

NEVADA COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

POST COMMISSION MEETING
8:00 A.M., THURSDAY,
MAY 2, 2024

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

NOTICES

PUBLIC HEARING

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

JOE LOMBARDO
Governor

MICHAEL D. SHERLOCK
Executive Director

NOTICE OF INTENT TO ACT UPON A REGULATION

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

PUBLIC HEARING NOTICE: The Commission on Peace Officer Standards and Training ("Commission") will be holding a Public Comment Hearing at **8:00 A.M., THURSDAY, MAY 2, 2024, AT THE POST ADMINISTRATION BUILDING, CLASSROOM #2, 5587 WA PAI SHONE AVE., CARSON CITY, NV 89701**. The purpose of the hearing is to receive comments from all interested persons regarding the adoption, amendment and/or repeal of regulations that pertain to Chapter 289 of the Nevada Administrative Code (NAC).

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

1. **The need for and purpose of the proposed regulations.**
Existing law requires the Peace Officers' Standards and Training Commission to adopt regulations establishing minimum standards for the certification and decertification, recruitment, selection and training of peace officers. (NRS 289.510).
This language revises NAC 289.270 and will add two additional ways to meet the eligibility of the Executive Certificate. This will allow officers in an executive level position, that came to Nevada through reciprocity and previously held the executive certificate in their prior law enforcement position, and the training meets Nevada requirements, to obtain the executive certificate, or is an officer of this state who has been appointed or elected to an executive level position and has remained in the position for 5 consecutive years.

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 **For a temporary regulation, the terms, or the substance of the regulation to be adopted, amended or repealed, or a description of the subjects and issues involved.**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/R032-23RP1.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: Retention of experienced officers that will now be eligible for bonuses and pay increases due to being able to obtain the Executive Certificate.

(b) Both immediate and long-term effects:

(1) The immediate effects: None

(2) The long-term effects: Retention of experienced officers that will now be eligible for bonuses and pay increases due to being able to obtain the Executive Certificate.

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 April 17, 2024.** If no person who is directly affected by the proposed action appears to request time to make an oral presentation, the Commission on POST may proceed immediately to act upon any written submissions.
This Notice of Intent to Act Upon Regulations and the proposed regulation will be on file at the State Library, Archives and Public Records Administrator, 100 Stewart Street, Carson City, Nevada for inspection by members of the public during business hours. Additional copies of the notice and regulations to be adopted, amended or repealed will be available at the Commission on POST Administrative Offices, 5587 Wa Pai Shone Avenue, Carson City, 89701, 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

REVISED PROPOSED REGULATION OF THE PEACE

OFFICERS' STANDARDS AND TRAINING COMMISSION

LCB File No. R032-23

January 19, 2024

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

AUTHORITY: § 1, NRS 289.510.

A REGULATION relating to peace officers; revising the minimum requirements for certain peace officers to obtain an executive certificate; establishing the requirements for a peace officer of another state to obtain an executive certificate; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Peace Officers' Standards and Training Commission to adopt regulations establishing minimum standards for the certification and training of peace officers. (NRS 289.510) Existing regulations provide that the Commission will grant an executive certificate to a peace officer upon the submission of, among other things, a letter of recommendation that is signed by the administrator of the agency and includes an organizational chart which demonstrates the position of the applicant within the agency. (NAC 289.270)

This regulation revises the contents of such a letter of recommendation and provides that the Commission will grant an executive certificate to: (1) a peace officer of this State if the peace officer has been elected or appointed to an executive level position and has remained in the position for 5 consecutive years; and (2) a peace officer of another state in certain circumstances.

Section 1. NAC 289.270 is hereby amended to read as follows:

289.270 1. The Commission will grant an executive certificate to [~~an~~] ***:***

(a) An officer ***of this State*** upon submission of proof satisfactory to the Commission that the officer meets the following minimum requirements:

[~~(a)~~] ***(1)*** A current basic certificate.

[~~(b)~~] ***(2)*** A current intermediate certificate.

[~~(c)~~] ***(3)*** A current advanced certificate.

~~[(d)]~~ ***(4)*** A current supervisor certificate.

~~[(e)]~~ ***(5)*** A current management certificate.

~~[(f)]~~ ***(6)*** Six years of experience as a peace officer, including at least 1 year of experience in an executive level position and a current assignment in an executive level position.

~~[(g)]~~ ***(7)*** Two hundred hours of training in advanced management in addition to the training completed for the basic, intermediate, advanced, supervisor and management certificates.

~~[(h)]~~ ***(8)*** The applicant must present proof that the current assignment meets the criteria for an executive level position as set forth in NAC 289.047 by submitting a letter of recommendation with the application which ~~[is]~~ ***:***

(I) Is signed by the administrator of the agency ~~[. The letter must include an organizational chart which demonstrates the applicant's position within the agency and must describe]~~ ***; and***

(II) Describes the manner in which the applicant's current assignment meets the criteria for an executive level position as set forth in NAC 289.047.

(b) An officer of this State who has been appointed or elected to an executive level position and has remained in the position for 5 consecutive years.

(c) An officer of another state, if the other state has a certifying entity and the officer:

(1) Meets the requirements of subsection 2 of NAC 289.200 for a basic certificate;

(2) Holds a current intermediate, advanced, supervisor and management certificate issued by the certifying entity of the other state;

(3) Has 6 years of experience as a peace officer in the other state, including at least 1 year of experience in the other state in a position equivalent to an executive level position;

(4) Has the equivalent of 200 hours of training in advanced management in another state in addition to the training completed for the basic, intermediate, advanced, supervisor and management certificates;

(5) Has a current assignment in an executive level position in this State; and

(6) Presents proof that the current assignment in this State meets the criteria for an executive level position as set forth in NAC 289.047 by submitting a letter of recommendation with the application which:

(I) Is signed by the administrator of the agency; and

(II) Describes the manner in which the applicant's current assignment meets the criteria for an executive level position as set forth in NAC 289.047.

(d) An officer of another state, if the other state does not have a certifying entity and upon submission of proof satisfactory to the Commission that the officer:

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

(2) Has received training and experience that is equivalent to the training and experience required for a basic, intermediate, advanced, supervisor and management certificate pursuant to NAC 289.200 and 289.240 to 289.260, inclusive.

2. In making a determination pursuant to subsection 1, the Commission will review and consider each applicant individually.

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JOE LOMBARDO
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NOTICE OF INTENT TO ACT UPON A REGULATION

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

PUBLIC HEARING NOTICE: The Commission on Peace Officer Standards and Training ("Commission") will be holding a Public Comment Hearing at **8:00 A.M., THURSDAY, MAY 2, 2024, AT THE POST ADMINISTRATION BUILDING, CLASSROOM #2, 5587 WA PAI SHONE AVE., CARSON CITY, NV 89701**. The purpose of the hearing is to receive comments from all interested persons regarding the adoption, amendment and/or repeal of regulations that pertain to Chapter 289 of the Nevada Administrative Code (NAC).

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

1. **The need for and purpose of the proposed 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).
Existing regulations require a 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 and who meet certain other standards for appointment to pass a physical fitness examination for this State to be awarded a basic certificate by the Executive Director of the Commission (NAC 289.200). This regulation instead requires such a peace officer to pass a physical fitness examination, if any, that is approved and required by the agency which employs the peace officer.

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 2024 and clicking the link: www.leg.state.nv.us/Register/2024Register/R025-24P.pdf, by contacting

Chief Kathy Floyd at kfloyd@post.state.nv.usor by telephone at 775-687-7678, ext. 3335 or going to the Nevada Commission on POST website at https://post.nv.gov.

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

(a) Both adverse and beneficial effects; and

(1) Adverse effects: No adverse economic effect

(2) Beneficial effects: This will allow Nevada law enforcement agencies to recruit more experienced officers from other states and allow the agency to administer their own physical fitness examination, if they choose not to use the physical fitness examination under NAC289.205.

(b) Both immediate and long-term effects:

(1) The immediate effects: Better recruitment opportunities.

(2) The long-term effects: Continued recruitment opportunities and the ability of the agency to determine what, if any, physical fitness test to administer.

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 establish a new fee or increase an existing fee.

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 April 17, 2024.** If no person who is directly affected by the proposed action appears to request time to make an oral presentation, the Commission on POST may proceed immediately to act upon any written submissions.
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SEE ATTACHED COPIES OF THE PROPOSED REGULATIONS

PROPOSED REGULATION OF THE PEACE OFFICERS'

STANDARDS AND TRAINING COMMISSION

LCB File No. R025-24

March 21, 2024

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

AUTHORITY: § 1, NRS 289.510.

A REGULATION relating to peace officers; revising the requirement for the physical fitness examination which certain peace officers must pass to be awarded a basic certificate by the Executive Director of the Peace Officers' Standards and Training Commission; 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)

Existing regulations require a 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 certain other standards for appointment to pass a physical fitness examination for this State to be awarded a basic certificate by the Executive Director of the Commission. (NAC 289.200) This regulation instead requires such a peace officer to pass a physical fitness examination, if any, that is approved and required by the agency which employs the peace officer.

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

FIRST PARALLEL SECTION

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

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

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

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

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

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

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

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

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

(1) Abuse of older persons;

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

(3) Civil liability;

(4) Classification and receiving of offenders;

(5) Constitutional law;

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

(7) Crimes against persons;

(8) Crimes against property;

(9) Cultural awareness;

(10) Domestic violence, stalking and aggravated stalking;

(11) Ethics in law enforcement;

(12) Fire safety and use of emergency equipment;

(13) Games offenders play;

(14) Gangs and cults;

(15) Juvenile law;

(16) Laws relating to arrest;

(17) Laws relating to correctional institutions;

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

(19) Miscellaneous crimes;

(20) Modern correctional philosophy;

(21) Probable cause;

(22) Public and media relations;

(23) Records of offenders in institutions;

(24) Rights of victims;

(25) Search and seizure;

(26) Searches of offender institutions;

(27) Supervision of offenders;

(28) Training concerning active assailants; and

(29) Use of force;

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

(f) The peace officer passes ~~[the state]~~ ***a*** physical fitness examination ~~[for the appropriate category]~~ ***, if any, that is approved and required by the employing agency*** of ***the*** peace officer ***.*** ~~[as described in NAC 289.205.]~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

8. The basic certificate of an officer whose employment is terminated for any reason will be placed on inactive status. If such a person is again employed as a peace officer, the employing agency shall request that the person's basic certificate be returned to active status. Except as otherwise provided in subsection 9, if the certification of such a person is on inactive status for 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.

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Executive Director

NOTICE OF INTENT TO ACT UPON A REGULATION

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

PUBLIC HEARING NOTICE: The Commission on Peace Officer Standards and Training ("Commission") will be holding a Public Comment Hearing at **8:00 a.m. on Thursday, May 2, 2024, at the POST ADMINISTRATION BUILDING, CLASSROOM #2, 5587 WA PAI SHONE AVE., CARSON CITY, NV 89701**. The purpose of the hearing is to receive comments from all interested persons regarding the adoption, amendment and repeal of regulations that pertain to Chapter 289 of the Nevada Administrative Code (NAC).

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

1. The need for and purpose of the proposed 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).

R031-23RP2 will establish a Command Level Basic Certificate, awarded only to Executive Level Staff. Recruitment of executive level staff can be difficult, especially around elections. An elected official may have been certified but their basic certificate has expired. This certificate will assist in the recruitment and retention of Executive Level positions, including, but not limited to elected and/or appointed officials. In other instances, the certified elected official prefers to appoint an individual that has been out of law enforcement for more than 5 years. This new level of basic certificate and the process to achieve it will assist agencies in hiring personnel that can provide valuable insight, experience and knowledge. The process to achieve the certification is consistent with the reciprocity process, therefore allowing the individual to work while completing the online course and not having to complete a full, in person, basic academy, saving the agency valuable time and money.

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: www.leg.state.nv.us/Register/2023Register/R031-23RP2.pdf or 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: There will be a fee to the agency ($200) payable upon enrollment.
(2) Beneficial effects: Agencies will save time and money by having their staff attend the online course instead of paying for a full basic academy and losing a much-needed officer while they attend a full basic academy.

(b) Both immediate and long-term effects:

(1) The immediate effects: This will shorten the hiring process for executive level staff, for Nevada agencies. This will allow agencies to hire experienced staff who will be on the job during the process of certification.
(2) The long-term effects: Agencies will have the ability to hire executive level staff that will bring knowledge and experience to their agencies.

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.

There is no cost to the agency for enforcement.

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 establish a new fee or increase existing 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 April 17, 2024.** If no person who is directly affected by the proposed action appears to request time to make an oral presentation, the Commission on POST may proceed immediately to act upon any written submissions.
This Notice of Intent to Act Upon Regulations and the proposed regulation will be on file at the State Library, Archives and Public Records Administrator, 100 Stewart Street, Carson City, Nevada for inspection by members of the public during business hours. Additional copies of the notice and regulations to be adopted, amended or repealed will be available at the Commission on POST Administrative Offices, 5587 Wa Pai Shone Avenue, Carson City, 89701, 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

SECOND REVISED PROPOSED REGULATION OF THE PEACE

OFFICERS' STANDARDS AND TRAINING COMMISSION

LCB File No. R031-23

March 28, 2024

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

AUTHORITY: § 1, NRS 289.510.

A REGULATION relating to peace officers; establishing the requirements a peace officer must meet to receive a command level basic certificate; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Peace Officers' Standards and Training Commission to adopt regulations establishing minimum standards for the certification and training of peace officers. (NRS 289.510)

This regulation provides that the Commission may award a command level basic certificate to a peace officer if: (1) the peace officer has been elected or appointed to an executive level position; (2) the peace officer meets the minimum standards for appointment; (3) the peace officer has 5 consecutive years of experience as a peace officer employed by a Nevada agency; (4) any prior certification of the peace officer has not been revoked or suspended; (5) the peace officer has completed certain training courses; (6) the peace officer passes the state certification examination with a score of at least 70 percent; and (7) the peace officer passes a physical fitness examination approved by the employing agency of the peace officer.

Section 1. Chapter 289 of NAC is hereby amended by adding thereto a new section to read as follows:

1. The Commission may award a command level basic certificate to a peace officer if:

(a) The peace officer has been elected or appointed to an executive level position;

(b) The peace officer meets the minimum standards for appointment established pursuant to NAC 289.110;

(c) The peace officer has 5 consecutive years of experience as a peace officer employed by a Nevada agency;

(d) Any prior certification of the peace officer has not been revoked or suspended;

(e) 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;

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

(g) The peace officer passes a physical fitness examination approved by the employing agency of the peace officer.

2. An agency may have only two active command level basic certificates at any one time.

3. To maintain a command level basic certificate, a peace officer must comply with the provisions of this chapter and chapter 289 of NRS.

4. A command level basic certificate expires immediately upon the separation of a peace officer from an executive level position unless, within 90 days after the separation, the peace officer is newly elected or appointed to an executive level position.

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, MAY 2, 2024 AT THE POST ADMINISTRATION BUILDING, CLASSROOM #2, 5587 WA PAI SHONE AVE., CARSON CITY, NV 89701.** 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 possible revision to NAC 289.290(1)(i) to add: (i) Conviction of a misdemeanor crime of domestic violence as defined in 18 U.S.C. § 921(a)(33) ***or conviction of a crime that has as an element the use or attempted use of physical force, or the threatened use of a deadly weapon; and that at the time the offense was committed, the officer was:*** ***i.*** ***a current or former spouse, partner, parent or guardian of the victim;*** ***ii.*** ***a person whom the victim shared a child in common;*** ***iii.*** ***A person who was cohabitating with or had cohabited with the victim as a spouse, parent, or guardian; or,*** ***iv.*** ***A person who was or had been similarly situated as a spouse, parent, or guardian of the victim.*** 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.	**NAC289.290 (1)(i)**
B. **(4)** The Commission will notify the officer by certified mail, ***or personal service***, at the officer's last known address….	**NAC 289.290 (4)**

C. Discussion regarding the creation of a program that would allow an officer whose basic certificate has expired to reinstate their basic certificate if meeting all requirements of NAC 289, and once they complete an in-person course, physical fitness test and state certification exam. **NAC 289.200**

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.

NAC 289.290

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

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

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

(c) Chronic drinking or drunkenness on duty.

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

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

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

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

(h) Except as otherwise provided in paragraph (i), 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) ***or conviction of a crime that has as an element the use or attempted use of physical force, or the threatened use of a deadly weapon; and that at the time the offense was committed, the officer was:***

- ***a current or former spouse, partner, parent or guardian of the victim;***
- ***a person whom the victim shared a child in common;***
- ***A person who was cohabitating with or had cohabited with the victim as a spouse, parent, or guardian; or,***
- ***A person who was or had been similarly situated as a spouse, parent, or guardian of the victim.***

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.

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

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

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

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

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

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

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

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

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

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

10. The Commission will provide each peace officer whose certificate is suspended with written notice of the suspension by certified registered mail. The suspension becomes effective

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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, ***but less than 10 consecutive years, and the provisions of NAC 289.290 do not apply, the persons certificate may be reinstated if the peace officer:***

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

(b) Successfully completes the recertification course of training developed and delivered by the Commission;

(c) Is employed by a Nevada Law Enforcement Agency as a peace officer and;

(d) Meets the requirements established under NAC 289.230 section 7.

If the person's basic certificate remains inactive for more than 10 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.

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

JOE LOMBARDO
Governor

MICHAEL D. SHERLOCK
Executive Director

NOTICE OF PUBLIC MEETING (NRS 241)

NOTICE IS HEREBY GIVEN THAT STARTING AT **8:00 A.M. ON THURSDAY, MAY 2, 2024,** THE COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING WILL HOLD A PUBLIC HEARING, WORKSHOP AND REGULARLY SCHEDULED MEETING AT THE **POST ADMINISTRATION BUILDING, CLASSROOM #2, 5587 WA PAI SHONE AVE., CARSON CITY, NV 89701.**

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

I. PUBLIC HEARING

1. Call to order.

2. Roll call of Commission Members.

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

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

TOPICS

A. **LCB R032-23RP1 –** Amends NAC 289.270 - requirements to qualify for the Executive Certificate.
B. **LCB R025-24 –** Amends NAC 289.200 to change the physical readiness requirements for Category I and II Reciprocity.
C. **LCB R031-23RP2 –** Establish a new regulation for a Command Staff 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	**REGULATION**
A. Discussion regarding possible revision to NAC 289.290(1)(i) to add: (i) Conviction of a misdemeanor crime of domestic violence as defined in 18 U.S.C. § 921(a)(33) ***or conviction of a crime that has as an element the use or attempted use of physical force, or the threatened use of a deadly weapon; and that at the time the offense was committed, the officer was:*** ***i. a current or former spouse, partner, parent or guardian of the victim;*** ***ii. a person whom the victim shared a child in common;*** ***iii. A person who was cohabitating with or had cohabited with the victim as a spouse, parent, or guardian; or,*** ***iv. A person who was or had been similarly situated as a spouse, parent, or guardian of the victim.*** 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.	**NAC 289.290(1)(i)**
B. **(4)** The Commission will notify the officer by certified mail, ***or personal service***, at the officer's last known address….	**NAC 289.290(4)**
C. Discussion regarding the creation of a program that would allow an officer whose basic certificate has expired to reinstate their basic certificate if meeting all requirements of NAC 289, and once they complete an in-person course, physical fitness test and state certification exam.	**NAC 289.200**

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

2. **DISCUSSION AND FOR POSSIBLE ACTION.**
   Approval of minutes from the February 22, 2024, public hearing, workshop and regularly scheduled meeting.

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

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

   A. LCB R032-23RP1 – Amends NAC 289.270 – requirements to qualify for the Executive Certificate.
   B. LCB R025-24 - Amends NAC 289.200 to change the physical readiness requirements for Category I and II Reciprocity.
   C. LCB R031-23RP2 - Establish a new regulation for a Command Staff Basic Certificate.

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

5. **DISCUSSION AND FOR POSSIBLE ACTION.**
   Discussion by the Commission to continue the rulemaking process regarding the revision of NAC 289.290(1)(i). Possible action may include the creation of language.

6. **DISCUSSION AND FOR POSSIBLE ACTION.**
   Discussion by the Commission to continue the rulemaking process regarding the revision of NAC 289.290(4). Possible action may include the creation of language.

7. **DISCUSSION AND FOR POSSIBLE ACTION.**
   Discussion by the Commission to continue the rulemaking process for the creation of a Recertifying program for expired basic certificates. Possible action may include the creation of language.

8. **DISCUSSION AND FOR POSSIBLE ACTION.**
   Request from the Reno Police Department for an Executive Certificate for their employee Assistant Chief Oliver Miller. Possible action may include issuance or denial of the requested Executive Certificate.

9. **DISCUSSION AND FOR POSSIBLE ACTION.**
   Request from the Boulder City Police Department for an Executive Certificate for their employee Deputy Chief Aaron Johnson. Possible action may include issuance or denial of the requested Executive Certificate.

10. **DISCUSSION AND FOR POSSIBLE ACTION.**

Request from the Ely Shoshone Tribal Police Department for a 6-month extension past the one-year requirement (NRS 289.550) in order to meet the requirements for certification for the following employees:
Brent Stark – Date of Hire - 05/15/2023, extension to November 15, 2024.
Michael Lucero – Date of Hire - 07/05/2023, extension to January 5, 2025.
Possible action may include approval or denial of the requested extensions.

11. **DISCUSSION AND FOR POSSIBLE ACTION.**

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

12. **DISCUSSION AND FOR POSSIBLE ACTION.**

Hearing pursuant to NAC 289.290(1)(g) on the revocation of Lawrence J. Rinetti's (formerly employed with the Las Vegas Metropolitan Police Department) Category I basic 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: THEFT (Category B Felony, in violation of NRS 205.0832, 205.0835.4)
Count II: ATTEMPT OBTAINING, USING, POSSESSING OR SELLING PERSONAL IDENTIFYING INFORMATION FOR UNLAWFUL PURPOSE BY PUBLIC OFFICER OR PUBLIC EMPLOYEE (Category B Felony, in violation of NRS 205.463(1), NRS 193.153)
Count III: OFFERING A FALSE INSTRUMENT FOR FILING OR RECORD (Category C Felony, in violation of NRS 239.330, 171.085, 171.090, 171.095)
Count IV: RECKLESS DRIVING (Category B Felony, in violation of NRS 484B.653)
Possible action may be revocation of the Category I basic certificate.

13. **DISCUSSION AND FOR POSSIBLE ACTION.**

Hearing pursuant to NAC 289.290(1)(g) on the revocation of Freddy A. Caseres's (formerly employed with the Nevada Taxicab Authority) Category I and II basic certificate based on a conviction of, or entry of a plea of guilty, guilty but mentally ill or nolo contendere to a felony. The conviction(s) which have led to this action are:
Count I: ATTEMPT LEWDNESS WITH A CHILD UNDER THE AGE OF 14 (Category B Felony, in violation of NRS 201.230(2))
Possible action may be revocation of the Category I and II basic certificates.

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

15. **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.

16. **DISCUSSION AND FOR POSSIBLE ACTION.**
Schedule upcoming Commission Meeting – July

17. **DISCUSSION AND FOR POSSIBLE ACTION.**
Adjournment.

POSTED AT THE FOLLOWING LOCATIONS:

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

Pursuant to NRS 241.020(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.

PUBLIC HEARING

I. PUBLIC HEARINGS

1. Call to order

2. Roll call of Commission Members

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

TOPICS

A. **LCB R032-23RP1 –** Amends NAC 289.270 - requirements to qualify for the Executive Certificate.
B. **LCB R025-24 –** Amends NAC 289.200 to change the physical readiness requirements for Category I and II Reciprocity.
C. **LCB R031-23RP2 –** Establish a new regulation for a Command Staff Basic Certificate.

STATE OF NEVADA
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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, Amendment and Repeal Of Regulations of the Commission on Peace Officer Standards and Training

PUBLIC HEARING NOTICE: The Commission on Peace Officer Standards and Training ("Commission") will be holding a Public Comment Hearing at **8:00 A.M., THURSDAY, MAY 2, 2024, AT THE POST ADMINISTRATION BUILDING, CLASSROOM #2, 5587 WA PAI SHONE AVE., CARSON CITY, NV 89701**. The purpose of the hearing is to receive comments from all interested persons regarding the adoption, amendment and/or repeal of regulations that pertain to Chapter 289 of the Nevada Administrative Code (NAC).

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

1. **The need for and purpose of the proposed regulations.**
Existing law requires the Peace Officers' Standards and Training Commission to adopt regulations establishing minimum standards for the certification and decertification, recruitment, selection and training of peace officers. (NRS 289.510).
This language revises NAC 289.270 and will add two additional ways to meet the eligibility of the Executive Certificate. This will allow officers in an executive level position, that came to Nevada through reciprocity and previously held the executive certificate in their prior law enforcement position, and the training meets Nevada requirements, to obtain the executive certificate, or is an officer of this state who has been appointed or elected to an executive level position and has remained in the position for 5 consecutive years.

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/R032-23RP1.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: Retention of experienced officers that will now be eligible for bonuses and pay increases due to being able to obtain the Executive Certificate.

(b) Both immediate and long-term effects:

(1) The immediate effects: None

(2) The long-term effects: Retention of experienced officers that will now be eligible for bonuses and pay increases due to being able to obtain the Executive Certificate.

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 April 17, 2024.** If no person who is directly affected by the proposed action appears to request time to make an oral presentation, the Commission on POST may proceed immediately to act upon any written submissions.
This Notice of Intent to Act Upon Regulations and the proposed regulation will be on file at the State Library, Archives and Public Records Administrator, 100 Stewart Street, Carson City, Nevada for inspection by members of the public during business hours. Additional copies of the notice and regulations to be adopted, amended or repealed will be available at the Commission on POST Administrative Offices, 5587 Wa Pai Shone Avenue, Carson City, 89701, 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.

SEE ATTACHED COPIES OF THE PROPOSED REGULATIONS

REVISED PROPOSED REGULATION OF THE PEACE

OFFICERS' STANDARDS AND TRAINING COMMISSION

LCB File No. R032-23

January 19, 2024

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

AUTHORITY: § 1, NRS 289.510.

A REGULATION relating to peace officers; revising the minimum requirements for certain peace officers to obtain an executive certificate; establishing the requirements for a peace officer of another state to obtain an executive certificate; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Peace Officers' Standards and Training Commission to adopt regulations establishing minimum standards for the certification and training of peace officers. (NRS 289.510) Existing regulations provide that the Commission will grant an executive certificate to a peace officer upon the submission of, among other things, a letter of recommendation that is signed by the administrator of the agency and includes an organizational chart which demonstrates the position of the applicant within the agency. (NAC 289.270)

This regulation revises the contents of such a letter of recommendation and provides that the Commission will grant an executive certificate to: (1) a peace officer of this State if the peace officer has been elected or appointed to an executive level position and has remained in the position for 5 consecutive years; and (2) a peace officer of another state in certain circumstances.

Section 1. NAC 289.270 is hereby amended to read as follows:

289.270 1. The Commission will grant an executive certificate to [~~an~~] ***:***

(a) An officer ***of this State*** upon submission of proof satisfactory to the Commission that the officer meets the following minimum requirements:

[~~(a)~~] ***(1)*** A current basic certificate.

[~~(b)~~] ***(2)*** A current intermediate certificate.

[~~(c)~~] ***(3)*** A current advanced certificate.

~~[(d)]~~ ***(4)*** A current supervisor certificate.

~~[(e)]~~ ***(5)*** A current management certificate.

~~[(f)]~~ ***(6)*** Six years of experience as a peace officer, including at least 1 year of experience in an executive level position and a current assignment in an executive level position.

~~[(g)]~~ ***(7)*** Two hundred hours of training in advanced management in addition to the training completed for the basic, intermediate, advanced, supervisor and management certificates.

~~[(h)]~~ ***(8)*** The applicant must present proof that the current assignment meets the criteria for an executive level position as set forth in NAC 289.047 by submitting a letter of recommendation with the application which ~~[is]~~ ***:***

(I) Is signed by the administrator of the agency ~~[. The letter must include an organizational chart which demonstrates the applicant's position within the agency and must describe]~~ ***; and***

(II) Describes the manner in which the applicant's current assignment meets the criteria for an executive level position as set forth in NAC 289.047.

(b) An officer of this State who has been appointed or elected to an executive level position and has remained in the position for 5 consecutive years.

(c) An officer of another state, if the other state has a certifying entity and the officer:

(1) Meets the requirements of subsection 2 of NAC 289.200 for a basic certificate;

(2) Holds a current intermediate, advanced, supervisor and management certificate issued by the certifying entity of the other state;

(3) Has 6 years of experience as a peace officer in the other state, including at least 1 year of experience in the other state in a position equivalent to an executive level position;

(4) Has the equivalent of 200 hours of training in advanced management in another state in addition to the training completed for the basic, intermediate, advanced, supervisor and management certificates;

(5) Has a current assignment in an executive level position in this State; and

(6) Presents proof that the current assignment in this State meets the criteria for an executive level position as set forth in NAC 289.047 by submitting a letter of recommendation with the application which:

(I) Is signed by the administrator of the agency; and

(II) Describes the manner in which the applicant's current assignment meets the criteria for an executive level position as set forth in NAC 289.047.

(d) An officer of another state, if the other state does not have a certifying entity and upon submission of proof satisfactory to the Commission that the officer:

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

(2) Has received training and experience that is equivalent to the training and experience required for a basic, intermediate, advanced, supervisor and management certificate pursuant to NAC 289.200 and 289.240 to 289.260, inclusive.

2. In making a determination pursuant to subsection 1, the Commission will review and consider each applicant individually.

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

JOE LOMBARDO
Governor

MICHAEL D. SHERLOCK
Executive Director

NOTICE OF INTENT TO ACT UPON A REGULATION

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

PUBLIC HEARING NOTICE: The Commission on Peace Officer Standards and Training ("Commission") will be holding a Public Comment Hearing at **8:00 A.M., THURSDAY, MAY 2, 2024, AT THE POST ADMINISTRATION BUILDING, CLASSROOM #2, 5587 WA PAI SHONE AVE., CARSON CITY, NV 89701**. The purpose of the hearing is to receive comments from all interested persons regarding the adoption, amendment and/or repeal of regulations that pertain to Chapter 289 of the Nevada Administrative Code (NAC).

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

1. **The need for and purpose of the proposed 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).
Existing regulations require a 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 and who meet certain other standards for appointment to pass a physical fitness examination for this State to be awarded a basic certificate by the Executive Director of the Commission (NAC 289.200). This regulation instead requires such a peace officer to pass a physical fitness examination, if any, that is approved and required by the agency which employs the peace officer.

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 2024 and clicking the link: www.leg.state.nv.us/Register/2024Register/R025-24P.pdf, by contacting

Chief Kathy Floyd at kfloyd@post.state.nv.usor by telephone at 775-687-7678, ext. 3335 or going to the Nevada Commission on POST website at https://post.nv.gov.

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

(a) Both adverse and beneficial effects; and

(1) Adverse effects: No adverse economic effect

(2) Beneficial effects: This will allow Nevada law enforcement agencies to recruit more experienced officers from other states and allow the agency to administer their own physical fitness examination, if they choose not to use the physical fitness examination under NAC289.205.

(b) Both immediate and long-term effects:

(1) The immediate effects: Better recruitment opportunities.

(2) The long-term effects: Continued recruitment opportunities and the ability of the agency to determine what, if any, physical fitness test to administer.

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 establish a new fee or increase an existing fee.

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 April 17, 2024.** If no person who is directly affected by the proposed action appears to request time to make an oral presentation, the Commission on POST may proceed immediately to act upon any written submissions.
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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. R025-24

March 21, 2024

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

AUTHORITY: § 1, NRS 289.510.

A REGULATION relating to peace officers; revising the requirement for the physical fitness examination which certain peace officers must pass to be awarded a basic certificate by the Executive Director of the Peace Officers' Standards and Training Commission; 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)

Existing regulations require a 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 certain other standards for appointment to pass a physical fitness examination for this State to be awarded a basic certificate by the Executive Director of the Commission. (NAC 289.200) This regulation instead requires such a peace officer to pass a physical fitness examination, if any, that is approved and required by the agency which employs the peace officer.

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

FIRST PARALLEL SECTION

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

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

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

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

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

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

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

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

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

(1) Abuse of older persons;

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

(3) Civil liability;

(4) Classification and receiving of offenders;

(5) Constitutional law;

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

(7) Crimes against persons;

(8) Crimes against property;

(9) Cultural awareness;

(10) Domestic violence, stalking and aggravated stalking;

(11) Ethics in law enforcement;

(12) Fire safety and use of emergency equipment;

(13) Games offenders play;

(14) Gangs and cults;

(15) Juvenile law;

(16) Laws relating to arrest;

(17) Laws relating to correctional institutions;

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

(19) Miscellaneous crimes;

(20) Modern correctional philosophy;

(21) Probable cause;

(22) Public and media relations;

(23) Records of offenders in institutions;

(24) Rights of victims;

(25) Search and seizure;

(26) Searches of offender institutions;

(27) Supervision of offenders;

(28) Training concerning active assailants; and

(29) Use of force;

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

(f) The peace officer passes ~~[the state]~~ ***a*** physical fitness examination ~~[for the appropriate category]~~ ***, if any, that is approved and required by the employing agency*** of ***the*** peace officer ***.*** ~~[as described in NAC 289.205.]~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

8. The basic certificate of an officer whose employment is terminated for any reason will be placed on inactive status. If such a person is again employed as a peace officer, the employing agency shall request that the person's basic certificate be returned to active status. Except as otherwise provided in subsection 9, if the certification of such a person is on inactive status for 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, Amendment and Repeal Of Regulations of the Commission on Peace Officer Standards and Training

PUBLIC HEARING NOTICE: The Commission on Peace Officer Standards and Training ("Commission") will be holding a Public Comment Hearing at **8:00 a.m. on Thursday, May 2, 2024, at the POST ADMINISTRATION BUILDING, CLASSROOM #2, 5587 WA PAI SHONE AVE., CARSON CITY, NV 89701**. The purpose of the hearing is to receive comments from all interested persons regarding the adoption, amendment and repeal of regulations that pertain to Chapter 289 of the Nevada Administrative Code (NAC).

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

1. The need for and purpose of the proposed 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).

R031-23RP2 will establish a Command Level Basic Certificate, awarded only to Executive Level Staff. Recruitment of executive level staff can be difficult, especially around elections. An elected official may have been certified but their basic certificate has expired. This certificate will assist in the recruitment and retention of Executive Level positions, including, but not limited to elected and/or appointed officials. In other instances, the certified elected official prefers to appoint an individual that has been out of law enforcement for more than 5 years. This new level of basic certificate and the process to achieve it will assist agencies in hiring personnel that can provide valuable insight, experience and knowledge. The process to achieve the certification is consistent with the reciprocity process, therefore allowing the individual to work while completing the online course and not having to complete a full, in person, basic academy, saving the agency valuable time and money.

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: www.leg.state.nv.us/Register/2023Register/R031-23RP2.pdf or 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: There will be a fee to the agency ($200) payable upon enrollment.
(2) Beneficial effects: Agencies will save time and money by having their staff attend the online course instead of paying for a full basic academy and losing a much-needed officer while they attend a full basic academy.

(b) Both immediate and long-term effects:

(1) The immediate effects: This will shorten the hiring process for executive level staff, for Nevada agencies. This will allow agencies to hire experienced staff who will be on the job during the process of certification.
(2) The long-term effects: Agencies will have the ability to hire executive level staff that will bring knowledge and experience to their agencies.

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.

There is no cost to the agency for enforcement.

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 establish a new fee or increase existing 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 April 17, 2024.** If no person who is directly affected by the proposed action appears to request time to make an oral presentation, the Commission on POST may proceed immediately to act upon any written submissions.
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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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Commission on POST Administrative Office
Carson City, NV 89701

http://post.nv.gov

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SEE ATTACHED COPIES OF THE PROPOSED REGULATIONS

SECOND REVISED PROPOSED REGULATION OF THE PEACE

OFFICERS' STANDARDS AND TRAINING COMMISSION

LCB File No. R031-23

March 28, 2024

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

AUTHORITY: § 1, NRS 289.510.

A REGULATION relating to peace officers; establishing the requirements a peace officer must meet to receive a command level basic certificate; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Peace Officers' Standards and Training Commission to adopt regulations establishing minimum standards for the certification and training of peace officers. (NRS 289.510)

This regulation provides that the Commission may award a command level basic certificate to a peace officer if: (1) the peace officer has been elected or appointed to an executive level position; (2) the peace officer meets the minimum standards for appointment; (3) the peace officer has 5 consecutive years of experience as a peace officer employed by a Nevada agency; (4) any prior certification of the peace officer has not been revoked or suspended; (5) the peace officer has completed certain training courses; (6) the peace officer passes the state certification examination with a score of at least 70 percent; and (7) the peace officer passes a physical fitness examination approved by the employing agency of the peace officer.

Section 1. Chapter 289 of NAC is hereby amended by adding thereto a new section to read as follows:

1. The Commission may award a command level basic certificate to a peace officer if:

(a) The peace officer has been elected or appointed to an executive level position;

(b) The peace officer meets the minimum standards for appointment established pursuant to NAC 289.110;

(c) The peace officer has 5 consecutive years of experience as a peace officer employed by a Nevada agency;

(d) Any prior certification of the peace officer has not been revoked or suspended;

(e) 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;

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

(g) The peace officer passes a physical fitness examination approved by the employing agency of the peace officer.

2. An agency may have only two active command level basic certificates at any one time.

3. To maintain a command level basic certificate, a peace officer must comply with the provisions of this chapter and chapter 289 of NRS.

4. A command level basic certificate expires immediately upon the separation of a peace officer from an executive level position unless, within 90 days after the separation, the peace officer is newly elected or appointed to an executive level position.

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, MAY 2, 2024 AT THE POST ADMINISTRATION BUILDING, CLASSROOM #2, 5587 WA PAI SHONE AVE., CARSON CITY, NV 89701.** 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 possible revision to NAC 289.290(1)(i) to add: (i) Conviction of a misdemeanor crime of domestic violence as defined in 18 U.S.C. § 921(a)(33) ***or conviction of a crime that has as an element the use or attempted use of physical force, or the threatened use of a deadly weapon; and that at the time the offense was committed, the officer was:*** ***i.*** ***a current or former spouse, partner, parent or guardian of the victim;*** ***ii.*** ***a person whom the victim shared a child in common;*** ***iii.*** ***A person who was cohabitating with or had cohabited with the victim as a spouse, parent, or guardian; or,*** ***iv.*** ***A person who was or had been similarly situated as a spouse, parent, or guardian of the victim.*** 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.	**NAC289.290 (1)(i)**
B. **(4)** The Commission will notify the officer by certified mail, ***or personal service***, at the officer's last known address….	**NAC 289.290 (4)**

C. Discussion regarding the creation of a program that would allow an officer whose basic certificate has expired to reinstate their basic certificate if meeting all requirements of NAC 289, and once they complete an in-person course, physical fitness test and state certification exam. **NAC 289.200**

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.

A. Discussion regarding possible revision to NAC 289.290(1)(i) to add: (i) Conviction of a misdemeanor crime of domestic violence as defined in 18 U.S.C. § 921(a)(33) ***or conviction of a crime that has as an element the use or attempted use of physical force, or the threatened use of a deadly weapon; and that at the time the offense was committed, the officer was:***

i. a current or former spouse, partner, parent or guardian of the victim;
ii. a person whom the victim shared a child in common;
iii. A person who was cohabitating with or had cohabited with the victim as a spouse, parent, or guardian; or,
iv. A person who was or had been similarly situated as a spouse, parent, or guardian of the victim.

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.

NAC 289.290

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

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

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

(c) Chronic drinking or drunkenness on duty.

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

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

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

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

(h) Except as otherwise provided in paragraph (i), 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) ***or conviction of a crime that has as an element the use or attempted use of physical force, or the threatened use of a deadly weapon; and that at the time the offense was committed, the officer was:***

- ***a current or former spouse, partner, parent or guardian of the victim;***
- ***a person whom the victim shared a child in common;***
- ***A person who was cohabitating with or had cohabited with the victim as a spouse, parent, or guardian; or,***
- ***A person who was or had been similarly situated as a spouse, parent, or guardian of the victim.***

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.

DRAFT

B. **(4)** The Commission will notify the officer by certified mail, ***or personal service***, at the officer's last known address….

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.

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

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

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

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

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

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

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

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

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

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

10. The Commission will provide each peace officer whose certificate is suspended with written notice of the suspension by certified registered mail. The suspension becomes effective

DRAFT

C. Discussion regarding the creation of a program that would allow an officer whose basic certificate has expired to reinstate their basic certificate if meeting all requirements of NAC 289, and once they complete an in-person course, physical fitness test and state certification exam.

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, ***but less than 10 consecutive years, and the provisions of NAC 289.290 do not apply, the persons certificate may be reinstated if the peace officer:***

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

(b) Successfully completes the recertification course of training developed and delivered by the Commission;

(c) Is employed by a Nevada Law Enforcement Agency as a peace officer and;

(d) Meets the requirements established under NAC 289.230 section 7.

If the person's basic certificate remains inactive for more than 10 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.

DRAFT

REGULARLY SCHEDULED MEETING

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

JOE LOMBARDO
Governor

MICHAEL D. SHERLOCK
Executive Director

NOTICE OF PUBLIC MEETING (NRS 241)

NOTICE IS HEREBY GIVEN THAT STARTING AT **8:00 A.M. ON THURSDAY, MAY 2, 2024,** THE COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING WILL HOLD A PUBLIC HEARING, WORKSHOP AND REGULARLY SCHEDULED MEETING AT THE **POST ADMINISTRATION BUILDING, CLASSROOM #2, 5587 WA PAI SHONE AVE., CARSON CITY, NV 89701.**

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

I. PUBLIC HEARING

1. Call to order.

2. Roll call of Commission Members.

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

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

TOPICS

A. **LCB R032-23RP1 –** Amends NAC 289.270 - requirements to qualify for the Executive Certificate.
B. **LCB R025-24 –** Amends NAC 289.200 to change the physical readiness requirements for Category I and II Reciprocity.
C. **LCB R031-23RP2 –** Establish a new regulation for a Command Staff 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	**REGULATION**
A. Discussion regarding possible revision to NAC 289.290(1)(i) to add: (i) Conviction of a misdemeanor crime of domestic violence as defined in 18 U.S.C. § 921(a)(33) ***or conviction of a crime that has as an element the use or attempted use of physical force, or the threatened use of a deadly weapon; and that at the time the offense was committed, the officer was:*** ***i. a current or former spouse, partner, parent or guardian of the victim;*** ***ii. a person whom the victim shared a child in common;*** ***iii. A person who was cohabitating with or had cohabited with the victim as a spouse, parent, or guardian; or,*** ***iv. A person who was or had been similarly situated as a spouse, parent, or guardian of the victim.*** 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.	**NAC 289.290(1)(i)**
B. **(4)** The Commission will notify the officer by certified mail, ***or personal service***, at the officer's last known address….	**NAC 289.290(4)**
C. Discussion regarding the creation of a program that would allow an officer whose basic certificate has expired to reinstate their basic certificate if meeting all requirements of NAC 289, and once they complete an in-person course, physical fitness test and state certification exam.	**NAC 289.200**

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

2. **DISCUSSION AND FOR POSSIBLE ACTION.**
   Approval of minutes from the February 22, 2024, public hearing, workshop and regularly scheduled meeting.

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

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

   A. LCB R032-23RP1 – Amends NAC 289.270 – requirements to qualify for the Executive Certificate.
   B. LCB R025-24 - Amends NAC 289.200 to change the physical readiness requirements for Category I and II Reciprocity.
   C. LCB R031-23RP2 - Establish a new regulation for a Command Staff Basic Certificate.

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

5. **DISCUSSION AND FOR POSSIBLE ACTION.**
   Discussion by the Commission to continue the rulemaking process regarding the revision of NAC 289.290(1)(i). Possible action may include the creation of language.

6. **DISCUSSION AND FOR POSSIBLE ACTION.**
   Discussion by the Commission to continue the rulemaking process regarding the revision of NAC 289.290(4). Possible action may include the creation of language.

7. **DISCUSSION AND FOR POSSIBLE ACTION.**
   Discussion by the Commission to continue the rulemaking process for the creation of a Recertifying program for expired basic certificates. Possible action may include the creation of language.

8. **DISCUSSION AND FOR POSSIBLE ACTION.**
   Request from the Reno Police Department for an Executive Certificate for their employee Assistant Chief Oliver Miller. Possible action may include issuance or denial of the requested Executive Certificate.

9. **DISCUSSION AND FOR POSSIBLE ACTION.**
   Request from the Boulder City Police Department for an Executive Certificate for their employee Deputy Chief Aaron Johnson. Possible action may include issuance or denial of the requested Executive Certificate.

10. **DISCUSSION AND FOR POSSIBLE ACTION.**

Request from the Ely Shoshone Tribal Police Department for a 6-month extension past the one-year requirement (NRS 289.550) in order to meet the requirements for certification for the following employees:
Brent Stark – Date of Hire - 05/15/2023, extension to November 15, 2024.
Michael Lucero – Date of Hire - 07/05/2023, extension to January 5, 2025.
Possible action may include approval or denial of the requested extensions.

11. **DISCUSSION AND FOR POSSIBLE ACTION.**

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

12. **DISCUSSION AND FOR POSSIBLE ACTION.**

Hearing pursuant to NAC 289.290(1)(g) on the revocation of Lawrence J. Rinetti's (formerly employed with the Las Vegas Metropolitan Police Department) Category I basic 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: THEFT (Category B Felony, in violation of NRS 205.0832, 205.0835.4)
Count II: ATTEMPT OBTAINING, USING, POSSESSING OR SELLING PERSONAL IDENTIFYING INFORMATION FOR UNLAWFUL PURPOSE BY PUBLIC OFFICER OR PUBLIC EMPLOYEE (Category B Felony, in violation of NRS 205.463(1), NRS 193.153)
Count III: OFFERING A FALSE INSTRUMENT FOR FILING OR RECORD (Category C Felony, in violation of NRS 239.330, 171.085, 171.090, 171.095)
Count IV: RECKLESS DRIVING (Category B Felony, in violation of NRS 484B.653)
Possible action may be revocation of the Category I basic certificate.

13. **DISCUSSION AND FOR POSSIBLE ACTION.**

Hearing pursuant to NAC 289.290(1)(g) on the revocation of Freddy A. Caseres's (formerly employed with the Nevada Taxicab Authority) Category I and II basic certificate based on a conviction of, or entry of a plea of guilty, guilty but mentally ill or nolo contendere to a felony. The conviction(s) which have led to this action are:
Count I: ATTEMPT LEWDNESS WITH A CHILD UNDER THE AGE OF 14 (Category B Felony, in violation of NRS 201.230(2))
Possible action may be revocation of the Category I and II basic certificates.

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

15. **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.

16. **DISCUSSION AND FOR POSSIBLE ACTION.**
Schedule upcoming Commission Meeting – July

17. **DISCUSSION AND FOR POSSIBLE ACTION.**
Adjournment.

POSTED AT THE FOLLOWING LOCATIONS:

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

Pursuant to NRS 241.020(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. **PUBLIC COMMENT**

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

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

Approval of minutes from the February 22, 2024, public hearing, workshop and regularly scheduled meeting.

STATE OF NEVADA

COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

A Workshop and Regularly Scheduled Meeting of the Commission on Peace Officer Standards and Training was held on Thursday, February 22, 2024 commencing at 2:00 P.M. at Boulder City Hall, City Council Chambers, 401 California Ave., Boulder City, NV 89005.

COMMISSIONERS:

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

STAFF:

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

TRANSCRIBED BY: Marsha Steverman-Meech

INDEX

ITEM: PAGE:

PUBLIC COMMENT HEARINGS

1. Call to order 7

2. Roll call of Commission Members 7

3. Public Comment Hearing on Proposed Regulations LCB File R190-22, R118-23, and R031-23RPI 7

Topics

A. LCB R190-22 -- Establish standards for the annual behavioral wellness visit as directed by AB336.

B. LCB R118-23 -- Establish a new regulation for Category III reciprocity requirements.

C. LCB R031-23RP1 -- Establish a new regulation for a Command Staff Basic Certificate

II. WORKSHOP

1. Workshop on proposed regulation change. 15

TOPIC

Discussion regarding revisions to NAC 290.200(2) to revise the physical requirement for Category I and II reciprocity requirements 15

2. PUBLIC COMMENT 16

III. REGULARLY SCHEDULED MEETING AGENDA ITEMS

1. Approval of minutes from the October 26, 2023 regularly scheduled POST Commission meeting 19

2. Executive Director's Report 19
a. Training Division
b. Standards Division
c. Administration
3. The Commission to discuss and may take possible action to adopt, amend, or repeal their regulations as follows:
A. LCB R190-22 -- Establish standards for the annual behavioral wellness visit as directed by AB336. 23
B. LCB R118-23 -- Establish a new regulation for Category III reciprocity requirements. 32
C. LCB R031-23RP1 -- Establish a new regulation for a Command Staff Basic Certificate 40
4. Discussion by the Commission to continue the rulemaking process regarding the revision of NAC 289.200(2) to update the physical readiness requirements for Category I and II reciprocity requirements. 46
5. Request from the Carson City Department of Alternative Sentencing for an Executive Certificate for their employee Chief Marlina Stone. 51
6. Request from the Washoe County Sheriff's Office for an Executive Certificate for their employee Deputy Chief Corey Solferino. 52
7. Request from Esmeralda County Sheriff's Office for a 6-month extension past the one-year requirement (NRS

289.550) in order to meet the reciprocity requirements for certification for the following Deputies:
* Deputy Krista Sullivan - Date of Hire January 3, 2023 - extension to June 3, 2024
* Deputy Julian Melendez - Date of Hire, January 3, 2023 - extension to June 3, 2024
* Deputy Janelle Sanchez - Date of Hire January 13, 2023 - extension to June 13, 2024 53

8. Request from the Carson City Sheriff's Office for a 6-month extension past the one-year requirement (NRS 289.550) in order to meet the requirements for certification for the following employees:
Deputy Bradley Maffei - Date of Hire April 7, 2023 - extension to October 7, 2024
Deputy Rhys Finnigan - Date of Hire April 7, 2023 - extension to October 7, 2024
Deputy Danielle Sandage - Date of Hire June 29, 2023 - extension to December 29, 2024
Deputy Abraham Arellano - Date of Hire June 30, 2023 - extension to December 30, 2024 57

9. Request from Storey County Sheriff's office for a 6-month extension past the one-year requirement (NRS 289.550) to meet the requirements for certification for Assistant Sheriff Matthew Willette, hire date March 13, 2023. 62

10. Request from Mesquite Constable's Office for a 6-month extension past the one-year requirement (NRS 289.550) to meet the requirements for certification for Duane Thurston. --

11. Hearing pursuant to NAC 289.290(1)(h) on the revocation of James Christiansen's (currently employed by the Nye County Sheriff's Office) Category III basic certificate based on a conviction of, or entry of a plea of guilty, guilty but mentally ill or nolo contender to a misdemeanor. 63

12. Hearing pursuant to NAC 289.290(1)(g) on the revocation of Brian C. Fisher (formerly employed with the Washoe County Sheriff's Office) Category I and III Basic Certificates based on a conviction of, or entry of a plea of guilty, guilty but mentally ill or nolo contender to a felony. 77

13. Hearing pursuant to NAC 289.290(l)(i) on the revocation of Caesar Rios (formerly employed with the Henderson Marshal Service) Category I and III basic certificates based on a conviction of a misdemeanor crime of domestic violence as defined in 18 U.S.C. § 921(a)(33). 78

14. Hearing pursuant to NAC 289.290(1)(g) on the revocation of Caleb M. Rogers (formerly employed with the Las Vegas Metropolitan Police Department) Category I basic certificate based on a conviction of, or entry of a plea

of guilty, guilty but mentally ill, or nolo contendere to a felony. 80

15. Request from Commissioner Shea to have the Commission decide whether to start the process to revise the language in NAC 289 from state physical fitness examination to POST Physical Readiness Test. 82

16. Public Comments 89

17. Schedule upcoming Commission Meeting - possible date of May 2, 2024, at 8:00 a.m. 91

18. Adjournment 92

PROCEEDINGS

TROUTEN: We'll call the order, the POST Commission Meeting, Public Comment hearings and workshop for February 22, 2024. For the record, the time is 2:00 PM. Kathy, would you provide the information on legal postings and open meeting compliance, please?

FLOYD: The public comment workshop notice and meeting agenda have been posted in compliance with NRS 241.020. These notices and agendas were physically posted at the POST Administrative Building and the Nevada State Library in Carson City and electronically posted at 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 emailed to all SPOC's and admins on the POST listserv.

TROUTEN: All right, thank you. Now proceed with roll call. I'll start. Ty Trouten.

MCKINNEY: Kevin McKinney.

COVERLEY: Dan Coverley.

SHEA: Tim Shea.

TOGLIATTI: George Togliatti.

NIEL: Russ Niel.

STRAUBE: Rob Straube.

YOUNG: Tiffany Young.

MILLER: Oliver Miller.

PROSSER: Jamie Prosser.

HASTINGS: Nathan Hastings with the Attorney General's Office.

SHERLOCK: Mike Sherlock from POST.

FLOYD: Kathy Floyd from POST.

TROUTEN: All right, thank you. Move on to the public comment hearing. The public comment hearings will address proposed regulations. The purpose of the hearings is to receive comments from all interested persons regarding the adoption amendment and or repeal of regulations pertaining to chapter 289 of the Nevada Administrative Code. This public comment hearing has been previously noticed as required by NRS Chapter 233(b). Item A, proposed regulation file number R190-22. We'll go to Director Sherlock, if you would provide some background information on that.

SHERLOCK: Sure. Mike Sherlock for the record. Just to remind everyone where we're at in the regulatory process for these, this is a proposed NAC that has already been through a workshop. Proposed language was presented to the Commission. At that time the Commission approved and it then goes to LCB, LCB does their magic, and it comes back, and this is the time for public comment on that language from LCB. Once we go to a regular meeting, the regular meeting, you'll have a chance to adopt the language that you see here, but now's the time to take public comment. This particular item is the annual behavioral wellness requirements so were found or brought forth in AB 336

from the 2021 legislative session. This one, of course, has been a bit difficult. The Commission had proposed language early on to LCB, LCB wanted to make some changes to that language, those changes were made, and it's kind of been sitting over there for a while as they review that language. As we've said it before, we believe this language that we got back meets the intent of that legislation and at the same time, attempts to address any other issues that may be found in the annual mandate, and this language is our best option. Once public comment is done, I can talk about some of the issues related that we had to overcome to get to this point during the regular scheduled meeting. I would say there is one last thing; we do have quite a bit of contact regarding fiscal notes and fiscal issues. Just so the Commission understands that during the legislative process, fiscal notes are put into the record and when we propose an NAC based out of legislation, those fiscal notes also go back to LCB with our language so they're constantly reminded of those fiscal notes. In this case, we do have one agency that wanted to enter their comments related to this that were not in the original fiscal notes for the legislation, and this is coming from the Washoe County Sheriff's Office. Washoe County Sheriff's Office wants to make it known that they currently have a mental-health clinician on staff who is accessible to both commissioned and civilian staff members at their request. Should any regulatory change require a

individual visit, they approximate the cost for a second mental-health -- or second mental health clinician would be necessary at $108,472, considering their 500 Commissioned deputies. I should note that after receiving this request for comment, I did contact Washoe County in regards to this and I explained the language that is currently being proposed and from our perspective is broad enough to allow the continuation of their current program with some minor changes, and they agreed that perhaps it wouldn't require another position from that perspective. So with that, I'll yield back, Mr. Chairman, for public comment.

