the perspective all also.

TROUTEN: Understanding that I think there's also should be, uh, knowledge on the fact that we should have similar requirements for in-state or out-of-state. Um, 'cause otherwise we get into the arguments of preferential treatment and could open some liability on that front. Um, so that may be a point of, of discussion as well.

SHEA: Tim Shea, for the record, I, you know, I struggle with this back and forth of how long can someone be out of law enforcement and then if they're out and they want to come back, what is an appropriate course or series of courses that a person should go to, to become proficient again, at an executive level, what do you really need to know? So do you need to go to an academy and learn how to do patrol procedures all over again after you were in, uh, police work for let's say 15, 20 years and spent 15 years in patrol, what would you glean from going back to a basic academy that was appropriate for you to know as an executive level? So I know in some, uh, areas, when you are gone out past the period of time where your POST or whatever certificate expires, they have an abbreviated

course of instruction that you go to that requalifies you to get your certificate. It's not the full meal deal. It's not the whole 20 weeks. It might be six or four weeks of instruction in those areas to bring you up to date, the things that might have changed. Now, most of those are designed for line level people that are going to go out and work patrol, but they're also going to go through a field training program after they go through this course. We're talking about executive level folks who aren't going to be doing those things. But yet, I, the reality is in some of our agencies, they may, because they're so small that they may be out in a patrol car backing up on calls. You know, I'm, I'm, my people forbid me to do those things now. They yell at me when I make a traffic stop. So, um, it's really a dilemma because I know if we're looking at very large agencies, the chance of somebody at a higher rank going out and doing those things is very, very, very low. But on some agencies, I'm sure it's very high. And, um, I don't know. It's, it's really a hard thing to, it. It's like the set number, it's hard to have a set number. So I, I can see us having a general set number, but an ability for an agency to appeal for an exception based upon a specific set of circumstances. And then it would be evaluated in whether or not we, it's appropriate if you have to have a set number. I, I don't know what you lose having four

versus two. If you've got 400 people working for you, I don't know where that, what that causes for you to have a a negative to have more than that.

TROUTEN: So I guess I have a really ignorant question here that I, I still have difficulty understanding. And the fact is, again, going back to the root issue here, which was the physical readiness test and barely passed that we know it's been validated, we know it's related to the job. Um, yes, some of the things seem odd. And yes, we can say that, you know, as executives, you shouldn't be making traffic stops, shouldn't be doing foot pursuits, different things. But in some, some of the smaller agencies, that is a routine part their day. And so I guess the question I have is, I think we're in dangerous water saying you don't have to do that because if you're in one of those small agencies, your physical ability is literally part of your use of force. You're still required under NRS to recert on your firearms, to recert on your baton. You're, you know, arrest and control, all these things. If you remove that caveat, you're really saying you're not prepared to do the job. And to me it still falls within there. So, like I said, this is, we're almost, you know, what's the next step? Well, you don't have to qualify every year. You don't have to do this because hey, you just sit at a desk, you're never going to

shoot somebody, you're never going to use your baton. You're never going to pepper spray somebody. We really, I mean, where do, where does this road stop? And honestly, if, if their job isn't going to entail any of those things, why would they just be a civilian administrator and not even a sworn employee or a sworn officer?

PROSSER: Jamie Prosser, for the record. Because I think if you are the sheriff or the undersheriff, you should have police powers.

TROUTEN: Well, I, I guess I get that, but it again, there's, they're going to have the police powers then they have to be prepared to take care of business as law enforcement officer. And that's, like I said, we're really getting down to this. The root of the issue, I think is the problem. Many folks, when they get to that level, whether they're certified currently or trying to come back and be certified, they may not physically be capable of doing that.

PROSSER: But that's the reason, if we leave it up to the employee agency --

COVERLEY: Exactly.

PROSSER: -- each agency knows what the requirements of that job that they're employing them to do. They know those, what those requirements are. You have to understand that the agencies, it's up to the agency at that

point. I mean, it becomes an occupational injury that's on the agency because you employed somebody that was physically unfit to complete the task that you were required them to do.

SHEA: I, I agree with Jamie on this because we set standards for a whole host of things within ourselves. You know, there's no standard for what, um, qualification is when you go to the range, every agency has their own. If I decide to go and shoot one bullet twice a year, and if you hit the paper, that's good enough, they're qualified. So we don't have standards like this for anything. We don't have standards for our psychological examinations on new hires, what is passing or failing. Each agency decides all of these things themselves. So I think that for an agency to have the ability to set the physical standards that are appropriate for them and the circumstance that employees going to be in there, I think the chief executive of the agency should be able to make that decision and that determination. 'Cause we do it on a host of other things too. And to turn around and say, well, you can't make that decision for a physical standard. Uh, it's a little strange to me.

TOGLIATTI: Uh, George Togliatti, Just to, I guess echo those sentiments. We -- we're such a diverse state. We got, you know, large agencies, small agencies, uh, we

have to, whatever we establish, we have to give the, the, uh, head of that agency enough leeway to make the decision.

TROUTEN: So then would the board be in favor of, if we move that requirement on the PT side, strictly to the agency's discretion, um, per a standard, and it's on them to choose that just as you articulate they do for different things. Perhaps what we should be looking at is then based upon size, and I hate rules like this that they do at the legislature, but um, you know, if you're an agency of X employees under, then you have, you know, one certificate available to you if you're this size. Something along those lines. Um, because what I hate to see happen is that all of a sudden we staff an entire admin of folks who maybe really aren't qualified.

COVERLEY: I think we're overcomplicating this. I, I think the document that we have in front of us is, is a good start. Leave it at two, get rid of, make it for Nevada only. Get rid of the, uh, the, the specific tests that are named. Leave it at a physical readiness test approved by the employing agency. This will allow these smaller agencies that are looking for that, uh, executive level that they don't have in their department. Uh, but they can bring somewhere from in the state that was at a command level somewhere else that will come in and, and, and help them and help those communities, uh, with their,

with their law enforcement agency. I, I think this is a good thing. I think we're way overthinking this and, you know, you, we can go down that rabbit hole and, and do the what ifs and we'll, and we'll never make a decision. I, I think this is a good start. I think, I think this, I think we should approve this document with those two changes and, and, uh, and, and get started. And then once we hear back from, uh, legal, uh, you know, and the 80 hours, that's, that's, that's where you're getting the, the stuff, the POST will come up with what that is going to be specifically. Uh, and uh, and then we can review that obviously, right? And, and make some changes if we need there. But that's where they're going to get the, the information that they're, that they're going to have. But, um, like was already said, it's on the individual agency to determine whether or not they're fit for duty. And, and if they make the wrong choice, then they're the, the ones that's going to, to, to have to account for that liability or whatever may happen.

TROUTEN: Thank you, Sheriff. Um, clarification, you're talking about the two positions. Are you talking two certificates available to the agency?

COVERLEY: Yes.

TROUTEN: And for the top two positions in that agency?

COVERLEY: Yes. Just, just, it's stated in the, the --

TROUTEN: Okay. Yeah.

COVERLEY: No more than two active executive level basic certificates will be permitted per agency.

PROSSER: And it doesn't specify that it's the top two?

SHERLOCK: So just two active executive level.

TROUTEN: The executive level -- okay.

SHEA: Tim Shea. For me, um, I, I agree on, on, but I think, I think G gives us all the latitude that would be you as an agency you have a choice, use whatever you want. You can use the Cooper test, which, uh, Mr. Sherlock provided, we can use the, uh, current, uh, POST test or if you want to do something else, you can, um, I think it's, it's a permissive skill. Either way, you could still do the Cooper or the state physical fitness test if you just said a test approved by the employee agency.

PROSSER: I was just trying to save --

SHEA: Yes.

PROSSER: -- the government ink. So I agree with you. We're on the same page.

SHEA: Yeah.

TROUTEN: Okay. So a couple other caveats, excuse me, director on this. Uh, some of the other things we're

talking about is the max number of years that could have been out of law enforcement service. Do we want to take a, a position on, at this point to move forward quickly as well as to the number of years of experience they should have in law enforcement before being qualified?

SHEA: 'Cause right now I don't see anything that says how long they've been out.

TROUTEN: No. I'm referencing the survey that went out, um, again, 58% less than six years out, uh, 23% less than 10 years out. And then for the years of service, um, 41% said they should have had 15 years of service. Another 30% said they should have at least 10 years of service in law enforcement.

COVERLEY: I don't think that matters. The, the POST has expired and they're trying to get 'em back in with, you know what I mean by doing this abbreviated for a specific assignment executive level. Um, and so if I think that, you know, you've been out 10 years and are the best man for the job, I, I, I don't know that that makes a big difference.

SHERLOCK: And Mr. Chairman, real quick, just to help clarify. Mike Sherlock, for the record. So for election law in Clark County and in Washoe County, the uh, to file for sheriff, you have to have five years of Nevada law enforcement experience, uh -- is it Nevada? I think it

is Nevada law enforcement experience, but it doesn't matter when. So just from our perspective, if we, if we create a regulation that is sort of in conflict with that, uh, we, we could theoretically have someone who was an officer 20 years ago for five years get elected in Clark County that we wouldn't be able to get, give an executive certificate to. So Sheriff Coverley may, may have hit the nail on the head there in terms of not being in conflict with election law. Uh, granted that whoever created the election law are not experts like you guys and law enforcement, but that's what it says currently.

TROUTEN: And that simply allowed the state test to, I guess, window them out. Okay. So is there any other questions or comments from the board? Are we ready for a, a motion to make on this one?

NIEL: Russ Niel, for the record. Uh, I think we got more work to do on this side clearly. So I would motion that we continue the rulemaking process on this.

TROUTEN: Okay. We have a motion. Do we have a second?

MILLER: Ollie Miller, second.

TROUTEN: We have a motion and a second. Uh, is there any further public comment? Please come forward. State your name for the record, please.

LAITY: My name is, uh, Chief Dave Laity. I work for the State of Nevada Youth Parole Bureau Category two Officer. Um, I appreciate the discussion with category twos and threes. I think this does apply to category twos and threes and we should add that if it happens, um, I'm an appointed, um, position by the governor. Um, so if I leave, that would allow, um, some, an executive, um, certificate or somebody to come in and, and so it does apply to, I know at least the category two. I appreciate that discussion. Thank you.

TROUTEN: Thank you. Any other comment from the public? Any further from the board? We have a motion and a second. All in favor, please say aye.

BOARD: Aye.

TROUTEN: Any opposed?

PROSSER: Nay. I wanted to make another motion.

COVERLEY: Nay.

TROUTEN: We have five, I believe. Is that five ayes? Did I count correctly. But I'm going to have you raise your hand. So just do a visual count.

PROSSER: I'm just going to make a motion to --

SHEA: This is to continue the rulemaking.

TROUTEN: This is to continue rulemaking process.

PROSSER: Yeah. So no, I'm, I'm done making the rulemaking process. I'm ready to move.

NIEL: Yeah, but the rules aren't clear. We don't have it ironed out. We're just kicking it around the table for we going to be doing that all day. So I think we need to go back and actually look.

COVERLEY: So what the prevent us from doing exactly the same thing the next time. I think we have a good document that we can move forward with.

PROSSER: So I was going to move to make those adjustments and to move forward with it. I mean, it's just going to go to LCB and then come back to us anyway for final approval.

SHEA: So you were going to make a motion to, with the --

PROSSER: I was going to make a motion to award an executive ca -- level category one, two or three, blah, blah, blah. The five years consecutive law enforcement peace officer in Nevada. Each agency can determine their own physical readiness and let's move forward.

NEIL: We have, well, there was also the issue of, I, I mean, Tim brought it up when they quit one place and go down the street to the other place. Does it transfer over? We, we don't think we iron that out.

PROSSER: So do you, do you want --

NEIL: I, if we want to do it now though --

PROSSER: I mean, do you want it to transfer over? I mean, it's an executive level. If you, if I, if I quit -- -

NEIL: I would think it would, but --

PROSSER: If I quit doesn't and I go --

NEIL: -- it doesn't state that.

PROSSER: -- it, it doesn't sound that painful to get it again. That's my thought. But we can add that in if, I mean. So what would you like the end to say?

TROUTEN: So for, let's clean this up as far as the expiration goes. Procedure. So are we nullifying the motion on that was before us?

UNKNOWN: Seems like it.

MILLER: Yes, we're moving to it. If we have more business, we nullify.

TROUTEN: Okay. So we, we'll move forward then. Uh -

SHEA: I'm really confused.

TROUTEN: We're, we're continuing the rulemaking process. So I guess we're continuing at this point amongst ourselves. So we are under the topic of, is this certificate to be transferrable if you meet one agency as an executive with that executive basic and go to another agency? Or are we requiring them to then basically

terminate that certificate and reapply as another executive basic at a different agency.

NIEL: I would say you can take it with, that'd be my suggestion.

SHERLOCK: So, Mike Sherlock, for the record, just keeping it clear in our minds if we're going to do language, uh, then that last sentence would be, it expires immediately upon separation as an executive period that would.

NEIL: Just take out with that agency.

SHERLOCK: So they could theoretically go from one agency to another.

TOGLIATTI: Okay. That solves that.

UNKNOWN: I've got one.

MILLER: Uh, Ollie Miller for the record. Uh, kinda unrelated to that, I know we talked about this just staying in the state of Nevada, but because we are keeping these limited to two active executive level basic certificates, you know, my thoughts are as a hiring group within my agency, I like the idea of being able to hire talented folks from out of state if need be, because we've kept the number of these so low. You know, might it be to the advantage of some agencies within the state to be able to hire from out of state and have the supply. That's my question to the rest of the board.

TOGLIATTI: I think that's going to require a lot more discussion.

MCKINNEY: Kevin, Kevin McKinney for the record.

MILLER: That's why I wanted to kind of continue. But since we're working it out, uh, I'm interested in hearing what everyone has to say.

MCKINNEY: Kevin McKinney, I, I still believe that this would be better handled in, uh, working through NAC 289.200 and NAC 289.205, rather than creating a new NAC I think, uh, should be explored that we, uh, make some changes to the reciprocity and, and separation times in those existing NACs. Uh, rather than making a conflicting NAC with, uh, or making an NAC that conflicts with both of those current NACs.

SHERLOCK: Uh, Mike Sherlock, for the record, just, just to clarify again, from LCB's perspective. They really decide where it goes. So it may be a two tiered reciprocity where they put this maybe a standalone that that's a, that's an LCB issue generally for us.

SHEA: So Mike, they, they can move this if we said, okay, here it is. They, they can move it into these other sections if they choose?

SHERLOCK: Mm-hmm (affirmative). That's correct. Yes.

TOGLIATTI: We read both Jamie's. Is that a motion?

PROSSER: I moved.

TROUTEN: So we have a second. We have a second.

UNKNOWN: Second.

UNKNOWN: What's the motion?

TOGLIATTI: So Jamie, the motion one more time.

PROSSER: All right. The motion is number one, executive director may award the executive level category one, two, or three basic certificate to any peace officer who, C, has a history of at least five consecutive years of employment as a peace officer in the state of Nevada. G, completes a physical readiness test approved by the employing agency and, I, executive level basic certificate expires immediately upon separation as an executive.

COVERLEY: Second.

STRAUBE: So, Rob Straube, for the record. If I may, I agree with every, uh, the motion you made other than the state of Nevada.

TROUTEN: And I'm sorry, a clarification for me, uh, perhaps for the director, that also includes, then they have to do the online reciprocity class. All right, we have a motion and a second, uh, we have a discussion point about instate versus out of state. Any further discussion on that point?

COVERLEY: Yeah, go ahead and change it, anybody.

PROSSER: No, no, no, no. You can't just do that.

COVERLEY: Yeah, so --

PROSSER: (Inaudible), frustrated.

COVERLEY: Right.

PROSSER: But if they're five years of Las Vegas, Nevada, then they've already gone through the basic --

COVERLEY: Right.

PROSSER: So we already know as a POST commission that they've already gone through our standards. We don't know what the other state standards specifically are. Exactly. That's the problem.

COVERLEY: Exactly.

PROSSER: So when we talk about whether out of state or in-state, I think that's when we talk about the reciprocity and all that good stuff. But for this --

COVERLEY: And I -- it's not, and it's not accepted going the other way also. So I can't go from Nevada to another state and just have it accepted either.

NIEL: So you're saying leave C alone, don't put state or do put state in Nevada.

TROUTEN: As the motion was stated, it was for Nevada state only.

NIEL: Right. Got it. Okay. I would agree with that.

TROUTEN: So the motion and second stand as presented. Any further discussion? All board members in favor please signify by saying aye.

BOARD: Aye.

TROUTEN: Any opposed?

NIEL: I'm opposed.

UNKNOWN: Nay.

TROUTEN: Two nays.

TROUTEN: I also vote aye. Motion carries. Moving on item number five, discussion, public comment and for possible action. Continued discussion regarding the establishment of new regulation pursuant to NRS 289.510, section one, subsection C, item six, which requires the POST commission to adopt a regulation establishing POST standards for an annual behavioral wellness visit for peace officers to aid in preserving the emotional and mental health of the peace officer and assessing the conditions that may affect the performance of the duties by the peace officer. End quote. This possible action includes the creation or adopt adoption of language for review by LCB. Uh, again, they did not like what we presented before, so, uh, once again, quick rundown, Mr. Sherlock.

SHERLOCK: Thank you. Mike Sherlock for the record. So again, just based on comments and staff research, um, we would suggest that the sample language

included, uh, be submitted to as a starting point, uh, submitted to LCB. If you look at that sample, uh, we do create standards, which is what they didn't like before. Uh, this, the standards that we are establishing in this, uh, again, trying to keep within what our research, um, those standards for the purpose of that visit are to increase officer's knowledge about mental health, reduce concerns about confidentiality by providing, uh, confidential settings for these visits, reduce stigma about mental health issues, and increase the exposure and comfort to qualified, uh, mental health professionals. Uh, and those other items that are listed in that sample language. Uh, recognizing that that LCB could change that based on, um, AB 336 and the language. But it's a good starting point, uh, to be able to bring that back to you, uh, the commission. And so we would, uh, staff would recommend, uh, continuing of the rulemaking with that sample language.

TROUTEN: All right, thank you, Director Sherlock. Before we get too far public comments on this matter at present, I think this would be a good time. We do have one letter from the Nevada Association Juvenile Justice Administrators, um, with some concerns on this. The, I believe this is in your packet, but the, and provided to you, but seeking language, clarifying how this regulation comports with peace officers rights federally and under NRS

289 to ensure confidentiality of medical records, personal information that the required qualifications of those providing the behavioral wellness visits and the required subject matter of the behavioral health wellness visits and if it's a clinical evaluation versus an educational supportive format, which I do believe in the sample language, each of those items has been addressed. So now to the board, are there comments or discussion points from the board? So do we have a motion that the board is good with this proffering to send to LCB on this matter?

COVERLEY: So moved.

RUSS: Second.

TROUTEN: We have it a first and a second. Any further discussion by the board?

SHEA: Are we, are we voted on this letter that says sample?

NIEL: The sample language.

SHERLOCK: Uh, Mr. Chairman, Mike Sherlock, for the record, can we just, uh, make sure whoever is making the motion to uh, uh, state their name? We're trying to keep up here.

TROUTEN: My apologies. We had a motion by Sheriff Coverley and a second by Russ. Okay. No further discussion. Board members in favor of sending this language to LCB please say aye.

BOARD: Aye.

TROUTEN: Any opposed? I also vote, aye. Motion carries. Item number eight, 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. Oh, excuse me, I flipped too far ahead. My apologies. We're back to item number six, folks. Discussion regarding, uh, this is, uh, discussion, public comment and for possible action discussion regarding possible revisions to NAC 289.270 to update the requirements to qualify for an executive certificate, not to be confused with an executive basic certificate. Mr. Sherlock, could you provide some background?

SHERLOCK: Uh, Mike Sherlock for the record. You know, staff is really looking for some guidance. If you look at our sample language there, we try tried to address what we, uh, believe were the concerns of the prior requirements. The sample recognizes accomplishments out of state and also recognizes or gives a pathway for those that, um, are in an appointed or elected position and never had the opportunity to get the, uh, uh, stepping stone certificates. So we think we have that all covered in the sample. Um, if that's incorrect, we need some guidance on this particular, uh, professional certificate.

TROUTEN: Thank you, Director Sherlock. We'll open it up to the public first for comment. Do we have any public comment? All right, (laugh), we, we bored the public to tears. They're leaving. All right. Uh, we'll now move to the board for comments and discussion. Is there any discussion on this?

PROSSER: Um, Prosser. Just for clarification, I promise, short and sweet, they can get the executive certificate if they do all the million steps we already require them, plus get a letter, have the same things if they come from out of state with proof or they've been appointed by the elected executive level position and are five years, uh, good.

NIEL: So to clarify, they have to wait till they're in the position for five years to get this. That's the way it's written. That's how interpret.

PROSSER: That's the way it's written. Chief Shea, how do you feel about that? You want to shorten it? What do you think, two?

SHEA: I think the original reason for five was that the person was elected, it was into a second term and that's where the five came from.

SHERLOCK: So Mike Sherlock for the record. The thinking I believe there was, if they're going to bypass all the other steps and they really don't have the

opportunity because oftentimes it's someone who's elected or appointed either who's has a short time in, in policing or from out of state, there's no way they can obtain those other professional certificates that are currently required. So we're saying, okay, if you've done the job for five years, you the requirement to get those lower certificates are, is bypassed. And that's why we said five years. And you're right, it is into their second term.

PROSSER: But there's no way an elected official can do all the steps in five years.

SHERLOCK: Correct. That, that's why we're saying that.

TROUTEN: So that it's a, a bifurcated process. There's the normal process. Again, sorry Ty Trouten for the record. There's secondly, if they're elected, say a sheriff after their fifth year, uh, you're basically using that as a, I guess a referendum that they have performed well enough in that role to qualify as an executive or for that certificate without having the other items normally required because they haven't had that opportunity. Is that correct?

SHERLOCK: Yes, it is.

TROUTEN: Interpretations?

SHERLOCK: And, and Mike Sherlock for the record, one last thing that that was brought up about this

particular certificate is, uh, the definition of what an executive was was too narrow. And so this sample puts it back on the sheriff to decide who's an executive.

SHEA: So it is, it is hard for me to read this, uh, this print on this thing. Um, but if I read the – Tim Shea here, I'm sorry. Um, this also says that if you have the above certificates, is that your, your basic intermediate advanced supervisor, whatever management from out of state in a reciprocal state, those apply here now?

