

NEVADA COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

POST COMMISSION MEETING
2:00 P.M., THURSDAY,
FEBRUARY 22, 2024

BOULDER CITY HALL
CITY COUNCIL CHAMBERS
401 CALIFORNIA AVE.
BOULDER CITY, NV 89005

NOTICES

PUBLIC COMMENT

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 COMMENT HEARING NOTICE: The Commission on Peace Officer Standards and Training ("Commission") will be holding a Public Comment Hearing at **2:00 p.m. on Thursday, February 22, 2024, at the Boulder City Hall, City Council Chambers, 401 California Ave., Boulder City, NV 89005**. 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). Assembly Bill 336 of the 81st Legislative Session requires the Commission to adopt regulations establishing standards for an annual behavioral wellness visit for peace officers to aid in preserving the emotional and mental health of the peace officer and assessing conditions that may affect the performance of duties by the peace officer. This proposed language (R190-22) creates the new regulation establishing this new standard.

Retention of healthy, strong peace officers is a financial benefit to all law enforcement agencies. Good mental and psychological health is just as important as physical health. Resources need to be available to all Nevada peace officers to assist them in coping with the stress of their vocation. Mental health issues are recognized as the 3rd leading cause of death for law enforcement personnel. Mental health resources have been made readily available to the public, but first responders are being left behind. This new regulation creates a standard to address our forgotten first responders and provide resources to ensure valuable mental health options are available to them.

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 2020 and clicking the link: www.leg.state.nv.us/Register/2022Register/R190-22P.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: Multiple agencies submitted fiscal notes attached to this bill. See attached spreadsheet for complete list.

(2) Beneficial effects: Retention of healthy, strong peace officers is a financial benefit to all law enforcement agencies. Good mental and psychological health is just as important as physical health. Providing resources to their employees will help to decrease suicide, PTSD and other mental health issues resulting from this high stress vocation, therefore potentially offsetting some costs for some benefits, i.e. health insurance claims, sick leave usage and may help to avoid long term claims against an agencies workman's compensation insurance.

(b) Both immediate and long-term effects:
(1) The immediate effects: Implementation of these programs will be a financial adjustment to all law enforcement agencies, city, county, state and otherwise, that they may not have prepared for.

(2) The long-term effects: Retention of healthy, strong peace officers is a financial benefit to all law enforcement agencies. Good mental and psychological health is just as important as physical health. Peace officers are first to respond to most mental health emergencies, but there is not always assistance for these officers when they experience their own mental health emergency. These standards will assist agencies in the creation of programs to help, not only in these emergency situations, but to provide the officer with skills and avenues to assist them so they are able to cope with the stresses of the job. Providing resources to their employees will help to decrease suicide, PTSD and other mental health issues resulting from this high stress vocation.

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, the proposed amendments will have no impact on small business.

6. The estimated cost to the agency for enforcement of the proposed regulation.
At this time there are no costs to the agency (Nevada POST)

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 February 8, 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 Wai Pai Shone Avenue, Carson City, 89701, State of Nevada Register of Administrative Regulations, which is prepared and published monthly by the Legislative Counsel Bureau pursuant to NRS 233B.0653, and on the Internet at http://leg.state.nv.us, the POST web site at http://post.nv.gov and the State of Nevada Department of Administration website at https://notice.nv.gov .

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

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

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

Commission on POST Administrative Office
Carson City, NV 89701

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

SEE ATTACHED COPIES OF THE PROPOSED REGULATIONS

PROPOSED REGULATION OF THE PEACE OFFICERS'

STANDARDS AND TRAINING COMMISSION

LCB File No. R190-22

December 15, 2023

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

AUTHORITY: § 1, NRS 289.500 and 289.510, as amended by section 7 of Senate Bill No. 225, chapter 422, Statutes of Nevada 2023, at page 2546.

A REGULATION relating to peace officers; establishing standards for a behavioral wellness visit for peace officers; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law creates the Peace Officers' Standards and Training Commission and requires the Commission to adopt regulations establishing minimum standards for the certification and decertification, recruitment, selection and training of peace officers. (NRS 289.500, 289.510, as amended by section 7 of Senate Bill No. 225, chapter 422, Statutes of Nevada 2023, at page 2546) The regulations adopted by the Commission must establish, among other things, standards for an annual behavioral wellness visit for peace officers to aid in preserving the emotional and mental health of peace officers and assessing conditions that may affect the performance of duties by peace officers. (NRS 289.510, as amended by section 7 of Senate Bill No. 225, chapter 422, Statutes of Nevada 2023, at page 2546) This regulation establishes those standards.

This regulation provides that each agency must require every peace officer employed by the agency to attend an annual behavioral wellness visit, which may be conducted: (1) in an individual or group setting; (2) in person; or (3) virtually. This regulation also requires that the behavioral wellness visit be designed to: (1) provide a peace officer with the opportunity to discuss his or her mental health issues; (2) educate a peace officer on mental health issues to increase awareness of and access to appropriate mental health care, as well as to reduce the stigma associated with discussing such issues; (3) improve the overall well-being of the peace officer; (4) address certain mental health issues that a peace officer may experience; and (5) reduce certain concerns a peace officer may have regarding the confidentiality of the behavioral wellness visit.

This regulation also requires a mental health professional conducting a behavioral wellness visit, upon completion of the visit, to provide the peace officer and the employing agency of the peace officer a letter verifying that the peace officer attended the visit. The letter must include the time, place and date of the behavioral wellness visit and must be made available to certain persons. This regulation prohibits a mental health professional conducting a behavioral wellness visit from: (1) disclosing any communication made between the peace officer and the

mental health professional during the visit unless the disclosure is authorized by law or a court order; and (2) conducting any medical assessment, evaluation or test to diagnose whether the peace officer has any mental, emotional or behavioral disorder or associated distress which may interfere with the mental health of the peace officer.

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

1. Each agency shall require every peace officer employed by the agency to attend an annual behavioral wellness visit pursuant to NRS 289.510, as amended by section 7 of Senate Bill No. 225, chapter 422, Statutes of Nevada 2023, at page 2546. The services that a mental health professional provides in a behavioral wellness visit may be provided:

(a) In an individual or group setting;

(b) In person; or

(c) Virtually.

2. A behavioral wellness visit conducted pursuant to subsection 1 must be designed to:

(a) Provide a peace officer with the opportunity to discuss his or her concerns regarding mental health issues;

(b) Educate a peace officer on mental health issues to:

(1) Increase awareness of and access to appropriate mental health care; and

(2) Reduce the stigma associated with discussing such issues;

(c) Improve the overall well-being of the peace officer;

(d) Address the specific mental health issues that the peace officer may experience as a result of the nature of his or her work; and

(e) Reduce any concerns the peace officer may have regarding the confidentiality of the information disclosed by the peace officer in such a visit.

3. Upon completion of a behavioral wellness visit pursuant to subsection 1, the mental health professional conducting the behavioral wellness visit shall provide to the peace officer and the employing agency of the peace officer a letter verifying that the peace officer attended the visit. The letter must:

(a) Include the time, place and date of the behavioral wellness visit;

(b) Not include any information the peace officer disclosed during the behavioral wellness visit; and

(c) Be kept and maintained by the employing agency of the peace officer and made available at all times to the:

(1) Peace officer; and

(2) Chief executive of the employing agency of the peace officer or the commanding officer of the peace officer.

4. Any communication made between a peace officer and a mental health professional conducting a behavioral wellness visit pursuant to subsection 1 is confidential and must not be disclosed by the mental health professional unless the disclosure is authorized by law or a court order.

5. A mental health professional conducting a behavioral wellness visit pursuant to subsection 1 must not conduct any medical assessment, evaluation or test to diagnose whether the peace officer has any mental, emotional or behavioral disorder or any associated distress which may interfere with the mental health of the peace officer.

6. Nothing in this section shall be construed to violate the rights of a peace officer provided by the laws of this State.

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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 COMMENT HEARING NOTICE: The Commission on Peace Officer Standards and Training ("Commission") will be holding a Public Comment Hearing at **2:00 p.m. on Thursday, February 22, 2024, at the Boulder City Hall, City Council Chambers, 401 California Ave., Boulder City, NV 89005**. 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)
R118-23 creates the standards for a Category III reciprocity program, meeting the requirements of SB323. This new regulation creates an additional pathway to hire correctional officers through a reciprocity program to out of state correctional officers who are Category III equivalent. Category III agencies in Nevada have been prohibited, up to this point, from utilizing the reciprocity program to hire out of state officers. This regulation creates a program that will allow for a shortened hiring process and allow agencies to add experienced staff to their facilities without the delay of attending a full basic academy. It will also allow that experienced staff to complete this online reciprocity course while performing their duties, which will benefit correctional facilities by having staff on duty during this reciprocity process vs. limited staff on duty while officer attends the basic academy. Enrollment will be available at any time and this course can be completed before hiring on with a Nevada agency.

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 2020 and clicking the link: https://www.leg.state.nv.us/Register/2023Register/R118-23P.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: Category III agencies in the state will be able to hire experienced correctional officers to work in Nevada and allow them to complete this reciprocity program while working. They will have officers in the facilities instead of being short staffed while their officers attend a basic academy.

(b) Both immediate and long-term effects:

(1) The immediate effects: This will shorten the hiring process for Nevada agencies. This will allow Nevada correctional agencies to have experienced officers performing correctional duties without delays of attending a basic academy at a separate location for weeks, and will be a cost savings to agencies as the training is online, not in person.

(2) The long-term effects: We anticipate seeing an increase in correctional officer employees coming to Nevada and utilizing this program. Correctional facilities will have more staff, relieving the shortages we are seeing now.

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.

The fee for this online course is $200.00 per employee, payable upon enrollment.

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, it only adds a category to the existing reciprocity program which charges employed officers $200.00 to complete the course.

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 February 8, 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. R118-23

December 13, 2023

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

AUTHORITY: §§ 1-3, NRS 289.510, as amended by section 1 of Senate Bill No. 323, chapter 158, Statutes of Nevada 2023, at page 839.

A REGULATION relating to peace officers; setting forth the requirements for obtaining a basic certificate by reciprocity as a category III peace officer; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Peace Officers' Standards and Training Commission to adopt regulations establishing minimum standards for the certification, decertification, recruitment, selection and training of peace officers, including standards for the reciprocity of a person who: (1) has been certified as a category III peace officer or its equivalent by the certifying authority of another state; or (2) has successfully completed a federal law enforcement training program that is equivalent to a category III peace officer in this State. (NRS 289.510, as amended by section 1 of Senate Bill No. 323, chapter 158, Statutes of Nevada 2023, at page 839) **Section 1** of this regulation sets forth the requirements for a person to obtain a basic certificate by reciprocity as a category III peace officer. **Section 1** provides that the Executive Director of the Commission may award a basic certificate by reciprocity as a category III peace officer if the person: (1) is currently employed in another state in a position that is equivalent to the position of a category III peace officer in this State or not more than 60 months have lapsed since he or she was employed in another state in a position that is equivalent to the position of a category III peace officer in this State; (2) meets certain minimum standards for appointment that apply to all peace officers in this State; (3) provides certain evidence relating to his or her certification or training; (4) has passed the state certification examination with a score of at least 70 percent; and (5) has satisfactorily completed a training course approved by the Executive Director which consists of a minimum of 40 hours of training in certain subjects.

Section 2 of this regulation makes a conforming change to amend the definition of "basic certificate" to include a basic certificate by reciprocity as a category III peace officer.

Section 3 of this regulation makes a conforming change to create an exception to the requirement that a person pass the state physical fitness examination generally required for a basic certificate as a category III peace officer, as **section 1** provides instead that an agency that wants to employ a person who obtains a basic certificate by reciprocity as a category III peace officer may require the person to pass the state physical fitness examination.

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

1. The Executive Director may award a basic certificate by reciprocity to any person if the person:

(a) Is currently employed in another state in a position that is equivalent to the position of a category III peace officer in this State or not more than 60 months have lapsed since he or she was employed in another state in a position that is equivalent to the position of a category III peace officer in this State;

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

(c) Provides verifiable evidence that he or she:

(1) Has been certified as the equivalent of a category III peace officer by the certifying entity of another state and demonstrate that:

(I) Such certification has not been revoked or suspended; and

(II) The certification requirements are equivalent to the requirements for obtaining a basic certificate as a category III peace officer in this State;

(2) Has successfully completed training in another state that does not have a certifying entity and demonstrate that the training requirements are equivalent to the requirements for obtaining a basic certificate as a category III peace officer in this State; or

(3) Has successfully completed a Federal Law Enforcement Training Centers of the United States Department of Homeland Security training program regarding custody and detention, approved by the Commission;

(d) Has passed the state certification examination with a score of at least 70 percent; and

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

(1) Ethics in law enforcement;

(2) Cultural awareness;

(3) Crisis intervention;

(4) Handling of persons with mental illness;

(5) Public and media relations;

(6) Constitutional law;

(7) Use of force;

(8) Civil liability;

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

(10) Modern correctional philosophy;

(11) Laws relating to correctional institutions;

(12) Classification and receiving of offenders;

(13) Supervision of offenders;

(14) Care of persons in custody;

(15) Searches of offender institutions;

(16) Games offenders play;

(17) Gangs and cults;

(18) Records of offenders in institutions;

(19) Domestic violence, stalking and aggravated stalking;

(20) Training concerning active assailants;

(21) Searching of buildings;

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

(23) Fire safety and use of equipment.

2. The Commission or its designee will determine whether any certification or training received in another state is equivalent to the requirements for obtaining a basic certificate as a category III peace officer in this State.

3. An agency that wants to employ a person who obtains a basic certificate by reciprocity as a category III peace officer pursuant to this section may require the person to pass the state physical fitness examination as described in subsection 3 of NAC 289.205.

Sec. 2. NAC 289.020 is hereby amended to read as follows:

289.020 "Basic certificate" means the certificate issued by the Executive Director which is evidence that a person has met the minimum standards established by this chapter to be appointed to perform the duties of a peace officer. *The term includes, without limitation, a basic certificate by reciprocity as a category III peace officer issued pursuant to section 1 of this regulation.*

Sec. 3. NAC 289.205 is hereby amended to read as follows:

289.205 To pass the state physical fitness examination, a person must:

1. For a basic certificate as a category I peace officer or as a reserve peace officer:

(a) Complete a vertical jump of not less than 14 inches.

(b) Complete not less than 30 sit-ups in 1 minute.

(c) Complete not less than 23 push-ups.

(d) Run 300 meters in not more than 1 minute and 8 seconds.

(e) Walk or run 1.5 miles in not more than 16 minutes and 57 seconds.

(f) Complete an agility run in not more than 19.5 seconds.

2. For a basic certificate as a category II peace officer:

(a) Complete a vertical jump of not less than 15 inches.

(b) Complete not less than 29 sit-ups in 1 minute.

(c) Complete not less than 15 push-ups.

(d) Run 300 meters in not more than 1 minute and 20 seconds.

(e) Walk or run 1.5 miles in not more than 20 minutes and 6 seconds.

(f) Complete an agility run in not more than 20.7 seconds.

3. ~~[For]~~ ***Except as otherwise provided in section 1 of this regulation, for*** a basic certificate as a category III peace officer:

(a) Complete a vertical jump of not less than 15 inches.

(b) Complete not less than 20 push-ups.

(c) Run 300 meters in not more than 1 minute and 14 seconds.

(d) Walk or run 1.5 miles in not more than 17 minutes and 37 seconds.

(e) Complete an agility run in not more than 20.4 seconds.

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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 COMMENT HEARING NOTICE: The Commission on Peace Officer Standards and Training ("Commission") will be holding a Public Comment Hearing at **2:00 p.m. on Thursday, February 22, 2024, at the Boulder City Hall, City Council Chambers, 401 California Ave., Boulder City, NV 89005**. 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).

R031-23 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 2020 and clicking the link: https://www.leg.state.nv.us/Register/2023Register/R031-23RP1.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 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.

The fee for this online course is $200.00 per employee, payable upon enrollment.

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, it only adds a category to the existing reciprocity program which charges employed officers $200.00 to complete the course.

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 February 8, 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 Wai Pai Shone Avenue, Carson City, 89701, State of Nevada Register of Administrative Regulations, which is prepared and published monthly by the Legislative Counsel Bureau pursuant to NRS 233B.0653, and on the Internet at http://leg.state.nv.us, the POST web site at http://post.nv.gov and the State of Nevada Department of Administration website at https://notice.nv.gov .

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

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

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

Commission on POST Administrative Office
Carson City, NV 89701

http://post.nv.gov

http://notice.nv.gov

http://leg.state.nv.us

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

SEE ATTACHED COPIES OF THE PROPOSED REGULATIONS

REVISED PROPOSED REGULATION OF THE PEACE

OFFICERS' STANDARDS AND TRAINING COMMISSION

LCB File No. R031-23

January 16, 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; and (6) the peace officer passes both the state certification examination and a state physical fitness examination.

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 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 state 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.

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 **2:00 p.m. on Thursday, February 22, 2024, at the Boulder City Hall, City Council Chambers, 401 California Ave., Boulder City, NV 89005.** 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 revisions to NAC 289.200(2)(f) to change the physical readiness requirement for Category I and II Reciprocity.	**NAC289.200(2)(f)**

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 289.200 Basic and reserve basic certificate: Requirements; extension of time to complete or waiver of certain requirements; request for certification; placement of basic certificate on inactive status; return to active status. [Effective until the date of the repeal of 42 U.S.C. § 666, the federal law requiring each state to establish procedures for withholding, suspending and restricting the professional, occupational and recreational licenses for child support arrearages and for noncompliance with certain processes relating to paternity or child support proceedings.] (NRS 289.510, 289.550, 289.600)

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

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

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

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

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

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

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

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

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

(1) Abuse of older persons;
(2) Child abuse and sexual abuse of a child;
(3) Civil liability;
(4) Classification and receiving of offenders;
(5) Constitutional law;
(6) Counter-terrorism and weapons of mass destruction;
(7) Crimes against persons;
(8) Crimes against property;
(9) Cultural awareness;
(10) Domestic violence, stalking and aggravated stalking;
(11) Ethics in law enforcement;
(12) Fire safety and use of emergency equipment;
(13) Games offenders play;
(14) Gangs and cults;
(15) Juvenile law;
(16) Laws relating to arrest;
(17) Laws relating to correctional institutions;
(18) Laws relating to drugs, including, without limitation, current trends in drugs;
(19) Miscellaneous crimes;
(20) Modern correctional philosophy;
(21) Probable cause;
(22) Public and media relations;
(23) Records of offenders in institutions;
(24) Rights of victims;
(25) Search and seizure;
(26) Searches of offender institutions;
(27) Supervision of offenders;
(28) Training concerning active assailants; and
(29) Use of force;

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

(f) ~~The peace officer passes the state physical fitness examination for the appropriate category of peace officer as described in NAC 289.205.~~ ***An agency that wants to employ a person who obtains a basic certificate by reciprocity as a category I or II peace officer pursuant to this section may require the person to pass the state physical fitness examination as described in subsections 1 and/or 2 of NAC 289.205.***

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

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

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

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

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

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

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

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

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

5. If a student enrolled in a basic training course certified or approved pursuant to NAC 289.300 sustains a bona fide physical injury that renders him or her incapable of completing the requirements of the state physical fitness examination, an agency may submit a request for an extension of time for the student to complete the examination. The agency shall submit such a request to the Executive Director. The request must include, without limitation, written verification by a physician that the student is incapable of completing the requirements of the state physical fitness examination. If the Executive Director determines that an extension of time is warranted, the Executive Director shall authorize an extension of time for a period not to exceed 12 months after the date on which the student was hired or, if the student is a reserve officer, the date of activation of his or her reserve status.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

REGULARLY SCHEDULED MEETING AGENDA

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 **2:00 P.M. ON THURSDAY, FEBRUARY 22, 2024,** THE COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING WILL HOLD A PUBLIC COMMENT, WORKSHOP AND REGULARLY SCHEDULED MEETING AT THE **BOULDER CITY HALL, CITY COUNCIL CHAMBERS, 401 CALIFORNIA AVE., BOULDER CITY, NV 89005**

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

I. PUBLIC COMMENT HEARINGS

1. Call to order

2. Roll call of Commission Members

3. Public Comment Hearing on Proposed Regulations LCB File R190-22, R118-23 and R031-23RP1.

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

TOPICS

A. **LCB 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.

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

TOPIC	**NAC REGULATION**
A. Discussion regarding revisions to NAC 289.200(2) to revise the physical readiness requirement for Category I and II reciprocity requirements.	**NAC 289.200(2)**

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

III. REGULARLY SCHEDULED MEETING AGENDA ITEMS

1. **DISCUSSION, PUBLIC COMMENT, AND FOR POSSIBLE ACTION.**
   Approval of minutes from the October 26, 2023, regularly scheduled meeting.

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

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

   A. LCB 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

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

4. **DISCUSSION, PUBLIC COMMENT, AND FOR POSSIBLE ACTION.**
   Discussion by the Commission to continue the rulemaking process regarding the revision of NAC 289.200(2) to update the physical readiness requirements for Category I and II reciprocity requirements.

5. **DISCUSSION, PUBLIC COMMENT, AND FOR POSSIBLE ACTION.**
Request from the Carson City Department of Alternative Sentencing for an Executive Certificate for their employee Chief Marlina Stone. Possible action may include issuance or denial of the requested Executive Certificate.

6. **DISCUSSION, PUBLIC COMMENT, AND FOR POSSIBLE ACTION.**
Request from the Washoe County Sheriff's Office for an Executive Certificate for their employee Deputy Chief Corey Solferino. Possible action may include issuance or denial of the requested Executive Certificate.

7. **DISCUSSION, PUBLIC COMMENT, AND FOR POSSIBLE ACTION.**
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
Possible action will be approval of extensions.

8. **DISCUSSION, PUBLIC COMMENT, AND FOR POSSIBLE ACTION.**
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
Possible action will be approval of extensions.

9. **DISCUSSION, PUBLIC COMMENT, AND FOR POSSIBLE ACTION.**
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. If approved, a six-month extension will give Assistant Sheriff Willette until August 13, 2024 to be certified. Possible action will be approval of extension.

10. **DISCUSSION, PUBLIC COMMENT, AND FOR POSSIBLE ACTION.**
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. This extension would give Duane Thurston until June 2, 2024, to be certified. Commission to decide whether Duane Thurston is eligible for an extension AND whether or not the extension is to be granted.

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 a plea of guilty, guilty but mentally ill or nolo contendere to a misdemeanor. The conviction(s) which have led to this action are: **COUNT I: BATTERY (violation of NRS 200.481, a misdemeanor).** Possible action may be revocation of the Category III basic certificate.

12. **DISCUSSION, PUBLIC COMMENT, AND FOR POSSIBLE ACTION.**
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 contendere to a felony. The conviction(s) which have led to this action are**: COUNT I – 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 I and III basic certificates.

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.

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 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 One: Interference with Commerce by Robbery, a Felony (18 U.S.C §1951)
Count Two: Interference with Commerce by Robbery, a Felony (18 U.S.C §1951)
Count Three: Interference with Commerce by Robbery, a Felony (18 U.S.C §1951)
Count Four: Brandishing a Firearm During and In Relation to a Crime of Violence, a Felony (18 U.S.C § 924(c))
Possible action may be revocation of the Category I basic certificate.

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.

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.

17. **DISCUSSION, PUBLIC COMMENT, AND FOR POSSIBLE ACTION.**
Schedule upcoming Commission Meeting – possible date of May 2, 2024, at 8:00 a.m.

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

POSTED AT THE FOLLOWING LOCATIONS:

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

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

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

I. PUBLIC COMMENT

I. PUBLIC COMMENT HEARING

1. Call to order

2. Roll call of Commission Members

3. Public Comment Hearing on Proposed Regulations LCB File R190-22, R118-23 and R031-23RP1.

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

TOPICS

A. LCB 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

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 COMMENT HEARING NOTICE: The Commission on Peace Officer Standards and Training ("Commission") will be holding a Public Comment Hearing at **2:00 p.m. on Thursday, February 22, 2024, at the Boulder City Hall, City Council Chambers, 401 California Ave., Boulder City, NV 89005**. 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). Assembly Bill 336 of the 81st Legislative Session requires the Commission to adopt regulations establishing standards for an annual behavioral wellness visit for peace officers to aid in preserving the emotional and mental health of the peace officer and assessing conditions that may affect the performance of duties by the peace officer. This proposed language (R190-22) creates the new regulation establishing this new standard.

Retention of healthy, strong peace officers is a financial benefit to all law enforcement agencies. Good mental and psychological health is just as important as physical health. Resources need to be available to all Nevada peace officers to assist them in coping with the stress of their vocation. Mental health issues are recognized as the 3rd leading cause of death for law enforcement personnel. Mental health resources have been made readily available to the public, but first responders are being left behind. This new regulation creates a standard to address our forgotten first responders and provide resources to ensure valuable mental health options are available to them.

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 2020 and clicking the link: www.leg.state.nv.us/Register/2022Register/R190-22P.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: Multiple agencies submitted fiscal notes attached to this bill. See attached spreadsheet for complete list.

(2) Beneficial effects: Retention of healthy, strong peace officers is a financial benefit to all law enforcement agencies. Good mental and psychological health is just as important as physical health. Providing resources to their employees will help to decrease suicide, PTSD and other mental health issues resulting from this high stress vocation, therefore potentially offsetting some costs for some benefits, i.e. health insurance claims, sick leave usage and may help to avoid long term claims against an agencies workman's compensation insurance.

(b) Both immediate and long-term effects:
(1) The immediate effects: Implementation of these programs will be a financial adjustment to all law enforcement agencies, city, county, state and otherwise, that they may not have prepared for.

(2) The long-term effects: Retention of healthy, strong peace officers is a financial benefit to all law enforcement agencies. Good mental and psychological health is just as important as physical health. Peace officers are first to respond to most mental health emergencies, but there is not always assistance for these officers when they experience their own mental health emergency. These standards will assist agencies in the creation of programs to help, not only in these emergency situations, but to provide the officer with skills and avenues to assist them so they are able to cope with the stresses of the job. Providing resources to their employees will help to decrease suicide, PTSD and other mental health issues resulting from this high stress vocation.

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, the proposed amendments will have no impact on small business.

6. The estimated cost to the agency for enforcement of the proposed regulation.
At this time there are no costs to the agency (Nevada POST)

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 February 8, 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 Wai Pai Shone Avenue, Carson City, 89701, State of Nevada Register of Administrative Regulations, which is prepared and published monthly by the Legislative Counsel Bureau pursuant to NRS 233B.0653, and on the Internet at http://leg.state.nv.us, the POST web site at http://post.nv.gov and the State of Nevada Department of Administration website at https://notice.nv.gov .

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

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

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

Commission on POST Administrative Office
Carson City, NV 89701

http://post.nv.gov

http://notice.nv.gov

http://leg.state.nv.us

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

SEE ATTACHED COPIES OF THE PROPOSED REGULATIONS

PROPOSED REGULATION OF THE PEACE OFFICERS'

STANDARDS AND TRAINING COMMISSION

LCB File No. R190-22

December 15, 2023

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

AUTHORITY: § 1, NRS 289.500 and 289.510, as amended by section 7 of Senate Bill No. 225, chapter 422, Statutes of Nevada 2023, at page 2546.

A REGULATION relating to peace officers; establishing standards for a behavioral wellness visit for peace officers; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law creates the Peace Officers' Standards and Training Commission and requires the Commission to adopt regulations establishing minimum standards for the certification and decertification, recruitment, selection and training of peace officers. (NRS 289.500, 289.510, as amended by section 7 of Senate Bill No. 225, chapter 422, Statutes of Nevada 2023, at page 2546) The regulations adopted by the Commission must establish, among other things, standards for an annual behavioral wellness visit for peace officers to aid in preserving the emotional and mental health of peace officers and assessing conditions that may affect the performance of duties by peace officers. (NRS 289.510, as amended by section 7 of Senate Bill No. 225, chapter 422, Statutes of Nevada 2023, at page 2546) This regulation establishes those standards.

This regulation provides that each agency must require every peace officer employed by the agency to attend an annual behavioral wellness visit, which may be conducted: (1) in an individual or group setting; (2) in person; or (3) virtually. This regulation also requires that the behavioral wellness visit be designed to: (1) provide a peace officer with the opportunity to discuss his or her mental health issues; (2) educate a peace officer on mental health issues to increase awareness of and access to appropriate mental health care, as well as to reduce the stigma associated with discussing such issues; (3) improve the overall well-being of the peace officer; (4) address certain mental health issues that a peace officer may experience; and (5) reduce certain concerns a peace officer may have regarding the confidentiality of the behavioral wellness visit.

This regulation also requires a mental health professional conducting a behavioral wellness visit, upon completion of the visit, to provide the peace officer and the employing agency of the peace officer a letter verifying that the peace officer attended the visit. The letter must include the time, place and date of the behavioral wellness visit and must be made available to certain persons. This regulation prohibits a mental health professional conducting a behavioral wellness visit from: (1) disclosing any communication made between the peace officer and the

mental health professional during the visit unless the disclosure is authorized by law or a court order; and (2) conducting any medical assessment, evaluation or test to diagnose whether the peace officer has any mental, emotional or behavioral disorder or associated distress which may interfere with the mental health of the peace officer.

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

1. Each agency shall require every peace officer employed by the agency to attend an annual behavioral wellness visit pursuant to NRS 289.510, as amended by section 7 of Senate Bill No. 225, chapter 422, Statutes of Nevada 2023, at page 2546. The services that a mental health professional provides in a behavioral wellness visit may be provided:

(a) In an individual or group setting;

(b) In person; or

(c) Virtually.

2. A behavioral wellness visit conducted pursuant to subsection 1 must be designed to:

(a) Provide a peace officer with the opportunity to discuss his or her concerns regarding mental health issues;

(b) Educate a peace officer on mental health issues to:

(1) Increase awareness of and access to appropriate mental health care; and

(2) Reduce the stigma associated with discussing such issues;

(c) Improve the overall well-being of the peace officer;

(d) Address the specific mental health issues that the peace officer may experience as a result of the nature of his or her work; and

(e) Reduce any concerns the peace officer may have regarding the confidentiality of the information disclosed by the peace officer in such a visit.

3. Upon completion of a behavioral wellness visit pursuant to subsection 1, the mental health professional conducting the behavioral wellness visit shall provide to the peace officer and the employing agency of the peace officer a letter verifying that the peace officer attended the visit. The letter must:

(a) Include the time, place and date of the behavioral wellness visit;

(b) Not include any information the peace officer disclosed during the behavioral wellness visit; and

(c) Be kept and maintained by the employing agency of the peace officer and made available at all times to the:

(1) Peace officer; and

(2) Chief executive of the employing agency of the peace officer or the commanding officer of the peace officer.

4. Any communication made between a peace officer and a mental health professional conducting a behavioral wellness visit pursuant to subsection 1 is confidential and must not be disclosed by the mental health professional unless the disclosure is authorized by law or a court order.

5. A mental health professional conducting a behavioral wellness visit pursuant to subsection 1 must not conduct any medical assessment, evaluation or test to diagnose whether the peace officer has any mental, emotional or behavioral disorder or any associated distress which may interfere with the mental health of the peace officer.

6. Nothing in this section shall be construed to violate the rights of a peace officer provided by the laws of this State.

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 COMMENT HEARING NOTICE: The Commission on Peace Officer Standards and Training ("Commission") will be holding a Public Comment Hearing at **2:00 p.m. on Thursday, February 22, 2024, at the Boulder City Hall, City Council Chambers, 401 California Ave., Boulder City, NV 89005**. 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)
R118-23 creates the standards for a Category III reciprocity program, meeting the requirements of SB323. This new regulation creates an additional pathway to hire correctional officers through a reciprocity program to out of state correctional officers who are Category III equivalent. Category III agencies in Nevada have been prohibited, up to this point, from utilizing the reciprocity program to hire out of state officers. This regulation creates a program that will allow for a shortened hiring process and allow agencies to add experienced staff to their facilities without the delay of attending a full basic academy. It will also allow that experienced staff to complete this online reciprocity course while performing their duties, which will benefit correctional facilities by having staff on duty during this reciprocity process vs. limited staff on duty while officer attends the basic academy. Enrollment will be available at any time and this course can be completed before hiring on with a Nevada agency.

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 2020 and clicking the link: https://www.leg.state.nv.us/Register/2023Register/R118-23P.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: Category III agencies in the state will be able to hire experienced correctional officers to work in Nevada and allow them to complete this reciprocity program while working. They will have officers in the facilities instead of being short staffed while their officers attend a basic academy.

(b) Both immediate and long-term effects:

(1) The immediate effects: This will shorten the hiring process for Nevada agencies. This will allow Nevada correctional agencies to have experienced officers performing correctional duties without delays of attending a basic academy at a separate location for weeks, and will be a cost savings to agencies as the training is online, not in person.

(2) The long-term effects: We anticipate seeing an increase in correctional officer employees coming to Nevada and utilizing this program. Correctional facilities will have more staff, relieving the shortages we are seeing now.

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.

The fee for this online course is $200.00 per employee, payable upon enrollment.

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, it only adds a category to the existing reciprocity program which charges employed officers $200.00 to complete the course.

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 February 8, 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 Wai Pai Shone Avenue, Carson City, 89701, State of Nevada Register of Administrative Regulations, which is prepared and published monthly by the Legislative Counsel Bureau pursuant to NRS 233B.0653, and on the Internet at http://leg.state.nv.us, the POST web site at http://post.nv.gov and the State of Nevada Department of Administration website at https://notice.nv.gov .

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

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

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

Commission on POST Administrative Office
Carson City, NV 89701

http://post.nv.gov

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

SEE ATTACHED COPIES OF THE PROPOSED REGULATIONS

PROPOSED REGULATION OF THE PEACE OFFICERS'

STANDARDS AND TRAINING COMMISSION

LCB File No. R118-23

December 13, 2023

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

AUTHORITY: §§ 1-3, NRS 289.510, as amended by section 1 of Senate Bill No. 323, chapter 158, Statutes of Nevada 2023, at page 839.