TROUTEN: All right, thank you. We'll now open it up for any comments from the public. Please if you would give your name for the record.

CARTER: Joanne Carter with the City of Henderson. In just presenting what we're planning to or attempting to do at the city of Henderson, we already have a two mental health clinicians on staff, that's myself, I'm an LCSW, and an LMFT. A barrier has been sometimes people don't want to speak to people that are employed by the city so we are doing a third-party contract with clinicians that will be doing the mental-health check-in for approximately 30 minutes per peace officer, and we're going to try to extend that to the fire and dispatch and crime scene analysts as well. So that's what we're going to be attempting to do with the language that was

presented, and I do understand it said group or individual, but for the purposes of confidentiality, we felt that individual would be the best suited for the officers.

TROUTEN: Thank you.

CARTER: Thank you.

TROUTEN: Additional comments from the public?

EASLEY: Maybe not a comment. I have a question for you though. Good afternoon. My name is Wes Easley. I'm the mental health counselor for the Washoe County Sheriff's Office. I am the only mental health clinician within the department of roughly around a thousand employees, roughly around 500 sworn staff. The question I have for you, Mike, is is there any funding statewide for the actual extra position or is this coming out of the department's budget moving forward, and that would be annually? We've looked into third party cause there's no way that just the one clinician can handle the 500. That would be pretty much full-time, all year-round to actually handle AB 336. So that's just more of a question than a public comment. How are we going to work this out? Because I'm fielding calls from multiple agencies within Northern Nevada that have no idea how to go forward with this.

SHERLOCK: So, Mike Sherlock for the record. You know, it's really not our position to look at unfunded mandates if that's what it's determined to be. You know, that being said, I think there's some confusion with the intent of the bill

and what we tried to, you know, get in to the language here. We know there are grants available. I was planning on talking about the opioid settlement fund and what other states are doing with that, to be honest with you, as an example. And again, that's not something for us but, you know, maybe the sheriffs and chiefs or individual agencies. We know that, for example, the state of Nebraska is using the opiate fund to fund all officer behavioral health issues in the state of Nebraska for all law-enforcement agencies but again, I'm not sure. I mean, that's something to look at from that perspective. I would say that in developing the language on this, we had a lot of discussion on whether or not you can mandate, you know, individual visits. We understand the concern there, but the intent of the legislation was education and to sort of reduce the stigma.

EASLEY: Absolutely.

SHERLOCK: And so that's why we've included, you know, group-type training to allow them the opportunity to make those appointments or whatever it may be rather than mandate individual ones, and that's why the language is that way.

EASLEY: Is there a possibility of doing a presentation if we're going to do groups, but doing a presentation for different shifts, excuse me, different shifts. Cause we work obviously 24 hours a day, seven days a week and so we have people on special teams, we have people vacation, and so

it's kind of like herding cats with that many individuals. So would there be a possibility of introducing language that would allow for say -- what we have at Washoe is, it's called Bridge and it's a training platform that all employees have to do their annual training through and we were thinking that if I could put together an hour, half-hour long presentation on the mental health aspects, that that would then possibly fill AB336.

SHERLOCK: So again, Mike Sherlock for the record. I think that should the Commission adopt this language, the intent is to not dictate what that specific visit or annual training consists of.

EASLEY: Okay.

SHERLOCK: POST is not going to regulate exactly, you know, what the content is. So I think with this language, if adopted by the Commission, would allow you to do that, for sure.

EASLEY: Okay, great cause. yeah, that the visit part is very specific --

SHERLOCK: Right.

EASLEY: -- and doesn't really have a lot of wiggle room. All right. Thank you very much. I appreciate your time.

TROUTEN: Thank you. Additional comments? Okay, hearing none, we'll move on to Item B. This is proposed

regulation file number R118-23. Again, we'll go to Director Sherlock for background information.

SHERLOCK: Mike Sherlock for the record. Again, so this is coming back from LCB. This is time for public comment. During the regular meeting, the Commission will have a chance to adopt this regulation change. This, as you recall, was complete a workshop and discussion within the Commission regarding the reciprocity process for Category III employees here in the state. Prior to this, we did not have reciprocity in Category III, and this regulation would allow for that.

TROUTEN: All right, thank you. Do we have public comments on this item? All right, hearing none, we'll move forward to item C, proposed regulation file number R031-23RPI. Again, Director Sherlock.

SHERLOCK: Again, Mike Sherlock for the record. This is the command level basic certificate that again, has gone through the process. It simply allows for a limited basic certificate for command level directed at those who had been Nevada Peace officers and as you recall, it was amended from the original language to limit it to Nevada prior experience, where they have been out of policing beyond the five years. Later on the agenda, you'll have an opportunity to adopt this change, and there's another agenda item in which this proposed change to the regulation would be applicable and we can talk about it then,

but this is simply the creation of the command level basic certificate with the requirements for that certificate.

TROUTEN: All right, thank you. Do we have public comment on this item? Okay. Hearing none, we will move then to the workshop portion of this meeting. The purpose of the 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(b). The workshop is intended to solicit discussion on the changing of the physical readiness requirements for the reciprocity of a person who has been certified as a Category I or Category II 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 the Category I or Category II peace officers certificates in this state. Director Sherlock, could you provide some background again?

SHERLOCK: Thank you. Mike Sherlock for the record. So just as a reminder, the Commission had asked staff previously to look into changing the reciprocity standards for Category I and II applicants, we have included some proposed language, and this workshop then seeks to solicit input from any concerned parties on that change. There will be an agenda item in the regular schedule meeting where the Commission can decide whether or not to continue the rulemaking. I know I've had

conversation with some of the Commissioners individually and we can address those concerns at the meeting. At this time, Mr. Chairman, we would suggest that anyone in the audience who had wished to address the proposed sample language, now is that time. And again, we submit just sample language that's consistent with the regulation currently just as sort of a guideline.

TROUTEN: Thank you. So we'll open it up for public comment or questions on this item. Do we have any?

MELENDEZ: Good afternoon. My name is Julian Melendez, I'm a deputy from Esmeralda County, and I was currently participating in the reciprocity program through Esmeralda County. Actually my name's on here in Item Number 7, however, this issue concerning Category I actually affects us. So I just wanted to give you some information to help you when you finally get to that phase where you make a decision regarding the language. Just some facts: I have over 30 years of law-enforcement experience all in California; I have a management certificate from California POST. The other person in Item Number 7, Deputy Krista Sullivan, also has over 30 years of California law-enforcement experience and has an advanced certificate. We started the reciprocity program in January through Esmeralda County and in our attempts to take the physical fitness examination, I failed at the sit-up portion of it. I can do 25 in the 60 seconds, just can't do 30 in 60

seconds. I'm 57 years old, couple of months away from 58. Deputy Sullivan, who's 59, fails at the Illinois Agility test in less than a second. So the two of us are unable to continue with the program. That's why in Item Number 7, we're asking for a six-month extension. But again, I just want you to know the facts for our particular situation. In Esmeralda County, just to give you a picture of our agency, when you include the sheriff, a supervisor, and five deputies, we have seven patrol responding personnel and that really is a snapshot. That doesn't include what happens throughout a given year because I'm sure, as you know through your respective agencies, that picture changes. We had a deputy in canine training gone for several months, we had one of our deputies go through the POST Academy, so was gone from July to November, and then we've had various other issues such as injuries throughout the course of the year, whether it's on duty or off duty. And then because of our remote situation being in rural Nevada, it can take us about an eight-hour shift just to transport a car to a local city just to get it serviced, and that doesn't even include travel time, you know, responding to the other side of the county, which could take about an hour and a half one way. So when you put all those factors together, we're in a unique situation. So as I talk to you here today, we no longer have these seven patrol-ready bodies to respond. That number is currently at four. And again, that includes the sheriff, a deputy who's fully

certified, and then that graduate that I told you who graduated in November, is participating in a structured FTO process. And then one of our deputies also had been away from law enforcement for a few years, so had gone through some close supervised remediation. So at best, you know, today to respond to something in patrol, we have a two-man unit and a one-man unit. So, getting back to the language that's being proposed, simply changing it to a may, and I read the minutes from last meeting, I heard or saw the discussion, and I see both sides of the argument. You know, as a Commission statewide, you want to set the standard, you want to set a bar, and you want your employees to meet that bar. However, you know, given unique situations with all of the agencies throughout the state, sometimes it might be better off to allow a police executive like yourself or those throughout the state to make their own decisions given their unique situations because at its heart, you know, they have to provide public service for their communities. So I just wanted to give you that specific example of where I'm coming from as it relates to Item Number 7 and if you have any questions specifically for my particular situation, I could answer them. Thank you.

TROUTEN: Thank you. Do we have any questions from the Board? All right, thank you.

MELENDEZ: Thank you, sir.

TROUTEN: Other comments from the public? Okay, hearing none, we'll move forward then with the actual Commission meeting. Item Number 1, this item is for discussion, public comment, and for possible action, approval of the minutes from October 26, 2023, regularly scheduled POST Commission meeting. Are there any public comments first? Any comments from the Commissioners? Hearing none, do we have a motion to approve the minutes?

PROSSER: I move.

TROUTEN: Thank you, Ms. Prosser. Do we have a second?

COVERLEY: I'll second.

TROUTEN: Thank you. All those in favor signify by saying aye.

MEMBERS: Aye.

TROUTEN: I also vote aye. Any opposed? All right, Item Number 2, go back to Director Sherlock for your monthly report, POST activity, please, sir.

SHERLOCK: Thanks. Mike Sherlock for the record. I'll try to keep it short. I don't know if I can. I'll just try to concentrate on things I think may be of interest to the Commission itself. Some of us attended the Western States IADLEST meeting in November, which was a bit eye-opening. The big topic of course was recruitment and standards and changes that might improve recruitment. I really was surprised sort of

by the deer in the eye, you know, deer in the headlights look of the states that were there. Some of the states had reluctantly admitted recruitment issues though none of them there had made any real regulatory or statute changes to improve or increase recruitment. Of those that did is usually agency-specific monetary incentives, sign-on bonuses, that type of thing. I will say that most agreed that those monetary incentives only had limited success in terms of recruitment. None removed any requirements, written tests, PT tests, none of that. In fact, much of the talk was the trend to include, or if you already have it, to improve written tests for entry into academies, which we don't currently do, but a lot of states do. Washington State has implemented a mandatory PT test that has four levels in their academy they have to complete at a certain level or they're removed from the program, which I thought was interesting. California has increased requirements as a result of a lot of, you know, here, SB2 in their state. They're currently modeling, where their law allows, Nevada certification, revocation, and denial process. They've come over and visited with us. The only change in California in terms of recruitment was they now allow permanent residents, green-card holders, to be employed in some, not all of their law-enforcement agencies. We don't allow that here, obviously in Nevada. Again, it was -- California, Oregon and Washington grudgingly admitted vacancy issues for their agencies. We all

know they're hurting otherwise, but again, they haven't changed any real hiring standards, but are rather looking at how they recruit that type of thing. Again, you have to put it in perspective. Some of those areas, by their own admission, that are hit the hardest with recruiting problems are are often dealing with political issues more than, you know, standards for employment or hiring practices, that kind of thing. States like Idaho and Arizona, and then it happened to be that Tennessee and Texas were both present at this meeting, said it is not an issue in their states. I'm not sure that's a hundred percent accurate, but clearly they don't see it as much as a problem as some of the other states. So all that said, I wanted the Commission to have a perspective on where we are and what we've done and what we've presented in terms of any changes that we've made recently, and just to remind everyone, a short list of what reg changes we have made here in Nevada recently: the entrance PT test is now optional; certification PT 16-week time mandate has been removed for academies; the CAT III is pending on the reciprocity and no PT; marijuana convictions no longer are a disqualifier; marijuana use no longer disqualifier by statute; and limited questioning on marijuana now; we've removed the five year-rule for command level basic certificates; removal of basic training for command level; and removal of the PT requirement for command level; part-time assignments are now sufficient to maintain the basic certificate; we now allow out-of-state

applicants to use their time in that other state; their training and their professional certificates are now considered part of reciprocity, and they can get those certificates; and then broaden the requirements for the management and executive certificates. Again, just to keep everyone up to speed on what we've changed and hopefully it does help in terms of recruitment, and that's the short list. At POST, we have one big project going at POST right now, and that is to once again try to change over our data management system. Beginning way before my time POST have struggled to get funding for data management. This last budget cycle, we were approved to get a new data management system, the funding though was lacking for sure, and you get what you pay for. That said, we are working with the data manage provider right now that is also working with 11 other state agencies and we got lumped in with them. It has been a struggle. We are hoping to make some progress. The Governor's Information Office is now involved, and that seems to be improving things for us in terms of their response to our needs, so we're getting there on it but frankly I still anticipate to once again -- or are planning to once again ask for a budget for implementing a real data management system. This next go round, we'll try again. There is some encouragement. In the past, we were bound by court assessment revenue, we were bound by the two-time rule and the one shot budget rules, now we're hoping under the new funding mechanism

we'll have better luck on getting some help in that area in terms of data management, and it doesn't affect all of you, don't get me wrong, but many of the agencies across the state use our online reporting system, and that's where our trouble's been or that we're trying to improve right now, you know, from that perspective. So with that, I'll send it back to you, Mr. Chairman. That's what's going on.

TROUTEN: Thank you, sir. Do we have any questions from the Board on the reports?

SHEA: I'd like to get a copy of that listed of the things that we have modified and changed because frankly, I can't remember all those, but it'd be nice to see what we've accomplished and where we're at if you wouldn't mind sending that out to us, it'd be --

SHERLOCK: Sure.

SHEA: -- a good reference tool.

SHERLOCK: Yeah, for sure. Kathy definitely knows. She's the one who has to fight with LCB so.

TROUTEN: Additional questions or comments? All right, we'll move to Item Number 3 then, discussion, public comment, and for possible action, the Commission is to discuss and take possible action to adopt, amend, or repeal their regulations as follows: we have three regulations, so we can start with item A and once again, Executive Director, I'll give it back to you for background.

SHERLOCK: Yeah, Mike Sherlock for the record. So again, this is the behavioral wellness legislation and regulatory change. The language that you have before you was approved by LCB. Again, there was a lot of back and forth on this one, but we believe the concerns were addressed and it meets the intent of the legislation, which is always the issue for us, and staff would recommend that we adopt this language that came back from LCB.

TROUTEN: All right, thank you. So, do we have comments or questions from the Board?

SHEA: I had the opportunity to go over to Henderson's Wellness Center and spend some time with their fine folks there and I know I was pretty impressed with what they're doing and how they're doing it and their plans they have and how they have everything set up, and I know Deputy Chief Johnson feels the same way. And as far as I could tell, this regulation supports what they're doing, hopefully one of them will correct me if I'm wrong, and I think that if the rest of us are able to mirror in some way or some fashion what they're doing, we'd be exactly where the legislation's supposed to put us. So I think this works out, at least from my standpoint and my limited experience and my interaction with them, I think this is a good way to go.

TROUTEN: Other comments from the Board? I would just like to I guess make a comment. We just underwent a

mandatory "visit" for all of my sworn personnel with the provider. I was anticipating a great deal of pushback from the troops, concerns over different things, and was very pleasantly surprised that out of my roughly 41 active sworn, I had only two who basically attended, signed the notice, but did not really participate and came back and reported as such that I was there, I attended the visit, I listened, but that was it. The overall feedback from the troops just talking amongst themselves and sharing is they appreciated it. The providing of resources, information, things to watch for, different things like that, going so far as I think to build some strong rapport with the provider. So I think that's a very positive thing. Unfortunately it does cost, and again, this is one of those unfunded mandates from the legislature. I am fortunate in my situation that I simply took it to my city and said we are forced to do this, I need an increase in my line items to cover this, much as we have to pay for the yearly physical evaluations pursuant to heart-lung bill and they acquiesced and provided that funding. So I'm hopeful that other government bodies will back up their law-enforcement agencies as well in that but again, I think this is a good change to the regulation and I think will serve the purposes both intended by the legislature as well as actually do some good for our troops.

SHEA: If I could just make one more comment. One thing I was a little slightly concerned about only cause I

don't know what kind of position we might be placing the mental health professionals in is Section 5. And while I understand that officers do not want to go to an assessment on fitness for duty, and that's a big fear for them, what happens to the mental health professional who, in talking to this person, this officer dispatcher, firefighter, comes to realize that this person is in serious distress right now and something needs to be done maybe with almost an immediacy, how does that reconcile where it says they will conduct no evaluation or test to diagnose whether the peace officer has any mental, emotional, behavioral disorder, but it pops up right in front of 'em? How do they address that and are they allowed to report that, or what do they do with it other than try to convince the officer or firefighter to seek additional help? I don't know. I just wonder if we're putting them in a real catch-22 position where they know that this person's in real trouble and I need to do something immediate.

YOUNG: And this Commissioner Young. I believe, and I'm no mental health professional, but they are mandated reporters and so in this situation, where there is a risk to themselves or the people around them, regardless of this statement, they still have their requirements to mandate any reporting of safety issues.

SHERLOCK: Yeah. Mike Sherlock for the record. And that's one of the issues that came up in the language. And if you can see that, you know, there is a statement that unless

the disclosure is authorized, and so you see the mesh between the policing profession, and --

HASTINGS: That's in 4. Item 4.

SHERLOCK: Oh, in 4, yeah, but, you know, the conflict there between, you know, policing and what the mental health profession is required to do, and so in those cases, they would be able to -- again, the big issue was fitness for duty and so there's the issue with the back and forth on the language.

SHEA: What I didn't know is if there was a law that requires a mental health professional to report something or take action if they detect something, that's all.

HASTINGS: And it's not just required to authorized by, so it may not be a mandatory.

SHEA: Okay. I just didn't want to place them in an impossible situation.

HASTINGS: And, Director, maybe you can comment, this is Nathan Hastings for the record, as to that potential concern. This item as it's written here in Number 5, does that stem from -- and I just don't know this off the top of my head and haven't read it for a while, the bill itself, cause this may be helpful to the question as well, where this concept, whether it's exactly word for word, but does this come from the bill, this limitation, or did it derive from something else?

SHERLOCK: Mike Sherlock for the record. So from an education standpoint of the bill, to educate the employee or the officer on the value of mental wellness visits, it did come from the bill.

HASTINGS: What I mean is the concern here where Chief Shea's pointing out that it could be read -- 5 could be read to say that the person shouldn't do X, and would that limit them in a way that would cause a safety concern or something, the language itself does here, where it's limiting that hey, this isn't actually supposed to be an individual assessment, does that come from the bill?

TROUTEN: I believe that follows from actual federal law about when you can conduct assessments, evaluations, and whether they are compulsory. There's federal language on that as well as AB 244, which provides additional restrictions and limitations on that. So in constructing this language, we're very careful to use the word visit, which has a medical definition and has a very broad meaning. You know, perhaps a discussion within a visit could elicit such comments to make the provider aware that this person is a risk to themselves or others, at which times they are under obligation to report that as a mandated reporter but absent that, doctor/patient privilege is invoked. And so in the reporting of these, it's merely the mandating of the visit, the attendance of it, which is all the information the agencies have and that as I understand it POST

would be looking for is the agency says all of my sworn personnel had their visit for this time period.

YOUNG: And I'm not sure -- Commissioner Young. I'm not sure if it needs to be in here or not, but regardless of this language, the mental health professionals won't be removed from their mandated requirement. So even if it says must, may, or should, or shall, right, but I don't know if that needs to be a conversation because regardless of the wording of this, it doesn't remove the mental health professional from their mandated reporting requirements in the event that they find that an individual is at risk.

SHEA: So Tim Shea. Is it permissible, since we have some experts in the field here, to ask them their opinion and whether or not they believe it's restrictive or not, if they're, they're good with it cause they're in the field now doing this now? Can we do that or is that not allowed during this process?

TROUTEN: I believe we certainly can because it does have an avenue for public comment so.

SHEA: We just happen to have some experts here.

TROUTEN: I was going to say and Wes ducked out.

CARTER: Joanne Carter. Ms. Young's right, we are mandated reporters regardless. Even if I am at my child's game and I hear a suicidal statement or something that I see as

a risk, I would have to call the police in this circumstance. And so the two therapists that we are contracted with, we've deeply discussed this. What they're going to do with the officer is say I'm going to -- you know, we're going to have to talk about, you know, a legal. I can also call your team at the wellness center to come and assist with us as well, and get their verbal or written in that meeting in case they don't want to just go through the 911 dispatch or however, you know, just to make it as easy for them as possible. I don't foresee this happening quite quickly, but I believe you said that we want to build rapport, so we're hoping that they see the same therapist every single year and then get to them before it becomes an issue where it is a legal.

SHEA: So you don't see this language as being restrictive or tying your hands?

CARTER: No.

SHEA: Perfect.

TROUTEN: And if I could just answer Nate's question, the back and forth --

HASTINGS: I just think that answer probably --

TROUTEN: Okay.

HASTINGS: -- makes it moot cause I was just trying to, like, say look, if the legislature, whether it was the bill that brought this on, or other laws like you say, federal or some other statute, that makes this language required, then the

interpretive principle in law is that the legislature does not intend to create two contradictory laws and if they can be read so that they coincide together and both can work, then that's the reading that a court, if there was ever litigation on the issue, would use as the interpretation. So I think based on the testimony and based on the discussion that's happened, I think that you're probably, from a legal interpretation standpoint, could feel comfortable moving forward.

TROUTEN: All right. Thank you all. Thank you.

COVERLEY: Commissioner, I have a comment. Dan Coverley for the record. One thing that I think that I like the language in this, and I think that it provides some latitude for each agency because not every community has the same resources as, for example, Henderson may and so there has to be some flexibility to be able to do the best that they can with what they have, but this does not do away with the responsibility of the agency if they see an employee that's in distress or having a hard time with mental health that they just wait for the visit to take care of it. So I think -- you know what I mean? So this is very broad, but you know, the real responsibility to take care of our personnel is to the agency and to watch each other and to make sure that, you know, our people are getting the help that they need when they need it, rather than waiting for their annual visit, whenever that may be.

TROUTEN: Thank you. Do we have any additional comments from the Board or from the public? Hearing none, I would entertain a motion to adopt LCB file R190-22 as presented.

YOUNG: So moved. Commissioner Young.

TROUTEN: Thank you. Do I have a second?

COVERLEY: Second.

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

MEMBERS: Aye.

TROUTEN: Do we have any opposed? I also vote aye. Motion carries. We'll move on to Item B. Executive Director Sherlock.

SHERLOCK: Mike Sherlock for the record. I believe you have the standard there in your books. This is for a Category III reciprocity process. The standards you see there include: an online basic training program that POST will create, we've already done it historically anyway; no PT test; and a CAT III written certification test where it would be the standard. This was as you may recall, was presented as a sort of a critical need for recruitment, specifically the largest Category III employer's Department of Corrections, and they had a presentation, as you recall. They have been using this concept since it was approved. We do not have any data to bring back. I don't know where that has -- if it has helped them or what

effect it's had so I can't present that to you, but that's what this is in regards to for this item.

TROUTEN: All right, thank you. Questions and comments from the Board?

MCKINNEY: I have a comment. Kevin McKinney for the record. I guess my issue is with the lack of physical fitness requirement for this bill. And again, I have no data either, but anecdotally, when I was the jail commander in Elko, I could almost predict who would get injured and it was usually those officers that weren't in physical condition. I believe we have an obligation as POST to ensure that our sworn officers are physically fit to perform their job, and I think we need to reconsider eliminating the POST physical test for CAT III officers in a reciprocity situation.

TROUTEN: Other comments from the Board?

PROSSER: Jamie Prosser, did you say eliminate it or -- clarification?

MCKINNEY: To reconsider the elimination of that test.

PROSSER: So the way we have it written is that you may require --

MCKINNEY: Right.

PROSSER: -- based on the agency.

MCKINNEY: Yes, I believe it should be shall, or that's my opinion.

SHEA: Tim Shea for the record. I look at this rules and regulations, they're not hiring standards. These are certification standards. So an agency right now is free to hire a person and place them in the job with absolutely no physical test of any kind. They can work for a year, a year-and-a-half with extensions and do the job. If they come from out of state, they're required to do this. If they're in state and they took the test 20 years ago, they never have to take it again, no matter what shape the person is. So there is no guarantee that the person who was in shape 20 years ago is still in shape today. I think giving agencies the ability to make the decision on what's appropriate for their agency at hiring is the appropriate thing to do to meet changing situations as they occur, and telling folks that they can hire people, but we're not going to certify them until you prove to us via test that they can do the job, and these are laterals, that they're currently doing in another venue. It seems difficult to me to say well, you can work and do this in Arizona, but you can't do it here but if you had taken our physical agility test for Reno 20 years ago, you can do it here, and that's where I think each agency should have the ability to decide what's appropriate for them, given the circumstances. I don't think it should be eliminated completely. I think it needs to be applied when necessary, when necessary by the chief executive of the agency.

TROUTEN: So Ty Trouten for the record, and I have a couple concerns with that. First is then entities will be subject to the whims of whatever executive is currently in position and I think that would, in the long term, probably create liabilities for those entities. Why do you require it this year, but you didn't the year before? Why did you change the test? And depending upon what test those agencies, should they choose to do one, utilize, is it validated in some way that would support that? We're just having discussion earlier today about the yearly physicals that we do and a short matter of a couple weeks afterwards, somebody tips over from a heart attack even though we have these yearly physicals, which got my mind thinking towards one of maybe the unintended consequences of this in that we bring people in who maybe come from a state such as, one I seen that had I would consider much more lenient PT requirement for their officers, Hawaii, and when they arrive here, they shortly thereafter have some medical injury as Chief McKinney mentioned, or something, injury, whatever, and what do we do to all of ourselves and all of our entities, but up the work-comp claims and costs? I think it would be easier if we could say that every state in the union has the same physical requirements as we do and then it would be Chief Shea's argument that well, they passed it at some point, like our in-state laterals have, we don't need to be worried about it down the line. But unfortunately, the physical requirements vary

drastically from state to state. Nevada's actually towards, I would characterize the lower-middle portion in terms of difficulty on those requirements. So I guess one thing is we represent the state as the Board setting the minimum standard. I don't see those standards as being impossible or even maybe all that difficult and while we just again finished debating changes to help our people on the mental-health side, physical wellness is just as much part of that as the mental side if we're looking at the overall wellness of the officer. So I've had to rethink this. I know we discussed this before in allowing it, and I understand the need for it or the I guess claimed need for it to increase recruitment and bring people in, I'm just not sure that's actually a wise move and where it's going to lead us.

MCKINNEY: Yeah. Kevin McKinney again for the record. Chief Shea's observation is correct. In Nevada, when they test initially, they don't have to -- I mean, they do have to pass the physical fitness, but then they never do again. Personally, I think we should, as sworn peace officers, take it annually. That's my position. I think just the opposite. I think we're doing a disservice to the public if we're not in the position to actually perform our job. You know, I understand what he's saying, but I feel we're not we're not doing our due diligence to make sure that our officers are fully capable of

performing their job. I think we're taking a step backwards in this rather than a step forward.

SHEA: Tim Shea again.

PROSSER: Jamie Prosser. I disagree.

SHEA: I understand those feelings. Like I say, had the test in this state been the current test that a person took 10, 12 years ago might be a little different, but it wasn't. The test has changed and it's morphed over the years and changed into something different. Now we have something where people are failing by a second in one event and they're failing the entire test. We have no ability for people that have great upper body physical strength and things like this, but maybe they can't sprint a mile or run a mile-and-a-half in exactly, for example, 17 minutes. It's 16 minutes and 59, 58 seconds. They fail everything. It's like they did nothing. And that's where my thing comes, it's all or nothing, and I'm not sure that we're serving ourselves the best way. And when I look at our brother services such as fire, there is nothing like this for them. There is no physical standard requirement, it doesn't exist, and their job is very physical. But in checking with our fire chief who sits on the very (inaudible) and does fire work all over the country, there are no national standards or state standards. There's certainly none in Nevada that you must meet. Each department establishes their own as meets their criteria. And we're not talking about hiring people again cause

they can come here and do the job, we're talking about whether or not they're capable of being certified to do the job they're doing. And if I hire somebody who's not physically fit to do the job, shame on me. If I hire somebody who can't write well enough to write reports, shame on me. There's no state standard on that person can't spell. If I hire somebody with the wrong mental acuity, the wrong mental, that's on me. That's not on the state. The state has no requirements on any of this stuff other than we accomplish something. If I sent a person to a mental-health evaluation required to hire someone, it's up to me to determine whether or not what his -- if he's an A, B, or C or whatever rating they use is good for me. It may not be good for another agency, but it's good enough for us. I'll take a C or a D, maybe another agency will take an A or a B. It's up to me. We have no standards anywhere. The only thing that we do to the nth degree is this and for the life of me, I don't know why it's different. Why does a Category III do so many pushups or have to jump higher than a Category II or Category I? I don't know. I know we have a valid test. It's been validated. That’s great, but, I don't understand the differences and I don't understand how it could be pass/fail on one second out of a multi-tier event. That's kind of where it falls to me on this is if we had something that had a little more flexibility into it and allowed us to have some more flexibility and decision making, I'd be a little more apt to say this is a really good idea but in this

case, it's not. And I'm speaking from someone -- this test isn't that hard. I passed it at 61 years old. So it's not like this is a killer test, but it's making it difficult for us to hire people, especially people who are doing this job and we all know in all of our agencies, we have officers and deputies out there today doing the job, doing a great job, who cannot pass this test but they passed a different test 15 years ago.

MILLER: Ollie Miller, for the record. I agree with a lot of what was said here with regard to this, but while physical standards are extremely important, I believe that it's also important for our communities' appointed and elected officials to be able to make decisions individually what they need for their community, especially when recruiting and retention is so difficult. So I concur with everything that Chief Shea said.

TOGLIATTI: George Togliatti for the record. I concur with those comments and those of Chief Shea and I believe that the agencies should have the power to be able to make those types of decisions and although I'd love to have everyone in perfect physical condition to be able to pass running, jumping and all that stuff, there's still certain talents that people have that maybe they can run a little faster, but they're also maybe not quite as strong. I don't think one test is going to solve or make any definitive measure of somebody's health. I think there's more important exams for that and that would be

the physical exams by medical professionals as with heart and lung and so on and so forth.

TROUTEN: Additional comments from the Board?

NIEL: Yeah. Russ Niel for the record. I agree with Director Togliatti and Ollie Miller's comments as well. I think it should leave it up to the agency, specifically speaking to reciprocity applicants. I think we should keep our own in-state standards the way they are but when it comes to these laterals coming from out of state, they've already proven the fact that they can pass a POST academy or equivalent to that but, you know, when I went to Texas, I've said this to for several people, I didn't have to pass their physical fitness test to become TCOLE-certified. They recognized the fact I went to POST, they recognized the fact I had an advanced certificate or done that, so I think we should, you know, be consistent with those kind of practices. Yep. That's all that.

TROUTEN: Comments from the public? So I would entertain a motion relative to LCB file R118-23 as presented and as related to the creation of a Category III reciprocity pathway.

NIEL: Russ Niel. So moved.

TROUTEN: Do I have a second?

PROSSER: Jamie Prosser second.

TROUTEN: Have a second. All those in favor please say aye.

MEMBERS: Aye.

TROUTEN: Any opposed.

MCKINNEY: Nay.

TROUTEN: And I also vote nay. Motion carries. Moving to Item C. Again, over to Executive Director Sherlock relative to LCB file, R031-23 as presented and related to the creation of a command level basic certificate.

SHERLOCK: So again, this is Mike Sherlock for the record. Again, this language is for the command level basic certificate. As you recall, the Commission sort of vetted this several proposed language choices. It will apply to prior Nevada certified officers as currently drafted and those that have gone the five-year/60-month limit. I would just add that later on in the agenda, this very regulation would affect that individual in terms of being certified.

TROUTEN: All right, thank you. Do we have comments or questions from the Board?

PROSSER: Jamie Prosser, I have one clarifying question. Under G it says the peace officer passes a state physical fitness examination approved by the employee agency of the peace officer. So as far as we have three state physical fitness examinations, is that what you would consider Cat I, Cat II, Cat III, or would it be based on the employing agency to determine what that examination would be?

SHERLOCK: So Mike Sherlock for the record. The intent there, and I didn't see that, but it is the agency determines what that test is for that level, for that command level certificate, and we only have one state physical fitness test.

PROSSER: Okay.

SHERLOCK: So you see what I'm saying? So that language, so this is about the agency and what they --

PROSSER: So as we move forward with the approval, will we just vote to strike out state, the word state?

HASTINGS: So at this stage you can't make a modification to something LCB has sent back with language with a simple modification at the adoption hearing. Everything would -- it'd have to go back again and have another go-around with LCB. You can decide not to move forward and adopt today and enter into proceedings to make changes if you deemed to do that, but you can't make a change and adopt today.

SHERLOCK: Yeah. Mike Sherlock for the record. So that's something they put in, we did not, so I don't know why they added the word state to it. That's not how it went over to them.

TROUTEN: I do have a question relative to that as well, since it does not say passes the state, it says a state. Could that be construed that they choose another state?

SHERLOCK: Well, I wouldn't want it to be construed that POSTs create another state PT test where -- you know.

TROUTEN: I just believe that this creates a -- it does nothing I think in this regard and creates confusion with that --

SHERLOCK: I agree. Yeah.

SHERLOCK: -- section. Yeah. Yeah, yeah, yeah. Well, again, Mike Sherlock for the record, I would suggest that we send it back to LCB and tell 'em we don't want that in there if that's what the Commission prefers.

TROUTEN: Do we need a motion --

SHERLOCK: Just to be clear.

HASTINGS: No. So your agendized potential action items are adopt, amend, adopt, amend but again, that relates to what's come back from LCB and you're not repealing anything. So, but any public body has authority under their agendas and as posted here too, at their discretion, remove an item from the agenda or delay discussing an item at any time. So yeah, you wouldn't make a motion cause there's no agendized item to do it that way, but administratively it can just be removed from the agenda so that this can go back to LCB.

SHEA: Before we move, could I ask one more question of Mike on what we're going to do? Number 4, it says the basic certificate expires immediately upon separation of a peace officer from an executive level position. So Washoe

County brings somebody in and a sheriff appoints somebody and the sheriff's leaving and the police chief at Reno says that's a great person, I'd like to appoint him here in my position. Would he have to start all over again or could that certificate remain in force because he's still in an executive position? He's leaving one and go into another.

SHERLOCK: Mike Sherlock for the record. Again, I think that -- so we have it as it's currently written if they don't already have a command level basic certificate at Reno, as you say, they could bring them over. Right? I'd have to look at that.

SHEA: What I'm saying is Reno brought a person in under these guidelines. After eight years there or Washoe County, after eight years at Washoe, the sheriff's leaving so his appointments are leaving also and the Reno police chief says I'd like to appoint him as a deputy chief. Would that person who received his certificate under Washoe County Sheriff's Office have to start all over again and do all this again to get another executive certificate to work at the other agency or can it be moved to this second agency?

SHERLOCK: I'd have to -- Mike Sherlock for the record. I, I mean that -- it probably would have to start over, I suppose.

SHEA: Okay.

SHERLOCK: You know, the problem is we've limited the number per agency so, you know, I'm not sure that we would use the resources. They've already done it and Reno's not exceeding their limit of command level basics. From a practical standpoint, you know, I don't know that this demands that they do it again.

SHEA: You think you could have the authority, as the executive director of POST, to allow it to be moved?

SHERLOCK: Mike Sherlock for the record. I don't know that I would read it that way.

SHEA: Okay. Okay.

SHERLOCK: And maybe if this language is going back anyway, that's something we could clear up.

SHEA: Because I could then -- if I wanted to appoint this person as the police chief, or I could also ask for a waiver of doing this all over again and just transferring. I don't know if this would ever happen, but in theory it could.

SHERLOCK: Right. True. I think the concern always is that separation, right, that --

SHEA: Right.

SHERLOCK: -- because what we're addressing here already is a 60-month rule --

SHEA: Right.

SHERLOCK: -- and so once they leave one agency, from a data-management standpoint, that clock starts ticking,

and so that's -- you know, that's why it's written that way but certainly we could look at how that applies.

SHEA: I always try to find --

SHERLOCK: And try to clean it up.

SHEA: I always try to find these obscure situations that confuse you.

SHERLOCK: I can't imagine it happening, but it could happen.

TROUTEN: Other discussion from the Board? Comments from the public? So do we have a motion on this or desire to take no action?

COVERLEY: Do we need a motion to take no action?

HASTINGS: I'm sorry, I was reading something else. To reiterate, you do not, and in fact, I don't think that there's an agendized action to take consistent with what the Commission wants to do right now.

TROUTEN: All right. So absent a motion, we'll be moving on.

PROSSER: And that automatically goes back to LCB?

HASTINGS: Well, just administratively, staff will do that.

PROSSER: Thank you.

SHERLOCK: And it'll come back to you with the new language.

TROUTEN: Okay. All right. Item number 4, discussion, public comment, and for possible action discussion by the Commission to continue the rulemaking process regarding the revision of NAC 289.200(2) to update or remove the physical readiness requirements for Category I and Category II reciprocity standards. Director Sherlock, some background please.

SHERLOCK: Mike Sherlock, for the record. Again, so we just had a workshop on this issue. At this point, should the Commission to decide to continue with the rule making, there is sample language in there in your books in terms of that development of the language.

TROUTEN: Do we have comments from the Board?

COVERLEY: Dan Coverley. I have a question. So is this just to change the language from physical fitness test to physical readiness test within? No, my --

SHERLOCK: No. Mike Sherlock for the record. So this is a proposal to remove the mandated physical readiness test for Category I and II reciprocity applicants.

COVERLEY: So changing it from shall to may?

SHERLOCK: Yeah. Mike Sherlock for the record. So the sample language there is changing it to the agency may require.

COVERLEY: Right. Okay.

MCKINNEY: Question. Is this the similar to what we just approved with the Cat III?

SHERLOCK: Yes.

MCKINNEY: Okay.

NIEL: Russ Niel for the record, State Gaming. I agree with this language and or at least the concept of it for the same reasons I previously stated over the Cat III discussion. So I mean, these people have already shown that they can attend academy and pass it, including the PPFT requirement, and there's probably seasoned cops coming in so I like where we're going with this.

TROUTEN: This is Ty Trouten for the record. I'll be the stick in the mud once again. My concern, not every state has our same requirements, so they really haven't ever met our PPRT requirement or physical readiness test requirement. I am also curious, we're changing this on the premise that it is going to make some significant difference in hiring candidates and so forth. I did some research on this and reached out to several states, contacts I have there, to see how they do it. I found it interesting that many of them have removed the requirement, not because of actually the line troops and their difficulty in passing their state physical tests, but because of the administrators in their older years who were unable to meet their POST state standards so they just wiped it out entirely for laterals. We just circumvented that earlier with this basic

executive certificate. I guess I'm almost of a mind I would like to see if what we have done on the Category III reciprocity and with the executive basic certificate, if that has some sort of effect that is positive for our state, or if we're just throwing away a standard without benefit.

NIEL: Russ Niel for the record. Not to beleaguer the point, but I screen all the applicants for all of our offices in Northern Nevada Gaming Control and when we start setting people up for testing and interviewing and things like that, one of the things they push back on, especially seasoned cops coming in who already POST certified or whatever, TCOLE certified, whatever they call it, is their comments are, I'm already certified, you know, why am I doing this again, kind of thing, and so they pull back. And so we're losing an opportunity to bring someone who's got a good experience, solid investigator, no problems otherwise, over a run time and some sit ups, you know, so that's the where we stand. I know my chief supports this direction we're going here with this language so, you know, I would be behind it all way.

TOGLIATTI: George Togliatti for the record. I concur. As an agency that's hit critical mass as far as its ability to hire people and the competition between all of our agencies on getting the best of the best, it sounds like we're trying to appeal for other states, but at the same time, there's some really qualified people out there and I'd hate to lose them

based on the fact that we have to, you know, subject them to something like this when we should leave it up, again, to the agency heads and a panel of people who are qualified and do the hiring for us, who will say, this person is here, here or here, and this is the quality of the person we need to hire. I'd hate to take that away from the individual agencies, and I'd hate to get rid of that pool of people that are out there in other states that would really love to come to Nevada and do a great job.

TROUTEN: Other comments from the Board?

COVERLEY: Dan Coverley for the record. If this passes today or just like the other one, when does it take effect? When does this go into effect or when would it?

SHERLOCK: So based on the input today, we would send language over to LCB. We're getting close to session prep, but there's a chance we would have it back by May just cause they want to get it out of the way before session, and at that time, you would adopt, if we get it back by then.

SHEA: So in essence, what this does is directs us to go to LCB for them to review it, and then to come back to us for a final discussion and vote?

SHERLOCK: Yes.

SHEA: Okay.

TROUTEN: Comments from the public? Hearing none, is there a motion?

SHEA: Tim Shea. I'll make a motion to pass and move on to LCB.

TOGLIATTI: George Togliatti, I'll second.

TROUTEN: Okay. All those in favor signify by saying aye.

MEMBERS: Aye.

TROUTEN: Those opposed?

MCKINNEY: Nay.

TROUTEN: I also vote nay. Motion carries. Item 5, discussion, public comment and for possible action request from the Carson City Department for an executive certificate for their employee, Chief Marlina Stone. Possible action may include issuance or denial of the executive certificate. Go over to Director Sherlock for the background on this and requirements.

SHERLOCK: Mike Sherlock for the record. Staff has reviewed the application for an executive certificate for Chief Stone and finds that Chief Stone does meet the training and service requirements, and staff would recommend that the Commission issue that executive certificate.

TROUTEN: Okay. Is Chief Stone present? Questions or comments from the Board? Public comment? Is there a motion?

MCKINNEY: Kevin McKinney. I so move.

TROUTEN: Is there a second?

MILLER: Ollie Miller. Second.

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

MEMBERS: Aye.

TROUTEN: Any opposed? I also vote aye. Item 6, discussion, public comment, and for possible action, request from the Washoe County Sheriff's Office for an executive certificate for their employee, Chief Deputy Corey Solferino. Possible action may include issuance or denial of the requested executive certificate. Again, back to you, Director Sherlock.

SHERLOCK: Yeah, Mike Sherlock for the record. Staff has reviewed the application for an executive certificate for Chief Deputy Corey Solferino, and finds that the chief does meet the training and service requirements and staff would recommend the issuance of that executive certificate.

TROUTEN: All right, is Chief Solferino here? Questions, comments from the Board? Public comment? Is there a motion?

YOUNG: Commissioner Young. So moved.

TROUTEN: Is there a second?

SHEA: Tim Shea. Second.

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

MEMBERS: Aye.

TROUTEN: Any opposed? I also vote aye. Motion carries. Item number 7, discussion, public comment, and for possible action request from the Esmeralda County Sheriff's Office for a six-month extension past the one-year requirement, NRS 289.550, in order to meet the reciprocity requirements for certification for the following deputies: Deputy Krista Sullivan, date of hire, January 3, 2023, extension to June 3, 2024; Deputy Julian Melendez, date of hire, January 3, 2023, extension to June 3, 2024; and Deputy Janelle Sanchez, date of hire, January 13, 2023, extension to June 13, 2024. Possible action may include approval or denial of the requested extensions. Would you like to speak again on this, sir?

MELENDEZ: Yes, sir.

TROUTEN: Please.

MELENDEZ: Thank you, sir. Again, for the record, Julian Melendez, Deputy Esmeralda County, participating in the reciprocity program. First, just a few clarification points because I said most of my comments on the prior workshop, it's a request for a six-month extension for the reciprocity program for Krista Sullivan and Julian Melendez. In the letter that was submitted to the POST staff to be added to the agenda for this meeting, those were the only two names of people participating in the reciprocity program. Deputy Janelle Sanchez is a Category III deputy working the jail. She did go to the POST academy in January and failed the sit ups by one sit up. So

we're requesting an extension for her, but not through the reciprocity program. Second point of clarification, it looks like it's worded as a six-month extension, but doing the math January to June is five months so I just wanted I guess some clarification on that, that if it is a six-month extension, that it'd be to July 3rd for Melendez and Sullivan and July 13th for Sanchez. And then the last point, I guess just a question, in looking at the agenda, I see asterisk next to the three names. I don't see an explanation for what the asterisk are, so just asking a question.

FLOYD: It's just the formatting of the (inaudible).

MELENDEZ: Okay. So if it's just formatting, I just wanted it in the record that I raised the issue and it's been answered. And then just I know I've taken up your time before, but just to add to it, Deputy Sullivan and I have had our annual physicals back in May, and we are both certified medically for field duty and as soon as possible, I would like to get back to work and promise to wear my Class A uniform on my first day. Thank you very much.

TROUTEN: If you could, I do have one question for you. I hope perhaps you can answer this, but in the letter sent by, I believe it's Sheriff Dondero --

MELENDEZ: Yes, sir.

TROUTEN: -- reference that you were originally giving 12 month extensions, am I correct in presuming that that actually means you had the initial 12 months for certification? It wasn't the 12 month extension somehow granted previously?

MELENDEZ: That's correct. I'm actually the ghost writer of that document, so I'm the one who worded it that way.

TROUTEN: Okay. Thank you.

MELENDEZ: You're welcome, sir.

TROUTEN: Any other questions from the Board? Okay. Discussion from the Board? And then I guess, Director Sherlock, we could use -- do you have any input on this one as well?

SHERLOCK: Mike Sherlock for the record. No, we would recommend the extension for Esmeralda County.

HASTINGS: So just, Nathan Hastings for the record, this is hyper technicality, but just if someone makes a motion, maybe just make reference to the six-month extension and not the June dates and then it can just be six months. It doesn't have to be the dates listed on the agenda, but if the motion is made to just be the extension as it's on the agenda, then there's potentially a discrepancy. So a motion for a six-month extension to July as opposed to June would make sure that there's not a discrepancy.

TROUTEN: And then I have a question as well probably for Mike. So the academy began January 16. Even a

six-month extension puts this in July, let's say 13th or 16th, whatever. When does the academy in July start with that, allow them to get into that academy? Cause I think we've had this discussion before that it's not the completion of, but at least enrollment in the academy to be certified. Is that going to reach that date and the second question, I don't believe we have any other avenue around it.

SHERLOCK: Yeah, so Mike Sherlock for the record. So generally what we recommend that -- and it'll be close, you're right. We have an academy starts in July. I think some of these are reciprocity though but that being said, you know, it's that short amount of time we recommend that that employee not exercise peace officer powers, that's what the certificate is about, and whatever that means to that agency, it's up to them but during that period, they, you know, are not authorized to exercise peace officer powers until they're certified. Once they're in the academy, they're not exercising peace officer powers from our perspective and it's not an issue.

TROUTEN: All right, thank you for that. Questions or comments further from the public? Do we have a motion for six-month extensions?

MCKINNEY: Kevin McKinney. I'll move that we approve six-month extensions for Janelle Sanchez, Krista Sullivan and Julian Melendez.

TROUTEN: Do we have a second?

NIEL: Russ Niel, I'll second.

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

MEMBERS: Aye.

PROSSER: (Inaudible) July?

TROUTEN: No, six-month extension.

PROSSER: Okay. Aye.

TROUTEN: And I also vote aye. Any opposed? Okay. Motion carries. Item number 8, discussion, public comment and for possible action request from the Carson City Sheriff's Office for a six-month extension past the one-year requirement NRS 289.550 in order to meet the requirements for certification for the following employees: Deputy Bradley Maffei, date of hire, April 7, 2023, now I'm hesitant if the math's right here, date of which would be an extension to October 7, 2024; Deputy Rhys Finnigan, date of hire, April 7, 2023, extension to October 7, 2024; Deputy Danielle Sandage, date of hire, June 29, 2023, extension to December 29, 2024; Deputy Abraham Arellano, date of hire, June 30, 2023, extension to December 30, 2024. Possible action may include approval or denial of the requested extensions. Do we have anybody from Carson City to address the Commission on this?

SHERLOCK: Mr. Chairman, Sheriff Furlong asked me to present his arguments and since I am going to do that for him, let me say this, we would like to stress the importance of

basic training and the advantages of training people first. That being said, we understand the difficulty in recruiting. Sheriff Furlong, as you can see, has a large pool of new hires. It makes it difficult for an agency of his size to get everyone into the academy at the same time in terms of staffing and considering this, we would recommend the extension of time for Sheriff Furlong and his people.

TROUTEN: All right, thank you. Comments and discussion from the Board.

COVERLEY: Dan Coverley for the record. I have a question. So these are brand-new hires that are assigned, no previous experience, so right off the street.

SHERLOCK: Mike Sherlock for the record. So it's a mix. Some are Category III certified and they are being moved to patrol duties and so they're using that time, right, on some of them, and so some of them will remain in the jail until they do go to the academy, but the time to be certified as Cat I is going to expire before he can get 'em into the academy.

COVERLEY: And not to pick on Sheriff Furlong, but this seems unusual. Is this the exception, not the rule? I mean, something got messed up.

SHERLOCK: Yeah, really, Mike Sherlock again. I don't know what happened, if the floodgates opened or --

COVERLEY: Okay.

SHERLOCK: -- you see there's several of these here, so somehow people are hiring and as you can see here, this is a large group for Carson City to fill some of their vacancies. And again, trying to put that many people into the academy for Carson City is a difficult thing to do.

SHEA: Mike, have our academy classes at POST academy been filled and not everybody can get in, or we had vacancies?

SHERLOCK: We are close to full every academy. We don't want to turn anyone away at this point, so we have gone over what traditionally would've been our capacity, but that hasn't been an issue, you know, currently with the recruiting issues and that kind of thing, but even with the recruiting issues, we're remaining right around full.

STRAUBE: Rob Straube for the record for Director Sherlock. Are these, just for my knowledge, one-time extensions for these individuals, and is there a limit on extensions?

SHERLOCK: Mike Sherlock for the record. Yeah. So the agency can request one six-month extension and that's it. No more than that.

STRAUBE: I have a clarifying follow-up question. If the individuals are currently Cat III certified and are still working in the jail until they go to the academy, why is there a necessity for an extension because they're Cat III certified working in the jail?

SHERLOCK: Right. And so Mike Sherlock for the record again. I think that Sheriff Furlong will move these people and could move them into field training prior to the start of the academy, and that's my understanding, gives them the flexibility to do that but they're still reporting their hire date as their Cat I hire date. If you understand the extension, extension allows a person to exercise peace officer powers during that period that they're not certified.

STRAUBE: But I'm still confused because you said that they were still working in the jail.

SHERLOCK: But the year's going to expire and so if the year expires, they won't be able to move 'em to field training.

SHEA: To go to field training program before they go to the academy?

SHERLOCK: That's correct.

TROUTEN: It's the agency's decision, sir.

SHEA: I'm -- again, I'm just trying to learn. I don't have a problem with Sheriff Furlong in any way, shape or form, I want to support him as much as I can, but if a person's a Category III, and I as sheriff want him to become a Category I, and I elect to put a Category III into field training, since they don't have to go to an academy and don't have to be certified to work, can I do that or do I have to have some sort of extension to become Category I certified to put a Category

III into field training, even though nothing prevents me from putting Category III into field training, does it?

SHERLOCK: It does. So if that hire date is expired, they're prohibited from exercising peace officer power. So the categories are training issues, as you know --

SHEA: Yep.

SHERLOCK: -- and they're no longer working in the jail. The Category III doesn't apply to patrol.

SHEA: And Category III cannot exercise any law enforcement authority under that category but as a brand-new hire with no previous certification, can I not be put into field under Nevada law and operate previous, before I go to an academy?

SHERLOCK: Yes, you can.

SHEA: Up to a year?

SHERLOCK: Yes.

SHEA: Okay, I get it now. I understand what's going on.

SHERLOCK: So the year's going to expire, see --

SHEA: Yeah, I understand. I understand. So if we forget they're Category III, just say these are new hires basically, and he wants to put 'em into field training, but his time's going to expire and he needs six months to get 'em into the program and through the academy is what he's trying to accomplish.

SHERLOCK: Yes, that's correct. And to Sheriff Furlong's defense, Carson City by practice doesn't normally work people in the field without first going to the academy.

SHEA: Yeah. If this happened, I think there's a very good reason knowing that gentleman.

SHERLOCK: Yes.

TROUTEN: Any further discussion from the Board? Public comment? Do I have a motion?

COVERLEY: Dan Coverley. So moved.

SHEA: Tim Shea, second.

TROUTEN: Thank you. We have a motion and a second for six-month extension for Carson City. All those in favor, please signify by saying aye.

MEMBERS: Aye.

TROUTEN: Any opposed? I also vote aye. Motion carries. Item number 9, discussion, public comment and for possible action, request from Storey County Sheriff's Office for a six-month extension past the one-year requirement, NRS 289.550, to meet the requirements for certification for Assistant Sheriff Matthew Willette. Hire date March 13, 2023. If approved, a six-month extension will give Assistant Sheriff Willette until August 13, 2024 to be certified. Possible actions may include approval or denial of the requested extensions. And do we have anyone here from Storey County on this?

SHERLOCK: Mr. Chairman, Mike Sherlock again. I believe Sheriff Cullen's riding up with Sheriff Furlong back north and asked if I could present this for them. Here, Storey County is seeking an extension for a command level position. Assistant Sheriff Willette was previously certified in Nevada but he is beyond the 60 months, and so the extension would allow time for this new command level basic to be implemented, and he would seek a certification in that way and this extension would allow him to do that.

TROUTEN: Thank you for that. Questions or comments from the Board? Any other public comment? Would entertain a motion.

NIEL: Russ Niel. So moved.

TROUTEN: Do I have a second?

SHEA: Tim Shea, second.

TROUTEN: I have a motion, a second for six-month extension. All those in favor, please signify by saying aye.

MEMBERS: Aye.

TROUTEN: Any opposed? I also vote aye. Motion carries. It's my understanding that Item Number 10 has been pulled. Is that correct? So we'll move on to Item Number 11, discussion, public comment, and for possible action, hearing pursuant to NAC 289.290 (1)(h) on the revocation of James Christiansen's, currently employed by the Nye County Sheriff's Office, Category III basic certificate based on a conviction of,

or entry of plea of guilty, guilty but mentally ill, or nolo contendere to a misdemeanor. The conviction which has led to this action are Count I battery, a violation of NRS 200.481, a misdemeanor. Possible action may be revocation of the Category III basic certificate. And on this one we'll go over to our attorney general representative, Nathan Hastings, please.