SHERLOCK: That's correct.

SHEA: So you really have three ways to do this. One is you've done it in state. One is you've met all that criteria out of state and are here. Or if you haven't done any of these steps and somehow some way you end up as a chief executive after five years you could get it. So there's three ways to get it.

SHERLOCK: Sure. Correct.

SHEA: Okay. Sorry, I just couldn't read the light blueprint here. The a's on sample blocks it out.

TROUTEN: Any further discussion?

PROSSER: So move.

TROUTEN: May I interpret that to, uh --

PROSSER: I make a motion.

TROUTEN: -- motion to accept the letter as presented?

PROSSER: Yes, please.

TROUTEN: Is there a second?

NIEL: Russ Niel, second.

TROUTEN: All right. Any further discussion? The board to a vote, all in favor, please say aye.

BOARD: Aye.

TROUTEN: Any opposed? I also vote aye. That carries. Moving on to item number seven, discussion, public comment and for possible action. Request from the Las Vegas Metropolitan Police Department for an executive certificate for their employer -- employee Captain Gregory. Possible action may include issuance or denial of the executive certificate. We'll go back to Director Sherlock to give us the background on this.

SHERLOCK: Uh, Mike Sherlock for the record. So it's, uh, sorry, it's Captain Munson. That's probably my fault.

TROUTEN: Oh, my apologies.

SHERLOCK: Uh, staff reviewed, uh, captain Munson's application for an executive certificate and find that he meets the requirements for the certificate and would recommend approval of that certificate.

TROUTEN: Is that under one of the three ways listed?

SHERLOCK: He did it traditionally, you know what I mean?

TROUTEN: Yeah. Thanks sir. All right, any questions or comments from the board? All right, hearing none. Is there a motion?

SHEA: Tim Shea, I'll make a motion --

TOGLIATTI: I'll second.

SHEA: -- for the certificate.

TROUTEN: Motion by Chief Shea. I have a second, uh, by George Togliatti. All those in favor please say aye.

BOARD: Aye.

TROUTEN: Any opposed? I also vote aye. Now we are down to item number eight. Public comments; 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 at a subsequent meeting. Do we have any public comment? Seeing no public comment, we move on to item nine. Uh, this is discussion, public comment, and for possible action on the next upcoming commission meeting. So Mike, I believe we've got our next sheriffs and chiefs is October if you want to --

SHERLOCK: Yeah, Mike Sherlock for the record. So it looks like we were able to secure room, uh, the 26th in the morning, uh, if that's, uh, what, uh, the commission

desires. Uh, that's what we did last year. Um, uh, we understand it does mean staying one night extra down, uh, in the south. Uh, but uh, you're late in the day anyway on the 25th, but, uh, uh, for us to get a room in that venue is difficult during that. And, and they actually, sheriffs and chiefs helps us with, with the room. So we would recommend October 26th at, you know, eight 8:00 AM or in the morning.

TROUTEN: Is there any comments, questions, or discussion on that? I'll just say from being from the north, I prefer the 8:00 AM for the trip back. All right. Is there a motion?

NIEL: Russ Niel, so moved.

TROUTEN: Second.

PROSSER: Prosser, second.

TROUTEN: All in favor say aye.

BOARD: Aye.

TROUTEN: I also vote aye. Motion carries. Um, now just looking for that glorious motion to adjourn.

COVERLEY: So moved

NEIL: So moved

TROUTEN: All right, we are adjourned.

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

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

POST 3rd Quarterly Audit Report
(July-Sept)

Number of Agencies Audited: 9 **Number of Agencies with Deficiencies: 5**
Number of Academies Audited: 7 **Number of Academies with Deficiencies: 1**
Courses Certified: 43

AGENCIES:

Agency training deficiency and recommended corrective action:

1. **Agency Name/Date: Duckwater Shoshone Tribal Police 7/23/23**
   Findings: Major Finding – Officer completed OC training via Police One, but it needs to be an in-person training with a certified OC Instructor. Officers are advised not to carry OC until proper training is received.
   Recommendation: Provide documentation showing compliance for deficient officer prior to carrying OC spray. If officers are found to still carry OC spray without receiving proper training, the suspension process will be initiated. **Ensure all officers complete annual compliance training pursuant to NAC 289.230**

2. **Agency Name/Date: Lincoln Co SO 9/18/23**
   Findings: Major Finding – No documentation/proof showing completion of perishable skills training, department wide for 2022. Rosters/Sign in sheets need to include the date of training, instructor and have the officer's signature.
   Recommendation: Locate documentation showing compliance for department within 30 days of E-mail sent to Sheriff Foremaster, Undersheriff Woodworth and Deputy Synsteby (September 26, 2023). POST will need to receive documentation showing the completed training by October 26, 2023. If no documentation is provided, the suspension process may be initiated. **Ensure all officers complete annual compliance training pursuant to NAC 289.230**

3. **Agency Name/Date: Ely Shoshone Tribal Police 09/20/2023**
   Findings: N/A
   Recommendation: Prior to officers being released to work, it is strongly recommended they receive training in all perishable skills that affect their job. Firearms, defensive tactics, use of force are always applicable, and if they will carry impact weapons, OC spray or taser, they need to be trained with those items as well. **Ensure all officers complete annual compliance training pursuant to NAC 289.230**

Agency background deficiency and recommended corrective action:

1. **Agency Name/Date: Duckwater Shoshone Tribal Police 7/23/23**
   Findings: Critical Finding - All new hires must undergo a complete and documented investigation into his/her background pursuant to NAC 289.110
   Recommendation: Complete full background pursuant to NAC 289.110 for all new hires
   AUDIT CLOSED

2. **Agency Name/Date: Douglas County Juvenile Probation 8/14/23**
   Findings: Critical Finding - All new hires must undergo a complete and documented investigation into his/her background pursuant to NAC 289.110. Among the items not present in the BG file were a high school diploma, birth certificate, printouts of out of state DL history(ies), medical fit-for, psychological determination (competent/not competent), drug screening result. (It should be noted that the BG Investigator noted in the report that the applicant presented a HS diploma and birth certificate). I told Chief and Deputy Chief to have the BGI make a copy of the documents and place them in the packet to suffice and prove compliance.
   Recommendation: Complete full background pursuant to NAC 289.110 for all new hires
   AUDIT CLOSED

3. **Agency Name/Date: Lincoln Co SO 9/18/23**
   Findings: Critical Finding - All new hires must undergo a complete and documented investigation into his/her background pursuant to NAC 289.110
   Recommendation: Complete full background pursuant to NAC 289.110 for all new hires
   AUDIT TO REMAIN OPEN UNTIL 2022 TRAINING DEFICIENCY RESOLVED

4. **Agency Name/Date: Ely Shoshone Tribal Police 09/20/2023**
   Findings: Critical Finding - All new hires must undergo a complete and documented investigation into his/her background pursuant to NAC 289.110
   Recommendation: Complete full background pursuant to NAC 289.110 for all new hires
   AUDIT CLOSED

ACADEMIES:

Academy training deficiency and recommended corrective action:

1. **Academy Name/Date: Nevada POST Basic Academy I, II, III 8/30/23**
   Findings: Minor- Need an updated/completed resume for Courtroom Demeanor/Testimony instructor
   Recommendation: Curriculum should be reviewed every year for any legal updates or policy changes
   AUDIT CLOSED

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

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

A. LCB File R004-23 – Amend NAC 289.110 to accommodate recent law changes regarding marijuana. NAC 289.110(5) The provisions of subsection 4 do not apply to a person who has been convicted of an offense involving the unlawful use, sale or possession of marijuana if the offense is not unlawful at the time the person submits an application for certification as a peace officer.

B. LCB File R005-23 – Amend NAC 289.300(1)(b) "a person enrolling in a basic training program ***may*** be required to pass…."

C. LCB File R006-23 – Amend NAC 289.200(4)(a) to remove the requirement that the physical fitness examination be passed "not later than 16 weeks after the first day" and instead require the physical fitness examination to be passed "during" the academy.

D. LCB File R007-23 – Amend NAC 289.200(8) to remove the "full-time" requirement to maintain the basic certificate.

<u>The Commission to fully consider all written and oral comments received on these proposed regulations before taking any action.</u>

STATE OF NEVADA
COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING
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JOE LOMBARDO
Governor

MICHAEL D. SHERLOCK
Executive Director

NOTICE OF INTENT TO ACT UPON A REGULATION

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

PUBLIC COMMENT HEARING NOTICE: The Commission on Peace Officer Standards and Training ("Commission") will be holding a Public Comment Hearing at **8:00 a.m. on Thursday, October 26, 2023, at the Southpoint Hotel and Casino, 9777 Las Vegas Blvd., S., Napa Room B, Las Vegas, NV 89183**. The purpose of the hearing is to receive comments from all interested persons regarding the adoption and/or amendment of regulations that pertain to Chapter 289 of the Nevada Administrative Code (NAC).

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

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

Existing law requires the Peace Officer Standards and Training Commission to adopt regulations establishing minimum standards for the certification and decertification, recruitment, selection and training of peace officers. (NRS 289.510)
NAC289.110(4) states a person may not be appointed to perform the duties of a peace officer if he or she has been convicted of an offense involving moral turpitude or the unlawful use, sale or possession of a controlled substance. This update to the regulation (R004-23P) will update the hiring standards to accommodate recent law changes regarding marijuana. The update states "The provisions of subsection 4 do not apply to a person who has been convicted of an offense involving the unlawful use, sale or possession of marijuana if the offense is not unlawful at the time the person submits an application for certification as a peace officer."
This change will allow previously disqualified candidates to be eligible for peace officer positions, potentially expanding the hiring field for agencies.

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

This is a permanent regulation.

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

   The proposed regulation text may be obtained by going to the Register of Administrative Regulations for 2023 and clicking the link: https://www.leg.state.nv.us/Register/2023Register/R004-23P.pdf, by contacting Chief Kathy Floyd at kfloyd@post.state.nv.us or by telephone at 775-687-7678, ext. 3335 or going to the Nevada Commission on POST website at https://post.nv.gov.

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

   (a) Both adverse and beneficial effects; and

   (1) Adverse effects: None

   (2) Beneficial effects: Allow agencies to hire a previously disqualified group of candidates, which can expand their ability to hire.

   (b) Both immediate and long-term effects:

   (1) The immediate effects: Expanding the ability of agencies to hire.

   (2) The long-term effects: Providing a newly expanded pool of applicants would aid agencies in the ability to fill much needed positions.

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

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

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

   None

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

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

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

   The proposed regulation is not required by federal law.

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

   There are no federal regulations that regulate the same activity.

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

This regulation does not involve or establish fees.

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

N/A

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Persons wishing to comment upon the proposed action of the Commission on Peace Officer Standards and Training (Commission on POST) may appear at the scheduled public hearing or may address their comments, data, views or arguments, in written form, to Michael D. Sherlock, Executive Director, Commission on POST, 5587 Wa Pai Shone Avenue, Carson City, Nevada 89701. **Written submissions must be received by the Commission on POST on or before 5:00 pm on October 12, 2023.** If no person who is directly affected by the proposed action appears to request time to make an oral presentation, the Commission on POST may proceed immediately to act upon any written submissions.
This Notice of Intent to Act Upon Regulations and the proposed regulation will be on file at the State Library, Archives and Public Records Administrator, 100 Stewart Street, Carson City, Nevada for inspection by members of the public during business hours. Additional copies of the notice and regulations to be adopted, amended or repealed will be available at the Commission on POST Administrative Offices, 5587 Wai Pai Shone Avenue, Carson City, 89701, State of Nevada Register of Administrative Regulations, which is prepared and published monthly by the Legislative Counsel Bureau pursuant to NRS 233B.0653, and on the Internet at http://leg.state.nv.us, the POST web site at http://post.nv.gov and the State of Nevada Department of Administration website at https://notice.nv.gov .

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

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

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

Commission on POST Administrative Office
Carson City, NV 89701

http://post.nv.gov

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

SEE ATTACHED COPIES OF THE PROPOSED REGULATIONS

PROPOSED REGULATION OF THE PEACE OFFICERS'

STANDARDS AND TRAINING COMMISSION

LCB File No. R004-23

July 17, 2023

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

AUTHORITY: §1, NRS 289.510.

A REGULATION relating to peace officers; revising provisions concerning standards for the appointment of peace officers; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law creates the Peace Officers' Standards and Training Commission and requires the Commission to adopt regulations establishing minimum standards for the certification and decertification, recruitment, selection and training of peace officers. (NRS 289.500, 289.510) Existing regulations prohibit a person from being appointed to perform the duties of a peace officer if the person has, among other things, been convicted of an offense involving moral turpitude or the unlawful use, sale or possession of a controlled substance. (NAC 289.110, as amended by section 1 of Adopted Reg. of Peace Officers' Standards & Training Comm'm, LCB File No. R078-21) This regulation exempts from this prohibition a person who has been convicted of an offense involving the unlawful use, sale or possession of marijuana if the offense is not unlawful at the time the person submits an application for certification as a peace officer.

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

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

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

(b) Is a citizen of the United States;

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

(d) Has:

(1) Graduated from high school;

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

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

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

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

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

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

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

(d) A financial history of the person;

(e) The educational background of the person;

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

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

(h) A drug screening test;

(i) A psychological evaluation;

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

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

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

4. ~~[A]~~ ***Except as otherwise provided in subsection 5, a*** person may not be appointed to perform the duties of a peace officer if he or she has:

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

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

(c) A documented history of physical violence; or

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

5. The provisions of subsection 4 do not apply to a person who has been convicted of an offense involving the unlawful use, sale or possession of marijuana if the offense is not unlawful at the time the person submits an application for certification as a peace officer.

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

JOE LOMBARDO
Governor

MICHAEL D. SHERLOCK
Executive Director

NOTICE OF INTENT TO ACT UPON A REGULATION

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

PUBLIC COMMENT HEARING NOTICE: The Commission on Peace Officer Standards and Training ("Commission") will be holding a Public Comment Hearing at **8:00 a.m. on Thursday, October 26, 2023, at the Southpoint Hotel and Casino, 9777 Las Vegas Blvd., S., Napa Room B, Las Vegas, NV 89183**. The purpose of the hearing is to receive comments from all interested persons regarding the adoption and/or amendment of regulations that pertain to Chapter 289 of the Nevada Administrative Code (NAC).

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

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

Existing law requires the Peace Officer Standards and Training Commission to adopt regulations establishing minimum standards for the certification and decertification, recruitment, selection and training of peace officers. (NRS 289.510)
NAC289.300(1)(b) requires a person enrolling in a basic training program must be required to pass the 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. This update to the regulation (R005-23RP1) will make this requirement optional for academies by updating the language to say "a person enrolling in a basic training program may be required to pass…." With strict, regimented physical training, a cadet that could not pass the physical fitness test at the start of the academy could be conditioned to pass the final physical fitness examination before the end of the academy. Dismissing such a cadet causes a financial burden on agencies that have spent several thousand dollars completing a full background on a candidate that can be conditioned to pass the examination. Using this "entrance level" physical fitness test as a guide to evaluate the physical fitness of cadets at the start of the academy, instead of a mandatory requirement to pass, will allow agencies to maintain their new hires and train the cadet to meet the physical fitness standard during the academy and allow them to retain the officers that otherwise would have been dismissed.

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

This is a permanent regulation.

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

The proposed regulation text may be obtained by going to the Register of Administrative Regulations for 2023 and clicking the link: https://www.leg.state.nv.us/Register/2023Register/R005-23RP1.pdf, by contacting Chief Kathy Floyd at kfloyd@post.state.nv.us or by telephone at 775-687-7678, ext. 3335 or going to the Nevada Commission on POST website at https://post.nv.gov.

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

(a) Both adverse and beneficial effects; and

(1) Adverse effects: None

(2) Beneficial effects: Allow for retention of newly hired officers and allow the academy to condition these officers to pass the final physical fitness examination instead of dismissing the officer and having to start the hiring process over again, costing thousands of dollars agencies do not have in their budgets.

(b) Both immediate and long-term effects:

(1) The immediate effects: Retention of officers, fewer dismissals

(2) The long-term effects: Retention of officers that only need regimented physical fitness training to pass the final physical fitness test. Agencies will benefit from retaining these new hires and not having to start the hiring process over.

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

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

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

None

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

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

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

The proposed regulation is not required by federal law.

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

There are no federal regulations that regulate the same activity.

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

This regulation does not involve or establish fees.

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

N/A

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Persons wishing to comment upon the proposed action of the Commission on Peace Officer Standards and Training (Commission on POST) may appear at the scheduled public hearing or may address their comments, data, views or arguments, in written form, to Michael D. Sherlock, Executive Director, Commission on POST, 5587 Wa Pai Shone Avenue, Carson City, Nevada 89701. **Written submissions must be received by the Commission on POST on or before 5:00 pm on October 12, 2023.** If no person who is directly affected by the proposed action appears to request time to make an oral presentation, the Commission on POST may proceed immediately to act upon any written submissions.
This Notice of Intent to Act Upon Regulations and the proposed regulation will be on file at the State Library, Archives and Public Records Administrator, 100 Stewart Street, Carson City, Nevada for inspection by members of the public during business hours. Additional copies of the notice and regulations to be adopted, amended or repealed will be available at the Commission on POST Administrative Offices, 5587 Wai Pai Shone Avenue, Carson City, 89701, State of Nevada Register of Administrative Regulations, which is prepared and published monthly by the Legislative Counsel Bureau pursuant to NRS 233B.0653, and on the Internet at http://leg.state.nv.us, the POST web site at http://post.nv.gov and the State of Nevada Department of Administration website at https://notice.nv.gov .

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

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

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

Commission on POST Administrative Office
Carson City, NV 89701

http://post.nv.gov

http://notice.nv.gov

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SEE ATTACHED COPIES OF THE PROPOSED REGULATIONS

REVISED PROPOSED REGULATION OF THE PEACE

OFFICERS' STANDARDS AND TRAINING COMMISSION

LCB File No. R005-23

July 19, 2023

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

AUTHORITY: § 1, NRS 289.510, as amended by section 7 of Senate Bill No. 225, chapter 422, Statutes of Nevada 2023, at page 2546, and section 1 of Senate Bill No. 323, chapter 158, Statutes of Nevada 2023, at page 839.

A REGULATION relating to peace officers; revising requirements relating to the certification of basic training courses for peace officers; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Peace Officers' Standards and Training Commission to adopt regulations establishing minimum standards for the certification, decertification, recruitment, selection and training of peace officers. (NRS 289.510, as amended by section 7 of Senate Bill No. 225, chapter 422, Statutes of Nevada 2023, at page 2546, and section 1 of Senate Bill No. 323, chapter 158, Statutes of Nevada 2023, at page 839)

Existing regulations require the Executive Director of the Commission to certify basic training courses for peace officers which meet certain requirements, including that a person enrolling in such a course must pass a physical examination within a certain period. (NAC 289.300) This regulation instead requires the Executive Director to certify a basic training course if a person enrolling in the course may be required to pass a physical fitness examination.

Section 1. NAC 289.300 is hereby amended to read as follows:

289.300 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.

(c) Each course submitted to the Executive Director for certification must have a curriculum that contains the following elements:

(1) Each topic of instruction for which the Commission has not established standardized performance objectives must have specifically defined objectives for the performance of the students which are based upon known work requirements;

(2) Each topic of instruction for which the Commission has established standardized performance objectives must include, at a minimum, the standardized performance objectives established by the Commission;

(3) Each topic of instruction must have a detailed lesson plan that specifically describes what the student is taught; and

(4) Each topic of instruction must be assigned a specific amount of time.

(d) Each course must employ performance-oriented instructional methods that provide opportunities for each student to demonstrate achievement of the objectives.

(e) For each course, there must be a system of written or practical examinations, or both, that will measure on a pass or fail basis the success of each student in achieving the objectives, including an examination at the beginning and end of each course.

(f) Each agency submitting a course for certification shall provide an instructional facility that meets the following requirements:

(1) A classroom with adequate heating, cooling, ventilation, lighting and space and an environment conducive to learning;

(2) Comfortable chairs with tables or arms for writing;

(3) Audiovisual equipment necessary to support the course;

(4) Instructional films and videotapes necessary to support the course; and

(5) A firing range adequate to train officers safely in the use of firearms.

(g) If an agency authorizes the use of the carotid restraint or the lateral vascular neck restraint, the course must include at least 8 hours of instruction in that restraint and include presentations on the use of force, the rules of the agency relating to safety, medical implications, approved techniques, and instruction on care and control measures. The course provided by such an agency must also include a written test of at least 10 questions requiring a minimum score of 70 percent and a proficiency test requiring a minimum score of 85 percent. The agency shall maintain records of each student's performance in the course.

2. Certification of courses will be made and maintained on the basis of on-site inspections conducted by the Executive Director or the staff of the Executive Director. Inspections will be conducted at the discretion of the Executive Director. The agency shall notify the Executive Director of any proposed changes regarding courses, instructors and facilities.

3. The Executive Director shall deny, suspend or revoke the certification of any course for failure of the agency to maintain the minimum curriculum, qualified instructors or requirements for the facility established by the Commission. The Executive Director shall automatically suspend the certification of a course that ceases operation for 24 consecutive months.

4. An agency requesting certification of a course shall make the request in writing to the Executive Director at least 60 days before the course is scheduled to begin. The training course must be reviewed and the request signed by the administrator of the agency and the legal adviser. The Executive Director shall acknowledge receipt of the request within 5 working days. The Executive Director shall respond with a detailed review of the course within 30 days and rule on the request within 45 days after receipt of the request.

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

JOE LOMBARDO
Governor

MICHAEL D. SHERLOCK
Executive Director

NOTICE OF INTENT TO ACT UPON A REGULATION

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

PUBLIC COMMENT HEARING NOTICE: The Commission on Peace Officer Standards and Training ("Commission") will be holding a Public Comment Hearing at **8:00 a.m. on Thursday, October 26, 2023, at the Southpoint Hotel and Casino, 9777 Las Vegas Blvd., S., Napa Room B, Las Vegas, NV 89183**. The purpose of the hearing is to receive comments from all interested persons regarding the adoption and/or amendment of regulations that pertain to Chapter 289 of the Nevada Administrative Code (NAC).