A REGULATION relating to peace officers; setting forth the requirements for obtaining a basic certificate by reciprocity as a category III peace officer; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Peace Officers' Standards and Training Commission to adopt regulations establishing minimum standards for the certification, decertification, recruitment, selection and training of peace officers, including standards for the reciprocity of a person who: (1) has been certified as a category III peace officer or its equivalent by the certifying authority of another state; or (2) has successfully completed a federal law enforcement training program that is equivalent to a category III peace officer in this State. (NRS 289.510, as amended by section 1 of Senate Bill No. 323, chapter 158, Statutes of Nevada 2023, at page 839) **Section 1** of this regulation sets forth the requirements for a person to obtain a basic certificate by reciprocity as a category III peace officer. **Section 1** provides that the Executive Director of the Commission may award a basic certificate by reciprocity as a category III peace officer if the person: (1) is currently employed in another state in a position that is equivalent to the position of a category III peace officer in this State or not more than 60 months have lapsed since he or she was employed in another state in a position that is equivalent to the position of a category III peace officer in this State; (2) meets certain minimum standards for appointment that apply to all peace officers in this State; (3) provides certain evidence relating to his or her certification or training; (4) has passed the state certification examination with a score of at least 70 percent; and (5) has satisfactorily completed a training course approved by the Executive Director which consists of a minimum of 40 hours of training in certain subjects.

Section 2 of this regulation makes a conforming change to amend the definition of "basic certificate" to include a basic certificate by reciprocity as a category III peace officer.

Section 3 of this regulation makes a conforming change to create an exception to the requirement that a person pass the state physical fitness examination generally required for a basic certificate as a category III peace officer, as **section 1** provides instead that an agency that wants to employ a person who obtains a basic certificate by reciprocity as a category III peace officer may require the person to pass the state physical fitness examination.

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

1. The Executive Director may award a basic certificate by reciprocity to any person if the person:

(a) Is currently employed in another state in a position that is equivalent to the position of a category III peace officer in this State or not more than 60 months have lapsed since he or she was employed in another state in a position that is equivalent to the position of a category III peace officer in this State;

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

(c) Provides verifiable evidence that he or she:

(1) Has been certified as the equivalent of a category III peace officer by the certifying entity of another state and demonstrate that:

(I) Such certification has not been revoked or suspended; and

(II) The certification requirements are equivalent to the requirements for obtaining a basic certificate as a category III peace officer in this State;

(2) Has successfully completed training in another state that does not have a certifying entity and demonstrate that the training requirements are equivalent to the requirements for obtaining a basic certificate as a category III peace officer in this State; or

(3) Has successfully completed a Federal Law Enforcement Training Centers of the United States Department of Homeland Security training program regarding custody and detention, approved by the Commission;

(d) Has passed the state certification examination with a score of at least 70 percent; and

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

(1) Ethics in law enforcement;

(2) Cultural awareness;

(3) Crisis intervention;

(4) Handling of persons with mental illness;

(5) Public and media relations;

(6) Constitutional law;

(7) Use of force;

(8) Civil liability;

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

(10) Modern correctional philosophy;

(11) Laws relating to correctional institutions;

(12) Classification and receiving of offenders;

(13) Supervision of offenders;

(14) Care of persons in custody;

(15) Searches of offender institutions;

(16) Games offenders play;

(17) Gangs and cults;

(18) Records of offenders in institutions;

(19) Domestic violence, stalking and aggravated stalking;

(20) Training concerning active assailants;

(21) Searching of buildings;

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

(23) Fire safety and use of equipment.

2. The Commission or its designee will determine whether any certification or training received in another state is equivalent to the requirements for obtaining a basic certificate as a category III peace officer in this State.

3. An agency that wants to employ a person who obtains a basic certificate by reciprocity as a category III peace officer pursuant to this section may require the person to pass the state physical fitness examination as described in subsection 3 of NAC 289.205.

Sec. 2. NAC 289.020 is hereby amended to read as follows:

289.020 "Basic certificate" means the certificate issued by the Executive Director which is evidence that a person has met the minimum standards established by this chapter to be appointed to perform the duties of a peace officer. *The term includes, without limitation, a basic certificate by reciprocity as a category III peace officer issued pursuant to section 1 of this regulation.*

Sec. 3. NAC 289.205 is hereby amended to read as follows:

289.205 To pass the state physical fitness examination, a person must:

1. For a basic certificate as a category I peace officer or as a reserve peace officer:

(a) Complete a vertical jump of not less than 14 inches.

(b) Complete not less than 30 sit-ups in 1 minute.

(c) Complete not less than 23 push-ups.

(d) Run 300 meters in not more than 1 minute and 8 seconds.

(e) Walk or run 1.5 miles in not more than 16 minutes and 57 seconds.

(f) Complete an agility run in not more than 19.5 seconds.

2. For a basic certificate as a category II peace officer:

(a) Complete a vertical jump of not less than 15 inches.

(b) Complete not less than 29 sit-ups in 1 minute.

(c) Complete not less than 15 push-ups.

(d) Run 300 meters in not more than 1 minute and 20 seconds.

(e) Walk or run 1.5 miles in not more than 20 minutes and 6 seconds.

(f) Complete an agility run in not more than 20.7 seconds.

3. ~~[For]~~ ***Except as otherwise provided in section 1 of this regulation, for*** a basic certificate as a category III peace officer:

(a) Complete a vertical jump of not less than 15 inches.

(b) Complete not less than 20 push-ups.

(c) Run 300 meters in not more than 1 minute and 14 seconds.

(d) Walk or run 1.5 miles in not more than 17 minutes and 37 seconds.

(e) Complete an agility run in not more than 20.4 seconds.

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 COMMENT HEARING NOTICE: The Commission on Peace Officer Standards and Training ("Commission") will be holding a Public Comment Hearing at **2:00 p.m. on Thursday, February 22, 2024, at the Boulder City Hall, City Council Chambers, 401 California Ave., Boulder City, NV 89005**. 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).

R031-23 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 2020 and clicking the link: https://www.leg.state.nv.us/Register/2023Register/R031-23RP1.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 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.

The fee for this online course is $200.00 per employee, payable upon enrollment.

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, it only adds a category to the existing reciprocity program which charges employed officers $200.00 to complete the course.

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 February 8, 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 Wai Pai Shone Avenue, Carson City, 89701, State of Nevada Register of Administrative Regulations, which is prepared and published monthly by the Legislative Counsel Bureau pursuant to NRS 233B.0653, and on the Internet at http://leg.state.nv.us, the POST web site at http://post.nv.gov and the State of Nevada Department of Administration website at https://notice.nv.gov .

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

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

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

Commission on POST Administrative Office
Carson City, NV 89701

http://post.nv.gov

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http://leg.state.nv.us

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

SEE ATTACHED COPIES OF THE PROPOSED REGULATIONS

REVISED PROPOSED REGULATION OF THE PEACE

OFFICERS' STANDARDS AND TRAINING COMMISSION

LCB File No. R031-23

January 16, 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; and (6) the peace officer passes both the state certification examination and a state physical fitness examination.

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 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 state 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.

II. WORKSHOP TO SOLICIT COMMENTS ON PROPOSED REGULATIONS

II. WORKSHOP

1. Workshop on proposed regulation change.

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

TOPIC	NAC REGULATION
A. Discussion regarding revisions to NAC 289.200(2) to revise the physical readiness requirement for Category I and II reciprocity requirements.	**NAC 289.200(2)**

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.***

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 **2:00 p.m. on Thursday, February 22, 2024, at the Boulder City Hall, City Council Chambers, 401 California Ave., Boulder City, NV 89005.** 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 revisions to NAC 289.200(2)(f) to change the physical readiness requirement for Category I and II Reciprocity.	**NAC289.200(2)(f)**

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 289.200 Basic and reserve basic certificate: Requirements; extension of time to complete or waiver of certain requirements; request for certification; placement of basic certificate on inactive status; return to active status. [Effective until the date of the repeal of 42 U.S.C. § 666, the federal law requiring each state to establish procedures for withholding, suspending and restricting the professional, occupational and recreational licenses for child support arrearages and for noncompliance with certain processes relating to paternity or child support proceedings.] (NRS 289.510, 289.550, 289.600)

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

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

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

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

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

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

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

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

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

(1) Abuse of older persons;
(2) Child abuse and sexual abuse of a child;
(3) Civil liability;
(4) Classification and receiving of offenders;
(5) Constitutional law;
(6) Counter-terrorism and weapons of mass destruction;
(7) Crimes against persons;
(8) Crimes against property;
(9) Cultural awareness;
(10) Domestic violence, stalking and aggravated stalking;
(11) Ethics in law enforcement;
(12) Fire safety and use of emergency equipment;
(13) Games offenders play;
(14) Gangs and cults;
(15) Juvenile law;
(16) Laws relating to arrest;
(17) Laws relating to correctional institutions;
(18) Laws relating to drugs, including, without limitation, current trends in drugs;
(19) Miscellaneous crimes;
(20) Modern correctional philosophy;
(21) Probable cause;
(22) Public and media relations;
(23) Records of offenders in institutions;
(24) Rights of victims;
(25) Search and seizure;
(26) Searches of offender institutions;
(27) Supervision of offenders;
(28) Training concerning active assailants; and
(29) Use of force;

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

(f) ~~The peace officer passes the state physical fitness examination for the appropriate category of peace officer as described in NAC 289.205.~~ ***An agency that wants to employ a person who obtains a basic certificate by reciprocity as a category I or II peace officer pursuant to this section may require the person to pass the state physical fitness examination as described in subsections 1 and/or 2 of NAC 289.205.***

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

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

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

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

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

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

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

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

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

5. If a student enrolled in a basic training course certified or approved pursuant to NAC 289.300 sustains a bona fide physical injury that renders him or her incapable of completing the requirements of the state physical fitness examination, an agency may submit a request for an extension of time for the student to complete the examination. The agency shall submit such a request to the Executive Director. The request must include, without limitation, written verification by a physician that the student is incapable of completing the requirements of the state physical fitness examination. If the Executive Director determines that an extension of time is warranted, the Executive Director shall authorize an extension of time for a period not to exceed 12 months after the date on which the student was hired or, if the student is a reserve officer, the date of activation of his or her reserve status.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

III. 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 **2:00 P.M. ON THURSDAY, FEBRUARY 22, 2024,** THE COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING WILL HOLD A PUBLIC COMMENT, WORKSHOP AND REGULARLY SCHEDULED MEETING AT THE **BOULDER CITY HALL, CITY COUNCIL CHAMBERS, 401 CALIFORNIA AVE., BOULDER CITY, NV 89005**

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

I. PUBLIC COMMENT HEARINGS

1. Call to order

2. Roll call of Commission Members

3. Public Comment Hearing on Proposed Regulations LCB File R190-22, R118-23 and R031-23RP1.

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

TOPICS

A. **LCB 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.

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

TOPIC	**NAC REGULATION**
A. Discussion regarding revisions to NAC 289.200(2) to revise the physical readiness requirement for Category I and II reciprocity requirements.	**NAC 289.200(2)**

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

III. REGULARLY SCHEDULED MEETING AGENDA ITEMS

1. **DISCUSSION, PUBLIC COMMENT, AND FOR POSSIBLE ACTION.**
   Approval of minutes from the October 26, 2023, regularly scheduled meeting.

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

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

   A. LCB 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

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

4. **DISCUSSION, PUBLIC COMMENT, AND FOR POSSIBLE ACTION.**
   Discussion by the Commission to continue the rulemaking process regarding the revision of NAC 289.200(2) to update the physical readiness requirements for Category I and II reciprocity requirements.

5. **DISCUSSION, PUBLIC COMMENT, AND FOR POSSIBLE ACTION.**
Request from the Carson City Department of Alternative Sentencing for an Executive Certificate for their employee Chief Marlina Stone. Possible action may include issuance or denial of the requested Executive Certificate.

6. **DISCUSSION, PUBLIC COMMENT, AND FOR POSSIBLE ACTION.**
Request from the Washoe County Sheriff's Office for an Executive Certificate for their employee Deputy Chief Corey Solferino. Possible action may include issuance or denial of the requested Executive Certificate.

7. **DISCUSSION, PUBLIC COMMENT, AND FOR POSSIBLE ACTION.**
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
Possible action will be approval of extensions.

8. **DISCUSSION, PUBLIC COMMENT, AND FOR POSSIBLE ACTION.**
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
Possible action will be approval of extensions.

9. **DISCUSSION, PUBLIC COMMENT, AND FOR POSSIBLE ACTION.**
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. If approved, a six-month extension will give Assistant Sheriff Willette until August 13, 2024 to be certified. Possible action will be approval of extension.

10. **DISCUSSION, PUBLIC COMMENT, AND FOR POSSIBLE ACTION.**
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. This extension would give Duane Thurston until June 2, 2024, to be certified. Commission to decide whether Duane Thurston is eligible for an extension AND whether or not the extension is to be granted.

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 a plea of guilty, guilty but mentally ill or nolo contendere to a misdemeanor. The conviction(s) which have led to this action are: **COUNT I: BATTERY (violation of NRS 200.481, a misdemeanor).** Possible action may be revocation of the Category III basic certificate.

12. **DISCUSSION, PUBLIC COMMENT, AND FOR POSSIBLE ACTION.**
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 contendere to a felony. The conviction(s) which have led to this action are**: COUNT I – 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 I and III basic certificates.

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.

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 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 One: Interference with Commerce by Robbery, a Felony (18 U.S.C §1951)
Count Two: Interference with Commerce by Robbery, a Felony (18 U.S.C §1951)
Count Three: Interference with Commerce by Robbery, a Felony (18 U.S.C §1951)
Count Four: Brandishing a Firearm During and In Relation to a Crime of Violence, a Felony (18 U.S.C § 924(c))
Possible action may be revocation of the Category I basic certificate.

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.

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.

17. **DISCUSSION, PUBLIC COMMENT, AND FOR POSSIBLE ACTION.**
Schedule upcoming Commission Meeting – possible date of May 2, 2024, at 8:00 a.m.

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

POSTED AT THE FOLLOWING LOCATIONS:

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

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

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

1. **DISCUSSION, PUBLIC COMMENT, AND FOR POSSIBLE ACTION.**
   Approval of minutes from the October 26, 2023 regularly scheduled meeting.

STATE OF NEVADA

COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

A Public Comment Hearing, Workshop, and Regularly Scheduled Meeting of the Commission on Peace Officer Standards and Training was held on Thursday, October 26, 2023 commencing at 8:00 a.m. at The Southpointe Hotel/Casino, 9777 Las Vegas Blvd., S. Napa Room B, Las Vegas, NV 89183.

COMMISSIONERS:

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

STAFF:

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

TRANSCRIBED BY: Marsha Steverman-Meech

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C. LCB File R006-23 -- Amend NAC 289.200(4)(a) to remove the requirement that the physical fitness examination be passed "not later than 16 weeks after the first day" and instead require the physical examination to be passed "during" the academy 18

D. LCB File R007-23 -- Amend NAC 289.200(8) to remove the "full-time" requirement to maintain the basic certificate 18

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PROCEEDINGS

TROUTEN: Good morning and welcome to the POST Commission meeting and workshop. We'll call the meeting to order. It is October 26, 2023 for the record. The time is 8:00 AM in the morning. We'll go to Kathy Floyd, if you could please provide the information on the legal postings and open meeting compliance.

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

TROUTEN: Thank you, Kathy. Now move to roll call. I am Ty Trouten and move to our left.

MCKINNEY: Kevin McKinney, Carlin Police Department.

TOGLIATTI: George Togliatti, Nevada Department of Public Safety.

PROSSER: Jamie Prosser, LVMPD.

YOUNG: Tiffany Young, community member.

STRAUBE: Rob Straube, City of Las Vegas DPS.

SHEA: Tim Shea, Boulder City Police.

MILLER: Oliver Miller, Reno Police Department.

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

NIEL: Russ Niel, Gaming Control Board.

FLOYD: Kathy Floyd with POST.

SHERLOCK: And Mike Sherlock from POST.

HASTINGS: Nathan Hastings, Attorney General's office.

TROUTEN: All right, thank you. So this is a workshop public comment hearings. The purpose of the hearing is to receive comments from all interested persons regarding the adoption amendment and repeal of regulations pertaining to Chapter 289 of the Nevada Administrative Code (NAC). This public comment hearing has been previously noticed as required by NRS Chapter 233 B and -- see here, so we'll move on to Item A, proposed regulation file number R004-23. And, Mike, please provide some background on this.

SHERLOCK: Thank you, Mike Sherlock for the record. So the Commission will recall this regulation change was directed at the automatic disqualifier for applicants for drug convictions. As you can see in your books, the language submitted by the Commission, essentially, you know, stating now where the marijuana conviction is for a crime that no longer exists due to the marijuana law changes, they are no longer automatic disqualifiers, it's just cleaning up that per that

particular regulation. This is a time for any additional comments from the public. Once we move into the regular meeting, the Commission will have an opportunity to adopt this regulation that you see in your books.

TROUTEN: Thank you, Mike. So, we'll now open up to comments from the public on R004-23. Are there any comments from the public? Hearing none, we'll move on to Item B, proposed regulation file number R005-23. Mike, some background information, please.

SHERLOCK: Again Mike Sherlock from POST. The Commission should recall this was regarding changes to NAC 289.300. Again, remember where we're at, the Commission already approved those changes. This is language coming back from the legislature based on their review of that. In this particular case, there was a vote to change the Academy PT entrance requirements, which of course are different than the certification requirements so this changes the Academy entrance PT requirement from a mandatory requirement within the first two weeks to a may requirement or a may option. This allows Academy programs to assess the physical readiness based on their own program and their needs. It does not make any changes to the validation study. And again, we're just in the final phase of this particular reg change and looking for any final public comment before we move into the regular meeting.

TROUTEN: Thank you, Mike. Are there any public comments or questions on this item? All right, seeing none, we move on to Item C, proposed Regulation File Number R006-23. Mike, some background information on this one, please.

SHERLOCK: Mike Sherlock for the record. So, again, Commission will recall you voted to amend the time requirement to pass the certification PPRT during an academy. This change will remove the current 16-week requirement to pass that particular PT test. This allows the longer academies -- and by the way, all of our CAT I academies now are longer than 16 weeks anyway. This allows the academies more time to get someone up to that physical level required to pass the certification level without offending the validation study. And once more, this is here for any final public comments before we move into the regular meeting.

TROUTEN: Thank you. Any questions or comments from the public on this item? Hearing none, we'll move on to Item D, proposed Regulation File Number R007-23. (Inaudible), Mike.

SHERLOCK: Again, Mike Sherlock for the record. As you can see, LCB did get back to us on some of our reg changes. So this final one, the Commission voted to amend 289.200 Subsection 8 to reflect actual policy, in this case, having returning Category I officers or allowing them to work less than full-time to maintain their basic post certificate and an active

status. So it just allows agencies to better utilize those who, for example, are retiring but want to come back on a part-time basis. Under the current reg, if they're not full-time, that certificate would be in jeopardy. This allows 'em to return and not put that certificate in jeopardy even though they're working part-time. So, again, this is the time for any final public comments and it will be addressed in the regular meeting.

TROUTEN: Thank you. Any public comments or questions on this item? Hearing none, we'll move on to the workshop portion of this meeting. The purpose of the workshop 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. So we're intending to solicit discussion and comments on the creation of standards for the reciprocity of a person who has been certified as a Category III peace officer or its equivalent by the certifying authority of another state, or who has successful completed a federal-law-enforcement training program that is equivalent to a Category III peace officer in this state. Some background information, Mike?

SHERLOCK: Sure. Mike Sherlock for the record. So, again, this workshop is an opportunity to solicit comments regarding the implementation of a Category III reciprocity pathway to certification. Currently, reciprocity only applies

to Category Is, and in limited cases to Category II. SB 323 passed the most recent session, requires POST to create such a pathway, so it's a mandate from the legislature. I can say I did work with the senator who wrote this particular bill. She agreed that the best practice is to allow the Commission to establish those standards for reciprocity. So we do have some sample language to help with any comments from the public. I will say there are some issues as Category III is generally not regulated the same as Category Is across the country, and many states' corrections and detention are not part of POST, for example. In fact, in most cases they are not, most states. So the difficulty for staff is just trying to establish some conformity and you see that language in the sample that we provided. Also, we have included another sample. Inadvertently we had put a sample in there that had a different PT requirement, and I think we cleaned that up. In this sample, the physical's left to the discretion of the agency. I'd like to thank Director Dzurenda, who's here, who helped us with some of this language -- from Department of Corrections, who helped us with some of the language just to get the conversation going. But again, this is time to receive input from the public and any stakeholders and during the regular scheduled meeting, I can talk more about the requirements and the standards going forward.

TROUTEN: All right. Thank you, Mike. So if we have comments or questions from the public, please come forward. Please try to speak loudly and give your name so that we have it for the record. But I'll now open it up for comments and questions from the public. Wow. Too easy. Okay. This will then conclude our workshop portion of the meetings. We shall proceed with the Commission meeting. Item number 1, discussion, public comment, and for possible action, approval of minutes from the July 27, 2023, regularly scheduled POST Commission meeting. Are there any comments from the public on the minutes? Any comments or corrections from the Commissioners? All right, then I would entertain a motion to approve the minutes.

MCKINNEY: Kevin McKinney. I'll make a motion to approve the minutes from the last meeting.

TROUTEN: Is there a second?

COVERLEY: Second.

TROUTEN: I have a second from Dan Coverley. All Commissioners in favor of approval, signify by saying aye.

MEMBERS: Aye.

TROUTEN: Any opposed? I also vote aye. Item Number 2. So this is our update portion for POST. Mike, could you please provide those updates to us?

SHERLOCK: Sure. Mike Sherlock for the record. So I just want to touch on just a couple things. First you see in your books are our report of any audit deficiencies since last

meeting. We continue to see the same basic things: failure to document training; or failure to background the requirements found in 289.110; or simply not doing those items in 289.110. I wanted to sort of give the Commission a feel as what's going on nationally. There is a push to better ensure compliance with minimum standards and looking at sanctions for failures to meet those standards. We saw that in our governor's finance office audit report they did on POST operations, looking, asking why there isn't some sanctions where there are failures but just so everyone knows, we kind of get a sense nationally, there is a push. Many states do have sanctions. I'm not advocating that, I'm just giving you what's going on nationally, and I can tell you that we have already had some inquiries legislatively on what may be going on in the next session, looking at compliance and that kind of thing. We'll see what happens. You know, some of the other things going on right now, nationally there's a big push on implementing and updating written tests, believe it or not, for entry into basic training academies. I know we don't currently do that and again, I'm not advocating it, I'm just -- nationally, there's a big push to -- for states that already have it, and many states do, California just updated theirs, they've done it for 30 years, but basically many states have a reading, writing comprehension test that they give all applicants going into an academy and there's a big push to talk about that nationally. Changing gears a little bit, I want to

talk about the physical and behavioral health issues with our regulation changes and that kind of thing. We do have a couple agenda items coming up here today related to the physical standards, putting those back on agencies for reciprocity, for example. That said, keeping our validated readiness test as an option is critical from our perspective. I was contacted two weeks ago by Indiana, who is looking at switching from their Cooper Physical Fitness test to our readiness test. So it sounds like they're going to do a portability study again with our test and join many other states now that are using Nevada's test. So it'd be nice to, you know, still have that as an option here as we get inquiries from out of state. I just wanted to -- as we're going through this process, I've heard comments about one, why we call it a readiness test now and have been pushing that term. It is about the difference between a physical fitness test and an ability to complete critical tasks that a job task study finds. It is critical to defensibility. So that said, we want to keep in value of physical requirement regardless how the Commission does that, and the validated test is just one option. One last thing that we keep hearing on our test as we go through some changes is that it was somehow changed in '22. That is unequivocally false. Our test has never changed. You have to understand that it's a validated test. We have not changed a single test score requirement ever. If we did that, it would no longer be validated. Just so

everybody knows where that came from, prior to our validation study, we had used a validated test out of Idaho. We had changed some of the scores, which then invalidates that test, and that's why we did the validation study. It's never, never just changed. I just wanted to clear that up. Finally, just wanted to touch real quick on the POST Leadership Institute. We just finished the first class. Rave reviews. There's a lot of pressure for us to put that on more often. We're going to try. It's a budget issue for us and that kind of limits us but we do have -- I think it's on our calendar now for early into next year for the next class to start so we will try to keep expanding that. AB 336 from the last session is a big issue. Obviously we are still working on that. The Commission has done their job in this case. AB 336 is the behavioral health visits. It's at LCB right now. We've been back and forth with them a little bit on the language. I'm hoping that they will get that language back to us and we can present it to the Commission by the February meeting. Again, as I touched on a little bit, we are looking towards the next legislative session. Our feeling is it'll be a busy one again for us at POST and we'll see how that goes. I think that's all I have, Chief.

TROUTEN: All right, are there questions, comments from the Board? From the public? All right, moving on, we will move to Item 3, 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 four regulations so we'll start with item A. Again, Mike, if you want to brief us on item A?

SHERLOCK: For sure. Mike Sherlock for the record. So as we just spoke in the public comment hearing, this item was approved by the Commission and the concept in the language, frankly and we are now looking for final adoption the change to the standards of appointment by carving out an exception to drug conviction disqualifiers for certain marijuana offenses. Staff would recommend final adoption of those changes.

TROUTEN: Thank you. Questions or comments from the Board on this side? Any final comments or questions from the public? Hearing none, would entertain a motion to adopt as written.

MCKINNEY: Kevin McKinney. I'll move to adopt -- what -- I can't remember what (inaudible). I'm sorry.

TROUTEN: So the specific language basically --

MCKINNEY: To amend NAC 289.110 --

TROUTEN: Correct.

MCKINNEY: -- as proposed.

TROUTEN: Is there a second?

YOUNG: (Inaudible.) A second.

NIEL: Russ Niel. Second.

TROUTEN: You guys will have to arm wrestle over it. Okay. So, all in favor of amending NAC 289.110 to

accommodate the recent law changes, please signify by saying aye.

MEMBERS: Aye.

TROUTEN: Any opposed? I also vote aye. Moving on to the second item (inaudible). Mike, some background please.

SHERLOCK: Mike Sherlock for the record. So, again, similarly, this is one that's already been approved by the Commission, looking for final adoption. This is to change NAC 289.300 (1) (b). That makes the academy entrance physical test requirement optional, again, based on the academy needs and ability.

TROUTEN: All right, thank you. So this becomes a permissible statement. Are there any questions or comments from the Board on this item? I think we've hashed it out pretty well. Any comments, concerns from the public? Hearing none, would entertain a motion to amend NAC 289.300, Subsection 1, b to make it a may be required to pass.

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

TROUTEN: Is there a second?

PROSSER: Jamie Prosser. Second.

TROUTEN: Go ahead and put to vote. All members in favor of amending, please signify by saying aye.

MEMBERS: Aye.

TROUTEN: Any opposed? I also vote aye. Moving on to Item C. This one is to amend NAC 289.200, Subsection 4a, which removes the requirement that the physical fitness examination be passed not later than 16 weeks after the first day of the academy and will instead require that the physical fitness exam be passed during the academy. Again, we've had a great deal of discussion on this. Open it up to the Board for questions or comments. Any comments from the public? All right. Would entertain a motion if we're good with this.

COVERLEY: Dan Coverley for Douglas County. I move to accept this.

NIEL: Russ Niel, second.

TROUTEN: Thank you. All members of the Board in favor, please signify by saying aye.

MEMBERS: Aye.

TROUTEN: Any opposed? I also vote aye. Motion carries. Our last item on this one, this one's pretty straightforward, this is pertinent to the reserve, officer status that removes the full-time requirement and allows 'em instead to become a part-time reserve officer and maintain that Category I certificate, but it is an amendment to NAC 289.200 Subsection 8. Any comments or discussion from the Board? Comments or discussion from the public? Hearing none, would entertain a motion.

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

TROUTEN: Is there a second?

MILLER: Ollie Miller, second.

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

MEMBERS: Aye.

TROUTEN: Any opposed? I also vote aye. I apologize, Kathy, I've overlooked. Do we have any written comments on these that came in?

FLOYD: No, we don't.

TROUTEN: Okay. Thank goodness. All right. Let's see here. It brings us to Item Number 4, so discussion for the Commission to continue the rulemaking process regarding the creation of standards pursuant to SB 323 for the reciprocity of a person who has been certified as a Category III peace officer, or its equivalent by the certifying authority of another state, or who has successfully completed a federal law-enforcement training program that is equivalent to a Category III peace officer in this state. Mike, could you give us some background on this one?

SHERLOCK: Sure. Again, Mike Sherlock for the record. So again, this is a mandate from the legislature to create a reciprocity pathway for Category III. As I mentioned earlier, there are some challenges for us. You know, just looking at different states and again, we work with stakeholders, directors, Dzurenda in particular, on how we

address how other states view that Category III sort of discipline. Just so as an example, a lot of states allow correction officers to be 18 years old. Well, in the state of Nevada, we have an NRS that prohibits that so we have to be able to -- so we were creating some language in the sample language that, you know, allows us to compare what that state does for that particular discipline and you see that in the language that we provided as a sample, but we believe that language is sufficient to meet our needs. It does and what we're going to talk about reciprocity here in another agenda item, but it does -- the sample language that we're putting forward now removes that for reciprocity and Category III, the PPRT requirement, and puts that physical requirement back on the agency to allow the agency decide what their needs are in that area but keeps a physical requirement. And again, later we'll have a similar item related to Category I. In any case, staff would recommend that the Commission continue the rulemaking process for the reciprocity using that sample language provided for the Category III discipline.

TROUTEN: All right, thank you. Mike. Are there comments or questions from the Board? I have a question, Ty Trouten for the record again. I guess my understanding of this is it'd be similar as the challenges for, like, a Category I certificate. Say if a person attended a FLETC Academy, they provide what their requirements were, what their training has

been, and then as long as that mirrors, we can move forward with it.

SHERLOCK: Yeah, Mike Sherlock for the record. Yeah, we're looking at different ways how you deal with that. It may be a form, and I talked to Director Dzurenda a little bit about this, that maybe that's in the application process that, you know, there's a form that we can review that meets our minimum standards in terms of hours of training and that kind of thing rather than what we do with Category Is, we rely on their basic POST certificate, but you just don't have that with Category IIIs in other states, so it'd just be a review process more by policy than regulation.

TROUTEN: Thank you. Any other questions or comments by the Board? Comments, questions from the public?

SHEA: I have one under F in the draft, we can discuss that? I can talk about number F?

TROUTEN: Are you just asking whether --

SHEA: Under that proposed draft in 289.200 (f).

HASTINGS: You can discuss any matter on the agenda.

SHEA: Okay. I would like to propose a change in the language, and we've talked about this in the past, something along the lines not the officer passes the state physical fitness examination, but if the employing agency deems

appropriate, the officer passes an appropriate physical fitness examination, which may include, but not solely required be the state physical fitness examination for the appropriate category. In other words, what this does is allows the agency to determine what's appropriate given their specific circumstances and if they choose to use the state physical fitness examination, they can, but they're not required to do so cause we're talking about lateral hires, people that are currently doing the job.

SHERLOCK: Yeah, Mike Sherlock for the record. If you look at it, says officer passes the state physical fit. That's a -- you know, that's a mistake on our part is if you're going to have the agencies -- if we're going to allow agencies to determine what that test is, it's not a state test. So I would simply say we remove the word state from that and I think that would accomplish what you're talking about, Chief, right?

SHEA: No, not yet because this says you still must pass a physical fitness exam. My contention is the agency should determine, the employee agency determine that it's appropriate for them to take a physical fitness test and if it is appropriate to do so, they either can develop their own if they wish to, or my preference would be that they utilize the state test, which is validated, but they don't necessarily have to given the circumstances. So it gives the agency leeway in two ways: first, they decide if they need to give a physical fitness examination; two, if they do do the physical fitness

examination, they can develop their own or adopt one of their own that may be more appropriate for let's say a prison type setting or a jail type setting, or they can use the state test, which we have a validated test, which should they get a challenge, help support them in using that test. I just want to give them choice and leeway.

TROUTEN: I'm not sure. So Ty Trouten for the record. I don't believe we have the latitude to remove the requirement, that we simply can delegate or refine, I guess, what that standard may be and allow it to be determined by the agencies.

SHEA: I don't see in NAC. I think the NAC is an administrative code and we can adopt and change the section.

SHERLOCK: Yeah, Mike Sherlock for the record. I mean, the only thing I would add to that or say to that is, you know, we establish a minimum standard. If there's no standard, there is no minimum standard, so I don't know if we just put it on -- we just say the agency has a job-related physical requirement, if it's picking up pencils eight times and putting 'em on a piece of paper, if that's the test they want, they still have the latitude to do that I think instead of saying they don't have to give a -- there is no physical requirement, if that makes sense just from our perspective.

TOGLIATTI: George Togliatti. I support chief Shea's idea, I think maybe I'm just confused on, you know, what you

just mentioned as far as the wording of it. If the -- I think the end game here is to get the agency to make that determination as to what requirements they would want for their needs in those specific functions that this lateral would be assigned to. I don't know if there'd be any restriction with an NRS unless I'm mistaken.

TROUTEN: Well, I guess clarification, Tim, you're just looking to remove the state portion of the state required test?