HASTINGS: Thank you, Commissioners. For Agenda Items 11 to 14, let's take a minute here to lay a basis foundation for the admissibility and validity of the materials that you would refer to and rely on in making any decisions here. So I'm going to ask, and maybe we give that, Mike, to Kathy, yeah, Chief Floyd some questions about these documents to establish a record for what they are, their validity and viability for purposes of Agenda Items 11 to 14. Chief Floyd, for the records or documents that are contained in these meeting materials for the offenses addressed in Agenda Items 11 to 14, did you obtain those items or records directly from the courts?

FLOYD: Yes, I did.

HASTINGS: Have you maintained those documents in the ordinary course of your record keeping since you obtained them from the courts?

FLOYD: Yes, I have.

HASTINGS: And are the versions of those documents that are contained in the meeting materials true and accurate copies of those materials?

FLOYD: Yes, they are.

HASTINGS: Thank you. Commissioners, based on Chief Floyd's testimony, I advise you that the materials provided for Agenda Items 11 through 14 constitute valid public records of charges and convictions that uphold the regulatory standards for revocation in these matters and that those materials may be admitted for your consideration as to these four agenda items. And having so advised, first of all, does anyone have any questions for me about the admissibility or legal validity of the items that have been provided for you? We'll go ahead and move into each of these agenda items then but first, just to state for the record that each of these four agenda items and hearings are brought and conducted pursuant to NRS 289.510, that's your statutory authority to have adopted regulations and establish standards for certification and de-certification of officers. The regulation 289.290 has been adopted and acts as your authority and establishes the causes for the Commission to revoke or suspend certificates. So, moving to Item Number 11 and just referring you to the materials that you have, first, Exhibit A under Item 11 is the notice of intent to revoke that was sent to the officer here, Mr. Christiansen, and I do want to point out this is an important distinction for this one. That under the statute there separate provisions of authority for a gross misdemeanor, a felony, a gross misdemeanor that's a domestic violence offense, and just a

straight misdemeanor. That's the h that's referred to here. So the agendized item and the notice that was provided was for potential for revocation under h for a misdemeanor. Why does this matter? The underlying offense, there are some nuanced arguments about whether it was in fact a misdemeanor that constituted domestic violence as well but I'm going to advise you that if one of you ultimately makes a motion here and decides that the certificate should be revoked for this officer, that you do it under h as a plain misdemeanor and not a domestic violence misdemeanor because that's the way it was agendized and that's the way it was noticed, just to avoid any potential liability, any potential claim that an open meeting law violation occurred by taking an action that wasn't consistent with the way it was agendized. All right, having said that, so Exhibit A is the notice of intent and that was provided. Most of the time I ask Chief Floyd to indicate whether or not the person made any response indicating that they were going to come and contest the revocation, and in almost all cases, the answer is no, no one made any response. Here we have a different situation because under the regulation, sub item h provides that when it's a misdemeanor, the other triggering factor is that the employing law enforcement agency has to request the revocation. So POST, the Commission has authority to revoke based on a simple misdemeanor if the employing agency requested it. So the first sub-item here that I'm going to refer you to in your

materials is Exhibit D. So this is a letter dated June of last year from the Sheriff's Office, Nye County Sheriff's Office, from Sheriff McGill, who's present and there's some nuance here. In just a second, you may have a question or two for him after I present some of this to you. Wherein I'm going to avoid trying to characterize what he said, you have the letter and can read it for yourself but basically, the Sheriff's Office deemed that the offense was a domestic violence offense that under federal and state prohibitors would preclude Mr. Christiansen from possessing a firearm into the future and therefore being able to be a viable candidate in their organization. And so the arguments described here are those legal arguments. I'll just direct you then to Exhibit G, is the judgment of conviction for the battery conviction. It was pled down from a child abuse initial charge to plain battery. Based on that, I'll refer you to, sorry, Exhibit K, an attorney for Mr. Christiansen wrote a letter to POST making a legal argument that because the offense had been pled down from a child abuse, which would be a domestic violence offense, to a plain battery that did not have a domestic violence element, that Mr. Christiansen would not be prohibited from possessing a firearm, and that the Sheriff's Office basis for asking for revocation was not valid. He also argues in the letter about an alleged communication promise assurance from the Sheriff's office to Mr. Christiansen and his counsel in the underlying criminal case that if he would plead

to this reduced charge, that he'd be able to get back to work, and I'm not going to try to characterize that any further either, but you can ask questions to Sheriff McGill about that if you deem it appropriate. So the two arguments that counsel for Christiansen was making that revocation was not appropriate was that he was a valid possessor of a firearm because the prohibitors would not apply to him, and that there were promises made to him that if he would plead guilty to this reduced offense, he'd be able to get back to work. Those dates were in June and September of last year. You may or may not remember that in last October's meeting, this item was initially on that agenda, but we wanted to look further into the legal issues about the firearm prohibitor arguments that were being made. I mean, I don't want to take a bunch of time talking about it today, but I will refer you just very quickly to Exhibit I, which is a federal FBI/ATF guidelines for states on how they apply the firearm prohibitors and Exhibit J is a declaration from Nevada RCCD's Firearm Background Check Unit on how they apply the federal law that affirms that someone who is convicted of a battery in Nevada, that that is an offense that includes a use of force for purposes of federal firearm prohibitors, and that if the relationship between the two people was a domestic relationship, regardless of whether it was pled down to a simple battery without a domestic element, that the prohibitor still apply and it is considered a crime of domestic violence for

purposes of the federal prohibitor, in effect showing that in operation and in practicality, Sheriff McGill's point was correct on that and that Mr. Christiansen and his attorney were not correct. Subsequent legal research, there is a United States Supreme Court case from 2008 where the same arguments were made and the US Supreme Court expressly ruled that if there is use of force and there is a domestic relationship, regardless of what it was pled down to, the federal prohibitors do apply to constitute an offensive domestic violence and the person's prohibited from possessing a firearm. Once that case was revealed to the attorney that wrote the letter, they indicated they were not going to come today and uphold that argument, but did indicate that their letter, again which is Exhibit K, and its arguments about potential promises or communications that were relied on, that they still assert that and would put that before the Commission as a basis for saying that revocation would not be fair or proper. I'm not going to make any statements, representations, arguments, advice on that issue. If you have any questions for the sheriff, he's here and you could ask him those, but ultimately there is a conviction for a battery. Under (1)(h) of the regulation, because there's a conviction and there's the request from the employing agency, period, regardless of any interpretation on domestic violence issues, you may revoke under the regulation. I've tried to just make you feel comfortable and clear that you're on good standing

on the domestic violence gun prohibitor as well ultimately, but the counter argument before you at this point is just on that issue of potential representations and assertions that were made that if he would plead that he'd be able to get back to work.

TROUTEN: All right, thank you. Just one clarifying question because I did not see anything to this effect in the packet. Was there any documented proof of such assertions provided to POST?

HASTINGS: So POST staff and I requested if there was anything in writing on that issue, and I believe that both sides, so to speak, are conceding. That was never any anything in writing. It was verbal communications that they're asserting were made.

TROUTEN: SO verbal communications, if I'm correct, to one party, the person we're talking about revoking certificate and another person who is now deceased, the previous sheriff.

HASTINGS: It was someone within the organization, it was not the former sheriff --

TROUTEN: Okay.

UNIDENTIFIED: All right.

HASTINGS: -- herself, it was a lieutenant or something like that.

TROUTEN: Okay. Thank you.

SHEA: It was a very good explanation, thank you very much, but I have one question. So if it's a

misdemeanor conviction under h but the federal prohibition still attaches under the court decision, even though it's a misdemeanor without the domestic violence enhancement, the fact is the prohibited federal prohibit, again, carrying a firearm, still attaches because of the relationship. Does that not make this a moot point? Because now the federal requirement attaches based upon that court decision?

HASTINGS: Correct. So because we did not have that all fully understood legally before the agenda was -- more importantly than the agenda, the notice that was sent saying, you know the intent is to revoke you, it was done under h instead of g. In other words, it was done without reference to reliance on it being a crime of domestic violence.

SHEA: I understand that and I say great explanation. Thank you very much. I'm hard to get through, but in my way of looking at this, in this particular instance, because of the circumstances in the federal court rule, the federal restriction attaches. Even though we're looking at h, the fact is it exists.

HASTINGS: That's true.

SHEA: Okay.

HASTINGS: So in reality --

SHEA: Yes.

HASTINGS: -- he's not employable in that sense, consistent with the sheriff's office's initial request and

arguments. That is practically true. I'm just saying legally, for purposes of the motion that should be made for revocation, that should be under h instead of g.

SHEA: I understand. I understand. Thank you.

HASTINGS: Yeah.

MCKINNEY: I have just one question. Because I'm unclear, is he still employed by the Nye County Sheriff's Office or is he -- has he been terminated?

HASTINGS: That's probably best a question for the sheriff.

MCKINNEY: Okay.

TROUTEN: Sheriff McGill, please.

MCGILL: Good afternoon, gentlemen and ladies. I'm sorry. For the record, Sheriff Joe McGill. Yes, he is still currently employed. At the time that I took office early January of 2023, this was brought to my attention and at that moment I reassigned the individual to a civilian position as a detention tech still receiving deputy pay pending the outcome of this whole process because I didn't think that at the time that it would be right without his due process to take his money away, but we did reassign him out of a officer position or deputy position.

TROUTEN: Are there other questions from the Board?

MILLER: Ollie Miller for the record. Can you talk to us a little bit about the commitment that was made to him to get back to work or what you know about that?

MCGILL: That representation was made to me by his attorney, Mr. Huntley, and the way it was represented to me was that at the time of the administrative negotiation, the administrative charges, that it was either the late Sheriff Wehrley or former Captain David Boruchowitz presented the offer to him that if you just agree to plead guilty to a misdemeanor battery, that this whole thing will go away, that they would not pursue revocation on him. When this entire thing came to my attention and I started looking into it, first of all, I asked advice from the district attorney in Nye County. He did not support my opinion but I did the research on my own as far as the federal prohibitors and I can tell you that any Joe Schmo that applied for a CCW and this were his circumstances, and that's the way that this actually came up initially to me was his CCW was up for renewal, and our clerk that does that refused and asked for my input, for my advice. If this were any Joe Schmo that was applying for a CCW, I would not issue his CCW based on these circumstances so therefore, why would I continue to employ an individual in a badge wearing, gun carrying capacity that, in my opinion, based on my research, he is not qualified for.

MILLER: Okay. So my follow-up question, and I appreciate that, is do you know if the former leadership team at your agency made a commitment or a process?

MCGILL: I guess I didn't answer your question, did I? I went off on a tangent. No, I do not know.

MILLER: Okay.

MCGILL: The attorney, again, that made the initial representation about that agreement I asked him multiple times if there is any email, letter, document. I searched Mr. Christiansen's internal files and nothing was ever produced to substantiate the claim that that agreement was made or offered.

MILLER: Thank you, sir.

MCGILL: Thank you. I'm sorry.

YOUNG: Commissioner Young for the record. So in this new reassignment, is this individual still in possession of a firearm?

MCGILL: No, ma'am.

YOUNG: Oh.

MCGILL: He is currently in possession of firearms because it's my understanding that he's quite the collector, but his concealed weapon permit has been suspended from the time that this was brought to my attention and his duty firearm, his issued duty firearm, has been taken into our custody. He is not authorized to carry a firearm at this point in time.

YOUNG: Thank you.

TROUTEN: Additional questions?

SHEA: Yeah, Tim Shea here. So if I understand this correct, you really don't have a choice because you know that the federal prohibitor attaches based upon the circumstances of the charge he pleaded to, so you can't employ somebody in a position where they are required to carry a firearm because the federal prohibitor by case law now attaches so you're kind of between a rock and a hard spot. Your predecessor may have agreed to something that legally they couldn't agree to and put you in that bind.

MCGILL: And I will tell you, this was not the route in response to your comment or question or both?

SHEA: Question.

MCGILL: This was not the route that I wanted to have to take but after doing the research, I determined that I had to, and as I said, the district attorney was opposing my opinion and for whatever reason, I don't think the district attorney is correct, and I would hope that maybe the Attorney General's Office will represent me if we get sued over this, but if you were to go to the -- and I don't know if you have it in your backup there or not, but in the federal prohibitors, which is on the Justice Department's website, there is a paragraph in italics or that begins with italics that says, "There is no law enforcement exemption," and this is in relation to -- and I

won't bore you with reading the entire text, but I'll summarize it. This is talking about this exact set of circumstances, that it's related to the underlying charge being a domestic element and it says, again, in their text, it does not matter what the conviction or plea of no contest was; what matters is the underlying charge and the underlying circumstances of this was it was a child abuse upon his wife's child, his stepchild. That is a domestic violence element. To respond to you, Chief Shea, I had no choice in my opinion.

UNIDENTIFIED: Sheriff McGill, I just have one question, I'm not even sure if it's relevant, and I believe I know the answer, your agency doesn't have any Cat III three positions that do not require the use of a firearm, do they?

MCGILL: No, sir, we don't.

UNIDENTIFIED: Okay.

MCGILL: All of our Cat III positions are issued and at times do carry a firearm.

TROUTEN: Other questions from the Board? Other public comments? Is there a motion from the Board?

COVERLEY: Dan Coverley, so moved.

TROUTEN: For revocation?

COVERLEY: So I move that the revocation on James Christiansen, currently employed by the Nye County Sheriff's Office, Category III basic certificate based on a conviction of battery, be revoked.

TROUTEN: We have a motion. Is there a second?

SHEA: Tim Shea, I'll second.

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

MEMBERS: Aye.

TROUTEN: Any opposed? I also vote aye. We'll now move on to Item Number 12. This is a hearing pursuant to NAC 289.290 (1)(g) on the revocation of Brian C. Fisher, formerly employed with the Washoe County Sheriff's Office, Category I and Category 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 convictions which have led to this action are Count 1, coercion with physical force or immediate threat of physical force, sexually motivated a violation of NRS 207.190.1C, and NRS 207.190.2A, a Category B felony. Possible action may be revocation of the category one and category three basic certificates. Back over to you, Mr. Hastings.

HASTINGS: Thank you. Grateful on this one do not have a lengthy explanation to give. This one's pretty straightforward. Exhibit A of your materials is the notice of intent to revoke that was sent as required by law, by the rules governing these revocation proceedings. You can see that that was provided. Chief Floyd -- well, again, these provide an opportunity for, and again, as required by regulation, the

person can indicate that they intend to dispute the revocation and that they'll appear and, Chief Floyd, was any response received indicating any intent to come and dispute this revocation?

FLOYD: No, there was not.

HASTINGS: Okay, thank you. I will refer you Commissioners to Exhibit I in your materials for this item, which is the judgment of conviction for the felony as described in the action item. Based on the felony conviction, under the authority that you have in the regulation, revocation is within your authority and proper under the circumstances.

TROUTEN: All right, thank you. Do we have questions or comments from the Board? Hearing none, do we have questions or comments from the public? Again, hearing none, I would entertain a motion for the revocation of a basic certificate Categories I and III for Mr. Fisher.

MCKINNEY: Kevin McKinney. I'll move that we revoke the Category I and Category III certification of Brian Charles Fisher.

TROUTEN: Thank you. Do we have a second?

PROSSER: Jamie Prosser. Second.

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

MEMBERS: Aye.

TROUTEN: Any opposed? I also vote aye. Motion carries. Item number 13, discussion, public comment and for possible action hearing pursuant to NAC 289.290(1)(i) on the revocation of Caesar Rios, formerly employed with the Henderson Marshal Service, Category I and III basic certificates based on a conviction of a misdemeanor crime of domestic violence as defined in 18 U.S.C 921(a)(33). Possible action may be revocation of the Category I and III basic certificates. Mr. Hastings, back to you again.

HASTINGS: Thank you, Commissioners. I'll refer you in the materials for this item to Exhibit A, which is the required notice of intent which was provided timely for purposes of this meeting. This one, instead of asking Chief Floyd the question, this one has a slight little wrinkle, which is if you look at Exhibit B, we have materials provided by the constable's office in Henderson, which was the last known address. So in the regulations, it specifically states that notice is provided at the last known address. So theoretically you could have good enough notice just by sending something to that address, but I just point out that POST made additional effort, and it's documented here by the Henderson Constable, where in the third paragraph on that page indicates that the person that attempted service stated that he was notified by detectives that are searching for Rios, that they believe he's currently living between Mexico and Los Angeles, and is the staff's belief that

he's an absconder at this time, and so we don't have an answer one way or the other of whether there was an intent to come and dispute, but just pointing out that all the efforts were made to try to make sure that notice was given. And then the conviction, we don't have a judgment of conviction because this was a jury trial in justice court and it is just reflected in the minutes. So if you go to Exhibit E at page 10 of 15, at the top of the page you have the entry and the minutes of the jury verdict that was filed, verdict of guilty on the same matters asserted in your agenda item and so there's no dispute that there was a judgment entered in this matter that satisfies the authority under the regulation to revoke, and I would advise the Commission that it's within your authority and proper to revoke based on that judgment of conviction.

TROUTEN: Thank you, sir. Questions or comments from the Board? Questions or comments from the public? Hearing none, I would entertain a motion.

SHEA: Tim Shea. I'll make a motion to revoke.

TROUTEN: So we have a motion to revoke, clarification both certificates, Category I and III?

SHEA: Both Category I and Category III.

TROUTEN: Thank you, sir.

TOGLIATTI: George Togliatti, I'll second.

TROUTEN: Thank you, sir. We have a motion and a second. All those in favor, signify by saying aye.

MEMBERS: Aye.

TROUTEN: Any opposed? I also vote aye. Motion carries. Moving on. Item 14, discussion, public comment and for possible action hearing pursuant to NAC 289.290(1)(g) on the revocation of Caleb M. Rogers, formerly employed with Las Vegas Metropolitan Police Department Category I basic certificate based on a conviction of, or entry of a plea of guilty, guilty but mentally ill, or nolo contendere to a felony. The convictions which have led to this action are Count 1, interference with commerce by robbery, a felony 18 U.S.C 1951; Count 2, interference with commerce by robbery, a felony 18 USC 1951; Count 3, interference with commerce by robbery, a felony 18 USC 1951; and Count 4, brandishing a firearm during and in relation to a crime of violence, a felony 18 USC 924(c). Possible action may be revocation of the Category I basic certificate. Again to you, Mr. Hastings.

HASTINGS: Thank you, sir. Exhibit A in your materials for this item is the notice of intent that was sent describing the convictions and the intent to revoke. Chief Floyd, was there any response on this item of an intent to dispute the revocation?

FLOYD: No, there was not.

HASTINGS: Thank you. Refer you, Commissioners, to exhibit E in your materials, which is the initial -- sorry, that's the initial indictment on the charges showing the federal

felony charges, and then Exhibit F is the jury verdict showing that at jury trial, Mr. Rogers was found guilty as to all four of those charges. Based on the resulting convictions, his certification is subject to revocation under your authority, under the governing regulations, and I would advise the Commission that revocation is proper at this time.

TROUTEN: Thank you, sir. Questions or comments from the Board? Questions or comments from the public? Hearing none, is there a motion?

PROSSER: Jamie Prosser moves.

TROUTEN: All right, we have a motion for revocation of the Cat I basic certificate. Is there a second?

MILLER: Ollie Miller, second.

TROUTEN: Have a motion and second. All those in favor, signify by saying aye.

MEMBERS: Aye.

TROUTEN: Any opposed? I also vote aye. Motion carries. Item Number 15, discussion, public comment and for possible action, request from Commissioner Shea to have the Commission decide whether to start the process to revise the language in NAC 289 from state physical fitness examination to POST physical readiness test. First go to Mike Sherlock for background, then we'll go over you, Commissioner Shea.

SHERLOCK: First, let me say that we're going to talk about the PT again. So throwing things at me is a crime of

violence for federal prohibitor. So I talked to Chief Shea a little bit about this and I just want to kind of give you a synopsis of where we're at and why it's called a readiness test and how that is not a conflict with the NAC. So some real quick background, I was in federal court on some litigation over our PT test. At one point during depositions, the federal judge asked me is the state physical fitness test a fitness for health test or a readiness test? It's an important distinction in the eyes of the court. Our test is a readiness test. I told the judge that. Our legal advisor at the time, after that hearing, suggested that it would be beneficial to refer to it as a readiness test just so reduces some of the confusion, especially from that perspective. I specifically asked the attorney at that time if we should change the NAC because the NAC says state physical fitness test. His response, and I agreed at the time, was no, the state physical fitness test is the test that POST gives. POST uses a readiness test. The ability to change that is in the fact that POST creates the test, and so his advice was don't change the NAC because if you ever change it from a readiness test to a Cooper or some other test or what have you, you're going to have to change all the NACS again. So at that time, we didn't do that. Keep in mind that at that time, we called it the POST physical fitness test. We've never called it the state physical fitness test. So the only point for us in referring to it as a readiness test was because of those things

and advice. Just to give you a quick rundown, in the NAC, it's mentioned 40 times, sometimes as state physical fitness test, sometimes as POST physical fitness test. Our point is the PPRT is the state physical fitness test, it is the POST physical fitness test, and so I just think that staff would recommend that we don't try to change the NAC wording. It doesn't affect us in our ability to give that test, what that test is, and before Kathy slaps me in the back of the head, we did take a look at the -- and I believe we gave this once before, but the current PT test was adopted by this Commission in 2010 after a validation test in 2008, 2009. There have been no changes to the validation, and that's the whole point of a validation, you can't change the test. Prior to 2010, we were working off a Cooper and also an Idaho validated test from 1997 on. In 2001, that test was changed without any validation, making it not defensible and that's why the validation was done and that's why it was implemented in 2010 and hasn't changed since that 2010, if that makes sense. So again, for us, we don't -- again, understanding LCB and those type of things, we don't see -- staff would recommend that we don't change the NAC in terms of the state physical fitness test.

TROUTEN: All right, thank you, Director. Commissioner Shea.

SHEA: My -- and Mike, you and I did speak about this. My concern, not concern but one I wanted the

Commission to discuss whether or not it's appropriate for us to make the law match what we're doing, in other words, the law says the same thing what we're doing. If I'm coming from somewhere and I see on our webpage, it says we're taking the POST physical readiness test, and then I go into the NAC and I see the state physical fitness examination, I have to pass that. But the state physical fitness examination is the POST physical readiness test. Somewhere, someplace, I got to figure that out. What I was trying to do was make sure that we provide the statutory backing POST needs, we all need, to administer a test so it's all the same thing. I was just thinking of a person that was out of state looking all this up. Well, the POST readiness test, what is that? Well, it's the state physical fitness test and another place in the law it says the POST physical fitness test, is that the same as the state physical fitness test? So I thought maybe the time was come to get rid of all those different terms, have this body just debate it, and if it's fine the way it is, great, or should we change it so that all the language matches. And whether the test is valid or not, I believe it is, I understand why it was all changed, I have absolutely no problems with any of that part of it, I just want to know if we should change the name to bring it in line with the comments from the judge that spurred us to change the name in our documents. That's all.

TROUTEN: Thank you, sir. Comments from the Board?

COVERLEY: Dan Coverley for the record. Mr. Hastings, as our legal counsel for the Board, is that a correct description of your purpose?

HASTINGS: Well, so as Mr. Sherlock indicated, he was referring to advice from previous legal counsel, and we actually haven't gotten together on this so I wouldn't feel comfortable chiming in on the substance of this issue right now, but based on Mr. Sherlock's description and the very long-time representation of POSTs by my predecessor, I don't have a reason to doubt what staff was previously advised.

COVERLEY: So you -- is it fair for me to say that you don't see it necessary for legal reasons for us to change the language?

HASTINGS: Without -- at this point, no and especially not without me personally looking into it further. But based on the description and the discussion that I've heard today, having the flexibility of the broader term, which I think was the legal advice that was previously received as I understood the way Mike described it, makes sense to me cause then you put your broader as opposed to narrower. I understand the consistency. That makes sense. It's not a -- it makes sense, but I also see the reason for the prior advice.

COVERLEY: Thank you.

TROUTEN: Other questions or comments from the Board?

MCKINNEY: Well, I'd have a kind of a follow-up question. You said that these POST or the fitness, the current phrasing is inconsistent, right, but it's mentioned in upwards of 40 NACs.

SHERLOCK: Yes.

MCKINNEY: So we would have to have workshops and submit almost 40 NACs to LCB for approval. Is that what I'm hearing?

HASTINGS: Logistically, an LCB submission, like, if you look at your agendas, they each have a number.

MCKINNEY: Mm-hmm.

HASTINGS: It wouldn't have to be 40 separate things, you can do one submission that touches 40 sub regs.

MCKINNEY: Okay.

HASTINGS: You see what I'm saying? It wouldn't be 40 separate submissions and 40 separate workshops.

MCKINNEY: Okay. Because I would not want to inundate LCB with that many changes.

SHERLOCK: Well, yeah, but keep in mind that they would have to review those 40 locations for the change, and they still wouldn't be happy with us.

HASTINGS: Right. It would be one workshop.

SHERLOCK: Yeah.

HASTINGS: But it does touch however many places in the regulations.

SHERLOCK: If the consensus of the Commission is that you don't -- that it doesn't match, I mean there's two problems with that, it's described two different ways in the NAC, but what I'm thinking is if at your direction we would change our reference on our website or whatever if that is what the Commission feels, I'm just saying the PPRT is the state physical fitness test and I don't know that it's necessary. If they go to the NAC to look for that test, it is described specifically what that test consists of. You see what I'm saying? But if that's what the Commission feels, that there's some sort of conflict, it would make more sense to change our description on the website than the NAC I think. I'm not sure.

SHEA: Again, my concern like we spoke, I'm just thinking about the jailhouse lawyer type who for some reason something doesn't go right and says you never administered the test as required under the statute, you administered this other thing. Now it may be the same, but that's not what you administered me. Will they have a legal leg to stand on? I do not know. I was just trying to make sure that us as a body talked about it and two, give you the support you need to do what you need to do.

TROUTEN: I guess from my standpoint, more of efficiency level, I'd be more in favor of Mr. Hastings perhaps

reviewing it, making sure you're comfortable with it to provide information back to us, but I hate to throw something else at LCB. We just sent something back to them that I think given our extensions, we need to act on quickly. I don't want to tie them up as much as we don't have to for right now. So, other comments from the Board? Comments from the public? Is there any motions we wish to make from the Board, or do we take it as no action?

COVERLEY: Yeah. I think this is a waste of time. Yeah, I say we don't do any --

NIEL: It's a matter of semantics, like Mike said. Russ Niel for the record, Mike said the PRT or physical readiness test and the state PPFT physical fitness test, they're the same thing. If they are, you know, that are semantics. I don't think we need to waste our time or the LCB's time on trying to clean that language up.

TROUTEN: Okay. No motion. We'll take no action. Move on to item 16, 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. Do we have any public comments? Do we have any public comments?

HEALING: I was still debating in my head if I wanted to make a comment.

TROUTEN: Oh, okay. I didn't mean to put you on the spot.

HEALING: My name's Thomas Healing. I'm a lieutenant with Boulder City Police. I don't really know how to begin this, so I'll just kind of verbal vomit here. Forgive me. I've been a police officer, a peace officer for 19-and-a-half years. I started in corrections. I moved to a rural Sheriff's Department, Nye County Sheriff, and then transferred to the Boulder City Police Department. Throughout that time, I've always sought the level of certification for the position I've held within the department. Before I became a police officer, I got an undergraduate degree in criminal justice and at some point I decided that in my career I would pursue leadership. In 2013, I attended the University of Nevada Las Vegas and got my graduate degree in public administration. At this point now as a lieutenant, the next level of certification is the management certification. Looking at the NAC, it may sound lazy, but I'm a little frustrated. You can get an advanced certificate, you can get an intermediate certificate with a combination of education and experience, but the management certificate, you're forced to attend a 200-hour management level course certified by POST. I guess what I'm really asking is for the Commission to consider an alternate path of certification, maybe including education through a college or accredited university. If the college or university doesn't meet the requirements set forth that the Commission deems, then a combination of additional training or education through POST I think would be fair, but I think

spending two to three years in graduate school studying public administration is sufficient in my opinion, especially looking at the curriculum for the management program. A lot of my transcript classes, if not all of them, meet the requirements set forth in the executive management certification. Thank you.

TROUTEN: Thank you. Any other public comments? Hearing none, we'll move on to Item 17, discussion and public comment for possible action, scheduling our upcoming Commission meeting, possible date of May 2nd, 2024 at 8:00 AM. Mike, can you give us the details on that meeting please?

SHERLOCK: Sure. Mike Sherlock for the record. So the police memorial up in Carson City is May 2nd at 1:00 PM, The Sheriff's and Chief's meeting is May 1st also in the north. So staff would recommend once again having the Commission meeting on May 2nd at 8:00 AM, the thought being that most of you will already be up there the day before for Sheriffs and Chiefs and will likely be staying for the police memorial, so we could get that meeting done on the 2nd in the morning prior to the memorial and allow everyone to get over to the Capitol in plenty of time for the ceremony.

TROUTEN: And proposed location of POST?

SHERLOCK: At POST. Yeah.

TROUTEN: Thank you. Questions, comments from the Board? From the public? Sir?

MCGILL: I'd just like some assurance from Mr. Sherlock that we won't get snowed and hailed on this time.

SHERLOCK: Never.

TROUTEN: Any other comments? All right. Do we have a motion for our next meeting?

YOUNG: So moved.

TROUTEN: And a second?

NIEL: I second.

TROUTEN: All those in favor say aye.

MEMBERS: Aye.

TROUTEN: Any opposed? I also vote aye. Passes. Item 18, adjournment. Do we have a motion to adjourn?

COVERLEY: So moved.

TROUTEN: Second?

PROSSER: Oh, second. I thought you were seconding yourself.

TROUTEN: I would like to. Everybody in favor say aye.

MEMBERS: Aye.

TROUTEN: Anyone opposed? We are adjourned. Thank you all.

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

POST 1st Quarterly Audit Report
(January - March)

Number of Agencies:22 **Number of Agencies with Deficiencies: 6**
Number of Academies:4 **Number of Academies with Deficiencies: 0**

AGENCIES:

Agency training deficiency and recommended corrective action:

1. **Agency Name/Date:** University Police Services South 2/21/24
   Findings: Missing many perishable skills training rosters
   Recommendation:
   Audit Closed

2. **Agency Name/Date:** Yerington PD 3/6/24
   Findings: Due to improper sign in sheets, compliance could not be confirmed. The sheets maintained in the training files did not have instructor signatures, so it was not possible for me to confirm whether the employees attended the training they claimed to have attended. I cannot say they were compliant, but I cannot determine the training did not occur. Compliance with NAC 289.230 could not be confirmed.
   Recommendation: Use POST training forms to make certain all aspects of training are covered. I showed Coombs a POST training form roster (he has used them in the past for his trainings) and advised him to make certain he and the other instructors are using the same forms.
   Audit Closed

Agency background deficiency and recommended corrective action

1. **Agency Name/Date:** University Police Services North 1/23/2024
   Findings: CRITICAL: Five (5) background files were audited for content, resulting in full compliance with NAC 289.110 for four of the files, which were all new hires. The one background which was a re-hire (was with another agency for nearly 4 years) only had fingerprints/III re-done.
   Recommendation: Complete and thorough BG's to be completed on all new hires, 289.110
   Audit Closed

2. **Agency Name/Date:** Pershing County Sheriffs 1/30/2024
   Findings: Three (3) background files were audited for content, resulting in full compliance with NAC 289.110. Initially on one of the backgrounds, we were unable to locate a high school diploma on one of the candidates. Blondheim e-mailed me a scanned photo of the missing document on 2-6-24 which put them in full compliance.
   Recommendation: None/Audit Closed

3. **Agency Name/Date:** Fernley Municipal Court 3/4/24
   Findings: One (1) background file was audited for content, resulting in non-compliance with NAC 289.110. There were many required items missing from the Background documents which were presented to me via e-mail. Ms. Carter was not the HR Manager at the time of Lynch's appointment to the position. I did notify her that the report would make mention of the deficiencies and that this was more of an educational opportunity for her city. Lynch is the only sworn peace officer in the City of Fernley, so this is truly unchartered territory for the city. I provided her with NAC 289.110 so she knew what would be expected in the future. I advised her that POST was hosting a Background Investigator course in May of this year, and she might consider attending. She is enrolled as an attendee, so that tells me she wants to learn the proper techniques and legalities involved of doing a sworn peace officer background.
   Recommendation: Complete BG's **Audit Closed**

4. **Agency Name/Date:** 3rd District Court 3/6/24
   Findings: One (1) background file was audited for content, resulting in non-compliance with NAC 289.110. In reviewing the background file, it was discovered there was no medical, psychological or drug screen performed as required by NAC 289.110. The background was performed by a company, Martin and Ross but ultimately overseen by Lyon County HR, HR was under the assumption the neglected tests were going to be handled by the private company.
   Recommendation: Complete BG's. It should be noted she did offer to have the testing done at this point to comply. I stated it was not necessary as the employee has been working almost one year and to merely use this as learning experience for future hires. **Audit Closed**

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4. **DISCUSSION AND FOR POSSIBLE ACTION.**

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

A. **LCB R032-23RP1 –** Amends NAC 289.270 – requirements to qualify for the Executive Certificate.
B. **LCB R025-24 -** Amends NAC 289.200 to change the physical readiness requirements for Category I and II Reciprocity.
C. **LCB R031-23RP2 -** Establish a new regulation for a Command Staff Basic Certificate.

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

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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, Amendment and Repeal Of Regulations of the Commission on Peace Officer Standards and Training

PUBLIC HEARING NOTICE: The Commission on Peace Officer Standards and Training ("Commission") will be holding a Public Comment Hearing at **8:00 A.M., THURSDAY, MAY 2, 2024, AT THE POST ADMINISTRATION BUILDING, CLASSROOM #2, 5587 WA PAI SHONE AVE., CARSON CITY, NV 89701**. The purpose of the hearing is to receive comments from all interested persons regarding the adoption, amendment and/or repeal of regulations that pertain to Chapter 289 of the Nevada Administrative Code (NAC).

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

1. **The need for and purpose of the proposed regulations.**
Existing law requires the Peace Officers' Standards and Training Commission to adopt regulations establishing minimum standards for the certification and decertification, recruitment, selection and training of peace officers. (NRS 289.510).
This language revises NAC 289.270 and will add two additional ways to meet the eligibility of the Executive Certificate. This will allow officers in an executive level position, that came to Nevada through reciprocity and previously held the executive certificate in their prior law enforcement position, and the training meets Nevada requirements, to obtain the executive certificate, or is an officer of this state who has been appointed or elected to an executive level position and has remained in the position for 5 consecutive years.

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/R032-23RP1.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: Retention of experienced officers that will now be eligible for bonuses and pay increases due to being able to obtain the Executive Certificate.

(b) Both immediate and long-term effects:

(1) The immediate effects: None

(2) The long-term effects: Retention of experienced officers that will now be eligible for bonuses and pay increases due to being able to obtain the Executive Certificate.

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 April 17, 2024.** If no person who is directly affected by the proposed action appears to request time to make an oral presentation, the Commission on POST may proceed immediately to act upon any written submissions.
This Notice of Intent to Act Upon Regulations and the proposed regulation will be on file at the State Library, Archives and Public Records Administrator, 100 Stewart Street, Carson City, Nevada for inspection by members of the public during business hours. Additional copies of the notice and regulations to be adopted, amended or repealed will be available at the Commission on POST Administrative Offices, 5587 Wa Pai Shone Avenue, Carson City, 89701, 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

REVISED PROPOSED REGULATION OF THE PEACE

OFFICERS' STANDARDS AND TRAINING COMMISSION

LCB File No. R032-23

January 19, 2024

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

AUTHORITY: § 1, NRS 289.510.

A REGULATION relating to peace officers; revising the minimum requirements for certain peace officers to obtain an executive certificate; establishing the requirements for a peace officer of another state to obtain an executive certificate; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Peace Officers' Standards and Training Commission to adopt regulations establishing minimum standards for the certification and training of peace officers. (NRS 289.510) Existing regulations provide that the Commission will grant an executive certificate to a peace officer upon the submission of, among other things, a letter of recommendation that is signed by the administrator of the agency and includes an organizational chart which demonstrates the position of the applicant within the agency. (NAC 289.270)

This regulation revises the contents of such a letter of recommendation and provides that the Commission will grant an executive certificate to: (1) a peace officer of this State if the peace officer has been elected or appointed to an executive level position and has remained in the position for 5 consecutive years; and (2) a peace officer of another state in certain circumstances.

Section 1. NAC 289.270 is hereby amended to read as follows:

289.270 1. The Commission will grant an executive certificate to [~~an~~] ***:***

(a) An officer ***of this State*** upon submission of proof satisfactory to the Commission that the officer meets the following minimum requirements:

[~~(a)~~] ***(1)*** A current basic certificate.

[~~(b)~~] ***(2)*** A current intermediate certificate.

[~~(c)~~] ***(3)*** A current advanced certificate.

~~[(d)]~~ ***(4)*** A current supervisor certificate.

~~[(e)]~~ ***(5)*** A current management certificate.

~~[(f)]~~ ***(6)*** Six years of experience as a peace officer, including at least 1 year of experience in an executive level position and a current assignment in an executive level position.

~~[(g)]~~ ***(7)*** Two hundred hours of training in advanced management in addition to the training completed for the basic, intermediate, advanced, supervisor and management certificates.

~~[(h)]~~ ***(8)*** The applicant must present proof that the current assignment meets the criteria for an executive level position as set forth in NAC 289.047 by submitting a letter of recommendation with the application which ~~[is]~~ ***:***

(I) Is signed by the administrator of the agency ~~[. The letter must include an organizational chart which demonstrates the applicant's position within the agency and must describe]~~ ***; and***

(II) Describes the manner in which the applicant's current assignment meets the criteria for an executive level position as set forth in NAC 289.047.

(b) An officer of this State who has been appointed or elected to an executive level position and has remained in the position for 5 consecutive years.

(c) An officer of another state, if the other state has a certifying entity and the officer:

(1) Meets the requirements of subsection 2 of NAC 289.200 for a basic certificate;

(2) Holds a current intermediate, advanced, supervisor and management certificate issued by the certifying entity of the other state;

(3) Has 6 years of experience as a peace officer in the other state, including at least 1 year of experience in the other state in a position equivalent to an executive level position;

(4) Has the equivalent of 200 hours of training in advanced management in another state in addition to the training completed for the basic, intermediate, advanced, supervisor and management certificates;

(5) Has a current assignment in an executive level position in this State; and

(6) Presents proof that the current assignment in this State meets the criteria for an executive level position as set forth in NAC 289.047 by submitting a letter of recommendation with the application which:

(I) Is signed by the administrator of the agency; and

(II) Describes the manner in which the applicant's current assignment meets the criteria for an executive level position as set forth in NAC 289.047.

(d) An officer of another state, if the other state does not have a certifying entity and upon submission of proof satisfactory to the Commission that the officer:

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

(2) Has received training and experience that is equivalent to the training and experience required for a basic, intermediate, advanced, supervisor and management certificate pursuant to NAC 289.200 and 289.240 to 289.260, inclusive.

2. In making a determination pursuant to subsection 1, the Commission will review and consider each applicant individually.

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JOE LOMBARDO
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NOTICE OF INTENT TO ACT UPON A REGULATION

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

PUBLIC HEARING NOTICE: The Commission on Peace Officer Standards and Training ("Commission") will be holding a Public Comment Hearing at **8:00 A.M., THURSDAY, MAY 2, 2024, AT THE POST ADMINISTRATION BUILDING, CLASSROOM #2, 5587 WA PAI SHONE AVE., CARSON CITY, NV 89701**. The purpose of the hearing is to receive comments from all interested persons regarding the adoption, amendment and/or repeal of regulations that pertain to Chapter 289 of the Nevada Administrative Code (NAC).

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

1. **The need for and purpose of the proposed 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).
Existing regulations require a 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 and who meet certain other standards for appointment to pass a physical fitness examination for this State to be awarded a basic certificate by the Executive Director of the Commission (NAC 289.200). This regulation instead requires such a peace officer to pass a physical fitness examination, if any, that is approved and required by the agency which employs the peace officer.

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 2024 and clicking the link: www.leg.state.nv.us/Register/2024Register/R025-24P.pdf, by contacting

Chief Kathy Floyd at kfloyd@post.state.nv.usor by telephone at 775-687-7678, ext. 3335 or going to the Nevada Commission on POST website at https://post.nv.gov.

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

(a) Both adverse and beneficial effects; and

(1) Adverse effects: No adverse economic effect

(2) Beneficial effects: This will allow Nevada law enforcement agencies to recruit more experienced officers from other states and allow the agency to administer their own physical fitness examination, if they choose not to use the physical fitness examination under NAC289.205.

(b) Both immediate and long-term effects:

(1) The immediate effects: Better recruitment opportunities.

(2) The long-term effects: Continued recruitment opportunities and the ability of the agency to determine what, if any, physical fitness test to administer.

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 establish a new fee or increase an existing fee.

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 April 17, 2024.** If no person who is directly affected by the proposed action appears to request time to make an oral presentation, the Commission on POST may proceed immediately to act upon any written submissions.
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SEE ATTACHED COPIES OF THE PROPOSED REGULATIONS

PROPOSED REGULATION OF THE PEACE OFFICERS'

STANDARDS AND TRAINING COMMISSION

LCB File No. R025-24

March 21, 2024

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

AUTHORITY: § 1, NRS 289.510.

A REGULATION relating to peace officers; revising the requirement for the physical fitness examination which certain peace officers must pass to be awarded a basic certificate by the Executive Director of the Peace Officers' Standards and Training Commission; 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)

Existing regulations require a 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 certain other standards for appointment to pass a physical fitness examination for this State to be awarded a basic certificate by the Executive Director of the Commission. (NAC 289.200) This regulation instead requires such a peace officer to pass a physical fitness examination, if any, that is approved and required by the agency which employs the peace officer.

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

FIRST PARALLEL SECTION

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

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

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

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

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

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

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

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

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

(1) Abuse of older persons;

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

(3) Civil liability;

(4) Classification and receiving of offenders;

(5) Constitutional law;

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

(7) Crimes against persons;

(8) Crimes against property;

(9) Cultural awareness;

(10) Domestic violence, stalking and aggravated stalking;

(11) Ethics in law enforcement;

(12) Fire safety and use of emergency equipment;

(13) Games offenders play;

(14) Gangs and cults;

(15) Juvenile law;

(16) Laws relating to arrest;

(17) Laws relating to correctional institutions;

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

(19) Miscellaneous crimes;

(20) Modern correctional philosophy;

(21) Probable cause;

(22) Public and media relations;

(23) Records of offenders in institutions;

(24) Rights of victims;

(25) Search and seizure;

(26) Searches of offender institutions;

(27) Supervision of offenders;

(28) Training concerning active assailants; and

(29) Use of force;

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

(f) The peace officer passes ~~[the state]~~ ***a*** physical fitness examination ~~[for the appropriate category]~~ ***, if any, that is approved and required by the employing agency*** of ***the*** peace officer ***.*** ~~[as described in NAC 289.205.]~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

8. The basic certificate of an officer whose employment is terminated for any reason will be placed on inactive status. If such a person is again employed as a peace officer, the employing agency shall request that the person's basic certificate be returned to active status. Except as otherwise provided in subsection 9, if the certification of such a person is on inactive status for 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, Amendment and Repeal Of Regulations of the Commission on Peace Officer Standards and Training

PUBLIC HEARING NOTICE: The Commission on Peace Officer Standards and Training ("Commission") will be holding a Public Comment Hearing at **8:00 a.m. on Thursday, May 2, 2024, at the POST ADMINISTRATION BUILDING, CLASSROOM #2, 5587 WA PAI SHONE AVE., CARSON CITY, NV 89701**. The purpose of the hearing is to receive comments from all interested persons regarding the adoption, amendment and repeal of regulations that pertain to Chapter 289 of the Nevada Administrative Code (NAC).

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

1. The need for and purpose of the proposed 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).

R031-23RP2 will establish a Command Level Basic Certificate, awarded only to Executive Level Staff. Recruitment of executive level staff can be difficult, especially around elections. An elected official may have been certified but their basic certificate has expired. This certificate will assist in the recruitment and retention of Executive Level positions, including, but not limited to elected and/or appointed officials. In other instances, the certified elected official prefers to appoint an individual that has been out of law enforcement for more than 5 years. This new level of basic certificate and the process to achieve it will assist agencies in hiring personnel that can provide valuable insight, experience and knowledge. The process to achieve the certification is consistent with the reciprocity process, therefore allowing the individual to work while completing the online course and not having to complete a full, in person, basic academy, saving the agency valuable time and money.

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: www.leg.state.nv.us/Register/2023Register/R031-23RP2.pdf or 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: There will be a fee to the agency ($200) payable upon enrollment.
(2) Beneficial effects: Agencies will save time and money by having their staff attend the online course instead of paying for a full basic academy and losing a much-needed officer while they attend a full basic academy.

(b) Both immediate and long-term effects:

(1) The immediate effects: This will shorten the hiring process for executive level staff, for Nevada agencies. This will allow agencies to hire experienced staff who will be on the job during the process of certification.
(2) The long-term effects: Agencies will have the ability to hire executive level staff that will bring knowledge and experience to their agencies.

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.

There is no cost to the agency for enforcement.

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 establish a new fee or increase existing 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 April 17, 2024.** If no person who is directly affected by the proposed action appears to request time to make an oral presentation, the Commission on POST may proceed immediately to act upon any written submissions.
This Notice of Intent to Act Upon Regulations and the proposed regulation will be on file at the State Library, Archives and Public Records Administrator, 100 Stewart Street, Carson City, Nevada for inspection by members of the public during business hours. Additional copies of the notice and regulations to be adopted, amended or repealed will be available at the Commission on POST Administrative Offices, 5587 Wa Pai Shone Avenue, Carson City, 89701, 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

SECOND REVISED PROPOSED REGULATION OF THE PEACE

OFFICERS' STANDARDS AND TRAINING COMMISSION

LCB File No. R031-23

March 28, 2024

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

AUTHORITY: § 1, NRS 289.510.

A REGULATION relating to peace officers; establishing the requirements a peace officer must meet to receive a command level basic certificate; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Peace Officers' Standards and Training Commission to adopt regulations establishing minimum standards for the certification and training of peace officers. (NRS 289.510)

This regulation provides that the Commission may award a command level basic certificate to a peace officer if: (1) the peace officer has been elected or appointed to an executive level position; (2) the peace officer meets the minimum standards for appointment; (3) the peace officer has 5 consecutive years of experience as a peace officer employed by a Nevada agency; (4) any prior certification of the peace officer has not been revoked or suspended; (5) the peace officer has completed certain training courses; (6) the peace officer passes the state certification examination with a score of at least 70 percent; and (7) the peace officer passes a physical fitness examination approved by the employing agency of the peace officer.

Section 1. Chapter 289 of NAC is hereby amended by adding thereto a new section to read as follows:

1. The Commission may award a command level basic certificate to a peace officer if:

(a) The peace officer has been elected or appointed to an executive level position;

(b) The peace officer meets the minimum standards for appointment established pursuant to NAC 289.110;

(c) The peace officer has 5 consecutive years of experience as a peace officer employed by a Nevada agency;

(d) Any prior certification of the peace officer has not been revoked or suspended;

(e) 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;

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

(g) The peace officer passes a physical fitness examination approved by the employing agency of the peace officer.

2. An agency may have only two active command level basic certificates at any one time.

3. To maintain a command level basic certificate, a peace officer must comply with the provisions of this chapter and chapter 289 of NRS.

4. A command level basic certificate expires immediately upon the separation of a peace officer from an executive level position unless, within 90 days after the separation, the peace officer is newly elected or appointed to an executive level position.

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

Discussion by the Commission to continue the rulemaking process regarding the revision of NAC 289.290(1)(i). Possible action may include the creation of language.

NAC 289.290

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

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

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

(c) Chronic drinking or drunkenness on duty.

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

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

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

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

(h) Except as otherwise provided in paragraph (i), 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) ***or conviction of a crime that has as an element the use or attempted use of physical force, or the threatened use of a deadly weapon; and that at the time the offense was committed, the officer was:***

- ***a current or former spouse, partner, parent or guardian of the victim;***
- ***a person whom the victim shared a child in common;***
- ***A person who was cohabitating with or had cohabited with the victim as a spouse, parent, or guardian; or,***
- ***A person who was or had been similarly situated as a spouse, parent, or guardian of the victim.***

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.

DRAFT

6. **DISCUSSION AND FOR POSSIBLE ACTION.**
Discussion by the Commission to continue the rulemaking process regarding the revision of NAC 289.290(4). Possible action may include the creation of language.

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

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

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

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

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

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

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

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

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

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

10. The Commission will provide each peace officer whose certificate is suspended with written notice of the suspension by certified registered mail. The suspension becomes effective

DRAFT

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

Discussion by the Commission to continue the rulemaking process for the creation of a Recertifying program for expired basic certificates. Possible action may include the creation of language.

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, ***but less than 10 consecutive years, and the provisions of NAC 289.290 do not apply, the persons certificate may be reinstated if the peace officer:***

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

(b) Successfully completes the recertification course of training developed and delivered by the Commission;

(c) Is employed by a Nevada Law Enforcement Agency as a peace officer and;

(d) Meets the requirements established under NAC 289.230 section 7.

If the person's basic certificate remains inactive for more than 10 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.

DRAFT

8. **DISCUSSION AND FOR POSSIBLE ACTION.**
Request from the Reno Police Department for an Executive Certificate for their employee Assistant Chief Oliver Miller. Possible action may include issuance or denial of the requested Executive Certificate.
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State of Nevada – POST

Professional Certificate Application

Agency Details

Agency Name *
Reno PD

Officer's Details

POST ID *
19786

Officer's Name *
Oliver E Miller III

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 (3)

POST – PROFESSIONAL CERTIFICATE APPLICATION – – Oliver E Miller III – 4/3/2024
POST – PROFESSIONAL CERTIFICATE APPLICATION – – Oliver E Miller III – 4/3/2024
POST – PROFESSIONAL CERTIFICATE APPLICATION – – Oliver E Miller III – 4/3/2024

Additional information or comments

Submitter Details

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

Submitter's Full Name *	Submitter's Phone # *	Submitter's E-Mail *
Kristi Fragiao	775-789-5485	fragiaok@reno.gov

This section is for POST approval only

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

Reno Police Department
"Your Police, Our Community"

Kathryn Nance
Chief of Police

March 14, 2024

Delivered Via Email
Kathy Floyd
Chief, Standards Division
Nevada Commission on POST
5587 Wa Pai Shone Avenue
Carson City, NV 89701

Re: Assistant Chief Oliver Miller Letter of Recommendation

Dear Ms. Floyd:

In accordance with NAC 289.047, please allow this Letter of Recommendation to serve as proof that Assistant Chief Oliver Miller has fulfilled all requirements necessary for Nevada P.O.S.T. Executive Certificate.

As an Executive in the Reno Police Department since May 22, 2015, Assistant Chief Miller works immediately to the Chief of Police. He commands the Support Services Division which includes Traffic, Training and Work Force, Records Section, Administrative Services Section, Patrol Section and Lieutenants. Under his command are two Commanders, nine Lieutenants and two Civilian Managers.

Assistant Chief Miller has worked in a variety of assignments to include Patrol, Regional Gang Unit (RGU), Detectives Division in the Family Crimes and Sex Crimes/Child Abuse Units. His collateral responsibilities included the Special Weapons and Tactics (SWAT) Team Commander, Canine Unit Commander, Honor Guard Team Commander and the Critical Incident Negotiator Team (CINT) Sergeant.

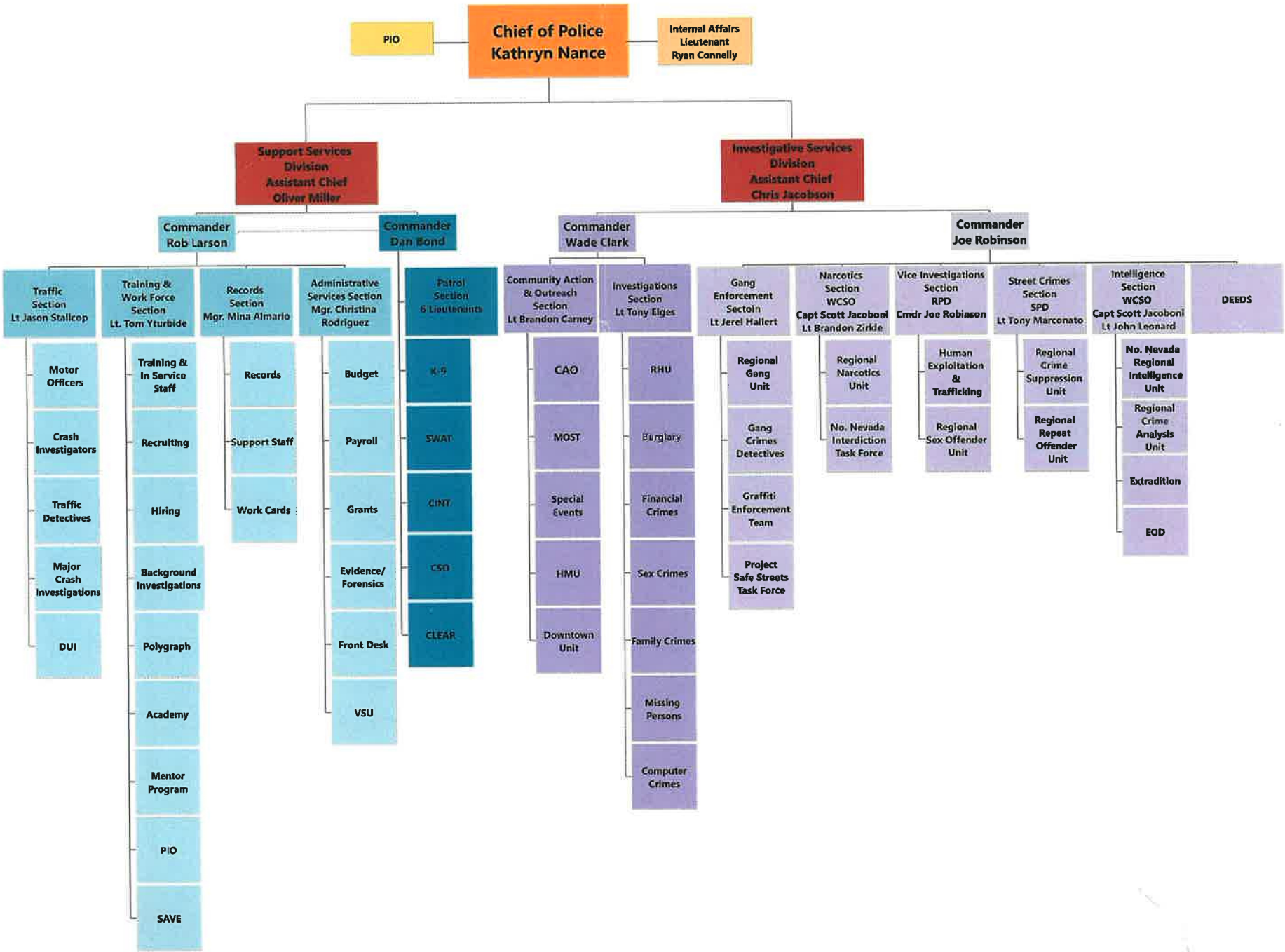
Assistant Chief Miller has worked in and/or supervised nearly every unit, team, section, and division of the department. He has had Commander, Deputy Chief and Assistant Chief responsibilities along with the oversight of the Support Services Division, Regional Services Division and the Community Services Division during his nine year tenure on Reno Police Department's Executive Team.