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

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

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

NAC289.200(4)(a) requires an officer to complete the physical fitness exam not later than 16 weeks after the first day of the officer's basic academy. This proposed regulation (R006-23) will require the physical fitness exam to be completed during the academy, removing the 16-week requirement. This will allow for better conditioning of cadets without the additional pressure of the 16-week deadline, and will produce better, overall scores with less injuries. This will allow for retention of cadets that would have otherwise been dismissed as they have more time to get into top physical condition.

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

This is a permanent regulation.

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

   The proposed regulation text may be obtained by going to the Register of Administrative Regulations for 2023 and clicking the link: https://www.leg.state.nv.us/Register/2023Register/R006-23P.pdf, by contacting Chief Kathy Floyd at kfloyd@post.state.nv.us or by telephone at 775-687-7678, ext. 3335 or going to the Nevada Commission on POST website at https://post.nv.gov.

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

   (a) Both adverse and beneficial effects; and

   (1) Adverse effects: None

   (2) Beneficial effects: Retention of cadets/officers that would have been dismissed from the law enforcement academy due to physical fitness limitations. Less risk of injury to cadets in law enforcement academy because this allows for more time to be taken with conditioning and learning the benefits of physical fitness and lifetime fitness.

   (b) Both immediate and long-term effects:

   (1) The immediate effects: Retention of cadets in the law enforcement academy

   (2) The long-term effects: Retention of cadets/officers that would have been dismissed from the academy because of failure to pass the physical fitness test within the 16 weeks, who, by the end of the law enforcement academy, can pass the test at certification level because they received the additional conditioning they needed. There will be less funds spent on new recruiting and backgrounds because they've been able to condition and train cadets throughout the academy, therefore retaining these officers who previously would have been dismissed.

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

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

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

   None

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

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

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

The proposed regulation is not required by federal law.

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

There are no federal regulations that regulate the same activity.

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

This regulation does not involve or establish fees.

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

N/A

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Persons wishing to comment upon the proposed action of the Commission on Peace Officer Standards and Training (Commission on POST) may appear at the scheduled public hearing or may address their comments, data, views or arguments, in written form, to Michael D. Sherlock, Executive Director, Commission on POST, 5587 Wa Pai Shone Avenue, Carson City, Nevada 89701. **Written submissions must be received by the Commission on POST on or before 5:00 pm on October 12, 2023.** If no person who is directly affected by the proposed action appears to request time to make an oral presentation, the Commission on POST may proceed immediately to act upon any written submissions.
This Notice of Intent to Act Upon Regulations and the proposed regulation will be on file at the State Library, Archives and Public Records Administrator, 100 Stewart Street, Carson City, Nevada for inspection by members of the public during business hours. Additional copies of the notice and regulations to be adopted, amended or repealed will be available at the Commission on POST Administrative Offices, 5587 Wai Pai Shone Avenue, Carson City, 89701, State of Nevada Register of Administrative Regulations, which is prepared and published monthly by the Legislative Counsel Bureau pursuant to NRS 233B.0653, and on the Internet at http://leg.state.nv.us, the POST web site at http://post.nv.gov and the State of Nevada Department of Administration website at https://notice.nv.gov .

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

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

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

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Carson City, NV 89701

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

R006-23

SEE ATTACHED COPIES OF THE PROPOSED REGULATIONS

PROPOSED REGULATION OF THE PEACE OFFICERS'

STANDARDS AND TRAINING COMMISSION

LCB File No. R006-23

July 17, 2023

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

AUTHORITY: § 1, NRS 289.510, as amended by section 7 of Senate Bill No. 225, chapter 422, Statutes of Nevada 2023, at page 2546, and section 1 of Senate Bill No. 323, chapter 158, Statutes of Nevada 2023, at page 839.

A REGULATION relating to peace officers; requiring certain peace officers to pass the state physical fitness examination during basic training; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Peace Officers' Standards and Training Commission to adopt regulations establishing minimum standards for the certification, decertification, recruitment, selection and training of peace officers. (NRS 289.510, as amended by section 7 of Senate Bill No. 225, chapter 422, Statutes of Nevada 2023, at page 2546, and section 1 of Senate Bill No. 323, chapter 158, Statutes of Nevada 2023, at page 839)

Existing regulations require, with certain exceptions, a peace officer to pass the state physical fitness examination not later than 16 weeks after the first day of the officer's basic training course. (NAC 289.200) This regulation requires, with certain exceptions, a peace officer to instead pass the state physical fitness examination during the officer's basic training course.

FIRST PARALLEL SECTION

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

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

(a) Satisfactorily completed the basic training course for basic certification;

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

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

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

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

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

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

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

(1) Abuse of older persons;

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

(3) Civil liability;

(4) Classification and receiving of offenders;

(5) Constitutional law;

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

(7) Crimes against persons;

(8) Crimes against property;

(9) Cultural awareness;

(10) Domestic violence, stalking and aggravated stalking;

(11) Ethics in law enforcement;

(12) Fire safety and use of emergency equipment;

(13) Games offenders play;

(14) Gangs and cults;

(15) Juvenile law;

(16) Laws relating to arrest;

(17) Laws relating to correctional institutions;

(18) Laws relating to drugs, including, without limitation, current trends in drugs;

(19) Miscellaneous crimes;

(20) Modern correctional philosophy;

(21) Probable cause;

(22) Public and media relations;

(23) Records of offenders in institutions;

(24) Rights of victims;

(25) Search and seizure;

(26) Searches of offender institutions;

(27) Supervision of offenders;

(28) Training concerning active assailants; and

(29) Use of force;

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

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

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

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

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

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

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

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

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

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

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

5. If a student enrolled in a basic training course certified or approved pursuant to NAC 289.300 sustains a bona fide physical injury that renders him or her incapable of completing the requirements of the state physical fitness examination, an agency may submit a request for an extension of time for the student to complete the examination. The agency shall submit such a request to the Executive Director. The request must include, without limitation, written

verification by a physician that the student is incapable of completing the requirements of the state physical fitness examination. If the Executive Director determines that an extension of time is warranted, the Executive Director shall authorize an extension of time for a period not to exceed 12 months after the date on which the student was hired or, if the student is a reserve officer, the date of activation of his or her reserve status.

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

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

(b) More than 16 weeks, but less than 12 months, after the date on which the officer was hired or, if the officer is a reserve officer, the date of activation of his or her reserve status,

➥ the employing agency of the officer may submit a request to the Executive Director to waive the requirements of subsection 4. The request must include, without limitation, the reason the officer was unable to pass the state physical fitness examination within the periods described in subsection 4. The Executive Director may, for good cause shown, grant a request submitted pursuant to this subsection.

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

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

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

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

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

8. The basic certificate of an officer whose employment is terminated for any reason will be placed on inactive status. If such a person is again employed as a 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.

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

JOE LOMBARDO
Governor

MICHAEL D. SHERLOCK
Executive Director

NOTICE OF INTENT TO ACT UPON A REGULATION

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

PUBLIC COMMENT HEARING NOTICE: The Commission on Peace Officer Standards and Training ("Commission") will be holding a Public Comment Hearing at **8:00 a.m. on Thursday, October 26, 2023, at the Southpoint Hotel and Casino, 9777 Las Vegas Blvd., S., Napa Room B, Las Vegas, NV 89183**. The purpose of the hearing is to receive comments from all interested persons regarding the adoption and/or amendment of regulations that pertain to Chapter 289 of the Nevada Administrative Code (NAC).

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

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

Existing law requires the Peace Officer Standards and Training Commission to adopt regulations establishing minimum standards for the certification and decertification, recruitment, selection and training of peace officers. (NRS 289.510)
NAC289.200(8) requires a person to be a full-time officer in order to be re-employed and maintain their basic certificate. In order to aid in the hiring and retention of officers, we will remove the full-time requirement. This will allow officers to pursue part time law enforcement employment, especially after retirement, utilizing a large, certified employment base for agencies.
The benefit is two-fold - Nevada law enforcement agencies will be able to save money by hiring part time, experienced, certified officers and Nevada officers will be able to maintain their certification without mandated full-time employment.

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

This is a permanent regulation.

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

The proposed regulation text may be obtained by going to the Register of Administrative Regulations for 2023 and clicking the link: https://www.leg.state.nv.us/Register/2023Register/R007-23P.pdf, by contacting Chief Kathy Floyd at kfloyd@post.state.nv.us or by telephone at 775-687-7678, ext. 3335 or going to the Nevada Commission on POST website at https://post.nv.gov.

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

(a) Both adverse and beneficial effects; and

(1) Adverse effects: None

(2) Beneficial effects: Nevada law enforcement agencies will be able to save money by hiring part time, experienced, certified officers.

(b) Both immediate and long-term effects:

(1) The immediate effects: Allow law enforcement agencies to immediately hire part time personnel to fill positions they cannot fill due to recruiting issues

(2) The long-term effects: Allow law enforcement agencies to build up part time, reserve programs, with certified, experienced officers.

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

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

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

None

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

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

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

The proposed regulation is not required by federal law.

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

There are no federal regulations that regulate the same activity.

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

This regulation does not involve or establish fees.

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

N/A

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Persons wishing to comment upon the proposed action of the Commission on Peace Officer Standards and Training (Commission on POST) may appear at the scheduled public hearing or may address their comments, data, views or arguments, in written form, to Michael D. Sherlock, Executive Director, Commission on POST, 5587 Wa Pai Shone Avenue, Carson City, Nevada 89701. **Written submissions must be received by the Commission on POST on or before 5:00 pm on October 12, 2023.** If no person who is directly affected by the proposed action appears to request time to make an oral presentation, the Commission on POST may proceed immediately to act upon any written submissions.
This Notice of Intent to Act Upon Regulations and the proposed regulation will be on file at the State Library, Archives and Public Records Administrator, 100 Stewart Street, Carson City, Nevada for inspection by members of the public during business hours. Additional copies of the notice and regulations to be adopted, amended or repealed will be available at the Commission on POST Administrative Offices, 5587 Wai Pai Shone Avenue, Carson City, 89701, State of Nevada Register of Administrative Regulations, which is prepared and published monthly by the Legislative Counsel Bureau pursuant to NRS 233B.0653, and on the Internet at http://leg.state.nv.us, the POST web site at http://post.nv.gov and the State of Nevada Department of Administration website at https://notice.nv.gov .

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

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

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

Commission on POST Administrative Office
Carson City, NV 89701

http://post.nv.gov

http://notice.nv.gov

http://leg.state.nv.us

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

SEE ATTACHED COPIES OF THE PROPOSED REGULATIONS

PROPOSED REGULATION OF THE PEACE OFFICERS'

STANDARDS AND TRAINING COMMISSION

LCB File No. R007-23

July 13, 2023

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

AUTHORITY: § 1, NRS 289.510, as amended by section 7 of Senate Bill No. 225, chapter 422, Statutes of Nevada 2023, at page 2546, and section 1 of Senate Bill No. 323, chapter 158, Statutes of Nevada 2023, at page 839.

A REGULATION relating to peace officers; requiring employing agencies to request the basic certification of certain persons be returned to active status; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Peace Officers' Standards and Training Commission to adopt regulations establishing minimum standards for the certification, decertification, recruitment, selection and training of peace officers. (NRS 289.510, as amended by section 7 of Senate Bill No. 225, chapter 422, Statutes of Nevada 2023, at page 2546, and section 1 of Senate Bill No. 323, chapter 158, Statutes of Nevada 2023, at page 839)

Existing regulations provide that the basic certificate of an officer whose employment is terminated for any reason will be placed on inactive status. If such person is again employed as a full-time peace officer, the employing agency is required to request that that person's basic certificate be returned to active status. (NAC 289.200) This regulation requires an employing agency to make such a request regardless of whether the person is employed as a full-time peace officer.

FIRST PARALLEL SECTION

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

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

(a) Satisfactorily completed the basic training course for basic certification;

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

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

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

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

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

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

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

(1) Abuse of older persons;

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

(3) Civil liability;

(4) Classification and receiving of offenders;

(5) Constitutional law;

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

(7) Crimes against persons;

(8) Crimes against property;

(9) Cultural awareness;

(10) Domestic violence, stalking and aggravated stalking;

(11) Ethics in law enforcement;

(12) Fire safety and use of emergency equipment;

(13) Games offenders play;

(14) Gangs and cults;

(15) Juvenile law;

(16) Laws relating to arrest;

(17) Laws relating to correctional institutions;

(18) Laws relating to drugs, including, without limitation, current trends in drugs;

(19) Miscellaneous crimes;

(20) Modern correctional philosophy;

(21) Probable cause;

(22) Public and media relations;

(23) Records of offenders in institutions;

(24) Rights of victims;

(25) Search and seizure;

(26) Searches of offender institutions;

(27) Supervision of offenders;

(28) Training concerning active assailants; and

(29) Use of force;

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

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

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

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

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

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

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

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

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

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

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

5. If a student enrolled in a basic training course certified or approved pursuant to NAC 289.300 sustains a bona fide physical injury that renders him or her incapable of completing the requirements of the state physical fitness examination, an agency may submit a request for an extension of time for the student to complete the examination. The agency shall submit such a

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

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

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

(b) More than 16 weeks, but less than 12 months, after the date on which the officer was hired or, if the officer is a reserve officer, the date of activation of his or her reserve status,

➥ the employing agency of the officer may submit a request to the Executive Director to waive the requirements of subsection 4. The request must include, without limitation, the reason the officer was unable to pass the state physical fitness examination within the periods described in subsection 4. The Executive Director may, for good cause shown, grant a request submitted pursuant to this subsection.

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

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

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

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

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

8. The basic certificate of an officer whose employment is terminated for any reason will be placed on inactive status. If such a person is again employed as a ~~[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.

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

Discussion by the Commission to continue the rulemaking process regarding the creation of standards pursuant to SB 323, *for the reciprocity of a person who has been certified as a category III peace officer or its equivalent by the certifying authority of another state or who has successfully completed a federal law enforcement training program that is equivalent to a category III peace officer in this State.*

NAC 289.200. The Executive Director may award a basic certificate to any officer working in an assignment equivalent to the category III Nevada officer position who has been certified by the certifying entity of another state, where that state has a statewide certifying entity, or has successfully completed a Federal Law Enforcement Training Centers of the United States Department of Homeland Security training program regarding custody and detention approved by the Commission or provides verifiable evidence of training equivalent to category III training in Nevada when employed in a state that does not have a statewide certifying entity for custody and detention assignments, 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 or employment from that other state and was at least equivalent to the basic training course for category III certification;

(b) The certification of the officer in the other jurisdiction has not been revoked or suspended; in the case where no certification is required in that other state, no discipline or acts that, if occurred in Nevada, would be cause for revocation or suspension.

(c) Not more than 60 months have lapsed since the officer was employed full time in the other jurisdiction as a custody or detention officer;

(d) The officer has satisfactorily completed a training course that is approved by the Executive Director which consists of a minimum of 40 hours of training that satisfies the requirements established by the Commission pursuant to subsection 1 of NAC 289.300 in:

Ethics in Law Enforcement
Cultural Awareness
Crisis Intervention
Handling of Persons with Mental Illness
Public & Media relations
Constitutional Law
Use of Force
Civil Liability
Laws Relating to Drugs
Modern Correctional Philosophy
Laws Relating to Correctional Institutions
Classification & Receiving Prisoners
Supervision of Offenders
Care of Persons in Custody
Searches of Offender Institutions
Games Offenders Play
Gangs & Cults
Records of Offenders in Institutions

DRAFT

Domestic Violence
Active Assailant & Building Searches
Counter Terrorism & WMD
Fire Safety & Use of Equipment

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

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

DRAFT

Senate Bill No. 323–Senators Seevers Gansert; and Hansen

CHAPTER.....

AN ACT relating to peace officers; requiring the Peace Officers' Standards and Training Commission to adopt certain regulations concerning the recruitment and selection of category III peace officers from other states or the Federal Government; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law creates the Peace Officers' Standards and Training Commission and requires the Commission to adopt regulations establishing minimum standards for the certification and decertification, recruitment, selection and training of peace officers. (NRS 289.500, 289.510) This bill requires the Commission to adopt regulations to establish standards for the reciprocity of a person from another state or the Federal Government with a certification or law enforcement training equivalent to a category III peace officer.

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

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 289.510 is hereby amended to read as follows:

289.510 1. The Commission:

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

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

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

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

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

(3) Standards for programs for the continuing education of peace officers, including minimum courses of study and requirements concerning attendance, which must require that all

peace officers annually complete not less than 12 hours of continuing education in courses that address:

(I) Racial profiling;

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

(III) The well-being of officers;

(IV) Implicit bias recognition;

(V) De-escalation;

(VI) Human trafficking; and

(VII) Firearms.

(4) Qualifications for instructors of peace officers;

(5) Requirements for the certification of a course of training; ~~[and]~~

(6) Standards for an annual behavioral wellness visit for peace officers to aid in preserving the emotional and mental health of the peace officer and assessing conditions that may affect the performance of duties by the peace officer ~~[.]~~ ***; and***

(7) Standards for the reciprocity of a person who has been certified as a category III peace officer or its equivalent by the certifying authority of another state or who has successfully completed a federal law enforcement training program that is equivalent to a category III peace officer in this State.

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

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

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

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

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

(i) Shall develop and approve a standard curriculum of certified training programs in crisis intervention, which may be made available in an electronic format, and which address specialized responses to persons with mental illness and train peace officers to identify the signs and symptoms of mental illness, to de-escalate situations involving persons who appear to be experiencing a behavioral health crisis and, if appropriate, to connect such persons

to treatment. A peace officer who completes any program developed pursuant to this paragraph must be issued a certificate of completion.

2. Regulations adopted by the Commission:

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

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

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

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

Sec. 2. 1. This section becomes effective upon passage and approval.

2. Section 1 of this act becomes effective:

(a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On January 1, 2024, for all other purposes.

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

Request from the North Las Vegas Police Department for an Executive Certificate for their employee Deputy Chief Michael Harris. Possible action may include issuance or denial of the requested Executive Certificate.

State of Nevada – POST

Professional Certificate Application

Agency Details

Agency Name *
North LV PD

Officer's Details

POST ID *
15456

Officer's Name *
Michael W Harris

Select the Professional Certificate and choose the applicant's qualifications for the certificate.
All officer's hours of POST training used to meet the requirements must be entered into the POST database before submitting this application. Use the POST *Professional Training* or *Annual Compliance* forms for this.

*

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

*

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

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

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

Attachments (2)

POST – PROFESSIONAL CERTIFICATE APPLICATION – – Michael W Harris – 8/28/2023

POST – PROFESSIONAL CERTIFICATE APPLICATION – – Michael W Harris – 8/28/2023

Additional information or comments

I've attached an org. chart, personnel order showing his date of promotion to Assistant Chief, his college degree and transcripts, letter from the Chief, and email correspondence from Kathy Floyd stating that he qualifies for his Executive Certificate.

Submitter Details

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

Submitter's Full Name *	Submitter's Phone # *	Submitter's E-Mail *
Gabriela Vazquez	702-633-1832	vazquezgd@cityofnorthlasvegas.com

This section is for POST approval only

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

NAME: HARRIS, MICHAEL W.

POST ID: 15456

Certificate	Level	Status	CertDate
Management	Professional	Active	7/12/2021
Supervisor	Professional	Active	10/19/2020
Intermediate	Professional	Active	12/19/2005
Advanced	Professional	Active	12/19/2005
Category I	Basic	Active	7/24/2002

NORTH LAS VEGAS
POLICE

JACQUELINE GRAVATT
CHIEF OF POLICE

August 23, 2023

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

Dear Mr. Sherlock,

Effective 5/14/22 Michael Harris was promoted to Assistant Chief of Police with this Department. As such, he supervises two or more persons who hold management level posititions and is in charge of an entire agency, major division, or bureau within an agency. 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,

J Gravatt

Jacqueline Gravatt
Chief of Police

CITY OF NORTH LAS VEGAS
POLICE DEPARTMENT

PERSONNEL ORDER # 22-096

Title: **Promotion ~ Capt. Michael Harris, P#1524**		
Effective Date: **May 14, 2022**	Supersedes:	Revises:
Cancellation Date:	Review Date:	
Approved by: **Jacqueline Gravatt**	Title: **Chief of Police**	Date: **May 16, 2022**
Paper Copy Distribution: **Capt. Michael Harris, P#1524** **Signed Copy to Resource Management Division** **Signed Copy to Chief's Office for Personnel File**		
Completed By: **Christine Payne**		

Effective Saturday, May 14, 2022, you are being promoted to the rank of Assistant Chief.

Please report to Chief Jacqueline Gravatt for further instructions.

Congratulations on your promotion!

Date: 8/15/2023

The University of Arizona Global Campus

Student: Michael W Harris
Address: [redacted]

DOB: [redacted]
StudentID:

LDA: 1/30/2023

Grade History

Course Code	Course Title	Credits Attempted	Credits Earned	Grade	Quality Points
Transfer From: **COLLEGE OF SOUTHERN NEVADA**					
Term: TRANSFER					
HIST 102	U S HISTORY II		3.00		
CRJ 110	INTRO NEVADA LAW ENFORCEM		3.00		
CRJ 210	COMM POLICING IN SOUTH NV		3.00		
CRJ 220	CRIMINAL PROCEDURES		3.00		
CRJ 233	NEVADA CRIMINAL LAW		3.00		
ENG 107	TECH COMMUNICATIONS I		3.00		
ACC 152	ELEM ACCOUNTING II		3.00		
ENG 101	COMPOSITION I		3.00		
SPH 101	ORAL COMMUNICATION		3.00		
AST 101	GENERAL ASTRONOMY		3.00		
ECON 102	PRINC MICROECONOMICS		3.00		
MATH 112	INTERMEDIATE ALGEBRA		3.00		
SPAN 101	BASICS OF SPANISH I		3.00		
ACC 151	ELEM ACCOUNTING I		3.00		
BUS 101	INTRO TO BUSINESS		3.00		
HIST 101	U S HISTORY I		3.00		
MGT 201	PRINCIPLES OF MGMT		3.00		
ANTH 103	CULTURAL ANTHROPOLOGY		3.00		
CIT 101	INTRO MGT INFO SYSTEM		3.00		
PSY 101	GENERAL PSYCHOLOGY		3.00		
SSK 109	STUDY SKILLS FOR COLLEGE		3.00		
MATH 124	COLLEGE ALGEBRA		3.00		
			66.00		
Transfer From: **STUDY.COM**					
Term: *NON-TRADITIONAL					
BUSINESS 209	MENTORING & LEADERSHIP DEVELOPMENT IN THE WORKPLACE		3.00		
			3.00		
		Total Transfer Credits:	**69.00**		

Program: Bachelor of Arts Program

Start Date: 4/6/2021 **Enroll Status:** Graduate

GPA: 3.92

Term: 5_2115(4/6/2021 - 5/10/2021)

All transfer credit detailed on this transcript may not be applicable to the student's degree program at the University of Arizona Global Campus.