SHEA: Is that I'm trying to accomplish two things. The first thing is give agencies the ability to determine, in the case of laterals, whether or not it's necessary you have a physical fitness test that demonstrates the person can do the job in this state that they're doing in a state, exact same job, and why we're giving somebody a physical fitness test to prove they can do the job they're currently doing when we know a mass -- a number, a significant number of our people current during the job and doing the job well could not pass the same test right now. So we're requiring a person who's doing the job in another state to take a physical fitness test to show he's fit to do duty and at the same time, we're giving them a medical test that certifies them fit for duty, very similar that we give somebody if they're injured on duty and they're returning to duty, that their fitness for duty is determined by medical examinations, not by retaking the state

physical fitness test. So I'm basically trying to extend that same series of qualifiers to a currently employed person or recently employee's version in the same job and give the agency the ability to determine if they believe it's necessary, in their other circumstances to have a physical fitness test, then they can either use the state certified verified validated test, or they can do one that they believe fits their circumstances better than the state test. That's all. It just gives them two choices to give or not give, and if they give one, use the state one or another test if they deem it more appropriate. And we do this in so many other things. You know, there's nothing that tells me do I have to do an oral board, do I not, if I do an oral board, what are the questions I ask? What's passing, what's failing? I determine that. Same for the written, same for the medical, the same for the CVSA and the polygraph. It's all in our hands. The only thing that's not in our hands is doing pushups and sit ups. Everything else is ours. So I want to extend that same choice and latitude for agencies to make the determination, especially when it's very difficult to hire people and our labor pool is not large enough with the state to support hiring new personnel and we have to bring in some laterals and we try to tap markets out of state cause when you're doing it solely in state and you're feeding off each other, it hurts all of us. And Mr. Togliatti knows that for sure as he leads personnel into other agencies and to help stem

that, you open up our ability to bring in people from out of state.

TOGLIATTI: If I could add to that, I support the comments from Chief Shea but, you know, we felt the pinch and I hate to think that our whole recruitment effort is taking from other agencies, robbing Peter to pay Mary. It's, you know, eventually the end game, they're going to run out of bodies somewhere along the line. But I think right now, when we address generational, we address hair standards, tattoo standards, it's just a thing, it's just a matter of what we need to just adjust at the times but more importantly, if we have reciprocity with other POST agencies throughout the country and we have a law enforcement officer that's POST qualified, I want to facilitate transferring that person to the state of Nevada if the agency decides that's an employee they want and they want to bring 'em from whatever state there is. I don't want to put any kind of barrier there where now, in their present agency, they would have to run, jump or do whatever, nor would any of my existing employees have to run, jump or do whatever. It just doesn't make a lot of sense, and I think it's also a burden as far as our ability to get these lateral transfers. I think just -- I met some folks up in Portland, chief of police up in Portland, and a lot of folks are bailing out of there. I don't see the state of Nevada getting a lot of those employees. New York City right now, so that's a long trek, but there are other

places in California where qualified people are leaving the state and if we can offer them a chance to come on and facilitate that transfer from one state to another, I think that's most important and, that's pretty much the summary of where I'm standing on, is that looking for little assistance and being able to get my numbers up, of course but I think it's just -- just, over the years, excuse me, I could see, I remember on my days in the FBI, there was a physical fitness standard and then there was a lawsuit or whatever, and then they changed the standard and then there was one for everybody. Then there was one for women and one for men. And then somebody said, oh, well, we'll have one in the field., well, somebody sues and says no, you can't have one in the field because there's really no requirement for me, you never told me when I was hired, whatever the reasons might be. It gets changed over and over and over again and at the end of the day, I think it's up to the agency to understand who their employees are, attract the best employees they possibly can, train them as best they possibly can to serve the public and certainly not eliminate the doctor's physical examination piece of this thing. So that still would be a requirement, but to ask somebody to do something that they would never do on the job and to look at others that can't do that same physical test, really doesn't make any sense and it's costing us -- at the end of the day, it's costing us transfers from other states.

YOUNG: Tiffany Young for the record. Is there room to have language that says the officer meets the physical fitness requirement for the appropriate category of peace officer as determined by the agency?

TROUTEN: I would think -- so I think you can change the language and I don't -- personally, I'm not against having the agencies determine what they wish to have their physical standards be. I just do want to be careful because what we're discussing here is bringing in Category III officers from out of state and there may or may not be any requirements in that state for that certificate to even begin. So we have one topic that considers say Category I or Category I and II officers that fairly routinely across the country have to pass a PT standard at least to begin to become a police officer. That is not necessarily true for Category III officers in all states. So how do we put in the language that recognizes that yes, that the standard may be whatever the agency that is going to employ them, you know, determines it to be, but that there is still some requirement that if they come from a state doesn't require it, now what do they do? You know, how do we word it so that the entity must ensure then that they pass that entity's standard as I guess opposed to just absolving that requirement?

SHERLOCK: Yes. Mike Sherlock for the record, and I just want to be clear. So we have a validation study for each category and so, you know, that's already been done and I think

for staff, we need to know if, you know, then, should F be optional, is that what the Commission wants, that reciprocity, a physical test, is optional and based on the agency. If that's the language we want, then that's the language we'll send over to LCB.

MCKINNEY: Yes. Correct. Kevin McKinney for the record. I believe that if -- to answer Chief Trouten's question, for example, if you evaluate another state's academy curriculum or certification standard and there was no physical fitness standard, I would think we would be able to deny that reciprocity, am I correct?

SHERLOCK: Right now we don't address that cause everybody has to do our PT test so.

MCKINNEY: Right. What I'm saying is the reciprocity evaluation --

SHERLOCK: Could include that.

MCKINNEY: -- could include --

SHERLOCK: I don't know that we have staff for that, but it could --

MCKINNEY: Well, it says equivalent.

SHERLOCK: Yeah.

MCKINNEY: I mean, or, you know --

SHERLOCK: No doubt about -- yeah.

MCKINNEY: -- I mean, if -- so that would eliminate that, I guess, contention that they did not previously pass a

physical fitness standard. And so we could again, that would -- so we wouldn't need to repeat. My suggestion would be just eliminate the physical fitness standard out of it completely and then it wouldn't be quite so convoluted and ambiguous.

TOGLIATTI: George Togliatti. I would totally agree with that, to just eliminate it and I just checked some of my notes and when we talked about, you know, the state standard, I know, Mike, you and I have discussed this before, but I just asked my team to give me a little bit of research and just for example, you got the Marine Corps, Orange County Sheriff, Baltimore Police Department, Philadelphia Police Department, Connecticut State Police, all have different physical standards, also different by age of the applicant, and also different by gender. So there's really no right way to do it. If you would, to try to -- I think we're trying to paint a standard here that you wanting everybody to kind of agree with and I think if we give the agency that flexibility to be able to decide who to put in there or not, if somebody is morbidly obese and can't get into a police car or whatever, I mean, I'm getting a little ridiculous here, but I think it's the agencies are going to take definite care and consideration who the heck they hire. They're not going to just hire anybody on so many levels. I mean, we got mental tests, if somebody -- do polygraph to see if somebody is potentially bigoted. I mean, there's a whole bunch of different standards we can put out there. So I think the

physical fitness one now is pretty convoluted around the country and it's almost getting to the point where, as I mentioned before, generationally we may want to just look at this on a case by case basis and let the agencies decide. What the sheriff's office in a rural area may require for physical fitness may be totally different for what I need for a parole and probation officer in an urban environment. I don't know but I would like to think that we have that flexibility.

SHEA: Tim Shea here. The one thing I get -- you know, that makes this hard for me is this state, this is a certification standard, it is not a hiring standard. It is for state certification. So we are telling people we don't have any standards for certifying things such as decision making. We don't have certified standards for a police officer in shooting. In other words, you have to score a certain at the range or you can't be certified. But for some reason we feel we have to have a standard of a physical fitness test to certify somebody and that's where I get hung up on this. Again, I can go back to my previous experience when it was San Diego Sheriff's Office. They made us physically fit the academy. They didn't test us beforehand. It was like going to -- when I went in service, no one made me do pushups before I went in, they taught me how to do that when I was there because I didn't know how to do 'em right. So I know in the state of Washington when we were facing this and we were having such a difficult time hiring people and

we started feeding off each other on laterals, it made for a lot of hurt between the line-level people because your partner now went to the agency next door and you may not have got vacation next week cause he just left, and we had to figure out a way to stop doing this cause we had a lot of agencies within the metropolitan area, I think we had almost 40 agencies, we started feeding off each other. Guys would go right across the street. In our case, Sheriff's office was here, City Police Department Headquarters building's across the street. They'd go across the street, change uniforms, and go get a patrol car and go work for the other agency and it caused some hurt at our line-level people cause it impacted our field strength. So we were trying to figure out ways to stop this kind of thing, which is exactly what Mr. Togliatti's been suffering. I have several of his people that used to work in the Clark County area that now work as officers for us and they see their trooper buddies out on the freeway and it happens a lot. So I think that we put things into place that helps stop that, and I think POST, part of our deal is to put rules and regulations into place that facilitate our agencies to get accomplished what they need to get accomplished and we don't become an impediment to that. We have to listen to what our folks say and be flexible enough to make changes as the situations flow back and forth over the years. What worked great in 2010 when this was adopted doesn't work now.

TOGLIATTI: George Togliatti again. I don't want to beat this to death, but Chief Shea brings up a good point. When we had this great disparity in pay, we were losing people left and right and it just it boggled my mind that hey, we got the same retirement program, we got this and that all within the state, so we just keep robbing Peter to pay Mary, everybody moving all around. Now I'm actually getting some people who want to come back to the highway patrol and parole/probation now that we pay more, but at the end of the day, I look and I said, well, how about the guy over there and a gal in Phoenix and the guy over there in LA And we're basically shooting ourselves on the foot here, just stealing from each other, particularly here in the valley. It's not the best way to recruit and I'm more -- really a lot -- pretty lot more concerned about our future and where we're going to get future public safety folks and law enforcement officers who have the fire in the belly that want to do this job. But at the end of the day, I can't sit here and watch Arizona tear me apart. We have to have the ability to say hey, look, we got a great state here, man, you want to come here? Yeah, sure do. Well, here's what you have to do. Ooh, I don't think I'd want to do that. And there's some great people out there that we could be attracting and I need it to stop the bleeding.

SHERLOCK: So Mike Sherlock for the record and we're just looking at some notes. So, you know, our initial

thought from staff is you want to get rid of Section F just to get rid of it but as we think about that, maybe would it be better to say the applicant may be required? I don't want to put agencies that do require a physical test into a bad position either from a regulatory standpoint, so would it be better to say instead of they must pass anything, say that the hiring agency may require a physical fitness test as part of the process? You know, language along those lines. If you remove it completely, you might have agencies that still want to give a physical fitness test. It might put them in a bad -- you see what I'm saying? I -- again, where does --

COVERLEY: Dan Coverley for Douglas County Sheriff's Office. So Cat III is for jails and corrections. So it doesn't even apply to troopers or guys out pushing black and whites. So that should be clear, and I think there has to be -- and I agree with Director Sherlock, there has to be some language in there that allows an agency to give a physical fitness test if they wish. Because I'm going to. There has to be some standard. I have to be confident that you can physically do the job. And what that test is, I think can be entirely up to the department and what they determine fits their needs. there there's got to be -- I think it's important to allow us to be able to have that standard and what that is, I think can be up to us, whether we use the states or develop our own or -- you know what I mean? And it may be different for Cat

III to Cat I based on what we're doing and what we want them to be able to do.

SHERLOCK: Mike Sherlock for the record and understand, the reason we're beating this up is we have another agenda item that staff is asking the Commission if they want to move forward for Cat I reciprocity for similar change, and so that's why I'm kind of beating it up right now to make sure we have what the Commission wants for us to move forward and get this done and over to LCB.

SHEA: Well, Tim Shea. I agree with Sheriff Coverley exactly. My intent was to give the departments flexibility, but yet to give those agencies support they need when they choose to do this test, when they have the inevitable person who doesn't pass and then is going to file a suit that this isn't fair, this isn't right, and I'm being discriminated against. So I think we have to give flexibility, but yet support by giving the options, but yet supplying the ability for that decision. Again, from being on the receiving end of this in in another life in another state, these things do happen and we've had multiple suits up north for these very reasons.

MCKINNEY: Kevin McKinney for the record. To answer Mr. Sherlock's question, I believe that what our regulations apply to is certification, not for application. I believe there's no standards for application procedures at all. You know, I could choose as a department head to not do a

physical test, Mr. Togliatti could apply to do whatever physical test he wants. It only applies to certification. I don't think it applies to the application process or the hiring process at all. So I don't think there's any issue whether it's in there or not as far as what a department could do individually.

SHEA: Tim Shea. The only problem with not having this is -- this was I ran into with the courts. I hired somebody, he went to take the physical fitness test, the guy was a senior officer in Virginia, he was a trainer, worked at the academy and he had suffered a medical incident and they had to do an operation on him that weakened his abdominal muscles and he could do everything except he couldn't do all the pushups -- or sit-ups. He got injured trying to do the sit-ups. Now I had a workman's comp issue and I had to come before the Board, and ask for an extension and I promised I would never, ever do this again. So I really had a competent, well-trained officer who was moving out west, wanted to work in the court, and we had to let him go because he couldn't do -- he was short on the sit-ups. He could do everything else. Because of a temporary medical issue that eventually would resolve itself, but not resolve itself in the timeframe he had to pass, nor the extension we could grant, which was up to, I believe a year and a half. So if we don't -- if we say well, you got to pass a physical fitness test, it's basically saying you've got a job for a year to a year and a half. That's all we can really say.

And I think we have to go back that -- yes, it is certifications, but the certification process, we have to give the agency the ability to determine this through our standard, if that makes a convoluted sense.

SHERLOCK: Yeah, Mike Sherlock the record. Chief McKinney's correct, it is about certification but again, I don't want to put agencies in a bad position if they do give a test, and I think sometimes if you -- because of those reasons you just said that if you include an option, it helps those agencies. But again, or we remove it. We just need to know what we're sending over from staff's perspective.

SHEA: Well, again, Tim Shea for the record again. I would prefer as a agency head that I have the ability to make the decision on whether it was appropriate or not and also have a choice of what test would be appropriate or not and if I choose to use the state validated test, that's great, but if I choose not to, that's okay too and as supported by the POST Commission and my decision is supported within the guidelines that POST established is what I'm after.

TROUTEN: So quite a lengthy discussion. Do we have comments from the public on this?

FAILS: My name's Tracey Fails, I work for Mesquite PD. I'm a lieutenant there. Like, we just recently had hiring, we didn't get anybody through PT cause we're using the state test from the front and most of it was the jump, which

personally I don't feel, like, is appropriate. I mean, there's people missing that jump by one inch, right? We get a couple extra days off of our contract to pass the PT test every year. I can't make the jump. I can do everything else (inaudible). I've been a police officer for 27 years, but I still can't. I can't jump 14 inches on -- you know, I'm not -- I'm (inaudible), didn't play basketball. But those little tiny things just like that. I had a buddy in the academy, again way back in the day that they used to have a stretch. Utah had -- I started in Utah. Utah had a stretch and you had to get so many inches on a box. My buddy was really tall and he's been -- luckily he got through, but I was actually had him up against the wall and pushed him and I heard him that morning before the testing so that he felt like he could get through that stretch. And it was just, like, you know, just right on the line. Some of these things are very inappropriate for our job positions. I've never had to jump 14 inches in all my years trying to do whatever. I may even be up on wall or something, but I think that you guys need to have that ability to decide what's right for you. Like, some agencies do a typing test and then other agencies don't for their hiring exam, right? So one agency does and one agency doesn't, what difference does it make? Doesn't make any difference whatsoever. You're just hiring. And so they do get that. If you get your hiring pool and you choose your people, you know, Metro doesn't -- you know, doesn't accept anybody

else's FTO or they used to not take laterals period (inaudible), but it's their standard, it's their agency, they're going to decide what's good for them. I think that's what you guys need to do for yourselves.

TROUTEN: Thank you. Other comments from the public?

DZURENDA: So James Dzurenda, D-Z-U-R-E-N-D-A, Director from Nevada Department of Correction. So we don't require any physical fitness through your entire career except when you were joined on. And when you have individuals that are coming from other agencies across the country, they're most likely being retired and they want to come here to work again cause they want to start their life over and they want the benefits of the taxes, not being taxed, they get a second chance in life over here, and they may have been the best or the top investigators in those agencies for whether it's internal affairs, whether it's their security divisions, their inspector generals, but we have 'em and we don't even require the staff to run, we don't require the staff to do any type of physical fitness except go to a physical and the doctor will make that determination whether their health is required a physical fitness or a treadmill. It does block our ability to be able to get individuals that we know have a history already rather than taking people off the street. People that we already know have, you know, these investigative skills that we can even get

background information on from their agencies or we even recruited them and know what their background is, but it's going to be difficult when you have a 50, 55 year old guy coming in or a woman coming in from another state that we know are their best investigators and we can't hire them and we have to take someone off the street that has to start the investigation process or physical process. When those little blocks, and I'm not even saying hypothetical, we've already had over 35 that have submitted that we're under waiting for this process to come up from other states and it was as far as New York, quite a few from New York City, we had Wisconsin, we had Idaho, and we've also had Washington State already have submitted. Well, guarantee you when they start seeing these 50 -- and they're all 50 and older. When they start seeing that we're going to require the physical fitness when they already have done physical fitness in their state, I think it's going to hinder us from getting individuals. We're 800 correction officers short right now in our agency. I need to hire 800. We're literally getting 20 in a class. We're in a situation where it's critical. We need people. I'm not saying don't have any standards, but I got to get some of those best people that are around the country to fill some of these holes or we're going to be in a dire critical situation where we can't prevent incidents from happening, disturbances, riots, escapes, and public safety is going to be jeopardized. And I'm just saying I think it's

best to leaving it up to having the agency determine it may be required or may do a physical fitness based upon the criteria of what they're looking for. And thank you.

TROUTEN: Thank you. Further comments? Hearing none then from the Board, is there a motion to continue rulemaking or to take a stab at the language on this?

SHEA: Tim Shea. I'll make a motion that we move forward on this and develop language the majority of the Board would want to have regarding either the appropriateness of a test or no test or if there is a test, the ability to select a test other than the state test if I'm saying this correctly, but to give them choices.

TROUTEN: Is there a second on that?

PROSSER: Jamie Prosser for clarification. You gave us two options. The first was to continue the rulemaking process and the second was to take the stab at the language. So I just want a clarification. Are we continuing the rulemaking, or are we taking a stab, or is it one and the same?

TROUTEN: So I guess--

PROSSER: I would like to just make sure we get things done.

TROUTEN: So, Tim Shea, and please clarify if I'm incorrect, was to continue rulemaking process with the allowance of having the agencies to select if and what they wish for a PT test at the Category III level.

SHEA: Right. To develop language for us to consider at a future date on whether to adopt.

TROUTEN: Yeah. The alternative I guess I was offering rather than continuing the language making so to speak, is if somebody has phenomenal language they want to throw out there, we could move this forward at this time.

HASTINGS: So Nathan Hastings for the record from the AG's office. You don't need to -- language goes to LCB from rulemaking entities all the time without a motion in the meeting of what that language is to be. So we can move forward with the rulemaking process, staff can transmit language to LCB. It's not like when you're at the adoption stage.

PROSSER: All right. Jamie Prosser seconds Shea's motion. Thank you for the clarification.

TROUTEN: Questions, concerns? All --

COVERLEY: So if we vote on this, on the proposed language that he's saying, is that going to get us moving so that they can start hired? Is that -- that makes sense?

TROUTEN: Yeah. Cause as I understand it, basically --

COVERLEY: Because that should be our goal, right?

TROUTEN: Yep. Again, the language would be something that is permissive but not a requisite on the PT side. Is that --

HASTINGS: The language is always going to be subject to LCB's review anyway. At this stage. Correct me if I'm wrong, Director, but we're at the stage where you're -- the initial submission of language to LCB, right?

SHERLOCK: That's correct. But just to clarify too a little bit, again, we are worried about how fast we can get this done without doing emergency regs. So for staff to have an understanding of what the desire of the Commission is will really help us speed it up instead of going back and forth with LCB on language. If we know what the preference is, and we can get that in the language we're hearing may, an agency may impose a physical requirement at their discretion, that's the language we'll get over and it'll be that much quicker for us to get it to you for final adoption of that final language. So that's the only reason we bring it up. But you're correct. Yeah.

HASTINGS: And the agenda item is set as continue the rulemaking process. It's not final. So that is -- that, and what the process is designed within the statute for rulemaking, that's the stage that you're at.

SHEA: So we do have to come back one more time with this?

HASTINGS: Well, you have to have a workshop --

SHEA: Yeah.

HASTINGS: -- so yeah. But you're at that stage, right?

SHERLOCK: Yeah. This one is from the workshop. So for us, it'll go to LCB and come back for public comment.

HASTINGS: Right, right. Sorry. But yeah, it has to go to LCB and come back. There has to be --

SHEA: So we --

HASTINGS: -- it has to be adoption proceedings.

SHEA: And we have final language approval.

HASTINGS: Yep.

SHEA: That's what I was trying to say.

SHERLOCK: Yeah.

TROUTEN: Any other questions or concerns? So all in favor, signify by saying aye.

MEMBERS: Aye.

TROUTEN: Any opposed? I also vote aye. We will now move on to Item Number 5. This is a request from North Las Vegas Police Department for an executive certificate for their employee, Deputy Chief Michael Harris. Mike, some background information on qualifications?

SHERLOCK: Sure. Mike Sherlock for the record, I think this one will be a little easier. And it's Assistant Chief, right, not Deputy chief. The staff has reviewed the application for an executive certificate for Assistant Chief Michael Harris. We find that he meets the training, education, and experience required of the certificate, and staff would recommend he be awarded the executive certificate.

TROUTEN: All right, thank you. Is Assistant Chief Michael Harris present? Very good. Would you care to make any comments or? It's not a requirement, but we would welcome them if you wish.

HARRIS: So I just take a -- like to take a real quick moment just to thank staff and the Commission for your consideration in this whole thing, and I appreciate the opportunity to be here and I look forward to your decision.

TROUTEN: Thank you. Questions, comments from the Board or we're ready for a motion?

MCKINNEY: I make a motion to approve Deputy Chief Harris's executive certificate.

TOGLIATTI: Togliatti, second.

TROUTEN: I have a first and a second. All in favor, signify by saying aye.

MEMBERS: Aye.

TROUTEN: Any opposed? And I also vote aye. Congratulations. So now we move on to Item Number 6, discussion, public comment, and for possible action, discussion, possible rulemaking on changing the physical fitness requirements. We're back to NAC 289.200 Section 2, Subsection F for reciprocity applicants. Mike, I'll let you beat the horse some more.

SHERLOCK: Mike Sherlock for the record again. We've already beat this up. What we're looking for here is to

begin the rulemaking process. We have not had a workshop on this, but to begin the rulemaking, we have an idea on Cat III, what the intent of the Commission is. We're looking to enter a rulemaking to perhaps match the Category I reciprocity to what we just talked about with the Category III, and this would be the opportunity to start that process. We'd be looking for a motion from the Commission to begin the rulemaking on that issue.

SHEA: Tim Shea.

SHERLOCK: And again, we're looking to -- we have had pressure in terms of recruitment and those types, same things we've heard today so we're looking to kind of expedite the process and that's why we have it out here right now to get the feel of the Commission and get that going.

PROSSER: Jamie Prosser. Is there a possibility that you guys could send us this validation study and the historical background of the physical fitness standard so we can see when they were changed and updated? Cause I know from when I took it in 2001, it's different now. So I would like to know what the changes were over the years and then I think that would help us as we move forward in the workshop.

SHERLOCK: Mike Sherlock for the record. Yeah, we can do that. Just so everybody knows the validation study was in 2007, was brought to the Commission in 2008, and has not changed since that time. There's been different, you know, when

you have to do it and when you don't have to do it, but the validation and the standards have not changed since 2008, if that helps. But we -- the validation study, I believe is still on our website. I'll check that.

TROUTEN: So again, this is basically to start the same process. We are just moving forward on Category IIIs. Questions, comments from the Board? In addition to I think our appetite's fairly clear. Questions or comments from the public? Then if not, can we get a motion to begin the rulemaking process to change this language as well?

YOUNG: Tiffany Young. I make a motion.

TROUTEN: Thank you. Is there a second?

SHEA: Tim Shea. I'll make a second.

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

MEMBERS: Aye.

TROUTEN: Any opposed? And I also vote aye. All right. So we'll move on to Item 7. This is discussion, public comment, and for possible action, hearing pursuant to NAC 289.290, Section 1, Subsection G on the revocation of Joshua M. Miller, formerly employed with the Department of Public Safety, Category I and III basic certificates, based upon a conviction of and/or an entry of a plea of guilty, or guilty but mentally ill, or nolo contendere to a felony. Convictions which have led to this action are Count 1, attempted lewdness with a child

under the age of 14, a Category B felony; and Count 2, attempted misconduct of a public officer, Category E felony. Possible action will be revocation of the Category I and III basic certificates. Go to our attorney general representative, Mr. Hastings.

HASTINGS: Thank you. What I'd like to do first is just to make a record on the viability and admissibility, so to speak, of the records that you're going to rely on to make your decisions here, Commissioners. I'm going to ask Chief Floyd some questions about the documents so that we are establishing a record for what they are and their validity and viability for purposes of, let's say Agenda items 7, 8, and 9 will take care of all of that at once, so we don't have to do that with each hearing. So, Chief Floyd, can you verify that the records or documents that are contained in the meeting materials for the offenses addressed in Agenda Items 7, 8, and 9 include court documents, for example, minutes, indictment information, conviction documentation, did you obtain those items or those records directly from the courts?

FLOYD: Yes, I did.

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

FLOYD: Yes.

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

FLOYD: Yes, they are.

HASTINGS: Thank you. So, Commissioners, based on that information, I advise you that the materials in your either binder or digital copies of the meeting materials constitute valid public records of charges and convictions that uphold the regulatory standards for revocation in these matters, and that those matters may be admitted for your consideration as to these matters. So having so advised, we're going to move forward and discuss the actual substantive charges and standards for revocation here. So first, I note that these hearings are brought and conducted pursuant to NRS Chapter 289.510, under which the Commission has adopted regulations and established standards for certification and decertification of officers, including NAC 289.290, which establishes the causes for the Commission to revoke or suspend a certificate of a peace officer. And as referenced in the matter heading that Chair Trouten read, here we're looking at NAC 289.290 (1) (g), which provides that conviction or entry of a guilty plea for a felony constitutes cause for the Commission to revoke the certificate of a peace officer. So first let me refer you in your materials to exhibit A in this matter. This is the notice that's required by regulation to be provided a certain amount of time before the

hearing. It's documenting to the Commissioners that the notice was provided. It indicates to the officer their opportunity to appear and contest the potential revocation -- or I'm sorry, decertification here, and provides an opportunity to give notice to the Commission that they intend to appear and make an argument. Staff, just to verify, we did not receive any notification or word from Mr. Miller of any attempt to dispute this or to appear?

FLOYD: No, we did not.

HASTINGS: Okay. Thank you. I'm going to refer you, Commissioners, to first Exhibit E in the materials, after negotiation in the underlying criminal matter, an amended information charging document was created here which describes the charge of attempt lewdness with a child under the age of 14 as a Category B felony. The materials have been, let's say, admitted for your consideration and a part of the meeting records here. I'm going to decline from reading verbally into the record the specific conduct here. It's disturbing and it relates to sexual conduct with a child. Exhibit F is the guilty plea agreement wherein Mr. Miller pled guilty to those charges, and then if you look at Exhibit H, that is the actual judgment of conviction where Mr. Miller was convicted of the offense. I will then direct you to, in the materials, Exhibit J. So this is the second offense that's referenced where Mr. Miller was charged with as a parole and probation officer attempting to

tell a supervisee that she would not be arrested if she had sexual contact with him, and that's the second charge of attempt misconduct from a public officer. And I direct you to Exhibit L. That's the judgment of conviction where Mr. Miller was convicted for that offense after he pled guilty to the charge. So first, does anyone -- do any members of the Commission have any questions for me as to the legal basis under the regulation for decertification upon these convictions? Hearing none, I advise the Commission that based on the judgments of conviction that are contained in the materials, under the governing regulation, Mr. Miller is subject to decertification or revocation of his certificate, and legally you have proper basis to move forward and make a motion for that revocation.

TROUTEN: Thank you. Do we have any public comments on this matter? Any further questions or comments from the Board? Would entertain a motion for the revocation of Josh M. Miller's Category I and III basic POST certificates.

MCKINNEY: Kevin McKinney. I'll make a motion to revoke Joshua Miller's Category I and Category III POST certificates.

TROUTEN: Thank you. Is there a second?

COVERLEY: Dan Coverley. Second.

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

MEMBERS: Aye.

TROUTEN: Any opposed? And I also vote aye. We'll now move on to Item 8, discussion, public comment, and for possible action, hearing pursuant to NAC 289.290 (1) Subsection g on the revocation of Michael O'Farrell, formerly employed with the Nevada Cannabis Compliance Board Category I basic certificate based on a conviction of or entry of a plea of guilty, guilty but mentally ill, or nolo contendere to a felony. The convictions which have led to this action are Count 1, driving under the influence of alcohol and/or a controlled substance or prohibited substance above the legal limit resulting in substantial bodily harm, a Category B felony; and Count 2, duty to stop at the scene of a crash involving death or personal bodily injury, a Category B felony. Possible action may be the revocation of the Category I basic certificate. And we'll go back to Deputy Attorney General Nate Hastings for the details, sir.

HASTINGS: Thank you. So within your materials, Commissioners, for this agenda item, first refer you to Exhibit A, the proper regulatory notice and documentation of the notice that was provided to Mr. O'Farrell of the intent to revoke his certificate and I will just again ask staff to verify whether, as notice was provided, did Mr. O'Farrell provide any response or indication of an intent to appear or contest this revocation?

FLOYD: No, he did not.

HASTINGS: Thank you. Proper notice having been provided, refer the Commissioners to Exhibit E in their materials, which is the indictment that describes having caused an accident while driving under the influence of alcohol or controlled substance for the first count, and the second count, failure to stop at the scene of the crash after having caused that crash and injury, and then this matter was taken to trial. Exhibit G is the verdict form showing that Mr. O'Farrell was found guilty of both those counts, and then Exhibit H is the judgment of conviction, establishing that he was, in fact, convicted and sentenced in that matter. Consistent with these valid court records, I advise the Commissioners that Mr. O'Farrell was convicted of the offenses described in this agenda item, that that constitutes a valid basis for revocation of his certificate.

TROUTEN: Thank you, sir. Any questions or clarifications needed on that from the Board? Any comments from the public on this matter? Hearing none, would entertain a motion for revocation of certificate.

MCKINNEY: Kevin McKinney, I make the motion to revoke Michael O'Farrell's Category I POST certificate.

TROUTEN: Is there a second?

PROSSER: Jamie Prosser, second.

TROUTEN: I have a motion and a second. All those in favor of revocation of this certificate, 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, this is a hearing pursuant to NAC 289.290 Section 1, Subsection g on the revocation of James E. Vega, formerly employed with the Laughlin Township Constable --

HASTINGS: It's Subsection e, not g on this one.

TROUTEN: Oh, okay. Thank you. So correction, NAC 289.290 Section 1, Subsection e, revocation of James E. Vega, formerly employed with the Laughlin Township Constable's office, Category I and II basic certificates based on a conviction of, or entry of a plea of guilty, guilty but mentally ill, or nolo contendere to a gross misdemeanor. The convictions which have led to this action are Count 1, false residency statement by the candidate, gross misdemeanor. Possible action may be the revocation of the Category I and II basic certificates. Deputy Attorney General, Mr. Hastings?

HASTINGS: Thank you. Again referring the Commissioners to the meeting materials that have been provided at Exhibit A, the regulatory required notice of intent was timely provided to Mr. Vega, provides notice of what the criminal charge constituting regulatory basis for revocation

was, and gave him information about his opportunity to appear and/or contest potential revocation. I'll ask staff to verify whether Mr. Vega provided any response or indication of an intent to contest this revocation.

FLOYD: No, he did not.

HASTINGS: Thank you. At Exhibit E, Commissioners, you'll find the charging document that provides a description of the charge at the charging stage that the defendant's physical address was a particular address but in truth, in fact, his physical address was a different address. Those materials are redacted here in -- I'm sorry, those specific details are redacted here because the supporting materials for the meeting are a matter of public record and this is someone's address. but the substance of the matter goes to having provided a false address on candidate registration type documents, which goes to someone's eligibility to run for a particular office. Initially, there was a charge of forgery and that -- it's a bit confusing because in the guilty plea agreement, which is Exhibit F, he pled to both counts, both the false residency statement count and forgery count, but if you -- refer you to Exhibit H, the actual judgment of conviction, ultimately was only convicted of the false residency statement by (inaudible). But in any case, it is a gross misdemeanor count and he was convicted of that gross misdemeanor, which under Subsection E of the regulation, again, the distinction between F which is the

felony, that the other two matters were dealt with under an E here, a gross misdemeanor, but a gross misdemeanor conviction is a basis for revocation, a valid basis for revocation, under the regulation, and Mr. Vega having been convicted of that gross misdemeanor, I advise the Commissioners that legally under the governing regulation, his certificates are subject to revocation and take any questions but again, advise the Commissioners that Mr. Vega's certificates can be revoked.

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

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

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

NIEL: Russ Niel. I'll second.

TROUTEN: And we have a second. Thank you. All members in favor of revocation Category I and II two basic certificates, please signify by saying aye.

MEMBERS: Aye.

TROUTEN: Are there any opposed? I also vote aye. Motion carries. Item 10, Public Comment. Commission may not take action on any matter considered under this item until the matter is specifically included on an agenda as an action item at a subsequent meeting. Do we have any public comments? Kathy, anything from online?

FLOYD: Nothing.

TROUTEN: Okay. Hearing none, we'll move on to Item 11, discussion, public comment, and for action, we need to schedule the upcoming Commission meeting. Mike, where I know there's some discussion about where we're going to be at and when.

SHERLOCK: So the next Sheriff's and Chief's meeting is in Boulder on February 21st. We would have to get with Pam to see what best fits the schedule. Again, with everybody being here, it works out the best for us, for you actually, but on the 22nd, they're doing training in town at the Federal courthouse, so we would anticipate either the 21st or 22nd to do our February meeting.