Thank you in advance for your consideration of the recommendation. Should you have any questions, please contact me at 775-334-2100.

#7073

Kathryn Nance
Reno Chief of Police

RENO POLICE DEPARTMENT COMMAND STRUCTURE
January 2024



Senior Management Institute for Police

POLICE EXECUTIVE
RESEARCH FORUM

hereby certifies that

Oliver E. Miller III

is a graduate of this course of study in
executive strategic management.
Presented this Fourth day of August, 2016.

President, Police Executive Research Forum

Executive Director, Police Executive Research Forum

Institute Director, Senior Management Institute for Police

4/9/2024 Nevada Commission on POST Employee Profile

Employment Summary

Reno PD	Type:	Miller, Oliver E (19786)	Total Service: 20 years 193 days
		Emp Status: Active	

Employment Summary

Sparks PD	Type:	Miller, Oliver E (19786)	Total Service: 3 years 50 days
		Emp Status: Inactive	

Certifications

Level	Status Date	Status	Cert Date	Exp Date
Management	9/9/2022	Active	9/9/2022	<>
Supervisor	1/25/2019	Active	1/25/2019	<>
Advanced	8/15/2006	Active	8/15/2006	<>
Intermediate	5/31/2006	Active	5/31/2006	<>
Category I	12/16/2003	Active	12/16/2003	<>

9. **DISCUSSION AND FOR POSSIBLE ACTION.**
Request from the Boulder City Police Department for an Executive Certificate for their employee Deputy Chief Aaron Johnson. Possible action may include issuance or denial of the requested Executive Certificate.

State of Nevada – POST

Professional Certificate Application

Agency Details

Agency Name *
Boulder City PD

Officer's Details

POST ID *
24931

Officer's Name *
Aaron D Johnson

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

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

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

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

Attachments (4)

POST – PROFESSIONAL CERTIFICATE APPLICATION – – Aaron D Johnson – 4/10/2024
POST – PROFESSIONAL CERTIFICATE APPLICATION – – Aaron D Johnson – 4/10/2024
POST – PROFESSIONAL CERTIFICATE APPLICATION – – Aaron D Johnson – 4/10/2024
POST – PROFESSIONAL CERTIFICATE APPLICATION – – Aaron D Johnson – 4/10/2024

Additional information or comments

Submitter Details

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

Submitter's Full Name *	Submitter's Phone # *	Submitter's E-Mail *
Tiffany Driscoll	702-293-9297	tdriscoll@bcnv.org

This section is for POST approval only

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

BOULDER CITY POLICE DEPARTMENT

April 10, 2024

To whom it may concern,

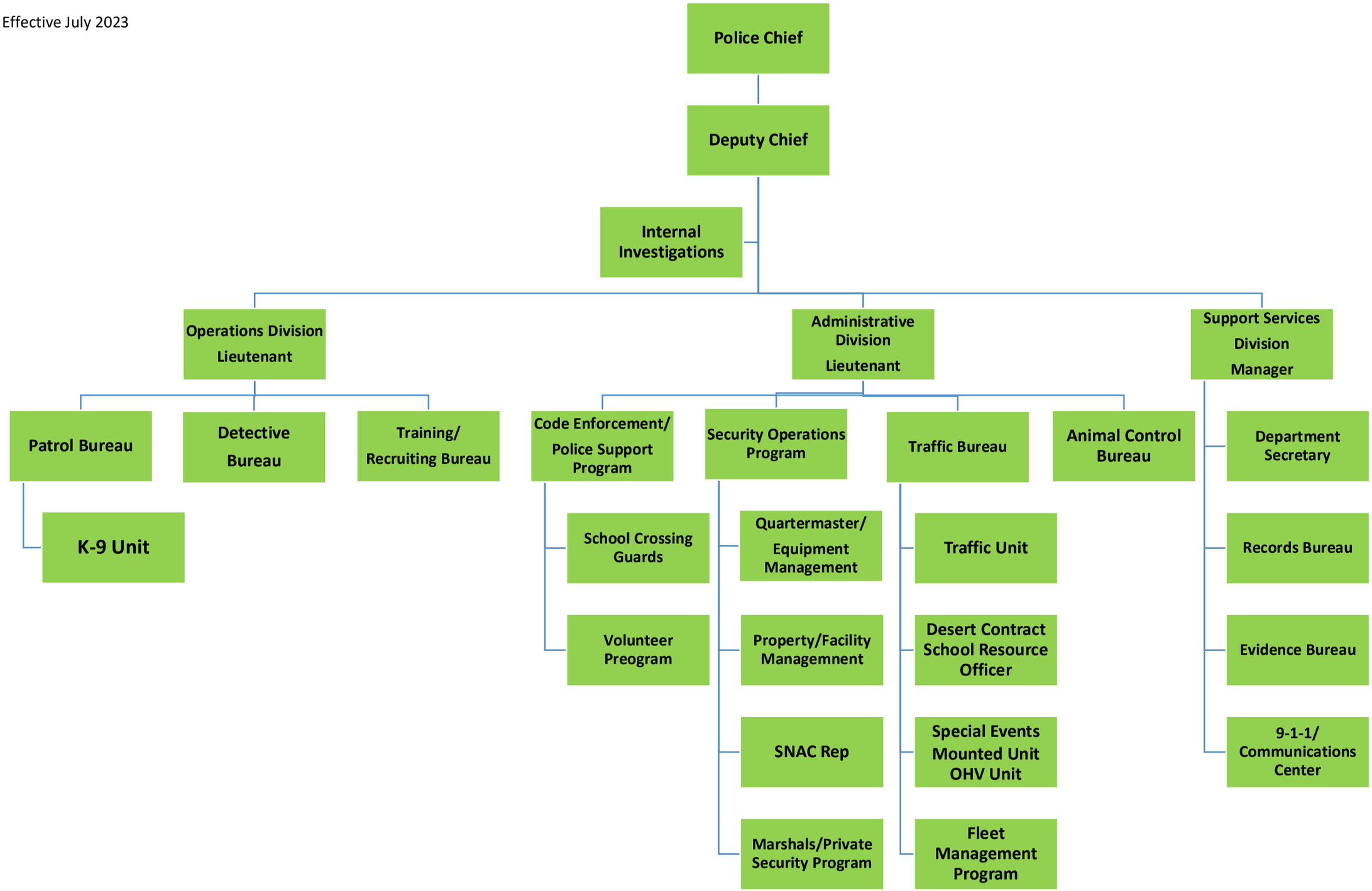
This is to confirm, Aaron Johnson, POST # 24931, is currently the Deputy Chief of Police with the Boulder City Police Department. D/C Johnson currently serves as the second in command of the police department and has been doing so since his promotion on May 6, 2021. D/C Johnson has three (3) managers who report directly to him.

Signed:

Timothy J. Shea, Chief of Police

1005 Arizona Street • Boulder City, Nevada 89005-2603 • (702) 293-9224 • Fax: (702) 293-9281

Effective July 2023



UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION





Issues this award thereby certifying that

Aaron Johnson

Boulder City Police Department, Boulder City, NV

has completed a general course of instruction afforded by the

FBI National Academy

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

Christopher A. Wray
Director
Federal Bureau of Investigation

Timothy Dunham
Assistant Director
Training Division

FBI National Academy Student Transcript

Aaron Doyle Johnson

FBI Academy, Quantico, Virginia
Session: NA282 - 04/04/2022 - 06/09/2022

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

Course Number	Course Title	Classroom Hours	Semester Hours
CJ-3400	Fitness in Law Enforcement	30	2
CJ-3660	Concepts of Wellness and Vitality	45	3
CJ-5250	Seminar in Executive Writing	45	3
CJ-5270	Advanced Psychology of Communication	45	3
CJ-5880	Emerging Technologies for Leaders	45	3
CJ-5890	Essentials for Law Enforcement Executives	45	3
			Total Credits: 17.00

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

as of 6/3/2022 2:15:38 PM

4/10/2024 Nevada Commission on POST Employee Profile

Employment Summary

Boulder City PD	Type:	Johnson, Aaron D (24931)	Total Service: 17 years 218 days
	Separation Date:	Emp Status: Active	

Employment Summary

LV Metro PD	Type:	Johnson, Aaron D (24931)	Total Service: 0 years 208 days
		Emp Status: Inactive	

Certifications

Level	Status Date	Status	Cert Date	Exp Date
Management	4/3/2024	Active	4/3/2024	<>
Advanced	3/12/2012	Active	3/12/2012	<>
Supervisor	1/19/2011	Active	1/19/2011	<>
Intermediate	2/5/2009	Active	2/5/2009	<>
Category I	9/5/2006	Active	4/13/2006	<>

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

Request from the Ely Shoshone Tribal Police Department for a 6-month extension past the one-year requirement (NRS 289.550) in order to meet the requirements for certification for the following employees:

Brent Stark – Date of Hire - 05/15/2023, extension to November 15, 2024.

Michael Lucero – Date of Hire - 07/05/2023, extension to January 5, 2025.

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

ELY SHOSHONE TRIBE

505 S. PIOCHE HIGHWAY (775) 289-3013 ELY, NEVADA 89301
Fax: (775) 289-3156

Date: March 20, 2024

TO: Nevada Commission on POST

RE: Brent Stark and Michael Lucero

Dear Nevada Commission on POST,

This letter is intended to request an extension for Michael Lucero and Brent Stark for the certification of Nevada Basic Certificate.

Brent Stark is still currently at BIA (Bureau of Indian Affairs) POST in New Mexico and will not complete the academy until April 5, 2024.

Michael Lucero has returned back to Ely Shoshone Tribe due to the failure of not being able to complete the short-range shooting portion at POST, he is going to return to POST in July 2024.

Therefore, the request for the extension is necessary for Brent Stark and Michael Lucero, so they are able to get the allowed time to complete the Nevada Basic Certificate.

Thank you for your consideration on this matter.

Should you have any questions are concerns, please contact me at 775-289-3013.

Sincerely,

Christina Sandoval
HR Director
Ely Shoshone Tribe

11. DISCUSSION AND FOR POSSIBLE ACTION.

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

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

Case #091500069

Charge 1 – BURGLARY 2nd Degree Felony,

Charge 2 – THEFT 3rd Degree Felony,

Charge 3 – CRIMINAL MISCHIEF 3rd Degree Felony

Case #091500075

Charge 1- BURGLARY 3rd Degree Felony.

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

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

JOE LOMBARDO
Governor

MICHAEL D. SHERLOCK
Executive Director

NOTICE OF INTENT TO REVOKE

April 8, 2024

George J. Head
[redacted]

POST PIN #: 36410

Dear Mr. Head,

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

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

The Commission's regulations provide that a person's peace officer certificate(s) may be revoked pursuant to **NAC 289.290(1)(g) Conviction of, or entry of a plea of guilty, guilty but mentally ill or nolo contendere to, a felony and/or NAC 289.290(1)(h) Except as otherwise provided in paragraph (i), conviction of a misdemeanor. If the employing agency recommends suspension or revocation following the conviction of the employee for a misdemeanor, suspension or revocation may be imposed.**

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

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

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

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

EXHIBIT A

If you choose to appeal and answer the charges against you, the Commission may elect to sit as a whole or a number that is practicable at a hearing or designate an independent hearing officer to hear the matter. You will be given the opportunity to present evidence and cross-examine witnesses as applicable. If you wish, you may be represented by an attorney; however, this would be at your own expense. If you or your counsel have any written arguments you would like to present to the Commission, you can send that information to me no less than ten (10) days prior to the date of the hearing.

Written requests can be made to:

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

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

Date: May 2, 2024
Time: 8:00 a.m.
Location: Commission on POST, Classroom #2, 5587 Wai Pai Shone Ave., Carson City, NV 89701

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

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

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

Sincerely,

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

cc: 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)

Kathy Floyd

From: george head <georgehead90@gmail.com>
Sent: Tuesday, April 16, 2024 3:16 PM
To: Kathy Floyd
Subject: Re: May Hearing

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

Ok, thanks.

On Tue, Apr 16, 2024 at 3:55 PM Kathy Floyd <kfloyd@post.state.nv.us> wrote:

> Yes, they will use that in their deliberations.

From: george head <georgehead90@gmail.com>
Sent: Tuesday, April 16, 2024 2:42 PM
To: Kathy Floyd <kfloyd@post.state.nv.us>
Subject: Re: May Hearing

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

Can I just submit a letter. I won't be able to make the actual hearing. If I submit a letter will they take that into considerations?

On Tue, Apr 16, 2024 at 3:27 PM Kathy Floyd <kfloyd@post.state.nv.us> wrote:

> Good Afternoon,
>
> Please see the attached Notice. This meeting is here in Carson City on May 2nd, starting at 8:00 a.m. as we previously discussed.
>
> If you would like a statement included in the Commission book for the commissioners to read, I will need that no later than the 22nd.

EXHIBIT B

Thank you,

Kathy Floyd

Chief, Standards Division

Nevada Commission on POST

post.nv.gov

(775) 687-3335

From: Kathy Floyd
Sent: Monday, February 12, 2024 6:46 AM
To: george head <georgehead90@gmail.com>
Subject: RE:

Yes, I have moved your agenda item to May

From: george head <georgehead90@gmail.com>
Sent: Friday, February 9, 2024 10:16 AM
To: Kathy Floyd <kfloyd@post.state.nv.us>
Subject:

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

I just wanted to make sure that I was going to be put on the May docket?

WHITE PINE COUNTY SHERIFF'S OFFICE

1785 Great Basin Blvd. Ely, NV 89301

Phone: (775)289-8808
Fax: (775)289-1468

SCOTT HENRIOD
Sheriff
TODD FINCHER
Captain

September 5, 2023

TO: Chief Kathy Floyd

RE: George Head

FR: Sheriff Scott Henriod

George Head is a past employee with the White Pine County Sheriff's Office. He was hired as a Patrol Deputy and was sent to the Nevada Peace Officers Standards and Training Academy where he successfully graduated. He worked for the Sheriff's Office for several years before rendering his resignation. On or about August 31, 2023 I was contacted by Chief Kathy Floyd informing me of information she had received from the State of Utah reference George Head's background. I have reviewed George Head's application and background that was done when he was hired on with the Sheriff's Office. He does disclose in his application that he was arrested on January 3, 2009 for the crime of burglary and that the disposition was a misdemeanor. Looking over the criminal history that was done at the time of his background check, it does show the arrest and the disposition is a misdemeanor. After receiving the information from Chief Floyd that she obtained from Utah it appears that this is misleading. The documentation she received indicated that his conviction and disposition was for a felony and that latter on, after George Head completed his probation, the disposition was changed to a misdemeanor. At the request of Chief Floyd and the newly discovered information I am requesting the revocation of George Head's Nevada POST certification.

Respectfully,

Sheriff Scott Henriod

EXHIBIT C

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

Post ID Number: 36410

Last Name: Head **First Name:** George

MI: J **Suffix:**

☐ **Name Change?**

Last Name: Head First Name: George

MI: J Suffix:

☐ **Address Change?**

Street Address: [redacted]

City: [redacted] State: NV Zip Code: 89318

County: White Pine 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:

Effective Date: 06/20/2023

Submitters Name: Scott Henriod

Submitters Phone: (775) 289-8808

Submitters E-Mail: shenriod@whitepinecountynv.gov

EXHIBIT D

POST Update PAR form
Revised 01/01/2016

Submission number: 269317

STATE OF NEVADA

COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

Hereby Awards the

Category I
Basic Certificate

To

George J. Head

For having fulfilled all the requirements for basic certification
As prescribed by Nevada Administrative Code.

Governor

Executive Director

36410
POST ID #

015/22/2019
Date

EXHIBIT E

STATE OF NEVADA

COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

Hereby Awards the

Category II
Basic Certificate

To

George J. Head

For having fulfilled all the requirements for basic certification
As prescribed by Nevada Administrative Code.

Governor

Executive Director

36410
POST ID #

015/22/2019
Date

STATE OF NEVADA

COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

Hereby Awards the

Category III
Basic Certificate

To

George J. Head

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

Governor

Executive Director

36410
POST ID No.

August 10, 2018
Date

(O) 500B

FIFTH DISTRICT COURT-ST GEORGE
WASHINGTON COUNTY, STATE OF UTAH

FILED
FIFTH DISTRICT COURT
2011 APR 27 AM 9:36
WASHINGTON COUNTY
BY

STATE OF UTAH, Plaintiff,	:	MINUTES 402 REDUCTION ORDER
vs.	:	Case No: 091500075 FS
GEORGE JEFFERY HEAD, Defendant.	:	Judge: KARLA STAHELI Date: April 20, 2011

PRESENT
Clerk: michellh
Prosecutor: JAEGER, JERRY D
Defendant

DEFENDANT INFORMATION
Date of birth: [redacted]
Video
Tape Number: 3D Tape Count: 4:56/4:56

CHARGES
1. BURGLARY (402 amended) - Class A Misdemeanor
Plea: Guilty - Disposition: 10/07/2009 Guilty

HEARING

Upon motion by the state, the court orders probation terminated successfully and a 402 reduction on the charges.

The defendant's probation is terminated successfully.

Date: 4/25/11

Karla Staheli
KARLA STAHELI
District Court Judge

EXHIBIT F

FIFTH DISTRICT COURT-ST GEORGE
WASHINGTON COUNTY, STATE OF UTAH

STATE OF UTAH vs. GEORGE HEAD

CASE NUMBER 091500069 State Felony

Defendants GEORGE HEAD, [redacted] are linked.

CHARGES

Charge 1 - 76-6-202 - BURGLARY - 2nd Degree Felony (402 amended to) - Class A Misdemeanor
Offense Date: January 10, 2008
Plea: October 07, 2009 Guilty
Disposition: October 07, 2009 Guilty

Charge 2 - 76-6-404 - THEFT - 3rd Degree Felony (402 amended to) - Class A Misdemeanor
Offense Date: January 10, 2008
Plea: October 07, 2009 Guilty
Disposition: October 07, 2009 Guilty

Charge 3 - 76-6-106 - CRIMINAL MISCHIEF - 3rd Degree Felony (402 amended to) - Class A Misdemeanor
Offense Date: January 10, 2008
Plea: October 07, 2009 Guilty
Disposition: October 07, 2009 Guilty

CURRENT ASSIGNED JUDGE
ERIC GENTRY

PARTIES

Plaintiff - STATE OF UTAH
Represented by: JAMES WEEKS

Defendant - GEORGE HEAD
JEFFERY
[redacted]
IVINS, UT 84738

Bondsman - HY & MIKES BAIL BONDING
ATTN: STEVE BAUCUM
7659 S STATE ST
MIDVALE, UT 84047
mikebaucum57@gmail.com

Creditor - GEOFFREY HORNER
10 EAST 675 SOUGH
IVINS, UT 84738

Creditor - LARRY SEVERSON
1302 10TH ST N

EXHIBIT G

MOORHEAD, MN 56560-1558

Creditor - TEMPE CENTRAL PROP ALLSTATE INSURANCE
P O BOX 16650
CLAIM #131547200
MESA, AZ 85211

Payee - GEOFFREY HORNER
10 EAST 675 SOUGH
IVINS, UT 84738

Payee - LARRY SEVERSON
1302 10TH ST N
MOORHEAD, MN 56560-1558

Payee - TEMPE CENTRAL PROP ALLSTATE INSURANCE
P O BOX 16650
CLAIM #131547200
MESA, AZ 85211

Payee - LAW OFFICES OF PHILIP SAUER
3 GOLF CENT STE 352
ATT: REST RECOVERY #4700042
HOFFMAN ESTATES, IL 60169

Payor - SHANNEL STEPHANIE HEAD

DEFENDANT INFORMATION

Defendant Name: GEORGE HEAD
Offense Tracking Number: 31534993
Date of Birth: [redacted]
Drivers License Number:
Social Security Number: Country: UNITED STATES
Law Enforcement Agency: IVINS-SANTA CLARA PD
Prosecuting Agency: WASHINGTON COUNTY
Violation Date: 01-10-2008

ACCOUNT SUMMARY

Total Revenue Amount Due:	23.00
Amount Paid:	23.00
Amount Credit:	0.00
Balance:	0.00
Paper Bond Totals Posted:	30,000.00
Forfeited:	0.00
Exonerated:	30,000.00
Balance:	0.00

Trust Totals:

Trust Due:	190.00
Amount Paid:	190.00
Amount Credit:	0.00
Trust Balance Due:	0.00
Recurring/Openended Due:	0.38

Amount Paid: 0.38

Time Pay: 25.00 monthly on the 30th.
Most Recent Payment: January 10, 2011
Final Payment: April 30, 2070

NONMONETARY BOND DETAIL - TYPE: Surety
Posted By: HY & MIKES BAIL BONDING (#31758)
Posted: 30,000.00
Forfeited: 0.00
Exonerated: 30,000.00
Balance: 0.00

TRUST DETAIL
Trust Description: Restitution
Recipient: GEOFFREY HORNER
Amount Due: 0.00
Paid In: 0.00
Paid Out: 0.00

Account Adjustments Sum To Date	Amount	Reason
2011-05-24	-3,800.00	Adjusted to zero and set to State Debt Collection

TRUST DETAIL
Trust Description: Restitution
Recipient: LARRY SEVERSON
Amount Due: 0.00
Paid In: 0.00
Paid Out: 0.00

Account Adjustments Sum To Date	Amount	Reason
2011-05-24	-18.37	Adjusted to zero and set to State Debt Collection

TRUST DETAIL
Trust Description: Restitution
Recipient: LAW OFFICES OF PHILIP SAUER
Amount Due: 0.00
Paid In: 0.00
Paid Out: 0.00

Account Adjustments Sum To Date	Amount	Reason
2011-05-24	-5,648.82	Adjusted to zero and set to State Debt Collection

TRUST DETAIL
Trust Description: Interest on Rstitutn
Recipient: GEOFFREY HORNER
Amount Due: 76.26
Paid In: 76.26
Paid Out: 76.26

Account Adjustments Sum To Date	Amount	Reason
2011-05-24	-72.20	Adjusted to zero and set to State Debt Collection
2011-05-24	148.46	Criminal post judgment interest

TRUST DETAIL

Trust Description:	Interest on Rstitutn
Recipient:	LARRY SEVERSON
Amount Due:	0.38
Paid In:	0.38
Paid Out:	0.38

Account Adjustments Sum To Date	Amount	Reason
2011-05-24	-0.35	Adjusted to zero and set to State Debt Collection
2011-05-24	0.73	Criminal post judgment interest

TRUST DETAIL

Trust Description:	Interest on Rstitutn
Recipient:	LAW OFFICES OF PHILIP SAUER
Amount Due:	113.36
Paid In:	113.36
Paid Out:	113.36

Account Adjustments Sum To Date	Amount	Reason
2011-05-24	-107.27	Adjusted to zero and set to State Debt Collection
2011-05-24	220.63	Criminal post judgment interest

TRUST DETAIL

Trust Description:	Unclaimed Property
Recipient:	UTAH STATE TREASURER
Amount Due:	0.23
Paid In:	0.23
Paid Out:	0.23

TRUST DETAIL

Trust Description:	Unclaimed Property
Recipient:	UTAH STATE TREASURER
Amount Due:	0.00
Paid In:	0.00
Paid Out:	0.00

TRUST DETAIL

Trust Description:	Unclaimed Property
Recipient:	UTAH STATE TREASURER
Amount Due:	0.15
Paid In:	0.15
Paid Out:	0.15

REVENUE DETAIL - TYPE: CERTIFIED COPIES

Original Amount Due:	15.00
Amended Amount Due:	15.00
Amount Paid:	15.00
Amount Credit:	0.00
Balance:	0.00

REVENUE DETAIL - TYPE: CERTIFICATION

Original Amount Due:	8.00
Amended Amount Due:	8.00
Amount Paid:	8.00
Amount Credit:	0.00
Balance:	0.00

CASE NOTE

PROCEEDINGS

01-12-2009	Filed: Information	tippyl
01-12-2009	ARRAIGNMENT scheduled on January 12, 2009 at 01:30 PM with	tippyl
01-12-2009	Judge JAMES L SHUMATE assigned.	tippyl
01-12-2009	Filed: Warrantless Arrest Probable Cause Statement	tippyl
01-12-2009	Minute Entry - Minutes for Initial Appearance	karenbm

Judge: G RAND BEACHAM
PRESENT
Clerk: karenbm
Prosecutor: GENTRY, ERIC R
Defendant Present
Audio
Tape Number: FTR D Tape Count: 1:43/1:46
INITIAL APPEARANCE
A copy of the Information is given to the defendant.
Defendant waives reading of Information.
Advised of charges and penalties.
The defendant is advised of right to counsel.
Bail is set at $30000.00 cash or bond. Matter set for review on 1-13-09 at 9:00 a.m.
REVIEW HEARING is scheduled.
Date: 01/13/2009
Time: 01:31 p.m.
Location: Araignment Courtroom
Fifth District Court
220 North 200 East
St. George, UT

01-12-2009	REVIEW HEARING scheduled on January 13, 2009 at 01:31 PM with	karenbm
01-12-2009	Case filed by tippyl	tippyl
01-12-2009	Filed: From an Information	tippyl
01-13-2009	Minute Entry - Minutes for Appointment of Counsel	tippyl

Judge: G RAND BEACHAM
PRESENT
Clerk: tippyl
Prosecutor: GENTRY, ERIC R
Defendant Present
Audio
Tape Number: FTR C Tape Count: 2:04-2:07
INITIAL APPEARANCE
Advised of charges and penalties.
The defendant is advised of right to counsel.
APPOINTMENT OF COUNSEL

	Court finds the defendant indigent and appoints ARIC M CRAMER to represent the defendant. Appointed Counsel: Name: ARIC M CRAMER Address: 90 E 100 S STE 201 City: ST GEORGE UT 84770 Phone: (435)627-1565 ROLL CALL 1 is scheduled. Date: 02/02/2009 Time: 02:30 p.m. Location: Courtroom TBD Fifth District Court 220 North 200 East St. George, UT 84770 Before Judge: G RAND BEACHAM	
01-13-2009	Cancelled: ROLL CALL 1 scheduled on February 02, 2009 at 02:30 PM with Judge G RAND BEACHAM	tippyl
01-14-2009	Filed: Undertaking of Bail	karenbm
01-16-2009	Filed: Appearance of Counsel Request for Discovery	diannem
01-16-2009	Filed: State's Response to Defendant's Request for Hearing	diannem
01-27-2009	Bond Account created Total Due: 30,000.00	karenbm
01-27-2009	Bond Posted Non-Monetary Bond: 30,000.00	karenbm
02-02-2009	Minute Entry - ROLL CALL continued Judge: G RAND BEACHAM PRESENT Clerk: karenbm Prosecutor: ERICKSON, M RICK Defendant not present Defendant's Attorney(s): ARIEL K TAYLOR Audio Tape Number: FTR C Tape Count: 3:07/3:07 CONTINUANCE Whose Motion: The Stipulation of counsel. Roll call 1 heard. Set for attorney status. The motion is granted. STATUS OF COUNSEL is scheduled. Date: 02/11/2009 Time: 09:00 a.m. Location: Courtroom TBD Fifth District Court 220 North 200 East St. George, UT 84770 Before Judge: JAMES L SHUMATE	karenbm
02-03-2009	Cancelled: ROLL CALL 1 scheduled on February 02, 2009 at 02:30 PM with Judge G RAND BEACHAM	tippyl
02-03-2009	STATUS OF COUNSEL scheduled on February 11, 2009 at 09:00 AM with Judge JAMES L SHUMATE	karenbm
02-03-2009	Note: CONTINUANCE minutes modified.	karenbm
02-11-2009	Filed: Notice of Withdrawal	karenbm
02-11-2009	Minute Entry - Minutes for STATUS OF COUNSEL Judge: JAMES L SHUMATE PRESENT	michellh

Clerk: michellh
Prosecutor: FILTER, BRIAN G
Defendant not present
Defendant's Attorney(s): ARIEL K TAYLOR
Video
Tape Number: FTR-D Tape Count: 9:07/9:08

HEARING

Mr. Cramer has withdrawn due to the defendant's increase in income. Defendant to hire own attorney. Mr. Taylor will send notice.

02-13-2009	Filed: Notice of Withdrawal of Counsel	tippyl
02-17-2009	Cancelled: REVIEW HEARING scheduled on February 25, 2009 at 09:00 AM with Judge JAMES L SHUMATE	diannem
02-17-2009	Filed: Request for Hearing	diannem
02-17-2009	Rescheduled: REVIEW HEARING rescheduled to February 25, 2009 at 09:01 AM with Judge JAMES L SHUMATE	
02-25-2009	ROLL CALL 2 scheduled on March 23, 2009 at 02:30 PM with Judge ERIC A LUDLOW	diannem
02-25-2009	Minute Entry - Minutes for STATUS OF COUNSEL	diannem

Judge: JAMES L SHUMATE

PRESENT

Clerk: diannem
Prosecutor: SHAUM, RYAN J
Defendant Present
Video
Tape Number: FTR-D Tape Count: 10:28/10:31

HEARING

Court does find the defendant indigent and appoints Aric Cramer as counsel and also in defendants other case 091500075.
Court orders roll call 2 set for 03/23/2009 at 2:30 p.m.

ROLL CALL 2 is scheduled.

Date: 03/23/2009
Time: 02:30 p.m.
Location: Courtroom TBD
Fifth District Court
220 North 200 East
St. George, UT 84770
Before Judge: ERIC A LUDLOW

02-25-2009	Filed order: Affidavit of Indigency and Order	diannem

Judge JAMES L SHUMATE
Signed February 25, 2009

03-23-2009	Minute Entry - Minutes for INCOURT NOTE	dennisgd

Judge: JAMES L SHUMATE

PRESENT

Clerk: dennisgd
Prosecutor: MICHAEL V LASTOWSKI
Defendant not present
Defendant's Attorney(s): ARIEL K TAYLOR
Audio
Tape Number: FTR D Tape Count: 2.49/2.49

Defendant is not in custody. Roll Call 3 set for 4.13.2009 at 2.30 pm with EAL.

ROLL CALL is scheduled.

	Date: 04/13/2009 Time: 02:30 p.m. Location: Courtroom TBD Fifth District Court 220 North 200 East St. George, UT 84770 Before Judge: ERIC A LUDLOW	
03-24-2009	ROLL CALL scheduled on April 13, 2009 at 02:30 PM with Judge ERIC A LUDLOW	dennisgd
04-13-2009	Minute Entry - Minutes for ROLL CALL Judge: ERIC A LUDLOW PRESENT Clerk: dennisgd Prosecutor: WEEKS, JAMES R Defendant not present Defendant's Attorney(s): ARIEL K TAYLOR Audio Tape Number: FTR C Tape Count: 2.41/2.41 HEARING Roll Call 3 heard. Counsel requests Preliminary Hearing set for 5.11.2009. PRELIMINARY HEARING is scheduled. Date: 5/11/2009 Time: 09:00 a.m. Location: Courtroom TBD Fifth District Court 220 North 200 East St. George, UT 84770 Before Judge: JAMES L SHUMATE	dennisgd
04-14-2009	Cancelled: PRELIM INJUNCTION scheduled on May 11, 2009 at 09:00 AM with Judge JAMES L SHUMATE	dennisgd
04-15-2009	Modified: PRELIM INJUNCTION scheduled on May 11, 2009 at 09:00 AM with Judge JAMES L SHUMATE	dennisgd
04-15-2009	PRELIMINARY HEARING scheduled on May 11, 2009 at 09:00 AM with Judge JAMES L SHUMATE	dennisgd
04-15-2009	Note: ROLL CALL minutes modified.	dennisgd
04-20-2009	Filed: Supplemental Response to Defendant's Discovery Request	michellh
05-11-2009	Minute Entry - Minutes for Preliminary Hearing Judge: JAMES L SHUMATE PRESENT Clerk: diannem Prosecutor: WEEKS, JAMES R Defendant not present Tape Number: FTR-C Tape Count: 9:16/9:17 HEARING There being no appearance by defendant Court orders forfeiture notice to be given and bench warrant to issue in the amount of $20,000.00 cash only. BOND FORFEITURE NOTICE is scheduled. Date: 12/15/2009 Time: 01:36 p.m. Location: Araignment Courtroom Fifth District Court 220 North 200 East	diannem

	St. George, UT	
05-11-2009	Cancelled: BOND FORFEITURE NOTICE scheduled on December 15, 2009 at 01:36 PM with	diannem
05-11-2009	Filed: Motion to Recall Warrant	diannem
05-11-2009	Filed: Stipulation to Recall Warrant	diannem
05-12-2009	Bail/Bond Forfeited Notice - Bail/Bond Forfeiture Notice	
05-12-2009	NOTICE for Case 091500069 ID 12126032	diannem
	Commissioner:	
	BOND FORFEITURE NOTICE is scheduled.	
	Date: 12/15/2009	
	Time: 01:36 p.m.	
	Location: Araignment Courtroom	
	Fifth District Court	
	220 North 200 East	
	St. George, UT	
05-12-2009	Filed order: Notice of Defendant's Failure to Appear and Order to Commence Bond Forfeiture Proceedings	diannem
	Judge JAMES L SHUMATE	
	Signed May 12, 2009	
05-12-2009	Filed order: Order to Recall Warrant	diannem
	Judge JAMES L SHUMATE	
	Signed May 12, 2009	
05-12-2009	NOTICE for Case 091500069 ID 12128432	diannem
	Judge: JAMES L SHUMATE	
	PRELIMINARY HEARING is scheduled.	
	Date: 06/05/2009	
	Time: 09:00 a.m.	
	Location: Courtroom TBD	
	Fifth District Court	
	220 North 200 East	
	St. George, UT 84770	
	Before Judge: JAMES L SHUMATE	
05-12-2009	Cancelled: BOND FORFEITURE NOTICE scheduled on December 15, 2009 at 01:36 PM with	diannem
	Reason: Stipulation of counsel	
05-12-2009	Cancelled: PRELIMINARY HEARING scheduled on June 05, 2009 at 09:00 AM with Judge JAMES L SHUMATE	diannem
05-12-2009	Ruling Entry - ORDER VACATING FORFEITURE PROCEEDINGS	diannem
	Judge: JAMES L SHUMATE	
	Court orders that the forfeiture proceedings previously ordered on 05/12/2009 be vacated and bond to be reinstated.	
	Date: _____	
	_____	
	Judge JAMES L SHUMATE	
05-12-2009	Filed order: Order Vacating Forfeiture Proceedings	diannem
	Judge JAMES L SHUMATE	
	Signed May 12, 2009	
05-15-2009	Filed: Stipulated Motion to continue Preliminary Hearing	diannem
05-18-2009	Filed order: Order to Continue Preliminary Hearing	diannem
	Judge JAMES L SHUMATE	
	Signed May 18, 2009	
05-18-2009	Rescheduled: PRELIMINARY HEARING rescheduled to June 22, 2009 at 09:00 AM with Judge JAMES L SHUMATE	diannem
	Reason: Stipulation of counsel	

05-18-2009	NOTICE for Case 091500069 ID 12139040 Judge: JAMES L SHUMATE PRELIMINARY HEARING. Date: 06/22/2009 Time: 09:00 a.m. Location: Courtroom TBD Fifth District Court 220 North 200 East St. George, UT 84770 Before Judge: JAMES L SHUMATE The reason for the change is Stipulation of counsel	diannem
06-16-2009	Filed order: Stipulated Motion for Continuance and Order Judge JAMES L SHUMATE Signed June 15, 2009	diannem
06-16-2009	PRELIMINARY HEARING scheduled on July 13, 2009 at 09:00 AM with Judge JAMES L SHUMATE	diannem
06-16-2009	NOTICE for Case 091500069 ID 12205262 Judge: JAMES L SHUMATE PRELIMINARY HEARING. Date: 07/13/2009 Time: 09:00 a.m. Location: Courtroom TBD Fifth District Court 220 North 200 East St. George, UT 84770 Before Judge: JAMES L SHUMATE The reason for the change is Stipulation of counsel	diannem
07-13-2009	Minute Entry - Minutes for PRELIM WAIVER/BINDOVER ORDER Judge: JAMES L SHUMATE PRESENT Clerk: michellh Prosecutor: WEEKS, JAMES R Defendant Present Defendant's Attorney(s): TRAVIS R CHRISTIANSEN Video Tape Number: FTR-D Tape Count: 9:07/9:08 HEARING Defendant waives his preliminary hearing. Defendant to make application to drug court. Drug Court Staffing to be set for 8/5/09. DRUG COURT STAFFING is scheduled. Date: 08/05/2009 Time: 02:30 p.m. Location: Courtroom TBD Fifth District Court 220 North 200 East St. George, UT 84770 Before Judge: JAMES L SHUMATE	michellh
07-16-2009	Cancelled: DRUG COURT STAFFING scheduled on August 05, 2009 at 02:30 PM with Judge JAMES L SHUMATE	michellh
07-16-2009	Rescheduled: DRUG COURT STAFFING rescheduled to August 05, 2009 at 03:59 PM with Judge JAMES L SHUMATE	
08-05-2009	Minute Entry - Minutes for DRUG COURT STAFFING	diannem

	Judge: JAMES L SHUMATE	
	PRESENT	
	Clerk: diannem	
	Prosecutor: JAEGER, JERRY D	
	Defendant Present	
	Video	
	Tape Number: FTR-D Tape Count: 4:05/4:05	
	HEARING	
	Defendant needs to complete his evaluation	
	Court orders this matter set for 08/19/2009 at 3:59 p.m.	
	DRUG COURT STAFFING.	
	Date: 08/19/2009	
	Time: 03:59 p.m.	
	Location: Courtroom TBD	
	Fifth District Court	
	220 North 200 East	
	St. George, UT 84770	
	Before Judge: JAMES L SHUMATE	
08-06-2009	DRUG COURT STAFFING scheduled on August 19, 2009 at 03:59 PM with Judge JAMES L SHUMATE	diannem
08-19-2009	Minute Entry - Minutes for DRUG COURT STAFFING	michellh
	Judge: JAMES L SHUMATE	
	PRESENT	
	Clerk: michellh	
	Prosecutor: JAEGER, JERRY D	
	Defendant Present	
	Video	
	Tape Number: FTR-D Tape Count: 4:07/4:08	
	HEARING	
	Drug court application is approved. Evaluation needed.	
	DRUG COURT STAFFING.	
	Date: 09/09/2009	
	Time: 03:59 p.m.	
	Location: Courtroom TBD	
	Fifth District Court	
	220 North 200 East	
	St. George, UT 84770	
	Before Judge: JAMES L SHUMATE	
08-20-2009	DRUG COURT STAFFING scheduled on September 09, 2009 at 03:59 PM with Judge JAMES L SHUMATE	michellh
08-20-2009	Note: DRUG COURT STAFFING minutes modified.	michellh
09-09-2009	Minute Entry - Minutes for DRUG COURT STAFFING	michellh
	Judge: JAMES L SHUMATE	
	PRESENT	
	Clerk: michellh	
	Prosecutor: JAEGER, JERRY D	
	Defendant not present	
	Video	
	Tape Number: FTR-D Tape Count: 4:20/4:20	
	HEARING	
	Evaluation is scheduled for 9/23/09.	
	DRUG COURT STAFFING.	

	Date: 10/07/2009 Time: 03:59 p.m. Location: Courtroom TBD Fifth District Court 220 North 200 East St. George, UT 84770 Before Judge: JAMES L SHUMATE	
09-10-2009	Cancelled: DRUG COURT STAFFING scheduled on October 07, 2009 at 03:59 PM with Judge JAMES L SHUMATE	michellh
09-10-2009	DRUG COURT STAFFING scheduled on October 07, 2009 at 03:59 PM with Judge JAMES L SHUMATE	michellh
09-25-2009	Rescheduled: DRUG COURT STAFFING rescheduled to September 30, 2009 at 03:59 PM with Judge JAMES L SHUMATE	
09-30-2009	Minute Entry - Minutes for DRUG COURT STAFFING Judge: JAMES L SHUMATE PRESENT Clerk: michellh Prosecutor: JAEGER, JERRY D Defendant Present Tape Number: FTR-D Tape Count: 4:02/4:02 HEARING Counsel for the defendant is not present. Defendant to return next week to sign paperwork. DRUG COURT STAFFING. Date: 10/07/2009 Time: 03:59 p.m. Location: Courtroom TBD Fifth District Court 220 North 200 East St. George, UT 84770 Before Judge: JAMES L SHUMATE	michellh
10-01-2009	Note: DRUG COURT STAFFING minutes modified.	michellh
10-02-2009	**** PROTECTED **** Filed: Substance Abuse Evaluation dtd 9/23/09 Southwest Behavioral Health Center	michellh
10-07-2009	Charge 1 Disposition is Guilty	michellh
10-07-2009	Charge 2 Disposition is Guilty	michellh
10-07-2009	Charge 3 Disposition is Guilty	michellh
10-07-2009	Minute Entry - Minutes for Arraignment Judge: JAMES L SHUMATE PRESENT Clerk: michellh Prosecutor: JAEGER, JERRY D Defendant Present Defendant's Attorney(s): ADAMSON, BRYAN T Video Tape Number: FTR-D Tape Count: 4:14/4:19 ARRAIGNMENT A copy of the Information is given to the defendant. Defendant waives reading of Information. Advised of rights and penalties. Defendant is arraigned. The defendant is advised that this offense may be used as an enhancement to the penalties for a subsequent offense.	michellh

Amended information filed. Factual basis found in the Statement of Defendant. Guilty pleas accepted and entered. 2 level 402 motion taken under advisement. Defendant to schedule intake at Southwest.

SENTENCE PRISON

Based on the defendant's conviction of BURGLARY a 2nd Degree Felony, the defendant is sentenced to an indeterminate term of not less than one year nor more than fifteen years in the Utah State Prison.

The prison term is suspended.

Based on the defendant's conviction of THEFT a 3rd Degree Felony, the defendant is sentenced to an indeterminate term of not to exceed five years in the Utah State Prison.

The prison term is suspended.

Based on the defendant's conviction of CRIMINAL MISCHIEF a 3rd Degree Felony, the defendant is sentenced to an indeterminate term of not to exceed five years in the Utah State Prison.

The prison term is suspended.

SENTENCE PRISON CONCURRENT/CONSECUTIVE NOTE

Prison terms to be served concurrently.

SENTENCE FINE

Charge # 1 Fine: $18538.00
Suspended: $18538.00
Due: $0.00
Charge # 2 Fine: $9283.00
Suspended: $9283.00
Due: $0.00
Charge # 3 Fine: $9283.00
Suspended: $9283.00
Due: $0.00
Total Fine: $37104.00
Total Suspended: $37104.00
Total Surcharge: $0
Total Principal Due: $0
Plus Interest

ORDER OF PROBATION

The defendant is placed on probation for 36 month(s).
Probation is to be supervised by Fifth District Court.
The imposition of sentence is stayed and the defendant is placed on probation.

PROBATION CONDITIONS

Commit no law violations during the term of probation.
Successfully complete Washington County Drug Court.

10-08-2009	Filed: Amended Information	michellh
10-08-2009	Bond Exonerated -30,000.00	michellh
10-08-2009	Filed order: Statement of Defendant in Support of Guilty Plea and Certificate of Counsel Judge JAMES L SHUMATE Signed October 07, 2009	michellh
10-08-2009	Filed: Drug Court Agreement	michellh
10-08-2009	Note: ARRAIGNMENT minutes modified.	michellh
10-20-2009	Filed: Motion for Restitution Judgment Filed by: JAMES R WEEKS	michellh
11-02-2009	Filed: Motion to Submit for Decision Regarding Restitution Judgment	michellh

	Filed by: JAMES R WEEKS	
11-03-2009	Judgment Entered - Amount $9647.01	sharlena
11-03-2009	Filed order: Judgment, Restitution Judgment and Sentence Judge JAMES L SHUMATE Signed November 03, 2009	michellh
11-03-2009	**** PRIVATE **** Filed: Restitution Judgment Information Statement	michellh
11-03-2009	Judgment Entered - Amount $3818.37	michellh
11-03-2009	Filed judgment: Criminal Sentence Judge JAMES L SHUMATE Signed November 03, 2009	michellh
11-03-2009	Trust Account created Total Due: 3,800.00	michellh
11-03-2009	Trust Account created Total Due: 18.37	michellh
03-18-2010	Filed: Motion for Amended Restitution Judgment Filed by: JAMES R WEEKS	michellh
04-07-2010	Filed: Motion to Submit for Decision Regarding Amended Judgment Filed by: JAMES R WEEKS	michellh
04-13-2010	**** PRIVATE **** Filed: Amended Restitution Judgment Information Statement	michellh
04-13-2010	Filed order: Amended Resitution Judgment Judge JAMES L SHUMATE Signed April 13, 2010	michellh
04-13-2010	Judgment # 1 Modified $ 7574.31	michellh
04-13-2010	Trust Account created Total Due: 5,648.82	michellh
04-13-2010	Trust Account created Total Due: 76.26	michellh
04-13-2010	Trust Account created Total Due: 0.38	michellh
04-13-2010	Trust Account created Total Due: 113.36	michellh
04-13-2010	Note: Added to payment schedule 1060043408	michellh
04-13-2010	Note: Added to payment schedule 1060043408	michellh
04-13-2010	Note: Added to payment schedule 1060043408	michellh
04-13-2010	Note: Added to payment schedule 1060043408	michellh
04-13-2010	Note: Added to payment schedule 1060043408	michellh
04-13-2010	Note: Added to payment schedule 1060043408	michellh
04-30-2010	Interest on Rstitutn Payment Received: 20.07	shannoxc
04-30-2010	Interest on Rstitutn Payment Received: 0.10	shannoxc
04-30-2010	Interest on Rstitutn Payment Received: 29.83	shannoxc
05-24-2010	Interest on Rstitutn Check # 16546 Trust Payout: 20.07	janaj
05-24-2010	Interest on Rstitutn Check # 16555 Trust Payout: 29.83	janaj
05-26-2010	Interest on Rstitutn Payment Received: 16.06	shannoxc
05-26-2010	Interest on Rstitutn Payment Received: 0.08	shannoxc
05-26-2010	Interest on Rstitutn Payment Received: 23.86	shannoxc
06-15-2010	Interest on Rstitutn Check # 16654 Trust Payout: 16.06	janaj
06-15-2010	Interest on Rstitutn Check # 16657 Trust Payout: 23.86	janaj
08-02-2010	Interest on Rstitutn Payment Received: 10.03	dennisgd
08-02-2010	Interest on Rstitutn Payment Received: 0.05	dennisgd
08-02-2010	Interest on Rstitutn Payment Received: 14.92	dennisgd
08-03-2010	Interest on Rstitutn Check # 16794 Trust Payout: 0.23	janaj
08-03-2010	Interest on Rstitutn Check # 16795 Trust Payout: 10.03	janaj
08-03-2010	Interest on Rstitutn Check # 16804 Trust Payout: 14.92	janaj
08-17-2010	Interest on Rstitutn Payment Received: 10.03	claudiak
08-17-2010	Interest on Rstitutn Payment Received: 0.05	claudiak
08-17-2010	Interest on Rstitutn Payment Received: 14.92	claudiak

09-07-2010	Interest on Rstitutn Check # 16960 Trust Payout: 10.03	janaj
09-07-2010	Interest on Rstitutn Check # 16963 Trust Payout: 14.92	janaj
11-01-2010	Filed: Letter: from Phillip R. Sauer stating rest. for Allstate should be sent to him and new address. Called All State, they verified this information.	sharlena
11-01-2010	Judgment # 1 Modified $ 7574.31	sharlena
11-03-2010	Note: Debt Collection Letter 2 sent.	sharlena
11-03-2010	Tracking started -- Collection Letter on 12/02/2010	
11-15-2010	Note: Letter returned, no address	sharlena
11-15-2010	Tracking ended -- Collection Letter	
11-15-2010	Tracking started for {Collections}. Review date November 20, 2010	sharlena
11-29-2010	Note: Phillip Sauer is the Attorney for [redacted]. Creditor to be changed to this law officer per letter & call to All State.	sharlena
11-29-2010	Note: Judge Shumate, Defendant is in drug ct. on case 091500075. He has only paid $140 towards rest. in this case. I sent a letter, it was returned with no forwarding address. Rest. is $7,574.31 in this case. CAN I SEND THIS CASE TO OSDC?	sharlena
12-01-2010	Tracking {Collections}. Changed to Review date January 20, 2011	sharlena
12-06-2010	DRUG COURT scheduled on December 15, 2010 at 03:59 PM in Courtroom 3D with Judge JAMES L SHUMATE	michellh
12-28-2010	DRUG COURT scheduled on January 12, 2011 at 04:00 PM in Courtroom 3D with Judge JAMES L SHUMATE	michellh
01-10-2011	Interest on Rstitutn Payment Received: 20.07	dennisgd
01-10-2011	Interest on Rstitutn Payment Received: 0.10	dennisgd
01-10-2011	Interest on Rstitutn Payment Received: 29.83	dennisgd
	Note: 100.00 cash tendered. 50.00 change given.	
01-10-2011	Tracking {Collections}. Changed to Review date April 10, 2011	sharlena
01-18-2011	DRUG COURT scheduled on January 19, 2011 at 04:00 PM in Courtroom 3D with Judge JAMES L SHUMATE	michellh
01-22-2011	Cancelled: DRUG COURT scheduled on January 26, 2011 at 04:00 PM in Courtroom 3D with Judge JAMES L SHUMATE	michellh
01-22-2011	Cancelled: DRUG COURT scheduled on January 26, 2011 at 04:00 PM in Courtroom 3D with Judge JAMES L SHUMATE	michellh
	Reason: Hearing no longer required.	
02-01-2011	Interest on Rstitutn Check # 17479 Trust Payout: 20.07	janaj
02-01-2011	Interest on Rstitutn Check # 17499 Trust Payout: 29.83	janaj
04-14-2011	Note: Debt Collection Letter 2 sent.	sharlena
04-14-2011	Tracking {Collections}. Changed to Review date July 10, 2011	sharlena
04-20-2011	Minute Entry - Minutes for 402 REDUCTION ORDER	michellh
	Judge: KARLA STAHELI	
	PRESENT	
	Clerk: michellh	
	Prosecutor: JAEGER, JERRY D	
	Defendant Present	
	Video	
	Tape Number: 3D Tape Count: 4:56/4:56	
	HEARING	
	Upon motion by the state, the court orders the charges be reduced by 402 to Class A misdemeanors and probation terminated successfully.	
	The motion to enter judgment pursuant to 76-3-402, U.C.A. for the charge of CRIMINAL MISCHIEF, is granted.	
	Charge severity decreased from 3rd Degree Felony to Class A Misdemeanor.	
	The defendant's probation is terminated successfully.	

04-20-2011	Charge 1 amended to Class A Misdemeanor	michellh
04-20-2011	Charge 2 amended to Class A Misdemeanor	michellh
04-20-2011	Charge 3 amended to Class A Misdemeanor	michellh
04-25-2011	Tracking ended for {Collections}	michellh
04-25-2011	Note: 402 REDUCTION ORDER minutes modified.	michellh
04-27-2011	Filed order: 402 Reduction Order Judge JAMES L SHUMATE Signed April 25, 2011	michellh
05-24-2011	Note: Case sent to State Debt Collection	sharlena
08-23-2011	Filed: Notice of Withdrawal of Counsel	jamieap
10-31-2011	Interest on Rstitutn Payment Reversal: -0.23 Note: GOING TO UNCLAIMED PROPERTY	janaj
10-31-2011	Trust Account created Total Due: 0.23	janaj
10-31-2011	Interest on Rstitutn Transfer Out: 0.23	janaj
10-31-2011	Unclaimed Property Transfer In: 0.23 Note: Unclaimed Property Transfer	janaj
11-01-2011	Unclaimed Property Check # 18403 Trust Payout: 0.23	janaj
07-12-2012	Trust Account created Total Due: 0.00	janaj
07-17-2012	Interest on Rstitutn Check # 19334 Trust Payout: 0.15	janaj
07-28-2014	Judge G MICHAEL WESTFALL assigned.	carolybb
08-19-2014	Filed: Email from OSDC concerning bankruptcy.	sharlena
08-10-2015	Filed: Unclaimed Letter Returned with Update Address	triciab
08-10-2015	Note: Unclaimed letter returned and remailed to updated address.	triciab
10-28-2015	Interest on Rstitutn Payment Reversal: -0.15 Note: Unclaimed Property	triciab
10-28-2015	Trust Account created Total Due: 0.15	triciab
10-28-2015	Interest on Rstitutn Transfer Out: 0.15	triciab
10-28-2015	Unclaimed Property Transfer In: 0.15 Note: Unclaimed Property Transfer	triciab
10-29-2015	Unclaimed Property Check # 24749 Trust Payout: 0.15	triciab
11-21-2017	Judge MATTHEW L BELL assigned.	dpx
11-22-2017	Judge G MICHAEL WESTFALL assigned.	carolybb
08-22-2023	Fee Account created Total Due: 15.00	lydiaz
08-22-2023	Fee Account created Total Due: 8.00	lydiaz
08-22-2023	CERTIFIED COPIES Payment Received: 15.00	lydiaz
08-22-2023	CERTIFICATION Payment Received: 8.00	lydiaz
09-01-2023	Judge ERIC GENTRY assigned.	cades

FIFTH DISTRICT COURT-ST GEORGE
WASHINGTON COUNTY, STATE OF UTAH

FILED
IN THE DISTRICT COURT
2011 APR 27 AM 9:35
WASHINGTON COUNTY

STATE OF UTAH, Plaintiff,	:	MINUTES 402 REDUCTION ORDER
vs.	:	Case No: 091500069 FS
GEORGE HEAD, Defendant.	:	Judge: BY KARLA STAHELI Date: April 20, 2011

PRESENT
Clerk: michellh
Prosecutor: JAEGER, JERRY D
Defendant

DEFENDANT INFORMATION
Date of birth: [redacted]
Video
Tape Number: 3D Tape Count: 4:56/4:56

CHARGES
1. BURGLARY (402 amended) - Class A Misdemeanor
   Plea: Guilty - Disposition: 10/07/2009 Guilty
2. THEFT (402 amended) - Class A Misdemeanor
   Plea: Guilty - Disposition: 10/07/2009 Guilty
3. CRIMINAL MISCHIEF (402 amended) - Class A Misdemeanor
   Plea: Guilty - Disposition: 10/07/2009 Guilty

HEARING

Upon motion by the state, the court orders the charges be reduced by 402 to Class A misdemeanors and probation terminated successfully.

The defendant's probation is terminated successfully.