Lai Zitoun

Lai Zitoun, University Registrar

Date: 8/15/2023

The University of Arizona Global Campus

Student: Michael W Harris
Address: [redacted]

DOB: [redacted]
StudentID: [redacted]

LDA: 1/30/2023

Grade History

Course Code	Course Title	Credits Attempted	Credits Earned	Grade	Quality Points
BUS 105	BUSINESS & ACADEMIC SUCCESS	3.00	3.00	A	12.00
Term GPA = 4.00	Cum GPA = 4.00	3.00	3.00		12.00
Term:	5_2121(5/18/2021 - 6/21/2021)				
BUS 119	PRINCIPLES OF PERSONAL & ORGANIZATIONAL LEADERSHIP	3.00	3.00	A	12.00
Term GPA = 4.00	Cum GPA = 4.00	3.00	3.00		12.00
Term:	5_2126(6/22/2021 - 7/26/2021)				
BUS 250	CORPORATE AND SOCIAL RESPONSIBILITY	3.00	3.00	A	12.00
Term GPA = 4.00	Cum GPA = 4.00	3.00	3.00		12.00
Term:	5_2131(7/27/2021 - 8/30/2021)				
MGT 380	LEADERSHIP FOR ORGANIZATIONS	3.00	3.00	A	12.00
Term GPA = 4.00	Cum GPA = 4.00	3.00	3.00		12.00
Term:	5_2136(8/31/2021 - 10/4/2021)				
BUS 318	ORGANIZATIONAL BEHAVIOR	3.00	3.00	A	12.00
Term GPA = 4.00	Cum GPA = 4.00	3.00	3.00		12.00
Term:	5_2141(10/5/2021 - 11/8/2021)				
PSY 302	INDUSTRIAL/ORGANIZATIONAL PSYCHOLOGY	3.00	3.00	A	12.00
Term GPA = 4.00	Cum GPA = 4.00	3.00	3.00		12.00
Term:	5_2146(11/9/2021 - 12/13/2021)				
COM 325	COMMUNICATION & CONFLICT	3.00	3.00	A	12.00
Term GPA = 4.00	Cum GPA = 4.00	3.00	3.00		12.00
Term:	5_2151(12/14/2021 - 1/31/2022)				

All transfer credit detailed on this transcript may not be applicable to the student's degree program at the University of Arizona Global Campus.

Lai Zitoun, University Registrar

Date: 8/15/2023

The University of Arizona Global Campus

Student: Michael W Harris
Address: [redacted]

DOB: [redacted]
StudentID: [redacted]

LDA: 1/30/2023

Grade History

Course Code	Course Title	Credits Attempted	Credits Earned	Grade	Quality Points
MGT 321	ASSESSING LEADERSHIP SKILLS	3.00	3.00	B-	8.10
Term GPA = 2.70 Cum GPA = 3.84		3.00	3.00		8.10
Term: 5_2206(2/1/2022 - 3/7/2022)					
GEN 499	GENERAL EDUCATION CAPSTONE	3.00	3.00	A	12.00
Term GPA = 4.00 Cum GPA = 3.86		3.00	3.00		12.00
Term: 5_2213(3/22/2022 - 4/25/2022)					
MGT 440	THE DARK SIDE OF LEADERSHIP	3.00	3.00	A	12.00
Term GPA = 4.00 Cum GPA = 3.87		3.00	3.00		12.00
Term: 5_2218(4/26/2022 - 5/30/2022)					
BUS 340	BUSINESS COMMUNICATIONS	3.00	3.00	A	12.00
Term GPA = 4.00 Cum GPA = 3.88		3.00	3.00		12.00
Term: 5_2223(5/31/2022 - 7/4/2022)					
BUS 370	ORGANIZATIONAL DEVELOPMENT	3.00	3.00	A	12.00
Term GPA = 4.00 Cum GPA = 3.89		3.00	3.00		12.00
Term: 5_2229(7/12/2022 - 8/15/2022)					
MGT 425	LEADERSHIP & MOTIVATION	3.00	3.00	A	12.00
Term GPA = 4.00 Cum GPA = 3.90		3.00	3.00		12.00
Term: 5_2235(8/23/2022 - 9/26/2022)					
MGT 460	LEADERSHIP PRIORITIES & PRACTICE	3.00	3.00	A	12.00
Term GPA = 4.00 Cum GPA = 3.91		3.00	3.00		12.00
Term: 5_2241(10/4/2022 - 11/7/2022)					

All transfer credit detailed on this transcript may not be applicable to the student's degree program at the University of Arizona Global Campus.

Lai Zitoun, University Registrar

Date: 8/15/2023

The University of Arizona Global Campus

Student: Michael W Harris
Address: [redacted]

DOB:
StudentID: [redacted]

LDA: 1/30/2023

Grade History

Course Code	Course Title	Credits Attempted	Credits Earned	Grade	Quality Points
BUS 215	PERSONAL FINANCIAL MANAGEMENT	3.00	3.00	A	12.00
Term GPA = 4.00	Cum GPA = 3.91	3.00	3.00		12.00
Term:	5_2246(11/8/2022 - 12/12/2022)				
BUS 311	BUSINESS LAW I	3.00	3.00	A	12.00
Term GPA = 4.00	Cum GPA = 3.92	3.00	3.00		12.00
Term:	5_2251(12/13/2022 - 1/30/2023)				
WEB 100	WORDPRESS DEVELOPMENT	3.00	3.00	A	12.00
Term GPA = 4.00	Cum GPA = 3.92	3.00	3.00		12.00
Total Credits:		120	120		
Cumulative GPA: 3.92					

Degree	Date Awarded
Bachelor of Arts Major: Business Leadership Honors: Summa Cum Laude	3/24/2023

All transfer credit detailed on this transcript may not be applicable to the student's degree program at the University of Arizona Global Campus.

Lai Zitoun, University Registrar

The University of Arizona Global Campus

Upon the recommendation of the faculty and by virtue
of the authority vested in the Board of Directors,
the University of Arizona Global Campus hereby confers upon

Michael Wade Harris

the degree

Bachelor of Arts

Business Leadership

Summa Cum Laude

with all the Rights and Privileges thereunto appertaining.
In testimony whereof, this degree is granted in the State of Arizona,
on the Twenty-fourth day of March, in the year Two Thousand and Twenty-three.

President and Chief Executive Officer

THE UNIVERSITY OF ARIZONA GLOBAL CAMPUS

Chair of the Board of Directors

Chairman and Editor-in-Chief of Forbes Media

NORTH LAS VEGAS POLICE DEPARTMENT
DEPARTMENT COMMAND STRUCTURE



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

Discussion and possible rulemaking on changing the physical fitness requirements (NAC 289.200(2)(f)) for reciprocity applicants.

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)

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

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

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

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

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

(1) Abuse of older persons;
(2) Child abuse and sexual abuse of a child;
(3) Civil liability;
(4) Classification and receiving of offenders;
(5) Constitutional law;
(6) Counter-terrorism and weapons of mass destruction;
(7) Crimes against persons;
(8) Crimes against property;
(9) Cultural awareness;
(10) Domestic violence, stalking and aggravated stalking;
(11) Ethics in law enforcement;
(12) Fire safety and use of emergency equipment;
(13) Games offenders play;
(14) Gangs and cults;
(15) Juvenile law;
(16) Laws relating to arrest;
(17) Laws relating to correctional institutions;
(18) Laws relating to drugs, including, without limitation, current trends in drugs;
(19) Miscellaneous crimes;
(20) Modern correctional philosophy;
(21) Probable cause;
(22) Public and media relations;
(23) Records of offenders in institutions;
(24) Rights of victims;
(25) Search and seizure;
(26) Searches of offender institutions;
(27) Supervision of offenders;

DRAFT

(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.~~ approved by the employing agency.**

NAC 289.205 State physical fitness examination: Requirements. (NRS 289.510) To pass the state physical fitness examination, a person must:

1. For a basic certificate as a category I peace officer or as a reserve peace officer:

(a) Complete a vertical jump of not less than 14 inches.

(b) Complete not less than 30 sit-ups in 1 minute.

(c) Complete not less than 23 push-ups.

(d) Run 300 meters in not more than 1 minute and 8 seconds.

(e) Walk or run 1.5 miles in not more than 16 minutes and 57 seconds.

(f) Complete an agility run in not more than 19.5 seconds.

2. For a basic certificate as a category II peace officer:

(a) Complete a vertical jump of not less than 15 inches.

(b) Complete not less than 29 sit-ups in 1 minute.

(c) Complete not less than 15 push-ups.

(d) Run 300 meters in not more than 1 minute and 20 seconds.

(e) Walk or run 1.5 miles in not more than 20 minutes and 6 seconds.

(f) Complete an agility run in not more than 20.7 seconds.

3. For a basic certificate as a category III peace officer:

(a) Complete a vertical jump of not less than 15 inches.

(b) Complete not less than 20 push-ups.

(c) Run 300 meters in not more than 1 minute and 14 seconds.

(d) Walk or run 1.5 miles in not more than 17 minutes and 37 seconds.

(e) Complete an agility run in not more than 20.4 seconds.

(Added to NAC by Peace Officers' Standards & Training Comm'n by R118-09, eff. 1-28-2010)

DRAFT

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

Hearing pursuant to NAC 289.290(1)(g) on the revocation of Joshua M. Miller's (formerly employed with the Nevada Department of Public Safety) Category I and III basic certificates based on a conviction of, or entry of a plea of guilty, guilty but mentally ill or nolo contendere to a felony. The conviction(s) which have led to this action are: COUNT I – ATTEMPT LEWDNESS WITH A CHILD UNDER THE AGE OF 14 (Category B Felony-NRS201.230(2)-NOC 60471) (Clark County) and COUNT I-ATTEMPT MISCONDUCT OF A PUBLIC OFFICER (A category "E" Felony, in violation of NRS 197.110 and NRS 93.153) (White Pine County). Possible action may be revocation of the Category I and III basic certificates.

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

JOE LOMBARDO
Governor

MICHAEL D. SHERLOCK
Executive Director

NOTICE OF INTENT TO REVOKE

September 19, 2023

Joshua M. Miller
[redacted]
Las Vegas, NV 89101

Dear Mr. Miller,

POST PIN #: 28280

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

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

The Commission's regulations provide that a person's peace officer certificate(s) may be revoked pursuant to **NAC 289.290(1)(g) Conviction of, or entry of a plea of guilty, guilty but mentally ill or nolo contendere to, a felony.**

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

Count I: ATTEMPT LEWDNESS WITH A CHILD UNDER THE AGE OF 14 (Category B Felony – NRS 201.230(2) – NOC 60471)
Case#: C-22-365471-1
Jurisdiction: District Court, Clark County, Nevada

AND

Count I: ATTEMPT MISCONDUCT OF A PUBLIC OFFICER (A category "E" Felony, in violation of NRS 197.110 and NRS 93.153)
Case#: CR-2010119
Jurisdiction: Seventh Judicial District Court of the State of Nevada, White Pine County

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

EXHIBIT A

be given the opportunity to present evidence and cross-examine witnesses as applicable. If you wish, you may be represented by an attorney; however, this would be at your own expense. **If you or your counsel have any written arguments you would like to present to the Commission, you can send that information to me no less than fifteen (15) days prior to the date of the hearing.**

Written requests can be made to:

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

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

Date: October 26, 2023
Time: 8:00 a.m.
Location: Southpoint Hotel/Casino, 9777 Las Vegas Blvd., S., Napa Room B, Las Vegas, NV 89183

The hearing will cover the following: whether your P.O.S.T certificate(s) should be revoked pursuant to **NAC 289.290(1)(g) Conviction of, or entry of a plea of guilty, guilty but mentally ill or nolo contendere to, a felony.**

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

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

Sincerely,



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

cc: 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, David Flickinger, served the foregoing **Notice of Intent to Revoke**
Print name of the person serving this document

To Individual's Name: **JOSHUA M. MILLER**

at 3920 E Idaho St (Parole & Probation) on this
(location)

25th day of September, 2023.
Day *Month* *Year*

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

Executed on this 25th day of September, 2023.
Day *Month* *Year*

Signature of person serving the Notice

David Flickinger

Printed name of person serving the Notice

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

EXHIBIT B

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

Post ID Number: 28280

Last Name: Miller **First Name:** Joshua

MI: M **Suffix:**

☐ **Name Change?**

Last Name: Miller First Name: Joshua

MI: M Suffix:

☐ **Address Change?**

Street Address: [redacted]

City: Las Vegas State: NV Zip Code: 89318

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:

Resigned-Arrested on Felony charges

Effective Date: 05/15/2020

Submitters Name: Tanya Drew

Submitters Phone: (775) 687-2403

Submitters E-Mail: tdrew@dps.state.nv.us

EXHIBIT C

POST Update PAR form
Revised 01/01/2016

Submission number: 162623

STATE OF NEVADA

COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

Hereby Awards the

Category I
Basic Certificate

To

Joshua M. Miller

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

Governor

Executive Director

28280
POST ID No.

June 20, 2017
Date

(O) 500

EXHIBIT D

STATE OF NEVADA

Commission On Peace Officers' Standards And Training

Hereby Awards the

Basic Certificate

To

JOSHUA M. MILLER
CATEGORY III

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

Governor | Executive Director

November 20, 2008
Issuance Date

STATE OF NEVADA

Commission On Peace Officers' Standards And Training

Hereby Awards the

Basic Certificate

To

JOSHUA M. MILLER
CATEGORY III

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

Governor | Executive Director

November 20, 2008
Issuance Date

Nevada Commission on Peace Officers' Standards and Training
Peace Officer Basic Certification and Training Identification Card

Name: **JOSHUA M. MILLER** POST ID No.: **28280**

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

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

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

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

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.

(O) 1897

CLARK COUNTY DOCUMENTS

Electronically Filed
8/16/2023 4:23 PM
Steven D. Grierson
CLERK OF THE COURT

AINF
STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001565
ERCAN E. ISCAN
Chief Deputy District Attorney
Nevada Bar #009592
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-

JOSHUA MILLER, aka,
Joshua Max Miller #2513390,

Defendant.

CASE NO: C-22-365471-1

DEPT NO: XVII

A M E N D E D

I N F O R M A T I O N

STATE OF NEVADA)
) ss.
COUNTY OF CLARK)

STEVEN B. WOLFSON, District Attorney within and for the County of Clark, State of Nevada, in the name and by the authority of the State of Nevada, informs the Court:

That JOSHUA MILLER, aka, Joshua Max Miller, the Defendant(s) above named, having committed the crimes of **ATTEMPT LEWDNESS WITH A CHILD UNDER THE AGE OF 14 (Category B Felony - NRS 201.230(2) - NOC 60471),** on or between January 1, 2009 and December 31, 2016, within the County of Clark, State of Nevada, contrary to the form, force and effect of statutes in such cases made and provided, and against the peace and dignity of the State of Nevada,

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EXHIBIT E

did willfully, lewdly, unlawfully, and feloniously attempt to commit a lewd or lascivious act upon or with the body, or any part or member thereof, a child, to wit: [redacted]., a child under the age of fourteen years, by attempting to touch and/or rub the said [redacted].'s breast area and/or genital area and/or by making [redacted]. place her hands on or about his penis, with the intent of arousing, appealing to, or gratifying the lust, passions, or sexual desires of defendant, or of [redacted].

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

BY */s/Ercan E. Iscan*
ERCAN E. ISCAN
Chief Deputy District Attorney
Nevada Bar #009592

August 22, 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))

22CR003294/kf/SVU
LVMPD EV#200700002573
(TK)

Electronically Filed
5/10/2023 8:20 AM
Steven D. Grierson
CLERK OF THE COURT

GPA
STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001565
ERCAN E. ISCAN
Chief Deputy District Attorney
Nevada Bar #009592
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-

JOSHUA MILLER, aka,
Joshua Max Miller, #2513390

Defendant.

CASE NO: C-22-365471-1

DEPT NO: XVII

GUILTY PLEA AGREEMENT

I hereby agree to plead guilty, pursuant to North Carolina v. Alford, 400 U.S. 25 (1970), to: **ATTEMPT LEWDNESS WITH A CHILD UNDER THE AGE OF 14 (Category B Felony - NRS 201.230(2) - NOC 60471)**, as more fully alleged in the charging document attached hereto as Exhibit "1".

My decision to plead guilty is based upon the Alford plea agreement in this case which is as follows:

The State has no opposition to probation if Defendant is not a high-risk to re-offend pursuant to the psychosexual evaluation. All remaining counts contained in the Criminal Complaint which were bound over to District Court shall be dismissed when Defendant is adjudged guilty and sentenced.

I agree to the forfeiture of any and all electronic storage devices, computers, and/or related equipment and/or weapons or any interest in any electronic storage devices, computers and/or related equipment and/or weapons seized and/or impounded in connection with the

EXHIBIT F

instant case and/or any other case negotiated in whole or in part in conjunction with this plea agreement.

I understand and agree that, if I fail to interview with the Department of Parole and Probation (P&P), fail to appear at any subsequent hearings in this case, or an independent magistrate, by affidavit review, confirms probable cause against me for new criminal charges including reckless driving or DUI, but excluding minor traffic violations, the State will have the unqualified right to argue for any legal sentence and term of confinement allowable for the crime(s) to which I am pleading guilty, including the use of any prior convictions I may have to increase my sentence as an habitual criminal to five (5) to twenty (20) years, Life without the possibility of parole, Life with the possibility of parole after ten (10) years, or a definite twenty-five (25) year term with the possibility of parole after ten (10) years.

Otherwise, I am entitled to receive the benefits of these negotiations as stated in this plea agreement.

CONSEQUENCES OF THE PLEA

By pleading guilty pursuant to the Alford decision, it is my desire to avoid the possibility of being convicted of more offenses or of a greater offense if I were to proceed to trial on the original charge(s) and of also receiving a greater penalty. I understand that my decision to plead guilty by way of the Alford decision does not require me to admit guilt but is based upon my belief that the State would present sufficient evidence at trial that a jury would return a verdict of guilty of a greater offense or of more offenses than that to which I am pleading guilty.

I understand that by pleading guilty pursuant to the Alford decision, 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 by way of the Alford decision the Court must sentence me to imprisonment in the Nevada Department of Corrections for a minimum term of not less than TWO (2) year and a maximum term of not more than TWENTY (20) years. The minimum term of imprisonment may not exceed forty percent (40%) of the

maximum term of imprisonment.

I understand that 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 if I am pleading guilty to charges of Burglary, Invasion of the Home, Possession of a Controlled Substance with Intent to Sell, Sale of a Controlled Substance, or Gaming Crimes, for which I have prior felony conviction(s), I will not be eligible for probation and may receive a higher sentencing range.

I understand that pursuant to NRS 176.139 and my plea of guilty to a sexual offense for which the suspension of sentence or the granting of probation is permitted, P&P shall arrange for a psychosexual evaluation as part of the Division's presentence investigation and report (PSI) to the court.

I understand that I am not eligible for probation pursuant to NRS 176A.110 unless the psychosexual evaluation certifies that I do not represent a high risk to reoffend based upon a currently accepted standard of assessment. I understand that, except as otherwise provided by statute, the question of whether I receive probation is in the discretion of the sentencing judge.

I understand that, before I am eligible for parole a panel consisting of the Administrator of the Mental Health and Developmental Services of the Department of Human Resources or his designee; the Director of the Department of Corrections or his designee; and a psychologist licensed to practice in this state or a psychiatrist licensed to practice medicine in this state certifies that I was under observation while confined in an institution of the department of corrections and that I do not represent a high risk to reoffend based upon a currently accepted standard of assessment.

I understand that pursuant to NRS 176.0931, the Court must include as part of my sentence, in addition to any other penalties provided by law, a special sentence of lifetime

supervision commencing after any period of probation or any term of imprisonment and period of release upon parole.

I understand that the Court will include as part of my sentence, in addition to any other penalties provided by law, pursuant to NRS 179D.441 to 179D.550, inclusive, I must register as a sex offender within forty-eight (48) hours of release from custody onto probation or parole.

I understand that I must submit to blood and/or saliva tests under the direction of P&P to determine genetic markers and/or secretor status.

I understand that if more than one sentence of imprisonment is imposed and I am eligible to serve the sentences concurrently, the sentencing judge has the discretion to order the sentences served concurrently or consecutively.

I understand that information regarding charges not filed, dismissed charges, or charges to be dismissed pursuant to this agreement may be considered by the judge at sentencing.

I have not been promised or guaranteed any particular sentence by anyone. I know that my sentence is to be determined by the Court within the limits prescribed by statute.

I understand that if my attorney or the State of Nevada or both recommend any specific punishment to the Court, the Court is not obligated to accept the recommendation.

I understand that if the State of Nevada has agreed to recommend or stipulate a particular sentence or has agreed not to present argument regarding the sentence, or agreed not to oppose a particular sentence, such agreement is contingent upon my appearance in court on the initial sentencing date (and any subsequent dates if the sentencing is continued). I understand that if I fail to appear for the scheduled sentencing date or I commit a new criminal offense prior to sentencing the State of Nevada would regain the full right to argue for any lawful sentence.

I understand if the offense(s) to which I am pleading guilty to was committed while I was incarcerated on another charge or while I was on probation or parole that I am not eligible for credit for time served toward the instant offense(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 P&P will prepare a report for the sentencing judge prior to sentencing. This report will include matters relevant to the issue of sentencing, including my criminal history. This report may contain hearsay information regarding my background and criminal history. My attorney and I will each have the opportunity to comment on the information contained in the report at the time of sentencing. Unless the District Attorney has specifically agreed otherwise, then the District Attorney may also comment on this report.

WAIVER OF RIGHTS

By entering my plea of guilty, I understand that I am waiving and forever giving up the following rights and privileges:

1. The constitutional privilege against self-incrimination, including the right to refuse to testify at trial, in which event the prosecution would not be allowed to comment to the jury about my refusal to testify.

2. The constitutional right to a speedy and public trial by an impartial jury, free of excessive pretrial publicity prejudicial to the defense, at which trial I would be entitled to the assistance of an attorney, either appointed or retained. At trial the State would bear the burden of proving beyond a reasonable doubt each element of the offense(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.