SHEA: And if there's a conflict of any kind of meeting place, I could make city facilities available for meetings so you don't have to worry about room conflicts or anything.

SHERLOCK: So with that in mind, we would suggest February 21st when everybody's already out in Boulder anyway and we can get with Chief Shea if we need a location out there.

PROSSER: Jamie Prosser. Out of curiosity, how long does it take to get the language back reference the motion we made earlier? I just don't want to hinder the process and have to wait until February for our fellow officers to start being hired.

SHERLOCK: So just from a practical standpoint, there's a good chance we'll have it by February, okay, but understand what our current regulations state for reciprocity. Our current regulations say you have one year to get certified. Does that help?

PROSSER: So if --

SHERLOCK: We anticipate that this change will be completed prior to the one year. I'm trying to --

PROSSER: I hear what you're throwing out.

UNIDENTIFIED: Tracking.

SHERLOCK: So one of the discussions that came to us was whether or not we need an emergency regulation on in this area. From staff's perspective, there's no basis for it. Emergency regulation lasts for 120 days, we still have to do the same work, and then we have to do it again when it comes back to you. But from a practical standpoint, you have a year to get certified anyway, we know what you want, we will get that language over to LCB, and we anticipate that historically we will have the complete regulation change prior to one year expiring.

PROSSER: Perfect. Thank you.

SHEA: So about putting an -- do we discuss possible agenda items during this meeting for next meeting or is that after that?

TROUTEN: Mike?

SHERLOCK: Sorry, go ahead.

TROUTEN: I was going to say that can occur potentially here, but also at any time in between, up until the period of public notice.

SHEA: When I was looking at the up for this meeting and I was looking at 289.200 Subsection 8, cause we changed the full-time, the halftime, I just inadvertently read Subsection 9. Subsection 9 is kind of in conflict now with what we just did, and Subsection 9 says upon the request of employing agency, the executive director may return the basic certificate of a Category I or Category II peace officer to active status. I think we need to look at putting III there, but then it goes on to say meets the minimum standards for appointment pursuant the 289.210, which of course. Then it goes on to say successfully completes the requirements set forth in paragraphs D, E, and F. That includes passing the state physical fitness test. So I think then it goes on. It's rather convoluted language in Subsection C, but I think we need to bring this forward and bring this language into line with what we just did.

SHERLOCK: Okay, Mike Sherlock for the record. So you have to read it in the totality, that is that you're -- that's talking about someone who has 60 months or more. Under 60 months, they don't have to go back to it so.

SHEA: What it talks about is the person that were here and within five years went somewhere else and then

within that five years it looks like comes back to here. This -- it's very difficult, it's under Subsection C, but what it allows basically is a lateral entry process for that person, but this lateral entry process is different than the one we just did. So I did -- we just ought to discuss it because it says within five years of his termination of -- this is difficult, of his employment as a Category I or Category II peace officer becomes a full-time employee of the Commission or a full-time law enforcement officer or federal agency approved by the Commission and subsequently, when five consecutive years of his or termination of employment with the Commission or federal law enforcement agency as applicable, becomes employed as an officer in the same category, a peace officer as he or she held immediately prior to his or her employment with the Commission or federal law enforcement agency. I'm trying to figure out where the person went. But if it's a process that allows you to do the lateral hiring process, which this does in those circumstances, then I think we should discuss bringing it into line with what we just did.

SHERLOCK: Yeah, Mike Sherlock for the record. So how about if we bring you back --

SHEA: Yeah.

SHERLOCK: -- clarifying -- to clarify it for you. That's dealing very specifically with someone who works in

Nevada, leaves Nevada, and comes back to Nevada but it's less so We'll, we'll try to explain it. We'll bring a clarification.

SHEA: Because it appeared to me that this was making the lateral entry process available to that person cause that's what it really does.

SHERLOCK: Yes.

SHEA: But in this case, it would not be the same as a lateral entry process because they would have to do the state physical fitness test whereas the other lateral, if we adopted the language, would not. I just wanted to say I thought we should line everything up so -- and this all only is Category I and II, where I think it would behoove us to include Category III.

SHERLOCK: Yeah, makes sense.

SHEA: I do it for once.

SHERLOCK: I'm just trying to run it through. There's a reason.

SHEA: It's very difficult.

SHERLOCK: Yeah. That was created specifically for federal law enforcement who worked in Nevada, left, and came back, but we'll take a look at that. We'll get it on the agenda.

TROUTEN: Do we have any other comments about our next meeting time and date? Everybody's good with the 21st? Do we need a --

SHERLOCK: Yeah, well, I can put out an email once we confirm that with Chief Shea and Pam.

TROUTEN: -- get our location and times?

SHERLOCK: Yeah.

TROUTEN: Okay. All right. Thank you. So I don't believe we have any further business unless I've missed anything. All right. Hearing nothing, is there a motion to adjourn?

YOUNG: So moved.

TROUTEN: Are you sure?

YOUNG: Yep.

TROUTEN: And a second?

PROSSER: I'll second.

TROUTEN: All in favor of adjournment, please signify by saying aye.

MEMBERS: Aye.

TROUTEN: I also vote aye. We are adjourned. Thank you.

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

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

POST 3rd Quarterly Audit Report
(July-Sept)

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

AGENCIES:

Agency training deficiency and recommended corrective action:

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

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

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

Agency background deficiency and recommended corrective action:

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

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

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

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

ACADEMIES:

Academy training deficiency and recommended corrective action:

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

POST 4th Quarterly Audit Report
(October-December)

Number of Agencies:19 **Number of Agencies with Deficiencies: 4**
Number of Academies:1 **Number of Academies with Deficiencies: 0**

AGENCIES:

Agency training deficiency and recommended corrective action:

1. **Agency Name/Date**: North LV Constables Office 10/18/2023
   Findings: Major Finding – Instructor Certification for DT has expired. Needs update course.
   Recommendation: Make certain instructors are current with their certification to instruct. Perishable skills instructors must update every 3 years, except for Taser, which is required every 2 years. Schedule Constable Miller to attend update course for DT's and if not available, receive training with outside agency utilizing certified instructor. Make sure to check firearms and impact weapon certification as well.
   AUDIT TO REMAIN OPEN UNTIL TRAINING DEFICIENCY RESOLVED

2. **Agency Name/Date:** Henderson PD 12/13/2023
   Findings: *Compliant, but Tackett was going to locate the certification from the investigation unit indicating compliance with NRS 432B.620(2).
   Recommendation: Maintain training record of investigation unit training showing annual compliance for officers/investigators who are assigned to regularly investigate cases of sexual abuse/exploitation of children
   AUDIT TO REMAIN OPEN UNTIL TRAINING DEFICIENCY RESOLVED

Agency background deficiency and recommended corrective action

1. **Agency Name/Date:** NV State Contractor's Board – 10/16/23
   Findings: Critical Finding - All new hires must undergo a complete and documented investigation into his/her background pursuant to NAC 289.110. This audit was completed with a new Director of Investigations. It was brought to his attention that the BG's the agency was conducting were not compliant with POST regulations as per NAC 289.110. None of the BG's had a medical, psychological, drug screening or polygraph/CVSA performed. The new Director of Investigations assured me that from this point forward, the agency will adhere to the regulations.
   Recommendation: Complete BG's
   AUDIT CLOSED

2. **Agency Name/Date:** Nye County DA 12/18/2023
   Findings: Critical Finding: No BG performed on re-hire. The agency hired back a previous retiree. I spoke with Ryanne Gott of Nye County HR department. She advised that no background was performed on said employee as they were not aware a new BG needed to be done. I advised her of the requirements of NAC 289.110 and sent her a copy of the code. It should be noted that the employee was separated for nearly 2 years. Gott advised she will contact the Sheriff's office and have the background detective make certain all the required testing is completed and a modified BG to account for his time away from being a sworn peace officer. She was very understanding of the situation and willing to do what should have been done initially. Ms. Gott was a pleasure to deal with and quite helpful. Once I receive the documentation of the completed BG, I will create a supplemental report indicating the deficiencies remedied.
   Recommendation: Complete BG on new hires
   AUDIT CLOSED

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

   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

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

STATE OF NEVADA
COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING
5587 Wa Pai Shone Avenue
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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 COMMENT HEARING NOTICE: The Commission on Peace Officer Standards and Training ("Commission") will be holding a Public Comment Hearing at **2:00 p.m. on Thursday, February 22, 2024, at the Boulder City Hall, City Council Chambers, 401 California Ave., Boulder City, NV 89005**. 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). Assembly Bill 336 of the 81st Legislative Session requires the Commission to adopt regulations establishing standards for an annual behavioral wellness visit for peace officers to aid in preserving the emotional and mental health of the peace officer and assessing conditions that may affect the performance of duties by the peace officer. This proposed language (R190-22) creates the new regulation establishing this new standard.

Retention of healthy, strong peace officers is a financial benefit to all law enforcement agencies. Good mental and psychological health is just as important as physical health. Resources need to be available to all Nevada peace officers to assist them in coping with the stress of their vocation. Mental health issues are recognized as the 3rd leading cause of death for law enforcement personnel. Mental health resources have been made readily available to the public, but first responders are being left behind. This new regulation creates a standard to address our forgotten first responders and provide resources to ensure valuable mental health options are available to them.

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 2020 and clicking the link: www.leg.state.nv.us/Register/2022Register/R190-22P.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: Multiple agencies submitted fiscal notes attached to this bill. See attached spreadsheet for complete list.

(2) Beneficial effects: Retention of healthy, strong peace officers is a financial benefit to all law enforcement agencies. Good mental and psychological health is just as important as physical health. Providing resources to their employees will help to decrease suicide, PTSD and other mental health issues resulting from this high stress vocation, therefore potentially offsetting some costs for some benefits, i.e. health insurance claims, sick leave usage and may help to avoid long term claims against an agencies workman's compensation insurance.

(b) Both immediate and long-term effects:
(1) The immediate effects: Implementation of these programs will be a financial adjustment to all law enforcement agencies, city, county, state and otherwise, that they may not have prepared for.

(2) The long-term effects: Retention of healthy, strong peace officers is a financial benefit to all law enforcement agencies. Good mental and psychological health is just as important as physical health. Peace officers are first to respond to most mental health emergencies, but there is not always assistance for these officers when they experience their own mental health emergency. These standards will assist agencies in the creation of programs to help, not only in these emergency situations, but to provide the officer with skills and avenues to assist them so they are able to cope with the stresses of the job. Providing resources to their employees will help to decrease suicide, PTSD and other mental health issues resulting from this high stress vocation.

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, the proposed amendments will have no impact on small business.

6. The estimated cost to the agency for enforcement of the proposed regulation.
At this time there are no costs to the agency (Nevada POST)

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 February 8, 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 Wai Pai Shone Avenue, Carson City, 89701, State of Nevada Register of Administrative Regulations, which is prepared and published monthly by the Legislative Counsel Bureau pursuant to NRS 233B.0653, and on the Internet at http://leg.state.nv.us, the POST web site at http://post.nv.gov and the State of Nevada Department of Administration website at https://notice.nv.gov .

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

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

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

Commission on POST Administrative Office
Carson City, NV 89701

http://post.nv.gov

http://notice.nv.gov

http://leg.state.nv.us

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

SEE ATTACHED COPIES OF THE PROPOSED REGULATIONS

PROPOSED REGULATION OF THE PEACE OFFICERS'

STANDARDS AND TRAINING COMMISSION

LCB File No. R190-22

December 15, 2023

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

AUTHORITY: § 1, NRS 289.500 and 289.510, as amended by section 7 of Senate Bill No. 225, chapter 422, Statutes of Nevada 2023, at page 2546.

A REGULATION relating to peace officers; establishing standards for a behavioral wellness visit for peace officers; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law creates the Peace Officers' Standards and Training Commission and requires the Commission to adopt regulations establishing minimum standards for the certification and decertification, recruitment, selection and training of peace officers. (NRS 289.500, 289.510, as amended by section 7 of Senate Bill No. 225, chapter 422, Statutes of Nevada 2023, at page 2546) The regulations adopted by the Commission must establish, among other things, standards for an annual behavioral wellness visit for peace officers to aid in preserving the emotional and mental health of peace officers and assessing conditions that may affect the performance of duties by peace officers. (NRS 289.510, as amended by section 7 of Senate Bill No. 225, chapter 422, Statutes of Nevada 2023, at page 2546) This regulation establishes those standards.

This regulation provides that each agency must require every peace officer employed by the agency to attend an annual behavioral wellness visit, which may be conducted: (1) in an individual or group setting; (2) in person; or (3) virtually. This regulation also requires that the behavioral wellness visit be designed to: (1) provide a peace officer with the opportunity to discuss his or her mental health issues; (2) educate a peace officer on mental health issues to increase awareness of and access to appropriate mental health care, as well as to reduce the stigma associated with discussing such issues; (3) improve the overall well-being of the peace officer; (4) address certain mental health issues that a peace officer may experience; and (5) reduce certain concerns a peace officer may have regarding the confidentiality of the behavioral wellness visit.

This regulation also requires a mental health professional conducting a behavioral wellness visit, upon completion of the visit, to provide the peace officer and the employing agency of the peace officer a letter verifying that the peace officer attended the visit. The letter must include the time, place and date of the behavioral wellness visit and must be made available to certain persons. This regulation prohibits a mental health professional conducting a behavioral wellness visit from: (1) disclosing any communication made between the peace officer and the

mental health professional during the visit unless the disclosure is authorized by law or a court order; and (2) conducting any medical assessment, evaluation or test to diagnose whether the peace officer has any mental, emotional or behavioral disorder or associated distress which may interfere with the mental health of the peace officer.

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

1. Each agency shall require every peace officer employed by the agency to attend an annual behavioral wellness visit pursuant to NRS 289.510, as amended by section 7 of Senate Bill No. 225, chapter 422, Statutes of Nevada 2023, at page 2546. The services that a mental health professional provides in a behavioral wellness visit may be provided:

(a) In an individual or group setting;

(b) In person; or

(c) Virtually.

2. A behavioral wellness visit conducted pursuant to subsection 1 must be designed to:

(a) Provide a peace officer with the opportunity to discuss his or her concerns regarding mental health issues;

(b) Educate a peace officer on mental health issues to:

(1) Increase awareness of and access to appropriate mental health care; and

(2) Reduce the stigma associated with discussing such issues;

(c) Improve the overall well-being of the peace officer;

(d) Address the specific mental health issues that the peace officer may experience as a result of the nature of his or her work; and

(e) Reduce any concerns the peace officer may have regarding the confidentiality of the information disclosed by the peace officer in such a visit.

3. Upon completion of a behavioral wellness visit pursuant to subsection 1, the mental health professional conducting the behavioral wellness visit shall provide to the peace officer and the employing agency of the peace officer a letter verifying that the peace officer attended the visit. The letter must:

(a) Include the time, place and date of the behavioral wellness visit;

(b) Not include any information the peace officer disclosed during the behavioral wellness visit; and

(c) Be kept and maintained by the employing agency of the peace officer and made available at all times to the:

(1) Peace officer; and

(2) Chief executive of the employing agency of the peace officer or the commanding officer of the peace officer.

4. Any communication made between a peace officer and a mental health professional conducting a behavioral wellness visit pursuant to subsection 1 is confidential and must not be disclosed by the mental health professional unless the disclosure is authorized by law or a court order.

5. A mental health professional conducting a behavioral wellness visit pursuant to subsection 1 must not conduct any medical assessment, evaluation or test to diagnose whether the peace officer has any mental, emotional or behavioral disorder or any associated distress which may interfere with the mental health of the peace officer.

6. Nothing in this section shall be construed to violate the rights of a peace officer provided by the laws of this State.

STATE OF NEVADA
COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING
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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 COMMENT HEARING NOTICE: The Commission on Peace Officer Standards and Training ("Commission") will be holding a Public Comment Hearing at **2:00 p.m. on Thursday, February 22, 2024, at the Boulder City Hall, City Council Chambers, 401 California Ave., Boulder City, NV 89005**. 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)
R118-23 creates the standards for a Category III reciprocity program, meeting the requirements of SB323. This new regulation creates an additional pathway to hire correctional officers through a reciprocity program to out of state correctional officers who are Category III equivalent. Category III agencies in Nevada have been prohibited, up to this point, from utilizing the reciprocity program to hire out of state officers. This regulation creates a program that will allow for a shortened hiring process and allow agencies to add experienced staff to their facilities without the delay of attending a full basic academy. It will also allow that experienced staff to complete this online reciprocity course while performing their duties, which will benefit correctional facilities by having staff on duty during this reciprocity process vs. limited staff on duty while officer attends the basic academy. Enrollment will be available at any time and this course can be completed before hiring on with a Nevada agency.

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 2020 and clicking the link: https://www.leg.state.nv.us/Register/2023Register/R118-23P.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: Category III agencies in the state will be able to hire experienced correctional officers to work in Nevada and allow them to complete this reciprocity program while working. They will have officers in the facilities instead of being short staffed while their officers attend a basic academy.

(b) Both immediate and long-term effects:

(1) The immediate effects: This will shorten the hiring process for Nevada agencies. This will allow Nevada correctional agencies to have experienced officers performing correctional duties without delays of attending a basic academy at a separate location for weeks, and will be a cost savings to agencies as the training is online, not in person.

(2) The long-term effects: We anticipate seeing an increase in correctional officer employees coming to Nevada and utilizing this program. Correctional facilities will have more staff, relieving the shortages we are seeing now.

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.

The fee for this online course is $200.00 per employee, payable upon enrollment.

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, it only adds a category to the existing reciprocity program which charges employed officers $200.00 to complete the course.

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 February 8, 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 Wai Pai Shone Avenue, Carson City, 89701, State of Nevada Register of Administrative Regulations, which is prepared and published monthly by the Legislative Counsel Bureau pursuant to NRS 233B.0653, and on the Internet at http://leg.state.nv.us, the POST web site at http://post.nv.gov and the State of Nevada Department of Administration website at https://notice.nv.gov .

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

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

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

Commission on POST Administrative Office
Carson City, NV 89701

http://post.nv.gov

http://notice.nv.gov

http://leg.state.nv.us

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

SEE ATTACHED COPIES OF THE PROPOSED REGULATIONS

PROPOSED REGULATION OF THE PEACE OFFICERS'

STANDARDS AND TRAINING COMMISSION

LCB File No. R118-23

December 13, 2023

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

AUTHORITY: §§ 1-3, NRS 289.510, as amended by section 1 of Senate Bill No. 323, chapter 158, Statutes of Nevada 2023, at page 839.

A REGULATION relating to peace officers; setting forth the requirements for obtaining a basic certificate by reciprocity as a category III peace officer; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Peace Officers' Standards and Training Commission to adopt regulations establishing minimum standards for the certification, decertification, recruitment, selection and training of peace officers, including standards for the reciprocity of a person who: (1) has been certified as a category III peace officer or its equivalent by the certifying authority of another state; or (2) has successfully completed a federal law enforcement training program that is equivalent to a category III peace officer in this State. (NRS 289.510, as amended by section 1 of Senate Bill No. 323, chapter 158, Statutes of Nevada 2023, at page 839) **Section 1** of this regulation sets forth the requirements for a person to obtain a basic certificate by reciprocity as a category III peace officer. **Section 1** provides that the Executive Director of the Commission may award a basic certificate by reciprocity as a category III peace officer if the person: (1) is currently employed in another state in a position that is equivalent to the position of a category III peace officer in this State or not more than 60 months have lapsed since he or she was employed in another state in a position that is equivalent to the position of a category III peace officer in this State; (2) meets certain minimum standards for appointment that apply to all peace officers in this State; (3) provides certain evidence relating to his or her certification or training; (4) has passed the state certification examination with a score of at least 70 percent; and (5) has satisfactorily completed a training course approved by the Executive Director which consists of a minimum of 40 hours of training in certain subjects.

Section 2 of this regulation makes a conforming change to amend the definition of "basic certificate" to include a basic certificate by reciprocity as a category III peace officer.

Section 3 of this regulation makes a conforming change to create an exception to the requirement that a person pass the state physical fitness examination generally required for a basic certificate as a category III peace officer, as **section 1** provides instead that an agency that wants to employ a person who obtains a basic certificate by reciprocity as a category III peace officer may require the person to pass the state physical fitness examination.

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

1. The Executive Director may award a basic certificate by reciprocity to any person if the person:

(a) Is currently employed in another state in a position that is equivalent to the position of a category III peace officer in this State or not more than 60 months have lapsed since he or she was employed in another state in a position that is equivalent to the position of a category III peace officer in this State;

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

(c) Provides verifiable evidence that he or she:

(1) Has been certified as the equivalent of a category III peace officer by the certifying entity of another state and demonstrate that:

(I) Such certification has not been revoked or suspended; and

(II) The certification requirements are equivalent to the requirements for obtaining a basic certificate as a category III peace officer in this State;

(2) Has successfully completed training in another state that does not have a certifying entity and demonstrate that the training requirements are equivalent to the requirements for obtaining a basic certificate as a category III peace officer in this State; or

(3) Has successfully completed a Federal Law Enforcement Training Centers of the United States Department of Homeland Security training program regarding custody and detention, approved by the Commission;

(d) Has passed the state certification examination with a score of at least 70 percent; and

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

(1) Ethics in law enforcement;

(2) Cultural awareness;

(3) Crisis intervention;

(4) Handling of persons with mental illness;

(5) Public and media relations;

(6) Constitutional law;

(7) Use of force;

(8) Civil liability;

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

(10) Modern correctional philosophy;

(11) Laws relating to correctional institutions;

(12) Classification and receiving of offenders;

(13) Supervision of offenders;

(14) Care of persons in custody;

(15) Searches of offender institutions;

(16) Games offenders play;

(17) Gangs and cults;

(18) Records of offenders in institutions;

(19) Domestic violence, stalking and aggravated stalking;

(20) Training concerning active assailants;

(21) Searching of buildings;

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

(23) Fire safety and use of equipment.

2. The Commission or its designee will determine whether any certification or training received in another state is equivalent to the requirements for obtaining a basic certificate as a category III peace officer in this State.

3. An agency that wants to employ a person who obtains a basic certificate by reciprocity as a category III peace officer pursuant to this section may require the person to pass the state physical fitness examination as described in subsection 3 of NAC 289.205.

Sec. 2. NAC 289.020 is hereby amended to read as follows:

289.020 "Basic certificate" means the certificate issued by the Executive Director which is evidence that a person has met the minimum standards established by this chapter to be appointed to perform the duties of a peace officer. *The term includes, without limitation, a basic certificate by reciprocity as a category III peace officer issued pursuant to section 1 of this regulation.*

Sec. 3. NAC 289.205 is hereby amended to read as follows:

289.205 To pass the state physical fitness examination, a person must:

1. For a basic certificate as a category I peace officer or as a reserve peace officer:

(a) Complete a vertical jump of not less than 14 inches.

(b) Complete not less than 30 sit-ups in 1 minute.

(c) Complete not less than 23 push-ups.

(d) Run 300 meters in not more than 1 minute and 8 seconds.

(e) Walk or run 1.5 miles in not more than 16 minutes and 57 seconds.

(f) Complete an agility run in not more than 19.5 seconds.

2. For a basic certificate as a category II peace officer:

(a) Complete a vertical jump of not less than 15 inches.

(b) Complete not less than 29 sit-ups in 1 minute.

(c) Complete not less than 15 push-ups.

(d) Run 300 meters in not more than 1 minute and 20 seconds.

(e) Walk or run 1.5 miles in not more than 20 minutes and 6 seconds.

(f) Complete an agility run in not more than 20.7 seconds.

3. ~~[For]~~ ***Except as otherwise provided in section 1 of this regulation, for*** a basic certificate as a category III peace officer:

(a) Complete a vertical jump of not less than 15 inches.

(b) Complete not less than 20 push-ups.

(c) Run 300 meters in not more than 1 minute and 14 seconds.

(d) Walk or run 1.5 miles in not more than 17 minutes and 37 seconds.

(e) Complete an agility run in not more than 20.4 seconds.

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 COMMENT HEARING NOTICE: The Commission on Peace Officer Standards and Training ("Commission") will be holding a Public Comment Hearing at **2:00 p.m. on Thursday, February 22, 2024, at the Boulder City Hall, City Council Chambers, 401 California Ave., Boulder City, NV 89005**. 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).

R031-23 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 2020 and clicking the link: https://www.leg.state.nv.us/Register/2023Register/R031-23RP1.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 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.

The fee for this online course is $200.00 per employee, payable upon enrollment.

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, it only adds a category to the existing reciprocity program which charges employed officers $200.00 to complete the course.

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 February 8, 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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Commission on POST Administrative Office
Carson City, NV 89701

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NOTE: We are pleased to make reasonable accommodations for members of the public with disabilities who wish to attend the meeting. If special arrangements for the meeting are necessary, please notify the Commission on POST, in writing, at 5587 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. R031-23

January 16, 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; and (6) the peace officer passes both the state certification examination and a state physical fitness examination.

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 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 state 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.

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

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.

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 **2:00 p.m. on Thursday, February 22, 2024, at the Boulder City Hall, City Council Chambers, 401 California Ave., Boulder City, NV 89005.** 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 revisions to NAC 289.200(2)(f) to change the physical readiness requirement for Category I and II Reciprocity.	**NAC289.200(2)(f)**

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 289.200 Basic and reserve basic certificate: Requirements; extension of time to complete or waiver of certain requirements; request for certification; placement of basic certificate on inactive status; return to active status. [Effective until the date of the repeal of 42 U.S.C. § 666, the federal law requiring each state to establish procedures for withholding, suspending and restricting the professional, occupational and recreational licenses for child support arrearages and for noncompliance with certain processes relating to paternity or child support proceedings.] (NRS 289.510, 289.550, 289.600)

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

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

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

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

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

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

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

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

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

(1) Abuse of older persons;
(2) Child abuse and sexual abuse of a child;
(3) Civil liability;
(4) Classification and receiving of offenders;
(5) Constitutional law;
(6) Counter-terrorism and weapons of mass destruction;
(7) Crimes against persons;
(8) Crimes against property;
(9) Cultural awareness;
(10) Domestic violence, stalking and aggravated stalking;
(11) Ethics in law enforcement;
(12) Fire safety and use of emergency equipment;
(13) Games offenders play;
(14) Gangs and cults;
(15) Juvenile law;
(16) Laws relating to arrest;
(17) Laws relating to correctional institutions;
(18) Laws relating to drugs, including, without limitation, current trends in drugs;
(19) Miscellaneous crimes;
(20) Modern correctional philosophy;
(21) Probable cause;
(22) Public and media relations;
(23) Records of offenders in institutions;
(24) Rights of victims;
(25) Search and seizure;
(26) Searches of offender institutions;
(27) Supervision of offenders;
(28) Training concerning active assailants; and
(29) Use of force;

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

(f) ~~The peace officer passes the state physical fitness examination for the appropriate category of peace officer as described in NAC 289.205.~~ ***An agency that wants to employ a person who obtains a basic certificate by reciprocity as a category I or II peace officer pursuant to this section may require the person to pass the state physical fitness examination as described in subsections 1 and/or 2 of NAC 289.205.***

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

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

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

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

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

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

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

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

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

5. If a student enrolled in a basic training course certified or approved pursuant to NAC 289.300 sustains a bona fide physical injury that renders him or her incapable of completing the requirements of the state physical fitness examination, an agency may submit a request for an extension of time for the student to complete the examination. The agency shall submit such a request to the Executive Director. The request must include, without limitation, written verification by a physician that the student is incapable of completing the requirements of the state physical fitness examination. If the Executive Director determines that an extension of time is warranted, the Executive Director shall authorize an extension of time for a period not to exceed 12 months after the date on which the student was hired or, if the student is a reserve officer, the date of activation of his or her reserve status.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

5. **DISCUSSION, PUBLIC COMMENT, AND FOR POSSIBLE ACTION.**
Request from the Carson City Department of Alternative Sentencing for an Executive Certificate for their employee Chief Marlina Stone. Possible action may include issuance or denial of the requested Executive Certificate.

State of Nevada – POST

Professional Certificate Application

Agency Details

Agency Name *
Carson City Dept of Alt Sentencing

Officer's Details

POST ID *
23205

Officer's Name *
Marlina M Stone

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

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

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

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

Attachments (2)

POST – PROFESSIONAL CERTIFICATE APPLICATION – – Marlina M Stone – 10/30/2023
POST – PROFESSIONAL CERTIFICATE APPLICATION – – Marlina M Stone – 10/30/2023

Additional information or comments
Since my last submission for the Executive Post, I have completed 52 hours of courses that meet the "Advanced Management" criteria. I look forward to hearing back from you.

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 *
Marlina M Stone	775-447-3794	mstone@carson.org

This section is for POST approval only

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

CARSON CITY, NEVADA
CONSOLIDATED MUNICIPALITY AND STATE CAPITAL

August 4, 2023

Mike Sherlock
Executive Director
5587 Wa Pai Shone Avenue
Carson City, NV 89701

msherlock@post.state.nv.us

Re: Letter of Recommendation for Chief Marlina Stone

Dear Mr. Sherlock:

It is my pleasure to recommend the Carson City Chief of Alternative Sentencing, Marlina Stone, in her endeavor to achieve the Executive Post Certification. Chief Stone has been employed with Carson City since April 2021 and in that short time she has continually impressed those she reports to along with her peers and subordinates.

Chief Stone has an extensive 19-year background in law enforcement with the last seven of those years being in a supervisory role. She has proven to successfully lead the operations of the City's Department of Alternative Sentencing, as well as create a positive working relationship with the First Judicial and Justice/Municipal Courts. She is actively engaged in developing strategies to improve the efficiency of the services provided and to accomplish the Department's mission and goals.

I continue to be confident in Chief Stone's ability to take on new tasks and follow them through to completion especially based on her dedication to something she has shown true passion for.

Please do not hesitate to reach out to me directly at 775-283-7944 if you have any questions or would like any further information.