Date: 4/25/11

Karla Staheli
KARLA STAHELI
District Court Judge

EXHIBIT H

FIFTH DISTRICT COURT-ST GEORGE
WASHINGTON COUNTY, STATE OF UTAH

STATE OF UTAH vs. GEORGE JEFFERY HEAD

CASE NUMBER 091500075 State Felony

Defendants GEORGE JEFFERY HEAD, [redacted] are linked.

CHARGES

Charge 1 - 76-6-202 - BURGLARY - 3rd Degree Felony (402 amended to) - Class A Misdemeanor
Offense Date: January 11, 2008
Plea: October 07, 2009 Guilty
Disposition: October 07, 2009 Guilty

CURRENT ASSIGNED JUDGE

ERIC GENTRY

PARTIES

Plaintiff - STATE OF UTAH
Represented by: JAMES WEEKS

Defendant - GEORGE JEFFERY HEAD
[redacted]
Represented by: BRYAN T ADAMSON

Bondsman - HY & MIKES BAIL BONDING
ATTN: STEVE BAUCUM
7659 S STATE ST
MIDVALE, UT 84047
mikebaucum57@gmail.com

Creditor - DAVID BERUMEN
1487 WEST 1270 NORTH
ST GEORGE, UT 84770

Payee - DAVID BERUMEN
1487 WEST 1270 NORTH
ST GEORGE, UT 84770

Payee - BRYAN ANDRUS
CO-DEFENDANT

Payor - GEORGE HEAD
[redacted]

DEFENDANT INFORMATION

Defendant Name: GEORGE JEFFERY HEAD
Offense Tracking Number: 31535172

EXHIBIT I

Date of Birth: [redacted]
Drivers License Number:
Social Security Number: Country: UNITED STATES
Law Enforcement Agency: ST GEORGE POLICE
Prosecuting Agency: WASHINGTON COUNTY
Violation Date: 01-11-2008

ACCOUNT SUMMARY

Paper Bond Totals Posted:	15,000.00
Forfeited:	0.00
Exonerated:	15,000.00
Balance:	0.00

Trust Totals:

Trust Due:	1,401.03
Amount Paid:	1,401.03
Amount Credit:	0.00
Trust Balance Due:	0.00

Time Pay:	25.00 monthly on the 30th.
Most Recent Payment:	November 16, 2011
Final Payment:	July 30, 2021

NONMONETARY BOND DETAIL - TYPE: Surety

Posted By:	HY & MIKES BAIL BONDING (#31759)
Posted:	15,000.00
Forfeited:	0.00
Exonerated:	15,000.00
Balance:	0.00

TRUST DETAIL

Trust Description:	Restitution
Recipient:	DAVID BERUMEN
Amount Due:	1,401.03
Paid In:	1,401.03
Paid Out:	1,401.03

Account Adjustments Sum To Date	Amount	Reason
2011-11-16	-2,127.97	Adjusted to zero and set to State Debt Collection

CASE NOTE

PROCEEDINGS

01-12-2009	ARRAIGNMENT scheduled on January 12, 2009 at 01:30 PM with	tippyl
01-12-2009	Filed: Information	tippyl
01-12-2009	Filed: Warrantless Arrest Probable Cause Statement	tippyl
01-12-2009	Minute Entry - Minutes for Initial Appearance	karenbm

Judge: G RAND BEACHAM
PRESENT
Clerk: karenbm
Prosecutor: GENTRY, ERIC R

	Defendant Present	
	Audio	
	Tape Number: FTR D Tape Count: 1:43/1:46	
	INITIAL APPEARANCE	
	A copy of the Information is given to the defendant.	
	Defendant waives reading of Information.	
	Advised of charges and penalties.	
	The defendant is advised of right to counsel.	
	Matter set for review on 1-13-09 at 1:30 p.m. Bail is set at $15000.00 cash or bond.	
	REVIEW HEARING is scheduled.	
	Date: 01/13/2009	
	Time: 01:31 p.m.	
	Location: Araignment Courtroom	
	Fifth District Court	
	220 North 200 East	
	St. George, UT	
01-12-2009	REVIEW HEARING scheduled on January 13, 2009 at 01:31 PM with	karenbm
01-12-2009	Case filed by tippyl	tippyl
01-12-2009	Filed: From an Information	tippyl
01-13-2009	Minute Entry - Minutes for Appointment of Counsel	tippyl
	Judge: G RAND BEACHAM	
	PRESENT	
	Clerk: tippyl	
	Prosecutor: GENTRY, ERIC R	
	Defendant Present	
	Video	
	Tape Number: FTR C Tape Count: 2:04-2:07	
	APPOINTMENT OF COUNSEL	
	Court finds the defendant indigent and appoints ARIC M CRAMER to represent the defendant.	
	Appointed Counsel:	
	Name: ARIC M CRAMER	
	Address: 90 E 100 S STE 201	
	City: ST GEORGE UT 84770	
	Phone: (435)627-1565	
	Affidavit of indigency is to be submitted by the defendant	
	Instructions to the defendant:	
	1. You are to immediately contact and consult with appointed counsel.	
	2. You are to cooperate with the appointed counsel in the defense of this case.	
	3. You are to keep appointed counsel advised at all times of an address and a telephone number where you can be reached.	
	4. Attorney's fees for services of counsel may be assessed at the time of sentence.	
	The matter is set for Roll Call 1.	
	ROLL CALL 1 is scheduled.	
	Date: 02/02/2009	
	Time: 02:30 p.m.	
	Location: Courtroom TBD	
	Fifth District Court	
	220 North 200 East	

	St. George, UT 84770 Before Judge: G RAND BEACHAM	
01-20-2009	Judge JAMES L SHUMATE assigned.	lailm
01-20-2009	Filed: Appearance of Counsel Request for Discovery	diannem
01-23-2009	Filed: State's Response to Defendant's Request for Discovery	diannem
01-26-2009	Cancelled: ROLL CALL 1 scheduled on February 02, 2009 at 02:30 PM with Judge G RAND BEACHAM	tippyl
01-27-2009	Bond Account created Total Due: 15,000.00	karenbm
01-27-2009	Bond Posted Non-Monetary Bond: 15,000.00	karenbm
02-02-2009	Minute Entry - ROLL CALL continued Judge: G RAND BEACHAM PRESENT Clerk: karenbm Prosecutor: ERICKSON, M RICK Defendant not present Defendant's Attorney(s): ARIEL K TAYLOR Audio Tape Number: FTR C Tape Count: 3:05/3:07 CONTINUANCE Whose Motion: The Stipulation of counsel. Roll call 1 heard. Status of counsel set. The motion is granted. STATUS OF COUNSEL is scheduled. Date: 02/11/2009 Time: 09:00 a.m. Location: Courtroom TBD Fifth District Court 220 North 200 East St. George, UT 84770 Before Judge: JAMES L SHUMATE	karenbm
02-03-2009	Cancelled: ROLL CALL 1 scheduled on February 02, 2009 at 02:30 PM with Judge G RAND BEACHAM	tippyl
02-03-2009	STATUS OF COUNSEL scheduled on February 11, 2009 at 09:00 AM with Judge JAMES L SHUMATE	karenbm
02-11-2009	Filed: Notice of Withdrawal	karenbm
02-11-2009	Minute Entry - Minutes for STATUS OF COUNSEL Judge: JAMES L SHUMATE PRESENT Clerk: michellh Prosecutor: FILTER, BRIAN G Defendant not present Defendant's Attorney(s): ARIEL K TAYLOR Video Tape Number: FTR-D Tape Count: 9:07/9:08 HEARING Mr. Cramer has withdrawn due to the defendant's increase in income. Defendant to hire own attorney. Mr. Taylor will send notice.	michellh
02-25-2009	Minute Entry - Minutes for Appointment of Counsel Judge: JAMES L SHUMATE PRESENT Clerk: diannem	diannem

Prosecutor: SHAUM, RYAN J
Defendant Present
Video
Tape Number: FTR-D Tape Count: 10:28/10:31

HEARING

Court finds defendant indigent and appoints Aric Cramer as counsel.

Court further orders that this matter is set for roll call 2 on 03/23/2009 at 2:30 p.m.

APPOINTMENT OF COUNSEL

Court finds the defendant indigent and appoints ARIC M CRAMER to represent the defendant.

Appointed Counsel:
Name: ARIC M CRAMER
Address: 90 E 100 S STE 201
City: ST GEORGE UT 84770
Phone: (435)627-1565

ROLL CALL 2 is scheduled.
Date: 03/23/2009
Time: 02:30 p.m.
Location: Courtroom TBD
Fifth District Court
220 North 200 East
St. George, UT 84770
Before Judge: ERIC A LUDLOW

02-25-2009	ROLL CALL 2 scheduled on March 23, 2009 at 02:30 PM with Judge ERIC A LUDLOW	diannem
03-23-2009	Minute Entry - Minutes for INCOURT NOTE	dennisgd

Judge: JAMES L SHUMATE

PRESENT
Clerk: dennisgd
Prosecutor: MICHAEL V LASTOWSKI
Defendant not present
Defendant's Attorney(s): ARIEL K TAYLOR
Audio
Tape Number: FTR D Tape Count: 2.49/2.49

Defendant is not in custody. Roll Call 3 set for 4.13.2009 at 2.30 pm with EAL.

ROLL CALL is scheduled.
Date: 04/13/2009
Time: 02:30 p.m.
Location: Courtroom TBD
Fifth District Court
220 North 200 East
St. George, UT 84770
Before Judge: ERIC A LUDLOW

03-24-2009	ROLL CALL scheduled on April 13, 2009 at 02:30 PM with Judge ERIC A LUDLOW	dennisgd
04-13-2009	Minute Entry - Minutes for ROLL CALL	dennisgd

Judge: ERIC A LUDLOW

PRESENT
Clerk: dennisgd
Prosecutor: WEEKS, JAMES R
Defendant not present

	Defendant's Attorney(s): ARIEL K TAYLOR	
	Audio	
	Tape Number: FTR C Tape Count: 2.41/2.41	
	HEARING	
	TAPE: FTR C COUNT: 2.41/2.41	
	Roll Call 3 heard. Counsel request Preliminary Hearing set on 5.11.2009	
	PRELIMINARY HEARING is scheduled.	
	Date: 05/11/2009	
	Time: 09:00 a.m.	
	Location: Courtroom TBD	
	Fifth District Court	
	220 North 200 East	
	St. George, UT 84770	
	Before Judge: JAMES L SHUMATE	
04-14-2009	PRELIMINARY HEARING scheduled on May 11, 2009 at 09:00 AM with Judge JAMES L SHUMATE	dennisgd
05-11-2009	Minute Entry - Minutes for Preliminary Hearing	diannem
	Judge: JAMES L SHUMATE	
	PRESENT	
	Clerk: diannem	
	Prosecutor: WEEKS, JAMES R	
	Defendant not present	
	Defendant's Attorney(s): CRAMER, ARIC M	
	Tape Number: FTR-C Tape Count: 9:15/9:17	
	HEARING	
	Mr. Cramer informs the Court that he has had no contact with the defendant and understands that defendant is hiring his own counsel.	
	There being no appearance by defendant,	
	Court orders forfeiture notice to be given and bench warrant to issue with bail set at $20,000.00 cash only.	
	Court further orders Mr. Cramer withdrawn as counsel.	
	FORFEITURE NOTICE is scheduled.	
	Date: 12/15/2009	
	Time: 01:36 p.m.	
	Location: Araignment Courtroom	
	Fifth District Court	
	220 North 200 East	
	St. George, UT	
05-11-2009	Cancelled: FORFEITURE NOTICE scheduled on December 15, 2009 at 01:36 PM with	diannem
05-12-2009	Bail/Bond Forfeited Notice - Bail/Bond Forfeiture Notice	
05-12-2009	NOTICE for Case 091500075 ID 12126040	diannem
	Commissioner:	
	FORFEITURE NOTICE is scheduled.	
	Date: 12/15/2009	
	Time: 01:36 p.m.	
	Location: Araignment Courtroom	
	Fifth District Court	
	220 North 200 East	
	St. George, UT	
05-12-2009	Filed order: Notice of Defendant's Failure to Appear and Order to Commence Bond Forfeiture Proceedings	diannem

	Judge JAMES L SHUMATE Signed May 12, 2009	
05-12-2009	Filed order: Order to Recall Warrant Judge JAMES L SHUMATE Signed May 12, 2009	diannem
05-12-2009	Cancelled: PRELIMINARY HEARING scheduled on June 05, 2009 at 09:00 AM with Judge JAMES L SHUMATE	diannem
05-12-2009	NOTICE for Case 091500075 ID 12128502 Judge: JAMES L SHUMATE PRELIMINARY HEARING is scheduled. Date: 06/05/2009 Time: 09:00 a.m. Location: Courtroom TBD Fifth District Court 220 North 200 East St. George, UT 84770 Before Judge: JAMES L SHUMATE	diannem
05-12-2009	Cancelled: FORFEITURE NOTICE scheduled on December 15, 2009 at 01:36 PM with Reason: Stipulation of counsel	diannem
05-12-2009	Ruling Entry - ORDER VACATING FORFEITURE PROCEEDINGS Judge: JAMES L SHUMATE Court orders that the forfeiture proceedings previously ordered on 05/12/2009 be vacated and bond to be reinstated. Date: _____ _____ Judge JAMES L SHUMATE	diannem
05-12-2009	Filed order: Order Vacating Forfeiture Proceedings Judge JAMES L SHUMATE Signed May 12, 2009	diannem
05-15-2009	Filed: Stipulated Motion to Continue Preliminary Hearing	diannem
05-18-2009	Filed order: Order to Continue Preliminary Hearing Judge JAMES L SHUMATE Signed May 18, 2009	diannem
05-18-2009	Rescheduled: PRELIMINARY HEARING rescheduled to June 22, 2009 at 09:00 AM with Judge JAMES L SHUMATE Reason: Stipulation of counsel	diannem
05-18-2009	NOTICE for Case 091500075 ID 12138972 Judge: JAMES L SHUMATE PRELIMINARY HEARING. Date: 06/22/2009 Time: 09:00 a.m. Location: Courtroom TBD Fifth District Court 220 North 200 East St. George, UT 84770 Before Judge: JAMES L SHUMATE The reason for the change is Stipulation of counsel	diannem
06-16-2009	Filed order: Stipulated Motion for Continuance and Order Judge JAMES L SHUMATE Signed June 15, 2009	diannem
06-16-2009	NOTICE for Case 091500075 ID 12205253 Judge: JAMES L SHUMATE	diannem

PRELIMINARY HEARING.
Date: 07/13/2009
Time: 09:00 a.m.
Location: Courtroom TBD
Fifth District Court
220 North 200 East
St. George, UT 84770
Before Judge: JAMES L SHUMATE
The reason for the change is Stipulation of counsel

06-16-2009	PRELIMINARY HEARING scheduled on July 13, 2009 at 09:00 AM with Judge JAMES L SHUMATE	diannem
07-13-2009	Minute Entry - Minutes for PRELIM WAIVER/BINDOVER ORDER	michellh

Judge: JAMES L SHUMATE
PRESENT
Clerk: michellh
Prosecutor: WEEKS, JAMES R
Defendant Present
Defendant's Attorney(s): TRAVIS R CHRISTIANSEN
Video
Tape Number: FTR-D Tape Count: 9:07/9:08
HEARING
Defendant waives his preliminary hearing and is bound over. Matter to be set for drug court staffing 8/5/09.
DRUG COURT STAFFING is scheduled.
Date: 08/05/2009
Time: 03:59 p.m.
Location: Courtroom TBD
Fifth District Court
220 North 200 East
St. George, UT 84770
Before Judge: JAMES L SHUMATE

07-16-2009	DRUG COURT STAFFING scheduled on August 05, 2009 at 03:59 PM with Judge JAMES L SHUMATE	michellh
07-16-2009	Note: PRELIM WAIVER/BINDOVER ORDER minutes modified.	michellh
08-05-2009	Minute Entry - Minutes for DRUG COURT STAFFING	diannem

Judge: JAMES L SHUMATE
PRESENT
Clerk: diannem
Prosecutor: JAEGER, JERRY D
Defendant Present
Video
Tape Number: FTR-D Tape Count: 4:05/4:05
HEARING
Evaluation has to be completed
Court orders this matter set for drug court staffing on 08/19/2009 at 3:59 p.m.
DRUG COURT STAFFING.
Date: 08/19/2009
Time: 03:59 p.m.
Location: Courtroom TBD
Fifth District Court
220 North 200 East
St. George, UT 84770

	Before Judge: JAMES L SHUMATE	
08-06-2009	DRUG COURT STAFFING scheduled on August 19, 2009 at 03:59 PM with Judge JAMES L SHUMATE	diannem
08-19-2009	Minute Entry - Minutes for DRUG COURT STAFFING Judge: JAMES L SHUMATE PRESENT Clerk: michellh Prosecutor: JAEGER, JERRY D Defendant Present Video Tape Number: FTR-D Tape Count: 4:07/4:08 HEARING Drug Court application approved. Evaluation needed. DRUG COURT STAFFING. Date: 09/09/2009 Time: 03:59 p.m. Location: Courtroom TBD Fifth District Court 220 North 200 East St. George, UT 84770 Before Judge: JAMES L SHUMATE	michellh
08-20-2009	DRUG COURT STAFFING scheduled on September 09, 2009 at 03:59 PM with Judge JAMES L SHUMATE	michellh
08-20-2009	Note: DRUG COURT STAFFING minutes modified.	michellh
09-09-2009	Minute Entry - Minutes for DRUG COURT STAFFING Judge: JAMES L SHUMATE PRESENT Clerk: michellh Prosecutor: JAEGER, JERRY D Defendant Present Video Tape Number: FTR-D Tape Count: 4:20/4:20 HEARING Evaluation is scheduled for 9/23/09. DRUG COURT STAFFING. Date: 10/07/2009 Time: 03:59 p.m. Location: Courtroom TBD Fifth District Court 220 North 200 East St. George, UT 84770 Before Judge: JAMES L SHUMATE	michellh
09-10-2009	Cancelled: DRUG COURT STAFFING scheduled on October 07, 2009 at 03:59 PM with Judge JAMES L SHUMATE	michellh
09-10-2009	DRUG COURT STAFFING scheduled on October 07, 2009 at 03:59 PM with Judge JAMES L SHUMATE	michellh
09-25-2009	Rescheduled: DRUG COURT STAFFING rescheduled to September 30, 2009 at 03:59 PM with Judge JAMES L SHUMATE	
09-30-2009	Minute Entry - Minutes for DRUG COURT STAFFING Judge: JAMES L SHUMATE PRESENT Clerk: michellh Prosecutor: JAEGER, JERRY D	michellh

	Defendant Present Tape Number: FTR-D Tape Count: 4:02/4:02 HEARING Defense counsel is not present. Defendant to return next week to sign paperwork. DRUG COURT STAFFING. Date: 10/07/2009 Time: 03:59 p.m. Location: Courtroom TBD Fifth District Court 220 North 200 East St. George, UT 84770 Before Judge: JAMES L SHUMATE	
10-01-2009	Note: DRUG COURT STAFFING minutes modified.	michellh
10-02-2009	**** PROTECTED **** Filed: Substance Abuse Evaluation dtd 9/23/09 Southwest Behavioral Health Center	michellh
10-07-2009	Minute Entry - Minutes for Arraignment Judge: JAMES L SHUMATE PRESENT Clerk: michellh Prosecutor: JAEGER, JERRY D Defendant Present Defendant's Attorney(s): ADAMSON, BRYAN T Video Tape Number: FTR-D Tape Count: 4:14/4:19 ARRAIGNMENT A copy of the Information is given to the defendant. Defendant waives reading of Information. Advised of rights and penalties. Defendant is arraigned. The defendant is advised that this offense may be used as an enhancement to the penalties for a subsequent offense. Amended information filed. Factual basis found in the Statement of Defendant. Guilty pleas accepted and entered. 2 level 402 motion taken under advisement. Defendant to schedule intake at Southwest. Drug Court Orientation 10/8/09 at 3:00 p.m. SENTENCE PRISON Based on the defendant's conviction of BURGLARY a 3rd Degree Felony, the defendant is sentenced to an indeterminate term of not to exceed five years in the Utah State Prison. The prison term is suspended. SENTENCE FINE Charge # 1 Fine: $9283.00 Suspended: $9283.00 Due: $0.00 Total Fine: $9283.00 Total Suspended: $9283.00 Total Surcharge: $0 Total Principal Due: $0 Plus Interest ORDER OF PROBATION The defendant is placed on probation for 36 month(s). Probation is to be supervised by Fifth District Court.	michellh

	PROBATION CONDITIONS Commit no law violations during the term of probation. Successfully complete Washington County Drug Court. DRUG COURT is scheduled. Date: 10/14/2009 Time: 04:00 p.m. Location: Courtroom TBD Fifth District Court 220 North 200 East St. George, UT 84770 Before Judge: JAMES L SHUMATE	
10-07-2009	Charge 1 Disposition is Guilty	michellh
10-08-2009	Bond Exonerated -15,000.00	michellh
10-08-2009	Filed: Amended Information	michellh
10-08-2009	Filed: Statement of Defendnat in Support of Guilty Plea and Certificate of Counsel	michellh
10-08-2009	Filed: Drug Court Agreement	michellh
10-08-2009	DRUG COURT scheduled on October 14, 2009 at 04:00 PM with Judge JAMES L SHUMATE	michellh
10-22-2009	DRUG COURT scheduled on October 28, 2009 at 04:00 PM with Judge JAMES L SHUMATE	michellh
10-22-2009	Filed: Motion for Restitution Judgment Filed by: JAMES R WEEKS	michellh
10-28-2009	Judgment Entered - Amount $2127.97	sharlena
10-28-2009	**** PRIVATE **** Filed: Restitution Judgment Information Statement	michellh
10-28-2009	Judgment Entered - Amount $3529.00	michellh
10-28-2009	Filed judgment: Criminal Sentence Judge JAMES L SHUMATE Signed October 23, 2009	michellh
10-28-2009	Trust Account created Total Due: 3,529.00	michellh
11-02-2009	Filed: Motion to Submit for Decision Regarding Restitution Judgment Filed by: JAMES R WEEKS	michellh
11-02-2009	DRUG COURT scheduled on November 04, 2009 at 04:00 PM with Judge JAMES L SHUMATE	michellh
11-12-2009	DRUG COURT scheduled on November 18, 2009 at 04:00 PM with Judge JAMES L SHUMATE	michellh
11-25-2009	DRUG COURT scheduled on December 02, 2009 at 04:00 PM with Judge JAMES L SHUMATE	michellh
12-02-2009	Minute Entry - Minutes for Drug Court Judge: JAMES L SHUMATE PRESENT Clerk: michellh Prosecutor: JAEGER, JERRY D Defendant Present Video Tape Number: FTR-D HEARING Defendant missed drug court. Defendant to serve 48 hours beginning Friday at 8:00 p.m. DRUG COURT. Date: 12/15/2009 Time: 04:00 p.m.	michellh

	Location: Courtroom 3D St. George Courthouse 206 West Tabernacle St. George, UT 84770 Before Judge: JAMES L SHUMATE	
12-14-2009	DRUG COURT scheduled on December 15, 2009 at 04:00 PM in Courtroom 3D with Judge JAMES L SHUMATE	michellh
12-15-2009	Minute Entry - Minutes for Drug Court Judge: JAMES L SHUMATE PRESENT Clerk: michellh Prosecutor: GENTRY, ERIC R Defendant Present Video Tape Number: FTR-3D Tape Count: 5:13/5:13 HEARING Defendant given 2 hours community service. DRUG COURT. Date: 01/06/2010 Time: 04:00 p.m. Location: Courtroom 3D St. George Courthouse 206 West Tabernacle St. George, UT 84770 Before Judge: JAMES L SHUMATE	michellh
12-22-2009	DRUG COURT scheduled on January 06, 2010 at 04:00 PM in Courtroom 3D with Judge JAMES L SHUMATE	michellh
12-22-2009	Note: DRUG COURT minutes modified.	michellh
01-06-2010	Minute Entry - Minutes for Drug Court Judge: JAMES L SHUMATE PRESENT Clerk: michellh Prosecutor: JAEGER, JERRY D Defendant Present Video Tape Number: FTR-3D Tape Count: 5:07/5:07 HEARING Defendant missed group and is given 6 hours community service. DRUG COURT. Date: 01/13/2010 Time: 04:00 p.m. Location: Courtroom 3D St. George Courthouse 206 West Tabernacle St. George, UT 84770 Before Judge: JAMES L SHUMATE	michellh
01-11-2010	DRUG COURT scheduled on January 13, 2010 at 04:00 PM in Courtroom 3D with Judge JAMES L SHUMATE	michellh
01-20-2010	DRUG COURT scheduled on January 20, 2010 at 03:57 PM in Courtroom 3D with Judge JAMES L SHUMATE	michellh
01-26-2010	DRUG COURT scheduled on February 03, 2010 at 04:00 PM in Courtroom 3D with Judge JAMES L SHUMATE	michellh

02-04-2010	DRUG COURT scheduled on February 10, 2010 at 04:00 PM in Courtroom 3D with Judge JAMES L SHUMATE	michellh
02-09-2010	Note: Added to payment schedule 1060040916	sharlena
02-10-2010	Minute Entry - Minutes for Drug Court Judge: JAMES L SHUMATE PRESENT Clerk: michellh Prosecutor: JAEGER, JERRY D Defendant Present Video Tape Number: 3D Tape Count: 4:18/4:18 HEARING Defendant graduates to Phase II. DRUG COURT. Date: 02/24/2010 Time: 04:00 p.m. Location: Courtroom 3D St. George Courthouse 206 West Tabernacle St. George, UT 84770 Before Judge: JAMES L SHUMATE	michellh
02-11-2010	DRUG COURT scheduled on February 24, 2010 at 04:00 PM in Courtroom 3D with Judge JAMES L SHUMATE	michellh
02-24-2010	Minute Entry - Minutes for ORDER TO WAIVE PAY-TO-STAY Judge: JAMES L SHUMATE PRESENT Clerk: michellh Prosecutor: JAEGER, JERRY D Defendant Present Video Tape Number: 3D Tape Count: 4:20/4:20 HEARING It is hereby ordered that the Pay-to-Stay Requirement imposed by the Purgatory Correctional Facility shall be waived for the Defendant in the above entitled matter. DRUG COURT is scheduled. Date: 03/17/2010 Time: 04:00 p.m. Location: Courtroom 3D St. George Courthouse 206 West Tabernacle St. George, UT 84770 Before Judge: JAMES L SHUMATE	michellh
02-26-2010	DRUG COURT scheduled on March 17, 2010 at 04:00 PM in Courtroom 3D with Judge JAMES L SHUMATE	michellh
03-24-2010	DRUG COURT scheduled on March 31, 2010 at 04:00 PM in Courtroom 3D with Judge JAMES L SHUMATE	michellh
03-31-2010	Restitution Payment Received: 50.00 Note: 100.00 cash tendered. 50.00 change given.	shannoxc
04-05-2010	DRUG COURT scheduled on April 14, 2010 at 04:00 PM in Courtroom 3D with Judge JAMES L SHUMATE	michellh
04-16-2010	DRUG COURT scheduled on April 28, 2010 at 04:00 PM in Courtroom 3D with Judge JAMES L SHUMATE	jeaneneh
05-04-2010	Restitution Check # 16470 Trust Payout: 50.00	janaj

05-07-2010	DRUG COURT scheduled on May 12, 2010 at 04:00 PM in Courtroom 3D with Judge JAMES L SHUMATE	michellh
05-14-2010	DRUG COURT scheduled on May 26, 2010 at 04:00 PM in Courtroom 3D with Judge JAMES L SHUMATE	michellh
05-28-2010	DRUG COURT scheduled on June 09, 2010 at 04:00 PM in Courtroom 3D with Judge JAMES L SHUMATE	michellh
06-14-2010	DRUG COURT scheduled on June 16, 2010 at 04:00 PM in Courtroom 3D with Judge JAMES L SHUMATE	michellh
06-16-2010	Minute Entry - Minutes for Drug Court Judge: JAMES L SHUMATE PRESENT Clerk: michellh Prosecutor: JAEGER, JERRY D Defendant Present Video Tape Number: 3D Tape Count: 4:42/4:42 HEARING Defendant graduates to Phase III. DRUG COURT. Date: 07/14/2010 Time: 04:00 p.m. Location: Courtroom 3D St. George Courthouse 206 West Tabernacle St. George, UT 84770 Before Judge: JAMES L SHUMATE	michellh
06-17-2010	DRUG COURT scheduled on July 14, 2010 at 04:00 PM in Courtroom 3D with Judge JAMES L SHUMATE	michellh
07-02-2010	Restitution Payment Received: 50.00	dennisgd
07-15-2010	DRUG COURT scheduled on August 18, 2010 at 04:00 PM in Courtroom 3D with Judge JAMES L SHUMATE	michellh
08-02-2010	Restitution Payment Received: 25.00	dennisgd
08-03-2010	Restitution Check # 16793 Trust Payout: 75.00	janaj
08-17-2010	Restitution Payment Received: 25.00	claudiak
08-27-2010	DRUG COURT scheduled on September 15, 2010 at 04:00 PM in Courtroom 3D with Judge JAMES L SHUMATE	michellh
08-31-2010	Restitution Check # 16936 Trust Payout: 25.00	janaj
09-15-2010	Restitution Payment Received: 50.00 Note: 100.00 cash tendered. 50.00 change given.	dennisgd
09-16-2010	Cancelled: DRUG COURT scheduled on October 20, 2010 at 04:00 PM in Courtroom 3D with Judge JAMES L SHUMATE	michellh
09-16-2010	Note: Drug Court Referral Date 08/05/2009.	michellh
09-16-2010	Note: Drug Court First Appearance in Court Date 10/07/2009.	michellh
09-30-2010	Restitution Payment Received: 50.00	shannoxc
10-05-2010	Restitution Check # 17051 Trust Payout: 100.00	janaj
10-13-2010	Restitution Payment Received: 50.00	dennisgd
10-13-2010	Minute Entry - Minutes for Drug Court Judge: JAMES L SHUMATE PRESENT Clerk: michellh Prosecutor: JAEGER, JERRY D Defendant Present Video Tape Number: 3D Tape Count: 4:27/4:28	michellh

	HEARING Defendant graduates to Phase IV. DRUG COURT. Date: 04/20/2011 Time: 04:01 p.m. Location: Courtroom 3D St. George Courthouse 206 West Tabernacle St. George, UT 84770 Before Judge: JAMES L SHUMATE	
10-15-2010	Rescheduled: DRUG COURT rescheduled to April 20, 2011 at 04:01 PM in Courtroom 3D with Judge JAMES L SHUMATE	
11-16-2010	Restitution Check # 17191 Trust Payout: 50.00	janaj
11-30-2010	Restitution Payment Received: 50.00	dennisgd
12-28-2010	Restitution Check # 17353 Trust Payout: 50.00	janaj
12-28-2010	DRUG COURT scheduled on January 12, 2011 at 04:00 PM in Courtroom 3D with Judge JAMES L SHUMATE	michellh
01-18-2011	DRUG COURT scheduled on January 19, 2011 at 04:00 PM in Courtroom 3D with Judge JAMES L SHUMATE	michellh
01-31-2011	Tracking started -- Collection Letter on 03/01/2011	
02-14-2011	Restitution Payment Received: 50.00	lailm
02-16-2011	Filed: Letter from defendant	kathylh
02-28-2011	Tracking modified -- Collection Letter on 05/01/2011	
03-08-2011	Restitution Check # 17660 Trust Payout: 50.00	janaj
03-16-2011	Restitution Payment Received: 50.00	dennisgd
	Note: 60.00 cash tendered. 10.00 change given.	
03-30-2011	Restitution Payment Received: 25.00	webpaymt
03-30-2011	Restitution Payment Received: 25.00	webpaymt
04-12-2011	Restitution Check # 17804 Trust Payout: 100.00	janaj
04-13-2011	Restitution Endorsed Out: 1,261.26	sharlena
04-13-2011	Note: Co-defendant, [redacted], case #091500077 paid $630.63 on restitution through AP&P.	sharlena
04-20-2011	Minute Entry - Minutes for 402 REDUCTION ORDER	michellh
	Judge: KARLA STAHELI PRESENT Clerk: michellh Prosecutor: JAEGER, JERRY D Defendant Present Video Tape Number: 3D Tape Count: 4:56/4:56 HEARING Upon motion by the state, the court orders probation terminated successfully and a 402 reduction on the charges. The motion to enter judgment pursuant to 76-3-402, U.C.A. for the charge of BURGLARY, is granted. Charge severity decreased from 3rd Degree Felony to Class A Misdemeanor. The defendant's probation is terminated successfully.	
04-20-2011	Charge 1 amended to Class A Misdemeanor	michellh
04-25-2011	Tracking ended -- Collection Letter	
04-25-2011	Note: Drug Court Completed 04/20/2011.	michellh
04-25-2011	Note: 402 REDUCTION ORDER minutes modified.	michellh
04-27-2011	Filed order: 402 Reduction Order Judge JAMES L SHUMATE	michellh

	Signed April 25, 2011	
05-01-2011	Restitution Payment Received: 50.00	webpaymt
05-23-2011	Restitution Payment Received: 50.00	webpaymt
06-21-2011	Restitution Check # 17977 Trust Payout: 100.00	janaj
11-16-2011	Restitution Endorsed Out: 340.80	sharlena
	Note: [redacted], on with AP&P, pd. $170.40 more as of 11/3/11	
11-16-2011	Note: [redacted], on with AP&P, pd. $170.40 more as of 11/3/11	sharlena
11-16-2011	Note: Case sent to State Debt Collection	sharlena
11-16-2011	Note: State ordered case terminated successfully and he still owes this restitution. Judge ordered it sent to OSDC>	sharlena
07-28-2014	Judge G MICHAEL WESTFALL assigned.	carolybb
07-10-2018	**** PRIVATE **** Filed: Judgment Information Statement - Criminal	sharlena
07-10-2018	Note: co-def paid $801.03 before case was sent to OSDC	sharlena
06-16-2021	Filed: Satisfaction of Judgment	efiler
06-16-2021	Filed: Return of Electronic Notification	efiler
06-16-2021	Judgment # 1 Modified 2,127.97 Disposition: Satisfied	judymb
	Creditor : DAVID BERUMEN Debtor : GEORGE JEFFERY HEAD 2,127.97 Restitution 2,127.97 Judgment Grand Total	
09-01-2023	Judge ERIC GENTRY assigned.	cades

12. DISCUSSION AND FOR POSSIBLE ACTION.

Hearing pursuant to NAC 289.290(1)(g) on the revocation of Lawrence J. Rinetti's (formerly employed with the Las Vegas Metropolitan Police Department) Category I basic 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: THEFT (Category B Felony, in violation of NRS 205.0832, 205.0835.4)

Count II: ATTEMPT OBTAINING, USING, POSSESSING OR SELLING PERSONAL IDENTIFYING INFORMATION FOR UNLAWFUL PURPOSE BY PUBLIC OFFICER OR PUBLIC EMPLOYEE (Category B Felony, in violation of NRS 205.463(1), NRS 193.153)

Count III: OFFERING A FALSE INSTRUMENT FOR FILING OR RECORD (Category C Felony, in violation of NRS 239.330, 171.085, 171.090, 171.095)

Count IV: RECKLESS DRIVING (Category B Felony, in violation of NRS 484B.653)

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

April 15, 2024

Lawrence J. Rinetti
[redacted]
Las Vegas, NV 89149

POST PIN #: 25400

Dear Mr. Rinetti,

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: THEFT (Category B Felony, in violation of NRS 205.0832, 205.0835.4)
Count II: ATTEMPT OBTAINING, USING, POSSESSING OR SELLING PERSONAL IDENTIFYING INFORMATION FOR UNLAWFUL PURPOSE BY PUBLIC OFFICER OR PUBLIC EMPLOYEE (Category B Felony, in violation of NRS 205.463(1), NRS 193.153)
Count III: OFFERING A FALSE INSTRUMENT FOR FILING OR RECORD (Category C Felony, in violation of NRS 239.330, 171.085, 171.090, 171.095)
Count IV: RECKLESS DRIVING (Category B Felony, in violation of NRS 484B.653)
Case#: C-20-347717-1
Dept No: XVII
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**

EXHIBIT A

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

Written requests can be made to:

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

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

Date: May 2, 2024
Time: 8:00 a.m.
Location: Commission on POST, Classroom #2, 5587 Wa Pai Shone Ave., Carson City, NV 89701

The hearing will cover the following: whether your P.O.S.T certificate(s) should be revoked, pursuant to **NAC 289.290(1)(g) 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)

OFFICE OF THE SHERIFF
CLARK COUNTY DETENTION
CIVIL PROCESS SECTION

NEVADA COMMISSION OF PEACE OFFICERS)
)
PLAINTIFF)
Vs)
LAWRENCE J RINETTI)
)
DEFENDANT)

CASE No. POST PIN 25400
SHERIFF CIVIL NO.: 24001932

AFFIDAVIT OF SERVICE

STATE OF NEVADA }
} **ss:**
COUNTY OF CLARK }

ENRIQUE STIEGELMEYER, being first duly sworn, deposes and says: That he/she is, and was at all times hereinafter mentioned, a duly appointed, qualified and acting Deputy Sheriff in and for the County of Clark, State of Nevada, a citizen of the United States, over the age of twenty-one years and not a party to, nor interested in, the above entitled action; that on **4/16/2024**, at the hour of **2:55 PM**. affiant as such Deputy Sheriff served a copy/copies of **NOTICE OF INTENT TO REVOKE** issued in the above entitled action upon the defendant **LAWRENCE J RINETTI** named therein, by delivering to and leaving with said defendant **LAWRENCE J RINETTI**, personally, at [redacted]**LAS VEGAS, NV 89101** within the County of Clark, State of Nevada, copy/copies of **NOTICE OF INTENT TO REVOKE**

I, DECLARE UNDER PENALTY OF PERJURY UNDER THE LAW OF THE STATE ON NEVADA THAT THE FOREGOING IS TRUE AND CORRECT.

DATED: April 17, 2024.

Kevin McMahill, Sheriff

By: P# 7990
ENRIQUE STIEGELMEYER P#7990
Deputy Sheriff

EXHIBIT B

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

Post ID Number: 25400

Last Name: Rinetti **First Name:** Lawrence

MI: J **Suffix:** Jr.

☐ **Name Change?**

Last Name: Rinetti First Name: Lawrence

MI: J Suffix: Jr.

☒ **Address Change?**

Street Address: [redacted]

City: Las Vegas State: NV Zip Code: 89149

County: Clark E-Mail:

Level Change? ○ Line ○ Supervisor ○ Management ○ Executive

○ Part Time ○ Full Time

Status Change? ○ Deceased ○ Retired ◉ Separated

NAC289.290 Notification (Cause For Commission Action)

Pursuant to NAC 289.290(3) "The employing agency shall notify the Commission any time that it becomes aware that one of its officers has been charged with a crime that could result in denial, suspension or revocation procedures. Upon receipt of information alleging any of the causes enumerated in subsection 1, the Commission will determine whether to pursue revocation or suspension of the certificate of the officer."

Does the above NAC apply? ○ No ◉ Yes

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

Comments\Additional Information:

Voluntary Resignation - 40 Felony/Gross Misdemeanor charges

Effective Date: 04/23/2020

Submitters Name: Theresa Chambers

Submitters Phone: (702) 828-3989

Submitters E-Mail: t16418c@lvmpd.com

EXHIBIT C

POST Update PAR form
Revised 01/01/2016

Submission number: 160877

STATE OF NEVADA

Commission On Peace Officers' Standards And Training

Hereby Awards the

Basic Certificate

To

LAWRENCE J. RINETTI, JR.

CATEGORY I

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

Governor — Executive Director

August 28, 2006

Issuance Date

STATE OF NEVADA

Commission On Peace Officers' Standards And Training

Hereby Awards the

Basic Certificate

To

LAWRENCE J. RINETTI, JR.

CATEGORY I

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

Governor — Executive Director

August 28, 2006

Issuance Date

Nevada Commission on Peace Officers' Standards and Training
Peace Officer Basic Certification and Training Identification Card

Name: **LAWRENCE J. RINETTI, JR.** POST ID No.: **25400**

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.

EXHIBIT D

ORIGINAL

FILED IN OPEN COURT
STEVEN D. GRIERSON
CLERK OF THE COURT
MAR 19 2020
BY, KIM ESTALA, DEPUTY

IND
STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001565
CHRISTOPHER HAMNER
Chief Deputy District Attorney
Nevada Bar #011390
BINU G. PALAL
Nevada Bar #010178
Chief Deputy District Attorney
200 Lewis Avenue
Las Vegas, Nevada 89155-2212
(702) 671-2500
Attorney for Plaintiff

C-20-347717-1
IND
Indictment
4905105

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

LAWRENCE JOSEPH RINETTI, aka, Lawrence Joseph Rinetti Jr., #2565640
[redacted], #2565545

Defendant.

CASE NO: C-20-347717-1

DEPT NO: X

INDICTMENT

STATE OF NEVADA)
) ss.
COUNTY OF CLARK)

The Defendant above named, LAWRENCE JOSEPH RINETTI, aka, Lawrence Joseph Rinetti Jr. and [redacted], accused by the Clark County Grand Jury of the crime(s) of TRAFFICKING IN CONTROLLED SUBSTANCE (Category A Felony - NRS 453.3385.3 - NOC 51160); TRANSPORT OF A CONTROLLED SUBSTANCE (Category B Felony - NRS 453.321 - NOC 51090); GIVE AWAY A CONTROLLED SUBSTANCE (Category B Felony - NRS 453.321 - NOC 51090); MISCONDUCT OF A PUBLIC OFFICER (Category E Felony - NRS 197.110 - NOC 52303); CONSPIRACY TO COMMIT POSSESSION OF STOLEN PROPERTY (Gross Misdemeanor - NRS 205.275, 199.480 - NOC 50594); POSSESSION OF STOLEN PROPERTY (Category B Felony - NRS 205.275 - NOC 56060); CONSPIRACY TO COMMIT THEFT (Gross Misdemeanor - NRS 205.0832, 205.0835,

EXHIBIT E

199.480 - NOC 50456); THEFT (Category B Felony - NRS 205.0832, 205.0835.4 - NOC 55991); CONSPIRACY TO OBTAIN, USING, POSSESSING OR SELLING PERSONAL IDENTIFYING INFORMATION FOR UNLAWFUL PURPOSE BY PUBLIC OFFICER OR PUBLIC EMPLOYEE (Gross Misdemeanor - NRS 205.463, 199.480 - NOC 58060); OBTAIN, USING, POSSESSING OR SELLING PERSONAL IDENTIFYING INFORMATION FOR UNLAWFUL PURPOSE BY PUBLIC OFFICER OR PUBLIC EMPLOYEE (Category B Felony - NRS 205.463(1) - NOC 50690); CONSPIRACY TO COMMIT FRAUDULENT USE OF CREDIT OR DEBIT CARD (Gross Misdemeanor - NRS 205.760, 199.480 - NOC 50826); FRAUDULENT USE OF CREDIT OR DEBIT CARD (Category D Felony - NRS 205.760(1) - NOC 50796); CONSPIRACY TO COMMIT A CRIME (Gross Misdemeanor - NRS 199.480 - NOC 55982); RECEIVING PROPERTY OR SERVICES OBTAINED BY UNLAWFUL USE OF DEBIT OR CREDIT CARD (Category D Felony - NRS 205.800 - NOC 50802); OFFERING A FALSE INSTRUMENT FOR FILING OR RECORD (Category C Felony – NRS 239.330, 171.085, 171.090, 171.095 – NOC 52399); RECKLESS DRIVING (Category B Felony - NRS 484B.653 - NOC 53896) and INSURANCE FRAUD (Category D Felony - NRS 686A.281, 686A.2815, 686A.291 - NOC 52263) committed at and within the County of Clark, State of Nevada, on or between June 1, 2018 and February 10, 2020, as follows:

COUNT 1 - TRAFFICKING IN CONTROLLED SUBSTANCE

Defendant LAWRENCE JOSEPH RINETTI did on or about January 17, 2019 willfully, unlawfully, feloniously, and knowingly or intentionally possess, either actually or constructively, 28 grams or more, to wit: approximately 30 grams of Methamphetamine or any mixture of substance consisting of approximately 30 grams containing the controlled substance Methamphetamine.

COUNT 2 - TRANSPORT OF A CONTROLLED SUBSTANCE

Defendant LAWRENCE JOSEPH RINETTI did on or about January 17, 2019 willfully, unlawfully, and feloniously transport within Clark County, Nevada, a controlled substance, to wit: Methamphetamine.

COUNT 3 - GIVE AWAY A CONTROLLED SUBSTANCE

Defendant LAWRENCE JOSEPH RINETTI did on or between January 17, 2019 and January 18, 2019 willfully, unlawfully, and feloniously give away to G.D., a controlled substance, to wit: Methamphetamine.

COUNT 4 - MISCONDUCT OF A PUBLIC OFFICER

Defendant LAWRENCE JOSEPH RINETTI did on or between January 17, 2019 and January 18, 2019, then and there willfully, knowingly, feloniously, and without lawful authority, being a public officer, 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 gain of the public officer or another, to wit: by defendant, being employed as a detective for Las Vegas Metropolitan Police Department, whereby he did obtain a controlled substance, methamphetamine, during the execution of a search warrant and did subsequently provide the methamphetamine to G.D. each act being done to further or continue an intimate relationship between Defendant and G.D.

COUNT 5 - TRANSPORT OF A CONTROLLED SUBSTANCE

Defendant LAWRENCE JOSEPH RINETTI did on or about between January 31, 2019 and February 1, 2019 willfully, unlawfully, and feloniously transport within Clark County, Nevada, a controlled substance, to wit: Heroin.

COUNT 6 - GIVE AWAY A CONTROLLED SUBSTANCE

Defendant LAWRENCE JOSEPH RINETTI did on or between January 31, 2019 and February 1, 2019 willfully, unlawfully, and feloniously give away to G.D., a controlled substance, to wit: Heroin.

COUNT 7 - MISCONDUCT OF A PUBLIC OFFICER

Defendant LAWRENCE JOSEPH RINETTI did on or between January 31, 2019 and February 1, 2019, then and there willfully, knowingly, feloniously, and without lawful authority, being a public officer, 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 gain of the public officer or another, to wit: by defendant, being employed as a

detective for Las Vegas Metropolitan Police Department, whereby he did obtain a controlled substance, heroin, during the execution of a raid and/or search warrant and/or arrest and did subsequently provide the heroin to G.D. each act being done to further or continue an intimate relationship between defendant and G.D.

COUNT 8 - MISCONDUCT OF A PUBLIC OFFICER

Defendant LAWRENCE JOSEPH RINETTI did on or between July 1, 2019 and September 30, 2019, then and there willfully, knowingly, feloniously, and without lawful authority, being a public officer, 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 gain of the public officer or another, to wit: by defendant, being employed as a detective for Las Vegas Metropolitan Police Department, asked members of the Clark County District Attorney's office to help G.D. avoid arrest on bench warrants and/or avoid prosecution of new criminal charges and/or secure a favorable negotiation on active criminal cases by defendant falsely representing that G.D. was currently an active confidential informant for defendant and/or federal law enforcement officers each act being done to further or continue an intimate relationship between defendant and G.D.

COUNT 9 - CONSPIRACY TO COMMIT POSSESSION OF STOLEN PROPERTY

Defendant LAWRENCE JOSEPH RINETTI did on or between August 12, 2019 and August 15, 2019 willfully and unlawfully conspire with G.D. to commit possession of stolen property, by the defendants with G.D. committing the acts as set forth in Counts 10 - 11, said acts being incorporated by this reference as though fully set forth herein.

COUNT 10 - POSSESSION OF STOLEN PROPERTY

Defendant LAWRENCE JOSEPH RINETTI did on or about August 12, 2019 willfully, unlawfully, and feloniously, for his own gain and/or to prevent the owner from again possessing the owner's property, possess stolen property, to wit: Minerals, owned by [redacted] [redacted] having a value of $3,500.00 or more, said Defendant knew it was stolen property and/or did possess it under circumstances which would have caused a reasonable person to know that it was stolen property, the Defendant(s) being criminally liable under one or more

of the following principles of criminal liability, to-wit: (1) by directly committing this crime; and/or (2) by aiding or abetting in the commission of this crime, with the intent that this crime be committed, by counseling, encouraging, hiring, commanding, inducing and/or otherwise procuring the other to commit the crime; and/or (3) pursuant to a conspiracy to commit this crime, with the intent that this crime be committed, by Defendant and G.D. acting in concert throughout.

COUNT 11 - POSSESSION OF STOLEN PROPERTY

Defendant LAWRENCE JOSEPH RINETTI did on or about August 15, 2019 willfully, unlawfully, and feloniously, for his own gain and/or to prevent the owner from again possessing the owner's property, possess stolen property, to wit: Minerals, owned by [redacted], having a value of $3,500.00 or more, said Defendant knew it was stolen property and/or did possess it under circumstances which would have caused a reasonable person to know that it was stolen property, the Defendant(s) being criminally liable under one or more of the following principles of criminal liability, to-wit: (1) by directly committing this crime; and/or (2) by aiding or abetting in the commission of this crime, with the intent that this crime be committed, by counseling, encouraging, hiring, commanding, inducing and/or otherwise procuring the other to commit the crime; and/or (3) pursuant to a conspiracy to commit this crime, with the intent that this crime be committed, by Defendant and G.D. acting in concert throughout.

COUNT 12 - CONSPIRACY TO COMMIT THEFT

Defendant LAWRENCE JOSEPH RINETTI did on or between August 12, 2019 and August 15, 2019 willfully and unlawfully conspire with G.D. to commit theft, by the defendant with G.D. committing the acts as set forth in Counts 13 - 14, said acts being incorporated by this reference as though fully set forth herein.

COUNT 13 - THEFT

Defendant LAWRENCE JOSEPH RINETTI did on or about August 12, 2019 willfully, knowingly, feloniously, and without lawful authority, controls property of another person knowing or having reason to know that the property was stolen and/or controls any property

of another person with the intent to deprive that person of the property and/or comes into control of lost, mislaid or misdelivered property of another person under circumstances providing means of inquiry as to the true owner and appropriates that property to his or her own use or that of another person without reasonable efforts to notify the true owner, having a value of $3,500.00 or more, belonging to [redacted], in the following manner, to wit: by possessing stolen minerals belonging to [redacted] located in the impounded vehicle of G.D., the Defendant(s) being criminally liable under one or more of the following principles of criminal liability, to-wit: (1) by directly committing this crime; and/or (2) by aiding or abetting in the commission of this crime, with the intent that this crime be committed, by counseling, encouraging, hiring, commanding, inducing and/or otherwise procuring the other to commit the crime; and/or (3) pursuant to a conspiracy to commit this crime, with the intent that this crime be committed, by Defendant and G.D. acting in concert throughout.

COUNT 14 - THEFT

Defendant LAWRENCE JOSEPH RINETTI did on or about August 15, 2019 willfully, knowingly, feloniously, and without lawful authority, controls property of another person knowing or having reason to know that the property was stolen and/or controls any property of another person with the intent to deprive that person of the property and/or comes into control of lost, mislaid or misdelivered property of another person under circumstances providing means of inquiry as to the true owner and appropriates that property to his or her own use or that of another person without reasonable efforts to notify the true owner, having a value of $3,500.00 or more, belonging to [redacted], in the following manner, to wit: by possessing stolen minerals belonging to [redacted] located in the impounded vehicle of G.D., the Defendant(s) being criminally liable under one or more of the following principles of criminal liability, to-wit: (1) by directly committing this crime; and/or (2) by aiding or abetting in the commission of this crime, with the intent that this crime be committed, by counseling, encouraging, hiring, commanding, inducing and/or otherwise procuring the other to commit the crime; and/or (3) pursuant to a conspiracy to commit this crime, with the intent that this crime be committed, by Defendant and G.D. acting in concert throughout.

COUNT 15 - MISCONDUCT OF A PUBLIC OFFICER

Defendant LAWRENCE JOSEPH RINETTI did on or between August 12, 2019, then and there willfully, knowingly, feloniously, and without lawful authority, being a public officer, 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 gain of the public officer or another, to wit: by defendant, being employed as a detective for Las Vegas Metropolitan Police Department whereby defendant used his Las Vegas Metropolitian Police Department credentials in order to gain access to a vehicle lawfully impounded by the Las Vegas City Marshall in order to access said vehicle in order to remove personal property belonging to G.D. each act being done to further or continue an intimate relationship between defendant and G.D.

COUNT 16 - MISCONDUCT OF A PUBLIC OFFICER

Defendant LAWRENCE JOSEPH RINETTI did on or between August 15, 2019, then and there willfully, knowingly, feloniously, and without lawful authority, being a public officer, 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 gain of the public officer or another, to wit: by defendant, being employed as a detective for Las Vegas Metropolitan Police Department whereby defendant used his Las Vegas Metropolitian Police Department credentials in order to gain access to a vehicle lawfully impounded by the Las Vegas City Marshall in order to access said vehicle in order to remove personal property belonging to G.D. each act being done to further or continue an intimate relationship between defendant and G.D.

COUNT 17 - CONSPIRACY TO OBTAIN, USING, POSSESSING OR SELLING PERSONAL IDENTIFYING INFORMATION FOR UNLAWFUL PURPOSE BY PUBLIC OFFICER OR PUBLIC EMPLOYEE

Defendant LAWRENCE JOSEPH RINETTI did September 6, 2018 willfully and unlawfully conspire with G.D. to commit obtaining, using, possessing or selling personal identifying information for unlawful purpose by public officer or public employee, by the

defendant with G.D. committing the acts as set forth in Count 18, said acts being incorporated by this reference as though fully set forth herein.

COUNT 18 - OBTAINING, USING, POSSESSING OR SELLING PERSONAL IDENTIFYING INFORMATION FOR UNLAWFUL PURPOSE BY PUBLIC OFFICER OR PUBLIC EMPLOYEE

Defendant LAWRENCE JOSEPH RINETTI did on or about September 6, 2018 then and there willfully, unlawfully, knowingly, obtain personal identifying information of another person, to wit: [redacted], and did use said identifying information to harm said person or for any unlawful purpose, including the obtaining of credit, goods, services or anything of value in the name of said person, in the following manner, to wit: by defendant, a public offier and/or employee, being employed as a detective for Las Vegas Metropolitan Police Department, whereby defendant used a Las Vegas Metropolitan Police Department computer and/or criminal history database to query the criminal history and/or personal identifying information of G.D.'s mother, [redacted] including but not limited to her Social Security Number and providing said information to G.D. in order to enable G.D. to access her mother's bank account and/or debit card and steal money from G.D.'s mother as the Defendant being criminally liable under one or more of the following principles of criminal liability, to-wit: (1) by directly committing this crime; and/or (2) by aiding or abetting in the commission of this crime, with the intent that this crime be committed, by counseling, encouraging, hiring, commanding, inducing and/or otherwise procuring the other to commit the crime; and/or (3) pursuant to a conspiracy to commit this crime, with the intent that this crime be committed, by Defendant and G.D. acting in concert throughout.