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6. The right to appeal the conviction with the assistance of an attorney, either appointed or retained, unless specifically reserved in writing and agreed upon as provided in NRS 174.035(3). I understand this means I am unconditionally waiving my right to a direct appeal of this conviction, including any challenge based upon reasonable constitutional, jurisdictional or other grounds that challenge the legality of the proceedings as stated in NRS 177.015(4). However, I remain free to challenge my conviction through other post-conviction remedies including a habeas corpus petition pursuant to NRS Chapter 34.

VOLUNTARINESS OF PLEA

I have discussed the elements of all of the original 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.

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My attorney has answered all my questions regarding this guilty plea agreement and its consequences to my satisfaction and I am satisfied with the services provided by my attorney.

DATED this 7 day of ~~April~~ May, 2023.

JOSHUA MILLER, aka,
Joshua Max Miller
Defendant

AGREED TO BY:

/s/Ercan E. Iscan
ERCAN E. ISCAN
Chief Deputy District Attorney
Nevada Bar #009592

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.

August 22, 2023

Dated: This 8 day of ~~April~~ May, 2023.

DEPUTY PUBLIC DEFENDER

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

kf/SVU

CERTIFIED COPY
ELECTRONIC SEAL (NRS 1.190(3))

AINF
STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001565
ERCAN E. ISCAN
Chief Deputy District Attorney
Nevada Bar #009592
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-

JOSHUA MILLER, aka,
Joshua Max Miller #2513390,

Defendant.

CASE NO: C-22-365471-1

DEPT NO: XVII

AMENDED

INFORMATION

STATE OF NEVADA)
) ss.
COUNTY OF CLARK)

STEVEN B. WOLFSON, District Attorney within and for the County of Clark, State of Nevada, in the name and by the authority of the State of Nevada, informs the Court:

That JOSHUA MILLER, aka, Joshua Max Miller, the Defendant(s) above named, having committed the crimes of **ATTEMPT LEWDNESS WITH A CHILD UNDER THE AGE OF 14 (Category B Felony - NRS 201.230(2) - NOC 60471),** on or between January 1, 2009 and December 31, 2016, within the County of Clark, State of Nevada, contrary to the form, force and effect of statutes in such cases made and provided, and against the peace and dignity of the State of Nevada,

//

//

//

//

Exhibit "1"

EXHIBIT G

did willfully, lewdly, unlawfully, and feloniously attempt to commit a lewd or lascivious act upon or with the body, or any part or member thereof, a child, to wit: [redacted], a child under the age of fourteen years, by attempting to touch and/or rub the said [redacted]'s breast area and/or genital area and/or by making [redacted] place her hands on or about his penis, with the intent of arousing, appealing to, or gratifying the lust, passions, or sexual desires of defendant, or of [redacted].

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

BY */s/Ercan E. Iscan*
ERCAN E. ISCAN
Chief Deputy District Attorney
Nevada Bar #009592

22CR003294/kf/SVU
LVMPD EV#200700002573
(TK)

Electronically Filed
08/23/2023 11:42 AM
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-

JOSHUA MILLER, aka,
Joshua Max Miller,
#2513390

Defendant.

CASE NO: C-22-365471-1

DEPT NO: XVII

JUDGMENT OF CONVICTION
(PLEA OF GUILTY)

The defendant previously appeared before the Court with counsel and entered a plea of guilty, pursuant to North Carolina v. Alford, 400 U.S. 25 (1970), to the crime(s) of ATTEMPT LEWDNESS WITH A CHILD UNDER THE AGE OF 14 (Category B Felony - NRS 201.230(2) - NOC 60471); thereafter, on the 10th day of August, 2023, the defendant was present in court for sentencing with his counsel, TYLER GASTON, DPD., and good cause appearing,

THE DEFENDANT WAS HEREBY ADJUDGED guilty of said offense(s) and, in addition to the $25.00 Administrative Assessment fee, $1,676.70 Psychosexual fee, a $150.00 DNA Analysis fee including testing to determine genetic markers, and $3.00 DNA Collection fee, Deft. SENTENCED to a MINIMUM of TWENTY FOUR (24) MONTHS and a MAXIMUM of SIXTY (60) MONTHS in the Nevada Department of Corrections (NDC), SUSPENDED; placed on PROBATION for an indeterminate period not to exceed FIVE (5) YEARS. In addition to the Standard Conditions of the Division of Parole and Probation (P & P), which are IMPOSED, Defendant must comply with the following SPECIAL

EXHIBIT H

CONDITIONS: Pursuant to NRS 176A.410 Defendant to comply with required terms and conditions for sex offenders.

1. Except as otherwise provided in subsection 3, if a defendant is convicted of a sexual offense and the court grants probation or suspends the sentence, the court shall, in addition to any other condition ordered pursuant to NRS 176A.400, order as a condition of probation or suspension of sentence that the defendant:

(a) Submit to a search and seizure of his person, residence or vehicle or any property under his control, at any time of the day or night, without a warrant, by any parole and probation officer or any peace officer, for the purpose of determining whether the defendant has violated any condition of probation or suspension of sentence or committed any crime;

(b) Reside at a location only if it has been approved by the parole and probation officer assigned to the defendant and keep the parole and probation officer informed of his current address;

(c) Accept a position of employment or a position as a volunteer only if it has been approved by the parole and probation officer assigned to the defendant and keep the parole and probation officer informed of the location of his position of employment or position as a volunteer;

(d) Abide by any curfew imposed by the parole and probation officer assigned to the defendant;

(e) Participate in and complete a program of professional counseling approved by the Division;

(f) Submit to periodic tests, as requested by the parole and probation officer assigned to the defendant, to determine whether the defendant is using a controlled substance;

(g) Submit to periodic polygraph examinations, as requested by the parole and probation officer assigned to the defendant;

(h) Abstain from consuming, possessing or having under his control any alcohol;

//

(i) Not have contact or communicate with a victim of the sexual offense or a witness who testified against the defendant or solicit another person to engage in such contact or communication on behalf of the defendant, unless approved by the parole and probation officer assigned to the defendant, and a written agreement is entered into and signed in the manner set forth in subsection 2;

(j) Not use aliases or fictitious names;

(k) Not obtain a post office box unless the defendant receives permission from the parole and probation officer assigned to the defendant;

(l) Not have contact with a person less than 18 years of age in a secluded environment unless another adult who has never been convicted of a sexual offense is present and permission has been obtained from the parole and probation officer assigned to the defendant in advance of each such contact;

(m) Unless approved by the parole and probation officer assigned to the defendant and by a psychiatrist, psychologist or counselor treating the defendant, if any, not be in or near:

(1) A playground, park, school or school grounds;

(2) A motion picture theater; or

(3) A business that primarily has children as customers or conducts events that primarily children attend;

(n) Comply with any protocol concerning the use of prescription medication prescribed by a treating physician, including, without limitation, any protocol concerning the use of psychotropic medication;

(o) Not possess any sexually explicit material that is deemed inappropriate by the parole and probation officer assigned to the defendant;

(p) Not patronize a business which offers a sexually related form of entertainment and which is deemed inappropriate by the parole and probation officer assigned to the defendant;

//

(q) Not possess any electronic device capable of accessing the Internet and not access the Internet through any such device or any other means, unless possession of such a device or such access is approved by the parole and probation officer assigned to the defendant; and

(r) Inform the parole and probation officer assigned to the defendant if the defendant expects to be or becomes enrolled as a student at an institution of higher education or changes the date of commencement or termination of his enrollment at an institution of higher education. As used in this paragraph, institution of higher education: has the meaning ascribed to it in NRS 179D

2. A written agreement entered into pursuant to paragraph (i) of subsection 1 must state that the contact or communication is in the best interest of the victim or witness, and specify the type of contact or communication authorized. The written agreement must be signed and agreed to by:

(a) The victim or the witness;

(b) The defendant;

(c) The parole and probation officer assigned to the defendant;

(d) The psychiatrist, psychologist or counselor treating the defendant, victim or witness, if any; and

(e) If the victim or witness is a child under 18 years of age, each parent, guardian or custodian of the child.

3. The court is not required to impose a condition of probation or suspension of sentence listed in subsection 1 if the court finds that extraordinary circumstances are present and the court enters those extraordinary circumstances in the record.

4. As used in this section, sexual offense has the meaning ascribed to it in NRS 179D.410. (Added to NRS by 1997, 1667; A 2001, 2051: 2003, 566; 2005, 2862)

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COURT FURTHER ORDERED, a special SENTENCE OF LIFETIME SUPERVISION is imposed to commence upon release from any term of probation, parole or imprisonment; Defendant to report to P & P within 48 hours.

September 13, 2023



CERTIFIED COPY
ELECTRONIC SEAL (NRS 1.190(3))

Dated this 23rd day of August, 2023

150 5CE 814D 164C
Jennifer Schwartz
District Court Judge

sar/SVU

CSERV

DISTRICT COURT
CLARK COUNTY, NEVADA

State of Nevada	CASE NO: C-22-365471-1
vs	DEPT. NO. Department 17
Joshua Miller	

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: 8/23/2023

Tyler Gaston	Tyler.Gaston@clarkcountynv.gov
DA SVU	DASVUTeam@clarkcountyda.com
Tanya Covarrubias	tanya.covarrubias@clarkcountynv.gov

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor **COURT MINUTES** **June 14, 2022**

C-22-365471-1 State of Nevada
vs
Joshua Miller

June 14, 2022 **8:30 AM** **Initial Arraignment**

HEARD BY: Ellsworth, Carolyn **COURTROOM:** RJC Courtroom 14A

COURT CLERK: Chris Harrington

RECORDER: Vanessa Medina

REPORTER:

PARTIES PRESENT:

Dunn, Ann Marie	Attorney
Miller, Joshua	Defendant
Saxe, Rebecca Elizabeth	Attorney
State of Nevada	Plaintiff

JOURNAL ENTRIES

- DEFT. MILLER ARRAIGNED, PLED NOT GUILTY, and WAIVED the 60-DAY RULE. COURT ORDERED, matter SET for trial.

BOND

CALENDAR CALL 11/8/2022 8:30 AM

JURY TRIAL 11/14/2022 10:00 AM

EXHIBIT I

DISTRICT COURT

CLARK COUNTY, NEVADA

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

C-22-365471-1 State of Nevada
vs
Joshua Miller

October 20, 2022 **8:30 AM** **Motion to Continue Trial**

HEARD BY: Bell, Linda Marie **COURTROOM:** RJC Courtroom 05B

COURT CLERK: Louisa Garcia

RECORDER: Kimberly Estala

REPORTER:

PARTIES PRESENT:

Iscan, Ercan E	Attorney
Saxe, Rebecca Elizabeth	Attorney
State of Nevada	Plaintiff

JOURNAL ENTRIES

- Defendant not present, presence WAIVED. Due to Mr. Saxe's unavailability and there being no opposition, Court finds good cause and ORDERED, trial date VACATED and RESET.

4/11/22 8:30 AM CALENDAR CALL

4/17/22 9:00 AM JURY TRIAL

DISTRICT COURT

CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor	**COURT MINUTES**	**April 11, 2023**

C-22-365471-1 State of Nevada
vs
Joshua Miller

April 11, 2023 **9:00 AM** **Calendar Call**

HEARD BY: Schwartz, Jennifer **COURTROOM:** RJC Courtroom 03E

COURT CLERK: Carmen Berentsen
Louisa Garcia

RECORDER: Jill Hawkins

REPORTER:

PARTIES PRESENT:

Holiday, Kristy	Attorney
Miller, Joshua	Defendant
Reeves, Taylor Renee	Attorney
State of Nevada	Plaintiff

JOURNAL ENTRIES

- Kristy Holston, present on behalf of Tyler Gaston, requested the trial date be vacated and SET for status a check as the parties were working on negotiations. Kristy Holston, Esq., SWORN and TESTIFIED, as to good cause for a continuance. COURT ORDERED, trial date VACATED and SET for status check.

BOND

5/11/23 9:00 AM STATUS CHECK: NEGOTIATIONS

DISTRICT COURT

CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor	**COURT MINUTES**	**May 11, 2023**

C-22-365471-1 State of Nevada
vs
Joshua Miller

May 11, 2023 **9:00 AM** **Status Check**

HEARD BY: Schwartz, Jennifer **COURTROOM:** RJC Courtroom 03E

COURT CLERK:
Louisa Garcia

RECORDER: Jill Hawkins

REPORTER:

PARTIES PRESENT:

Gaston, Tyler	Attorney
Iscan, Ercan E	Attorney
Miller, Joshua	Defendant
State of Nevada	Plaintiff

JOURNAL ENTRIES

- CONFERENCE AT THE BENCH. NEGOTIATIONS are as contained in the Guilty Plea Agreement FILED IN OPEN COURT. DEFT. MILLER ARRAIGNED AND PLED GUILTY, PURSUANT TO THE ALFORD DECISION, TO ATTEMPT LEWDNESS WITH A CHILD UNDER THE AGE OF 14 (F). State gave an offer of proof. Court ACCEPTED plea and ORDERED, matter REFERRED to the Division of Parole and Probation (P & P) and SET for SENTENCING. Court DIRECTED Deft. to report to P & P within 48 hours. State requested Deft. be physically present for sentencing. Mr. Gaston requested Deft. be allowed to appear via Blue Jeans as he lives in Elko county and it is a financial expense. COURT ADVISED if Deft. comes back as a high risk to reoffend he must present. If he is not a high risk to reoffend, Court will allow his appearance via Blue Jeans.

BOND

8/10/23 9:00 AM SENTENCING

DISTRICT COURT

CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor **COURT MINUTES** **August 10, 2023**

C-22-365471-1 State of Nevada
vs
Joshua Miller

August 10, 2023 **9:00 AM** **Sentencing**

HEARD BY: Schwartz, Jennifer **COURTROOM:** RJC Courtroom 03E

COURT CLERK: Louisa Garcia

RECORDER: Jill Hawkins

REPORTER:

PARTIES PRESENT:

Gaston, Tyler	Attorney
Iscan, Ercan E	Attorney
Miller, Joshua	Defendant
State of Nevada	Plaintiff

JOURNAL ENTRIES

- Deft., present via Blue Jeans.

DEFT MILLER ADJUDGED GUILTY of ATTEMPT LEWDNESS WITH A MINOR UNDER THE AGE OF 14 (F). COURT ORDERED, in addition to the $25.00 Administrative Assessment fee, $1,676.70 Psychosexual fee, a $150.00 DNA Analysis fee including testing to determine genetic markers, and $3.00 DNA Collection fee, Deft. SENTENCED to a MINIMUM of TWENTY FOUR (24) MONTHS and a MAXIMUM of SIXTY (60) MONTHS in the Nevada Department of Corrections (NDC), SUSPENDED; placed on PROBATION for an indeterminate period not to exceed FIVE (5) YEARS. In addition to the Standard Conditions of the Division of Parole and Probation (P & P), which are IMPOSED, Deft. must comply with the following SPECIAL CONDITIONS:

Pursuant to NRS 176A.410 Deft. to comply with required terms and conditions for sex offenders.

1. Except as otherwise provided in subsection 3, if a defendant is convicted of a sexual offense and the court grants probation or suspends the sentence, the court shall, in addition to any other condition ordered pursuant to NRS 176A.400, order as a condition of probation or suspension of sentence that the defendant:
(a) Submit to a search and seizure of his person, residence or vehicle or any property under his control, at any time of the day or night, without a warrant, by any parole and probation officer or any peace officer, for the purpose of determining whether the defendant has violated any condition of probation or suspension of sentence or committed any crime;
(b) Reside at a location only if it has been approved by the parole and probation officer assigned to the defendant and keep the parole and probation officer informed of his current address;
(c) Accept a position of employment or a position as a volunteer only if it has been approved by the parole and probation officer assigned to the defendant and keep the parole and probation officer informed of the location of his position of employment or position as a volunteer;
(d) Abide by any curfew imposed by the parole and probation officer assigned to the defendant;
(e) Participate in and complete a program of professional counseling approved by the Division;
(f) Submit to periodic tests, as requested by the parole and probation officer assigned to the defendant, to determine whether the defendant is using a controlled substance;
(g) Submit to periodic polygraph examinations, as requested by the parole and probation officer assigned to the defendant;
(h) Abstain from consuming, possessing or having under his control any alcohol;
(i) Not have contact or communicate with a victim of the sexual offense or a witness who testified against the defendant or solicit another person to engage in such contact or communication on behalf of the defendant, unless approved by the parole and probation officer assigned to the defendant, and a written agreement is entered into and signed in the manner set forth in subsection 2;
(j) Not use aliases or fictitious names;
(k) Not obtain a post office box unless the defendant receives permission from the parole and probation officer assigned to the defendant;
(l) Not have contact with a person less than 18 years of age in a secluded environment unless another adult who has never been convicted of a sexual offense is present and permission has been obtained from the parole and probation officer assigned to the defendant in advance of each such contact;
(m) Unless approved by the parole and probation officer assigned to the defendant and by a psychiatrist, psychologist or counselor treating the defendant, if any, not be in or near:
(1) A playground, park, school or school grounds;
(2) A motion picture theater; or
(3) A business that primarily has children as customers or conducts events that primarily children attend;
(n) Comply with any protocol concerning the use of prescription medication prescribed by a treating physician, including, without limitation, any protocol concerning the use of psychotropic medication;
(o) Not possess any sexually explicit material that is deemed inappropriate by the parole and probation officer assigned to the defendant;
(p) Not patronize a business which offers a sexually related form of entertainment and which is deemed inappropriate by the parole and probation officer assigned to the defendant;

(q) Not possess any electronic device capable of accessing the Internet and not access the Internet through any such device or any other means, unless possession of such a device or such access is approved by the parole and probation officer assigned to the defendant; and
(r) Inform the parole and probation officer assigned to the defendant if the defendant expects to be or becomes enrolled as a student at an institution of higher education or changes the date of commencement or termination of his enrollment at an institution of higher education. As used in this paragraph, institution of higher education: has the meaning ascribed to it in NRS 179D
2. A written agreement entered into pursuant to paragraph (i) of subsection 1 must state that the contact or communication is in the best interest of the victim or witness, and specify the type of contact or communication authorized. The written agreement must be signed and agreed to by:
(a) The victim or the witness;
(b) The defendant;
(c) The parole and probation officer assigned to the defendant;
(d) The psychiatrist, psychologist or counselor treating the defendant, victim or witness, if any; and
(e) If the victim or witness is a child under 18 years of age, each parent, guardian or custodian of the child.
3. The court is not required to impose a condition of probation or suspension of sentence listed in subsection 1 if the court finds that extraordinary circumstances are present and the court enters those extraordinary circumstances in the record.
4. As used in this section, sexual offense has the meaning ascribed to it in NRS 179D.410. (Added to NRS by 1997, 1667; A 2001, 2051: 2003, 566; 2005, 2862)

COURT FURTHER ORDERED, a special SENTENCE OF LIFETIME SUPERVISION is imposed to commence upon release from any term of probation, parole or imprisonment; Deft. to report to P & P within 48 hours.

Mr. Iscan to prepare Amended Information.

BOND, if any, EXONERATED.

NIC

August 22, 2023



CERTIFIED COPY
ELECTRONIC SEAL (NRS 1.190(3))

7TH JUDICIAL DISTRICT COURT DOCUMENTS

RECEIVED
JUN 08 2023
WHITE PINE CO. CLERK

Case No. CR-2010119

Dept. No.: 1

FILED
2023 JUN -8 P 3:51
JACQUELINE SISSOM
WHITE PINE COUNTY CLERK
BY _____, DEPUTY

IN THE SEVENTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA, IN AND FOR THE COUNTY OF WHITE PINE

STATE OF NEVADA,

Plaintiff,

vs.

JOSHUA MILLER,

Defendant.

AMENDED CRIMINAL INFORMATION

The undersigned, AARON D. FORD, Attorney General for the State of Nevada, by and through his Chief Deputy, ALISSA ENGLER, in the name and by the authority of the State of Nevada, informs the above Court that JOSHUA MILLER, the above-named defendant, has committed the crime of ATTEMPT MISCONDUCT OF A PUBLIC OFFICER (Category E Felony/Gross Misdemeanor – NRS 197.110 and NRS 193.153), committed in the County of White Pine, State of Nevada, as follows:

COUNT 1
ATTEMPT MISCONDUCT OF A PUBLIC OFFICER
Category "E" Felony/Gross Misdemeanor - NRS 197.110 and NRS 193.153

That on or about April 14, 2020, Defendant, JOSHUA MILLER, in the County of White Pine, State of Nevada, did willfully, knowingly, feloniously, and without lawful authority, while being a public officer, did attempt to ask or receive, directly or indirectly, any compensation, gratuity or reward, or promise thereof, for omitting or deferring the performance of any official duty or for any official service which has not been actually rendered; and/or employ or use any person, money, or property under the public officer's control or direction, or in the public officer's official custody, for the private benefit or

EXHIBIT J

gain of the public officer or another, to wit: Defendant, while employed as a parole and probation officer for the Nevada Department of Public Safety, attempted to tell [redacted] that he would not arrest her if she had sexual contact with him.

All of which is contrary to the form, force and effect of the statutes in such cases made and provided, and against the peace and dignity of the state of Nevada.

DATED this 8th day of June, 2023.

AARON D. FORD
Attorney General

By: /s/ Alissa Engler
ALISSA ENGLER (Bar No. 11940)
Chief Deputy Attorney General
Office of the Attorney General
555 E. Washington Ave., Ste. 3900
Las Vegas, Nevada 89101-1068
P: (702) 486-5706
F: (702) 486-0660
Aengler@ag.nv.gov
Attorneys for the State of Nevada

AFFIRMATION
Pursuant to NRS 239B.030

The undersigned does hereby affirm that the preceding Amended Criminal Information filed in the Seventh Judicial District Court Case Number CR-2010119 does not contain the social security number of any person.

DATED this _____ day of May, 2023.

AARON D. FORD
Attorney General

By: _____
ALISSA ENGLER (Bar No. 11940)
Chief Deputy Attorney General
Office of the Attorney General
555 E. Washington Ave., Ste. 3900
Las Vegas, Nevada 89101-1068
P: (702) 486-5706
F: (702) 486-0660
Aengler@ag.nv.gov
Attorneys for the State of Nevada

CERTIFICATE OF SERVICE

I certify that I am an employee of the Office of the Attorney General and that on this ___ day of May 2023, I served a copy of the foregoing Amended Criminal Information, by placing said document in the U.S. Mail, First-Class, postage prepaid to the following:

Kirsty Pickering, Esq.