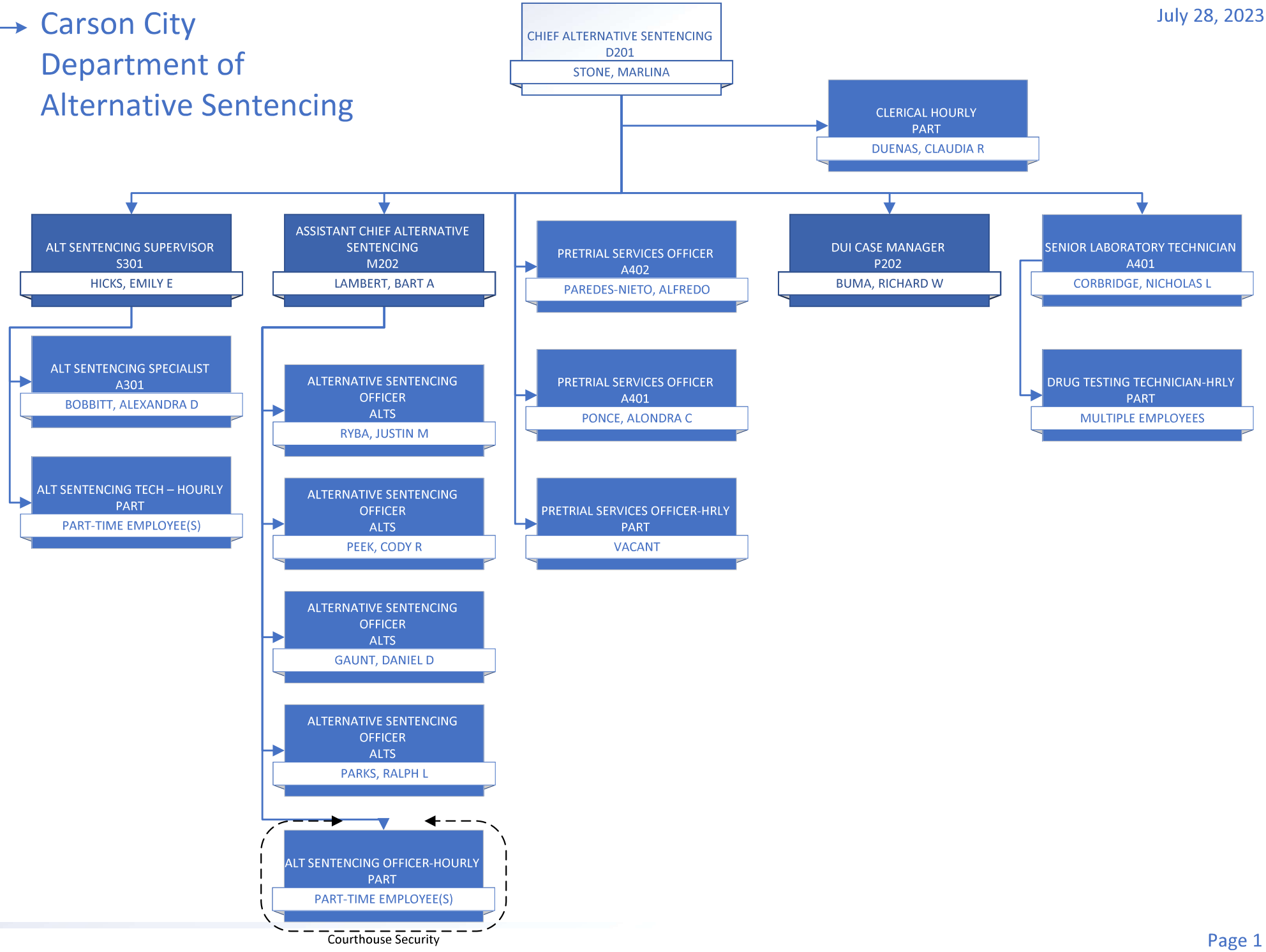
Sincerely,

Nancy Paulson

Nancy Paulson
City Manager

Carson City Department of Alternative Sentencing

July 28, 2023



12/21/2023 Nevada Commission on POST Employee Profile

Employment Summary

Carson City Dept of Alt Sentencing	Type:	Stone, Marlina M (23205)	Total Service: 2 years 235 days
Hire Date:4/30/2021	Separation Date:	Emp Status: Active	

Employment Summary

Reno Municipal Court Marshals Division	Type:	Stone, Marlina M (23205)	Total Service: 14 years 223 days
Hire Date:9/18/2006	Separation Date:4/29/2021	Emp Status: Inactive	

Employment Summary

NV Dept of Public Safety	Type:	Stone, Marlina M (23205)	Total Service: 2 years 22 days
Hire Date:8/16/2004	Separation Date:9/7/2006	Emp Status: Inactive	

Certifications

Level	Status Date	Status	Cert Date	Exp Date
Professional: Management	7/12/2023	Active	7/12/2023	
Professional: Supervisor	4/30/2021	Active	12/18/2019	
Professional: Advanced	4/30/2021	Active	9/8/2011	
Professional: Intermediate	4/30/2021	Active	9/8/2011	
Basic: Category I	4/30/2021	Active	12/13/2004	

Training History 2023

Course ID	Course Title	Date	Hours	Score	Status
M0000359	12 Hours of Continuing Education	12/18/2023	1.000000		Completed
P0180002	2022 NvSCA/FBINAA State Training Conference	10/25/2023	14.000000		
C0000001	Firearms Proficiency 1	10/19/2023	1.000000		Completed
C0000004	Less Lethal Weapon Proficiency	10/12/2023	1.000000		Completed
P2440314	Leadership Essentials	10/6/2023	2.000000		
C0000005	Use of Force Policy Review	10/4/2023	1.000000		Completed
P0000384	Meeting Management	9/27/2023	6.000000		
P0000454	Performance Management	9/27/2023	6.000000		
C0000003	Arrest Control/ Defensive Tactics	9/27/2023	1.000000		Completed
P0000401	Project Management	9/25/2023	6.000000		
P0000379	Knowledge Management	9/21/2023	6.000000		
P0000354	Change Management	9/21/2023	6.000000		
P0000380	Leadership and Influence	9/21/2023	6.000000		
P2440256	Career Professionalism	3/1/2023	1.000000	0.000000	PASS
P2440269	Build Financial Strength in First Responder Family	3/1/2023	3.000000	0.000000	PASS
M0000359	12 Hours of Continuing Education	2/13/2023	1.000000	0.000000	PASS

Pass Count: 3 -- Fail Count: 0

Training History 2022

Course ID	Course Title	Date	Hours	Score	Status
P0000343	Duties of the Sheriff Seminar	12/7/2022	16.000000	0.000000	PASS
C0000001	Firearms Proficiency 1	12/1/2022	0.010000	0.000000	COMP
C0000002	Firearms Proficiency 2	12/1/2022	0.010000	0.000000	COMP
C0000003	Arrest Control/ Defensive Tactics	12/1/2022	0.010000	0.000000	COMP
C0000004	Less Lethal Weapon Proficiency	12/1/2022	0.010000	0.000000	COMP
C0000005	Use of Force Policy Review	12/1/2022	0.010000	0.000000	COMP
P0180002	2022 NvSCA/FBINAA State Training Conference	11/16/2022	14.000000	0.000000	PASS
P2440284	Becoming a Leader in Law Enforcement	5/31/2022	1.000000	0.000000	PASS
P0000332	Essential Management Skills in the Public Sector	1/27/2022	24.000000	0.000000	PASS

Pass Count: 4 -- Fail Count: 0

Training History 2021

Course ID	Course Title	Date	Hours	Score	Status
C0000002	Firearms Proficiency 2	12/13/2021		0.000000	PASS
C0000004	Less Lethal Weapon Proficiency	12/13/2021		0.000000	PASS
M0000359	12 Hours of Continuing Education	11/16/2021	1.000000	0.000000	PASS
C0000005	Use of Force Policy Review	11/15/2021		0.000000	PASS
P0180002	2022 NvSCA/FBINAA State Training Conference	11/10/2021	14.000000	0.000000	PASS
C0000001	Firearms Proficiency 1	10/12/2021		0.000000	PASS
C0000003	Arrest Control/ Defensive Tactics	10/12/2021		0.000000	PASS
P2440162	Leadership 8	3/22/2021	1.000000	0.000000	PASS
P2440046	Leadership 5	3/18/2021	1.000000	0.000000	PASS
P2440045	Leadership 6	3/18/2021	1.000000	0.000000	PASS
P2440161	Leadership 7	3/18/2021	1.000000	0.000000	PASS
C0000001	Firearms Proficiency 1	3/17/2021	1.000000	0.000000	PASS
C0000002	Firearms Proficiency 2	3/17/2021	1.000000	0.000000	PASS
C0000005	Use of Force Policy Review	3/17/2021	1.000000	0.000000	PASS
P2440047	Leadership 4	3/17/2021	1.000000	0.000000	PASS
C0000004	Less Lethal Weapon Proficiency	3/15/2021	1.000000	0.000000	PASS
C0000003	Arrest Control/ Defensive Tactics	3/15/2021		0.000000	PASS
P0000507	Nevada POST Management Course Module 6	3/12/2021	40.000000	0.000000	PASS
C0000003	Arrest Control/ Defensive Tactics	2/17/2021	1.000000	0.000000	PASS
P2440048	Leadership 3	2/11/2021	1.000000	0.000000	PASS
P2440049	Leadership 2	2/4/2021	1.000000	0.000000	PASS
P2440202	Leadership in Law Enforcement	2/3/2021	1.000000	0.000000	PASS
P2440050	Leadership 1	2/2/2021	1.000000	0.000000	PASS

Pass Count: 23 -- Fail Count: 0

Training History 2020

Course ID	Course Title	Date	Hours	Score	Status
C0000003	Arrest Control/ Defensive Tactics	12/17/2020	1.000000	0.000000	PASS
C0000005	Use of Force Policy Review	12/17/2020	1.000000	0.000000	PASS
M0000359	12 Hours of Continuing Education	12/17/2020	1.000000	0.000000	PASS
C0000004	Less Lethal Weapon Proficiency	10/8/2020		0.000000	PASS
C0000002	Firearms Proficiency 2	10/5/2020	1.000000	0.000000	PASS
C0000001	Firearms Proficiency 1	10/5/2020	1.000000	0.000000	PASS
P0000503	Every Officer is a Leader Executive training	2/27/2020	16.000000	0.000000	PASS
C0000004	Less Lethal Weapon Proficiency	1/30/2020	1.000000	0.000000	PASS
P2440204	Officer Well-Being	1/7/2020	1.000000	0.000000	PASS
P2440210	Interacting with the Mentally Ill as a First Respo	1/7/2020	1.000000	0.000000	PASS
P2440095	Racial Profiling Part 1	1/7/2020	1.000000	0.000000	PASS
P2440097	Human Trafficking: Part 1	1/6/2020	2.000000	0.000000	PASS
P2440183	Implicit Bias	1/6/2020	1.000000	0.000000	PASS
P2440154	De-Escalation and Minimizing Use of Force	1/2/2020	2.000000	0.000000	PASS

Pass Count: 14 -- Fail Count: 0

Training History 2019

Course ID	Course Title	Date	Hours	Score	Status
C0000001	Firearms Proficiency 1	12/23/2019	1.000000	0.000000	PASS
C0000002	Firearms Proficiency 2	12/18/2019	1.000000	0.000000	PASS
C0000003	Arrest Control/ Defensive Tactics	12/18/2019	1.000000	0.000000	PASS
C0000004	Less Lethal Weapon Proficiency	7/18/2019		0.000000	PASS
C0000005	Use of Force Policy Review	7/18/2019	1.000000	0.000000	PASS
M0000359	12 Hours of Continuing Education	7/18/2019	1.000000	0.000000	PASS
C0000004	Less Lethal Weapon Proficiency	6/10/2019	1.000000	0.000000	PASS

Pass Count: 7 -- Fail Count: 0

Training History 2018

Course ID	Course Title	Date	Hours	Score	Status
C0000002	Firearms Proficiency 2	11/1/2018	1.000000	0.000000	PASS
M0000359	12 Hours of Continuing Education	11/1/2018	1.000000	0.000000	PASS
C0000001	Firearms Proficiency 1	7/31/2018	1.000000	0.000000	PASS
C0000003	Arrest Control/ Defensive Tactics	7/31/2018	1.000000	0.000000	PASS
C0000004	Less Lethal Weapon Proficiency	7/31/2018	1.000000	0.000000	PASS
C0000005	Use of Force Policy Review	7/31/2018	1.000000	0.000000	PASS
C0000004	Less Lethal Weapon Proficiency	5/24/2018		0.000000	PASS
C0000002	Firearms Proficiency 2	1/9/2018	1.000000	0.000000	PASS
C0000003	Arrest Control/ Defensive Tactics	1/9/2018	1.000000	0.000000	PASS
C0000004	Less Lethal Weapon Proficiency	1/9/2018	1.000000	0.000000	PASS
C0000005	Use of Force Policy Review	1/9/2018	1.000000	0.000000	PASS

Pass Count: 11 -- Fail Count: 0

Training History 2017

Course ID	Course Title	Date	Hours	Score	Status
P0000436	Management Module 1	3/10/2017	80.000000	0.000000	PASS
M0000359	12 Hours of Continuing Education	3/1/2017	1.000000	0.000000	PASS
C0000001	Firearms Proficiency 1	2/7/2017	1.000000	0.000000	PASS

Pass Count: 3 -- Fail Count: 0

Training History 2016

Course ID	Course Title	Date	Hours	Score	Status
C0000002	Firearms Proficiency 2	6/30/2016	0.000000	0.000000	PASS
C0000004	Less Lethal Weapon Proficiency	6/30/2016	1.000000	0.000000	PASS
C0000005	Use of Force Policy Review	6/30/2016	1.000000	0.000000	PASS
M0000359	12 Hours of Continuing Education	6/30/2016	1.000000	0.000000	PASS
C0000002	Firearms Proficiency 2	5/9/2016	1.000000	0.000000	PASS
C0000003	Arrest Control/ Defensive Tactics	4/28/2016	1.000000	0.000000	PASS
C0000003	Arrest Control/ Defensive Tactics	1/28/2016	1.000000	0.000000	PASS
C0000001	Firearms Proficiency 1	1/27/2016	1.000000	0.000000	PASS

Pass Count: 8 -- Fail Count: 0

Training History 2015

Course ID	Course Title	Date	Hours	Score	Status
M0000359	12 Hours of Continuing Education	12/23/2015	1.000000	0.000000	PASS
C0000005	Use of Force Policy Review	12/23/2015	1.000000	0.000000	PASS
P0147006	Under the Influence: Identifying Drugged People	10/22/2015	1.000000	0.000000	PASS
C0000001	Firearms Proficiency 1	9/17/2015	1.000000	0.000000	PASS
C0000002	Firearms Proficiency 2	9/17/2015	1.000000	0.000000	PASS
C0000004	Less Lethal Weapon Proficiency	9/17/2015	1.000000	0.000000	PASS
P0400005	Field Training Officer Program	8/28/2015	40.000000	0.000000	PASS
P3030001	Leadership Effectiveness	4/10/2015	40.000000	0.000000	PASS

Pass Count: 8 -- Fail Count: 0

Training History 2014

Course ID	Course Title	Date	Hours	Score	Status
C0000001	Firearms Proficiency 1	12/17/2014	0.000000	0.000000	PASS
C0000002	Firearms Proficiency 2	12/17/2014	0.000000	0.000000	PASS
C0000003	Arrest Control/ Defensive Tactics	12/17/2014	1.000000	0.000000	PASS
C0000004	Less Lethal Weapon Proficiency	12/17/2014	1.000000	0.000000	PASS
C0000005	Use of Force Policy Review	12/17/2014	1.000000	0.000000	PASS
M0000359	12 Hours of Continuing Education	12/17/2014	1.000000	0.000000	PASS
P2080014	Crisis Intervention Team	7/25/2014	40.000000	0.000000	PASS
C0000002	Firearms Proficiency 2	4/21/2014	1.000000	0.000000	PASS
C0000001	Firearms Proficiency 1	3/6/2014	1.000000	0.000000	PASS

Pass Count: 9 -- Fail Count: 0

Training History 2013

Course ID	Course Title	Date	Hours	Score	Status
M0000359	12 Hours of Continuing Education	12/12/2013	1.000000	0.000000	PASS
C0000002	Firearms Proficiency 2	10/22/2013	4.000000	0.000000	PASS
C0000004	Less Lethal Weapon Proficiency	9/26/2013	4.000000	0.000000	PASS
C0000003	Arrest Control/ Defensive Tactics	9/26/2013	0.000000	0.000000	PASS
P0000260	POST First-Line Supervisor Program	6/16/2013	80.000000	0.000000	PASS
C0000005	Use of Force Policy Review	5/23/2013	1.000000	0.000000	PASS
C0000001	Firearms Proficiency 1	5/23/2013	4.000000	0.000000	PASS
M0000359	12 Hours of Continuing Education	5/16/2013	0.000000	0.000000	PASS
C0000003	Arrest Control/ Defensive Tactics	5/14/2013	4.000000	0.000000	PASS
P0000045	Supervisory Update	4/21/2013	24.000000	0.000000	PASS
C0000005	Use of Force Policy Review	3/13/2013	1.000000	0.000000	PASS
C0000004	Less Lethal Weapon Proficiency	1/22/2013	4.000000	0.000000	PASS

Pass Count: 12 -- Fail Count: 0

Training History 2012

Course ID	Course Title	Date	Hours	Score	Status
C0000002	Firearms Proficiency 2	5/3/2012	10.000000	0.000000	PASS
C0000003	Arrest Control/ Defensive Tactics	5/1/2012	8.000000	0.000000	PASS
P0000038	Drug Recognition Expert Recertification	1/26/2012	8.000000	0.000000	PASS
C0000001	Firearms Proficiency 1	1/25/2012	4.000000	0.000000	PASS

Pass Count: 4 -- Fail Count: 0

Training History 2010

Course ID	Course Title	Date	Hours	Score	Status
P1760001	Northern Nevada Gang Symposium	11/19/2010	21.750000	0.000000	PASS
P0000075	Drug Recognition Expert	5/21/2010	100.000000	0.000000	PASS

Pass Count: 2 -- Fail Count: 0

Training History 2008

Course ID	Course Title	Date	Hours	Score	Status
P0168007	Advanced S.W.A.T. School	9/11/2008	32.000000	0.000000	PASS
P0168009	Basic SWAT School	8/15/2008	40.000000	0.000000	PASS
P0000210	Basic Instructor Development Train the Trainer	6/20/2008	40.000000	97.000000	PASS
P1280005	2008 Violence Against Women Investigations For LE	4/29/2008	8.000000	0.000000	PASS

Pass Count: 4 -- Fail Count: 0

Training History 2007

Course ID	Course Title	Date	Hours	Score	Status
P0128003	Domestic Violence/Sexual Assault Investigations	4/26/2007	8.000000	0.000000	PASS

Pass Count: 1 -- Fail Count: 0

Training History 2004

Course ID	Course Title	Date	Hours	Score	Status
B0090001	DPS Category I Academy North	12/2/2004	624.000000	0.000000	PASS
S000001	Category I State Certification Examination	12/2/2004	2.000000	88.700000	PASS
P0100078	Evidential Breath Testing Operator	11/29/2004	4.000000	0.000000	PASS

Pass Count: 3 -- Fail Count: 0

Course ID	Course Title	Date	Hours
P0180002	2022 NvSCA/FBINAA State Training Conference	10/25/2023	14
P2440314	Leadership Essentials	10/6/2023	2
P0000384	Meeting Management	9/27/2023	6
P0000454	Performance Management	9/27/2023	6
P0000401	Project Management	9/25/2023	6
P0000379	Knowledge Management	9/21/2023	6
P0000354	Change Management	9/21/2023	6
P0000380	Leadership and Influence	9/21/2023	6
P2440256	Career Professionalism	3/1/2023	1
P2440269	Build Financial Strength in First Responder Family	3/1/2023	3
P0000343	Duties of the Sheriff Seminar	12/7/2022	16
P0180002	2022 NvSCA/FBINAA State Training Conference	11/16/2022	14
P2440284	Becoming a Leader in Law Enforcement	5/31/2022	1
P0000332	Essential Management Skills in the Public Sector	1/27/2022	24
P0180002	2022 NvSCA/FBINAA State Training Conference	11/10/2021	14
P2440162	Leadership 8	3/22/2021	1
P2440046	Leadership 5	3/18/2021	1
P2440045	Leadership 6	3/18/2021	1
P2440161	Leadership 7	3/18/2021	1
P2440047	Leadership 4	3/17/2021	1
P0000507	Nevada POST Management Course Module 6	3/12/2021	40
P2440048	Leadership 3	2/11/2021	1
P2440049	Leadership 2	2/4/2021	1
P2440202	Leadership in Law Enforcement	2/3/2021	1
P2440050	Leadership 1	2/2/2021	1
P0000503	Every Officer is a Leader Executive training	2/27/2020	16
P0000436	Management Module 1	3/10/2017	80
P0400005	Field Training Officer Program	8/28/2015	40
P3030001	Leadership Effectiveness	4/10/2015	40
P2080014	Crisis Intervention Team	7/25/2014	40
P0000260	POST First-Line Supervisor Program	6/16/2013	80
P0000045	Supervisory Update	4/21/2013	24
P0000210	Basic Instructor Development Train the Trainer	6/20/2008	40
			534

6. **DISCUSSION, PUBLIC COMMENT, AND FOR POSSIBLE ACTION.**
Request from the Washoe County Sheriff's Office for an Executive Certificate for their employee Deputy Chief Corey Solferino. Possible action may include issuance or denial of the requested Executive Certificate.

State of Nevada – POST

Professional Certificate Application

Agency Details

Agency Name *
Washoe Co SO

Officer's Details

POST ID *
15319

Officer's Name *
Corey A Solferino

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 – – Corey A Solferino – 2/7/2024
POST – PROFESSIONAL CERTIFICATE APPLICATION – – Corey A Solferino – 2/7/2024
POST – PROFESSIONAL CERTIFICATE APPLICATION – – Corey A Solferino – 2/7/2024
POST – PROFESSIONAL CERTIFICATE APPLICATION – – Corey A Solferino – 2/7/2024

Additional information or comments

Submitter Details

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

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

This section is for POST approval only

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

Darin Balaam, Sheriff

WASHOE COUNTY SHERIFF

January 19, 2024

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

Dear P.O.S.T. Commission:

Chief Deputy Corey Solferino POST #15319 is applying for the P.O.S.T. Executive Certificate. Please accept this letter as confirmation that Chief Deputy Solferino meets all POST requirements for the Executive Certificate.

Chief Deputy Solferino was promoted to Chief Deputy on January 17, 2023, to our Operations Bureau. He is currently assigned to our Detention Bureau.

As Chief Deputy of the Detention Bureau, he has operational command over the Washoe County Sheriff's Office Detention Facility. Court Transportation, District Court, Inmate Management Unit, and Detention Services are also managed under this division. He has command over two Captains, six Lieutenants, seventeen sergeants, 246 deputy sheriffs and multiple civilian staff.

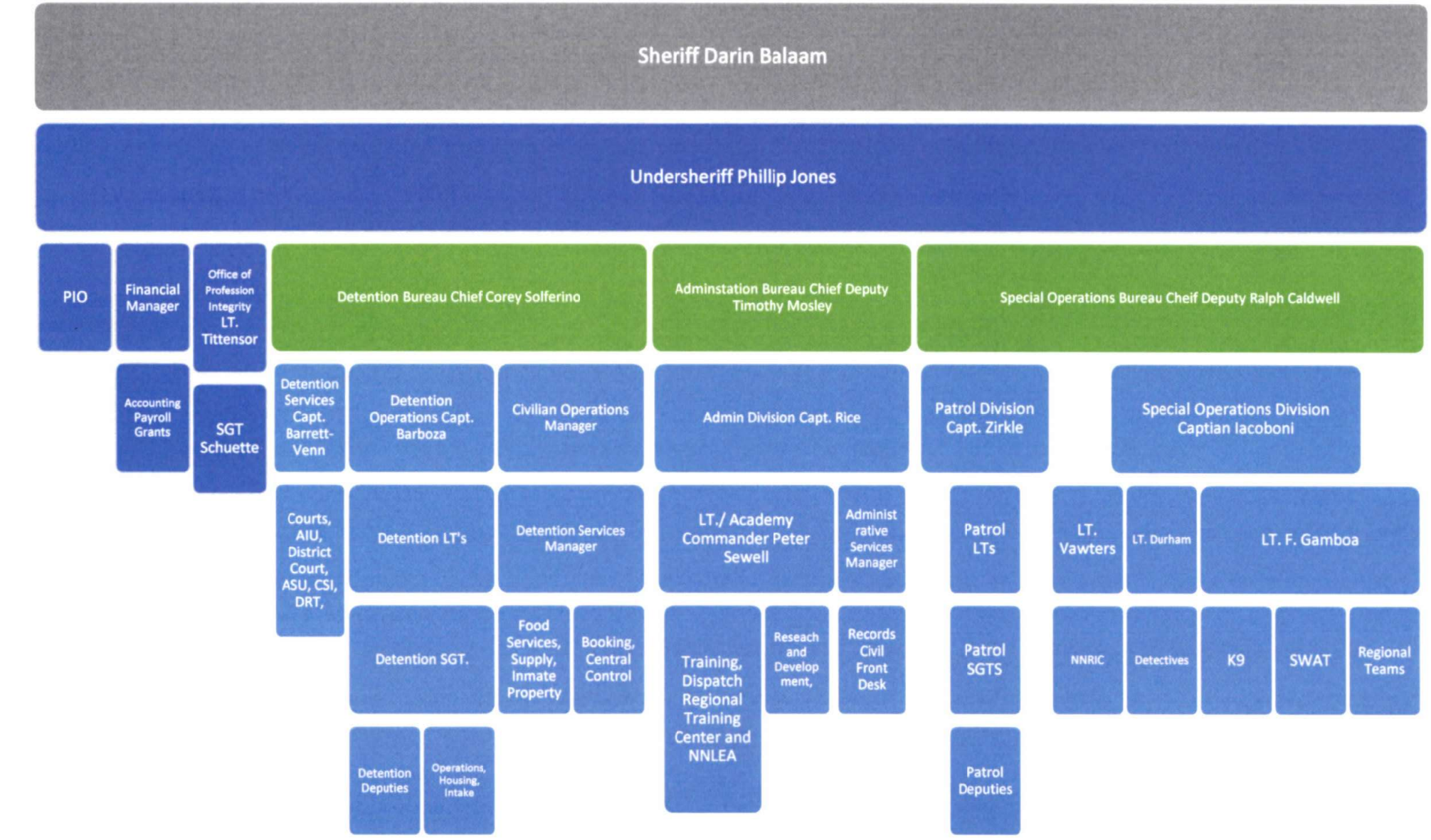
Chief Deputy Solferino's duties and responsibilities include but are not limited to administrative responsibility for the Detention Bureau, management over the Detention Bureau, and issues related to our Detention Bureau staff.

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

Sincerely,

Darin Balaam, Sheriff

WASHOE COUNTY SHERIFF OFFICE



2/7/2024 Nevada Commission on POST Employee Profile

Employment Summary

Washoe Co SO	Type:	Solferino, Corey A (15319)	Total Service: 24 years 63 days
Hire Date:12/6/1999	Separation Date:	Emp Status: Active	

Certifications

Level	Status Date	Status	Cert Date	Exp Date
Management	9/18/2019	Active	9/18/2019	<>
Supervisor	8/12/2015	Active	8/12/2015	<>
Advanced	12/19/2005	Active	12/19/2005	<>
Intermediate	2/28/2003	Active	2/28/2003	<>
Category I	10/11/2000	Active	10/11/2000	<>
Category III	10/11/2000	Active	10/11/2000	<>

Training History 2023

Course ID	Course Title	Date	Hours	Score	Status
M0000359	12 Hours of Continuing Education	12/31/2023	1.000000		Pass
C0000005	Use of Force Policy Review	12/31/2023	1.000000		Pass
C0000004	Less Lethal Weapon Proficiency	12/31/2023	1.000000		Pass
C0000003	Arrest Control/ Defensive Tactics	12/31/2023	1.000000		Pass
C0000002	Firearms Proficiency 2	12/31/2023	1.000000		Pass
C0000001	Firearms Proficiency 1	12/31/2023	1.000000		Pass

Pass Count: 6 -- Fail Count: 0

Training History 2022

Course ID	Course Title	Date	Hours	Score	Status
M0000359	12 Hours of Continuing Education	12/31/2022	1.000000	0.000000	PASS
C0000005	Use of Force Policy Review	12/31/2022	1.000000	0.000000	PASS
C0000004	Less Lethal Weapon Proficiency	12/31/2022	1.000000	0.000000	PASS
C0000003	Arrest Control/ Defensive Tactics	12/31/2022	1.000000	0.000000	PASS
C0000002	Firearms Proficiency 2	12/31/2022	1.000000	0.000000	PASS
C0000001	Firearms Proficiency 1	12/31/2022	1.000000	0.000000	PASS

Pass Count: 6 -- Fail Count: 0

Training History 2021

Course ID	Course Title	Date	Hours	Score	Status
M0000359	12 Hours of Continuing Education	12/31/2021	1.000000	0.000000	PASS
C0000005	Use of Force Policy Review	12/31/2021	1.000000	0.000000	PASS
C0000004	Less Lethal Weapon Proficiency	12/31/2021	1.000000	0.000000	PASS
C0000003	Arrest Control/ Defensive Tactics	12/31/2021	1.000000	0.000000	PASS
C0000002	Firearms Proficiency 2	12/31/2021	1.000000	0.000000	PASS
C0000001	Firearms Proficiency 1	12/31/2021	1.000000	0.000000	PASS
P000165	Ethics for Leadership	9/19/2021	4.000000	0.000000	PASS

Pass Count: 7 -- Fail Count: 0

Training History 2020

Course ID	Course Title	Date	Hours	Score	Status
M0000359	12 Hours of Continuing Education	12/31/2020	1.000000	0.000000	PASS
C0000005	Use of Force Policy Review	12/31/2020	1.000000	0.000000	PASS
C0000004	Less Lethal Weapon Proficiency	12/31/2020	1.000000	0.000000	PASS
C0000003	Arrest Control/ Defensive Tactics	12/31/2020	1.000000	0.000000	PASS
C0000002	Firearms Proficiency 2	12/31/2020	1.000000	0.000000	PASS
C0000001	Firearms Proficiency 1	12/31/2020	1.000000	0.000000	PASS

Pass Count: 6 -- Fail Count: 0

Training History 2019

Course ID	Course Title	Date	Hours	Score	Status
M0000359	12 Hours of Continuing Education	12/1/2019	1.000000	0.000000	PASS
C0000005	Use of Force Policy Review	12/1/2019	1.000000	0.000000	PASS
C0000004	Less Lethal Weapon Proficiency	12/1/2019	1.000000	0.000000	PASS
C0000003	Arrest Control/ Defensive Tactics	12/1/2019	1.000000	0.000000	PASS
C0000002	Firearms Proficiency 2	12/1/2019	1.000000	0.000000	PASS
C0000001	Firearms Proficiency 1	12/1/2019	1.000000	0.000000	PASS
P0000433	Management Module 5	7/11/2019	40.000000	0.000000	PASS
P0000432	Management Module 4	7/10/2019	40.000000	0.000000	PASS
P3390001	LEGAL IMPLICATIONS OF FORCE APPLICATIONS BY LE	3/26/2019	8.000000	0.000000	PASS
P0000431	Management Module 2	2/4/2019	74.000000	0.000000	PASS

Pass Count: 10 -- Fail Count: 0

Training History 2018

Course ID	Course Title	Date	Hours	Score	Status
M0000359	12 Hours of Continuing Education	12/28/2018	1.000000	0.000000	PASS
C0000005	Use of Force Policy Review	12/28/2018	1.000000	0.000000	PASS
C0000004	Less Lethal Weapon Proficiency	12/28/2018	1.000000	0.000000	PASS
C0000003	Arrest Control/ Defensive Tactics	12/28/2018	1.000000	0.000000	PASS
C0000002	Firearms Proficiency 2	12/28/2018	1.000000	0.000000	PASS
C0000001	Firearms Proficiency 1	12/28/2018	1.000000	0.000000	PASS
P0761175	Drug Investigations Using Social Media Apps	9/6/2018	4.000000	0.000000	PASS
P0010134	Peace Officer Representation in Nevada	3/23/2018	8.000000	0.000000	PASS

Pass Count: 8 -- Fail Count: 0

Training History 2017

Course ID	Course Title	Date	Hours	Score	Status
M0000359	12 Hours of Continuing Education	12/22/2017	1.000000	0.000000	PASS
C0000005	Use of Force Policy Review	12/22/2017	1.000000	0.000000	PASS
C0000004	Less Lethal Weapon Proficiency	12/22/2017	1.000000	0.000000	PASS
C0000003	Arrest Control/ Defensive Tactics	12/22/2017	1.000000	0.000000	PASS
C0000002	Firearms Proficiency 2	12/22/2017	1.000000	0.000000	PASS
C0000001	Firearms Proficiency 1	12/22/2017	1.000000	0.000000	PASS
P0000292	Policy Formulation Independent Study Program	12/11/2017	6.000000	0.000000	PASS
P0000436	Management Module 1	9/22/2017	80.000000	0.000000	PASS

Pass Count: 8 -- Fail Count: 0

Training History 2016

Course ID	Course Title	Date	Hours	Score	Status
M0000359	12 Hours of Continuing Education	12/28/2016	1.000000	0.000000	PASS
C0000005	Use of Force Policy Review	12/28/2016	1.000000	0.000000	PASS
C0000004	Less Lethal Weapon Proficiency	12/28/2016	1.000000	0.000000	PASS
C0000003	Arrest Control/ Defensive Tactics	12/28/2016	1.000000	0.000000	PASS
C0000002	Firearms Proficiency 2	12/28/2016	1.000000	0.000000	PASS
C0000001	Firearms Proficiency 1	5/2/2016	1.000000	0.000000	PASS

Pass Count: 6 -- Fail Count: 0

Training History 2015

Course ID	Course Title	Date	Hours	Score	Status
M0000359	12 Hours of Continuing Education	12/17/2015	1.000000	0.000000	PASS
C0000005	Use of Force Policy Review	12/17/2015	1.000000	0.000000	PASS
C0000004	Less Lethal Weapon Proficiency	12/17/2015	1.000000	0.000000	PASS
C0000003	Arrest Control/ Defensive Tactics	12/17/2015	1.000000	0.000000	PASS
C0000002	Firearms Proficiency 2	12/17/2015	1.000000	0.000000	PASS
C0000001	Firearms Proficiency 1	12/17/2015	1.000000	0.000000	PASS
P0000341	ARIDE	12/14/2015	16.000000	0.000000	PASS
P3030001	Leadership Effectiveness	4/10/2015	40.000000	0.000000	PASS

Pass Count: 8 -- Fail Count: 0

Training History 2014

Course ID	Course Title	Date	Hours	Score	Status
M0000359	12 Hours of Continuing Education	12/15/2014	1.000000	0.000000	PASS
C0000005	Use of Force Policy Review	12/15/2014	1.000000	0.000000	PASS
C0000004	Less Lethal Weapon Proficiency	12/15/2014	1.000000	0.000000	PASS
C0000003	Arrest Control/ Defensive Tactics	12/15/2014	1.000000	0.000000	PASS
C0000002	Firearms Proficiency 2	12/15/2014	1.000000	0.000000	PASS
P3040000	Financial Practices and Trends	10/16/2014	9.000000	0.000000	PASS
P0000260	POST First-Line Supervisor Program	9/19/2014	80.000000	0.000000	PASS
P0000475	Canine Policy and Procedures	5/23/2014	8.000000	0.000000	PASS
P0010149	K-9 Team Instructor/Evaluator	5/22/2014	8.000000	0.000000	PASS
C0000001	Firearms Proficiency 1	4/9/2014	0.000000	0.000000	PASS
C0000001	Firearms Proficiency 1	2/6/2014	1.000000	0.000000	PASS

Pass Count: 11 -- Fail Count: 0

Training History 2013

Course ID	Course Title	Date	Hours	Score	Status
M0000359	12 Hours of Continuing Education	12/11/2013	0.000000	0.000000	PASS
P0010144	Intoxilyzer 8000 Certification Course	11/26/2013	4.000000	0.000000	PASS
P2320006	Street Survival Seminar	10/11/2013	16.000000	0.000000	PASS
C0000002	Firearms Proficiency 2	8/20/2013	3.000000	0.000000	PASS
C0000001	Firearms Proficiency 1	2/13/2013	0.000000	0.000000	PASS
C0000003	Arrest Control/ Defensive Tactics	2/11/2013	3.500000	0.000000	PASS
C0000004	Less Lethal Weapon Proficiency	2/11/2013	1.000000	0.000000	PASS
C0000005	Use of Force Policy Review	2/11/2013	0.500000	0.000000	PASS
M0000359	12 Hours of Continuing Education	2/11/2013	5.000000	0.000000	PASS
C0000001	Firearms Proficiency 1	2/5/2013	3.000000	0.000000	PASS

Pass Count: 10 -- Fail Count: 0

Training History 2012

Course ID	Course Title	Date	Hours	Score	Status
M0000359	12 Hours of Continuing Education	12/28/2012	12.000000	0.000000	PASS
C0000002	Firearms Proficiency 2	9/20/2012	2.000000	0.000000	PASS
P0100078	Evidential Breath Testing Operator	7/31/2012	4.000000	0.000000	PASS
C0000005	Use of Force Policy Review	4/27/2012	1.000000	0.000000	PASS
C0000004	Less Lethal Weapon Proficiency	4/27/2012	1.000000	0.000000	PASS
C0000003	Arrest Control/ Defensive Tactics	4/27/2012	5.000000	0.000000	PASS
C0000001	Firearms Proficiency 1	4/19/2012	3.000000	0.000000	PASS

Pass Count: 7 -- Fail Count: 0

Training History 2011

Course ID	Course Title	Date	Hours	Score	Status
M0010006	Weaponless Defense	9/20/2011	2.500000	0.000000	PASS
M0010004	CET - Taser	9/20/2011	2.000000	0.000000	PASS
M0010009	Firearms Second Half Qualification	8/19/2011	2.000000	0.000000	PASS
M0010001	Firearms First Half Qualification	3/17/2011	3.500000	0.000000	PASS

Pass Count: 4 -- Fail Count: 0

Training History 2010

Course ID	Course Title	Date	Hours	Score	Status
P0168007	Advanced S.W.A.T. School	8/6/2010	32.000000	0.000000	PASS
M0010009	Firearms Second Half Qualification	7/21/2010	2.000000	0.000000	PASS
M0010017	Building Searches/Active Shooter	6/7/2010	8.000000	0.000000	PASS
M0010004	CET - Taser	6/7/2010	2.000000	0.000000	PASS
M0010001	Firearms First Half Qualification	3/4/2010	3.500000	0.000000	PASS
M0010006	Weaponless Defense	1/19/2010	2.500000	0.000000	PASS
M0010012	CET - EVOC Emergency Vehicle Operating Course	1/19/2010	5.000000	0.000000	PASS

Pass Count: 7 -- Fail Count: 0

Training History 2009

Course ID	Course Title	Date	Hours	Score	Status
M0010009	Firearms Second Half Qualification	10/15/2009	4.000000	0.000000	PASS
M0010004	CET - Taser	10/15/2009	2.000000	0.000000	PASS
M0010006	Weaponless Defense	6/4/2009	8.000000	0.000000	PASS
M0010001	Firearms First Half Qualification	6/4/2009		0.000000	PASS
M0010014	CPR and First Aid	6/4/2009	4.000000	0.000000	PASS
M0010015	Blood Borne Pathogens	6/4/2009	1.000000	0.000000	PASS
M0010016	Haz Com-Hazardous Communications	6/4/2009	1.000000	0.000000	PASS
M0010001	Firearms First Half Qualification	5/21/2009	4.000000	0.000000	PASS

Pass Count: 8 -- Fail Count: 0

Training History 2008

Course ID	Course Title	Date	Hours	Score	Status
P0000068	Bullet Proof Mind: Mental Preparation for Combat	10/24/2008	8.000000	0.000000	PASS
P0010092	Evidential Breath Testing -Operator Re-Cert.	9/30/2008	2.000000	0.000000	PASS
P1280005	2008 Violence Against Women Investigations For LE	4/29/2008	8.000000	0.000000	PASS

Pass Count: 3 -- Fail Count: 0

Training History 2007

Course ID	Course Title	Date	Hours	Score	Status
P0168009	Basic SWAT School	8/24/2007	40.000000	0.000000	PASS

Pass Count: 1 -- Fail Count: 0

Training History 2006

Course ID	Course Title	Date	Hours	Score	Status
P0000015	Developing Policies and Procedures	4/25/2006	12.000000	0.000000	PASS
P0128001	Domestic Violence / Sexual Assault Investigations	3/23/2006	8.000000	0.000000	PASS

Pass Count: 2 -- Fail Count: 0

Training History 2005

Course ID	Course Title	Date	Hours	Score	Status
P0000035	CA Narc Officers' Assn Annual Training Institute	11/11/2005	8.000000	0.000000	PASS
P0100078	Evidential Breath Testing Operator	9/30/2005	4.000000	0.000000	PASS

Pass Count: 2 -- Fail Count: 0

Training History 2004

Course ID	Course Title	Date	Hours	Score	Status
P0000026	PPFT Administrator Certification Course	10/5/2004	4.000000	0.000000	PASS

Pass Count: 1 -- Fail Count: 0

Training History 1999

Course ID	Course Title	Date	Hours	Score	Status
S000003	Category III State Certification Examination	11/8/1999	1.500000	89.200000	PASS
B1450001	High Sierra Category I Academy	10/29/1999	600.000000	0.000000	PASS
S000001	Category I State Certification Examination	10/27/1999	2.000000	87.700000	PASS

Pass Count: 3 -- Fail Count: 0

The Southern Police Institute

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

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

Corey A. Solferino

this certificate as evidence of the satisfactory completion of the

Administrative Officers Course

Given in the City of Louisville in the Commonwealth of Kentucky in the United States of America in the year of Our Lord two thousand and nineteen this eighth day of November.