COUNT 19 - CONSPIRACY TO COMMIT FRAUDULENT USE OF CREDIT OR DEBIT CARD

Defendant LAWRENCE JOSEPH RINETTI did on or between September 6, 2018 through November 30, 2019 willfully and unlawfully conspire with G.D. to commit fraudulent use of credit or debit card, by the defendant with G.D. committing the acts as set forth in Count 20, said acts being incorporated by this reference as though fully set forth herein.

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COUNT 20 - FRAUDULENT USE OF CREDIT OR DEBIT CARD

Defendant LAWRENCE JOSEPH RINETTI with G.D. did on or between September 6, 2018 through November 30, 2019 then and there willfully, unlawfully, feloniously, and with intent to defraud, use a Credit Card and/or Debit Card, issued in the name of [redacted] to obtain money, goods, property, services or anything of value, to wit: by defendant, being employed as a detective for Las Vegas Metropolitan Police Department, whereby defendant was using a Las Vegas Metropolitan Police Department computer and/or criminal history database to query the criminal history and personal identifying information of G.D.'s mother including but not limited to her Social Security Number and providing said information to G.D. in order to enable G.D. to access her mother's bank account and/or debit card and steal money, goods, property, services or anything of value from G.D.'s mother, the Defendant with G.D. not being the cardholder, nor being authorized by the cardholder to use said card or card number, the Defendant being criminally liable under one or more of the following principles of criminal liability, to-wit: (1) by directly committing this crime; and/or (2) by aiding or abetting in the commission of this crime, with the intent that this crime be committed, by counseling, encouraging, hiring, commanding, inducing and/or otherwise procuring the other to commit the crime; and/or (3) pursuant to a conspiracy to commit this crime, with the intent that this crime be committed, by Defendant and G.D. acting in concert throughout.

COUNT 21 - CONSPIRACY TO COMMIT A CRIME

Defendant LAWRENCE JOSEPH RINETTI did on or between September 6, 2018 through November 30, 2019 willfully and unlawfully conspire with G.D. to commit a crime, to wit: receiving property or services obtained by unlawful use of debit or credit card, by the defendant with G.D. committing the acts as set forth in Count 22, said acts being incorporated by this reference as though fully set forth herein.

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COUNT 22 - RECEIVING PROPERTY OR SERVICES OBTAINED BY UNLAWFUL USE OF DEBIT OR CREDIT CARD

Defendant LAWRENCE JOSEPH RINETTI with G.D. did on or between September 6, 2018 through November 30, 2019 then and there willfully, unlawfully, knowingly and feloniously receive money, property, goods, services or anything of value under circumstances as to cause a reasonable person to know or believe that the money, property, goods, services or other things of value was obtained without the consent of the cardholder, to wit: by defendant, being employed as a detective for Las Vegas Metropolitan Police Department, whereby defendant was using a Las Vegas Metropolitan Police Department computer and/or criminal history database to query the criminal history and personal identifying information of G.D.'s mother, [redacted] including but not limited to her Social Security Number and providing said information to G.D. in order to enable G.D. to access her mother's bank account and/or debit card and steal money from G.D.'s mother, the Defendant being criminally liable under one or more of the following principles of criminal liability, to-wit: (1) by directly committing this crime; and/or (2) by aiding or abetting in the commission of this crime, with the intent that this crime be committed, by counseling, encouraging, hiring, commanding, inducing and/or otherwise procuring the other to commit the crime; and/or (3) pursuant to a conspiracy to commit this crime, with the intent that this crime be committed, by Defendant and G.D. acting in concert throughout.

COUNT 23 - MISCONDUCT OF A PUBLIC OFFICER

Defendant LAWRENCE JOSEPH RINETTI did on or about September 6, 2018 then and there willfully, knowingly, feloniously, and without lawful authority, being a public officer, 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 gain of the public officer or another, to wit: by defendant, being employed as a detective for Las Vegas Metropolitan Police Department, whereby defendant was using a Las Vegas Metropolitan Police Department computer and/or criminal history database to query the criminal history and personal identifying information of G.D.'s mother including but not limited to her Social

Security Number and providing said information to G.D., each act being done to further or continue an intimate relationship between defendant and G.D.

COUNT 24 - CONSPIRACY TO COMMIT A CRIME

Defendants LAWRENCE JOSEPH RINETTI and [redacted] did on or about December 6, 2018 willfully and unlawfully conspire with each other and/or with G.D. to commit an act for the perversion or corruption of public justice or the due administration of the law, and/or commit a crime(s), to wit: Offering False Instrument for Filing or Record, said acts being incorporated by this reference as though fully set forth herein as well as set forth in Count 25 and/or Obstruction of Public Officer, by Defendant [redacted] providing urine to G.D. at the request of Defendant LAWRENCE JOSEPH RINETTI in order for G.D. to offer urine which was not G.D.'s in an effort to pass her court ordered urinalysis tests in The City of Las Vegas v. G.D., Case No. C1132105A; Defendants being criminally liable under one or more of the following principles of criminal liability, to-wit: (1) by directly committing this crime; and/or (2) by aiding or abetting in the commission of this crime, with the intent that this crime be committed, by counseling, encouraging, hiring, commanding, inducing and/or otherwise procuring the other to commit the crime; and/or (3) pursuant to a conspiracy to commit this crime, with the intent that this crime be committed, Defendants and G.D. acting in concert throughout.

COUNT 25 – OFFERING A FALSE INSTRUMENT FOR FILING OR RECORD

Defendants LAWRENCE JOSEPH RINETTI and [redacted] did on or about December 6, 2018, then and there knowingly and unlawfully procure or offer a false or forged instrument to be filed, registered, or recorded in any public office to wit: Las Vegas Municipal Court, which instrument, if genuine, might be filed, registered or recorded in said public office under any law of this State or of the United States, by Defendant [redacted] providing his urine to G.D., at the request of Defendant LAWRENCE JOSEPH RINETTI, in order for G.D. to offer said Court urine, which did not come from G.D., that was to be used in a urinalysis test, ordered by said Court in order for the results of such tests to be registered in the said Court minutes and/or in the said Court's database recording the results

of G.D.'s court ordered urinalysis tests, which were ordered in The City of Las Vegas v. G.D., Case No. C1132105A, when in truth and in fact, the individual in said case had not provided the required urine as ordered, as the Defendants well knew; Defendants being criminally liable under one or more of the following principles of criminal liability, to-wit: (1) by directly committing this crime; and/or (2) by aiding or abetting in the commission of this crime, with the intent that this crime be committed, by counseling, encouraging, hiring, commanding, inducing and/or otherwise procuring the other to commit the crime; and/or (3) pursuant to a conspiracy to commit this crime, with the intent that this crime be committed, Defendants and G.D. acting in concert throughout.

COUNT 26 - CONSPIRACY TO COMMIT A CRIME

Defendant LAWRENCE JOSEPH RINETTI did on or between November 20, 2018 and March 6, 2019 willfully and unlawfully conspire with G.D. to commit an act for the perversion or corruption of public justice or the due administration of the law, and/or commit a crime(s), to wit: Offering False Instrument for Filing or Record, said acts being incorporated by this reference as though fully set forth herein as well as set forth in Counts 27 through 37 and/or Obstruction of Public Officer, by Defendant [redacted] providing urine to G.D. at the request of Defendant LAWRENCE JOSEPH RINETTI in order for her to offer urine which was not G.D.'s in an effort to pass her court ordered urinalysis tests in The City of Las Vegas v. G.D., Case No. C1132105A; Defendants being criminally liable under one or more of the following principles of criminal liability, to-wit: (1) by directly committing this crime; and/or (2) by aiding or abetting in the commission of this crime, with the intent that this crime be committed, by counseling, encouraging, hiring, commanding, inducing and/or otherwise procuring the other to commit the crime; and/or (3) pursuant to a conspiracy to commit this crime, with the intent that this crime be committed, Defendant and G.D. acting in concert throughout.

COUNT 27 – OFFERING A FALSE INSTRUMENT FOR FILING OR RECORD

Defendant LAWRENCE JOSEPH RINETTI did on or about November 20, 2018, then and there knowingly and unlawfully procure or offer a false or forged instrument to be filed,

registered, or recorded in any public office to wit: Las Vegas Municipal Court, which instrument, if genuine, might be filed, registered or recorded in said public office under any law of this State or of the United States, by offering to said court urine, which did not come from G.D., that was to be used in a urinalysis test, ordered by said Court in order for the results of such tests to be registered in the said Court minutes and/or in the said Court's database recording the results of G.D.'s court ordered urinalysis tests, which were ordered in The City of Las Vegas v. G.D., Case No. C1132105A, when in truth and in fact, the individual in said cases had not provided the required urine as ordered, as the Defendant LAWRENCE JOSEPH RINETTI well knew; Defendant LAWRENCE JOSEPH RINETTI being criminally liable under one or more of the following principles of criminal liability, to-wit: (1) by directly committing this crime; and/or (2) by aiding or abetting in the commission of this crime, with the intent that this crime be committed, by counseling, encouraging, hiring, commanding, inducing and/or otherwise procuring the other to commit the crime; and/or (3) pursuant to a conspiracy to commit this crime, with the intent that this crime be committed, Defendant and G.D. acting in concert throughout.

COUNT 28 – OFFERING A FALSE INSTRUMENT FOR FILING OR RECORD

Defendant LAWRENCE JOSEPH RINETTI did on or about November 29, 2018, then and there knowingly and unlawfully procure or offer a false or forged instrument to be filed, registered, or recorded in any public office to wit: Las Vegas Municipal Court, which instrument, if genuine, might be filed, registered or recorded in said public office under any law of this State or of the United States, by offering to said court urine, which did not come from G.D., that was to be used in a urinalysis test, ordered by said Court in order for the results of such tests to be registered in the said Court minutes and/or in the said Court's database recording the results of G.D.'s court ordered urinalysis tests, which were ordered in The City of Las Vegas v. G.D., Case No. C1132105A, when in truth and in fact, the individual in said cases had not provided the required urine as ordered, as the Defendant LAWRENCE JOSEPH RINETTI well knew; Defendant LAWRENCE JOSEPH RINETTI being criminally liable under one or more of the following principles of criminal liability, to-wit: (1) by directly

committing this crime; and/or (2) by aiding or abetting in the commission of this crime, with the intent that this crime be committed, by counseling, encouraging, hiring, commanding, inducing and/or otherwise procuring the other to commit the crime; and/or (3) pursuant to a conspiracy to commit this crime, with the intent that this crime be committed, Defendant and G.D. acting in concert throughout.

COUNT 29 – OFFERING A FALSE INSTRUMENT FOR FILING OR RECORD

Defendant LAWRENCE JOSEPH RINETTI did on or about December 11, 2018, then and there knowingly and unlawfully procure or offer a false or forged instrument to be filed, registered, or recorded in any public office to wit: Las Vegas Municipal Court, which instrument, if genuine, might be filed, registered or recorded in said public office under any law of this State or of the United States, by offering to said court urine, which did not come from G.D., that was to be used in a urinalysis test, ordered by said Court in order for the results of such tests to be registered in the said Court minutes and/or in the said Court's database recording the results of G.D.'s court ordered urinalysis tests, which were ordered in The City of Las Vegas v. G.D., Case No. C1132105A, when in truth and in fact, the individual in said cases had not provided the required urine as ordered, as the Defendant LAWRENCE JOSEPH RINETTI well knew; Defendant LAWRENCE JOSEPH RINETTI being criminally liable under one or more of the following principles of criminal liability, to-wit: (1) by directly committing this crime; and/or (2) by aiding or abetting in the commission of this crime, with the intent that this crime be committed, by counseling, encouraging, hiring, commanding, inducing and/or otherwise procuring the other to commit the crime; and/or (3) pursuant to a conspiracy to commit this crime, with the intent that this crime be committed, Defendant and G.D. acting in concert throughout.

COUNT 30 – OFFERING A FALSE INSTRUMENT FOR FILING OR RECORD

Defendant LAWRENCE JOSEPH RINETTI did on or about December 18, 2018, then and there knowingly and unlawfully procure or offer a false or forged instrument to be filed, registered, or recorded in any public office to wit: Las Vegas Municipal Court, which instrument, if genuine, might be filed, registered or recorded in said public office under any

law of this State or of the United States, by offering to said court urine, which did not come from G.D., that was to be used in a urinalysis test, ordered by said Court in order for the results of such tests to be registered in the said Court minutes and/or in the said Court's database recording the results of G.D.'s court ordered urinalysis tests, which were ordered in The City of Las Vegas v. G.D., Case No. C1132105A, when in truth and in fact, the individual in said cases had not provided the required urine as ordered, as the Defendant LAWRENCE JOSEPH RINETTI well knew; Defendant LAWRENCE JOSEPH RINETTI being criminally liable under one or more of the following principles of criminal liability, to-wit: (1) by directly committing this crime; and/or (2) by aiding or abetting in the commission of this crime, with the intent that this crime be committed, by counseling, encouraging, hiring, commanding, inducing and/or otherwise procuring the other to commit the crime; and/or (3) pursuant to a conspiracy to commit this crime, with the intent that this crime be committed, Defendant and G.D. acting in concert throughout.

COUNT 31 – OFFERING A FALSE INSTRUMENT FOR FILING OR RECORD

Defendant LAWRENCE JOSEPH RINETTI did on or about December 20, 2018, then and there knowingly and unlawfully procure or offer a false or forged instrument to be filed, registered, or recorded in any public office to wit: Las Vegas Municipal Court, which instrument, if genuine, might be filed, registered or recorded in said public office under any law of this State or of the United States, by offering to said court urine, which did not come from G.D., that was to be used in a urinalysis test, ordered by said Court in order for the results of such tests to be registered in the said Court minutes and/or in the said Court's database recording the results of G.D.'s court ordered urinalysis tests, which were ordered in The City of Las Vegas v. G.D., Case No. C1132105A, when in truth and in fact, the individual in said cases had not provided the required urine as ordered, as the Defendant LAWRENCE JOSEPH RINETTI well knew; Defendant LAWRENCE JOSEPH RINETTI being criminally liable under one or more of the following principles of criminal liability, to-wit: (1) by directly committing this crime; and/or (2) by aiding or abetting in the commission of this crime, with the intent that this crime be committed, by counseling, encouraging, hiring, commanding,

inducing and/or otherwise procuring the other to commit the crime; and/or (3) pursuant to a conspiracy to commit this crime, with the intent that this crime be committed, Defendant and G.D. acting in concert throughout.

COUNT 32 – OFFERING A FALSE INSTRUMENT FOR FILING OR RECORD

Defendant LAWRENCE JOSEPH RINETTI did on or about December 26, 2018, then and there knowingly and unlawfully procure or offer a false or forged instrument to be filed, registered, or recorded in any public office to wit: Las Vegas Municipal Court, which instrument, if genuine, might be filed, registered or recorded in said public office under any law of this State or of the United States, by offering to said court urine, which did not come from G.D., that was to be used in a urinalysis test, ordered by said Court in order for the results of such tests to be registered in the said Court minutes and/or in the said Court's database recording the results of G.D.'s court ordered urinalysis tests, which were ordered in The City of Las Vegas v. G.D., Case No. C1132105A, when in truth and in fact, the individual in said cases had not provided the required urine as ordered, as the Defendant LAWRENCE JOSEPH RINETTI well knew; Defendant LAWRENCE JOSEPH RINETTI being criminally liable under one or more of the following principles of criminal liability, to-wit: (1) by directly committing this crime; and/or (2) by aiding or abetting in the commission of this crime, with the intent that this crime be committed, by counseling, encouraging, hiring, commanding, inducing and/or otherwise procuring the other to commit the crime; and/or (3) pursuant to a conspiracy to commit this crime, with the intent that this crime be committed, Defendant and G.D. acting in concert throughout.

COUNT 33 – OFFERING A FALSE INSTRUMENT FOR FILING OR RECORD

Defendant LAWRENCE JOSEPH RINETTI did on or about January 2, 2019, then and there knowingly and unlawfully procure or offer a false or forged instrument to be filed, registered, or recorded in any public office to wit: Las Vegas Municipal Court, which instrument, if genuine, might be filed, registered or recorded in said public office under any law of this State or of the United States, by offering to said court urine, which did not come from G.D., that was to be used in a urinalysis test, ordered by said Court in order for the results

of such tests to be registered in the said Court minutes and/or in the said Court's database recording the results of G.D.'s court ordered urinalysis tests, which were ordered in The City of Las Vegas v. G.D., Case No. C1132105A, when in truth and in fact, the individual in said cases had not provided the required urine as ordered, as the Defendant LAWRENCE JOSEPH RINETTI well knew; Defendant LAWRENCE JOSEPH RINETTI being criminally liable under one or more of the following principles of criminal liability, to-wit: (1) by directly committing this crime; and/or (2) by aiding or abetting in the commission of this crime, with the intent that this crime be committed, by counseling, encouraging, hiring, commanding, inducing and/or otherwise procuring the other to commit the crime; and/or (3) pursuant to a conspiracy to commit this crime, with the intent that this crime be committed, Defendant and G.D. acting in concert throughout.

COUNT 34 – OFFERING A FALSE INSTRUMENT FOR FILING OR RECORD

Defendant LAWRENCE JOSEPH RINETTI did on or about January 9, 2019, then and there knowingly and unlawfully procure or offer a false or forged instrument to be filed, registered, or recorded in any public office to wit: Las Vegas Municipal Court, which instrument, if genuine, might be filed, registered or recorded in said public office under any law of this State or of the United States, by offering to said court urine, which did not come from G.D., that was to be used in a urinalysis test, ordered by said Court in order for the results of such tests to be registered in the said Court minutes and/or in the said Court's database recording the results of G.D.'s court ordered urinalysis tests, which were ordered in The City of Las Vegas v. G.D., Case No. C1132105A, when in truth and in fact, the individual in said cases had not provided the required urine as ordered, as the Defendant LAWRENCE JOSEPH RINETTI well knew; Defendant LAWRENCE JOSEPH RINETTI being criminally liable under one or more of the following principles of criminal liability, to-wit: (1) by directly committing this crime; and/or (2) by aiding or abetting in the commission of this crime, with the intent that this crime be committed, by counseling, encouraging, hiring, commanding, inducing and/or otherwise procuring the other to commit the crime; and/or (3) pursuant to a

conspiracy to commit this crime, with the intent that this crime be committed, Defendant and G.D. acting in concert throughout.

COUNT 35 – OFFERING A FALSE INSTRUMENT FOR FILING OR RECORD

Defendant LAWRENCE JOSEPH RINETTI did on or about January 23, 2019, then and there knowingly and unlawfully procure or offer a false or forged instrument to be filed, registered, or recorded in any public office to wit: Las Vegas Municipal Court, which instrument, if genuine, might be filed, registered or recorded in said public office under any law of this State or of the United States, by offering to said court urine, which did not come from G.D., that was to be used in a urinalysis test, ordered by said Court in order for the results of such tests to be registered in the said Court minutes and/or in the said Court's database recording the results of G.D.'s court ordered urinalysis tests, which were ordered in The City of Las Vegas v. G.D., Case No. C1132105A, when in truth and in fact, the individual in said cases had not provided the required urine as ordered, as the Defendant LAWRENCE JOSEPH RINETTI well knew; Defendant LAWRENCE JOSEPH RINETTI being criminally liable under one or more of the following principles of criminal liability, to-wit: (1) by directly committing this crime; and/or (2) by aiding or abetting in the commission of this crime, with the intent that this crime be committed, by counseling, encouraging, hiring, commanding, inducing and/or otherwise procuring the other to commit the crime; and/or (3) pursuant to a conspiracy to commit this crime, with the intent that this crime be committed, Defendant and G.D. acting in concert throughout.

COUNT 36 – OFFERING A FALSE INSTRUMENT FOR FILING OR RECORD

Defendant LAWRENCE JOSEPH RINETTI did on or about Feburary 7, 2019, then and there knowingly and unlawfully procure or offer a false or forged instrument to be filed, registered, or recorded in any public office to wit: Las Vegas Municipal Court, which instrument, if genuine, might be filed, registered or recorded in said public office under any law of this State or of the United States, by offering to said court urine, which did not come from G.D., that was to be used in a urinalysis test, ordered by said Court in order for the results of such tests to be registered in the said Court minutes and/or in the said Court's database

recording the results of G.D.'s court ordered urinalysis tests, which were ordered in The City of Las Vegas v. G.D., Case No. C1132105A, when in truth and in fact, the individual in said cases had not provided the required urine as ordered, as the Defendant LAWRENCE JOSEPH RINETTI well knew; Defendant LAWRENCE JOSEPH RINETTI being criminally liable under one or more of the following principles of criminal liability, to-wit: (1) by directly committing this crime; and/or (2) by aiding or abetting in the commission of this crime, with the intent that this crime be committed, by counseling, encouraging, hiring, commanding, inducing and/or otherwise procuring the other to commit the crime; and/or (3) pursuant to a conspiracy to commit this crime, with the intent that this crime be committed, Defendant and G.D. acting in concert throughout.

COUNT 37 – OFFERING A FALSE INSTRUMENT FOR FILING OR RECORD

Defendant LAWRENCE JOSEPH RINETTI did on or about March 6, 2019, then and there knowingly and unlawfully procure or offer a false or forged instrument to be filed, registered, or recorded in any public office to wit: Las Vegas Municipal Court, which instrument, if genuine, might be filed, registered or recorded in said public office under any law of this State or of the United States, by offering to said court urine, which did not come from G.D., that was to be used in a urinalysis test, ordered by said Court in order for the results of such tests to be registered in the said Court minutes and/or in the said Court's database recording the results of G.D.'s court ordered urinalysis tests, which were ordered in The City of Las Vegas v. G.D., Case No. C1132105A, when in truth and in fact, the individual in said cases had not provided the required urine as ordered, as the Defendant LAWRENCE JOSEPH RINETTI well knew; Defendant LAWRENCE JOSEPH RINETTI being criminally liable under one or more of the following principles of criminal liability, to-wit: (1) by directly committing this crime; and/or (2) by aiding or abetting in the commission of this crime, with the intent that this crime be committed, by counseling, encouraging, hiring, commanding, inducing and/or otherwise procuring the other to commit the crime; and/or (3) pursuant to a conspiracy to commit this crime, with the intent that this crime be committed, Defendant and G.D. acting in concert throughout.

COUNT 38 - RECKLESS DRIVING

Defendant LAWRENCE JOSEPH RINETTI did on or about November 12, 2018 then and there willfully, unlawfully, and feloniously drive a motor vehicle at the intersections of S. Rainbow Blvd. and W. Russell Rd., Las Vegas, Clark County, Nevada, with willful or wanton disregard for the safety of persons or property, by driving said vehicle without paying full time and attention to his driving, and/or failing to exercise due care, and/or failing to drive in a careful and prudent manner, and/or the defendant running late to training class so he activated his lights and sirens without a proper justification and/or by running a red light and entering an intersection without proper jusitifcation and/or by speeding without justification, which acts, or neglect of duties, proximately causing the death of or substantial bodily harm to [redacted]

COUNT 39 - INSURANCE FRAUD

Defendant LAWRENCE JOSEPH RINETTI did on or between November 12, 2018 and February 10, 2020 then and there willfully, unlawfully, knowingly and feloniously present or causing to be presented any statement, either written or oral, to an insurer, a reinsurer, a producer, a broker or any agent thereof, any statement as a part of, or in support of, a claim for payment or other benefits under a policy of insurance issued pursuant to this Title, knowing that the statement conceals or omits facts, or contains false or misleading information concerning any fact material to a claim, to wit: by submitting a false and/or fraudulent workman's compensation claim wherein defendant falsely claimed the reason why he activated his lights and sirens, ran a red light and/or entered an intersection was allegedly due to an attempt to pull over a reckless driver, when in truth and in fact the Defendant knew this was not true.

COUNT 40 - THEFT

Defendant LAWRENCE JOSEPH RINETTI did on or between November 12, 2018 and February 10, 2020, did knowingly obtain real, personal or intangible property or the services of another person, valued at more than $3,500.00, by a material misrepresentation with intent to deprive that person of the property or services, to wit: Defendant submitting a

false and/or fraudulent workman's compensation claim wherein defendant falsely claimed the reason why he activated his lights and sirens, ran a red light and/or entered an intersection was allegedly due to an attempt to pull over a reckless driver, when in truth and in fact the Defendant knew this was not true. As a result of the misrepresentation Cannnon Cochran Management Services Inc. ("CCMSI") paid Defendant, LAWRENCE JOSEPH RINETTI, in excess of $3,500.00 for the value of the impairment Defendant suffered as a result of the accident.

DATED this 9 day of March, 2020.

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

BY _____
CHRISTOPHER HAMNER
Chief Deputy District Attorney
Nevada Bar #011390

ENDORSEMENT: A True Bill

_____
Foreperson, Clark County Grand Jury

Names of Witnesses and testifying before the Grand Jury:

CHANDLER, ERIC – c/o CCDA, 200 Lewis Avenue, LV, NV 89101

CHEN, ALEXANDER – c/o CLARK COUNTY DISTRICT ATTORNEY

COOKSTON, WILLIAM – c/o CCDA, 200 Lewis Avenue, LV, NV 89101

DIETZEL, DAN – c/o CCDA, 200 Lewis Avenue, LV, NV 89101

ESTELL, STEPHEN – c/o CCDA, 200 Lewis Avenue, LV, NV 89101

G.D – c/o CCDA, 200 Lewis Avenue, LV, NV 89101

HOVANCE, MATTHEW – LVMPD

JAPPE, DEREK – LVMPD #9992

JONES, BARRY – c/o CCDA, 200 Lewis Avenue, LV, NV 89101

MARSHALL, DUSTY – c/o CCDA, 200 Lewis Avenue, LV, NV 89101

MITCHELL, DOROTHY – c/o CCDA, 200 Lewis Avenue, LV, NV 89101

PETO, ALAN – c/o CCDA, 200 Lewis Avenue, LV, NV 89101

REINERT, JUSTIN – c/o CCDA, 200 Lewis Avenue, LV, NV 89101

SCANLON, MATTHEW – LVMPD

SERRANO, ELIZABETH – c/o CCDA, 200 Lewis Avenue, LV, NV 89101

SNODGRASS, THEODORE – LVMPD #13701

STORY, COONIE – c/o CCDA, 200 Lewis Avenue, LV, NV 89101

TOPALIAN, SARKIS – c/o CCDA, 200 Lewis Avenue, LV, NV 89101

VILLANI, JACOB – c/o CLARK COUNTY DISTRICT ATTORNEY

WADE, HENRY – c/o CCDA, 200 Lewis Avenue, LV, NV 89101

WILLIAMS, DENA – c/o CCDA, 200 Lewis Avenue, LV, NV 89101

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Additional Witnesses known to the District Attorney at time of filing the Indictment:

CUSTODIAN OF RECORDS - CCDC

CUSTODIAN OF RECORDS - LVMPD COMMUNICATIONS

CUSTODIAN OF RECORDS - LVMPD RECORDS

HOWE, TROY – LVMPD #7255

STANTON, AARON – LVMPD #4717

19CGJ032A-B/19F22141X/ed-GJ
LVMPD EV# 190600059367
(TK2)

February 29, 2024
UNITED STATES OF AMERICA DISTRICT COURT OF THE EIGHTH JUDICIAL DISTRICT COUNTY OF CLARK STATE OF NEVADA
CERTIFIED COPY
ELECTRONIC SEAL (NRS 1.190(3))
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10/1/2020 9:58 AM
Steven D. Grierson
CLERK OF THE COURT

AIND
STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001565
CHRISTOPHER HAMNER
Chief Deputy District Attorney
Nevada Bar #011390
BINU G. PALAL
Nevada Bar #010178
Chief Deputy District Attorney
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-

LAWRENCE JOSEPH RINETTI, aka, [redacted]etti Jr., #2565640
[redacted], #2565545

Defendant.

CASE NO: C-20-347717-1

DEPT NO: X

AMENDED
I N D I C T M E N T

STATE OF NEVADA)
) ss.
COUNTY OF CLARK)

The Defendant above named, LAWRENCE JOSEPH RINETTI, aka, Lawrence Joseph Rinetti Jr. and [redacted], accused by the Clark County Grand Jury of the crime(s) of TRAFFICKING IN CONTROLLED SUBSTANCE (Category A Felony - NRS 453.3385.3 - NOC 51160); TRANSPORT OF A CONTROLLED SUBSTANCE (Category B Felony - NRS 453.321 - NOC 51090); GIVE AWAY A CONTROLLED SUBSTANCE (Category B Felony - NRS 453.321 - NOC 51090); MISCONDUCT OF A PUBLIC OFFICER (Category E Felony - NRS 197.110 - NOC 52303); CONSPIRACY TO COMMIT POSSESSION OF STOLEN PROPERTY (Gross Misdemeanor - NRS 205.275, 199.480 - NOC 50594); POSSESSION OF STOLEN PROPERTY (Category B Felony - NRS 205.275 - NOC 56060); CONSPIRACY TO COMMIT THEFT (Gross Misdemeanor - NRS 205.0832, 205.0835,

EXHIBIT F

199.480 - NOC 50456); THEFT (Category B Felony - NRS 205.0832, 205.0835.4 - NOC 55991); CONSPIRACY TO COMMIT A CRIME (Gross Misdemeanor - NRS 199.480 - NOC 55982); OFFERING A FALSE INSTRUMENT FOR FILING OR RECORD (Category C Felony – NRS 239.330, 171.085, 171.090, 171.095 – NOC 52399); RECKLESS DRIVING (Category B Felony - NRS 484B.653 - NOC 53896) and INSURANCE FRAUD (Category D Felony - NRS 686A.281, 686A.2815, 686A.291 - NOC 52263) committed at and within the County of Clark, State of Nevada, on or between June 1, 2018 and February 10, 2020, as follows:

COUNT 1 - TRAFFICKING IN CONTROLLED SUBSTANCE

Defendant LAWRENCE JOSEPH RINETTI did on or about January 17, 2019 willfully, unlawfully, feloniously, and knowingly or intentionally possess, either actually or constructively, 28 grams or more, to wit: approximately 30 grams of Methamphetamine or any mixture of substance consisting of approximately 30 grams containing the controlled substance Methamphetamine.

COUNT 2 - TRANSPORT OF A CONTROLLED SUBSTANCE

Defendant LAWRENCE JOSEPH RINETTI did on or about January 17, 2019 willfully, unlawfully, and feloniously transport within Clark County, Nevada, a controlled substance, to wit: Methamphetamine.

COUNT 3 - GIVE AWAY A CONTROLLED SUBSTANCE

Defendant LAWRENCE JOSEPH RINETTI did on or between January 17, 2019 and January 18, 2019 willfully, unlawfully, and feloniously give away to G.D., a controlled substance, to wit: Methamphetamine.

COUNT 4 - MISCONDUCT OF A PUBLIC OFFICER

Defendant LAWRENCE JOSEPH RINETTI did on or between January 17, 2019 and January 18, 2019, then and there willfully, knowingly, feloniously, and without lawful authority, being a public officer, 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 gain of the public officer or another, to wit: by defendant, being employed as a

detective for Las Vegas Metropolitan Police Department, whereby he did obtain a controlled substance, methamphetamine, during the execution of a search warrant and did subsequently provide the methamphetamine to G.D. each act being done to further or continue an intimate relationship between Defendant and G.D.

COUNT 5 - TRANSPORT OF A CONTROLLED SUBSTANCE

Defendant LAWRENCE JOSEPH RINETTI did on or about between January 31, 2019 and February 1, 2019 willfully, unlawfully, and feloniously transport within Clark County, Nevada, a controlled substance, to wit: Heroin.

COUNT 6 - GIVE AWAY A CONTROLLED SUBSTANCE

Defendant LAWRENCE JOSEPH RINETTI did on or between January 31, 2019 and February 1, 2019 willfully, unlawfully, and feloniously give away to G.D., a controlled substance, to wit: Heroin.

COUNT 7 - MISCONDUCT OF A PUBLIC OFFICER

Defendant LAWRENCE JOSEPH RINETTI did on or between January 31, 2019 and February 1, 2019, then and there willfully, knowingly, feloniously, and without lawful authority, being a public officer, 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 gain of the public officer or another, to wit: by defendant, being employed as a detective for Las Vegas Metropolitan Police Department, whereby he did obtain a controlled substance, heroin, during the execution of a raid and/or search warrant and/or arrest and did subsequently provide the heroin to G.D. each act being done to further or continue an intimate relationship between defendant and G.D.

COUNT 8 - MISCONDUCT OF A PUBLIC OFFICER

Defendant LAWRENCE JOSEPH RINETTI did on or between July 1, 2019 and September 30, 2019, then and there willfully, knowingly, feloniously, and without lawful authority, being a public officer, 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 gain of the public officer or another, to wit: by defendant, being employed as a

detective for Las Vegas Metropolitan Police Department, asked members of the Clark County District Attorney's office to help G.D. avoid arrest on bench warrants and/or avoid prosecution of new criminal charges and/or secure a favorable negotiation on active criminal cases by defendant falsely representing that G.D. was currently an active confidential informant for defendant and/or federal law enforcement officers each act being done to further or continue an intimate relationship between defendant and G.D.

COUNT 9 - CONSPIRACY TO COMMIT POSSESSION OF STOLEN PROPERTY

Defendant LAWRENCE JOSEPH RINETTI did on or between August 12, 2019 and August 15, 2019 willfully and unlawfully conspire with G.D. to commit possession of stolen property, by the defendants with G.D. committing the acts as set forth in Counts 10 - 11, said acts being incorporated by this reference as though fully set forth herein.

COUNT 10 - POSSESSION OF STOLEN PROPERTY

Defendant LAWRENCE JOSEPH RINETTI did on or about August 12, 2019 willfully, unlawfully, and feloniously, for his own gain and/or to prevent the owner from again possessing the owner's property, possess stolen property, to wit: Minerals, owned by [redacted], having a value of $3,500.00 or more, said Defendant knew it was stolen property and/or did possess it under circumstances which would have caused a reasonable person to know that it was stolen property, the Defendant(s) being criminally liable under one or more of the following principles of criminal liability, to-wit: (1) by directly committing this crime; and/or (2) by aiding or abetting in the commission of this crime, with the intent that this crime be committed, by counseling, encouraging, hiring, commanding, inducing and/or otherwise procuring the other to commit the crime; and/or (3) pursuant to a conspiracy to commit this crime, with the intent that this crime be committed, by Defendant and G.D. acting in concert throughout.

COUNT 11 - POSSESSION OF STOLEN PROPERTY

Defendant LAWRENCE JOSEPH RINETTI did on or about August 15, 2019 willfully, unlawfully, and feloniously, for his own gain and/or to prevent the owner from again possessing the owner's property, possess stolen property, to wit: Minerals, owned by [redacted]

[redacted], having a value of $3,500.00 or more, said Defendant knew it was stolen property and/or did possess it under circumstances which would have caused a reasonable person to know that it was stolen property, the Defendant(s) being criminally liable under one or more of the following principles of criminal liability, to-wit: (1) by directly committing this crime; and/or (2) by aiding or abetting in the commission of this crime, with the intent that this crime be committed, by counseling, encouraging, hiring, commanding, inducing and/or otherwise procuring the other to commit the crime; and/or (3) pursuant to a conspiracy to commit this crime, with the intent that this crime be committed, by Defendant and G.D. acting in concert throughout.

COUNT 12 - CONSPIRACY TO COMMIT THEFT

Defendant LAWRENCE JOSEPH RINETTI did on or between August 12, 2019 and August 15, 2019 willfully and unlawfully conspire with G.D. to commit theft, by the defendant with G.D. committing the acts as set forth in Counts 13 - 14, said acts being incorporated by this reference as though fully set forth herein.

COUNT 13 - THEFT

Defendant LAWRENCE JOSEPH RINETTI did on or about August 12, 2019 willfully, knowingly, feloniously, and without lawful authority, controls property of another person knowing or having reason to know that the property was stolen and/or controls any property of another person with the intent to deprive that person of the property and/or comes into control of lost, mislaid or misdelivered property of another person under circumstances providing means of inquiry as to the true owner and appropriates that property to his or her own use or that of another person without reasonable efforts to notify the true owner, having a value of $3,500.00 or more, belonging to [redacted], in the following manner, to wit: by possessing stolen minerals belonging to [redacted] located in the impounded vehicle of G.D., the Defendant(s) being criminally liable under one or more of the following principles of criminal liability, to-wit: (1) by directly committing this crime; and/or (2) by aiding or abetting in the commission of this crime, with the intent that this crime be committed, by counseling, encouraging, hiring, commanding, inducing and/or otherwise procuring the other

to commit the crime; and/or (3) pursuant to a conspiracy to commit this crime, with the intent that this crime be committed, by Defendant and G.D. acting in concert throughout.

COUNT 14 - THEFT

Defendant LAWRENCE JOSEPH RINETTI did on or about August 15, 2019 willfully, knowingly, feloniously, and without lawful authority, controls property of another person knowing or having reason to know that the property was stolen and/or controls any property of another person with the intent to deprive that person of the property and/or comes into control of lost, mislaid or misdelivered property of another person under circumstances providing means of inquiry as to the true owner and appropriates that property to his or her own use or that of another person without reasonable efforts to notify the true owner, having a value of $3,500.00 or more, belonging to [redacted], in the following manner, to wit: by possessing stolen minerals belonging to [redacted] located in the impounded vehicle of G.D., the Defendant(s) being criminally liable under one or more of the following principles of criminal liability, to-wit: (1) by directly committing this crime; and/or (2) by aiding or abetting in the commission of this crime, with the intent that this crime be committed, by counseling, encouraging, hiring, commanding, inducing and/or otherwise procuring the other to commit the crime; and/or (3) pursuant to a conspiracy to commit this crime, with the intent that this crime be committed, by Defendant and G.D. acting in concert throughout.

COUNT 15 - MISCONDUCT OF A PUBLIC OFFICER

Defendant LAWRENCE JOSEPH RINETTI did on or between August 12, 2019, then and there willfully, knowingly, feloniously, and without lawful authority, being a public officer, 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 gain of the public officer or another, to wit: by defendant, being employed as a detective for Las Vegas Metropolitan Police Department whereby defendant used his Las Vegas Metropolitian Police Department credentials in order to gain access to a vehicle lawfully impounded by the Las Vegas City Marshall in order to access said vehicle in order to remove personal property

///

belonging to G.D. each act being done to further or continue an intimate relationship between defendant and G.D.

COUNT 16 - MISCONDUCT OF A PUBLIC OFFICER

Defendant LAWRENCE JOSEPH RINETTI did on or between August 15, 2019, then and there willfully, knowingly, feloniously, and without lawful authority, being a public officer, 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 gain of the public officer or another, to wit: by defendant, being employed as a detective for Las Vegas Metropolitan Police Department whereby defendant used his Las Vegas Metropolitian Police Department credentials in order to gain access to a vehicle lawfully impounded by the Las Vegas City Marshall in order to access said vehicle in order to remove personal property belonging to G.D. each act being done to further or continue an intimate relationship between defendant and G.D.

COUNT 17 - MISCONDUCT OF A PUBLIC OFFICER

Defendant LAWRENCE JOSEPH RINETTI did on or about September 6, 2018 then and there willfully, knowingly, feloniously, and without lawful authority, being a public officer, 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 gain of the public officer or another, to wit: by defendant, being employed as a detective for Las Vegas Metropolitan Police Department, whereby defendant was using a Las Vegas Metropolitan Police Department computer and/or criminal history database to query the criminal history and personal identifying information of G.D.'s mother including but not limited to her Social Security Number and providing said information to G.D., each act being done to further or continue an intimate relationship between defendant and G.D.

COUNT 18 - CONSPIRACY TO COMMIT A CRIME

Defendants LAWRENCE JOSEPH RINETTI and [redacted] did on or about December 6, 2018 willfully and unlawfully conspire with each other and/or with G.D. to commit an act for the perversion or corruption of public justice or the due administration of

the law, and/or commit a crime(s), to wit: Offering False Instrument for Filing or Record, said acts being incorporated by this reference as though fully set forth herein as well as set forth in Count 19 and/or Obstruction of Public Officer, by Defendant [redacted] providing urine to G.D. at the request of Defendant LAWRENCE JOSEPH RINETTI in order for G.D. to offer urine which was not G.D.'s in an effort to pass her court ordered urinalysis tests in The City of Las Vegas v. G.D., Case No. C1132105A; Defendants being criminally liable under one or more of the following principles of criminal liability, to-wit: (1) by directly committing this crime; and/or (2) by aiding or abetting in the commission of this crime, with the intent that this crime be committed, by counseling, encouraging, hiring, commanding, inducing and/or otherwise procuring the other to commit the crime; and/or (3) pursuant to a conspiracy to commit this crime, with the intent that this crime be committed, Defendants and G.D. acting in concert throughout.

COUNT 19 – OFFERING A FALSE INSTRUMENT FOR FILING OR RECORD

Defendants LAWRENCE JOSEPH RINETTI and [redacted] did on or about December 6, 2018, then and there knowingly and unlawfully procure or offer a false or forged instrument to be filed, registered, or recorded in any public office to wit: Las Vegas Municipal Court, which instrument, if genuine, might be filed, registered or recorded in said public office under any law of this State or of the United States, by Defendant [redacted] providing his urine to G.D., at the request of Defendant LAWRENCE JOSEPH RINETTI, in order for G.D. to offer said Court urine, which did not come from G.D., that was to be used in a urinalysis test, ordered by said Court in order for the results of such tests to be registered in the said Court minutes and/or in the said Court's database recording the results of G.D.'s court ordered urinalysis tests, which were ordered in The City of Las Vegas v. G.D., Case No. C1132105A, when in truth and in fact, the individual in said case had not provided the required urine as ordered, as the Defendants well knew; Defendants being criminally liable under one or more of the following principles of criminal liability, to-wit: (1) by directly committing this crime; and/or (2) by aiding or abetting in the commission of this crime, with the intent that this crime be committed, by counseling, encouraging, hiring, commanding,

inducing and/or otherwise procuring the other to commit the crime; and/or (3) pursuant to a conspiracy to commit this crime, with the intent that this crime be committed, Defendants and G.D. acting in concert throughout.

COUNT 20 - CONSPIRACY TO COMMIT A CRIME

Defendant LAWRENCE JOSEPH RINETTI did on or between November 20, 2018 and March 6, 2019 willfully and unlawfully conspire with G.D. to commit an act for the perversion or corruption of public justice or the due administration of the law, and/or commit a crime(s), to wit: Offering False Instrument for Filing or Record, said acts being incorporated by this reference as though fully set forth herein as well as set forth in Count 21 and/or Obstruction of Public Officer, by Defendant [redacted] providing urine to G.D. at the request of Defendant LAWRENCE JOSEPH RINETTI in order for her to offer urine which was not G.D.'s in an effort to pass her court ordered urinalysis tests in The City of Las Vegas v. G.D., Case No. C1132105A; Defendants being criminally liable under one or more of the following principles of criminal liability, to-wit: (1) by directly committing this crime; and/or (2) by aiding or abetting in the commission of this crime, with the intent that this crime be committed, by counseling, encouraging, hiring, commanding, inducing and/or otherwise procuring the other to commit the crime; and/or (3) pursuant to a conspiracy to commit this crime, with the intent that this crime be committed, Defendant and G.D. acting in concert throughout.

COUNT 21 – OFFERING A FALSE INSTRUMENT FOR FILING OR RECORD

Defendant LAWRENCE JOSEPH RINETTI did on or about Feburary 7, 2019, then and there knowingly and unlawfully procure or offer a false or forged instrument to be filed, registered, or recorded in any public office to wit: Las Vegas Municipal Court, which instrument, if genuine, might be filed, registered or recorded in said public office under any law of this State or of the United States, by offering to said court urine, which did not come from G.D., that was to be used in a urinalysis test, ordered by said Court in order for the results of such tests to be registered in the said Court minutes and/or in the said Court's database recording the results of G.D.'s court ordered urinalysis tests, which were ordered in The City

of Las Vegas v. G.D., Case No. C1132105A, when in truth and in fact, the individual in said cases had not provided the required urine as ordered, as the Defendant LAWRENCE JOSEPH RINETTI well knew; Defendant LAWRENCE JOSEPH RINETTI being criminally liable under one or more of the following principles of criminal liability, to-wit: (1) by directly committing this crime; and/or (2) by aiding or abetting in the commission of this crime, with the intent that this crime be committed, by counseling, encouraging, hiring, commanding, inducing and/or otherwise procuring the other to commit the crime; and/or (3) pursuant to a conspiracy to commit this crime, with the intent that this crime be committed, Defendant and G.D. acting in concert throughout.

COUNT 22 - RECKLESS DRIVING

Defendant LAWRENCE JOSEPH RINETTI did on or about November 12, 2018 then and there willfully, unlawfully, and feloniously drive a motor vehicle at the intersections of S. Rainbow Blvd. and W. Russell Rd., Las Vegas, Clark County, Nevada, with willful or wanton disregard for the safety of persons or property, by driving said vehicle without paying full time and attention to his driving, and/or failing to exercise due care, and/or failing to drive in a careful and prudent manner, and/or the defendant running late to training class so he activated his lights and sirens without a proper justification and/or by running a red light and entering an intersection without proper jusitifcation and/or by speeding without justification, which acts, or neglect of duties, proximately causing the death of or substantial bodily harm to [redacted].

COUNT 23 - INSURANCE FRAUD

Defendant LAWRENCE JOSEPH RINETTI did on or between November 12, 2018 and February 10, 2020 then and there willfully, unlawfully, knowingly and feloniously present or causing to be presented any statement, either written or oral, to an insurer, a reinsurer, a producer, a broker or any agent thereof, any statement as a part of, or in support of, a claim for payment or other benefits under a policy of insurance issued pursuant to this Title, knowing that the statement conceals or omits facts, or contains false or misleading information concerning any fact material to a claim, to wit: by submitting a false and/or fraudulent

workman's compensation claim wherein defendant falsely claimed the reason why he activated his lights and sirens, ran a red light and/or entered an intersection was allegedly due to an attempt to pull over a reckless driver, when in truth and in fact the Defendant knew this was not true.

COUNT 24 - THEFT

Defendant LAWRENCE JOSEPH RINETTI did on or between November 12, 2018 and February 10, 2020, did knowingly obtain real, personal or intangible property or the services of another person, valued at more than $3,500.00, by a material misrepresentation with intent to deprive that person of the property or services, to wit: Defendant submitting a false and/or fraudulent workman's compensation claim wherein defendant falsely claimed the reason why he activated his lights and sirens, ran a red light and/or entered an intersection was allegedly due to an attempt to pull over a reckless driver, when in truth and in fact the Defendant knew this was not true. As a result of the misrepresentation Cannnon Cochran Management Services Inc. ("CCMSI") paid Defendant, LAWRENCE JOSEPH RINETTI, in excess of $3,500.00 for the value of the impairment Defendant suffered as a result of the accident.

DATED this 17th day of October, 2020.

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

BY /s/ Christopher S. Hamner
CHRISTOPHER HAMNER
Chief Deputy District Attorney
Nevada Bar #011390

ENDORSEMENT: A True Bill

Foreperson, Clark County Grand Jury

Names of Witnesses and testifying before the Grand Jury:

CHANDLER, ERIC – c/o CCDA, 200 Lewis Avenue, LV, NV 89101

CHEN, ALEXANDER – c/o CLARK COUNTY DISTRICT ATTORNEY

COOKSTON, WILLIAM – c/o CCDA, 200 Lewis Avenue, LV, NV 89101

DIETZEL, DAN – c/o CCDA, 200 Lewis Avenue, LV, NV 89101

ESTELL, STEPHEN – c/o CCDA, 200 Lewis Avenue, LV, NV 89101

G.D – c/o CCDA, 200 Lewis Avenue, LV, NV 89101

HOVANCE, MATTHEW – LVMPD

JAPPE, DEREK – LVMPD #9992

JONES, BARRY – c/o CCDA, 200 Lewis Avenue, LV, NV 89101

MARSHALL, DUSTY – c/o CCDA, 200 Lewis Avenue, LV, NV 89101

MITCHELL, DOROTHY – c/o CCDA, 200 Lewis Avenue, LV, NV 89101

PETO, ALAN – c/o CCDA, 200 Lewis Avenue, LV, NV 89101

REINERT, JUSTIN – c/o CCDA, 200 Lewis Avenue, LV, NV 89101

SCANLON, MATTHEW – LVMPD

SERRANO, ELIZABETH – c/o CCDA, 200 Lewis Avenue, LV, NV 89101

SNODGRASS, THEODORE – LVMPD #13701

STORY, COONIE – c/o CCDA, 200 Lewis Avenue, LV, NV 89101

TOPALIAN, SARKIS – c/o CCDA, 200 Lewis Avenue, LV, NV 89101

VILLANI, JACOB – c/o CLARK COUNTY DISTRICT ATTORNEY

WADE, HENRY – c/o CCDA, 200 Lewis Avenue, LV, NV 89101

WILLIAMS, DENA – c/o CCDA, 200 Lewis Avenue, LV, NV 89101

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Additional Witnesses known to the District Attorney at time of filing the Indictment:

CUSTODIAN OF RECORDS - CCDC

CUSTODIAN OF RECORDS - LVMPD COMMUNICATIONS

CUSTODIAN OF RECORDS - LVMPD RECORDS

HOWE, TROY – LVMPD #7255

STANTON, AARON – LVMPD #4717

19CGJ032A-B/19F22141X/saj/MVU
LVMPD EV# 190600059367
(TK2)

February 29, 2024

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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Steven D. Grierson
CLERK OF THE COURT

AIND

STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001565
CHRISTOPHER HAMNER
Chief Deputy District Attorney
Nevada Bar #011390
BINU G. PALAL
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Chief Deputy District Attorney
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-

LAWRENCE JOSEPH RINETTI, aka,
Lawrence Joseph Rinetti Jr., #2565640

Defendant.

CASE NO: C-20-347717-1

DEPT NO: XVII

AMENDED S E C O N D
S U P E R S E D I N G
I N D I C T M E N T

STATE OF NEVADA)
) ss.
COUNTY OF CLARK)

The Defendant above named, LAWRENCE JOSEPH RINETTI, aka, Lawrence Joseph Rinetti Jr., accused by the Clark County Grand Jury of the crime(s) of THEFT (Category B Felony - NRS 205.0832, 205.0835.4 - NOC 55991); ATTEMPT OBTAINING, USING, POSSESSING OR SELLING PERSONAL IDENTIFYING INFORMATION FOR UNLAWFUL PURPOSE BY PUBLIC OFFICER OR PUBLIC EMPLOYEE (Category B Felony - NRS 205.463(1), 193.153 - NOC 50699); OFFERING A FALSE INSTRUMENT FOR FILING OR RECORD (Category C Felony – NRS 239.330, 171.085, 171.090, 171.095 – NOC 52399); RECKLESS DRIVING (Category B Felony - NRS 484B.653 - NOC 53896); committed at and within the County of Clark, State of Nevada, on or between June 1, 2018 and February 10, 2020, as follows:

EXHIBIT G

COUNT 1 - THEFT

did on or about August 12, 2019 willfully, knowingly, feloniously, and without lawful authority, controls property of another person knowing or having reason to know that the property was stolen and/or controls any property of another person with the intent to deprive that person of the property and/or comes into control of lost, mislaid or misdelivered property of another person under circumstances providing means of inquiry as to the true owner and appropriates that property to his or her own use or that of another person without reasonable efforts to notify the true owner, having a value of $3,500.00 or more, belonging to [redacted], in the following manner, to wit: by possessing stolen minerals belonging to [redacted] located in the impounded vehicle of G.D., the Defendant(s) being criminally liable under one or more of the following principles of criminal liability, to-wit: (1) by directly committing this crime; and/or (2) by aiding or abetting in the commission of this crime, with the intent that this crime be committed, by counseling, encouraging, hiring, commanding, inducing and/or otherwise procuring the other to commit the crime; and/or (3) pursuant to a conspiracy to commit this crime, with the intent that this crime be committed, by Defendant and G.D. acting in concert throughout.

COUNT 2 - ATTEMPT OBTAINING, USING, POSSESSING OR SELLING PERSONAL IDENTIFYING INFORMATION FOR UNLAWFUL PURPOSE BY PUBLIC OFFICER OR PUBLIC EMPLOYEE

did on or between September 6, 2018 and September 13, 2019 willfully, unlawfully, knowingly, obtain personal identifying information of another person, to wit: [redacted], and did attempt to use said identifying information to harm said person or for any unlawful purpose, including the obtaining of credit, goods, services or anything of value in the name of said person, in the following manner, to wit: by defendant, a public officer and/or employee, being employed as a detective for Las Vegas Metropolitan Police Department, whereby defendant used a Las Vegas Metropolitan Police Department computer and/or criminal history database to query the criminal history and/or personal identifying information of G.D.'s mother, [redacted], including but not limited to her Social Security Number and providing said information to G.D. in order to enable G.D. to

access her mother's bank account and/or debit card and steal money from G.D.'s mother as the Defendant being criminally liable under one or more of the following principles of criminal liability, to-wit: (1) by directly committing this crime; and/or (2) by aiding or abetting in the commission of this crime, with the intent that this crime be committed, by counseling, encouraging, hiring, commanding, inducing and/or otherwise procuring the other to commit the crime; and/or (3) pursuant to a conspiracy to commit this crime, with the intent that this crime be committed, by Defendant and G.D. acting in concert throughout.

COUNT 3 – OFFERING A FALSE INSTRUMENT FOR FILING OR RECORD

did on or about December 6, 2018, then and there knowingly and unlawfully procure or offer a false or forged instrument to be filed, registered, or recorded in any public office to wit: Las Vegas Municipal Court, which instrument, if genuine, might be filed, registered or recorded in said public office under any law of this State or of the United States, by Defendant [redacted] providing his urine to G.D., at the request of Defendant LAWRENCE JOSEPH RINETTI, in order for G.D. to offer said Court urine, which did not come from G.D., that was to be used in a urinalysis test, ordered by said Court in order for the results of such tests to be registered in the said Court minutes and/or in the said Court's database recording the results of G.D.'s court ordered urinalysis tests, which were ordered in The City of Las Vegas v. G.D., Case No. C1132105A, when in truth and in fact, the individual in said case had not provided the required urine as ordered, as the Defendants well knew; Defendants being criminally liable under one or more of the following principles of criminal liability, to-wit: (1) by directly committing this crime; and/or (2) by aiding or abetting in the commission of this crime, with the intent that this crime be committed, by counseling, encouraging, hiring, commanding, inducing and/or otherwise procuring the other to commit the crime; and/or (3) pursuant to a conspiracy to commit this crime, with the intent that this crime be committed, Defendants and G.D. acting in concert throughout.

COUNT 4 - RECKLESS DRIVING

did on or about November 12, 2018 then and there willfully, unlawfully, and feloniously drive a motor vehicle at the intersections of S. Rainbow Blvd. and W. Russell Rd.,

Las Vegas, Clark County, Nevada, with willful or wanton disregard for the safety of persons or property, by driving said vehicle without paying full time and attention to his driving, and/or failing to exercise due care, and/or failing to drive in a careful and prudent manner, and/or the defendant running late to training class so he activated his lights and sirens without a proper justification and/or by running a red light and entering an intersection without proper jusitifcation and/or by speeding without justification, which acts, or neglect of duties, proximately causing the death of or substantial bodily harm to [redacted].