_____
An employee of the Office of the Attorney General

CERTIFIED COPY

The document to which this certificate is attached is a full, true, and correct copy of the original on file and of record in my office.

DATE: September 13, 2023

Nichole Stephey, Clerk of the Seventh Judicial District Court in and for the County of White Pine, State of Nevada

By: Hannah Howard

Deputy Clerk

RECEIVED
JUN 12 2023
WHITE PINE CO. CLERK

KIRSTY E. PICKERING
ATTORNEY AT LAW
413 MURRY STREET
ELY, NEVADA 89301
TELEPHONE (775) 289-3333

FILED
2023 JUN 12 A 9:31
WHITE PINE COUNTY CLERK
BY: DEPUTY

Case No. CR-2010119

Dept. No. 1

IN THE SEVENTH JUDICIAL DISTRICT COURT

COUNTY OF WHITE PINE, STATE OF NEVADA

******

THE STATE OF NEVADA,

Plaintiff,

vs.

JOSHUA MILLER,

Defendant.

NO CONTEST PLEA AGREEMENT

COMES NOW THE STATE OF NEVADA, the Plaintiff in the above-entitled cause, by an through its counsel of record, ALISSA C. ENGLER, ESQ., CHIEF DEPUTY ATTORNEY GENERAL, and JOSHUA MILLER, (D.O.B. February 8, 1981), the DEFENDANT above-named, by and through his counsel of record, KIRSTY E. PICKERING, ESQ., who by their signatures on this AGREEMENT do hereby declare that the PARTIES have settled upon a compromise of the criminal prosecution pending against DEFENDANT in the above-entitled cause which compromise consists of the following terms:

JOSHUA MILLER hereby agrees to enter a plea of NO CONTEST in this case Attempted Misconduct of a Public Officer, a Gross Misdemeanor or Category E Felony as defined by NRS 197.110, NRS 193.153 and is more fully alleged in the charging document.

The DEFENANT'S decision to plead NO CONTEST to this charge is based upon the PLEA AGREEMENT in this case in which the PARTIES agree as follows: In return for my plea

EXHIBIT K

of NO CONTEST in this case, the State of Nevada agrees to dismiss all other charges pending against me and not to pursue any additional charges arising out of the facts now known by the Attorney General's office. The parties will jointly recommend that Mr. Miller be sentenced to the Gross Misdemeanor. The parties will join in recommending that he be sentenced to 364 days in the White Pine County Jail and that the sentence be suspended, and he be placed on probation with the usual terms and conditions and further that probation in this case run concurrent to the Probation in Clark County Case C-22-365471-1.

CONSEQUENCES OF THE PLEA

I, JOSHUA MILLER, declare that I understand that by pleading NO CONTEST, I admit the facts that support all the elements of the offenses to which I now plead, as set forth in the charging document:

1) That on April 14, 2020
2) In the County of White Pine, State of Nevada
3) I JOSHUA MILLER, did attempt to commit misconduct as an officer with Parole and Probation
4) By attempting to tell [redacted] that he would not arrest her if she had sexual contact with him.

I, JOSHUA MILLER, understand that at the time I enter my plea of NO CONTEST under this AGREEMENT that the above-entitled COURT, before it will accept my plea of NO CONTEST, will require me to admit the commission of an act or acts which fulfill(s) all of the elements of the offense(s) I have agreed to plead NO CONTEST to.

RECITATION OF THE MAXIMUM PERMISSIBLE PENALTIES

I, JOSHUA MILLER, declare that I understand and have been advised that as a consequence of entering into this AGREEMENT that the following range of punishments will be available to the JUDGE who accepts my plea of NO CONTEST: That as a consequence of my plea of NO CONTEST to Attempted Misconduct of a Public Officer, a Gross Misdemeanor or Category E Felony, were the case to be adjudicated as a Gross Misdemeanor, I may be imprisoned in the White

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ELY, NEVADA 89301
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Pine County Jail for a period of not more that three hundred sixty-four (364) days, and I may be fined not more than two thousand dollars ($2,000.00), and I may be both imprisoned and fined. I further understand that if this case is adjudicated as a felony, I may be punished by imprisonment in the state prison for a minimum term of not less that 1 year and a maximum term of not more than 4 years and may be further punished by a fine or not more than $5,000.00, or by both a fine and imprisonment. I also understand that whether the case is adjudicated as a felony or gross misdemeanor is fully within the discretion of the sentencing judge.

I understand that the law requires me to pay a $25.00 administrative assessment fee. A $3.00 genetic marker analysis fee and may require me to pay a $60.00 chemical analysis fee. I understand that if this is adjudicated as a felony and judgment is imposed, I will be ordered to pay a $150.00 DNA fee. If I was appointed an attorney by the Court, I understand that I may be required to reimburse the county $300.00 towards the services of the Public Defender. Further, I understand that I may be required to reimburse the county $350.00 towards the cost of the pre-sentence investigation report.

I understand that I may be ordered to make restitution to the victim of the offense to which I am pleading NO CONTEST and to the victim of any related offenses that are being dismissed or not prosecuted as a result of this AGREEMENT, and that even though charges have been dismissed or not brought as a result of this AGREEMENT, they may still be considered by the COURT in determining the appropriate sentence not be imposed in my case.

I understand that I AM ELIGIBLE FOR PROBATION for the offense(s) to which I am pleading NO CONTEST.

I understand that if I plead NO CONTEST to two or more charges, the sentences may be served concurrently or consecutively at the discretion of the JUDGE who sentences me.

I, JOSHUA MILLER, now declare that I have not been promised or guaranteed any particular sentence by anyone, and that 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

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or both recommends any particular sentence, the COURT is not obligated to follow those recommendations.

I understand that the DIVISION OR PAROLE AND PROBATION will conduct an investigation into, and prepare a report on, my background and other matters relevant to determining the appropriate sentence to be imposed. My attorney and I, as well as the Chief Deputy Attorney General, unless he/she has otherwise agreed in this document to remain silent, will all have the opportunity to comment on the information contained in the report at the time of sentencing.

I further agree that should I fail to meet with the DIVISION OF PAROLE AND PROBATION for my Pre-Sentencing Report interview, fail to appear at any subsequent hearing 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 then the STATE will be free to argue for any legal sentence and term of confinement possible under the circumstances of the charges set forth in the charging document, to include any increased punishment as a habitual criminal, if applicable.

POTENTIAL ADVERSE IMMIGRATION CONSEQUENCES

In executing this AGREEMENT, I, JOSHUA MILLER, acknowledge that I have been advised by my attorney that if I am not a citizen of the United States that the criminal conviction(s) which will ensure from my entry of the plea of NO CONTEST called for in this AGREEMENT may have adverse consequences upon my ability to remain in the United States – that is, my conviction of the offense(s) I have agreed to plead NO CONTEST to may result in denial of naturalization pursuant to the laws of the United States, my deportation, and/or may have adverse consequences upon my ability to re-enter the United States if I am deported, or otherwise leave the United States.

WAIVER OF RIGHTS

I, JOSHUA MILLER, declare that I have been advised and understand that in order for the above-entitled COURT to accept the plea(s) of NO CONTEST I propose to enter in this case, that I will have to waive my constitutional rights in this matter. I therefore declare that I am willing to

KIRSTY E. PICKERING
ATTORNEY AT LAW
413 MURRY STREET
ELY, NEVADA 89301
TELEPHONE (775) 289-3333

give up the following rights and privileges in order that the COURT can accept my plea(s) of NO CONTEST:

1. The constitutional right against self-incrimination, including the right to choose whether to testify at trial, and the right to prohibit the prosecutor from commenting on my silence if I choose not to testify.
2. The constitutional right to a seeding, fair, and public trial by an impartial JURY; the constitutional right to be assisted at trial by an attorney either retained by me or appointed for me if I am indigent and cannot afford an attorney; the right to require the STATE to prove each element of the offense with which I am charged beyond a reasonable doubt; the constitutional right to confront and cross-examine my accusers; and the constitutional right to subpoena witnesses to testify on my behalf.
3. The right to appeal any conviction I suffered at trial, with the assistance of an attorney, either hired by me or appointed to represent me in the event I was unable to hire my own attorney, unless the appeal is based upon reasonable constitutional, jurisdictional or other grounds that challenge the legality of the proceedings, and except as otherwise provided by NRS 174.035.
4. I, JOSHUA MILLER, understand that I am waiving any defects in the underlying Amended Criminal Information by entering into this plea.

I, JOSHUA MILLER, by my signature on this AGREEMENT, and subject to the above-entitled COURT'S acceptance of my plea of NO CONTEST called for by this AGREEMENT, do hereby waive the above-described constitutional rights.

VOLUNTARINESS OF PLEA

I have discussed the elements of all the original charges against me with my attorney and I understand the nature of those charges against me.

I understand that the STATE would have been required to prove each element of the charges against me at trial beyond a reasonable doubt.

I have discussed with my attorney any possible defenses, defense strategies, and circumstances which might be favorable to me.

All of the foregoing elements, consequences, rights and waiver of rights have been thoroughly explained to me by my attorney. My attorney has answered all of my questions regarding this AGREEMENT and its consequences to my satisfaction. I am satisfied that my attorney is skilled in criminal defense and that I have been fully and fairly served by my attorney.

I believe that pleading NO CONTEST and accepting this plea bargain is in my best interest and that a trial would be contrary to my best interest.

I am not now under the influence of intoxicating liquor, controlled substances or other substances which would in any manner impair my ability to comprehend or understand this AGREEMENT or the proceedings surrounding my entry of this plea. I am signing this AGREEMENT freely and voluntarily, after consultation with my attorney, and I am not acting under duress, coercion, or promises of leniency except as expressly set forth in this AGREEMENT.

DATED this 8 day of June, 2023.

JOSHUA MILLER
DEFENDANT

AGREED this 7th day of June, 2023.

NEVADA STATE ATTOREY GENERAL

Alissa C. Engler, Esq.
Nevada Bar No. 11940
Chief Deputy Attorney General
Counsel for the State of Nevada

KIRSTY E. PICKERING
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TELEPHONE (775) 289-3333

CERTIFICATE OF COUNSEL

I, the undersigned, as the attorney for the DEFENDANT named herein and as an officer of the COURT hereby certify that:

1. I have fully explained to the DEFENDANT the allegations contained in the charges to which NO CONTEST 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. All pleas of NO CONTEST offered by the DEFENDANT pursuant to this AGREEMENT are consistent with all the facts known to me and are made with my advice to the DEFENDANT and are in the best interest of the DEFENDANT.
4. I have conveyed to the DEFENDANT all offers of settlement made by the State.
5. To the best of my knowledge and belief, the DEFENDANT:
    a. Is competent and understands the charges and the consequences of pleading NO CONTEST as provided in this AGREEMENT.
    b. Executed this AGREEMENT and will enter all NO CONTEST pleas pursuant hereto voluntarily.
    c. Was not under the influence of intoxicating liquor, controlled substances or other substance at the time of the execution of this AGREEMENT.
6. I have advised the DEFENDANT of the right to appeal and that notice of appeal must be filed within thirty (30) days of the date of conviction.

DATED this 16th day of May 2023.

Kirsty E. Pickering, Esq.
Nevada Bar Number 9295
Counsel for Defendant

CERTIFIED COPY
The document to which this certificate is attached is a full, true, and correct copy of the original on file and of record in my office.
DATE: September 13, 2023
Nichole Stephey, Clerk of the Seventh Judicial District Court in and for the County of White Pine, State of Nevada.
By: Hannah Homer
Deputy Clerk

RECEIVED
AUG 24 2023
WHITE PINE CO. CLERK

Case No. CR-2010119

Dept. No.: 1

FILED

2023 AUG 24 P 2:03

IN THE SEVENTH JUDICIAL DISTRICT COURT OF THE

STATE OF NEVADA, IN AND FOR THE COUNTY OF WHITE PINE

NICOLE STEPHEY
WHITE PINE COUNTY CLERK

BY: _____ DEPUTY

STATE OF NEVADA,

Plaintiff,

vs.

JOSHUA MILLER,

Defendant.

JUDGMENT OF CONVICTION AND ORDER IMPOSING SENTENCE
(No Contest Plea)

On August 8, 2023, the above-named Defendant, JOSHUA MILLER, pled no contest, in Count I, to the crime of ATTEMPT MISCONDUCT OF A PUBLIC OFFICER, a category "E" felony, in violation of NRS 197.110 and NRS 93.153. Legal counsel present at the time of entry of plea and sentencing was Kirsty Pickering, Esq., retained counsel, representing JOSHUA MILLER, and Alissa Engler, Chief Deputy Attorney General, representing the State of Nevada.

Before August 8, 2023, the Court, the State, defense counsel, and JOSHUA MILLER received and reviewed a Pre-Sentence Investigation Report, prepared by the Division of Parole and Probation. After hearing from all parties and allowing JOSHUA MILLER an opportunity to personally address the Court, the Court adjudicated the Defendant guilty, entered judgment for the above-referenced offenses, and imposed the following sentence:

///

///

EXHIBIT L

SENTENCE TERMS

COUNT I
ATTEMPT MISCONDUCT OF A PUBLIC OFFICER, "E" felony, in violation of NRS 197.110 and NRS 93.153

For the conviction in Count I, the Court imposes a sentence of 19-48 months in NDOC; Suspended and placed on probation for 18 months; Standard probation terms; maintain full time employment; Court fees and fines due within 1 year; 4 days credit for time served; bonds are exonerated.

FINANCIAL AND RESTITUTION REQUIREMENTS

In addition to the Administrative fee of $25.00 for Count 1 as required by NRS 176.062, the defendant is ordered to pay a $3.00 GMA fee to the White Pine County Clerk, Ely, Nevada and a $150.00 DNA Fee.

IT IS THEREFORE ADJUDGED that the Defendant is guilty and convicted of Count I, ATTEMPT MISCONDUCT OF A PUBLIC OFFICER, a category "E" felony, in violation of NRS 197.110 and NRS 93.153, and is sentenced to 19-48 months in Nevada Department of Corrections (NDOC); Suspended and placed on probation for 18 months; Standard probation terms; maintain full time employment; Court fees and fines due within 1 year; 4 days credit for time served; bonds are exonerated. The Court orders that in addition to the three ($3.00) dollar GMA fee, Defendant shall pay a twenty-five ($25.00) dollar Administrative Assessment fee to the White Pine County Clerk, Ely, Nevada and $150.00 DNA fee.

DATED this 22nd day of August, 2023.

William A. Maddox
DISTRICT COURT JUDGE

CERTIFIED COPY
The document to which this certificate is attached is a full, true, and correct copy of the original on file and of record in my office.
DATE: September 13 2023
Nichole Stephey, Clerk of the Seventh Judicial District Court in and for the County of White Pine, State of Nevada.
By: Hannah Homer,
Deputy Clerk

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

Hearing pursuant to NAC 289.290(1)(g) on the revocation of Michael O'Farrell's (formerly employed with the Nevada Cannabis Compliance Board) 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-DRIVING UNDER THE INFLUENCE OF ALCOHOL AND/OR CONTROLLED OR PROHIBITED SUBSTANCE, ABOVE THE LEGAL LIMIT, RESULTING IN SUBSTANTIAL BODILY HARM (Violation of NRS 424C.110 and NRS 484C.430, a category B Felony) and COUNT II-DUTY TO STOP AT SCENE OF CRASH INVOLVING DEATH OR PERSONAL INJURY (Violation of NRS484E.010, a category B Felony). Possible action may be revocation of the Category I basic certificate.

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

JOE LOMBARDO
Governor

MICHAEL D. SHERLOCK
Executive Director

NOTICE OF INTENT TO REVOKE

September 19, 2023

Michael O'Farrell
[redacted]
Sparks, NV 89441

Dear Mr. O'Farrell,

POST PIN #: 31570

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

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

The Commission's regulations provide that a person's peace officer certificate(s) may be revoked pursuant to **NAC 289.290(1)(g) Conviction of, or entry of a plea of guilty, guilty but mentally ill or nolo contendere to, a felony.**

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

Count I: DRIVING UNDER THE INFLUENCE OF ALCOHOL AND/OR CONTROLLED OR PROHIBITED SUBSTANCE, ABOVE THE LEGAL LIMIT, RESULTING IN SUBSTANTIAL BODILY HARM (Violation of NRS 484C.110 and NRS 484C.430, a category B Felony)

Count II: DUTY TO STOP AT SCENE OF CRASH INVOLVING DEATH OR PERSONAL INJURY (Violation of NRS 484E.010, a category B Felony)

Case#: CR22-2231

Jurisdiction: Second Judicial District Court of the State of Nevada, County of Washoe

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

If you choose to appeal and answer the charges against you, the Commission may elect to sit as a whole or a number that is practicable at a hearing or designate an independent hearing officer to hear the matter. You will

EXHIBIT A

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.

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: October 26, 2023
Time: 8:00 a.m.
Location: Southpoint Hotel/Casino, 9777 Las Vegas Blvd., S., Napa Room B, Las Vegas, NV 89183

The hearing will cover the following: whether your P.O.S.T certificate(s) should be revoked pursuant to **NAC 289.290(1)(g) Conviction of, or entry of a plea of guilty, guilty but mentally ill or nolo contendere to, a felony.**

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

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

Sincerely,



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

cc: 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, Jenn Clark, served the foregoing **Notice of Intent to Revoke**
Print name of the person serving this document

To Individual's Name: **MICHAEL O'FARRELL**

at Northern Nevada Correctional Center on this
(location)

21st day of September, 2023.
Day *Month* *Year*

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

Executed on this 21st day of September, 2023.
Day *Month* *Year*

Jenn Clark
Signature of person serving the Notice

Jenn Clark
Printed name of person serving the Notice

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

EXHIBIT B

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

Post ID Number: 31570

Last Name: O'Farrell **First Name:** Michael

MI: R **Suffix:**

☐ **Name Change?**

Last Name: O'Farrell First Name: Michael

MI: R Suffix:

☐ **Address Change?**

Street Address: [redacted]

City: Sparks State: NV Zip Code: 89441

County: Washoe 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:

O'Farrell has been dismissed from probation

Effective Date: 06/16/2022

Submitters Name: Heather Withers

Submitters Phone: (702) 469-5474

Submitters E-Mail: hewithers@ccb.nv.gov

EXHIBIT C

POST Update PAR form
Revised 01/01/2016

Submission number: 229095

STATE OF NEVADA

Commission On Peace Officers' Standards And Training

Hereby Awards the

Basic Certificate

To

MICHAEL R. O'FARRELL

CATEGORY I

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

Governor | Executive Director

November 14, 2013

Issuance Date

STATE OF NEVADA

Commission On Peace Officers' Standards And Training

Hereby Awards the

Basic Certificate

To

Michael R. O'Farrell

CATEGORY I

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

Governor | Executive Director

November 14, 2013

Issuance Date

Nevada Commission on Peace Officers' Standards and Training
Peace Officer Basic Certification and Training Identification Card

Name: **Michael R. O'Farrell** POST ID No.: **31570**

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 D

(O) 1897

DA# 0315019

FILED

AUG 10 2022

ALICIA L. LERUD, CLERK
By: M. Conway
DEPUTY CLERK

CODE 1795
Christopher J. Hicks
#7747
One South Sierra, South Tower, 4th Floor
Reno, NV 89501
districtattorney@da.washoecounty.gov
(775) 328-3200
Attorney for Plaintiff

IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA,

IN AND FOR THE COUNTY OF WASHOE

* * *

THE STATE OF NEVADA,

Plaintiff,

v.

MICHAEL O'FARRELL,

Defendant.

Case No.: CR22-2231

Dept. No.: 6

INDICTMENT

The Defendant, MICHAEL O'FARRELL, is accused by the Grand Jury of Washoe County, State of Nevada, of the following:

COUNT I. DRIVING UNDER THE INFLUENCE OF ALCOHOL AND/OR CONTROLLED OR PROHIBITED SUBSTANCE, ABOVE THE LEGAL LIMIT, RESULTING IN SUBSTANTIAL BODILY HARM, a violation of NRS 484C.110, and NRS 484C.430, a category B felony, (53906) in the manner following, to wit:

That the said defendant, MICHAEL O'FARRELL, on or about May 27, 2022, within the County of Washoe, State of Nevada, did willfully and unlawfully drive a Ford Truck upon Pyramid Way:

(1) while under the influence of alcohol, AND/OR

EXHIBIT E

(2) while having a concentration of alcohol of 0.08 or more in his blood or breath; AND/OR

(3) within two hours after driving or being in actual physical control of said vehicle, did have a concentration of alcohol of 0.08 or more in is blood or breath;

and did neglect his duty imposed by law to yield to the right of way of oncoming traffic AND/OR exercise due care AND/OR decrease speed, which act or neglect of duty proximately caused substantial bodily harm to [redacted].

COUNT II. DUTY TO STOP AT SCENE OF CRASH INVOLVING DEATH OR PERSONAL INJURY, a violation of NRS 484E.010, a category B Felony, (53743) in the manner following, to wit:

That the said defendant, MICHAEL O'FARRELL, on or about May 27, 2022, within the County of Washoe, State of Nevada, did willfully and unlawfully, being the driver of a Ford Truck upon Pyramid Way, a public highway or premise to which the public has access, fail to immediately stop his vehicle and return forthwith and remain at the scene of an accident at the above location in which he was involved and in which bodily injuries were sustained by [redacted].

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AFFIRMATION PURSUANT TO NRS 239B.030

The undersigned does hereby affirm that the preceding document does not contain the social security number of any person.

CHRISTOPHER J. HICKS
District Attorney
Washoe County, Nevada

By _____
BRETT A. DIEFFENBACH
11370
Deputy District Attorney

PCN: SPPD0058141C-O'FARRELL

The following are the names of witnesses examined before the Grand Jury:

DANIEL JONES
MEREDITH MILLER
KRISTOPHER POSTMA
MECHELLE RODRIGUEZ
JACOB TAVCAR
ANA TORRES-SALDANA

"A TRUE BILL"



FOREPERSON

"NO TRUE BILL"

FOREPERSON

CERTIFIED COPY

This document is a full, true and correct copy of the original on file and of record in my office, these letters have never been revoked, or set aside, and are still in full force and effect.