Neeli Bendapudi
President of the University of Louisville

B. Cherie Dawson-Edwards
Chair, Criminal Justice

Kimberly Leonard

Cynthia A. Irwin

Administrative Officers Course (AOC)

Background

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

Course Description

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

Program Uniqueness

The Administrative Officers Course since its creation has attracted participants from law enforcement agencies throughout the United States, the Pacific Rim nations, and Europe. The diversity of this agency helps to foster an atmosphere of mutual respect and fellowship in which participants have the opportunity to learn from and share ideas with individuals they might not meet during the normal course of their professional activities. This interchange enhances the participant's skills in the art of cooperation, negotiation, compromise, and consensus. It ensures that class members will leave the Southern Police Institute with a network of graduates that will provide an outstanding resource from which they can seek assistance for organizational problems throughout their careers. In addition, the participants are exposed to a wide range of thought on the application of the program subject matter by experienced administrators, educators, practitioners, and Administrative Officers Course graduates who visit regularly to lecture. The institute's comprehensive educational environment and world recognized methods of instruction encourage a commitment to learning and self-improvement long after the course is finished.

The Graduates of this program will:

- Possess the knowledge and skills required to manage and to direct the resources of any law enforcement agency
- Be prepared to deal effectively with the complicated and important administrative issues confronting law enforcement managers
- Possess an understanding of current law enforcement operational philosophy and practice
- Possess an understanding of the contemporary legal responsibilities of law enforcement administrators

- Be able to apply contemporary methods of problem identification, evaluation and solution
- Possess the knowledge and skills required to evaluate efficiency and effectiveness of law enforcement operations

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

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

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

Office of the Esmeralda County Sheriff
P.O. Box 520
Goldfield, Nevada 89013
775-485-6370 Nicholas C. Dondero Fax 775-485-3524
SHERIFF

January 22, 2024

Mr. Michael Sherlock, Executive Director
Nevada Commission on POST

SUBJECT: SIX-MONTH EXTENSIONS FOR THREE ESMERALDA COUNTY DEPUTIES TO OBTAIN POST CERTIFICATION

Mr. Sherlock:

The Esmeralda County Sheriff's Office is seeking six-month extensions for the following three Deputies to meet the POST certification requirements:

- Deputy Janelle Sanchez, Date of Hire January 13,2023
- Deputy Krista Sullivan, Date of Hire January 3, 2023
- Deputy Julian Melendez, Date of Hire January 3, 2023

Deputy Sanchez attended the first day of the recent Category I POST academy on January 16, 2024, but was unable to pass the third phase of the physical fitness test. Deputy Sanchez's one-year deadline to obtain POST certification expires this month, and the extension will allow Deputy Sanchez to continue working in the Jail while physically preparing for the next Category I POST academy. Currently, the Esmeralda County Sheriff's Office has only one other Jailer and has backfilled the Jail with Patrol Deputies and the sole Sergeant, as needed, causing a critical shortage in Patrol operations. If an extension is granted for Deputy Sanchez, and a date has not been set for the next 2024 Category I POST academy, it is specifically requested that the extension be sufficient to allow Deputy Sanchez to attend the next start date.

Deputies Sullivan and Melendez were originally granted 12-month extensions to complete the physical fitness portion of the reciprocity program certification in May 2023. When the 12-month extensions were granted, both Deputies had completed the online reciprocity course but had not completed the physical fitness test by the 16-week due date from their date of hire. At the time, the two Deputies comprised half of the field-certified workforce for our agency, while one of the other agency employees was away in K-9 training and the other agency employee was the sole supervisor with additional supervisory duties.

This situation required Deputies Sullivan and Melendez to take on the bulk of the patrol and administrative workload for our agency during 2023 and severely impacted their ability to train for the physical fitness test. Also, during this time, our agency had two other Patrol Deputies, but one Deputy was in the POST academy from July to November, and the other Deputy was completing supervised field training. Additionally, during the 12-month extension, both Deputies were unsuccessful in passing the physical fitness test twice. Some of the contributing factors included a continually high workload as the bulk of the workforce, off-duty injuries for both deputies, and an on-duty injury for Melendez after a use of force. These factors limited the Deputies' abilities during the 12-month extension to work without restriction and to train for the physical fitness test.

Your assistance in adding these extension requests as an action item on the next Commission Meeting agenda on February 22, 2024, is greatly appreciated and will assist me in continuing to provide essential law enforcement services to the rural community in Esmeralda County.

Respectfully,

NICHOLAS C. DONDERO
Sheriff

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

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

Ken Furlong
Sheriff

911 E. Musser St.
Carson City, NV 89701

775-887-2500
Fax: 775-887-2026
Hearing Impaired: 711

January 17, 2024

Michael Sherlock, Executive Director
Nevada Commission on Peace Officer
Standards and Training
5587 Wa Pai Shone Avenue
Carson City, Nevada 89701

Dear Executive Director Sherlock,

I am requesting to be placed on the POST Commission meeting agenda for a 6-month extension for my employee Deputy Bradley Maffei. Due to staffing issues within the agency, Deputy Maffei was unable to attend an academy within the one-year requirement.

Deputy Maffei's date of hire was April 7th, 2023 and to be granted a 6-month extension would extend his time to October 7th, 2024. He is scheduled to attend the 2024 July Basic Academy at POST.

Therefore, I am requesting this extension past the one-year requirement to become POST certified for Deputy Maffei.

Thank you for your consideration.

Regards,

Ken Furlong, Sheriff
Carson City Sheriff's Office

911 E. Musser St.
Carson City, NV 89701

SHERIFF'S OFFICE
CARSON CITY

Ken Furlong
Sheriff

775-887-2500
Fax: 775-887-2026
Hearing Impaired: 711

January 17, 2024

Michael Sherlock, Executive Director
Nevada Commission on Peace Officer
Standards and Training
5587 Wa Pai Shone Avenue
Carson City, Nevada 89701

Dear Executive Director Sherlock,

I am requesting to be placed on the POST Commission meeting agenda for a 6-month extension for my employee Deputy Rhys Finnigan. Due to staffing issues within the agency, Deputy Finnigan was unable to attend an academy within the one-year requirement.

Deputy Finnigan's date of hire was April 7th, 2023 and to be granted a 6-month extension would extend his time to October 7th, 2024. He is scheduled to attend the 2024 July Basic Academy at POST.

Therefore, I am requesting this extension past the one-year requirement to become POST certified for Deputy Finnigan.

Thank you for your consideration.

Regards,

Ken Furlong, Sheriff
Carson City Sheriff's Office

Ken Furlong
Sheriff

911 E. Musser St.
Carson City, NV 89701

775-887-2500
Fax: 775-887-2026
Hearing Impaired: 711

January 17, 2024

Michael Sherlock, Executive Director
Nevada Commission on Peace Officer
Standards and Training
5587 Wa Pai Shone Avenue
Carson City, Nevada 89701

Dear Executive Director Sherlock,

I am requesting to be placed on the POST Commission meeting agenda for a 6-month extension for my employee Deputy Danielle Sandage. Due to staffing issues within the agency, Deputy Sandage was unable to attend an academy within the one-year requirement.

Deputy Sandage 's date of hire was June 29th, 2023 and to be granted a 6-month extension would extend her time to December 29th, 2024. She is scheduled to attend the 2024 July Basic Academy at POST.

Therefore, I am requesting this extension past the one-year requirement to become POST certified for Deputy Sandage.

Thank you for your consideration.

Regards,

Ken Furlong, Sheriff
Carson City Sheriff's Office

Ken Furlong
Sheriff

911 E. Musser St.
Carson City, NV 89701

775-887-2500
Fax: 775-887-2026
Hearing Impaired: 711

SHERIFF'S OFFICE
CARSON CITY

January 17, 2024

Michael Sherlock, Executive Director
Nevada Commission on Peace Officer
Standards and Training
5587 Wa Pai Shone Avenue
Carson City, Nevada 89701

Dear Executive Director Sherlock,

I am requesting to be placed on the POST Commission meeting agenda for a 6-month extension for my employee Deputy Abraham Arellano. Due to staffing issues within the agency, Deputy Arellano was unable to attend an academy within the one-year requirement.

Deputy Arellano's date of hire was June 30th, 2023 and to be granted a 6-month extension would extend his time to December 30th, 2024. He is scheduled to attend the 2025 January Basic Academy at POST.

Therefore, I am requesting this extension past the one-year requirement to become POST certified for Deputy Arellano.

Thank you for your consideration.

Regards,

Ken Furlong, Sheriff
Carson City Sheriff's Office

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

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. If approved, a six-month extension will give Assistant Sheriff Willette until August 13, 2024, to be certified. Possible action may include approval or denial of the requested extensions.

SHERIFF'S OFFICE
STORY COUNTY, NV
Michael S. Cullen, Sheriff

To: POST Executive Director Mike Sherlock

From: Storey County Sheriff Mike Cullen

Date: 1-10-24

Re: POST Extension

I am writing to request a POST extension for my Assistant Sheriff Matthew Willette. Matt Willette was hired on March 13th, 2023, as a Deputy and assigned directly to investigations. The investigations division at the time was found to have many deficiencies and deemed to need immediate corrective measures from case follow-up and closure to reorganization of our evidence and evidence recovery protocol. His experience and knowledge were immediately put to use. It would have been detrimental to our operations had we sent Matt to POST, mid-year.

Storey County Sheriff's Office needed immediate and crucial corrective procedures and agency re-structuring which has been occurring since January of 2023 when we were down to 13 patrol Deputies and 4 Jail Deputies to where we are now with nearly 50 employees including part time and reserve officers. Since being hired, Matt has been instrumental in keeping our agency functioning.

Out of need and staffing issues Matt Willette was promoted to the rank of Assistant Sheriff on December 14th, 2023, after acting in that capacity since mid-October of 2023. Matt is currently heading up our Patrol and Investigations divisions and in the best interest of our agency it will be most beneficial for him to complete the Basic Executive POST to maintain his credentials. Please consider my request for an extension as we are a rural agency with big city issues.

Sincerely,

Storey County Sheriff Mike Cullen

PO Box 498, Virginia City, Nevada Bus: 775-847-0959 StoreyCounty.org

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

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. This extension would give Duane Thurston until June 2, 2024, to be certified. Possible action may include approval or denial of the requested extension. (*This item specifically may be removed from the agenda depending on the outcome of potential local proceedings related to Mr. Thurston's office*.)

Kathy Floyd

From: Duane Thurston <dlthurston@ClarkCountyNV.gov>
Sent: Thursday, February 1, 2024 10:34 AM
To: Kathy Floyd
Cc: Jeffrey Rogan
Subject: Writing to request a six-month extension to become POST certified

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

To whom it may concern, I am writing to request a six-month extension to become POST certified pursuant to NRS 258.007. This statute allows an elected constable to seek a 6-month extension for "good cause"

I believe an extension is warranted on the following grounds. I have attempted to attend the academy twice. The first time I was sent home after failing to pass the fitness portion. After that I began working out and joined a gym and I hired a trainer, On my second attempt I passed the fitness test. However, during my next attempt, I struggled with the classroom portion, and failed several of the written tests. When I went to the review board, I explained that because of my age, using computers was difficult for me, and I also explained that ever since my youth I have had a learning disability, that makes memorization and writing difficult for me. I ultimately was excused from the academy a second time, and when I returned home I consulted with friends and family to find a tutor to help me study. Several individuals agreed to help me, but when I asked the academy for the study materials for the next POST academy, I was told they wouldn't or that they couldn't provide me with those materials.

I also wish to point out that I received no counsel or guidance from the county, warning me of the need to send a formal written request to POST. I am writing this now because I was advised to write you by Clark County Deputy District Attorney Jeffrey Rogan.

I am confident if given ample to time to study I could pass the course. I believe that given all the effort I've made I should be granted an extension. I hope that you will work with me, so that I may continue to serve the people of Mesquite, as I have done for the 28 years, prior to POST certification being required.

Mesquite Township Constable
Duane L. Thurston
500 Hillside Dr
Mesquite, Nv 89027
Office (702) 346-8758
Cell (702) 379-3463

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

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 contendere to a misdemeanor. The conviction(s) which have led to this action are: **COUNT I: BATTERY (violation of NRS 200.481, a misdemeanor).** Possible action may be revocation of the Category III 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

January 30, 2024

James R. Christiansen
[redacted]
Pahrump, NV 89048

Dear Mr. Christiansen,

POST PIN #: 37590

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)(h) 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:

Count I: BATTERY (violation of NRS 200.481, A MISDEMEANOR)
Case#: 22CR00069
Jurisdiction: Justice Court of Tonopah Township, County of Nye, State of Nevada

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

If you choose to appeal and answer the charges against you, the Commission may elect to sit as a whole or a number that is practicable at a hearing or designate an independent hearing officer to hear the matter. You will be given the opportunity to present evidence and cross-examine witnesses as applicable. If you wish, you may be represented by an attorney; however, this would be at your own expense. **If you or your counsel have any written arguments you would like to present to the Commission, you can send that information to me no less than fifteen (15) days prior to the date of the hearing.**

EXHIBIT A

Written requests can be made to:

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

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

Date: February 22, 2024
Time: 2:00 p.m.
Location: Boulder City Hall, City Council Chambers, 401 California Ave., Boulder City, NV 89005

The hearing will cover the following: whether your P.O.S.T certificate(s) should be revoked pursuant to **NAC 289.290(1)(h) 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
Brent Huntley, Esq.

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, Ricardo Ramirez, served the foregoing **Notice of Intent to Revoke**
Print name of the person serving this document

To Individual's Name: **James R. Christiansen**

at [redacted] on this
(location)

1 day of February, 2024.
Day *Month* *Year*

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

Executed on this 1 day of February, 2024.
Day *Month* *Year*

Ramirez
Signature of person serving the Notice

Ricardo Ramirez
Printed name of person serving the Notice

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

EXHIBIT B

STATE OF NEVADA

COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

Hereby Awards the

Category III
Basic Certificate

To

James R. Christiansen

For having fulfilled all the requirements for basic certification
As prescribed by Nevada Administrative Code.

Commission Chairman

Executive Director

37590
POST ID #

09/27/2019
Date

EXHIBIT C

6/7/23

Nye County Sheriff's Office

1520 E. Basin, Pahrump, NV 89060

Sheriff Joe McGill

775 751-7015

jmcgill@nyecountynv.gov

NV POST Commissioner

Re: POST Category III Revocation

On 8/14/22, Nye County Detention Deputy James Christiansen was arrested by the Nye County Sheriff's Office under NCSO Case #22NY-2767 for the original charge of Child Abuse NRS 200.508.1b1. Christiansen was at the time and is still a POST certified Category III Peace Officer in the State of Nevada.

The victim of this incident was Dep. Christiansen's stepson [redacted] was the son of Christiansen's wife, [redacted] who was the complainant on the incident.

A summary of the complaint is that Christiansen struck [redacted] with a basketweave pattern belt causing a bruise on [redacted] right hip above his buttock.

On or about 3/15/23, Christiansen pleaded No Contest in Nye County Justice Court to an amended charge of Battery not constituting Domestic Violence.

Based on my review of NRS 202.360, it states

NRS 202.360 Ownership or possession of firearm by certain persons prohibited; penalties.

1. A person shall not own or have in his or her possession or under his or her custody or control any firearm if the person:

(a) Has been convicted of the crime of battery which constitutes domestic violence pursuant to NRS 200.485, or a law of any other jurisdiction that prohibits the same or substantially similar conduct, committed against or upon:

EXHIBIT D

(1) The spouse or former spouse of the person;

(2) Any other person with whom the person has had or is having a dating relationship, as defined in NRS 33.018;

(3) Any other person with whom the person has a child in common;

(4) The parent of the person; or

(5) The child of the person or a child for whom the person is the legal guardian.

Clearly, being the stepparent of the victim qualifies Christiansen as being applicable under 202.360.1a5 as "...a child for whom the person is the legal guardian."

Christiansen's pleading No Contest to the amended charge constitutes a conviction for Battery.

Through my review of the Federal Firearms Prohibitors, I reviewed the literature distributed by the ATF and found the following;

https://www.justice.gov/archives/jm/criminal-resource-manual-1117-restrictions-possession-firearms-individuals-convicted

Qualifying Offenses: As enacted the statute defines "misdemeanor crime of domestic violence" (MCDV) as any state or federal misdemeanor that -

> *"has, as an element, the use or attempted use of physical force, or the threatened use of a deadly weapon, committed by a current or former spouse, parent, or guardian of the victim, by a person with whom the victim shares a child in common, by a person who is cohabiting with or has cohabited with the victim as a spouse, parent, or guardian, or by a person similarly situated to a spouse, parent, or guardian of the victim."*

This definition includes all misdemeanors that involve the use or attempted use of physical force (e.g., simple assault, assault and battery), if the offense is committed by one of the defined parties. This is true whether or not the statute specifically defines the offense as a domestic violence misdemeanor. For example, a person convicted of misdemeanor assault against his or her spouse would be prohibited from receiving or possessing firearms. It is anticipated that this issue will be subject to litigation. In the event of such litigation, the Terrorism and Violent Crime Section should be notified so that assistance can be provided.

There is no law enforcement exception: One of the provisions of this new statute removed the exemption that 18 U.S.C. § 925(a)(1) provided to police and military. Thus, as of the effective date, any member of the military or any police officer who has a qualifying misdemeanor conviction is no longer able to possess a firearm, even while on duty. We now have the anomalous situation that 18 U.S.C. § 925(a)(1) still exempts felony convictions for these two groups. Thus if a police officer is convicted of murdering his/her spouse or has a protection order placed against them, they may, under federal law, still be able to possess a service revolver while on duty, whereas if they are convicted of a qualifying misdemeanor

SOUTHERN AREA COMMAND
1520 E BASIN AVENUE
PAHRUMP, NEVADA 89060

CENTRAL AREA COMMAND
P.O. BOX 805
BEATTY, NEVADA 89003

NORTHERN AREA COMMAND
P.O. BOX 831
TONOPAH, NEVADA 89049

they are prohibited from possessing any firearm or ammunition at any time. Currently pending before Congress are at least two bills that would substantially modify the impact of the amendment to this section.

By applying the facts of the case of Christiansen, I believe that the Federal Prohibitors apply in that "*has, as an element, the use or attempted use of physical force, or the threatened use of a deadly weapon, committed by a current or former spouse, parent, or guardian of the victim, by a person with whom the victim shares a child in common, by a person who is cohabiting with or has cohabited with the victim as a spouse, parent, or guardian, or by a person similarly situated to a spouse, parent, or guardian of the victim.*"

With these factors in mind, I believe that it would be in the best interest of the Law Enforcement profession and the Agency that the Category III POST Certification for James Christiansen be revoked by the Nevada POST Commission.

Respectfully,

Joseph McGill, Sheriff

SOUTHERN AREA COMMAND
1520 E BASIN AVENUE
PAHRUMP, NEVADA 89060

CENTRAL AREA COMMAND
P.O. BOX 805
BEATTY, NEVADA 89003

NORTHERN AREA COMMAND
P.O. BOX 831
TONOPAH, NEVADA 89049

ORIGINAL

TONOPAH JUSTICE COURT
FILED
2022 AUG 31 AM 11:54

Case No. 22CR00069 SK

LEA Case No(s). 22NY-2767

IN THE JUSTICE COURT OF TONOPAH TOWNSHIP

COUNTY OF NYE, STATE OF NEVADA

THE STATE OF NEVADA,

Plaintiff,

v.

CRIMINAL COMPLAINT

JAMES RYAN CHRISTIANSEN,

Defendant. /

The undersigned, Chris Arabia, District Attorney, County of Nye, State of Nevada, by and through his deputy, Calvin J. Massey, complains and charges the above named defendant, JAMES RYAN CHRISTIANSEN, with having committed the following offense within said County of Nye, State of Nevada:

CHILD ABUSE AND NEGLECT, in violation of **NRS 200.508, A GROSS MISDEMEANOR,** committed in the following manner, to wit: That **ON OR ABOUT AUGUST 14, 2022**, in Pahrump Township, Nye County, Nevada, said Defendant, being an adult person, did willfully and unlawfully cause **JUVENILE MALE** (DOB: 6/20/2014) to suffer unjustifiable physical pain or mental suffering as the result of abuse or neglect, or to be placed in a situation where said child may have suffered physical pain or mental suffering as the result of abuse or neglect, or said Defendant being responsible for the safety or welfare of said child, did permit or allow said child to suffer unjustifiable physical pain or mental suffering as a result of abuse or neglect, or to be placed in a situation where said child might have suffered physical pain or mental suffering as a result of abuse or neglect, by **using a leather belt to strike the juvenile which left a bruise**;

///

NYE COUNTY DISTRICT ATTORNEY
P.O. BOX 593
TONOPAH, NEVADA 89049
(775) 482-8166

EXHIBIT E

All of which is contrary to the form, force and effect of the statute in such cases made and provided, and against the peace and dignity of the State of Nevada. Said complainant makes this declaration under penalty of perjury.

DATED this 30 day of August, 2022.

CHRIS ARABIA
NYE COUNTY DISTRICT ATTORNEY

By _____
CALVIN J. MASSEY
Deputy District Attorney

NYE COUNTY DISTRICT ATTORNEY
P.O. BOX 593
TONOPAH, NEVADA 89049
(775) 482-8166

CERTIFIED COPY

The document to which this certificate is attached is a full, true and correct copy of the original on file and of record in my office.

Date: 6/27/23

Jennifer Klapper, Justice of the Peace
Tonopah Township, in and for the County of Nye
State of Nevada

By: _____

NYE COUNTY DISTRICT ATTORNEY
P.O. BOX 593
TONOPAH, NEVADA 89049
(775) 482-8166

TONOPAH JUSTICE COURT
FILED
2023 MAR 23 PM 4:06

Case No. 22CR00069

LEA Case No(s). 22NY-2767

IN THE JUSTICE COURT OF TONOPAH TOWNSHIP

COUNTY OF NYE, STATE OF NEVADA

THE STATE OF NEVADA,

Plaintiff,

v. **AMENDED CRIMINAL COMPLAINT**

JAMES RYAN CHRISTIANSEN,

Defendant. /

The undersigned, BRIAN T. KUNZI, District Attorney, County of Nye, State of Nevada, by and through his deputy, John J. Friel Jr., complains and charges the above named defendant, JAMES RYAN CHRISTIANSEN, with having committed the following offense within said County of Nye, State of Nevada:

BATTERY, in violation of **NRS 200.481, A MISDEMEANOR,** committed in the following manner, to wit: That **ON OR ABOUT AUGUST 14, 2022**, in Tonopah Township, Nye County, Nevada, said Defendant did, willfully and unlawfully, use force or violence upon the person of **JUVENILE MALE** (DOB: 6/20/2014), by using a leather belt to strike the juvenile which left a bruise;

////

////

////

////

EXHIBIT F

All of which is contrary to the form, force, and effect of the statute in such cases made and provided, and against the peace and dignity of the State of Nevada. Said complainant makes this declaration under penalty of perjury.

DATED this 17 day of March 2023.

BRIAN T. KUNZI
NYE COUNTY DISTRICT ATTORNEY

By _____
JOHN J. FRIEL JR.
Deputy District Attorney

NYE COUNTY DISTRICT ATTORNEY
P.O. BOX 593
TONOPAH, NEVADA 89049
(775) 482-8166

CERTIFIED COPY

The document to which this certificate is attached is a full, true and correct copy of the original on file and of record in my office.

Date: 8/3/23

Jennifer Klapper, Justice of the Peace
Tonopah Township, in and for the County of Nye
State of Nevada

By: _____

TONOPAH JUSTICE COURT
FILED
2023 MAR 27 AM 11:27

CASE No. 22 CR 00069 5K

IN THE JUSTICE COURT OF TONOPAH TOWNSHIP

COUNTY OF NYE, STATE OF NEVADA

THE STATE OF NEVADA,

Plaintiff,

vs.

JAMES RYAN CHRISTIANSEN,

Defendant.

JUDGMENT OF CONVICTION

The Defendant, JAMES RYAN CHRISTIANSEN, having been charged with the offense(s) of: CHILD ABUSE AND NEGLECT, a violation of NRS 200.508, a gross misdemeanor, was personally present in court, this 15th day of March 2023, for Pre-Trial, represented by Jason Earnest, Esq., and the State was represented by Nye County Deputy District Attorney, John Friel. Pursuant to negotiations between the parties and accepted by the Court, the Defendant entered a guilty plea to the amended charge of BATTERY, a violation of NRS 200.481, a misdemeanor. The victim's mother, [redacted], made a statement to the Court on behalf of the victim, and good cause appearing therefor,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that Defendant, JAMES RYAN CHRISTIANSEN, is guilty of, BATTERY, a violation of NRS 200.481, a misdemeanor and is sentenced as follows:

1. Defendant shall pay restitution, through the Tonopah Justice Court, to [redacted] in the amount of $500.00; to be paid in full on March 15, 2023.

DATED this 15th day of March 2023.

JENNIFER KLAPPER
Justice of the Peace

TONOPAH JUSTICE COURT
P.O. Box 1151
Tonopah, Nevada 89049-1151

EXHIBIT G

TONOPAH JUSTICE COURT
P.O. Box 1151
Tonopah, Nevada 89049-1151

CERTIFICATE OF SERVICE BY MAIL

I hereby certify that I am an employee of the Tonopah Justice Court, and that on the 21 day of March 2023, I served the foregoing **JUDGMENT OF CONVICTION** to the following by mailing a copy thereof, U.S. First Class Mail, to the following person(s) at the address(es) shown or by hand delivering the same.

JASON EARNEST, ESQ.
3340 S HIGHWAY 160, SUITE 202
PAHRUMP, NV 89048
(VIA EMAIL)

NYE COUNTY DISTRICT ATTORNEY
P.O. BOX 593
TONOPAH, NV 89049
(VIA EMAIL)

DEPARTMENT OF PUBLIC SAFETY - GENERAL SERVICES
ATTN: FINGERPRINT SUPPORT - CRIMINAL UNIT
333 W. NYE LANE STE. 100
CARSON CITY, NV 89706
(COPY MAILED W/ FINGERPRINT CARD)

Deputy Clerk

CERTIFIED COPY

The document to which this certificate is attached is a full, true and correct copy of the original on file and of record in my office.

Date: 6/8/23

Jennifer Klapper, Justice of the Peace
Tonopah Township, in and for the County of Nye
State of Nevada

By:

TONOPAH TOWNSHIP JUSTICE COURT
FULL CASE HISTORY

Defendant: CHRISTIANSEN, JAMES RYAN

[redacted]
TONOPAH, NV 89049

Case #: **22 CR 00069 5K**
File Date: **08/31/2022**
Tkt/Cit #:
Language Spoken: **unknown**
Status: **CLOSED**

Prosecuting Attorney: **NYE COUNTY DISTRICT ATTORNEYS OFFICE**
Defense Attorney: **JASON EARNEST**
RETAINED

COURT HEARING HISTORY

STATUS CHECK HEARING (TONOPAH)	Wednesday, August 17, 2022	10:00 am	HEARING HELD
STATUS CHECK HEARING (TONOPAH)	Tuesday, September 27, 2022	10:00 am	HEARING VACATED
STATUS CHECK HEARING (TONOPAH)	Wednesday, October 5, 2022	10:00 am	HEARING VACATED
ARRAIGNMENT HEARING/NON-TRAFFIC (TONOPAH)	Wednesday, October 5, 2022	10:00 am	ARRAIGNMENT HEARING HELD
PRETRIAL HEARING (TONOPAH)	Wednesday, November 9, 2022	10:00 am	HEARING HELD
PRETRIAL HEARING (TONOPAH)	Wednesday, January 4, 2023	10:00 am	HEARING HELD
PRETRIAL HEARING (TONOPAH)	Wednesday, February 15, 2023	10:00 am	HEARING HELD
PRETRIAL HEARING (TONOPAH)	Wednesday, March 15, 2023	10:00 am	PRETRIAL HEARING HELD WITH SENTEN
SHOW CAUSE HEARING (TONOPAH)	Wednesday, April 5, 2023	10:00 am	HEARING HELD

CHARGE AND SENTENCE INFORMATION

1 ALLOW CHILD ABUSE OR NEGLECT (ENDANGERMENT), 1ST — GROSS MISDEMEANOR — Offense Date: 08/14/2022
amended to
BATTERY — MISDEMEANOR

Plea: 03/15/2023 NO CONTEST Jail:
Disposition: 03/15/2023 GUILTY PLEA W/SENT BEFORE PRELIM Accident:

FINANCIAL SUMMARY

	Original Amt	Amt Paid	Amt Dismissed	Amt Due
BOND FEE	$50.00	$50.00	$0.00	$0.00
CASH BAIL DEPOSIT	$525.00	$525.00	$0.00	$0.00
RESTITUTION ORDERED	$500.00	$500.00	$0.00	$0.00
	$1,075.00	**$1,075.00**	**$0.00**	**$0.00**

FINANCIAL DETAIL

	Original Amt	Amt Paid	Amt Dismissed	Amt Due
ADDITIONAL FEES				
CASH BAIL POSTED	$25.00	$25.00	$0.00	$0.00

EXHIBIT H

BAIL BOND FEE	$50.00	$50.00	$0.00	$0.00
CASH BAIL POSTED	$500.00	$500.00	$0.00	$0.00
ADDITIONAL FEES Total	**$575.00**	**$575.00**	**$0.00**	**$0.00**
CHARGE 1				
RESTITUTION ORDERED	$500.00	$500.00	$0.00	$0.00
CHARGE 1 Total	**$500.00**	**$500.00**	**$0.00**	**$0.00**
Total All	**$1,075.00**	**$1,075.00**	**$0.00**	**$0.00**

CONDITIONS

Due Date: 08/17/2022 **Date Completed:**

Cond: 5K NO ALCOHOL/DRUGS (TONOPAH)
CASE CLOSED - NO CONDITIONS ORDERED.