DATED this 13th day of November, 2023.

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

BY ***/s/ CHRISTOPHER S. HAMNER***
CHRISTOPHER HAMNER
Chief Deputy District Attorney
Nevada Bar #011390

19CGJ032A/19F22141X/dd-MVU
LVMPD EV# 190600059367
(TK2)

February 29, 2024

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

CERTIFIED COPY
ELECTRONIC SEAL (NRS 1.190(3))

FILED IN OPEN COURT
STEVEN D. GRIERSON
CLERK OF THE COURT

JUL 13 2023

BY, C Berentsen
C. BERENTSEN, DEPUTY

GPA
STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001565
CHRISTOPHER HAMNER
Chief Deputy District Attorney
Nevada Bar #011390
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-

LAWRENCE JOSEPH RINETTI, aka, Lawrence Joseph Rinetti Jr., #2565640

Defendant.

CASE NO: C-20-347717-1

DEPT NO: XVII

GUILTY PLEA AGREEMENT

I hereby agree to plead guilty to: **COUNT 1 - THEFT (Category B Felony - NRS 205.0832, 205.0835.4 - NOC 55991); COUNT 2 - ATTEMPT OBTAINING, USING, POSSESSING OR SELLING PERSONAL IDENTIFYING INFORMATION FOR UNLAWFUL PURPOSE BY PUBLIC OFFICER OR PUBLIC EMPLOYEE (Category B Felony - NRS 205.463(1), 193.153 - NOC 50699); COUNT 3 - OFFERING A FALSE INSTRUMENT FOR FILING OR RECORD (Category C Felony - NRS 239.330, 171.085, 171.090, 171.095 - NOC 52399); COUNT 4 - RECKLESS DRIVING (Category B Felony - NRS 484B.653 - NOC 53896)**, as more fully alleged in the charging document attached hereto as Exhibit "1".

My decision to plead guilty is based upon the plea agreement in this case which is as follows:

EXHIBIT H

AS TO ALL COUNTS - The State has agreed to make no recommendation at the time of sentencing. The State will have no opposition to concurrent service of time between counts. The defendant agrees to pay restitution in all counts including those counts to be dismissed. The parties stipulate and agree that none of the crimes apply to NRS 286.668.

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, fail to appear at any subsequent hearings in this case, or an independent magistrate, by affidavit review, confirms probable cause against me for new criminal charges including reckless driving or DUI, but excluding minor traffic violations, the State will have the unqualified right to argue for any legal sentence and term of confinement allowable for the crime(s) to which I am pleading guilty, including the use of any prior convictions I may have to increase my sentence as an habitual criminal to five (5) to twenty (20) years, life without the possibility of parole, life with the possibility of parole after ten (10) years, or a definite twenty-five (25) year term with the possibility of parole after ten (10) years.

Otherwise I am entitled to receive the benefits of these negotiations as stated in this plea agreement.

CONSEQUENCES OF THE PLEA

I understand that by pleading guilty I admit the facts which support all the elements of the offense(s) to which I now plead as set forth in Exhibit "1".

AS TO COUNT 1 - THEFT

I understand that as a consequence of my plea of guilty the Court must sentence me to imprisonment in the Nevada Department of Corrections for a minimum term of not less than one (1) year and a maximum term of not more than ten (10) years. The minimum term of

imprisonment may not exceed forty percent (40%) of the maximum term of imprisonment. I understand that I may also be fined up to $10,000.00.

AS TO COUNT 2- ATTEMPT OBTAINING, USING, POSSESSING OR SELLING PERSONAL IDENTIFYING INFORMATION FOR UNLAWFUL PURPOSE BY PUBLIC OFFICER OR PUBLIC EMPLOYEE

I understand that as a consequence of my plea of guilty the Court must sentence me to imprisonment in the Nevada Department of Corrections for a minimum term of not less than one (1) year and a maximum term of not more than ten (10) years. The minimum term of imprisonment may not exceed forty percent (40%) of the maximum term of imprisonment. I understand that I may also be fined up to $10,000.00.

AS TO COUNT 3 - OFFERING A FALSE INSTRUMENT FOR FILING OR RECORD

I understand that as a consequence of my plea of guilty the Court must sentence me to imprisonment in the Nevada Department of Corrections for a minimum term of not less than one (1) year and a maximum term of not more than five(5) years. The minimum term of imprisonment may not exceed forty percent (40%) of the maximum term of imprisonment. I understand that I may also be fined up to $10,000.00.

AS TO COUNT 4 - RECKLESS DRIVING

I understand that as a consequence of my plea of guilty the Court must sentence me to imprisonment in the Nevada Department of Corrections for a minimum term of not less than one (1) year and a maximum term of not more than six (6) years. The minimum term of imprisonment may not exceed forty percent (40%) of the maximum term of imprisonment. I understand that I may also be fined up to $5,000.00.

AS TO ALL COUNTS

I understand that the law requires me to pay an Administrative Assessment Fee.

I understand that, if appropriate, I will be ordered to make restitution to the victim of the offense(s) to which I am pleading guilty and to the victim of any related offense which is

being dismissed or not prosecuted pursuant to this agreement. I will also be ordered to reimburse the State of Nevada for any expenses related to my extradition, if any.

I understand that I am eligible for probation for the offense 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.

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 the Division of Parole and Probation will prepare a report for the sentencing judge prior to sentencing. This report will include matters relevant to the issue of sentencing, including my criminal history. This report may contain hearsay information regarding my background and criminal history. My attorney and I will each have the opportunity to comment on the information contained in the report at the time of sentencing. Unless the District Attorney has specifically agreed otherwise, the District Attorney may also comment on this report.

WAIVER OF RIGHTS

By entering my plea of guilty, I understand that I am waiving and forever giving up the following rights and privileges:

1. The constitutional privilege against self-incrimination, including the right to refuse to testify at trial, in which event the prosecution would not be allowed to comment to the jury about my refusal to testify.

2. The constitutional right to a speedy and public trial by an impartial jury, free of excessive pretrial publicity prejudicial to the defense, at which trial I would be entitled to the assistance of an attorney, either appointed or retained. At trial the State would bear the burden of proving beyond a reasonable doubt each element of the offense(s) charged.

3. The constitutional right to confront and cross-examine any witnesses who would testify against me.

4. The constitutional right to subpoena witnesses to testify on my behalf.

5. The constitutional right to testify in my own defense.

6. The right to appeal the conviction with the assistance of an attorney, either appointed or retained, unless specifically reserved in writing and agreed upon as provided in NRS 174.035(3). I understand this means I am unconditionally waiving my right to a direct appeal of this conviction,

including any challenge based upon reasonable constitutional, jurisdictional or other grounds that challenge the legality of the proceedings as stated in NRS 177.015(4). However, I remain free to challenge my conviction through other post-conviction remedies including a habeas corpus petition pursuant to NRS Chapter 34.

VOLUNTARINESS OF PLEA

I have discussed the elements of all of the original charge(s) against me with my attorney and I understand the nature of the charge(s) against me.

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

I have discussed with my attorney any possible defenses, defense strategies and circumstances which might be in my favor.

All of the foregoing elements, consequences, rights, and waiver of rights have been thoroughly explained to me by my attorney.

I believe that pleading guilty and accepting this plea bargain is in my best interest, and that a trial would be contrary to my best interest.

I am signing this agreement voluntarily, after consultation with my attorney, and I am not acting under duress or coercion or by virtue of any promises of leniency, except for those set forth in this agreement.

I am not now under the influence of any intoxicating liquor, a controlled substance or other drug which would in any manner impair my ability to comprehend or understand this agreement or the proceedings surrounding my entry of this plea.

My attorney has answered all my questions regarding this guilty plea agreement and its consequences to my satisfaction and I am satisfied with the services provided by my attorney.

DATED this 13th day of July, 2023.

LAWRENCE JOSEPH RINETTI, aka,
Lawrence Joseph Rinetti Jr.
Defendant

AGREED TO BY:

CHRISTOPHER HAMNER
Chief Deputy District Attorney
Nevada Bar #011390

CERTIFICATE OF COUNSEL:

I, the undersigned, as the attorney for the Defendant named herein and as an officer of the court hereby certify that:

1. I have fully explained to the Defendant the allegations contained in the charge(s) to which guilty pleas are being entered.

2. I have advised the Defendant of the penalties for each charge and the restitution that the Defendant may be ordered to pay.

3. I have inquired of Defendant facts concerning Defendant's immigration status and explained to Defendant that if Defendant is not a United States citizen any criminal conviction will most likely result in serious negative immigration consequences including but not limited to:

   a. The removal from the United States through deportation;

   b. An inability to reenter the United States;

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

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

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

   Moreover, I have explained that regardless of what Defendant may have been told by any attorney, no one can promise Defendant that this conviction will not result in negative immigration consequences and/or impact Defendant's ability to become a United States citizen and/or legal resident.

4. All pleas of guilty offered by the Defendant pursuant to this agreement are consistent with the facts known to me and are made with my advice to the Defendant.

5. To the best of my knowledge and belief, the Defendant:

   a. Is competent and understands the charges and the consequences of pleading guilty as provided in this agreement,

   b. Executed this agreement and will enter all guilty pleas pursuant hereto voluntarily, and

   c. Was not under the influence of intoxicating liquor, a controlled substance or other drug at the time I consulted with the Defendant as certified in paragraphs 1 and 2 above.

Dated: This 13 day of July, 2023.

ATTORNEY FOR THE DEFENDANT

mcb/MVU

ASIND
STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001565
CHRISTOPHER HAMNER
Chief Deputy District Attorney
Nevada Bar #011390
BINU G. PALAL
Nevada Bar #010178
Chief Deputy District Attorney
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-

LAWRENCE JOSEPH RINETTI, aka, Lawrence Joseph Rinetti Jr., #2565640

Defendant.

CASE NO: C-20-347717-1

DEPT NO: X

AMENDED SECOND SUPERSEDING INDICTMENT

STATE OF NEVADA)
) ss.
COUNTY OF CLARK)

The Defendant above named, LAWRENCE JOSEPH RINETTI, aka, Lawrence Joseph Rinetti Jr., accused by the Clark County Grand Jury of the crime(s) of THEFT (Category B Felony - NRS 205.0832, 205.0835.4 - NOC 55991); ATTEMPT OBTAINING, USING, POSSESSING OR SELLING PERSONAL IDENTIFYING INFORMATION FOR UNLAWFUL PURPOSE BY PUBLIC OFFICER OR PUBLIC EMPLOYEE (Category B Felony - NRS 205.463(1), 193.153 - NOC 50699); OFFERING A FALSE INSTRUMENT FOR FILING OR RECORD (Category C Felony – NRS 239.330, 171.085, 171.090, 171.095 – NOC 52399); RECKLESS DRIVING (Category B Felony - NRS 484B.653 - NOC 53896); committed at and within the County of Clark, State of Nevada, on or between June 1, 2018 and February 10, 2020, as follows:

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COUNT 1 - THEFT

did on or about August 12, 2019 willfully, knowingly, feloniously, and without lawful authority, controls property of another person knowing or having reason to know that the property was stolen and/or controls any property of another person with the intent to deprive that person of the property and/or comes into control of lost, mislaid or misdelivered property of another person under circumstances providing means of inquiry as to the true owner and appropriates that property to his or her own use or that of another person without reasonable efforts to notify the true owner, having a value of $3,500.00 or more, belonging to [redacted], in the following manner, to wit: by possessing stolen minerals belonging to [redacted] located in the impounded vehicle of G.D., the Defendant(s) being criminally liable under one or more of the following principles of criminal liability, to-wit: (1) by directly committing this crime; and/or (2) by aiding or abetting in the commission of this crime, with the intent that this crime be committed, by counseling, encouraging, hiring, commanding, inducing and/or otherwise procuring the other to commit the crime; and/or (3) pursuant to a conspiracy to commit this crime, with the intent that this crime be committed, by Defendant and G.D. acting in concert throughout.

COUNT 2 - ATTEMPT OBTAINING, USING, POSSESSING OR SELLING PERSONAL IDENTIFYING INFORMATION FOR UNLAWFUL PURPOSE BY PUBLIC OFFICER OR PUBLIC EMPLOYEE

did on or between September 6, 2018 and September 13, 2019 willfully, unlawfully, knowingly, obtain personal identifying information of another person, to wit: [redacted] and did attempt to use said identifying information to harm said person or for any unlawful purpose, including the obtaining of credit, goods, services or anything of value in the name of said person, in the following manner, to wit: by defendant, a public officer and/or employee, being employed as a detective for Las Vegas Metropolitan Police Department, whereby defendant used a Las Vegas Metropolitan Police Department computer and/or criminal history database to query the criminal history and/or personal identifying information of G.D.'s mother, [redacted], including but not limited to her

Social Security Number and providing said information to G.D. in order to enable G.D. to access her mother's bank account and/or debit card and steal money from G.D.'s mother as the Defendant being criminally liable under one or more of the following principles of criminal liability, to-wit: (1) by directly committing this crime; and/or (2) by aiding or abetting in the commission of this crime, with the intent that this crime be committed, by counseling, encouraging, hiring, commanding, inducing and/or otherwise procuring the other to commit the crime; and/or (3) pursuant to a conspiracy to commit this crime, with the intent that this crime be committed, by Defendant and G.D. acting in concert throughout.

COUNT 3 – OFFERING A FALSE INSTRUMENT FOR FILING OR RECORD

did on or about December 6, 2018, then and there knowingly and unlawfully procure or offer a false or forged instrument to be filed, registered, or recorded in any public office to wit: Las Vegas Municipal Court, which instrument, if genuine, might be filed, registered or recorded in said public office under any law of this State or of the United States, by Defendant [redacted] providing his urine to G.D., at the request of Defendant LAWRENCE JOSEPH RINETTI, in order for G.D. to offer said Court urine, which did not come from G.D., that was to be used in a urinalysis test, ordered by said Court in order for the results of such tests to be registered in the said Court minutes and/or in the said Court's database recording the results of G.D.'s court ordered urinalysis tests, which were ordered in The City of Las Vegas v. G.D., Case No. C1132105A, when in truth and in fact, the individual in said case had not provided the required urine as ordered, as the Defendants well knew; Defendants being criminally liable under one or more of the following principles of criminal liability, to-wit: (1) by directly committing this crime; and/or (2) by aiding or abetting in the commission of this crime, with the intent that this crime be committed, by counseling, encouraging, hiring, commanding, inducing and/or otherwise procuring the other to commit the crime; and/or (3) pursuant to a conspiracy to commit this crime, with the intent that this crime be committed, Defendants and G.D. acting in concert throughout.

COUNT 4 - RECKLESS DRIVING

did on or about November 12, 2018 then and there willfully, unlawfully, and feloniously drive a motor vehicle at the intersections of S. Rainbow Blvd. and W. Russell Rd., Las Vegas, Clark County, Nevada, with willful or wanton disregard for the safety of persons or property, by driving said vehicle without paying full time and attention to his driving, and/or failing to exercise due care, and/or failing to drive in a careful and prudent manner, and/or the defendant running late to training class so he activated his lights and sirens without a proper justification and/or by running a red light and entering an intersection without proper jusitifcation and/or by speeding without justification, which acts, or neglect of duties, proximately causing the death of or substantial bodily harm to [redacted]

DATED this 13th day of July, 2023.

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

BY ***/s/ CHRISTOPHER S. HAMNER***
CHRISTOPHER HAMNER
Chief Deputy District Attorney
Nevada Bar #011390

Names of Witnesses and testifying before the Grand Jury:

CHANDLER, ERIC – c/o CCDA, 200 Lewis Avenue, LV, NV 89101

CHEN, ALEXANDER – c/o CLARK COUNTY DISTRICT ATTORNEY

COOKSTON, WILLIAM – c/o CCDA, 200 Lewis Avenue, LV, NV 89101

DIETZEL, DAN – c/o CCDA, 200 Lewis Avenue, LV, NV 89101

ESTELL, STEPHEN – c/o CCDA, 200 Lewis Avenue, LV, NV 89101

G.D – c/o CCDA, 200 Lewis Avenue, LV, NV 89101

HOVANCE, MATTHEW – LVMPD

JAPPE, DEREK – LVMPD #9992

JONES, BARRY – c/o CCDA, 200 Lewis Avenue, LV, NV 89101

MARSHALL, DUSTY – c/o CCDA, 200 Lewis Avenue, LV, NV 89101

MITCHELL, DOROTHY – c/o CCDA, 200 Lewis Avenue, LV, NV 89101

PETO, ALAN – c/o CCDA, 200 Lewis Avenue, LV, NV 89101

REINERT, JUSTIN – c/o CCDA, 200 Lewis Avenue, LV, NV 89101

SCANLON, MATTHEW – LVMPD

SERRANO, ELIZABETH – c/o CCDA, 200 Lewis Avenue, LV, NV 89101

SNODGRASS, THEODORE – LVMPD #13701

STORY, COONIE – c/o CCDA, 200 Lewis Avenue, LV, NV 89101

TOPALIAN, SARKIS – c/o CCDA, 200 Lewis Avenue, LV, NV 89101

VILLANI, JACOB – c/o CLARK COUNTY DISTRICT ATTORNEY

WADE, HENRY – c/o CCDA, 200 Lewis Avenue, LV, NV 89101

WILLIAMS, DENA – c/o CCDA, 200 Lewis Avenue, LV, NV 89101

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Additional Witnesses known to the District Attorney at time of filing the Indictment:

CUSTODIAN OF RECORDS - CCDC

CUSTODIAN OF RECORDS - LVMPD COMMUNICATIONS

CUSTODIAN OF RECORDS - LVMPD RECORDS

HOWE, TROY – LVMPD #7255

STANTON, AARON – LVMPD #4717

19CGJ032A/19F22141X/mcb-GCU
LVMPD EV# 190600059367
(TK2)

February 29, 2024



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Electronically Filed
12/15/2023 1:25 PM
CLERK OF THE COURT

JOC

DISTRICT COURT

CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

LAWRENCE JOSEPH RINETTI, aka Lawrence Joseph Rinetti Jr. #2565640

Defendant.

CASE NO: C-20-347717-1

DEPT NO: XVII

JUDGMENT OF CONVICTION

(PLEA OF GUILTY)

The defendant previously appeared before the Court with counsel and entered a plea of guilty to the crimes of THEFT (Category B Felony), in violation of NRS 205.0832, 205.0835.4; ATTEMPT OBTAINING, USING, POSSESSING OR SELLING PERSONAL IDENTIFYING INFORMATION FOR UNLAWFUL PURPOSE BY PUBLIC OFFICER OR PUBLIC EMPLOYEE (Category B Felony), in violation of NRS 205.463(1), NRS 193.153; OFFERING A FALSE INSTRCUTMENT FOR FILING OR RECORD (Category C Felony, in violation of NRS 239.330, 171.085, 171.090, 171.095; RECKLESS DRIVING (Category B Felony), in violation of NRS 484B.653, thereafter, on the 12th day of December, 2024, the defendant was present in court for sentencing with counsel, ANTHONY P. SGRO, and good cause appearing,

THE DEFENDANT WAS HEREBY ADJUDGED guilty of said offenses and, COURT ORDERED, in addition to the $25.00 Administrative Assessment fee, $1,400.00 Restitution to Connie Story, a $150.00 DNA Analysis fee including testing to determine genetic markers, and $3.00 DNA Collection fee, Deft. SENTENCED as to COUNT 1 - to a MINIMUM of

EXHIBIT I

THIRTY SIX (36) MONTHS and a MAXIMUM of ONE HUNDRED TWENTY (120) MONTHS in the Nevada Department of Corrections (NDC); COUNT 2 - a MINIMUM of THIRTY SIX (36) MONTHS and a MAXIMUM of ONE HUNDRED TWENTY (120) MONTHS in the Nevada Department of Corrections (NDC), CONCURRENT with COUNT 1; COUNT 3 - a MINIMUM of TWENTY FOUR (24) MONTHS and a MAXIMUM of SIXTY (60) MONTHS in the Nevada Department of Corrections (NDC), CONCURRENT with COUNT 2; COUNT 4 - a MINIMUM of TWENTY EIGHT (28) MONTHS and a MAXIMUM of SEVENTY TWO (72) MONTHS in the Nevada Department of Corrections (NDC), CONCURRENT with COUNT 3, SUSPENDED; placed on PROBATION for an indeterminate period not to exceed FORTY EIGHT (48) MONTHS, pursuant to NRS 176A.500.

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:

SPECIALTY COURT CONDITIONS:

1. Participant to enter and successfully complete the Specialty Court Program - Veteran's Court.

2. Participant to comply with any and all requirements of the Program, Probation and Parole and electronic monitoring.

3. Participant shall comply with all rules of any residential/sober living placements.

4. Participant shall not use or possess any alcohol or drugs, including synthetic drugs, whether legal or illegal, unless approved.

5. Participant shall comply with all counseling requirements.

6. Participant shall abide by any curfew imposed.

7. Participants and their property are subject to search anywhere alcohol or drugs may be found.

8. You shall submit any electronic devices and social media accounts you use or have access to, to a search and provide all passwords to Probation and Parole or its agent.

9. You can only have one cell phone at a time and must provide your phone number to Probation and Parole, specialty court staff, and treatment providers at all times. You cannot change passwords, delete messages or remove the SIM card without permission. You cannot use anyone else's phone, with the exception of Deft's wife, or allow anyone to use your phone.

COURT ADVISED, upon completion of the Veteran's Court program, Deft. is to continue with his mental health counseling though the Veteran's Administration. Additionally, Defendant to sign the required documents so his supervising officer can make sure Deft., is maintaining his mental health treatment/medication.

COURT REFERRED Deft. to Veteran's Court.

February 29, 2024

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

CERTIFIED COPY
ELECTRONIC SEAL (NRS 1.190(3))

Dated this 15th day of December, 2023

41D 3A6 E218 A349
Jennifer Schwartz
District Court Judge

CSERV

DISTRICT COURT
CLARK COUNTY, NEVADA

State of Nevada	CASE NO: C-20-347717-1
vs	DEPT. NO. Department 17
Lawrence Rinetti	

AUTOMATED CERTIFICATE OF SERVICE

This automated certificate of service was generated by the Eighth Judicial District Court. The foregoing Judgment of Conviction was served via the court's electronic eFile system to all recipients registered for e-Service on the above entitled case as listed below:

Service Date: 12/15/2023

Anthony Sgro	tsgro@sgroandroger.com
E File	efile@sgroandroger.com
Colleen Savage	csavage@sgroandroger.com
Steve Wolfson	motions@clarkcountyda.com
Anthony Sgro	tsgro@sgroandroger.com
Dept Law Clerk	dept10lc@clarkcountycourts.us
Richard Chavez	rchavez@sgroandroger.com
Binu Palal	binu.palal@clarkcountyda.com
Christopher Hamner	christopher.hamner@clarkcountyda.com
Lauren Hurst	lhurst@sgroandroger.com
Bella Rodriguez	legalassistant.three@sgroandroger.com

13. DISCUSSION AND FOR POSSIBLE ACTION.

Hearing pursuant to NAC 289.290(1)(g) on the revocation of Freddy A. Caseres's (formerly employed with the Nevada Taxicab Authority) Category I and II basic certificate based on a conviction of, or entry of a plea of guilty, guilty but mentally ill or nolo contendere to a felony. The conviction(s) which have led to this action are:

Count I: ATTEMPT LEWDNESS WITH A CHILD UNDER THE AGE OF 14 (Category B Felony, in violation of NRS 201.230(2))

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

April 15, 2024

Freddy A. Caseres
[redacted]

POST PIN #: 33212

Dear Mr. Caseres,

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, in violation of NRS 201.230(2))
Case#: C-22-365026-1
Dept No: XXVIII
Jurisdiction: District Court Clark County, Nevada

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

If you choose to appeal and answer the charges against you, the Commission may elect to sit as a whole or a number that is practicable at a hearing or designate an independent hearing officer to hear the matter. You will be given the opportunity to present evidence and cross-examine witnesses as applicable. If you wish, you may be represented by an attorney; however, this would be at your own expense. **If you or your counsel have any written arguments you would like to present to the Commission, you can send that information to me no less than ten (10) days prior to the date of the hearing.**

EXHIBIT A

Written requests can be made to:

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

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

Date: May 2, 2024
Time: 8:00 a.m.
Location: Commission on POST, Classroom #2, 5587 Wai Pai Shone Ave., Carson City, NV 89701

The hearing will cover the following: whether your P.O.S.T certificate(s) should be revoked, pursuant to **NAC 289.290(1)(g) 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)

OFFICE OF THE SHERIFF
CLARK COUNTY DETENTION
CIVIL PROCESS SECTION

NEVADA COMMISSION OF PEACE OFFICERS)
)
PLAINTIFF)
Vs)
FREDDY A CASERES)
)
DEFENDANT)

CASE No. POST PIN 33212
SHERIFF CIVIL NO.: 24001933

AFFIDAVIT OF SERVICE

STATE OF NEVADA }
} **ss:**
COUNTY OF CLARK }

ISRAEL CRUZ CAMACHO, being first duly sworn, deposes and says: That he/she is, and was at all times hereinafter mentioned, a duly appointed, qualified and acting Deputy Sheriff in and for the County of Clark, State of Nevada, a citizen of the United States, over the age of twenty-one years and not a party to, nor interested in, the above entitled action; that on **4/16/2024**, at the hour of **8:00 AM**. affiant as such Deputy Sheriff served a copy/copies of **NOTICE TO INTENT TO REVOKE** issued in the above entitled action upon the defendant **FREDDY A CASERES** named therein, by delivering to and leaving with said defendant **FREDDY A CASERES**, personally, at [redacted] **LAS VEGAS, NV 89106** within the County of Clark, State of Nevada, copy/copies of **NOTICE TO INTENT TO REVOKE**

I, DECLARE UNDER PENALTY OF PERJURY UNDER THE LAW OF THE STATE ON NEVADA THAT THE FOREGOING IS TRUE AND CORRECT.

DATED: April 16, 2024.

Kevin McMahill, Sheriff

By: 18310
ISRAEL CRUZ CAMACHO P#18310
Deputy Sheriff

EXHIBIT B

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

Post ID Number: 19234

Last Name: Caseres **First Name:** Freddy

MI: A **Suffix:**

☐ **Name Change?**

Last Name: Caseres First Name: Freddy

MI: A Suffix:

☐ **Address Change?**

Street Address: [redacted]

City: Las Vegas State: NV Zip Code: 89106

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:

Officer is under indictment at this time.

Effective Date: 12/05/2022

Submitters Name: Paula Bennett

Submitters Phone: (702) 668-4039

Submitters E-Mail: pbennett@taxi.state.nv.us

EXHIBIT C

POST Update PAR form
Revised 01/01/2016

Submission number: 247414

STATE OF NEVADA

Commission On Peace Officers' Standards And Training

Hereby Awards the

Basic Certificate

To

FREDDY CASERES

CATEGORY I

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

Governor

Executive Director

October 20, 2006

Issuance Date

STATE OF NEVADA

Commission On Peace Officers' Standards And Training

Hereby Awards the

Basic Certificate

To

FREDDY CASERES

CATEGORY I

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

Governor

Executive Director

October 20, 2006

Issuance Date

Nevada Commission on Peace Officers' Standards and Training
Peace Officer Basic Certification and Training Identification Card

Name: **FREDDY CASERES** POST ID No.: **19234**

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.

EXHIBIT D

STATE OF NEVADA

COMMISSION ON PEACE OFFICERS' STANDARDS AND TRAINING

Hereby Awards the

Basic Certificate

To

FREDDY A. CASERES

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

• CATEGORY II

Governor

Executive Director, Commission on Peace Officers' Standards and Training

Presented this 25th day of October , 2002

(O) 389

Electronically Filed
5/20/2022 9:20 AM
Steven D. Grierson
CLERK OF THE COURT

IND
STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001565
BRANDON ALBRIGHT
Deputy District Attorney
Nevada Bar #14158
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-

FREDDY ANTONIO CASERES, aka,
Freddy Anthony Caseres, #1771065

Defendant.

CASE NO: C-22-365026-1

DEPT NO: XXVIII

INDICTMENT

STATE OF NEVADA)
) ss.
COUNTY OF CLARK)

The Defendant above named, FREDDY ANTONIO CASERES, aka, Freddy Anthony Caseres, accused by the Clark County Grand Jury of the crime(s) of SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF AGE (Category A Felony - NRS 200.364, 200.366 - NOC 50105), LEWDNESS WITH A CHILD UNDER THE AGE OF 14 (Category A Felony - NRS 201.230 - NOC 50975), CHILD ABUSE, NEGLECT, OR ENDANGERMENT (Category B Felony - NRS 200.508.1 - NOC 55226), SEXUAL ASSAULT WITH A MINOR UNDER SIXTEEN YEARS OF AGE (Category A Felony - NRS 200.364, 200.366 - NOC 50106), LEWDNESS WITH A CHILD UNDER THE AGE OF 16 (Category B Felony - NRS 201.230 - NOC 60336), FIRST DEGREE KIDNAPPING OF A MINOR (Category A Felony - NRS 200.310, 200.320 - NOC 50053), USE OF MINOR IN PRODUCING PORNOGRAPHY (Category A Felony - NRS 200.700, 200.710.1, 200.750 - NOC 50367), CHILD ABUSE, NEGLECT, OR ENDANGERMENT WITH USE OF A

EXHIBIT E

DEADLY WEAPON (Category B Felony - NRS 200.508.1, 193.165 - NOC 55228) and INCEST (Category A Felony - NRS 201.180 - NOC 50957) committed at and within the County of Clark, State of Nevada, on or between June 28, 2012 and May 25, 2021, as follows:

COUNT 1 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF AGE

did on or between June 28, 2012 and June 27, 2014 then and there willfully, unlawfully, and feloniously sexually assault and subject [redacted], a child under fourteen years of age, to sexual penetration, to wit: sexual intercourse: by placing his penis into the genital opening of the said [redacted], against his or her will, or under conditions in which Defendant knew, or should have known, that [redacted] was mentally or physically incapable of resisting or understanding the nature of Defendant's conduct.

COUNT 2 - LEWDNESS WITH A CHILD UNDER THE AGE OF 14

did on or between June 28, 2012 and June 27, 2014 willfully, lewdly, unlawfully, and feloniously commit a lewd or lascivious act upon or with the body, or any part or member thereof, of a child, to wit: [redacted], a child under the age of fourteen years, by touching and/or grabbing the chest of the said [redacted], with the intent of arousing, appealing to, or gratifying the lust, passions, or sexual desires of defendant, or [redacted]

COUNT 3 - CHILD ABUSE, NEGLECT, OR ENDANGERMENT

did on or between and 2018 willfully, unlawfully, and feloniously cause a child under the age of 18 years, to wit: [redacted], being approximately eleven (11) year(s) of age, to suffer unjustifiable physical pain or mental suffering as a result of abuse or neglect, to wit: physical injury of a nonaccidental nature, by striking and or spanking said [redacted] about the legs and/or buttocks with a belt and/or extension cord.

COUNT 4 - LEWDNESS WITH A CHILD UNDER THE AGE OF 14

did on or between January 1, 2019 and June 27, 2020 willfully, lewdly, unlawfully, and feloniously commit a lewd or lascivious act upon or with the body, or any part or member thereof, of a child, to wit: [redacted], a child under the age of fourteen years, by kissing and/or rubbing and or touching the body and/or breasts of the said [redacted], with the intent of arousing, appealing to, or gratifying the lust, passions, or sexual desires of defendant, or [redacted]

COUNT 5 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF AGE

did on or between January 1, 2019 and June 27, 2020 then and there willfully, unlawfully, and feloniously commit a sexual penetration upon [redacted], a child under the age of 14 years, to wit: sexual intercourse: by placing his penis into the genital opening of the said [redacted]

COUNT 6 - SEXUAL ASSAULT WITH A MINOR UNDER SIXTEEN YEARS OF AGE

did on or between January 1, 2020 and May 25, 2021 then and there willfully, unlawfully, and feloniously commit a sexual penetration upon [redacted] a child under the age of 14 years, to wit: sexual intercourse: by placing his penis into the genital opening of the said [redacted]

COUNT 7 - LEWDNESS WITH A CHILD UNDER THE AGE OF 16

did on or between January 1, 2020 and May 25, 2021 willfully, lewdly, unlawfully, and feloniously commit a lewd or lascivious act upon or with the body, or any part or member thereof, of a child, to wit: [redacted], a child under the age of sixteen years, by humping the said [redacted] over her clothing, with the intent of arousing, appealing to, or gratifying the lust, passions, or sexual desires of defendant, or [redacted]

COUNT 8 - FIRST DEGREE KIDNAPPING OF A MINOR

did on or between January 1, 2020 and May 25, 2021 willfully, unlawfully, and feloniously, lead, take, entice, and/or carry away or detain [redacted] a minor, with the intent to keep him or her for a protracted period of time or permanently and/or imprison or confine the said [redacted], from his or her parents, guardians, or other person or persons having lawful custody of [redacted], or with the intent to hold [redacted] to unlawful service, or to perpetrate upon the person of [redacted] any unlawful act, to wit: Sexual Assault and/or Child Abuse.

COUNT 9 - USE OF MINOR IN PRODUCING PORNOGRAPHY

did on or between January 1, 2020 and May 25, 2021 willfully, unlawfully, feloniously, and knowingly, use, encourage, entice or permit [redacted], a minor under the age of 18, to simulate or engage in, or assist others to simulate or engage in sexual conduct, and/or use, encourage, entice, coerce or permit [redacted] a minor under the age of 18, to be the subject of a sexual portrayal in a performance, to wit: sexual intercourse and or sexual acts, for the purpose of producing a pornographic performance.

COUNT 10 - CHILD ABUSE, NEGLECT, OR ENDANGERMENT WITH USE OF A DEADLY WEAPON

did on or between January 1, 2021 and May 1, 2021 willfully, unlawfully, and feloniously cause a child under the age of 18 years, to wit: [redacted], being approximately fourteen (14) year(s) of age, to suffer unjustifiable physical pain or mental suffering as a result of abuse or neglect, to wit: physical injury of a nonaccidental nature, with use of a deadly weapon, to wit: baton, by striking and/or hitting the said [redacted] about the body.

COUNT 11 - CHILD ABUSE, NEGLECT, OR ENDANGERMENT

did on or between January 1, 2021 and May 1, 2021 willfully, unlawfully, and feloniously cause a child under the age of 18 years, to wit [redacted] being approximately fourteen (14) year(s) of age, to suffer unjustifiable physical pain or mental suffering as a result of abuse or neglect, to wit: physical injury of a nonaccidental nature, by striking and or spanking said [redacted] about the legs and/or buttocks and/or body with a belt and/or extension cord.

COUNT 12 - CHILD ABUSE, NEGLECT, OR ENDANGERMENT

did on or between January 1, 2021 and May 1, 2021 willfully, unlawfully, and feloniously cause a child under the age of 18 years, to wit: [redacted], being approximately fourteen (14) year(s) of age, to suffer unjustifiable physical pain or mental suffering as a result of abuse or neglect, to wit: physical injury of a nonaccidental nature, by striking and/or choking and/or slapping said [redacted] and/or throwing [redacted] against the wall and/or slamming [redacted]s head against a wall.

COUNT 13 - CHILD ABUSE, NEGLECT, OR ENDANGERMENT

did on or between May 1, 2021 and May 22, 2021 willfully, unlawfully, and feloniously cause a child under the age of 18 years, to wit: [redacted], being approximately fourteen (14) year(s) of age, to suffer unjustifiable physical pain or mental suffering as a result of abuse or neglect, to wit: negligent treatment or maltreatment of a child, and/or cause [redacted] to be placed in a situation where he or she might have suffered unjustifiable physical pain or mental suffering as a result of abuse or neglect, to wit: negligent treatment or maltreatment of a child, by causing [redacted] to be present while her brother, [redacted] was struck and/or hit by Defendant.

COUNT 14 - CHILD ABUSE, NEGLECT, OR ENDANGERMENT

did on or between January 1, 2018 and May 22, 2021 willfully, unlawfully, and feloniously cause a child under the age of 18 years, to wit: [redacted], being approximately year(s) of age, to suffer unjustifiable physical pain or mental suffering as a result of abuse or neglect, to wit: negligent treatment or maltreatment of a child, and/or cause [redacted] to be placed in a situation where he or she might have suffered unjustifiable physical pain or mental suffering as a result of abuse or neglect, to wit: negligent treatment or maltreatment of a child, by causing [redacted] to be present while her brother, [redacted], was struck and/or hit by Defendant using a baton.

COUNT 15 - LEWDNESS WITH A CHILD UNDER THE AGE OF 16

did on or between May 1, 2021 and May 22, 2021 willfully, lewdly, unlawfully and feloniously commit a lewd or lascivious act upon or with the body, or any part or member thereof, of a child, to wit: [redacted], a child under the age of 16 years, by rubbing the chest, back and genital opening of the said [redacted] and kissing her, with the intent of arousing, appealing to, or gratifying the lust, passions, or sexual desires of the Defendant, or [redacted]

COUNT 16 - LEWDNESS WITH A CHILD UNDER THE AGE OF 16

did on or between May 1, 2021 and May 22, 2021 willfully, lewdly, unlawfully and feloniously commit a lewd or lascivious act upon or with the body, or any part or member thereof, of a child, to wit: [redacted], a child under the age of 16 years, by instructing the said [redacted] to "jerk him off" and/or masterbate his penis, with the intent of arousing, appealing to, or gratifying the lust, passions, or sexual desires of the Defendant, or [redacted]

COUNT 17 - SEXUAL ASSAULT WITH A MINOR UNDER SIXTEEN YEARS OF AGE

did on or between May 1, 2021 and May 22, 2021 then and there willfully, unlawfully, and feloniously commit a sexual penetration upon [redacted], a child under the age of 16 years, to wit: sexual intercourse: by placing his penis into the genital opening of the said [redacted]

COUNT 18 - USE OF MINOR IN PRODUCING PORNOGRAPHY

Did on or between January 1, 2020 and May 25, 2021 willfully, unlawfully, feloniously, and knowingly, use, encourage, entice or permit [redacted], a minor under the age of 18, to simulate

or engage in, or assist others to simulate or engage in sexual conduct, and/or use, encourage, entice, coerce or permit [redacted], a minor under the age of 18, to be the subject of a sexual portrayal in a performance, to wit: sexual intercourse and or sexual acts, for the purpose of producing a pornographic performance.

COUNT 19 - CHILD ABUSE, NEGLECT, OR ENDANGERMENT

did on or between January 1, 2020 and May 25, 2021 willfully, unlawfully, and feloniously cause a child under the age of 18 years, to wit: [redacted], being approximately 5-14 year(s) of age, to suffer unjustifiable physical pain or mental suffering as a result of abuse or neglect, to wit: sexual exploitation, and/or cause [redacted] to be placed in a situation where he or she might have suffered unjustifiable physical pain or mental suffering as a result of abuse or neglect, to wit: sexual exploitation, by causing [redacted] to view and/or showing [redacted] video recordings of said [redacted] performing sex acts on and/or with Defendant.

COUNT 20 - LEWDNESS WITH A CHILD UNDER THE AGE OF 16

did on or between May 1, 2021 and May 22, 2021 willfully, lewdly, unlawfully and feloniously commit a lewd or lascivious act upon or with the body, or any part or member thereof, of a child, to wit: [redacted], a child under the age of 16 years, by rubbing and/or touching the chest, back, and vagina of said [redacted], with the intent of arousing, appealing to, or gratifying the lust, passions, or sexual desires of the Defendant, or [redacted]

COUNT 21 - LEWDNESS WITH A CHILD UNDER THE AGE OF 16

did on or between May 1, 2021 and May 22, 2021 willfully, lewdly, unlawfully and feloniously commit a lewd or lascivious act upon or with the body, or any part or member thereof, of a child, to wit: [redacted], a child under the age of 16 years, by kissing on the body of said [redacted], with the intent of arousing, appealing to, or gratifying the lust, passions, or sexual desires of the Defendant, or [redacted]

COUNT 22 - SEXUAL ASSAULT WITH A MINOR UNDER SIXTEEN YEARS OF AGE

did on or between May 1, 2021 and May 22, 2021 then and there willfully, unlawfully, and feloniously commit a sexual penetration upon [redacted], a child under the age of 16 years, to wit: sexual intercourse: by placing his penis into the genital opening of the said [redacted]

COUNT 23 - LEWDNESS WITH A CHILD UNDER THE AGE OF 16

did on or about May 25, 2021 willfully, lewdly, unlawfully and feloniously commit a lewd or lascivious act upon or with the body, or any part or member thereof, of a child, to wit: [redacted], a child under the age of 16 years, by rubbing the back, stomach and chest of the said [redacted] with the intent of arousing, appealing to, or gratifying the lust, passions, or sexual desires of the Defendant, or [redacted]

COUNT 24 - LEWDNESS WITH A CHILD UNDER THE AGE OF 16

did on or about May 25, 2021 willfully, lewdly, unlawfully and feloniously commit a lewd or lascivious act upon or with the body, or any part or member thereof, of a child, to wit: [redacted] a child under the age of 16 years, by kissing the neck, cheek, and face of the said [redacted] and/or rubbing her genital area, with the intent of arousing, appealing to, or gratifying the lust, passions, or sexual desires of the Defendant, or [redacted]

COUNT 25 - SEXUAL ASSAULT WITH A MINOR UNDER SIXTEEN YEARS OF AGE

did on or about May 25, 2021 then and there willfully, unlawfully, and feloniously sexually assault and subject [redacted], a child under sixteen years of age, to sexual penetration, to wit: sexual intercourse: by placing his penis into the genital opening of the said [redacted], against his or her will, or under conditions in which Defendant knew, or should have known, that [redacted] was mentally or physically incapable of resisting or understanding the nature of Defendant's conduct.

//

//

//

//

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//

//

COUNT 26 - INCEST

did on or between January 1, 2012 and May 25, 2021 willfully, unlawfully, and feloniously commit fornication or adultery with [redacted], her father; the defendant and [redacted] being within the degree of consanguinity within which marriages are declared by law to be incestuous and void.

DATED this 19th day of May, 2022.

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

BY */s/BRANDON ALBRIGHT*
BRANDON ALBRIGHT
Deputy District Attorney
Nevada Bar #14158

ENDORSEMENT: A True Bill

/s/ALYCE WHEELER
Foreperson, Clark County Grand Jury

Names of Witnesses and testifying before the Grand Jury:

[redacted] – C/O CCDA, 200 Lewis Avenue, LV, NV 89101

WHITTLE, CHRSTINE - LVMPD

Additional Witnesses known to the District Attorney at time of filing the Indictment:

CUSTODIAN OF RECORDS - CCDC

CUSTODIAN OF RECORDS - LVMPD COMMUNICATIONS

CUSTODIAN OF RECORDS - LVMPD RECORDS

March 14, 2024

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

CERTIFIED COPY
ELECTRONIC SEAL (NRS 1.190(3))

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LVMPD EV# 210500115535
(TK10)

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Steven D. Grierson
CLERK OF THE COURT

AIND
STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001565
SAMUEL KERN
Chief Deputy District Attorney
Nevada Bar #010638
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-

FREDDY ANTONIO CASERES, #1771065

Defendant.

CASE NO: **C-22-365026-1**

DEPT NO: **XXVIII**

A M E N D E D

I N D I C T M E N T

STATE OF NEVADA)
) ss.
COUNTY OF CLARK)

AS Defendant above named, **FREDDY ANTONIO CASERES** is accused by the Clark County Grand Jury of the crime of **ATTEMPT LEWDNESS WITH A CHILD UNDER THE AGE OF 14 (Category B Felony - NRS 201.230(2) - NOC 60471)** committed at and within the County of Clark, State of Nevada, on or between June 28, 2012 and May 25, 2021, as follows:

Defendant did willfully, lewdly, unlawfully, and feloniously attempt to commit a lewd or lascivious act upon or with the body, or any part or member thereof, of a child, to wit: [redacted], a child under the age of 14 years, by attempting to use his hand(s) and/or finger(s) and/or mouth and/or tongue to touch and/or rub and/or fondle and/or grab and/or lick and/or kiss the chest and/or breast(s) and/or stomach and/or back and/or genital area and/or neck and/or face of [redacted]., and/or attempting to cause and/or direct and/or encourage [redacted]. to use the hand(s) and/or

EXHIBIT F

finger(s) of [redacted]. to touch and/or rub and/or fondle and/or masturbate the penis of Defendant, with the intent of arousing, appealing to, or gratifying the lust, passions, or sexual desires of Defendant, or [redacted]

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

BY */s/ Samuel Kern*
SAMUEL KERN
Chief Deputy District Attorney
Nevada Bar #010638

March 14, 2024

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

CERTIFIED COPY
ELECTRONIC SEAL (NRS 1.190(3))

21CGJ090X/21CR024867/hjc/SVU
LVMPD EV#210500115535
(TK10)

GPA
STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001565
SAMUEL KERN
Chief Deputy District Attorney
Nevada Bar #010638
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
DEC 04 2023
BY, APRIL M. CLINE DEPUTY

C-22-365026-1
GPA
Guilty Plea Agreement
5057356

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

FREDDY ANTONIO CASERES, #1771065

Defendant.

CASE NO: **C-22-365026-1**

DEPT NO: **XXVIII**

GUILTY PLEA AGREEMENT

I hereby agree to plead guilty, pursuant to North Carolina v. Alford, 400 U.S. 25 (1970), to: **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:

Provided that I am not deemed a high risk to reoffend pursuant to the psychosexual evaluation, the State will not oppose my being granted probation at the rendition of sentence for a fixed term of five (5) years, and an underlying suspended minimum term of eight (8) years to a maximum term of twenty (20) years in the Nevada Department of Corrections. Further, both parties stipulate to not have jail time imposed as a condition of probation. Additionally, parties agree to my release onto low-level electronic monitoring at the entry of plea. I am to have no contact by any means and/or manner whatsoever with the victim or maternal relatives of the victim in the instant case.

EXHIBIT G

I agree to the forfeiture of any and all electronic storage devices, computers, and/or related equipment and/or weapons or any interest in any electronic storage devices, computers and/or related equipment and/or weapons seized and/or impounded in connection with the instant case and/or any other case negotiated in whole or in part in conjunction with this plea agreement.

I understand and agree that, if I fail to interview with the Department of Parole and Probation (P&P), fail to appear at any subsequent hearings in this case, or an independent magistrate, by affidavit review, confirms probable cause against me for new criminal charges including reckless driving or DUI, but excluding minor traffic violations, the State will have the unqualified right to argue for any legal sentence and term of confinement allowable for the crime(s) to which I am pleading guilty, including the use of any prior convictions I may have to increase my sentence as an habitual criminal to five (5) to twenty (20) years, Life without the possibility of parole, Life with the possibility of parole after ten (10) years, or a definite twenty-five (25) year term with the possibility of parole after ten (10) years.

Otherwise I am entitled to receive the benefits of these negotiations as stated in this plea agreement.

CONSEQUENCES OF THE PLEA

By pleading guilty pursuant to the Alford decision, it is my desire to avoid the possibility of being convicted of more offenses or of a greater offense if I were to proceed to trial on the original charge and of also receiving a greater penalty. I understand that my decision to plead guilty by way of the Alford decision does not require me to admit guilt, but is based upon my belief that the State may present sufficient evidence at trial that a jury may return a verdict of guilty of a greater offense or of more offenses than that to which I am pleading guilty.

I understand that in pleading guilty by way of the Alford decision, I am not contesting the facts alleged by the State that support all the elements of the offenses to which I now plead as set forth in Exhibit "1."

//

I understand that as a consequence of my plea of guilty by way of the Alford decision the Court must sentence me to imprisonment in the Nevada Department of Corrections for a minimum term of not less than two (2) year(s) and a maximum term of not more than twenty (20) year(s). The minimum term of imprisonment may not exceed forty percent (40%) of the maximum term of imprisonment. I understand that, if appropriate, I will be ordered to make restitution to the victim of the offense to which I am pleading guilty and to the victim of any related offense which is being dismissed or not prosecuted pursuant to this agreement. I will also be ordered to reimburse the State of Nevada for any expenses related to my extradition, if any. I understand that the law requires me to pay an Administrative Assessment Fee.

I understand that pursuant to NRS 176.139 and my plea of guilty to a sexual offense for which the suspension of sentence or the granting of probation is permitted, P&P shall arrange for a psychosexual evaluation as part of the Division's presentence investigation 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 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 to which I am pleading guilty to was committed while I was incarcerated on another charge or while I was on probation or parole that I am not eligible for credit for time served toward the instant offense.

I understand that P&P will prepare a report for the sentencing judge prior to sentencing. This report will include matters relevant to the issue of sentencing, including my criminal history. This report may contain hearsay information regarding my background and criminal history. My attorney and I will each have the opportunity to comment on the information contained in the report at the time of sentencing. Unless the District Attorney has specifically agreed otherwise, then the District Attorney may also comment on this report.

//

WAIVER OF RIGHTS

By entering my plea of guilty, I understand that I am waiving and forever giving up the following rights and privileges:

1. The constitutional privilege against self-incrimination, including the right to refuse to testify at trial, in which event the prosecution would not be allowed to comment to the jury about my refusal to testify.

2. The constitutional right to a speedy and public trial by an impartial jury, free of excessive pretrial publicity prejudicial to the defense, at which trial I would be entitled to the assistance of an attorney, either appointed or retained. At trial the State would bear the burden of proving beyond a reasonable doubt each element of the offense charged.

3. The constitutional right to confront and cross-examine any witnesses who would testify against me.

4. The constitutional right to subpoena witnesses to testify on my behalf.

5. The constitutional right to testify in my own defense.

6. The right to appeal the conviction with the assistance of an attorney, either appointed or retained, unless specifically reserved in writing and agreed upon as provided in NRS 174.035(3). I understand this means I am unconditionally waiving my right to a direct appeal of this conviction, including any challenge based upon reasonable constitutional, jurisdictional or other grounds that challenge the legality of the proceedings as stated in NRS 177.015(4). However, I remain free to challenge my conviction through other post-conviction remedies including a habeas corpus petition pursuant to NRS Chapter 34.

VOLUNTARINESS OF PLEA

I have discussed the elements of all of the original charge against me with my attorney and I understand the nature of the charge against me.

I understand that the State would have to prove each element of the charge against me at trial.

I have discussed with my attorney any possible defenses, defense strategies and circumstances which might be in my favor.

All of the foregoing elements, consequences, rights, and waiver of rights have been thoroughly explained to me by my attorney.

I believe that pleading guilty and accepting this plea bargain is in my best interest, and that a trial would be contrary to my best interest.

I am signing this agreement voluntarily, after consultation with my attorney, and I am not acting under duress or coercion or by virtue of any promises of leniency, except for those set forth in this agreement.

I am not now under the influence of any intoxicating liquor, a controlled substance or other drug which would in any manner impair my ability to comprehend or understand this agreement or the proceedings surrounding my entry of this plea.

My attorney has answered all my questions regarding this guilty plea agreement and its consequences to my satisfaction and I am satisfied with the services provided by my attorney.

DATED this 4 day of December, 2023.

FREDDY ANTONIO CASERES
Defendant

AGREED TO BY:

SAMUEL KERN
Chief Deputy District Attorney
Nevada Bar #010638

CERTIFICATE OF COUNSEL:

I, the undersigned, as the attorney for the Defendant named herein and as an officer of the court hereby certify that:

1. I have fully explained to the Defendant the allegations contained in the charge to which guilty pleas are being entered.

2. I have advised the Defendant of the penalties for each charge and the restitution that the Defendant may be ordered to pay.

3. I have inquired of Defendant facts concerning Defendant's immigration status and explained to Defendant that if Defendant is not a United States citizen any criminal conviction will most likely result in serious negative immigration consequences including but not limited to:

   a. The removal from the United States through deportation;

   b. An inability to reenter the United States;

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

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

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

   Moreover, I have explained that regardless of what Defendant may have been told by any attorney, no one can promise Defendant that this conviction will not result in negative immigration consequences and/or impact Defendant's ability to become a United States citizen and/or legal resident.

4. All pleas of guilty offered by the Defendant pursuant to this agreement are consistent with the facts known to me and are made with my advice to the Defendant.

5. To the best of my knowledge and belief, the Defendant:

   a. Is competent and understands the charges and the consequences of pleading guilty as provided in this agreement,

   b. Executed this agreement and will enter all guilty pleas pursuant hereto voluntarily, and

   c. Was not under the influence of intoxicating liquor, a controlled substance or other drug at the time I consulted with the Defendant as certified in paragraphs 1 and 2 above.

Dated: This 4th day of December, 2023.
March 14, 2024

ATTORNEY FOR DEFENDANT

hjc/SVU

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

CERTIFIED COPY
ELECTRONIC SEAL (NRS 1.190(3))

AIND
STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001565
SAMUEL KERN
Chief Deputy District Attorney
Nevada Bar #010638
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-

FREDDY ANTONIO CASERES, #1771065

Defendant.

CASE NO: **C-22-365026-1**

DEPT NO: **XXVIII**

AMENDED

INDICTMENT

STATE OF NEVADA)
) ss.
COUNTY OF CLARK)

AS Defendant above named, **FREDDY ANTONIO CASERES** is accused by the Clark County Grand Jury of the crime of **ATTEMPT LEWDNESS WITH A CHILD UNDER THE AGE OF 14 (Category B Felony - NRS 201.230(2) - NOC 60471)** committed at and within the County of Clark, State of Nevada, on or between June 28, 2012 and May 25, 2021, as follows:

Defendant did willfully, lewdly, unlawfully, and feloniously attempt to commit a lewd or lascivious act upon or with the body, or any part or member thereof, of a child, to wit: [redacted], a child under the age of 14 years, by attempting to use his hand(s) and/or finger(s) and/or mouth and/or tongue to touch and/or rub and/or fondle and/or grab and/or lick and/or kiss the chest and/or breast(s) and/or stomach and/or back and/or genital area and/or neck and/or face of [redacted], and/or attempting to cause and/or direct and/or encourage [redacted] to use the hand(s) and/or

EXHIBIT "1"

finger(s) of [redacted] to touch and/or rub and/or fondle and/or masturbate the penis of Defendant, with the intent of arousing, appealing to, or gratifying the lust, passions, or sexual desires of Defendant, or [redacted]

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

BY */s/ Samuel Kern*
SAMUEL KERN
Chief Deputy District Attorney
Nevada Bar #010638

21CGJ090X/21CR024867/hjc/SVU
LVMPD EV#210500115535
(TK10)

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CLERK OF THE COURT

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DISTRICT COURT

CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

FREDDY ANTONIO CASERES, #1771065

Defendant.