DATE: 10/9/23

ALICIA L. LERUD, Clerk of the Second Judicial District Court, in and for the County of Washoe, State of Nevada

By _____ Deputy

4 Pages

FILED
Electronically
CR22-2231
2022-08-22 01:49:42 PM
Alicia L. Lerud
Clerk of the Court
Transaction # 9218708

CASE NO. CR22-2231 **STATE OF NEVADA V. MICHAEL O'FARRELL**

DATE, JUDGE OFFICERS OF COURT PRESENT	APPEARANCES-HEARING
08/10/2022 HONORABLE LYNNE K. SIMONS DEPT. NO. 6 M. Conway (Clerk) N. Hansen (Reporter)	**REPORT OF THE GRAND JURY** Deputy District Attorney Dieffenbach presented Indictment, which endorsed "A TRUE BILL" to wit: **CR22-2231 MICHAEL O'FARRELL** **COUNT I - Driving Under the Influence of Alcohol and/or Controlled or Prohibited Substance, Above the Legal Limit, Resulting in Substantial Bodily Harm, a violation of NRS 484C.110, and NRS 484C.430, a category B felony** **COUNT II – Duty to Stop at Scene of Crash Involving Death or Personal Injury, a violation of NRS 484E.010, a category B felony** Deputy District Attorney Dieffenbach presented argument regarding the Defendant's custodial status. **COURT ORDERED** bench warrant issued with bail set in the amount of $100,000.00, bondable, with pretrial services supervision, all existing pretrial conditions to continue. These conditions are subject to modification by the Court at Defendant's first appearance. Posting of 10% cash option is not available. **COURT FURTHER ENTERED ORDER** staying Reno Justice Court proceedings. Deputy District Attorney Dieffenbach advised that Defendant's date of birth is June 9, 1989. **COURT** confirmed retained counsel Larry Dunn, Esq. **EXHIBITS** 1-10 lodged with the Court Clerk.

EXHIBIT F

CERTIFIED COPY

This document is a full, true and correct copy of the original on file and of record in my office, these letters have never been revoked, or set aside, and are still in full force and effect.

DATE: 6/9/23

ALICIA L. LERUD, Clerk of the Second Judicial District Court, in and for the County of Washoe, State of Nevada

By _____ Deputy

1 Pages

FILED
Electronically
CR22-2231
2022-09-26 01:04:30 PM
Alicia L. Lerud
Clerk of the Court
Transaction # 9279574

CASE NO. CR22-2231 STATE OF NEVADA vs. MICHAEL O'FARRELL

DATE, JUDGE OFFICERS OF COURT PRESENT	APPEARANCES-HEARING	CONTINUED TO
9/1/2022 HONORABLE LYNNE K. SIMONS DEPT. NO. 6 M. Conway (Clerk) L. Urmston (Reporter)	**MOTION TO SET BAIL – MOTION TO QUASH BENCH WARRANT** Deputy District Attorney Tyler Altom was present in Court on behalf of the State. Karena Dunn, Esq. was present in Court on behalf of the Defendant, who was present, in custody. Specialist Kassandra Munguia was present in Court on behalf of the Division of Parole and Probation. Counsel Altom addressed and advised the Court that the victim in this matter is in a comma, but notice has been provided the victim's family. Counsel Dunn addressed the Court and argued in support of Quashing the Bench Warrant arising out of the Indictment and allowing the Defendant to remain out of custody on supervised bail. Counsel Dunn argued that the Defendant has been a lifelong resident of this area, has zero criminal history, has been on enhanced supervision and is compliant. Counsel Dunn argued that the Defendant does not have the means to post any additional bail. Counsel Dunn argued in support of rolling over the previously posted bail. Counsel Altom responded and argued in support of a bail of $25,000 bondable, with continued enhanced supervision. Counsel Dunn presented further argument in support of Quashing the Bench Warrant and advised the Court that the Defendant is attending counseling once a week. **COURT ORDERED** Motion to Quash Bench Warrant GRANTED. **COURT FURTHER ORDERED** $11,000.00 cash bail posted to be rolled over to District Court, with enhanced supervision. Conditions of supervision to include installation of a SCRAM device. **COURT FURTHER ORDERED** Counsel Dunn to file proof of Defendant obtaining SCRAM within 5 days. **COURT FURTHER ORDERED** matter continued for Arraignment to September 29, 2022 at 9:00 a.m. Defendant to remain out of custody on supervised bail release.	Sept. 29, 2022 9:00 a.m. Arraignment

CERTIFIED COPY

This document is a full, true and correct copy of the original on file and of record in my office, these letters have never been revoked, or set aside, and are still in full force and effect.

DATE: 4/4/23

ALICIA L. LERUD, Clerk of the Second Judicial District Court in and for the County of Washoe, State of Nevada

By _____ Deputy

1 Pages

FILED
Electronically
CR22-2231
2023-02-17 08:47:06 AM
Alicia L. Lerud
Clerk of the Court
Transaction # 9515986

CASE NO. CR22-2231 **STATE OF NEVADA vs. MICHAEL O'FARRELL**

DATE, JUDGE OFFICERS OF COURT PRESENT	APPEARANCES-HEARING	CONTINUED TO
2/16/2023 HONORABLE LYNNE K. SIMONS DEPT. NO. 6 M. Conway (Clerk) T. Dal Pino (Reporter)	**MOTION TO CONFIRM** Deputy District Attorney Brett Dieffenbach was present in Court on behalf of the State. Karena Dunn, Esq. was present in Court on behalf of the Defendant, who was present, out of custody, on supervised bail. Specialists Justin Mounts was present in Court on behalf of the Division of Parole and Probation. Counsel Dieffenbach addressed the Court and confirmed trial, indicating the State is ready to proceed. Counsel Dunn addressed the Court and confirmed trial, indicating the State is ready to proceed. **COURT ORDERED** Motion to Confirm Trial GRANTED; matter continued for Jury Trial to March 6, 2023 at 9:00 a.m., set for 5 days. **COURT** advised respective counsel the court clerk will contact them to set exhibit marking. Defendant to remain out of custody on supervised bail.	March 6, 2023 9:00 a.m. Jury Trial (5 days)

CERTIFIED COPY

This document is a full, true and correct copy of the original on file and of record in my office, these letters have never been revoked, or set aside, and are still in full force and effect.

DATE: 6/9/23

ALICIA L. LERUD, Clerk of the Second Judicial District Court in and for the County of Washoe, State of Nevada

By _____ Deputy

1 Pages

FILED
Electronically
CR22-2231
2023-03-10 09:51:55 AM
Alicia L. Lerud
Clerk of the Court
Transaction # 9551980

CODE 4245

IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF WASHOE

STATE OF NEVADA,

Plaintiff,

vs.

MICHAEL OFARRELL,

Defendant.

_____/

CASE NO. CR22-2231

DEPT. NO. 6

VERDICT FORM

SEE ATTACHED DOCUMENTS

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EXHIBIT G

CODE 4245

IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF WASHOE

* * *

THE STATE OF NEVADA,

Plaintiff,

v.

Case No. CR22-2231

Dept. No. 6

MICHAEL O'FARRELL,

Defendant.

_____/

VERDICT

We, the jury in the above-entitled matter, find the defendant, MICHAEL O'FARRELL, **GUILTY** of DRIVING UNDER THE INFLUENCE OF ALCOHOL AND/OR CONTROLLED OR PROHIBITED SUBSTANCE, ABOVE THE LEGAL LIMIT, RESULTING IN SUBSTANTIAL BODILY HARM, as alleged in Count I of the Indictment.

DATED this 9 day of March, 2023

_____

FOREPERSON

Jason M. Collins

CODE 4245

IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF WASHOE

* * *

THE STATE OF NEVADA,

Plaintiff,

v.

Case No. CR22-2231

Dept. No. 6

MICHAEL O'FARRELL,

Defendant.

_____/

VERDICT

We, the jury in the above-entitled matter, find the defendant, MICHAEL O'FARRELL, **GUILTY** of DUTY TO STOP AT SCENE OF CRASH INVOLVING DEATH OR PERSONAL INJURY, as alleged in Count II of the Indictment.

DATED this 9 day of March, 2023

FOREPERSON

Jason M. Collins

CERTIFIED COPY

This document is a full, true and correct copy of the original on file and of record in my office, these letters have never been revoked, or set aside, and are still in full force and effect.

DATE: 6/9/23

ALICIA L. LERUD, Clerk of the Second Judicial District Court, in and for the County of Washoe, State of Nevada.

By _____ Deputy

3 Pages

FILED
Electronically
CR22-2231
2023-05-26 01:14:33 PM
Alicia L. Lerud
Clerk of the Court
Transaction # 9691074

CODE 1850

IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF WASHOE

STATE OF NEVADA,

Plaintiff,

vs. Case No. CR22-2231

MICHAEL O'FARRELL, Dept. No. 6

Defendant.

_____/

JUDGMENT OF CONVICTION

Defendant, MICHAEL O'FARRELL ("Defendant"), was found guilty by jury verdict to the charges in this matter. No legal reason or cause precludes entry of judgment against him. Therefore, the Court renders judgment as follows:

1. Defendant is guilty of the crime of Driving Under the Influence of Alcohol and/or Controlled or Prohibited Substance, Above the Legal Limit, Resulting in Substantial Bodily Harm, a violation of NRS 484C.110 and NRS 484C.430, a category B felony, as charged in Count I of the Indictment.

2. Defendant is guilty of the crime of Duty to Stop at Scene of Crash Involving Death or Personal Injury, a violation of NRS 484E.010, a category B felony, as charged in Count II of the Indictment.

//

EXHIBIT H

3. Sentence is imposed as follows:

a) On Count I: Imprisonment in the Nevada Department of Corrections for a maximum term of two hundred forty (240) months with a minimum parole eligibility of seventy-two (72) months, with credit for time served of three (3) days.

b) On Count II: Imprisonment in the Nevada Department of Corrections for a maximum term of two hundred forty (240) months with a minimum parole eligibility of seventy-two (72) months, to run concurrently with the sentence imposed in Count I, with credit for time served of three (3) days.

c) Payment of a fine in the amount Two Thousand Dollars ($2000.00), as to Count I.

d) Payment of a fine in the amount Two Thousand Dollars ($2000.00), as to Count II.

e) Payment shall be made to the Clerk of the Second Judicial District Court as follows:

(1) Twenty-Five Dollars ($25.00) administrative assessment fee;

(2) Three Dollar ($3.00) administrative assessment to obtain a biological specimen and conduct a genetic marker analysis; and

(3) One Hundred Fifty Dollar ($150.00) DNA analysis fee.

Defendant shall submit to a DNA analysis to determine the presence of genetic markers, if not previously ordered.

f) Restitution shall be paid in the amount of One Hundred One Thousand Seven Hundred Sixty-Eight Dollars and Forty-Eight ($101,768.48) to victim [redacted] through the Division of Parole and Probation.

4. Pursuant to Article 1, Section 8 of the Nevada Constitution, all monetary payments, money and property collected from the Defendant shall be first applied to pay the amount ordered as restitution to victims [redacted] Nev. Const. art. 1, §8.

5. It is further ordered that pursuant to NRS 484C.040 and NRS 484C.460 and as a condition to obtaining a restricted driver's license pursuant to NRS 483.490, or as a condition of reinstatement of his driving privilege, the Defendant shall install, at his own expense, for a period of thirty-six (36) months, a device, as set forth in NRS 484C.450, in any vehicle he owns or operates.

6. Any restitution, fine, fee, and administrative assessment imposed by this Judgment of Conviction constitutes a lien, as defined in Nevada Revised Statutes NRS 176.275. Should the Defendant fail to pay any restitution, fine, fee or assessment imposed, collection efforts may be undertaken against him.

DATED this 26th day of May, 2023.
NUNC PRO TUNC to May 26, 2023.

DISTRICT JUDGE

CERTIFIED COPY

This document is a full, true and correct copy of the original on file and of record in my office, these letters have never been revoked, or set aside, and are still in full force and effect.

DATE: 6/9/23

ALICIA L. LERUD, Clerk of the Second Judicial District Court, in and for the County of Washoe, State of Nevada

By _____ Deputy

3 Pages

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

Hearing pursuant to NAC 289.290(1)(e) on the revocation of James E. Vega's (formerly employed with the Laughlin Township Constables Office) Category I and II basic certificate(s) 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: FALSE RESIDENCY STATEMENT BY CANDIDATE (Gross Misdemeanor – NRS293.1755-NOC 52502). Possible action may be revocation of the Category I and II basic certificates.

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

JOE LOMBARDO
Governor

MICHAEL D. SHERLOCK
Executive Director

NOTICE OF INTENT TO REVOKE

September 19, 2023

James E. Vega
[redacted].
Las Vegas, NV 89147

Dear Mr. Vega,

POST PIN #: 30494

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) 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: FALSE RESIDENCY STATEMENT BY CANDIDATE (Gross Misdemeanor – NRS293.1755-NOC 52502)
Case#: C-20-346689-1
Jurisdiction: District Court, Clark County, Nevada

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

If you choose to appeal and answer the charges against you, the Commission may elect to sit as a whole or a number that is practicable at a hearing or designate an independent hearing officer to hear the matter. You will be given the opportunity to present evidence and cross-examine witnesses as applicable. If you wish, you may be represented by an attorney; however, this would be at your own expense. **If you or your counsel have any written arguments you would like to present to the Commission, you can send that information to me no less than fifteen (15) days prior to the date of the hearing.**

EXHIBIT A

Written requests can be made to:

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

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

Date: October 26, 2023
Time: 8:00 a.m.
Location: Southpoint Hotel/Casino, 9777 Las Vegas Blvd., S., Napa Room B, Las Vegas, NV 89183

The hearing will cover the following: whether your P.O.S.T certificate(s) should be revoked pursuant to **NAC 289.290(1)(e) Conviction of, or entry of a plea of guilty, guilty but mentally ill or nolo contendere to, a gross misdemeanor.**

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, JAMES VEGA, served the foregoing **Notice of Intent to Revoke**
Print name of the person serving this document

To Individual's Name: **JAMES E. VEGA**

at [redacted] NLV, NV 89084 on this
(location)

12th day of OCTOBER, 2023.
Day *Month* *Year*

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

Executed on this 12th day of OCTOBER, 2023.
Day *Month* *Year*

Signature of person serving the Notice

L. CALLOWAY

Printed name of person serving the Notice

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

EXHIBIT B

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

Post ID Number: 30494

Last Name: VEGA **First Name:** JAMES

MI: **Suffix:**

☐ **Name Change?**

Last Name: First Name:

MI: Suffix:

☐ **Address Change?**

Street Address:

City: State: Zip Code:

County: Other 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 anytime 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:

Effective Date: 12-31-20

Submitters Name: Craig T. Dahlheimer

Submitters Phone: (702) 379-4445

Submitters E-Mail: Sgtrocke5@me.com

POST Update PAR form
Revised 01/01/2016

Submission number:

EXHIBIT C

STATE OF NEVADA

Commission On Peace Officers' Standards And Training

Hereby Awards the

Basic Certificate

To

JAMES E. VEGA
CATEGORY I

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

Governor | Executive Director

July 9, 2013
Issuance Date

STATE OF NEVADA

Commission On Peace Officers' Standards And Training

Hereby Awards the

Basic Certificate

To

James E. Vega
CATEGORY I

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

Governor | Executive Director

July 9, 2013
Issuance Date

Nevada Commission on Peace Officers' Standards and Training
Peace Officer Basic Certification and Training Identification Card

Name: **James E. Vega** POST ID No.: **30494**

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 D

(O) 1897

STATE OF NEVADA

Commission On Peace Officers' Standards And Training

Hereby Awards the

Basic Certificate

To

JAMES E. VEGA
CATEGORY II

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

Governor | Executive Director

March 22, 2012
Issuance Date

STATE OF NEVADA

Commission On Peace Officers' Standards And Training

Hereby Awards the

Basic Certificate

To

James E. Vega
CATEGORY II

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

Governor | Executive Director

March 22, 2012
Issuance Date

Nevada Commission on Peace Officers' Standards and Training
Peace Officer Basic Certification and Training Identification Card

Name: **James E. Vega** POST ID No.: **30494**

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.

AINF
STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001565
COLLEEN BAHARAV
Chief Deputy District Attorney
Nevada Bar #11777
200 Lewis Avenue
Las Vegas, Nevada 89155-2212
(702) 671-2500
Attorney for Plaintiff

FILED IN OPEN COURT
STEVEN D. GRIERSON
CLERK OF THE COURT

SEP 12 2022

BY, PATIA CUNNINGHAM, DEPUTY

C-20-346689-1
AINF
Amended Information
5006109

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

JAMES E. VEGA, aka,
James Elliot Vega, #0745443

Defendant.

CASE NO: C-20-346689 -1

DEPT NO: XXVIII

SECOND
AMENDED
INFORMATION

STATE OF NEVADA)
) ss.
COUNTY OF CLARK)

STEVEN B. WOLFSON, District Attorney within and for the County of Clark, State of Nevada, in the name and by the authority of the State of Nevada, informs the Court:

That JAMES E. VEGA, aka, James Elliot Vega, the Defendant(s) above named, having committed the crimes of **FALSE RESIDENCY STATEMENT BY CANDIDATE (Gross Misdemeanor - NRS 293.1755 - NOC 52502) and FORGERY (Category D Felony - NRS 205.090 - NOC 50461)**, on or between March 13, 2018 and September 3, 2018, within the County of Clark, State of Nevada, contrary to the form, force and effect of statutes in such cases made and provided, and against the peace and dignity of the State of Nevada,

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//

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EXHIBIT E

COUNT 1 - FALSE RESIDENCY STATEMENT BY CANDIDATE

Defendant JAMES VEGA did on or about March 15, 2018 willfully, unlawfully, and knowingly file a Declaration of Candidacy containing a false statement regarding Defendant's residency, to wit: that Defendant's physical address was [redacted] North Las Vegas, Nevada, when in truth and in fact his physical address was [redacted], Las Vegas, Nevada.

COUNT 2 - FORGERY

Defendant JAMES VEGA and DEFENDANT [redacted] did on or between March 13, 2018, and September 3, 2018 did then and there willfully, unlawfully, and feloniously, with the intent to damage or defraud, falsely make, alter, forge or counterfeit a certain writing or instrument, and/or knowing the same to be forged, altered, or counterfeited, did utter dispose of, or put off as true and genuine, or have in his possession with the intent to so utter, offer, dispose of, or put off said forged writing or instrument, to wit: a false or forged Residential Lease Agreement containing a fictitious date of December 1, 2017, when in truth and in fact the said agreement was signed on March 14, 2018.

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

BY */s/ Colleen Baharav*
COLLEEN BAHARAV
Chief Deputy District Attorney
Nevada Bar #11777

19F13337A/ed - FRAUD
LVMPD EV#180828001455
(TK10)

August 17, 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))

GPA
STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001565
COLLEEN R. BAHARAV
Chief Deputy District Attorney
Nevada Bar #011777
200 Lewis Avenue
Las Vegas, NV 89155-2212
(702) 671-2500
Attorney for Plaintiff

FILED IN OPEN COURT
STEVEN D. GRIERSON
CLERK OF THE COURT
SEP 12 2022
BY, PATIA CUNNINGHAM, DEPUTY

DISTRICT COURT
CLARK COUNTY, NEVADA

C-20-346689-1
GPA
Guilty Plea Agreement
5006099

THE STATE OF NEVADA,

Plaintiff,

-vs-

JAMES E. VEGA, aka,
James Elliot Vega, #0745443

Defendant.

CASE NO: C-20-346689-1

DEPT NO: XXVIII

GUILTY PLEA AGREEMENT

I hereby agree to plead guilty, pursuant to North Carolina v. Alford, 400 U.S. 25 (1970), to: **COUNT 1 - FALSE RESIDENCY STATEMENT BY CANDIDATE (Gross Misdemeanor - NRS 293.1755 - NOC 52502) and COUNT 2 - FORGERY (Category D Felony - NRS 205.090 - NOC 50461)**, as more fully alleged in the charging document attached hereto as Exhibit "1".

My decision to plead guilty by way of the Alford decision is based upon the plea agreement in this case which is as follows:

At sentencing, Defendant agrees to be adjudicated of the False Residency Statement by Candidate charge, and the parties agree to withhold adjudication on the Forgery charge so that Defendant can complete a one-year fixed term of probation. During the probationary period, Defendant agrees to complete 24 hours of community service per month, pay a $2,000 fine, and stay out of trouble. Defendant is required to provide the Court with monthly updates as to his community service as well as provide proof of the payment of his fine during the course

EXHIBIT F

of probation. If the Defendant successfully completes the requirements as outlined above, his plea to the Forgery charge can be withdrawn and he will only remain convicted of the False Residency Statement by Candidate charge. The case will then be closed upon completion of the probationary period.

However, should Defendant fail to complete any of these requirements during the probationary period, fail to make any subsequent court appearance, fail to interview for his presentence investigation report, or be arrested on any new charges prior to the close of the probationary period, then he will be adjudicated on the felony Forgery and the parties will retain the right to argue as to the ultimate sentence to be imposed. . All remaining counts contained in the Criminal Complaint which were bound over to District Court 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.

I understand and agree that, if I fail to interview with the Department of Parole and Probation (P&P), fail to appear at any subsequent hearings in this case, or an independent magistrate, by affidavit review, confirms probable cause against me for new criminal charges including reckless driving or DUI, but excluding minor traffic violations, the State will have the unqualified right to argue for any legal sentence and term of confinement allowable for the crime(s) to which I am pleading guilty, including the use of any prior convictions I may have to increase my sentence as an habitual criminal to five (5) to twenty (20) years, Life without the possibility of parole, Life with the possibility of parole after ten (10) years, or a definite twenty-five (25) year term with the possibility of parole after ten (10) years.

Otherwise I am entitled to receive the benefits of these negotiations as stated in this plea agreement.

CONSEQUENCES OF THE PLEA

By pleading guilty pursuant to the Alford decision, it is my desire to avoid the possibility of being convicted of more offenses or of a greater offense if I were to proceed to

trial on the original charge(s) and of also receiving a greater penalty. I understand that my decision to plead guilty by way of the Alford decision does not require me to admit guilt, but is based upon my belief that the State would present sufficient evidence at trial that a jury would return a verdict of guilty of a greater offense or of more offenses than that to which I am pleading guilty.

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 by way of the Alford decision 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.