Due Date: 08/17/2025 **Date Completed:**

Cond: NOTIFY COURT OF ADDRESS CHANGE
CASE CLOSED - NO CONDITIONS ORDERED.

Due Date: 08/17/2025 **Date Completed:**

Cond: 5K NO CRIMINAL AND/OR TRAFFIC ACTIVITY (TONOPAH)
CASE CLOSED - NO CONDITIONS ORDERED.

Due Date: 08/17/2025 **Date Completed:**

Cond: 5K NO CONTACT WITH VICTIM (TONOPAH)
MINOR CHILD
CASE CLOSED - NO CONDITIONS ORDERED.

Due Date: 08/17/2025 **Date Completed:**

Cond: 5K PICK UP ALL MAIL FROM COURT (TONOPAH)
CASE CLOSED - NO CONDITIONS ORDERED.

TICKLER INFORMATION

Tickler	Due Date	Completion Date
NO ALCOHOL (TONOPAH)	08/17/2025	03/17/2023
NO CRIMINAL AND/OR TRAFFIC ACTIVITY (TONOPAH)	08/17/2025	03/17/2023
NO CONTACT WITH VICTIM (TONOPAH)	08/17/2025	03/17/2023
PICK UP ALL MAIL FROM COURT (TONOPAH)	08/17/2025	03/17/2023

ARREST/BAIL/BOND INFORMATION

Arrest Date	Status Date	Current Status	Amount	Type of Bail
08/14/2022	02/15/2023	EXONERATED	$10,000.00	SURETY

DOCKET LISTING

Date	Action	Operator	Fine/Cost	Due
8/15/22	**ARRESTED AND BOOKED**			
	DEFENDANT ARRESTED AND BOOKED BY NCSO ON 081422 BAIL/BOND POSTED; DEFENDANT RELEASED ON .	DSKILES		
	PROBABLE CAUSE FOUND			
	PROBABLE CAUSE FOUND	DSKILES		
	FILED: PROBABLE CAUSE DETERMINATION			
	FILED: PROBABLE CAUSE DETERMINATION COPY TO NCDA WITH REQUEST FOR COMPLAINT	DSKILES		
	AGREEMENT TO APPEAR FILED			
	AGREEMENT TO APPEAR FILED COPY EMAILED TO NCDA	DSKILES		
	FILED ORDER SETTING:			
	FILED ORDER SETTING STATUS CHECK COPY EMAILED TO NCDA COPY TO NCSO CIVIL FOR PERSONAL SERVICE ON DEF	DSKILES		
	STATUS REVIEW HEARING SCHEDULED			
	STATUS REVIEW HEARING SCHEDULED Event: STATUS CHECK HEARING (TONOPAH) Date: 08/17/2022 Time: 10:00 am Judge: KLAPPER, JENNIFER Location: TONOPAH TOWNSHIP JUSTICE COURT Result: HEARING HELD	DSKILES		
	STATUS REVIEW HEARING SCHEDULED			
	STATUS REVIEW HEARING SCHEDULED Event: STATUS CHECK HEARING (TONOPAH) Date: 09/27/2022 Time: 10:00 am Judge: KLAPPER, JENNIFER Location: TONOPAH TOWNSHIP JUSTICE COURT Result: HEARING VACATED	DSKILES		
	BAIL BOND FILED			
	BAIL BOND FILED AAWESOME BAIL BONDS; POA #SS-15-52749; $10,000	DSKILES		
	BAIL BOND FEE			
	BAIL BOND FEE Receipt: 52982 Date: 08/15/2022	DSKILES	$50.00	$0.00
8/16/22	**DOCUMENT RECEIVED:**			
	RETURN OF SERVICE: RETURN OF SERVICE DEF SERVED ON 08/15/22 AT 1902 HRS BY NCSO WILLS	5KADOWERS		
8/17/22	**NO ALCOHOL/DRUGS (TONOPAH)**			
	NO ALCOHOL/DRUGS (TONOPAH)	5KATAPPE		
	NOTIFY COURT OF ADDRESS CHANGE			
	NOTIFY COURT OF ADDRESS CHANGE	5KATAPPE		
	NO CRIMINAL AND/OR TRAFFIC ACTIVITY (TONOPAH)			

Date	Action	Operator	Fine/Cost	Due
8/17/22	NO CRIMINAL AND/OR TRAFFIC ACTIVITY (TONOPAH)	5KATAPPE		
	PICK UP ALL MAIL FROM COURT (TONOPAH)			
	PICK UP ALL MAIL FROM COURT (TONOPAH)	5KATAPPE		
	NO CONTACT WITH VICTIM (TONOPAH)			
	NO CONTACT WITH VICTIM (TONOPAH)	5KATAPPE		
	Condition			
	Notes MINOR CHILD			
	HEARING HELD:			
	HEARING HELD: The following event: STATUS CHECK HEARING (TONOPAH) scheduled for 08/17/2022 at 10:00 am has been resulted as follows:	5KATAPPE		
	Result: HEARING HELD Judge: KLAPPER, JENNIFER Location: TONOPAH TOWNSHIP JUSTICE COURT			
	STATUS REVIEW HEARING SCHEDULED			
	STATUS REVIEW HEARING SCHEDULED Event: STATUS CHECK HEARING (TONOPAH) Date: 10/05/2022 Time: 10:00 am Judge: KLAPPER, JENNIFER Location: TONOPAH TOWNSHIP JUSTICE COURT	5KATAPPE		
	IN COURT MINUTES			
	IN COURT MINUTES-STATUS CHECK JUDGE: KLAPPER CLERK: ATAPPE NYE COUNTY DA'S OFFICE: DDA FRIEL DEFENDANT PRESENT VIA ZOOM BAILIFF: WILLIAM STARK JUDGE BRIEFED THE RECORD JUDGE EXPLAINED TO THE DEF THAT HE BAILED OUT PRIOR TO THE CONDITIONS BEING EXPLAINED TO HIM. JUDGE ADVISED DEF THAT THE STANDARD CONDITIONS REMAIN IN PLACE ALONG WITH NO CONTACT WITH THE ALLEGED VICTIM (MINOR CHILD). JUDGE REVIEWED DEF APPLICATION FOR A PD, WHICH SHE ADVISED DEF IT WAS NOT COMPLETED FULLY. DEF EXPLAINED HE IS STILL EMPLOYED AND HE IS NOT ON ADMIN, NOR HAS A STOP ORDER BEEN PLACED. JUDGE DENIED DEF PD REQUEST. JUDGE REMINDED DEF OF THE CONDITIONS AND THAT THERE ARE TWO ACTIVE TPO'S AGAINST THE DEF. DEF UNDERSTOOD. COURT SETS STATUS CHECK FOR 100522 AT 10AM. (10:44:10)	5KATAPPE		
8/22/22	**MISC NOTES:**			

Date	Action	Operator	Fine/Cost	Due
8/22/22	RETURN OF SERVICE: ORDER SETTING STATUS CHECK DEF SERVED ON 081522 AT 108 HRS BY NCSO WILLIS	5KADOWERS		
8/24/22	**FILED ORDER SETTING:** FILED: ORDER SETTING STATUS CHECK COPY MAILED TO DEF. COPY EMAILED TO NCDA.	5KATAPPE		
8/30/22	**HEARING VACATED** HEARING VACATED The following event: STATUS CHECK HEARING (TONOPAH) scheduled for 09/27/2022 at 10:00 am has been resulted as follows: Result: HEARING VACATED Judge: KLAPPER, JENNIFER Location: TONOPAH TOWNSHIP JUSTICE COURT	5KATAPPE		
8/31/22	**CRIMINAL COMPLAINT FILED** CRIMINAL COMPLAINT FILED CHILD ABUSE AND NEGLECT, NRS 200.508, A GROSS MISD. COPY TO NCDA, CMRRR TO DEFENDANT	5KATAPPE		
9/1/22	**ARRAIGNMENT HEARING SCHEDULED** ARRAIGNMENT HEARING SCHEDULED Event: ARRAIGNMENT HEARING/NON-TRAFFIC (TONOPAH) Date: 10/05/2022 Time: 10:00 am Judge: KLAPPER, JENNIFER Location: TONOPAH TOWNSHIP JUSTICE COURT Result: ARRAIGNMENT HEARING HELD	5KATAPPE		
	HEARING VACATED HEARING VACATED The following event: STATUS CHECK HEARING (TONOPAH) scheduled for 10/05/2022 at 10:00 am has been resulted as follows: Result: HEARING VACATED Judge: KLAPPER, JENNIFER Location: TONOPAH TOWNSHIP JUSTICE COURT	5KATAPPE		
9/8/22	**SUMMONS FILED** SUMMONS FILED CMRR SIGNED FOR BY DEF ON 090322	5KATAPPE		
9/21/22	**DESIGNATION OF COUNSEL FILED BY** DESIGNATION OF COUNSEL FILED BY JASON EARNEST, ESQ.	5KATAPPE		
10/5/22	**ARRAIGNMENT HEARING HELD** ARRAIGNMENT HEARING HELD The following event: ARRAIGNMENT HEARING/NON-TRAFFIC (TONOPAH) scheduled for 10/05/2022 at 10:00 am has been resulted as follows:	5KATAPPE		

Date	Action	Operator	Fine/Cost	Due
10/5/22	Result: ARRAIGNMENT HEARING HELD Judge: KLAPPER, JENNIFER Location: TONOPAH TOWNSHIP JUSTICE COURT			
	PRETRIAL HEARING SCHEDULED:			
	PRETRIAL HEARING SCHEDULED: Event: PRETRIAL HEARING (TONOPAH) Date: 11/09/2022 Time: 10:00 am Judge: KLAPPER, JENNIFER Location: TONOPAH TOWNSHIP JUSTICE COURT	5KATAPPE		
	IN COURT MINUTES			
	IN COURT MINUTES-ARRAIGNMENT JUDGE: KLAPPER CLERK: ATAPPE NYE COUNTY DA'S OFFICE: DDA FRIEL DEFENDANT PRESENT DEFENSE ATTORNEY: JASON EARNEST, ESQ. BAILIFF: WILLIAM STARK JUDGE ADVISED DEF OF CHARGE AND RIGHTS. DEFENSE WAIVES FORMAL ARRAIGNMENT AND REQUESTS A PRE-TRIAL HEARING. COURT SETS PRE-TRIAL FOR 110922 AT 10AM. (11:10:06)	5KATAPPE		
10/13/22	**MISDEMEANOR ARRAIGNMENT FILED**			
	FILED: FELONY/GROSS MISDEMEANOR ARRAIGNMENT AND ORDER SETTING PRE-TRIAL COPY EMAILED TO NCDA AND DEF ATTY.	5KATAPPE		
11/9/22	**PRETRIAL HEARING SCHEDULED:**			
	PRETRIAL HEARING SCHEDULED: Event: PRETRIAL HEARING (TONOPAH) Date: 01/04/2023 Time: 10:00 am Judge: KLAPPER, JENNIFER Location: TONOPAH TOWNSHIP JUSTICE COURT	5KATAPPE		
	HEARING HELD:			
	HEARING HELD: The following event: PRETRIAL HEARING (TONOPAH) scheduled for 11/09/2022 at 10:00 am has been resulted as follows: Result: HEARING HELD Judge: KLAPPER, JENNIFER Location: TONOPAH TOWNSHIP JUSTICE COURT	5KATAPPE		
	IN COURT MINUTES			
	IN COURT MINUTES-PRE-TRIAL JUDGE: KLAPPER CLERK: ATAPPE NYE COUNTY DA'S OFFICE: DDA FRIEL DEFENDANT PRESENT DEFENSE ATTORNEY: JASON EARNEST, ESQ. BAILIFF: WILLIAM STARK JUDGE BRIEFED THE RECORD	5KATAPPE		

Date	Action	Operator	Fine/Cost	Due
11/9/22	DEFENSE STATES THE DEF HAS KEPT IN CONSTANT CONTACT WITH HIM AND DIVORCE FILINGS HAVE BEEN STARTED. DEFENSE ALSO STATED DEF HAS KEPT AWAY FROM ALLEGED VICTIM AND HIS MOTHER. DEFENSE REQUESTS PRE-TRIAL BE CONTINUED SO HE MAY SPEAK WITH OTHER PEOPLE REGARDING THIS CASE. STATE ASKS JUDGE ABOUT INTERPRETER FOR ALLEGED VICTIMS MOTHER. JUDGE ADVISES STATE IT IS THEIR RESPONSIBILITY TO PROVIDE INTERPRETER. COURT CONTINUES PRE-TRIAL TO 010423 AT 10AM. (10:31:18)			
11/17/22	**FILED: ORDER**			
	FILED: ORDER CONTINUING PRE-TRIAL COPY EMAILED TO NCDA AND NCPD	5KATAPPE		
1/4/23	**PRETRIAL HEARING SCHEDULED:**			
	PRETRIAL HEARING SCHEDULED: Event: PRETRIAL HEARING (TONOPAH) Date: 02/15/2023 Time: 10:00 am Judge: KLAPPER, JENNIFER Location: TONOPAH TOWNSHIP JUSTICE COURT	5KATAPPE		
	HEARING HELD:			
	HEARING HELD: The following event: PRETRIAL HEARING (TONOPAH) scheduled for 01/04/2023 at 10:00 am has been resulted as follows: Result: HEARING HELD Judge: KLAPPER, JENNIFER Location: TONOPAH TOWNSHIP JUSTICE COURT	5KATAPPE		
	IN COURT MINUTES			
	IN COURT MINUTES-PRE-TRIAL JUDGE: KLAPPER CLERK: ATAPPE NYE COUNTY DA'S OFFICE: DDA FRIEL DEFENDANT PRESENT VIA ZOOM DEFENSE ATTORNEY: JASON EARNEST, ESQ. VIA ZOOM BAILIFF: WILLIAM STARK INTERPRETER: SOLEDAD GARCIA (ALLEGED VICTIM MOTHER) JUDGE BRIEFED THE RECORD. JUDGE ASKED DEFENSE IF THERE WERE ANY NEGOTIATIONS IN PLACE. DEFENSE STATES THERE HAS BEEN NO NEGOTIATIONS AS HE BELIEVES THE STATE NEEDS MORE TIME. STATE PUTS ON RECORD THEY NEED MORE TIME AND ARE WORKING ON A NEGOTIATION AND REQUEST ONE MORE PRE-TRIAL. COURT CONTINUES PRE-TRIAL TO 021523 AT 10AM. (10:19:19)	5KATAPPE		

Date	Action	Operator	Fine/Cost	Due
1/5/23	**FILED: ORDER**			
	FILED: ORDER CONTINUING PRE-TRIAL COPY EMAILED TO NCDA AND DEFENSE.	5KATAPPE		
2/15/23	**HEARING HELD:**			
	HEARING HELD: The following event: PRETRIAL HEARING (TONOPAH) scheduled for 02/15/2023 at 10:00 am has been resulted as follows: Result: HEARING HELD Judge: KLAPPER, JENNIFER Location: TONOPAH TOWNSHIP JUSTICE COURT	5KATAPPE		
	IN COURT MINUTES			
	IN COURT MINUTES-PRE-TRIAL JUDGE: KLAPPER CLERK: ATAPPE NYE COUNTY DA'S OFFICE: DDA FRIEL DEFENDANT PRESENT DEFENSE ATTORNEY: JASON EARNEST, ESQ. BAILIFF: WILLIAM STARK INTERPRETER: SOLEDAD GARCIA-SPANISH INTERPRETER JUDGE BRIEFED THE RECORD DEFENSE STATES THERE IS A POTENTIAL DEAL AND ADVISES THE COURT THE DEF HAS BEEN DISCIPLINED BY HIS EMPLOYER. STATE ADVISES THERE IS STILL A POSSIBILITY FOR A DEAL BUT HE NEEDS TO SPEAK WITH THE VICTIM ONCE MORE AND ADVISED THE STATE HAS THE FINAL SAY IN WHAT HAPPENS. DEFENSE REQUESTS ONE MORE CONTINUANCE. COURT CONTINUES PRE-TRIAL TO 031523 AT 10AM. JUDGE ADVISES DEF BOND WILL BE EXONERATED TODAY. (10:16:33)	5KATAPPE		
	PRETRIAL HEARING SCHEDULED:			
	PRETRIAL HEARING SCHEDULED: Event: PRETRIAL HEARING (TONOPAH) Date: 03/15/2023 Time: 10:00 am Judge: KLAPPER, JENNIFER Location: TONOPAH TOWNSHIP JUSTICE COURT	5KATAPPE		
2/16/23	**FILED: ORDER**			
	FILED: ORDER CONTINUING PRE-TRIAL COPY EMAILED TO NCDA AND DEFENSE.	5KATAPPE		
3/15/23	**CASH BAIL POSTED**			
	CASH BAIL POSTED Receipt: 54415 Date: 03/15/2023	5KADOWERS	$500.00	$0.00
	PRETRIAL HEARING HELD WITH SENTENCING			
	PRETRIAL HEARING HELD WITH SENTENCING The following event: PRETRIAL HEARING (TONOPAH) scheduled for 03/15/2023 at 10:00 am has been resulted as follows: Result: PRETRIAL HEARING HELD WITH SENTENCING Judge: KLAPPER, JENNIFER Location: TONOPAH TOWNSHIP	5KATAPPE		

Date	Action	Operator	Fine/Cost	Due
3/15/23	JUSTICE COURT			
	IN COURT MINUTES			
	IN COURT MINUTES-PRE-TRIAL/SENTENCING JUDGE: KLAPPER CLERK: ATAPPE NYE COUNTY DA'S OFFICE: DDA FRIEL DEFENDANT PRESENT DEFENSE ATTORNEY: JASON EARNEST, ESQ. BAILIFF: WILLIAM STARK INTERPRETER: ELISSA MENDOZA (SPANISH) JUDGE BRIEFED THE RECORD. DEFENSE PUTS ON RECORD THAT THE MATTER IS RESOLVED AND STATES THE DEF WILL PLEAD NO CONTEST TO AMENDED CHARGE OF BATTERY AND PAY $500 RESTITUTION TO THE COURT FOR VICTIMS THERAPY. STATE PUTS ON RECORD THE ALLEGED VICTIMS MOTHER WOULD LIKE TO ADDRESS THE COURT BEFORE DEF IS SENTENCED. ALLEGED VICTIMS MOTHER ADDRESSES THE COURT. COURT ASKS DEF IF HE IS READY TO ENTER A PLEA. DEF ENTERS A NO CONTEST PLEA TO THE AMENDED CHARGE OF BATTERY, MISD. COURT ACCEPTS DEF PLEA AND FINDS GUILTY OF THE SAME DEF SENTENCED AS FOLLOWS: DEF ORDERED TO PAY $500 RESTITUTION TO THE COURT TODAY 031523, AND A CHECK WILL BE MAILED TO ALLEGED VICTIMS MOTHER. STATE WILL FILE AN AMENDED CRIM COMPLAINT. (10:53:14//11:08:09)	5KATAPPE		
3/16/23	**ORDER TO SHOW CAUSE**			
	ORDER TO SHOW CAUSE FOR [redacted] COPY EMAILED TO NCDA COPY TO NCSO CIVIL DEPT FOR PERSONAL SERVICE	DSKILES		
3/17/23	**SHOW CAUSE HEARING SCHEDULED**			
	SHOW CAUSE HEARING SCHEDULED Event: SHOW CAUSE HEARING (TONOPAH) Date: 04/05/2023 Time: 10:00 am Judge: KLAPPER, JENNIFER Location: TONOPAH TOWNSHIP JUSTICE COURT Result: HEARING HELD	5KATAPPE		
3/21/23	**JUDGMENT OF CONVICTION FILED**			
	JUDGMENT OF CONVICTION FILED COPY EMAILED TO NCDA AND DEFENSE.	5KATAPPE		
	RETURN OF SERVICE:			
	RETURN OF SERVICE: ORDER TO SHOW CAUSE VICTIM SERVED BY NCSO ON031623 AT MIZPAH CLUB.	5KATAPPE		

Date	Action	Operator	Fine/Cost	Due
3/23/23	**CRIMINAL COMPLAINT FILED**			
	AMENDED CRIMINAL COMPLAINT FILED BATTERY, NRS 200.481, MISD. COPY TO NCDA AND DEFENSE.	5KATAPPE		
4/5/23	**CASH BAIL POSTED**			
	CASH BAIL P●STED Receipt: 54503 Date: 04/05/2●23	5KADOWERS	$25.00	$0.00
	HEARING HELD:			
	HEARING HELD: The following event: SHOW CAUSE HEARING (TONOPAH) scheduled for 04/05/2023 at 10:00 am has been resulted as follows: Result: HEARING HELD Judge: KLAPPER, JENNIFER Location: TONOPAH TOWNSHIP JUSTICE COURT	5KATAPPE		
	IN COURT MINUTES			
	IN COURT MINUTES-SHOW CAUSE JUDGE: KLAPPER CLERK: ATAPPE NYE COUNTY DA'S OFFICE: DDA FRIEL [redacted]PRESENT BAILIFF: WILLIAM STARK JUDGE BRIEFED THE RECORD. JUDGE ASKED VICTIMS MOTHER IF SHE ADMITS TO POSTING VI●EO. MOTHER ADMITS TO POSTING VIDEO. JUDGE PUTS ON RECORD THAT BASED ON ADMITTANCE, WHAT IS THE STATUS ●F THE POSTING. ALLEGED VICTIMS MOTHER MADE A STATEMENT TO THE COURT. JUDGE ADVISES ALLEGED VICTIMS MOTHER THAT SHE WILL BE IMPOSING A $25 SANCTION FEE THAT NEEDS TO BE PIF BY 041423 AND 2 DAYS JAIL THAT ARE SUSP UNTIL $25 IS PIF. ALLEGED VICTIMS MOTHER UNDERSTANDS. (10:09:23)	5KATAPPE		
4/6/23	**RESTITUTION ORDERED**			
	RESTITUTION ORDERED Charge #1: BATTERY Receipt: 54509 Date: 04/06/2023 Check Issued: 04/06/23 Check #9584 $500.00 Payable to: [redacted]	5KATAPPE	$500.00	$0.00
4/12/23	**FILED: ORDER**			
	FILED: ORDER FOLLOWING SH●W CAUSE HEARING COPY EMAILED TO NCDA COPY MAILED TO ALLEGED VICTIMS MOTHER.	5KATAPPE		

CERTIFIED COPY

The document to which this certificate is attached is a full, true and correct copy of the original on file and of record in my office.

Date: 1/18/23

Jennifer Klapper, Justice of the Peace
Tonopah Township, in and for the County of Nye
State of Nevada

By: _____

Misdemeanor Crimes of Domestic Violence and Federal Firearms Prohibitions

Persons who have been convicted in any court of a qualifying misdemeanor crime of domestic violence (MCDV) generally are prohibited under Federal law from possessing any firearm or ammunition in or affecting commerce (or shipping or transporting any firearm or ammunition in interstate or foreign commerce, or receiving any such firearm or ammunition). This prohibition also applies to federal, state, and local governmental employees in both their official and private capacities. Violation of this prohibition is a federal offense punishable by up to ten years imprisonment. See Title 18 U.S.C. § 922(g)(9) (the Lautenberg Amendment); see also 18 U.S.C. §§ 921(a)(33), 924(a)(2), 925(a)(1); 27 C.F.R. §§ 478.11, 478.32.

A qualifying MCDV is an offense that:

- Is a federal, state, local, tribal or territorial offense that is a misdemeanor under federal, state or tribal law;
- Has the element of the use or attempted use of physical force, or the threatened use of a deadly weapon; and,
- At the time the offense was committed, the defendant was:
  - A current or former spouse, parent, or guardian of the victim;
  - A person with whom the victim shared a child in common;
  - A person who was cohabiting with or had cohabited with the victim as a spouse, parent, or guardian; or,
  - A person who was or had been similarly situated to a spouse, parent, or guardian of the victim.

Affirmative defenses/EXCEPTIONS: A person has not been convicted of a qualifying MCDV:

- IF the person was not represented by counsel — unless he or she knowingly and intelligently waived the right to counsel;
- IF the person was entitled to a jury trial AND the case was not tried by a jury — unless the person knowingly and intelligently waived the right to jury trial; or,
- IF the conviction was set aside or expunged; the person was pardoned; or, the person's civil rights – the right to vote, sit on a jury, and hold elected office – were restored (if the law of the applicable jurisdiction provides for the loss of civil rights under such an offense).

  BUT: This exception does NOT lift the federal firearms prohibition if:

  - the expungement, pardon, or restoration of civil rights expressly provides that the person may not ship, transport, possess, or receive firearms; or,
  - the person is otherwise prohibited by the law of the jurisdiction in which the proceedings were held from receiving or possessing any firearms.

For further information about section 922(g)(9) or federal firearms prohibitions generally, contact your local field division of the Bureau of Alcohol, Tobacco, Firearms and Explosives by calling 1-800-800-3855, or visit www.atf.gov/field/. For further information about domestic violence, please contact the National Center on Protection Orders and Full Faith and Credit at 1-800-903-0111, prompt 2, or visit their web site at www.bwjp.org.

ATF Information 3310.3
Revised September 2011

EXHIBIT I

DECLARATION OF ERICA SOUZA-LLAMAS

COMES NOW, the declarant ERICA SOUZA-LLAMAS, and hereby attests that the following statements to the best of my knowledge are true and correct:

1. I am the Division Administrator of the Records, Communications and Compliance Division (RCCD) of the Nevada Department of Public Safety. I have held this position for approximately the last two years. Previously, I held the position of RCCD Records Bureau Chief from 2019 – 2022;

2. That as such, I have personal knowledge regarding RCCD's federally mandated firearm background check processes, and do affirm the accuracy of my statements herein;

3. That RCCD Brady Point of Contact Firearms Program staff processes background checks to determine whether statutory prohibitors (including 18 U.S.C. § 922(g)(9), 18 U.S.C. § 921(a)(33), NRS 202.360) apply to preclude possession of firearms;

4. That the FBI provides training to all point of contact states (including Nevada/RCCD) regarding required standards for determination of misdemeanor crimes of domestic violence for purposes of statutory prohibitors; these requirements and training include use of the ATF 'Bench Card,' titled "Misdemeanor Crimes of Domestic Violence and Federal Firearms Prohibitors;"

5. That consistent with said federal training and requirements, if the Brady Point of Contact Firearms Program processes a background check on a subject showing a conviction for NRS 200.481 Battery, the background will include request and review of the arrest report from the originating agency and the conviction documents from the convicting court;

6. That such documents are used to establish the relationship to the victim in the crime. If the relationship to the victim meets the federal domestic relationship definition, the court documents are also used to establish if there is physical force or the threatened use of a deadly weapon in the conviction. In the case of a conviction of NRS 200.481 Battery, all convictions under this statue meet the force element as the definition of Battery in Nevada means any willful and unlawful use of force or violence upon the person of another (NRS 200.481).

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Office of the
Attorney General
100 N. Carson St.
Carson City, NV
89701-4717

EXHIBIT J

7. That consistent with the foregoing, a conviction of battery (NRS 200.481) upon a person and/or by a person where such persons meet the applicable statutory definitions of domestic relationship, will preclude possession of a firearm under applicable statutory prohibitors, as processed by RCCD, consistent with federal mandates and/or policy, and/or training.

The declarant further sayeth naught.

DATED this 12th day of February 2024.

Erica S. Llamas

ERICA SOUZA-LLAMAS
DECLARANT

Office of the
Attorney General
100 N. Carson St.
Carson City, NV
89701-4717

James Christiansen's attorney, Brent D. Huntley, Esq. response

HUNTLEY
LAW

Brent D. Huntley, Esq.
8275 S. Eastern Ave, #200
Las Vegas, NV 89123
(702) 849-2598
brent@huntleynv.com

September 27, 2023

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

Re: Notice to Appear from James R. Christiansen

Dear Director,

Please be advised that I represent Deputy James. R. Christiansen regarding the proposed revocation of his P.O.S.T. Certificate. Please accept this letter as written notice pursuant to NAC 289.290(4) that Deputy Christiansen and I intend to appear at the hearing scheduled for October 26, 2023 to contest the proposed revocation.

Sincerely,
Huntley Law

Brent D. Huntley, Esq.

EXHIBIT K

HUNTLEY
LAW

Brent D. Huntley, Esq.
8275 S. Eastern Ave, #200
Las Vegas, NV 89123
(702) 849-2598
brent@huntleynv.com

September 28, 2023

Via US First Class Mail
Nevada Commission on Peace Officer
Standards and Training
ATTN: Kathy Floyed
5587 Wa Pai Shone Ave.
Carson City, NV 89701

Re: Written Opposition to the proposed revocation of P.O.S.T Certificate for James R. Christiansen

Dear Ms. Floyd,

As directed in your September 19, 2023 letter and notice to Deputy Christiansen, I am writing to provide the Commission with written arguments to be presented by Deputy Christiansen at the scheduled hearing, which will be attended by Deputy Christiansen and me.

The potential revocation was initiated at the request of Nye County Sheriff Joseph McGill, who became the Sheriff of Nye County in January of this year. The underlying event in question involved the spanking, by means of a belt, of Deputy Christiansen's stepson for disciplinary purposes. This action occurred on or about August 14, 2022. In addition to the criminal investigation, the Nye County Sheriff's Office ("NCSO") conducted an internal investigation. During that investigation, information was relayed from then Sheriff Wehrly through Deputy Christiansen's counsel that if he accepted the proposed plea deal, which required he plead no contest to the amended charge of Battery not constituting Domestic Violence, that the administrative investigation could be concluded with a proposed suspension and that his position as a law enforcement officer would not be jeopardized. It was based upon this representation and agreement that Deputy Christiansen accepted the proposed plea deal so that he could retain his position and return to work. In light of this agreement, the NCSO issued a proposed discipline, which Deputy Christiansen accepted, and a final discipline was issued on or about November 29, 2022, suspending Deputy Christiansen for twenty hours. More than six months later, the new Sheriff decided, based upon flawed reasoning, to recommend the revocation of Deputy Christiansen's P.O.S.T. Certificate in direct contradiction to the assurances provided and the disciplinary decision made by his predecessor in office.

HUNTLEY LAW

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In his flawed analysis, Sheriff McGill set out to establish a reason for revoking Deputy Christiansen's P.O.S.T. Certification by relying in part on NRS 202.360(1)(a), which states that, "A person shall not own or have in his or her possession or under his or her custody or control any firearm if the person has been convicted of the crime of battery which constitutes domestic violence." Sheriff McGill's reliance on this statute is clearly misplaced and does not apply to Deputy Christiansen's pleading of nolo contendere to a charge that specifically states that it does not constitute domestic violence. NRS 202.360(1)(a) is only applicable for a conviction that does constitute domestic violence.

Apparently recognizing that there is no basis to revoke Deputy Christiansen's P.O.S.T. Certificate under NRS 202.360(1)(a), Sheriff McGill attempts to treat Deputy Christiansen's conviction as one for domestic violence (contrary to the actual conviction) by relying on 18 U.S.C. § 922(g)(9), which is a provision that amends the Federal Gun Control Act of 1968 by banning the possession of firearms by individuals convicted of a misdemeanor crime of domestic violence. Again, this Federal statute does not apply because Deputy Christiansen was not convicted of a misdemeanor crime of domestic violence. The charge in Deputy Christiansen's case was amended from an initial charge of Child Abuse under NRS 200.508(1)(b)(1) to a charge of Battery Not Constituting Domestic Violence. Clearly the Court in that case found reason to make that distinction. Sheriff McGill is now trying to circumvent the Court's decision and expand the charge to include a domestic violence conviction in order to create a reason to revoke Deputy Christiansen's P.O.S.T. Certification. He does so by citing to a non-controlling opinion apparently pulled from a published resource manual allegedly "distributed by the ATF." The statement from the ATF is not applicable because it is not legal authority. The flaw in Sheriff McGill's reasoning and application of the ATF material is evident from his final conclusion that "I believe that the Federal Prohibitors apply in that 'has, as an element, the use or attempted use of physical force . . . committed by a current or current or former spouse, parent, or guardian of the victim . . .." The key language here is that the crime of which the officer is **convicted** of must have as an **element** the domestic relationship for the federal prohibitors to apply. The conviction of Deputy Christiansen for misdemeanor battery not constituting domestic battery not only does not have as an element the domestic relationship, the conviction specifically excludes domestic violence as an element. As such, the Sheriff's argument about federal prohibitors fails because his premise is erroneous—there was no conviction of a crime with an element of a domestic relationship.

Beyond the clear demonstration that there is no prohibition on Deputy Christiansen carrying a firearm under state or federal law and no such prohibition included by the judge in Deputy Christiansen's conviction, it cannot be overstated that Deputy Christiansen's nolo contendere plea was not an admission of guilt and was entered only because of the assurance from the previous Sheriff that it would enable him to return to work without jeopardizing his career. A plea of nolo contendere is not an admission of guilt and does not have the high standard of clear and convincing evidence required for a finding of guilt. NRS 48.125(2) states in part that, "Evidence of a plea of nolo contendere... is not admissible in a civil or criminal proceeding involving the person who made the plea or offer." A pleading of nolo contendere is not an

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admission of guilt and is not the same as a guilty conviction because the evidentiary standard is not the same.