CASE NO: C-22-365026-1

DEPT NO: XXVIII

JUDGMENT OF CONVICTION

(PLEA OF GUILTY)

The defendant previously appeared before the Court with counsel and entered a plea of guilty to the crime(s) of ATTEMPT LEWDNESS WITH A CHILD UNDER THE AGE OF 14 (Category B Felony, in violation of NRS 201.230(2); thereafter, on the 4th day of March, 2024, the defendant was present in court for sentencing with counsel, JOEL M. MANN ESQ., and GARY L. GUYMAN, ESQ., and good cause appearing,

THE DEFENDANT WAS HEREBY ADJUDGED guilty of said offense(s) and, in addition to the $25.00 Administrative Assessment fee, $150.00 DNA Analysis fee including testing to determine genetic markers, $3.00 DNA Collection fee and a $1676.70 Psycho-Sexual Evaluation fee, Defendant SENTENCED to a MINIMUM of EIGHT (8) YEARS and a MAXIMUM of TWENTY (20) YEARS in the Nevada Department of Corrections with FOUR (4) DAYS credit for time served, SUSPENDED; placed on PROBATION for a FIXED period of FIVE (5) YEARS. In addition to the Standard Conditions of the Division of Parole and Probation, which are IMPOSED, Defendant must comply with the following SEX OFFENDER CONDITIONS:

EXHIBIT H

NRS 176A.410 Required terms and conditions for sex offenders; powers and duties of court; exceptions.

1. Except as otherwise provided in subsection 6, 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 the defendant's person, residence or vehicle or any property under the defendant's 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:

(1) The residence has been approved by the parole and probation officer assigned to the defendant.

(2) If the residence is a facility that houses more than three persons who have been released from prison, the facility is a facility for transitional living for released offenders that is licensed pursuant to chapter 449 of NRS.

(3) The defendant keeps the parole and probation officer assigned to the defendant informed of the defendant's 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 the defendant's 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 the defendant's 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 Chief Parole and Probation Officer or the Chief Parole and Probation Officer's designee and a written agreement is entered into and signed in the manner set forth in subsection 5.

(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 knowingly be within 500 feet of any place, or if the place is a structure, within 500 feet of the actual structure, that is designed primarily for use by or for children, including, without limitation, a public or private school, a school bus stop, a center or facility that provides day care services, a video arcade, an amusement park, a playground, a park, an athletic field or a facility for youth sports, or a motion picture theater. The provisions of this paragraph apply only to a defendant who is a Tier III offender.

(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.

(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 the defendant's 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.045.

2. Except as otherwise provided in subsection 6, if a defendant is convicted of an offense listed in subsection 6 of NRS 213.1255 against a child under the age of 14 years, the defendant is a Tier III offender and the court grants probation or suspends the sentence of the defendant, the court shall, in addition to any other condition ordered pursuant to subsection 1, order as a condition of probation or suspension of sentence that the defendant:

(a) Reside at a location only if the residence is not located within 1,000 feet of any place, or if the place is a structure, within 1,000 feet of the actual structure, that is designed primarily for use by or for children, including, without limitation, a public or private school, a school bus stop, a center or facility that provides day care services, a video arcade, an amusement park, a playground, a park, an athletic field or a facility for youth sports, or a motion picture theater.

(b) As deemed appropriate by the Chief Parole and Probation Officer, be placed under a system of active electronic monitoring that is capable of identifying the defendant's location and producing, upon request, reports or records of the defendant's presence near or within a crime scene or prohibited area or the defendant's departure from a specified geographic location.

(c) Pay any costs associated with the defendant's participation under the system of active electronic monitoring, to the extent of the defendant's ability to pay.

3. A defendant placed under the system of active electronic monitoring pursuant to subsection 2 shall:

(a) Follow the instructions provided by the Division to maintain the electronic monitoring device in working order.

(b) Report any incidental damage or defacement of the electronic monitoring device to the Division within 2 hours after the occurrence of the damage or defacement.

(c) Abide by any other conditions set forth by the Division with regard to the defendant s participation under the system of active electronic monitoring.

4. Except as otherwise provided in this subsection, a person who intentionally removes or disables or attempts to remove or disable an electronic monitoring device placed on a defendant pursuant to this section is guilty of a gross misdemeanor. The provisions of this subsection do not prohibit a person authorized by the Division from performing maintenance or repairs to an electronic monitoring device.

5. 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;

(e) If the victim or witness is a child under 18 years of age, each parent, guardian or custodian of the child; and

(f) The Chief Parole and Probation Officer or the Chief Parole and Probation Officer's designee.

6. The court is not required to impose a condition of probation or suspension of sentence listed in subsections 1 and 2 if the court finds that extraordinary circumstances are present and the court enters those extraordinary circumstances in the record.

7. As used in this section, sexual offense has the meaning ascribed to it in NRS 179D.097.

(Added to NRS by 1997, 1667; A 2001, 2051; 2003, 566; 2005, 2862; 2007, 1916, 2749, 3246; 2009, 1293)

COURT FURTHER ORDERED, Defendant is to have no contact whatsoever with the Victim and is not permitted unsupervised contact with any minors or vulnerable persons including his children and grandchildren. Following extensive colloquy regarding who may supervise Defendant, COURT ADDITIONALLY ORDERED, a Status Check, SET, for Counsel to provide the Court with Child Protective Services conditions of supervision. Defendant directed to report to Parole and Probation within 48 hours. COURT ORDERED, a SPECIAL SENTENCE of LIFETIME SUPERVISION is IMPOSED to commence upon release from any term of imprisonment, probation or parole; all remaining counts contained in the Criminal Complaint which were bound over to the District Court shall be DISMISSED. ADDITIONALLY, the Defendant is ORDERED to REGISTER as a sex offender in accordance with NRS 179D.460 within FORTY-EIGHT (48) HOURS after any release from custody. BOND, if any, EXONERATED.

March 14, 2024

Dated this 6th day of March, 2024

C-22-365026-1 amc

1B9 BAB 0E2D 1C4E
Ronald J. Israel
District Court Judge

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))

CSERV

DISTRICT COURT
CLARK COUNTY, NEVADA

State of Nevada	CASE NO: C-22-365026-1
vs	DEPT. NO. Department 28
Freddy Caseres	

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: 3/6/2024

Joel Mann	joel@legalmann.com
DA SVU	DASVUTeam@clarkcountyda.com
Gary Guymon	gary@ghlawnv.com
Sam Kern	samuel.kern@clarkcountyda.com

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor **COURT MINUTES** **March 04, 2024**

C-22-365026-1 State of Nevada
vs
Freddy Caseres

March 04, 2024 **10:00 AM** **Sentencing**

HEARD BY: Israel, Ronald J. **COURTROOM:** RJC Courtroom 15C

COURT CLERK: April Cline

RECORDER: Judy Chappell

REPORTER:

PARTIES PRESENT:

Caseres, Freddy Antonio	Defendant
Guymon, Gary L.	Attorney
Kern, Samuel R.	Attorney
Mann, Joel M.	Attorney
State of Nevada	Plaintiff

JOURNAL ENTRIES

- Following a CONFERENCE AT BENCH, Mr. Mann advised this plea was negotiated through a judicial settlement conference; COURT STATED, It's CONCERNS. DEFENDANT CASERES, ADJUDGED GUILTY of ATTEMPT LEWDNESS WITH A CHILD UNDER THE AGE OF 14 (F). COURT ORDERED, in addition to the $25.00 Administrative Assessment fee, $150.00 DNA Analysis fee including testing to determine genetic markers, $3.00 DNA Collection fee and a $1676.70 Psycho-Sexual Evaluation fee, Defendant SENTENCED to a MINIMUM of EIGHT (8) YEARS and a MAXIMUM of TWENTY (20) YEARS in the Nevada Department of Corrections with FOUR (4) DAYS credit for time served, SUSPENDED; placed on PROBATION for a FIXED period of FIVE (5) YEARS. In addition to the Standard Conditions of the Division of Parole and Probation, which are IMPOSED, Defendant must comply with the following SEX OFFENDER CONDITIONS:

NRS 176A.410 Required terms and conditions for sex offenders; powers and duties of court;

EXHIBIT I

exceptions.
1. Except as otherwise provided in subsection 6, 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 the defendant's person, residence or vehicle or any property under the defendant's 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:
(1) The residence has been approved by the parole and probation officer assigned to the defendant.
(2) If the residence is a facility that houses more than three persons who have been released from prison, the facility is a facility for transitional living for released offenders that is licensed pursuant to chapter 449 of NRS.
(3) The defendant keeps the parole and probation officer assigned to the defendant informed of the defendant's 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 the defendant's 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 the defendant's 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 Chief Parole and Probation Officer or the Chief Parole and Probation Officer's designee and a written agreement is entered into and signed in the manner set forth in subsection 5.
(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 knowingly be within 500 feet of any place, or if the place is a structure, within 500 feet of the actual structure, that is designed primarily for use by or for children, including, without limitation, a public or private school, a school bus stop, a center or facility that provides day care services, a video arcade, an amusement park, a

playground, a park, an athletic field or a facility for youth sports, or a motion picture theater. The provisions of this paragraph apply only to a defendant who is a Tier III offender.
(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.
(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 the defendant's 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.045.
2. Except as otherwise provided in subsection 6, if a defendant is convicted of an offense listed in subsection 6 of NRS 213.1255 against a child under the age of 14 years, the defendant is a Tier III offender and the court grants probation or suspends the sentence of the defendant, the court shall, in addition to any other condition ordered pursuant to subsection 1, order as a condition of probation or suspension of sentence that the defendant:
(a) Reside at a location only if the residence is not located within 1,000 feet of any place, or if the place is a structure, within 1,000 feet of the actual structure, that is designed primarily for use by or for children, including, without limitation, a public or private school, a school bus stop, a center or facility that provides day care services, a video arcade, an amusement park, a playground, a park, an athletic field or a facility for youth sports, or a motion picture theater.
(b) As deemed appropriate by the Chief Parole and Probation Officer, be placed under a system of active electronic monitoring that is capable of identifying the defendant's location and producing, upon request, reports or records of the defendant's presence near or within a crime scene or prohibited area or the defendant's departure from a specified geographic location.
(c) Pay any costs associated with the defendant's participation under the system of active electronic monitoring, to the extent of the defendant's ability to pay.
3. A defendant placed under the system of active electronic monitoring pursuant to subsection 2 shall:
(a) Follow the instructions provided by the Division to maintain the electronic monitoring device in working order.
(b) Report any incidental damage or defacement of the electronic monitoring device to the Division within 2 hours after the occurrence of the damage or defacement.
(c) Abide by any other conditions set forth by the Division with regard to the defendant s participation under the system of active electronic monitoring.
4. Except as otherwise provided in this subsection, a person who intentionally removes or disables or attempts to remove or disable an electronic monitoring device placed on a defendant pursuant to this

section is guilty of a gross misdemeanor. The provisions of this subsection do not prohibit a person authorized by the Division from performing maintenance or repairs to an electronic monitoring device.
5. 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;
(e) If the victim or witness is a child under 18 years of age, each parent, guardian or custodian of the child; and
(f) The Chief Parole and Probation Officer or the Chief Parole and Probation Officer's designee.
6. The court is not required to impose a condition of probation or suspension of sentence listed in subsections 1 and 2 if the court finds that extraordinary circumstances are present and the court enters those extraordinary circumstances in the record.
7. As used in this section, sexual offense has the meaning ascribed to it in NRS 179D.097.
(Added to NRS by 1997, 1667; A 2001, 2051; 2003, 566; 2005, 2862; 2007, 1916, 2749, 3246; 2009, 1293)

COURT FURTHER ORDERED, Defendant is to have no contact whatsoever with the Victim and is not permitted unsupervised contact with any minors or vulnerable persons including his children and grandchildren. Following extensive colloquy regarding who may supervise Defendant, COURT ADDITIONALLY ORDERED, a Status Check, SET, for Counsel to provide the Court with Child Protective Services conditions of supervision. Defendant directed to report to Parole and Probation within 48 hours. COURT ORDERED, a SPECIAL SENTENCE of LIFETIME SUPERVISION is IMPOSED to commence upon release from any term of imprisonment, probation or parole; all remaining counts contained in the Criminal Complaint which were bound over to the District Court shall be DISMISSED. ADDITIONALLY, the Defendant is ORDERED to REGISTER as a sex offender in accordance with NRS 179D.460 within FORTY-EIGHT (48) HOURS after any release from custody. BOND, if any, EXONERATED.

March 14, 2024

NIC

03/18/2024 10:00 AM STATUS CHECK: CPS CONDITIONS



CERTIFIED COPY
ELECTRONIC SEAL (NRS 1.190(3))

14. DISCUSSION AND FOR POSSIBLE ACTION.

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

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

JOE LOMBARDO
Governor

MICHAEL D. SHERLOCK
Executive Director

NOTICE OF INTENT TO REVOKE

April 15, 2024

Stewart E. Handte
[redacted]
Reno, NV 89521

POST PIN#: 17187

Dear Mr. Handte,

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

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

The Commission's regulations provide that a person's peace officer certificate(s) 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 II: BURGLARY, a violation of NRS 205.060, a category B Felony.
Case#: CR19-1535B
Dept No: 8
Jurisdiction: 2nd JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA IN AND FOR THE COUNTY OF WASHOE

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

If you choose to appeal and answer the charges against you, the Commission may elect to sit as a whole or a number that is practicable at a hearing or designate an independent hearing officer to hear the matter. You will be given the opportunity to present evidence and cross-examine witnesses as applicable. If you wish, you may be represented by an attorney; however, this would be at your own expense. **If you or your counsel have any written arguments you would like to present to the Commission, you can send that information to me no less than ten (10) days prior to the date of the hearing.**

EXHIBIT A

Written requests can be made to:

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

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

Date: May 2, 2024
Time: 8:00 a.m.
Location: Commission on POST, Classroom #2, 5587 Wai Pai Shone Ave., Carson City, NV 89701

The hearing will cover the following: whether your P.O.S.T certificate(s) should be revoked, pursuant to **NAC 289.290(1)(g) 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, Deputy Ken Roggensack #3318 served the foregoing **Notice of Intent to Revoke**
Print name of the person serving this document

To Individual's Name: **STEWART E. HANDTE**

at [redacted] Reno NV on this
(location)

25th day of April, 2024.
Day *Month* *Year*

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

Executed on this 25th day of April, 2024
Day *Month* *Year*

3318
Signature of person serving the Notice

KEN ROGGENSACK #3318
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: 17187

Last Name: Handte **First Name:** Stewart

MI: E **Suffix:**

☐ **Name Change?**

Last Name: Handte First Name: Stewart

MI: E Suffix:

☐ **Address Change?**

Street Address: [redacted]

City: Reno State: NV Zip Code: 89521

County: Washoe E-Mail:

Level Change? O Line O Supervisor O Management O Executive

O Part Time O Full Time

Status Change? O Deceased O Retired ◉ Separated

NAC289.290 Notification (Cause For Commission Action)

Pursuant to NAC 289.290(3) "The employing agency shall notify the Commission any time that it becomes aware that one of its officers has been charged with a crime that could result in denial, suspension or revocation procedures. Upon receipt of information alleging any of the causes enumerated in subsection 1, the Commission will determine whether to pursue revocation or suspension of the certificate of the officer."

Does the above NAC apply? ◉ No O Yes

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

Comments\Additional Information:

TERMINATED

Effective Date: 07/15/2019

Submitters Name: Angelo Hafalla

Submitters Phone: (775) 785-8776

Submitters E-Mail: ahafalla@rscic.org

EXHIBIT C

POST Update PAR form
Revised 01/01/2016

Submission number: 137330

STATE OF NEVADA

PEACE OFFICER STANDARDS AND TRAINING COMMITTEE

Hereby Awards the

Basic Certificate

To

STEWART E. HANDTE

For having completed 700 hours, fulfilling the requirements for training as prescribed by Nevada Revised Statutes.

Governor

Director, Nevada Department of Motor Vehicles

Presented this 7th day of June, 19 84

EXHIBIT D

FILED
Electronically
CR19-1535B
2021-09-07 09:08:48 AM
Alicia L. Lerud
Clerk of the Court
Transaction # 8631999 : bblough

DA #19-9747

RPD RP19-015652

CODE 1800
Christopher J. Hicks
#7747
One South Sierra Street
Reno, NV 89501
districtattorney@da.washoecounty.us
(775) 328-3200
Attorney for Plaintiff

IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA,

IN AND FOR THE COUNTY OF WASHOE

* * *

THE STATE OF NEVADA,

Plaintiff,

Case No.: CR19-1535

v.

Dept. No.: D01

[redacted] (A),

STEWART EVANS HANDTE (B),

Defendants.

_____/

INFORMATION

CHRISTOPHER J. HICKS, District Attorney within and for the County of Washoe, State of Nevada, in the name and by the authority of the State of Nevada, informs the above-entitled Court that, the defendants above-named, [redacted], and STEWART EVANS HANDTE, have committed the crime(s) of:

COUNT I. CONSPIRACY TO COMMIT SECOND DEGREE KIDNAPPING, a violation of NRS 199.480 and NRS 200.310.2, a category B felony, (50090) in the manner following, to wit:

///

EXHIBIT E

That the said defendants [redacted] and STEWART EVANS HANDTE on or about August 8, 2019, within the County of Washoe, State of Nevada, did willfully and unlawfully conspire and agree to commit the crime of second-degree kidnapping in that the said defendants did meet and agree between themselves and/or others to commit the crime of second-degree kidnapping against Susan Hillygus.

COUNT II. BURGLARY, a violation of NRS 205.060, a category B felony, (50424) in the manner following, to wit:

That the said defendants, [redacted] and STEWART EVANS HANDTE, on or about August 8, 2019, within the County of Washoe, State of Nevada, did willfully and unlawfully enter a certain building known as STONE VALLEY ALZHEIMER'S SPECIAL CARE CENTER, located at 6155 Stone Valley Drive in Washoe County, Nevada with the intent then and there to commit second degree kidnapping therein, the said defendants are responsible under one or more of the following principles of criminal liability, to wit:

(1) by the defendant(s) directly committing the acts constituting the offense, and/or,

(2) pursuant to a conspiracy to commit the offense whereby each co-conspirator is vicariously liable for the acts of the other co-conspirators when the acts are done in furtherance of the conspiracy, and/or

(3) by the defendant(s) aiding, abetting, counseling, encouraging, commanding, or procuring each other in the commission of the crime, by the said defendant [redacted] procuring, encouraging, or recruiting STEWART EVANS HANDTE to aid in the

offense, the defendants did then contact or attempt to contact Reno Police Department staff in an effort to use the influence of STEWART EVANS HANDTE as a former law enforcement officer, the defendants upon agreement meeting outside of the facility, where they further planned the removal of [redacted], one or more of the defendants did then enter facility, one of them or an unknown third actor wrote a fictitious name in the visitors log or signed in under the guise of visiting a resident, or otherwise misinforming Stone Valley staff of their intentions, one or more of the defendants then escorted [redacted] from the facility, the defendants then fled the scene together, the said [redacted] being a person 60 years of age or older, namely being 80 years of age and/or the said [redacted] being a vulnerable person in that she suffers from a condition of physical or mental incapacitation because of organic brain damage or a person who has one or more physical or mental limitations that restrict the ability of the person to perform the normal activities of daily living.

COUNT III. SECOND DEGREE KIDNAPPING OF AN OLDER OR VULNERABLE PERSON, a violation of NRS 200.310.2 and NRS 193.167, a category B felony, (50077) in the manner following, to wit:

That the said defendants, [redacted] and STEWART EVANS HANDTE, on or about August 8, 2019, within the County of Washoe, State of Nevada, did willfully, unlawfully, and without authority of law, seize, inveigle, take, carry away and/or kidnap the person of [redacted], with the intent to keep the victim secretly imprisoned within the state or for the purpose of conveying the

victim out of the state without authority of law or with the intent to detain the victim against her will, in that the said defendants [redacted] and STEWART EVANS HANDTE did enter 6155 Stone Valley Drive in Washoe County, Nevada and did therein seize, take, carry away, inveigle or kidnap the person of [redacted] without authority of law, the said defendants being responsible under one or more of the following principles of criminal liability, to wit:

((1) by the defendant(s) directly committing the acts constituting the offense, and/or,

(2) pursuant to a conspiracy to commit the offense whereby each co-conspirator is vicariously liable for the acts of the other co-conspirators when the acts are done in furtherance of the conspiracy, and/or

(3) by the defendants aiding, abetting, counseling, encouraging, commanding, or procuring each other in the commission of the crime, by the said defendant [redacted] procuring, encouraging, or recruiting STEWART EVANS HANDTE to aid in the offense, the defendants did then contact or attempt to contact Reno Police Department staff in an effort to use the influence of STEWART EVANS HANDTE as a former law enforcement officer, the defendants upon agreement meeting outside of the facility, where they further planned the removal of [redacted], one or more of the defendants did then enter facility, one of them or an unknown third actor wrote a fictitious name in the visitors log or signed in under the guise of visiting a resident, or otherwise misinforming Stone Valley staff of their intentions, one or more of the defendants then escorted [redacted]

[redacted] from the facility, the defendants then fled the scene together, the said [redacted] being a person 60 years of age or older, namely being 80 years of age and/or the said [redacted] being a vulnerable person in that she suffers from a condition of physical or mental incapacitation because of organic brain damage or a person who has one or more physical or mental limitations that restrict the ability of the person to perform the normal activities of daily living.

COUNT IV. PREPARING OR DELIVERING SIMULATED LEGAL DOCUMENTS, a violation of Nevada AB15 2019, a category D felony, (61691) in the manner following, to wit:

That the said defendant [redacted], on or about August 8, 2019, within the County of Washoe, State of Nevada, did cause to be delivered to another person any document the simulates a judgment, order, or other legal process with the intent to induce another person to submit to the putative authority of the document or to take any action or refrain from taking any action in response to the document or to comply with the document, in that the said defendant did cause a number of documents to be sent to STONE VALLEY ALZHEIMER'S SPECIAL CARE CENTER which purported to be an actual judgment, order, or legal process to include a document entitled "Jury Verdict-Sworn Affidavit", "Notice to Judges NV" all with the intent to induce submission to the putative authority of the document or take an action or refrain from an action, or comply with the document(s).

///

COUNT V. PREPARING OR DELIVERING SIMULATED LEGAL DOCUMENTS, a violation of Nevada AB15 2019, a category D felony, (61691) in the manner following, to wit:

That the said defendant [redacted], on or between July 24 and August 8, 2019, within the County of Washoe, State of Nevada, did cause to be delivered to another person any document the simulates a judgment, order, or other legal process with the intent to induce another person to submit to the putative authority of the document or to take any action or refrain from taking any action in response to the document or to comply with the document, in that the said defendant did cause a number of documents to be filed with the SECOND JUDICIAL DISTRICT COURT and served upon a number of attorneys the said documents purporting to be an actual judgment, order, or legal process, the said documents including a document entitled "Jury Verdict-Sworn Affidavit", "Notice to Judges NV", "Sworn Affidavit-Sworn Verdict Affirmation of Trust Documents", "2nd Notice of Judgement, the Encumberence [*sic*] of [redacted] Drive", all with the intent to induce the Court and/or the parties to submit to the putative authority of the document or take an action or refrain from an action, or comply with the document(s).

COUNT VI. PREPARING OR DELIVERING SIMULATED LEGAL DOCUMENTS, a violation of Nevada AB15 2019, a category D felony, (61691) in the manner following, to wit:

That the said defendant [redacted], on or between July 19 and July 30, 2019, within the County of Washoe, State of Nevada, did cause to be delivered to another person any document

the simulates a judgment, order, or other legal process with the intent to induce another person to submit to the putative authority of the document or to take any action or refrain from taking any action in response to the document or to comply with the document, in that the said defendant did deliver a number of documents to [redacted] that purported to be an actual judgment, order, or legal process, the said documents including a document entitled "Jury Verdict and Options Available to the Court", "Notice of Judgement, The Encumerence of [redacted]", "Notice of Legal Disclosure", "Notice of Lien", "Notice of Rescission", and/or "Notice of Judgement Sworn Affidavit, and Jury Verdict" all with the intent to induce the [redacted] to submit to the putative authority of the document or take an action or refrain from an action, or comply with the document(s).

COUNT VII. PREPARING OR DELIVERING SIMULATED LEGAL DOCUMENTS, a violation of Nevada AB15 2019, a category D felony, (61691) in the manner following, to wit:

That the said defendant [redacted], on or about July 26, 2019, within the County of Washoe and/or Carson City, State of Nevada, did cause to be delivered to another person any document the simulates a judgment, order, or other legal process with the intent to induce another person to submit to the putative authority of the document or to take any action or refrain from taking any action in response to the document or to comply with the document, in that the said defendant did deliver a number of documents to the office of the PUBLIC EMPLOYEE RETIREMENT SYSTEM ("PERS") that

purported to be an actual judgment, order, or legal process, the said documents including a document entitled “Jury Verdict and Options Available to the Court”, "The Jury Verdict”, “Jury Verdict – Sworn Affidavit”, all with the intent to induce any person to submit to the putative authority of the document or take an action or refrain from an action, or comply with the document(s), or:

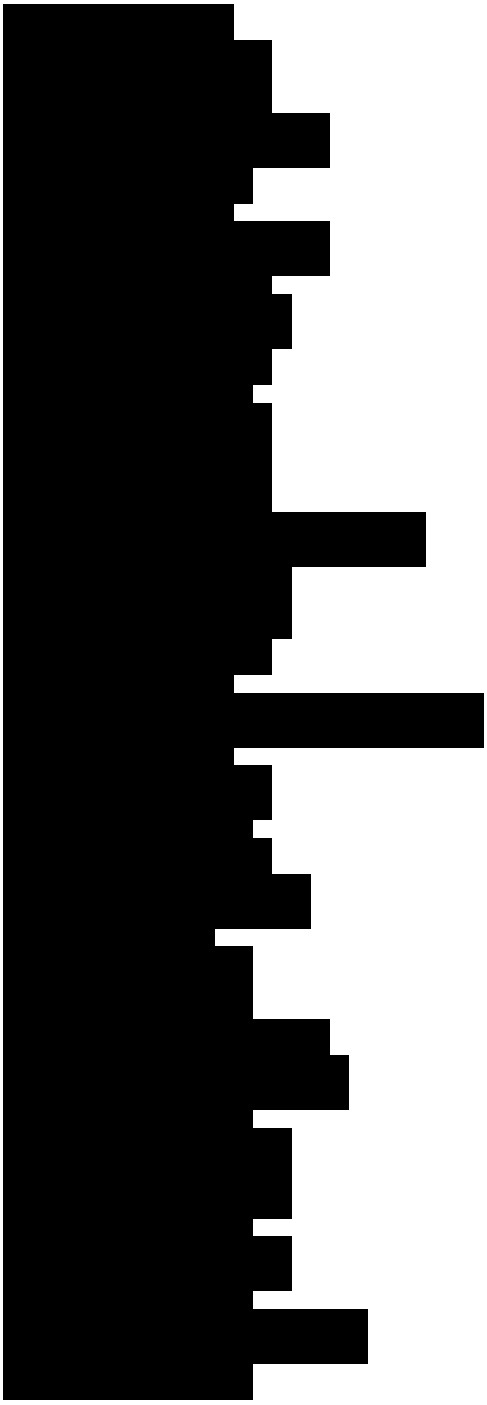
The defendant is liable for above acts under the principles of conspiracy liability, whereby each co-conspirator is vicariously liable for the acts of the other co-conspirators when the acts are done in furtherance of the conspiracy, in that the defendant did conspire with others presently unknown to cause various entities to submit to the putative authority of the above-referenced documents.

All of which is contrary to the form of the Statute in such case made and provided, and against the peace and dignity of the State of Nevada.

CHRISTOPHER J. HICKS
District Attorney
Washoe County, Nevada

By: /s/ Amos Stege
AMOS STEGE
9200
DEPUTY District Attorney

The following are the names of such witnesses as are known to me at the time of the filing of the within Information:



The witnesses listed above may also be called in the case in chief of the State.

AFFIRMATION PURSUANT TO NRS 239B.030

The party executing this document hereby affirms that this document submitted for recording does not contain the social security number of any person or persons pursuant to NRS 239B.030.

CHRISTOPHER J. HICKS
District Attorney
Washoe County, Nevada

By: /s/ Amos Stege
AMOS STEGE
9200
DEPUTY District Attorney

The document to which this certificate is attached is a full, true and correct copy of the original on file and of record in my office.

By: ALICIA L. LERUD, Clerk of the Second Judicial District Court in and for the County of Washoe.

F I L E D
Electronically
CR19-1535B
2024-01-09 09:41:08 AM
Alicia L. Lerud
Clerk of the Court
Transaction # 10087064

DA #19-9747

RPD RP19-015652

CODE 1800
Christopher J. Hicks
#7747
One South Sierra Street
Reno, NV 89501
districtattorney@da.washoecounty.us
(775) 328-3200
Attorney for Plaintiff

IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA,

IN AND FOR THE COUNTY OF WASHOE

* * *

THE STATE OF NEVADA,

Plaintiff,

Case No.: CR19-1535

v.

Dept. No.: D08

[redacted] (A),

STEWART EVANS HANDTE (B),

Defendants.

_____/

AMENDED INFORMATION

CHRISTOPHER J. HICKS, District Attorney within and for the County of Washoe, State of Nevada, in the name and by the authority of the State of Nevada, informs the above-entitled Court that, the defendants above-named, [redacted], and STEWART EVANS HANDTE, have committed the crime(s) of:

COUNT I. CONSPIRACY TO COMMIT SECOND DEGREE KIDNAPPING, a violation of NRS 199.480 and NRS 200.310.2, a category B felony, (50090) in the manner following, to wit:

///

EXHIBIT F

That the said defendants [redacted] and STEWART EVANS HANDTE on or about August 8, 2019, within the County of Washoe, State of Nevada, did willfully and unlawfully conspire and agree to commit the crime of second-degree kidnapping in that the said defendants did meet and agree between themselves and/or others to commit the crime of second-degree kidnapping against Susan Hillygus.

COUNT II. BURGLARY, a violation of NRS 205.060, a category B felony, (50424) in the manner following, to wit:

That the said defendants, [redacted] and STEWART EVANS HANDTE, on or about August 8, 2019, within the County of Washoe, State of Nevada, did willfully and unlawfully enter a certain building known as STONE VALLEY ALZHEIMER'S SPECIAL CARE CENTER, located at 6155 Stone Valley Drive in Washoe County, Nevada with the intent then and there to commit second degree kidnapping therein, the said defendants are responsible under one or more of the following principles of criminal liability, to wit:

(1) by the defendant(s) directly committing the acts constituting the offense, and/or,

(2) pursuant to a conspiracy to commit the offense whereby each co-conspirator is vicariously liable for the acts of the other co-conspirators when the acts are done in furtherance of the conspiracy, and/or

(3) by the defendant(s) aiding, abetting, counseling, encouraging, commanding, or procuring each other in the commission of the crime, by the said defendant [redacted] procuring, encouraging, or recruiting STEWART EVANS HANDTE to aid in the

offense, the defendants did then contact or attempt to contact Reno Police Department staff in an effort to use the influence of STEWART EVANS HANDTE as a former law enforcement officer, the defendants upon agreement meeting outside of the facility, where they further planned the removal of [redacted], one or more of the defendants did then enter facility, one of them or an unknown third actor wrote a fictitious name in the visitors log or signed in under the guise of visiting a resident, or otherwise misinforming Stone Valley staff of their intentions, one or more of the defendants then escorted [redacted] from the facility, the defendants then fled the scene together.

COUNT III. SECOND DEGREE KIDNAPPING OF AN OLDER OR VULNERABLE PERSON, a violation of NRS 200.310.2 and NRS 193.167, a category B felony, (50077) in the manner following, to wit:

That the said defendants, [redacted] and STEWART EVANS HANDTE, on or about August 8, 2019, within the County of Washoe, State of Nevada, did willfully, unlawfully, and without authority of law, seize, inveigle, take, carry away and/or kidnap the person of [redacted], with the intent to keep the victim secretly imprisoned within the state or for the purpose of conveying the victim out of the state without authority of law or with the intent to detain the victim against her will, in that the said defendants [redacted] and STEWART EVANS HANDTE did enter 6155 Stone Valley Drive in Washoe County, Nevada and did therein seize, take, carry away, inveigle or kidnap the person of [redacted] without authority of law, the said defendants being responsible under one or

more of the following principles of criminal liability, to wit:

((1) by the defendant(s) directly committing the acts constituting the offense, and/or,

(2) pursuant to a conspiracy to commit the offense whereby each co-conspirator is vicariously liable for the acts of the other co-conspirators when the acts are done in furtherance of the conspiracy, and/or

(3) by the defendants aiding, abetting, counseling, encouraging, commanding, or procuring each other in the commission of the crime, by the said defendant [redacted] procuring, encouraging, or recruiting STEWART EVANS HANDTE to aid in the offense, the defendants did then contact or attempt to contact Reno Police Department staff in an effort to use the influence of STEWART EVANS HANDTE as a former law enforcement officer, the defendants upon agreement meeting outside of the facility, where they further planned the removal of [redacted], one or more of the defendants did then enter facility, one of them or an unknown third actor wrote a fictitious name in the visitors log or signed in under the guise of visiting a resident, or otherwise misinforming Stone Valley staff of their intentions, one or more of the defendants then took [redacted] from the facility, the defendants then fled the scene together;

The said crime being committed against [redacted], a person 60 years of age or older, namely being 80 years of age and/or the said [redacted] being a vulnerable person in that she suffers from a condition of physical or mental incapacitation because of

organic brain damage or a person who has one or more physical or mental limitations that restrict the ability of the person to perform the normal activities of daily living.

COUNT IV. PREPARING OR DELIVERING SIMULATED LEGAL DOCUMENTS, a violation of NRS 207.337, a category D felony, (61691) in the manner following, to wit:

That the said defendant [redacted], on or about August 8, 2019, within the County of Washoe, State of Nevada, did cause to be delivered to another person any document the simulates a judgment, order, or other legal process with the intent to induce another person to submit to the putative authority of the document or to take any action or refrain from taking any action in response to the document or to comply with the document, in that the said defendant did cause a number of documents to be sent to STONE VALLEY ALZHEIMER'S SPECIAL CARE CENTER which purported to be an actual judgment, order, or legal process to include a document entitled "Jury Verdict-Sworn Affidavit", "Notice to Judges NV" all with the intent to induce submission to the putative authority of the document or take an action or refrain from an action, or comply with the document(s).

COUNT V. PREPARING OR DELIVERING SIMULATED LEGAL DOCUMENTS, a violation of NRS 207.337, a category D felony, (61691) in the manner following, to wit:

That the said defendant [redacted], on or between July 24 and August 8, 2019, within the County of Washoe, State of Nevada, did cause to be delivered to another person any

document the simulates a judgment, order, or other legal process with the intent to induce another person to submit to the putative authority of the document or to take any action or refrain from taking any action in response to the document or to comply with the document, in that the said defendant did cause a number of documents to be filed with the SECOND JUDICIAL DISTRICT COURT and served upon a number of attorneys the said documents purporting to be an actual judgment, order, or legal process, the said documents including a document entitled "Jury Verdict-Sworn Affidavit", "Notice to Judges NV", "Sworn Affidavit-Sworn Verdict Affirmation of Trust Documents", "2nd Notice of Judgement, the Encumberence [*sic*] of [redacted]", all with the intent to induce the Court and/or the parties to submit to the putative authority of the document or take an action or refrain from an action, or comply with the document(s).

COUNT VI. PREPARING OR DELIVERING SIMULATED LEGAL DOCUMENTS, a violation of NRS 207.337, a category D felony, (61691) in the manner following, to wit:

That the said defendant [redacted], on or between July 19 and July 30, 2019, within the County of Washoe, State of Nevada, did cause to be delivered to another person any document the simulates a judgment, order, or other legal process with the intent to induce another person to submit to the putative authority of the document or to take any action or refrain from taking any action in response to the document or to comply with the document, in that the said defendant did deliver a number of documents to [redacted] that purported to be an actual judgment,

order, or legal process, the said documents including a document entitled “Jury Verdict and Options Available to the Court”, "Notice of Judgement, The Encumerence of [redacted]”, “Notice of Legal Disclosure”, “Notice of Lien”, “Notice of Rescission”, and/or “Notice of Judgement Sworn Affidavit, and Jury Verdict” all with the intent to induce the [redacted] to submit to the putative authority of the document or take an action or refrain from an action, or comply with the document(s).

COUNT VII. PREPARING OR DELIVERING SIMULATED LEGAL DOCUMENTS, a violation of NRS 207.337, a category D felony, (61691) in the manner following, to wit:

That the said defendant [redacted], on or about July 26, 2019, within the County of Washoe and/or Carson City, State of Nevada, did cause to be delivered to another person any document the simulates a judgment, order, or other legal process with the intent to induce another person to submit to the putative authority of the document or to take any action or refrain from taking any action in response to the document or to comply with the document, in that the said defendant did deliver a number of documents to the office of the PUBLIC EMPLOYEE RETIREMENT SYSTEM (“PERS”) that purported to be an actual judgment, order, or legal process, the said documents including a document entitled “Jury Verdict and Options Available to the Court”, "The Jury Verdict”, “Jury Verdict – Sworn Affidavit”, all with the intent to induce any person to submit to the putative authority of the document or take an action or refrain from an action, or comply with the document(s), or;

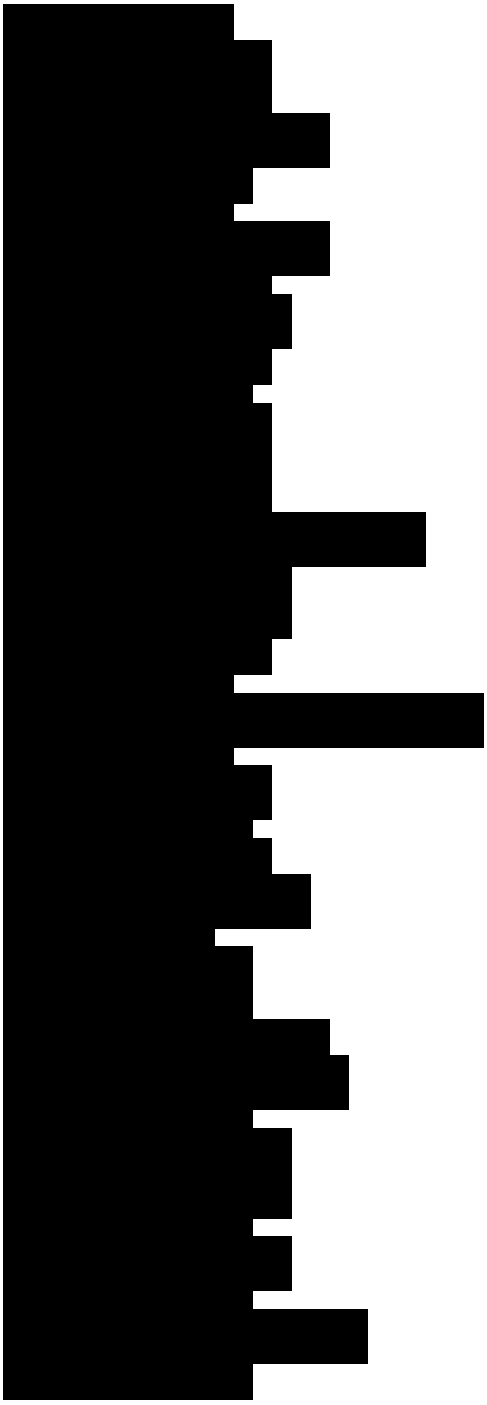
The defendant is liable for these acts under the principles of conspiracy liability, whereby each co-conspirator is vicariously liable for the acts of the other co-conspirators when the acts are done in furtherance of the conspiracy, in that the defendant did conspire with others presently unknown to cause various entities to submit to the putative authority of the above-referenced documents, and in furtherance of the conspiracy one or more of the conspirators delivered simulated legal documents to PERS.

All of which is contrary to the form of the Statute in such case made and provided, and against the peace and dignity of the State of Nevada.

CHRISTOPHER J. HICKS
District Attorney
Washoe County, Nevada

By: /s/ Amos Stege
AMOS STEGE
9200
Chief Deputy District Attorney

The following are the names of such witnesses as are known to me at the time of the filing of the within Amended Information:



The witnesses listed above may also be called in the case in chief of the State.

AFFIRMATION PURSUANT TO NRS 239B.030

The party executing this document hereby affirms that this document submitted for recording does not contain the social security number of any person or persons pursuant to NRS 239B.030.

CHRISTOPHER J. HICKS
District Attorney
Washoe County, Nevada

By: /s/ Amos Stege
AMOS STEGE
9200
Chief Deputy District Attorney

The document to which this certificate is attached is a full, true and correct copy of the original on file and of record in my office.
By: ALICIA L. LERUD, Clerk of the Second Judicial District Court in and for the County of Washoe.

FILED
Electronically
CR19-1535B
2024-01-17 10:46:18 AM
Alicia L. Lerud
Clerk of the Court
Transaction # 10102041

CODE 1785
Christopher J. Hicks
#7747
One South Sierra, South Tower, 4th Floor
Reno, NV 89501
districtattorney@da.washoecounty.gov
(775) 328-3200
Attorney for Plaintiff

IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA,

IN AND FOR THE COUNTY OF WASHOE

* * *

THE STATE OF NEVADA,

Plaintiff,

v.

STEWART EVANS HANDTE,

Defendant.
_____/

Case No.: CR19-1535B

Dept. No.: D08

NOLO CONTENDERE PLEA MEMORANDUM

1. I, STEWART EVANS HANDTE, understand that I am charged with the offense(s) of COUNT I. CONSPIRACY TO COMMIT SECOND DEGREE KIDNAPPING, a violation of NRS 199.480 and NRS 200.310.2, a category B felony, COUNT II. BURGLARY, a violation of NRS 205.060, a category B felony, and COUNT III. SECOND DEGREE KIDNAPPING OF AN OLDER OR VULNERABLE PERSON, a violation of NRS 200.310.2 and NRS 193.167, a category B felony.

2. I desire to enter a plea of nolo contendere to the offense(s) of COUNT II. BURGLARY, a violation of NRS 205.060, a category B felony, as more fully alleged in the charge(s) filed against me.

EXHIBIT G

1 of 7 Certified by AJuarez on 03/27/2024

3. By entering my plea of nolo contendere I know and understand that I am waiving the following constitutional rights:

A. I waive my privilege against self-incrimination.

B. I waive my right to trial by jury, at which trial the State would have to prove my guilt of all elements of the offense(s) beyond a reasonable doubt.

C. I waive my right to confront my accusers, that is, the right to confront and cross examine all witnesses who would testify at trial.

D. I waive my right to subpoena witnesses for trial on my behalf.

4. I understand the charge(s) against me and that the elements of the offense(s) which the State would have to prove beyond a reasonable doubt at trial are:

That on or about August 8, 2019, within the County of Washoe, State of Nevada, [redacted] and I did willfully and unlawfully enter a certain building known as STONE VALLEY ALZHEIMER'S SPECIAL CARE CENTER, located at 6155 Stone Valley Drive in Washoe County, Nevada with the intent then and there to commit second degree kidnapping therein, [redacted] and I are responsible under one or more of the following principles of criminal liability, to wit:

(1) we directly committed the acts constituting the offense, and/or,

(2) we committed the acts pursuant to a conspiracy to commit the offense whereby each of us is vicariously liable for each other's acts when the acts are done in furtherance of the conspiracy,

and/or

(3) by [redacted] e and I aiding, abetting, counseling, encouraging, commanding, or procuring each other in the commission of the crime, by [redacted] procuring, encouraging, or recruiting STEWART EVANS HANDTE to aid in the offense, the defendants did then contact or attempt to contact Reno Police Department staff in an effort to use the influence of STEWART EVANS HANDTE as a former law enforcement officer, the defendants upon agreement meeting outside of the facility, where they further planned the removal of [redacted] one or more of the defendants did then enter facility, one of them or an unknown third actor wrote a fictitious name in the visitors log or signed in under the guise of visiting a resident, or otherwise misinforming Stone Valley staff of their intentions, one or more of the defendants then escorted [redacted] from the facility, the defendants then fled the scene together;

5. I understand that I admit the facts which support all the elements of the offense(s) by pleading nolo contendere. I admit that the State possesses sufficient evidence which would result in my conviction. I have considered and discussed all possible defenses and defense strategies with my counsel. I understand that I have the right to appeal from adverse rulings on pretrial motions only if the State and the Court consent to my right to appeal in a separate written agreement. I understand that any substantive or procedural pretrial issue(s) which could have been raised at trial are waived by my plea.

6. I understand that the consequences of my plea of nolo contendere nolo contendere are that I may be imprisoned for 1-10 years in the Nevada State Department of Corrections and fined up to $10,000. I am eligible for probation.

7. In exchange for my plea of nolo contendere, the State, my counsel and I have agreed to recommend the following: The State will not oppose probation. The term of probation shall be for a fixed term of 3 years. The parties are free to argue all other terms, conditions, and the underlying sentence of probation. Upon entry of plea, the defendant agrees to remain on GPS monitoring and house arrest until sentencing. All other conditions are to remain in effect. If the defendant successfully completes probation, including earning an honorable discharge, he may withdraw his plea and plead guilty or no contest to Conspiracy to Commit Burglary, a Gross Misdemeanor offense and receive credit for time served. This negotiation is conditioned on both defendants entering pleas that resolve the case.

8. I understand that, even though the State and I have reached this plea agreement, the State is reserving the right to present arguments, facts, and/or witnesses at sentencing in support of the plea agreement.

9. Where applicable, I additionally understand and agree that I will be responsible for the repayment of any costs incurred by the State or County in securing my return to this jurisdiction. I also agree that I will make full restitution in this matter, as determined by the Court.

4 of 7 Certified by AJuarez on 03/27/2024

10. I understand that the State, at their discretion, is entitled to either withdraw from this agreement and proceed with the prosecution of the original charges or be free to argue for an appropriate sentence at the time of sentencing if I fail to appear at any scheduled proceeding in this matter OR if prior to the date of my sentencing I am arrested in any jurisdiction for a violation of law OR if I have misrepresented my prior criminal history. I represent that I have no prior felony or gross misdemeanor convictions. I understand and agree that the occurrence of any of these acts constitutes a material breach of my plea agreement with the State. I further understand and agree that by the execution of this agreement, I am waiving any right I may have to remand this matter to Justice Court should I later withdraw my plea.

11. I understand and agree that pursuant to the terms of the plea agreement stated herein, any counts which are to be dismissed and any other cases charged or uncharged which are either to be dismissed or not pursued by the State, may be considered by the court at the time of my sentencing.

12. I understand that the Court is not bound by the agreement of the parties and that the matter of sentencing is to be determined solely by the Court. Pursuant to Cripps, NRS 174.035(4), and Supreme Court Rules this is a conditional plea in that it is conditioned on the court accepting the terms of the agreement. If the Court does not follow the recommendations, either party may withdraw from the agreement. I have discussed the charge, the facts, and the possible defenses with my attorney. All of the foregoing

rights, waiver of rights, elements, possible penalties, and consequences, have been carefully explained to me by my attorney. My attorney has not promised me anything not mentioned in this plea memorandum, and, in particular, my attorney has not promised that I will get any specific sentence. I am satisfied with my counsel's advice and representation leading to this resolution of my case. I am aware that if I am not satisfied with my counsel, I should advise the Court at this time. I believe that entering my plea is in my best interest and that going to trial is not in my best interest. My attorney has advised me that if I wish to appeal, any appeal, if applicable to my case, must be filed within thirty days of my sentence and/or judgment.

13. I understand that this plea and resulting conviction will likely have adverse effects upon my residency in this country if I am not a U. S. Citizen. I have discussed the effects my plea will have upon my residency with my counsel.

14. I offer my plea freely, voluntarily, knowingly and with full understanding of all matters set forth in the Amended Information and in this Plea Memorandum. I have read this plea memorandum completely and I understand everything contained within it.

15. My plea of nolo contendere is voluntary and is not the result of any threats, coercion or promises of leniency.

16. I am signing this Plea Memorandum voluntarily with advice of counsel, under no duress, coercion, or promises of leniency.

6 of 7 Certified by AJuarez on 03/27/2024

17. I do hereby swear under penalty of perjury that all of the assertions in this written plea agreement document are true.

AFFIRMATION PURSUANT TO NRS 239B.030

The undersigned does hereby affirm that the preceding document does not contain the social security number of any person.

Dated this 17th day of January, 2024.

Defendant

Attorney Witnessing Defendant's Signature

Chief Deputy District Attorney

The document to which this certificate is attached is a full, true and correct copy of the original on file and of record in my office.

By: ALICIA L. LERUD, Clerk of the Second Judicial District Court, in and for the County of Washoe.

7 of 7 Certified by AJuarez on 03/27/2024

F I L E D
Electronically
CR19-1535B
2024-03-18 11:56:22 AM
Alicia L. Lerud
Clerk of the Court
Transaction # 10223492

CASE NO. CR19-1535A **STATE OF NEVADA VS. [redacted]**
CASE NO. CR19-1535B **STATE OF NEVADA VS. STEWART EVANS HANDTE**

DATE, JUDGE OFFICERS OF COURT PRESENT	**APPEARANCES-HEARING**	**CONTINUED TO**
01/17/2024 **HONORABLE BARRY BRESLOW** **DEPT. NO. 8** **A. DeGayner (Clerk)** **L. Stubbs (Reporter)**	**PRETRIAL CONFERENCE / CHANGE OF PLEA** Deputy District Attorney Amos Stege represented the State. Deputy Defendant was present, in custody, represented by Deputy Public Defender Joseph Goodnight for limited purposes. Defendant Handte was present, represented by Deputy Alternate Public Defender Ian Silverberg. DDA Stege addressed the changes made in the Amended Information, confirmed that there were no new charges and no changes to any theories. DDA Stege advised that he does not believe the Defendant's need to be re-arraigned. Defendant [redacted] argued that the State needs to be sanctioned for charging with an Assembly Bill. DAPD Silverberg confirmed that there is no need to re-arraign, no new charges were brought against Defendant Handte. The Court conducted a canvass pursuant to *Missouri v Frye.* DDA Stege addressed the plea negotiations/offers. DAPD Silverberg confirmed that the offer was received and discussed with Defendant Handte; Defendant Handte rejected the offer. DPD Goodnight confirmed that the offer was received and discussed with Defendant [redacted]; Defendant [redacted] rejected the offer. Recess. Court reconvened with Court, respective counsel and Defendants present. DDA Stege advised the Court that a resolution was reached and stated the negotiations. DAPD Silverberg and DPD Goodnight confirmed the negotiations as stated by DDA Stege. Defendants sworn. Defendant [redacted] and Defendant Handte entered a plea of nolo contendre to COUNT II. BURGLARY, a violation of NRS 205.060, a category B felony, as contained in Count II of the Amended Information. Court interrogated the Defendants, advised them of their rights, found that there was a factual basis for the plea and that the	**03/20/2024** **11:00 a.m.** **Sentencing**

EXHIBIT H

Defendants understood the elements of the offense and the possible punishment therefore. Court further found that the plea was knowing, voluntary and intelligent, that the Defendant was competent to enter the plea and accepted the same. Nolo Contendre Plea Memoranda provided to the Court.

COURT ORDERED: Jury Trial VACATED. Motion to Quash – MOOT.

Defendant [redacted] to be released from custody.

DPD Goodnight advised that Defendant [redacted] has requested to not be released from custody prior to sentencing and will request to come back before the Court to request a change of custody if the Defendant finds a place to go upon release.

DDA Stege advised that, when a release decision is made for Defendant [redacted], the State would like to be heard regarding release conditions. DDA Stege advised that the State will request pre-trial supervision, a no contact order with Defendant Handte and an order to not leave Northern Nevada counties up to Winnemucca.

Defendant [redacted] requested to remain in custody pending sentencing.

COURT ORDERED: Defendant [redacted] custody status to remain unchanged.

COURT ORDERED: Presentence Investigation Report and matters CONTINUED to March 28, 2024 at 1:30 p.m. for Entry of Judgment and Imposition of Sentence.

Presentence Investigation Report packets provided to each Defendant.

Defendant [redacted] requested the Washoe County Public Defender's Office be appointed for sentencing purposes.

The Court canvassed Defendant [redacted].

COURT ORDERED: Washoe County Public Defender's Office is appointed to represent Defendant [redacted] for purposes of sentencing. Defendant Handte to remain under Pretrial Services supervision pending sentencing.

DDA Stege asked the Court to adopt the preliminary hearing transcript as a factual basis for accepting the plea; so ORDERED.

Defendant [redacted] remanded to the custody of the Sheriff.

Defendant Handte remanded to the custody of the Sheriff.

After session Clerk's Note: Sentencing date vacated and reset to ***March 20, 2024 at 11:00 a.m.*** *In Department 8.*

The document to which this certificate is attached is a full, true and correct copy of the original on file and of record in my office.

By: ALICIA L. LERUD, Clerk of the Second Judicial District Court, in and for the County of Washoe.

F I L E D
Electronically
CR19-1535B
2024-03-20 11:48:26 PM
Alicia L. Lerud
Clerk of the Court
Transaction # 10230838

CODE 1850

IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF WASHOE

STATE OF NEVADA,

Plaintiff,

vs. **Case No. CR19-1535B**

STEWART EVANS HANDTE, **Dept. No. 8**

Defendant.

_____/

JUDGMENT OF CONVICTION

The Defendant, having entered a plea of nolo contendre, and no sufficient cause being shown by Defendant as to why judgment should not be pronounced against him, the Court rendered judgment as follows:

Stewart Evans Handte is guilty of the crime of BURGLARY, a violation of NRS 205.060, a category B felony, as charged in Count II of the Amended Information, and that he be punished by imprisonment in the Nevada Department of Corrections for a minimum term of Nineteen (19) months to a maximum term of Forty-Eight (48) months, with One Hundred and Three (103) days credit for time served and by payment of a fine in the amount of Five Hundred Dollars ($500.00). It is further ordered that the sentence is suspended, and the Defendant is placed on probation for a fixed term of Thirty-Six (36) months, with special conditions imposed. Special conditions of probation are as outlined in the Order Admitting Defendant to Probation and Fixing the Terms Thereof.

EXHIBIT I

The Defendant is further ordered to pay a Three Dollar ($3.00) administrative assessment for obtaining a biological specimen and conducting a genetic marker analysis, a Twenty-Five Dollar ($25.00) administrative assessment fee, a One Hundred Fifty Dollar ($150.00) DNA analysis fee and extradition costs in the amount of One Thousand, Sixty-Four Dollars and Forty Cents ($1,064.40). Attorney's fees are hereby waived by the Court.

Any fine, fee administrative assessment or restitution imposed today (as reflected in this Judgment) constitutes a lien, as defined in Nevada Revised Statute NRS 176.275. Should the Defendant not pay these fines, fees, or assessments, collection efforts may be undertaken against STEWART EVANS HANDTE.

IT IS FURTHER ORDERED that Counts I, III, IV, V, VI and VII of the Amended Information are hereby DISMISSED.

Dated this 20th day of March, 2024.

DISTRICT JUDGE

The document to which this certificate is attached is a full, true and correct copy of the original on file and of record in my office.

By: ALICIA L. LERUD, Clerk of the Second Judicial District Court, in and for the County of Washoe.

15. 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.

16. **DISCUSSION AND FOR POSSIBLE ACTION.**
Schedule upcoming Commission Meeting – July

17. **DISCUSSION AND FOR POSSIBLE ACTION**.
Adjournment.