As to Count 2 - I understand that as a consequence of my plea the Court must sentence me to imprisonment in the Nevada Department of Corrections for a minimum term of not less than (1) year and a maximum term of not more than four (4) years. The minimum term of imprisonment may not exceed forty percent (40%) of the maximum term of imprisonment. I understand that I may also be fined up to $5,000.00.

I understand that the law requires me to pay an Administrative Assessment Fee.

I understand that as a consequence of this plea, I will not ask for nor receive any diversion through NRS Chapter 458 or NRS Chapter 458A et seq.

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 eligible for probation for the offense(s) to which I am pleading guilty. 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 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.

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I understand that if I am pleading guilty to charges of Burglary, Invasion of the Home, Possession of a Controlled Substance with Intent to Sell, Sale of a Controlled Substance, or Gaming Crimes, for which I have prior felony conviction(s), I will not be eligible for probation and may receive a higher sentencing range.

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 P&P will prepare a report for the sentencing judge prior to sentencing. This report will include matters relevant to the issue of sentencing, including my criminal history. This report may contain hearsay information regarding my background and criminal history. My attorney and I will each have the opportunity to comment on the information contained in the report at the time of sentencing. Unless the District Attorney has specifically agreed otherwise, then the District Attorney may also comment on this report.

WAIVER OF RIGHTS

By entering my plea of guilty, I understand that I am waiving and forever giving up the following rights and privileges:

1. The constitutional privilege against self-incrimination, including the right to refuse to testify at trial, in which event the prosecution would not be allowed to comment to the jury about my refusal to testify.

2. The constitutional right to a speedy and public trial by an impartial jury, free of excessive pretrial publicity prejudicial to the defense, at which trial I would be entitled to the assistance of an attorney, either appointed or retained. At trial the State would bear the burden of proving beyond a reasonable doubt each element of the offense(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 12 day of September, 2022.

JAMES E. VEGA, aka,
~~James Elliot Vega~~
Defendant

AGREED TO BY:

/s/ Colleen R. Baharav
COLLEEN R. BAHARAV
Chief Deputy District Attorney
Nevada Bar #011777

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 Alford 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 Alford 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 Alford as provided in this agreement,

   b. Executed this agreement and will enter all Alford 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 12th day of September, 2022.

August 17, 2023

DOMINIC GENTILE

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

ed/FRAUD

CERTIFIED COPY
ELECTRONIC SEAL (NRS 1.190(3))

AINF
STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001565
COLLEEN BAHARAV
Chief Deputy District Attorney
Nevada Bar #11777
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-

JAMES E. VEGA, aka,
James Elliot Vega, #0745443

Defendant.

CASE NO: C-20-346689 -1

DEPT NO: XXVIII

SECOND
AMENDED
INFORMATION

STATE OF NEVADA)
) ss.
COUNTY OF CLARK)

STEVEN B. WOLFSON, District Attorney within and for the County of Clark, State of Nevada, in the name and by the authority of the State of Nevada, informs the Court:

That JAMES E. VEGA, aka, James Elliot Vega, the Defendant(s) above named, having committed the crimes of **FALSE RESIDENCY STATEMENT BY CANDIDATE (Gross Misdemeanor - NRS 293.1755 - NOC 52502) and FORGERY (Category D Felony - NRS 205.090 - NOC 50461)**, on or between March 13, 2018 and September 3, 2018, within the County of Clark, State of Nevada, contrary to the form, force and effect of statutes in such cases made and provided, and against the peace and dignity of the State of Nevada,

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EXHIBIT G

COUNT 1 - FALSE RESIDENCY STATEMENT BY CANDIDATE

Defendant JAMES VEGA did on or about March 15, 2018 willfully, unlawfully, and knowingly file a Declaration of Candidacy containing a false statement regarding Defendant's residency, to wit: that Defendant's physical address was [redacted], North Las Vegas, Nevada, when in truth and in fact his physical address was [redacted], Las Vegas, Nevada.

COUNT 2 - FORGERY

Defendant JAMES VEGA and DEFENDANT [redacted] did on or between March 13, 2018, and September 3, 2018 did then and there willfully, unlawfully, and feloniously, with the intent to damage or defraud, falsely make, alter, forge or counterfeit a certain writing or instrument, and/or knowing the same to be forged, altered, or counterfeited, did utter dispose of, or put off as true and genuine, or have in his possession with the intent to so utter, offer, dispose of, or put off said forged writing or instrument, to wit: a false or forged Residential Lease Agreement containing a fictitious date of December 1, 2017, when in truth and in fact the said agreement was signed on March 14, 2018.

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

BY */s/ Colleen Baharav*
COLLEEN BAHARAV
Chief Deputy District Attorney
Nevada Bar #11777

19F13337A/ed - FRAUD
LVMPD EV#180828001455
(TK10)

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02/27/2023 5:09 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-

JAMES E. VEGA, aka,
James Elliot Vega, #0745443

Defendant.

CASE NO: C-20-346689-1

DEPT NO: XXVIII

JUDGMENT OF CONVICTION
(PLEA OF GUILTY)

The defendant previously appeared before the Court with counsel and entered a plea of guilty, pursuant to North Carolina v. Alford, 400 U.S. 25 (1970), to the crime(s) of **COUNT 1 - FALSE RESIDENCY STATEMENT BY CANDIDATE (Gross Misdemeanor - NRS 293.1755 - NOC 52502)** thereafter, on the 14th day of December, 2022, the defendant was present in court for sentencing with his counsel, DOMINIC GENTILE, and good cause appearing,

THE DEFENDANT WAS HEREBY ADJUDGED guilty of said offense(s) and, in addition to the $25.00 Administrative Assessment Fee, $2,000.00 Fine, $150.00 DNA Analysis fee including testing to determine genetic markers, and $3.00 DNA Collection fee, the defendant was sentenced as follows: as to COUNT 1 to THREE HUNDRED SIXTY-FOUR (364) DAYS in the Clark County Detention Center (CCDC), SUSPENDED; placed on PROBATION for THREE (3) YEARS FIXED.

In addition to the Standard Conditions of the Division of Parole and Probation (P & P), which are IMPOSED, Deft. must comply with the following SPECIAL CONDITIONS:

EXHIBIT H

Statistically closed: A. USJR - CR - Guilty Plea With Sentence (Before trial) (USGPB)

1. Complete 24 hours of community service.

FURTHER, Count 2 to be DISMISSED upon successful completion of probation and Status Check SET.

Dated this 27th day of February, 2023

Ronald J. Israel

pc C-20-346689-1

0FB C1D D841 39C8
Ronald J. Israel
District Court Judge

August 17, 2023

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

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ELECTRONIC SEAL (NRS 1.190(3))

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CSERV

DISTRICT COURT
CLARK COUNTY, NEVADA

State of Nevada	CASE NO: C-20-346689-1
vs	DEPT. NO. Department 28
JAMES VEGA	

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: 2/27/2023

Dominic Gentile	dgentile@clarkhill.com
Stacey Concepcion	sconcepcion@clarkhill.com
Osvaldo Fumo	ozzie@fumolaw.com

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor	**COURT MINUTES**	**February 14, 2020**

C-20-346689-1 State of Nevada
vs
JAMES VEGA

February 14, 2020 **10:00 AM** **Initial Arraignment**

HEARD BY: Wittenberger, Shannon **COURTROOM:** RJC Lower Level Arraignment

COURT CLERK: Kristen Brown

RECORDER: Sharon Nichols

REPORTER:

PARTIES PRESENT:

Fumo, Osvaldo E.	Attorney
VEGA, JAMES E	Defendant

JOURNAL ENTRIES

- Deputized Law Clerk, Joshua Judd appearing for the State.

At the request of Mr. Fumo, COURT ORDERED, matter CONTINUED.

NIC

3/13/20 10:00 AM ARRAIGNMENT CONTINUED (LLA)

EXHIBIT I

DISTRICT COURT

CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor	**COURT MINUTES**	**March 13, 2020**

C-20-346689-1 State of Nevada
vs
JAMES VEGA

March 13, 2020 **10:00 AM** **Arraignment Continued**

HEARD BY: Wittenberger, Shannon **COURTROOM:** RJC Lower Level Arraignment

COURT CLERK: Kristen Brown

RECORDER: Sharon Nichols

REPORTER:

PARTIES PRESENT:

Marcello, Dustin R.	Attorney
VEGA, JAMES E	Defendant

JOURNAL ENTRIES

- Deputized Law Clerk, Ronald Evans, appearing for the State.

At the request of Mr. Marcello, COURT ORDERED, matter CONTINUED to be heard in the assigned Department.

NIC

3/23/20 9:00 AM ARRAIGNMENT CONTINUED (DEPT. 28)

DISTRICT COURT

CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor	**COURT MINUTES**	**June 03, 2020**

C-20-346689-1 State of Nevada
vs
JAMES VEGA

June 03, 2020 **1:45 PM** **Arraignment Continued**

HEARD BY: Israel, Ronald J. **COURTROOM:** RJC Courtroom 15C

COURT CLERK: Kathy Thomas

RECORDER: Judy Chappell

REPORTER:

PARTIES PRESENT:

Dunn, Ann Marie	Attorney
Fumo, Osvaldo E.	Attorney
State of Nevada	Plaintiff
VEGA, JAMES E	Defendant

JOURNAL ENTRIES

- Deft. VEGA present, not in custody. Co-Deft. and counsel not present. Counsel noted due to the COVID-19 issue the delay in Veterans Court admissions, Counsel requested a date after 08/20/2020 noting the Deft. has an appointment with the doctor for Veterans Court. State asked that this be the last continuance. Colloquy. COURT ORDERED, Matter CONTINUED.

NIC

08/31/2020 9:00 AM ARRAIGNMENT CONTINUED

DISTRICT COURT

CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor	**COURT MINUTES**	**August 31, 2020**

C-20-346689-1 State of Nevada
vs
JAMES VEGA

August 31, 2020 **12:00 AM** **Arraignment Continued**

HEARD BY: Israel, Ronald J. **COURTROOM:** RJC Courtroom 15C

COURT CLERK: Kathy Thomas

RECORDER: Judy Chappell

REPORTER:

PARTIES PRESENT:

Baharav, Colleen	Attorney
Fumo, Osvaldo E.	Attorney
State of Nevada	Plaintiff
VEGA, JAMES E	Defendant

JOURNAL ENTRIES

- Deft. VEGA present, not in custody. Mr. Fumo explained the parties negotiated this case in Arraignment Court, however they needed an evaluation with Veteran's Court and it's set for a special schedule in February and therefore we would proceed with a not guilty plea at this time and may change it when accepted to Veterans Court. State noted they had filed the 2nd Amended Information to include all charges (1 - 8) for a not guilty plea. Colloquy regarding trial scheduling and possible negotiations prior to trial.
DEFT. VEGA ARRAIGNED AND PLED NOT GUILTY, and WAIVED the 60-DAY RULE. COURT ORDERED, matter set for trial.

NIC

04/05/2021 9:00 AM CALENDAR CALL

04/12/2021 10:30 AM JURY TRIAL

DISTRICT COURT

CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor **COURT MINUTES** **April 05, 2021**

C-20-346689-1 State of Nevada
vs
JAMES VEGA

April 05, 2021 **12:30 AM** **Calendar Call**

HEARD BY: Israel, Ronald J. **COURTROOM:** RJC Courtroom 15C

COURT CLERK: Kathryn Hansen-McDowell

RECORDER: Judy Chappell

REPORTER:

PARTIES PRESENT:

Baharav, Colleen	Attorney
Fumo, Osvaldo E.	Attorney
State of Nevada	Plaintiff
VEGA, JAMES E	Defendant

JOURNAL ENTRIES

- Co-Deft. [redacted] and John Turco, Esq., counsel for Deft. [redacted], also present.

This is a Co-Deft. case; due to Covid-19 restrictions and limited trial space, the trial for the needs to be reset. Colloquy regarding scheduling. COURT ORDERED, trial dates VACATED and RESET.

NIC

01/03/2022 12:30 PM CALENDAR CALL

01/10/2022 10:30 AM JURY TRIAL

DISTRICT COURT
CLARK COUNTY, NEVADA

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

C-20-346689-1 State of Nevada
vs
JAMES VEGA

January 03, 2022 **12:00 AM** **Calendar Call**

HEARD BY: Villani, Michael **COURTROOM:** RJC Courtroom 11A

COURT CLERK: Samantha Albrecht

RECORDER: Kristine Santi

REPORTER:

PARTIES PRESENT:

Baharav, Colleen	Attorney
Fumo, Osvaldo E.	Attorney
State of Nevada	Plaintiff
VEGA, JAMES E	Defendant

JOURNAL ENTRIES

- John Turco, Esq. and Co-Defendant [redacted] also present.

Mr. Fumo stated they were prepared to announce ready however two weeks ago Defendant advised he intended to retain the services of Dominic Gentile, who would be substituting in, however had not done that yet. State concurred and advised Mr. Gentile could not sub in unless the trial was continued and they had no objection to continuing the trial. Mr. Turco had no objection to a continuance. COURT ORDERED, trial VACATED and RESET.

NIC

5/16/2022 9:00 AM CALENDAR CALL

5/23/2022 10:30 AM JURY TRIAL

DISTRICT COURT

CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor	**COURT MINUTES**	**May 16, 2022**

C-20-346689-1 State of Nevada
vs
JAMES VEGA

May 16, 2022 **10:00 AM** **Calendar Call**

HEARD BY: Gibbons, Mark **COURTROOM:** RJC Courtroom 15C

COURT CLERK: Patia Cunningham

RECORDER: Judy Chappell

REPORTER:

PARTIES PRESENT:

Marina, Gia N	Attorney
State of Nevada	Plaintiff
Sweetin, James R	Attorney
VEGA, JAMES E	Defendant

JOURNAL ENTRIES

- Upon Court's inquiry, Counsel advised that they are not ready for trial as they have recently substituting into the case. COURT ORDERED, Trial Date VACATED and RESET.

NIC

7/25/22 10:00 AM CALENDAR CALL
8/1/22 10:30 AM JURY TRIAL

DISTRICT COURT

CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor	**COURT MINUTES**	**July 25, 2022**

C-20-346689-1 State of Nevada
vs
JAMES VEGA

July 25, 2022 **10:00 AM** **Calendar Call**

HEARD BY: Israel, Ronald J. **COURTROOM:** RJC Courtroom 15C

COURT CLERK: Patia Cunningham

RECORDER: Judy Chappell

REPORTER:

PARTIES PRESENT:

Marina, Gia N	Attorney
State of Nevada	Plaintiff
Zadrowski, Bernard B.	Attorney

JOURNAL ENTRIES

- Ms. Marina advised this case has been negotiated and requested a date for Entry of Plea. COURT ORDERED, Entry of Plea SET and Trial Date VACATED.

NIC

8/22/22 10:00 AM ENTRY OF PLEA

DISTRICT COURT

CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor	**COURT MINUTES**	**August 22, 2022**

C-20-346689-1 State of Nevada
vs
JAMES VEGA

August 22, 2022 **10:00 AM** **Entry of Plea**

HEARD BY: Israel, Ronald J. **COURTROOM:** RJC Courtroom 15C

COURT CLERK: Reina Villatoro

RECORDER: Judy Chappell

REPORTER:

PARTIES PRESENT:

Baharav, Colleen	Attorney
State of Nevada	Plaintiff

JOURNAL ENTRIES

- Defendant not present. Dominic Gentile Esq., not present.

Ms. Baharav requested to waive the Defense's appearance and further requested a one week continuance as they are pending a decision on the negotiations. COURT ORDERED, matter CONTINUED.

NIC

CONTINUED TO: 08/29/22 10:00 AM

DISTRICT COURT

CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor **COURT MINUTES** **August 29, 2022**

C-20-346689-1 State of Nevada
vs
JAMES VEGA

August 29, 2022 **10:00 AM** **Entry of Plea**

HEARD BY: Israel, Ronald J. **COURTROOM:** RJC Courtroom 15C

COURT CLERK: Patia Cunningham

RECORDER: Judy Chappell

REPORTER:

PARTIES PRESENT:

Baharav, Colleen	Attorney
Gentile, Dominic P.	Attorney
State of Nevada	Plaintiff

JOURNAL ENTRIES

- Following Counsel's review of the negotiations, COURT ADVISED, Informal Probation is discontinued. Parties requested additional time to update the negotiations. COURT ORDERED, matter continued.

NIC

CONTINUED TO: 9/12/22 10:00 AM

DISTRICT COURT
CLARK COUNTY, NEVADA

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

C-20-346689-1 State of Nevada
vs
JAMES VEGA

September 12, 2022 10:00 AM Entry of Plea

HEARD BY: Wiese, Jerry A. **COURTROOM:** RJC Courtroom 15C

COURT CLERK: Patia Cunningham

RECORDER: Judy Chappell

REPORTER:

PARTIES PRESENT:

Baharav, Colleen	Attorney
Gentile, Dominic P.	Attorney
State of Nevada	Plaintiff
VEGA, JAMES E	Defendant

JOURNAL ENTRIES

- Counsel advised that Deft plans to attend the Veteran Court Program. State advised of its objection to the dismissal of the charges upon completion of Veterans Court. NEGOTIATIONS are as contained in the Guilty Plea Agreement FILED IN OPEN COURT. DEFT. VEGA ARRAIGNED and PLED GUILTY to COUNT 1- FALSE RESIDENCY STATEMENT BY CANDIDATE (GM) and COUNT 2- FORGERY pursuant to the Alford Decision. State gave an offer of proof. Court ACCEPTED plea and ORDERED, matter referred to the Division of Parole and Probation (P & P) and set for SENTENCING.

NIC

12/12/22 10:00 AM SENTENCING

DISTRICT COURT

CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor	**COURT MINUTES**	**December 14, 2022**

C-20-346689-1 State of Nevada
vs
JAMES VEGA

December 14, 2022 10:00 AM Sentencing

HEARD BY: Israel, Ronald J. **COURTROOM:** RJC Courtroom 15C

COURT CLERK: Patia Cunningham

RECORDER: Judy Chappell

REPORTER:

PARTIES PRESENT:

Afshar, Nima	Attorney
Gentile, Dominic P.	Attorney
State of Nevada	Plaintiff
VEGA, JAMES E	Defendant

JOURNAL ENTRIES

- State requested Deft. not be adjudged on Count 2 as it will be dismissed if deft. successfully completes probation. Counsel advised that the address on the Pre-sentence investigation report (PSI) should be corrected to show 9101. COURT ORDERED the change to the PSI be made. DEFT. VEGA ADJUDGED GUILTY of COUNT 1- FALSE RESIDENCY STATEMENT BY CANDIDATE (GM). COURT ORDERED, in addition to the $25.00 Administrative Assessment fee, $2,000.00 Fine, $150.00 DNA Analysis fee including testing to determine genetic markers, and $3.00 DNA Collection fee, Deft. SENTENCED as to COUNT 1 to THREE HUNDRED SIXTY-FOUR (364) DAYS in the Clark County Detention Center (CCDC), SUSPENDED; placed on PROBATION for ONE (1) YEAR FIXED. In addition to the Standard Conditions of the Division of Parole and Probation (P & P), which are IMPOSED, Deft. must comply with the following SPECIAL CONDITIONS:

1. Complete 24 hours of community service.

FURTHER, Count 2 to be DISMISSED upon successful completion of probation and Status Check SET.

NIC

STATUS CHECK: 12/13/23 10:00 AM

CLERK'S NOTE: This minute Order was updated to correct the probation term. pc 12/22/22

DISTRICT COURT

CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor	**COURT MINUTES**	**February 22, 2023**

C-20-346689-1 State of Nevada
vs
JAMES VEGA

February 22, 2023 **10:00 AM** **Motion for Order**

HEARD BY: Israel, Ronald J. **COURTROOM:** RJC Courtroom 15C

COURT CLERK:
April Cline

RECORDER: Judy Chappell

REPORTER:

PARTIES PRESENT:

Baharav, Colleen	Attorney
Marina, Gia N	Attorney
State of Nevada	Plaintiff
VEGA, JAMES E	Defendant

JOURNAL ENTRIES

- Ms. Gia Marina Esq., appeared on behalf of DEFENDANT and his counsel, Mr. Dominic P. Gentile, Esq.

Statement by Counsel. COURT STATED, probation isn't a walk in the park. Defendant should be learning from and complying with the restrictions of his probation. Defendant is subject to some sort of punishment. COURT FINDS the plea agreement was obviously beneficial for him as he will be eligible for a drop down next year and can then continue his travel plans, therefore, Motion DENIED.

NIC

DISTRICT COURT

CLARK COUNTY, NEVADA

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

C-20-346689-1 State of Nevada
vs
JAMES VEGA

July 31, 2023 **10:00 AM** **Motion**

HEARD BY: Cherry, Michael A. **COURTROOM:** RJC Courtroom 15C

COURT CLERK: Patia Cunningham

RECORDER: Judy Chappell

REPORTER:

PARTIES PRESENT:

Baharav, Colleen	Attorney
Marina, Gia N	Attorney
State of Nevada	Plaintiff
VEGA, JAMES E	Defendant

JOURNAL ENTRIES

- State posed its opposition and stated that Deft's. early discharged from probation violates the Guilty Plea Agreement. COURT ORDERED, matter CONTINUED.

NIC

CONTINUED TO: 8/2/23 10:00 AM

DISTRICT COURT

CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor	**COURT MINUTES**	**August 02, 2023**

C-20-346689-1 State of Nevada
vs
JAMES VEGA

August 02, 2023 **10:00 AM** **Motion**

HEARD BY: Israel, Ronald J. **COURTROOM:** RJC Courtroom 15C

COURT CLERK: April Cline

RECORDER: Judy Chappell

REPORTER:

PARTIES PRESENT:

Baharav, Colleen	Attorney
Marina, Gia N	Attorney
State of Nevada	Plaintiff

JOURNAL ENTRIES

- DEFENDANT VEGA, not present. Specialist K. Kennedy present on behalf of Parole and Probation.

COURT NOTED, it has the Opposition from the State but no reply. Ms. Marina stated Defense is not taking a position. Ms. Baharav believes Parole and Probation's Petition was put on for discharge because of good time credits; State's opposition still stands. Following colloquy regarding defendant's probation term, COURT ORDERED, Matter CONTINUED.

NIC

CONTINUED TO: 12/13/2023 10:00 AM

August 17, 2023



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10. 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.

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

    Schedule upcoming Commission Meeting

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

    Adjournment.