It was patently unjust for the NCSO to induce Deputy Christiansen to accept a plea deal under such a promise and then contradict that promise and recommend the revocation of his P.O.S.T. certificate, the very thing he sought to save when he agreed to accept the plea deal. Had Deputy Christiansen not received assurance from the NCSO that his job would be safe if he accepted the plea deal, Deputy Christiansen would have contested the charges against him, for which he had a viable defense. The original charge against Deputy Christiansen, which he would have contested, was child abuse. The undisputed facts established by the evidence were as follows:

1. Deputy Christiansen was married and lived with his wife and stepson.
2. Deputy Christiansen and his wife had established a pattern of discipline, which included spankings, with or without a belt, across the child's buttocks.
3. This manner of discipline had been used in the past without objection or reporting by either party.
4. On the day in question, Deputy Christiansen and his wife had given the child expectations, which he failed to meet, exhibiting a refusal to properly behave.
5. Deputy Christiansen spanked the child in an attempt to correct his behavior.
6. Deputy Christiansen attempted to spank the child on his buttocks, but due to the child squirming away, contact was made slightly above the buttocks on the side of the child.
7. The spanking left a bruise on the child; however, responding Deputy Boni noted there was no sign of lasting pain or impact.
8. The child did not complain of lasting pain or disfigurement.
9. The child stated a fear of the belt, but not of Deputy Christiansen.
10. Deputy Christiansen and his wife had marital problems and she had threatened divorce.
11. Shortly after the alleged incidence, Deputy Christiansen's wife started a go fund me campaign to raise funds related to the alleged child abuse.
12. There were no medical bills or costs associated with the alleged child abuse. As such, it must be assumed Deputy Christiansen's wife was attempting to exploit this incident in her efforts to make money.

Child abuse is defined in NRS 200.508(1). The actions of Deputy Christiansen did not meet the criteria of child abuse as Deputy Christiansen did not willfully cause unjustifiable physical pain or suffering. Notably, the statute requires disfigurement, impairment of bodily function or substantial mental harm. There were no allegations whatsoever contained in the evidence of impairment of bodily function or substantial mental harm. The only qualification that

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brent@huntleynv.com

was even arguably alleged was disfigurement due to the bruise. Disfigurement is not defined by statute. Merriam Webster defines disfigure as "to impair by deep and persistent injuries." A single bruise that will disappear in days does not meet the definition of disfigurement.

Child abuse is further defined by NRS 432B.020 to require a physical or mental injury. A physical injury is defined by NRS 432B.090 as: a sprain or dislocation; damage to cartilage; a fracture of a bone or the skull; an intracranial hemorrhage or injury to another internal organ; a burn or scalding; a cut, laceration, puncture or bite; permanent or temporary disfigurement; or loss of impairment of a part or organ of the body. Once again, the actions in the case of Deputy Christiansen, as addressed above, do not meet this definition. This conclusion is further made clear by looking at Nevada case law. In the *Solander* case, the court used the definition of physical injury, above, to show that child abuse "is usually not a single physical attack . . . It is typically a pattern of behavior. Its effects are cumulative. . . . The cumulative nature of the offense is reflected in many of the statutory provisions. For example, individual injuries to a child may not rise to the level of abuse because they do not fit the definition of 'physical injury' . . ., but the cumulative effect of those injuries may be permanent or temporary disfigurement . . . and therefore it is the continuing course of conduct that amounts to 'abuse or neglect' under the statute."

There is also a legal defense to accusations of child abuse referred to as the Parental Privilege Defense. In the event the Child Abuse statute could have arguably been applied against Deputy Christiansen, the Parental Privilege Defense would have been applicable and prevented any conviction of child abuse in this case. The privilege permits a parent to physically discipline a child where the parent acts in good faith with parental affection rather than acting immoderately, cruelly, or mercilessly with a malicious desire to inflict pain. The *Rimer* case has elaborated that child abuse is found where there is damage to a child with no reasonable explanation. In *Newman*, the Court also clarified that the difference between parental discipline and child abuse looks at the intent. Where the parent intends merely to discipline and does not intend to injure or endanger the child, there is no child abuse. There is no doubt that Deputy Christiansen's intent was corrective. He explained that he was not trying to be harsh, that no other discipline had worked, that he intended only one spanking to the buttocks and begged the child to quit squirming away to avoid the discipline, that he had no intent to injure the child or cause unreasonable pain, that he did not intend to cause any injury, and so forth.

Under NAC 289.290(h) when an officer is convicted of a misdemeanor, the Commission may impose a suspension or revocation. "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

HUNTLEY
LAW

Brent D. Huntley, Esq.
8275 S. Eastern Ave, #200
Las Vegas, NV 89123
(702) 849-2598
brent@huntleynv.com

resulted in disciplinary action." In the case of Deputy Christiansen, the NCSO provided no information of other unprofessional or undesirable activity. Indeed, Deputy Christiansen has been a model officer with no disciplinary history other than the minor suspension the NCSO issued for the instant matter. The only argument presented by the NCSO was the Sheriff's unjustified belief that Deputy Christiansen could not carry a firearm. It was a believed technical preclusion, not a moral or performance-based preclusion. Having established that the technical preclusion does not apply, there should be no basis for revoking the P.O.S.T. Certificate of Deputy Christiansen. He was not convicted of domestic violence. He did not commit domestic violence. He disciplined his stepson in line with his parental privilege. To the extent the discipline was excessive in any way, Deputy Christiansen is no longer raising the stepson and there will be no interaction that could pose any kind of threat. This one instance of disciplining a child should not cause Deputy Christiansen to forfeit the career he has worked so hard for and for which he has performed well.

Sincerely,
Huntley Law

Brent D. Huntley, Esq.

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

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 contendere to a felony. The conviction(s) which have led to this action are**: COUNT I – 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 I and III basic certificates.

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

JOE LOMBARDO
Governor

MICHAEL D. SHERLOCK
Executive Director

NOTICE OF INTENT TO REVOKE

January 22, 2024

Brian C. Fisher
[redacted]

Dear Mr. Fisher,

POST PIN #: 14971

Based upon documentation received by the Nevada Peace Officer Standards and Training Commission (the Commission) and in accordance with Nevada Administrative Code 289.290 and Nevada Revised Statute 241.033, you are hereby notified that the Commission has initiated action to revoke your Nevada peace officer certificate(s) that authorizes the holder to be employed as a peace officer in the state of Nevada.

I have included a copy of Nevada Administrative Code 289.290 for your convenience.

The Commission's regulations provide that a person's peace officer certificate(s) will be revoked pursuant to **NAC 289.290(1)(g) Conviction of, or entry of a plea of guilty, guilty but mentally ill or nolo contendere to, a felony.** The conviction(s) which have led to this action are as follows:

Count I: 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
Case#: CR21-4706
Jurisdiction: Second Judicial District Court of the State of Nevada, County of Washoe

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

If you choose to appeal and answer the charges against you, the Commission may elect to sit as a whole or a number that is practicable at a hearing or designate an independent hearing officer to hear the matter. You will be given the opportunity to present evidence and cross-examine witnesses as applicable. If you wish, you may be represented by an attorney; however, this would be at your own expense.

EXHIBIT A

Written requests can be made to:

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

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

Date: February 22, 2024
Time: 2:00 p.m.
Location: Boulder City Hall, City Council Chambers, 401 California Ave., Boulder City, NV 89005

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, Bobby Preston, served the foregoing **Notice of Intent to Revoke**
Print name of the person serving this document

To Individual's Name: **BRIAN C. FISHER**

at [redacted] on this

30 day of January 2024
Day *Month* *Year*

I declare under penalty of perjury that the forgoing is true and correct.
Executed on this 30 day of January, 2024
Day *Month* *Year*

Signature of person serving the Notice

Bobby Preston
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: 14971

Last Name: Fisher **First Name:** B rian

MI: C **Suffix:**

☐ **Name Change?**

Last Name: Fisher First Name: Brian

MI: C Suffix:

☐ **Address Change?**

Street Address: [redacted]

City: Sparks State: NV Zip Code: 89436

County: Washoe E-Mail:

Level Change? O Line O Supervisor O Management O Executive

O Part Time O Full Time

Status Change? O Deceased ◉ Retired O Separated

NAC289.290 Notification (Cause For Commission Action)

Pursuant to NAC 289.290(3) "The employing agency shall notify the Commission any time that it becomes aware that one of its officers has been charged with a crime that could result in denial, suspension or revocation procedures. Upon receipt of information alleging any of the causes enumerated in subsection 1, the Commission will determine whether to pursue revocation or suspension of the certificate of the officer."

Does the above NAC apply? O No ◉ Yes

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

Comments\Additional Information:

Contacted POST on 1/20/22, If you need further information you can contact Sergeant Tittensor, Dennis DTittensor@washoecounty.gov

Effective Date: 02/04/2022

Submitters Name: Yolanda LeBlanc

Submitters Phone: (775) 328-3040

Submitters E-Mail: yleblanc@washoecounty.us

EXHIBIT C

Submission number: 223068

STATE OF NEVADA

COMMISSION ON PEACE OFFICERS' STANDARDS AND TRAINING

Hereby Awards the

Basic Certificate

To

BRIAN C. FISHER

For having fulfilled the requirements for Basic Certification as prescribed by Nevada Revised Statutes.

CATEGORY I

Governor

Executive Director, Commission on Peace Officers' Standards and Training

Presented this 23rd day of August , 2000

(O) 389

EXHIBIT D

STATE OF NEVADA

COMMISSION ON PEACE OFFICERS' STANDARDS AND TRAINING

Hereby Awards the

Basic Certificate

To

BRIAN C. FISHER

For having fulfilled the requirements for Basic Certification as prescribed by Nevada Revised Statutes.

CATEGORY III

Governor

Executive Director, Commission on Peace Officers' Standards and Training

Presented this 23rd day of August , 2000

(O) 389

FILED
Electronically
CR21-4706
2023-07-14 10:58:52 AM
Alicia L. Lerud
Clerk of the Court
Transaction # 9774292

CASE NO. CR21-4706 **STATE OF NEVADA VS. BRIAN CHARLES FISHER**

DATE, JUDGE OFFICERS OF COURT PRESENT	APPEARANCES-HEARING	CONT'D TO
07/06/2023 HONORABLE DAVID A. HARDY DEPT. NO. 15 M. Cruz (Clerk) E. Ferretto (Reporter)	**ARRAIGNMENT** Deputy District Attorney Peg Samples was present on behalf of the State. Defendant was present with counsel Thomas Viloria, Esq. Noah Cavanaugh was present on behalf of the Division of Parole and Probation. Pretrial Services Officer Lori Pitt was also present. **TRUE NAME: BRIAN CHARLES FISHER** **COURT** reviewed the procedural history of the case and the motion to modify bail conditions that was filed on June 13, 2023. **COURT** advised counsel that he intends to grant the motion to modify bail conditions. Defense counsel informed the Court that he has a proposed order granting the motion to modify bail conditions. Defendant acknowledged receipt of the Amended Information and waived a formal reading. Defense counsel stated the plea negotiations. State's counsel concurred with the recited negotiations. Defendant sworn and fully canvassed by the Court as to his rights. **COURT** read aloud the charge contained in the Amended Information. Defendant entered plea of guilty to Coercion With Physical Force or Immediate Threat of Physical Force - Sexually Motivated, as charged in the Amended Information. Court accepted the plea after finding that the Defendant was freely, voluntarily, and competently entering such plea and had been fully advised by counsel. **COURT ORDERED:** Defendant shall cooperate with the Division of Parole and Probation in the preparation of a PSI. **COURT FURTHER ORDERED:** Matter referred to the Division of Parole and Probation for PSI and continued for entry of judgment, consideration of probation report and imposition of sentence. Defendant remained on supervised bail.	**10/19/2023** **11:00 a.m.** **Sentencing**

EXHIBIT E

CERTIFIED COPY

This document is a full, true and correct copy of the original on file and of record in my office, these letters have never been revoked, or set aside, and are still in full force and effect.

DATE: 01/08/2024

ALICIA L. LERUD, Clerk of the Second Judicial District Court, in and for the County of Washoe, State of Nevada.

By _____ Deputy

1 Pages

FILED
Electronically
CR21-4706
2023-07-05 02:11:53 PM
Alicia L. Lerud
Clerk of the Court
Transaction # 9756462

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.

BRIAN CHARLES FISHER,

Defendant.

_____/

Case No. CR21-4706

Dept. No. D15

GUILTY PLEA MEMORANDUM

1. I, BRIAN CHARLES FISHER, understand that I am charged with the offense of: 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.

2. I desire to enter a plea of guilty to the offense of 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, as more fully alleged in the charge filed against me.

3. By entering my plea of guilty I know and understand that I am waiving the following constitutional rights:

EXHIBIT F

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 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 against me and that the elements of the offense which the State would have to prove beyond a reasonable doubt at trial are that in the approximate calendar years 2013 to 2015, or thereabout, in the County of Washoe, State of Nevada, I did intentionally and with sexual motivation compel JANE DOE to touch my genitals and I did touch JANE DOE's vagina, and I accomplished those acts through physical force or the immediate threat of physical force.

5. I understand that I admit the facts which support all the elements of the offense by pleading guilty. 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 guilty are that I may be imprisoned for a period of 1-6 years in the Nevada State Department of Corrections and that I am not eligible for probation unless a psychiatric or psychological evaluation is completed pursuant to NRS 176A.110 which certifies that I do not represent a high risk to reoffend based upon a currently accepted standard of assessment. I may also be fined up to $5,000.00. I further understand that I will be required to register as a sex offender.

7. In exchange for my plea of guilty, the State, my counsel and I have agreed to recommend the following: Both parties will be free to argue. Pursuant to NRS 207.193(4), I stipulate that this offense was sexually motivated.

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.

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 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. 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 guilty 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.

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 5th day of July, 2023

DEFENDANT

Attorney Witnessing Defendant's Signature

Prosecuting Attorney

CERTIFIED COPY

This document is a full, true and correct copy of the original on file and of record in my office, these letters have never been revoked, or set aside, and are still in full force and effect.

DATE: 01/08/2024

ALICIA L. LERUD, Clerk of the Second Judicial District Court, in and for the County of Washoe, State of Nevada.

By _____ Deputy

5 Pages

FILED
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CR21-4706
2023-06-28 11:28:23 AM
Alicia L. Lerud
Clerk of the Court
Transaction # 9745977

DA# 21-17507

SPD 21-010595

CODE 1800
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.

BRIAN CHARLES FISHER,

Defendant.
_____/

Case No.: CR21-4706

Dept. No.: D15

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 defendant above-named, BRIAN CHARLES FISHER, has committed the crime(s) of:

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, (55532) in the manner following, to wit:

That the said defendant(s), BRIAN CHARLES FISHER, in the approximate calendar years 2013 to 2015, within the County of Washoe,

EXHIBIT G

State of Nevada, did intentionally and with sexual motivation compel JANE DOE to touch his genitals and did touch JANE DOE's vagina, such acts being accomplished through physical force or the immediate threat of physical force.

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 _____
PEG SAMPLES
10214
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 Information:

SERGEANT CURTIS ENGLISH
JANE DOE
NICHOLAS FISHER
VICTORIA FISHER
DANNY R. JAMES
SONALI KOPP
OFFICER DANIEL LAWSON
DANA MCNEIL
OFFICER KYLE MICKELSON
OFFICER CYLE SCHAEFER

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 28th day of June, 2023.

CHRISTOPHER J. HICKS
District Attorney
Washoe County, Nevada

By 

PEG SAMPLES
10214
Chief Deputy District Attorney

PCN: SPPD0058123C-FISHER

CERTIFIED COPY

This document is a full, true and correct copy of the original on file and of record in my office, these letters have never been revoked, or set aside, and are still in full force and effect.

DATE: 01/08/2024

ALICIA L. LERUD, Clerk of the Second Judicial District Court, in and for the County of Washoe, State of Nevada.

By _____ Deputy

3 Pages

FILED
Electronically
CR21-4706
2024-01-04 10:35:06 AM
Alicia L. Lerud
Clerk of the Court
Transaction # 10079110

CASE NO. CR21-4706 **THE STATE OF NEVADA VS. BRIAN CHARLES FISHER**

DATE, JUDGE OFFICERS OF COURT PRESENT	**APPEARANCES-HEARING**
12/21/2023 HONORABLE DAVID A. HARDY DEPT. NO. 15 D. Sonderfan M. Merkouris (Clerks) L. Urmston (Reporter)	**ENTRY OF JUDGMENT AND IMPOSITION OF SENTENCE** Deputy District Attorney Peg Samples represented the State. Defendant was present with counsel, Thomas Viloria, Esq. Specialist Kassandra Mungia was present on behalf of the Division of Parole and Probation. Pretrial Services Officer Lori Pitt was also present. **COURT** reviewed the procedural history of the case and acknowledged receipt of the PSI, the doctor's report, the treatment report, victim impacts statements, and letters in support of the Defendant. Defendant addressed the Court on his own behalf. Defense counsel acknowledged receipt of the PSI filed on September 26, 2023, stated there were no corrections or omissions, presented argument for probation, and presented mitigating statements on behalf of the Defendant. He made a record of the sealing and destruction of past police records. State's counsel reviewed the facts of the Defendant's juvenile sexual criminal history and the facts of the current offense, and she presented argument for a sentence of 28 to 72 months in the Nevada Department of Corrections. **COURT** made a record of the difficulty in reconciling the State's position with that of the victim as laid out in her letter. State's counsel presented further argument in support of a prison sentence with no probation,, adding she felt her recommendation took the victim's feelings into account. Discussion then ensued between the Court and State's counsel about the Defendant's interactions with law enforcement, the factual basis for negotiations, and the Defendant's family dynamics. Defense counsel called victim **Jane Doe**, who was sworn, made a statement, and was excused. Defense counsel called [redacted], who was sworn, made a statement, and was excused. **COURT** advised the Defendant he will need to sign an acknowledgement of the law requiring him to register as a sex offender. Defense counsel informed the Court that the year in the document was wrong which he corrected, and the Defendant then executed the acknowledgement. **COURT** made a record of its decision-making process, the Defendant's risk to reoffend, and the statements made by the Defendant on his own behalf. **COURT ORDERED JUDGMENT ENTERED** and sentenced Defendant to be punished by imprisonment in the Nevada Department of Corrections for the maximum term of thirty (30) months with the minimum parole eligibility of twelve (12) months, with credit for seven (7) days' time served.

EXHIBIT H

DATE, JUDGE OFFICERS OF COURT PRESENT	APPEARANCES-HEARING
12/21/2023 L. Urmston (Reporter)	It is further ordered that the Defendant shall register as a sex offender within forty-eight (48) hours of sentencing or his release from custody pursuant to NRS 179D.460, and he shall comply with all required terms and conditions for sex offenders as set forth in NRS 176A.410. It is further ordered that the Defendant shall pay the statutory Twenty-Five Dollar ($25.00) administrative assessment fee; that he shall pay the Three Dollar ($3.00) administrative assessment fee for obtaining a biological specimen and conducting a genetic marker analysis; that he shall submit to a DNA analysis test for the purpose of determining genetic markers and pay a testing fee in the amount of One Hundred Fifty Dollars ($150.00); and that he shall pay a psychosexual evaluation fee in the amount of One Thousand Six Hundred Seventy-Six Dollars and 70/100ths ($1,676.70). It is further ordered that the fees shall be subject to removal from the Defendant's books at the Washoe County Jail and/or the Nevada Department of Corrections. Any fine, fee, administrative assessment, or restitution ordered today (as reflected in this Judgment) constitutes a lien, as defined in NRS 176.275. Should the Defendant not pay these fines, fees, assessments, or restitution, collection efforts may be undertaken against him. Defendant remained out of custody under supervised bail.

CERTIFIED COPY

This document is a full, true and correct copy of the original on file and of record in my office, these letters have never been revoked, or set aside, and are still in full force and effect.

DATE: 01/08/2024

ALICIA L. LERUD, Clerk of the Second Judicial District Court, in and for the County of Washoe, State of Nevada.

By _____ Deputy

2 Pages

FILED
Electronically
CR21-4706
2023-12-21 12:40:06 PM
Alicia L. Lerud
Clerk of the Court
Transaction # 10061093

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.

BRIAN CHARLES FISHER,

Defendant.

Case No. CR21-4706

Dept. No. 15

JUDGMENT

The Defendant, having entered a plea of Guilty, and no sufficient cause being shown as to why judgment should not be pronounced against him, the Court rendered judgment as follows:

That Brian Charles Fisher is guilty of the crime of Coercion With Physical Force or Immediate Threat of Physical Force – Sexually Motivated, a violation of NRS 207.190 (1)(c) and NRS 207.190 (2)(a), a category B felony, as charged in the Amended Information, and that he be punished by imprisonment in the Nevada Department of Corrections for the maximum term of thirty (30) months with the minimum parole eligibility of twelve (12) months, with credit for seven (7) days time served.

It is further ordered that the Defendant shall register as a sex offender within forty-eight (48) hours of sentencing or his release from custody pursuant to NRS 179D.460, and he shall comply with all required terms and conditions for sex offenders as set forth in NRS 176A.410.

EXHIBIT I

It is further ordered that the Defendant shall pay the statutory Twenty-Five Dollar ($25.00) administrative assessment fee; that he shall pay the Three Dollar ($3.00) administrative assessment fee for obtaining a biological specimen and conducting a genetic marker analysis; that he shall submit to a DNA analysis test for the purpose of determining genetic markers and pay a testing fee in the amount of One Hundred Fifty Dollars ($150.00); and that he shall pay a psychosexual evaluation fee in the amount One Thousand Six Hundred Seveny-Six Dollars and 70/100ths ($1,676.70).

It is further ordered that the fees shall be subject to removal from the Defendant's books at the Washoe County Jail and/or the Nevada Department of Corrections. Any fine, fee, administrative assessment, or restitution ordered today (as reflected in this Judgment) constitutes a lien, as defined in NRS 176.275. Should the Defendant not pay these fines, fees, assessments, or restitution, collection efforts may be undertaken against him.

Dated this 21st day of December, 2023.

DISTRICT JUDGE

CERTIFIED COPY

This document is a full, true and correct copy of the original on file and of record in my office, these letters have never been revoked, or set aside, and are still in full force and effect.

DATE: 01/08/2024

ALICIA L. LERUD Clerk of the Second Judicial District Court, in and for the County of Washoe, State of Nevada.

By _____ Deputy

2 Pages

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.

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

January 22, 2024

Caesar Rios
[redacted]
Henderson, NV 89012

Dear Mr. Rios,

POST PIN #: 33159

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)(i) based on a Conviction of a misdemeanor crime of domestic violence as defined in 18 U.S.C. § 921(a)(33).** The conviction(s) which have led to this action are as follows:

Count I: BATTERY CONSTITUTING DOMESTIC VIOLENCE (Misdemeanor-NRS 200.485(1)(A), 200.481(1)(A), 33.018-NOC 50235
Case#: 22CRH000090-0000
Jurisdiction: Justice Court, Henderson Township, Clark County, NV

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

If you choose to appeal and answer the charges against you, the Commission may elect to sit as a whole or a number that is practicable at a hearing or designate an independent hearing officer to hear the matter. You will be given the opportunity to present evidence and cross-examine witnesses as applicable. If you wish, you may be represented by an attorney; however, this would be at your own expense.

EXHIBIT A

Written requests can be made to:

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

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

Date: February 22, 2024
Time: 2:00 p.m.
Location: Boulder City Hall, City Council Chambers, 401 California Ave., Boulder City, NV 89005

The hearing will cover the following: whether your P.O.S.T certificate(s) should be revoked, pursuant to **NAC 289.290(1)(i) based on a Conviction of a misdemeanor crime of domestic violence as defined in 18 U.S.C. § 921(a)(33).**

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)

HENDERSON TOWNSHIP CONSTABLE'S OFFICE
Kenny Taylor, Constable
243 Water Street Henderson, NV 89015
Phone 702-455-7940 Fax 702-455-7942

01/31/2024

Kathy Floyd,

On January 29, 2024 I, Constable Taylor made an attempt to serve Caesar Rio a notice of intent to revoke his Nevada POST Certificate for a conviction of battery Constituting Domestic Violence. Upon my arrival to [redacted] located in Henderson, Nevada 89012, I met with David [redacted] at the address indicated. Mr. [redacted] stated that Caesar Rios did not reside there nor had he while he was the tenant. Mr. [redacted] when on to say that he had lived there for six months and that Henderson Police had stopped by there a few times looking for Mr. Rios.

After leaving this apartment, I went to the leasing office and spoke with the property manager, the manager said Rios was never on the lease there and the current tenant (David [redacted]) had lived there for approximately six months.

On January 24, 2024 I contacted Henderson Chief Marshal Andy Popovsky to verify if the address listed above was the las know address for Rios. Chief Popovsky stated it was the last known address that he had on file. Popovsky stated that he was notified by Henderson Police Detectives that are searching for Rios that they believe he currently is living between Mexico and Los Angeles.

Do to the behavior of Rios over the last several months, law enforcement has been trying to keep an eye on his whereabouts and movement.

EXHIBIT B

HNTC 14446

CONSTABLE'S OFFICE of HENDERSON TOWNSHIP

Kenny Taylor, Constable
243 Water Street Henderson, NV 89015
Phone 702-455-7940 Fax 702-455-7942

CIVIL PROCESS FORM

PLEASE COMPLETE THE FOLLOWING INFORMATION ABOUT THE PERSON OR COMPANY WE ARE SERVING:

Type:	NOTICE OF INTENT TO REVOKE
Case #	POST PIN# 33159
Fee Total:	0.00
Court Date:	02-22-2024

NAME & TITLE OF PERSON TO BE SERVED: If a company or corporation please provide the name of the owner, corporate officer, or resident agent.

NAME OR BUSINESS TO BE SERVED: CAESAR RIOS

HOME or BUSINESS ADDRESS (Apt #, Suite #, Zip Code): [redacted] HENDERSON, NV 89012

EMPLOYER & EMPLOYER ADDRESS:

BEST TIME TO SERVE @ HOME: _____ A.M. P.M. @WORK _____ A.M. P.M.

PHONE NUMBER OF PERSON TO BE SERVED: HOME _____ WORK _____

DESCRIPTION

RACE _____ SEX ____ HEIGHT _____ WEIGHT _____ HAIR COLOR _____ EYES _____ AGE _____

VEHICLE

YEAR _____ MAKE _____ BODY STYLE _____ COLOR _____ PLATE # _____ STATE _____

OTHER INFORMATION TO HELP US SERVE THE DEFENDANT:

Defendant Info (person to be served)

PLAINTIFF'S DAY PH#: 775-687-7678 EXT.3335 CELL PH#: _____

PLAINTIFF'S NAME KATHY FLOYD

ADDRESS 5587 WA PAI SHONE AVE

CARSON CITY, NV 89701

Plaintiff Info

(DO NOT WRITE BELOW THIS LINE)

DEPUTY ASSIGNED: K. Taylor DATE: 1-24-2024

1. DATE: 1/29/24 TIME: 1145 LOCATION: [redacted] Hend NV 89012

2. DATE: _____ TIME: _____ LOCATION: _____

3. DATE: _____ TIME: _____ LOCATION: _____

REASON FOR NON-SERVICE: New Tenant 6 mos - Paid [redacted] /PM stated Rios has not been there and was not on lease

NEW ADDRESS INFO: _____

PERSON ACCEPTING PRINT and SIGN _____

Deputy Worksheet

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

January 22, 2024

Caesar Rios
[redacted]
Henderson, NV 89012

Dear Mr. Rios,

POST PIN #: 33159

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)(i) based on a Conviction of a misdemeanor crime of domestic violence as defined in 18 U.S.C. § 921(a)(33).** The conviction(s) which have led to this action are as follows:

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Case#: 22CRH000090-0000
Jurisdiction: Justice Court, Henderson Township, Clark County, NV

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.

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: February 22, 2024
Time: 2:00 p.m.
Location: Boulder City Hall, City Council Chambers, 401 California Ave., Boulder City, NV 89005

The hearing will cover the following: whether your P.O.S.T certificate(s) should be revoked, pursuant to **NAC 289.290(1)(i) based on a Conviction of a misdemeanor crime of domestic violence as defined in 18 U.S.C. § 921(a)(33).**

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)

AFFIDAVIT OF DUE AND DILIGENT ATTEMPT

Plaintiff: State of Nevada Commission on Peace officers standards and Training Case Number: HNTC 1446

Defendant: Caesar Rios

State of NEVADA }
}
County of CLARK }

Name of Server: Deputy, I K. Taylor, undersigned, being duly sworn, deposes and says that at the time of service, he/she was over the age of twenty-one and was not a party to this action.

Document(s) Served: The undersigned attempted to serve the following document(s), described as:

Notice of intent To Revoke

Attempts: The following is a list of attempts made to effect service:

Date/Time/Address Attempted: 1/29/2024 / 11:45Am / [redacted] Henderson, NV 89052

Reason for Non-Service: Defendant no longer Resides at this Address

Date/Time/Address Attempted:

Reason for Non-Service:

Date/Time/Address Attempted:

Reason for Non-Service:

[ ] Based on the above stated facts, Affiant believes the Defendant is avoiding service.

UNSWORN DECLARATION: Per NRS 53.045:

"I declare under penalty of perjury under the law of the State of Nevada that the foregoing is true and correct."

Printed Name of Deputy: Kenny Taylor Signature: K Tyl #0042 Date: 1/31/2024

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

Post ID Number: 33159

Last Name: Rios **First Name:** Caesar

MI: **Suffix:**

☐ **Name Change?**

Last Name: Rios First Name: Caesar

MI: Suffix:

☒ **Address Change?**

Street Address [redacted]

City: Henderson State: NV Zip Code: 89012

County: Clark E-Mail: [redacted]

Level Change? O Line O Supervisor O Management O Executive

O Part Time O Full Time

Status Change? O Deceased O Retired ◉ Separated

NAC289.290 Notification (Cause For Commission Action)

Pursuant to NAC 289.290(3) "The employing agency shall notify the Commission any time that it becomes aware that one of its officers has been charged with a crime that could result in denial, suspension or revocation procedures. Upon receipt of information alleging any of the causes enumerated in subsection 1, the Commission will determine whether to pursue revocation or suspension of the certificate of the officer."

Does the above NAC apply? O No ◉ Yes

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

Comments\Additional Information:

Rios has been charged with the crime of Battery Domestic Violence, which his trial date to my knowledge hasn't been set yet. Additionally, Rios resigned his position while under multiple Internal Affairs Investigations

Effective Date: 01/18/2022

Submitters Name: Daniel Palazzo

Submitters Phone: (702) 267-3375

Submitters E-Mail: Daniel.Palazzo@cityofhenderson.com

EXHIBIT C

POST Update PAR form
Revised 01/01/2016

Submission number: 219525

STATE OF NEVADA

COMMISSION ON PEACE OFFICERS' STANDARDS AND TRAINING

Hereby Awards the

Basic Certificate Category I

To

Caesar Rios

For having fulfilled the requirements for Certification as prescribed by Nevada Administrative Codes.

Governor

Executive Director, Commission on Peace Officers' Standards and Training

POST ID No. 33159 Presented this 23rd day of December , 2015

EXHIBIT D

STATE OF NEVADA

COMMISSION ON PEACE OFFICERS' STANDARDS AND TRAINING

Hereby Awards the

Basic Certificate Category III

To

Caesar Rios

For having fulfilled the requirements for Certification as prescribed by Nevada Administrative Codes.

Governor

Executive Director, Commission on Peace Officers' Standards and Training

POST ID No. 33159 Presented this 23rd day of December 2015

JUSTICE COURT. HENDERSON TOWNSHIP
CLARK COUNTY, NEVADA
DOCKET SHEET...CRIMINAL

CASE # 22CRH000090-0000 SAM BATEMAN - DEPT # 1

State **RIOS, CAESAR**

Charge(s) DOMESTIC BATTERY, 1ST JURY TRIAL: CONVICTION

Chrg#	Docket Dt	Docket Description	Amt Owed	Amt Paid	Amt Dism	Amt Due
	08/16/2022	CASH BAIL/$40 FILING FEE - CR	$40.00	$40.00	$0.00	$0.00
	08/18/2023	BAIL REFUND HND	$2,652.00	$2,652.00	$0.00	$0.00
						$0.00
1	08/16/2022	BAIL SET	$3,000.00	$3,000.00	$0.00	$0.00
1	08/15/2022	$300-$399 FINE	$313.00	$313.00	$0.00	$0.00
1	08/15/2022	DOMESTIC VIOLENCE FEE HND	$35.00	$35.00	$0.00	$0.00
						$0.00
						$0.00

LINKED CASES FOR: 22CRH000090-0000

CASE #	STATUS	EVENT DATE	EVENT DESCRIPTION
		NO FUTURE EVENTS	

DATE, JUDGE, OFFICERS OF COURT PRESENT	PROCEEDINGS APPEARANCES - HEARING	EVENTS
October 10, 2023	REMITTITUR RECEIVED FROM DISTRICT COURT NOTICE OF ENTRY OF ORDER RECEIVED FROM DISTRICT COURT ORDER DENYING APPEAL RECEIVED FROM DISTRICT COURT	
August 18, 2023	BAIL REFUND HND Check Issued: 08/18/23 Check #18815 $2,652.00 Payable to: CAESAR RIOS.	
August 14, 2023	BOND EXONERATED Charge #1: DOMESTIC BATTERY, 1ST	
June 22, 2023	REPORTER'S TRANSCRIPT OF PROCEEDINGS (MAY 31, 2023) FILED	
June 20, 2023	APPEAL FROM JUSTICE COURT, HENDERSON TOWNSHIP-SIGNED AND FILED	
June 13, 2023	NOTICE OF ENTRY OF ORDER FILED NOTICE OF APPEAL FILED	
June 05, 2023	ORDER-SIGNED AND FILED	

I HEREBY CERTIFY THIS TO BE A FULL, TRUE & CORRECT COPY OF THE ORIGINAL DOCUMENT ON FILE IN THE HENDERSON JUSTICE COURT
DATE: 12/18/23
DEPUTY CLERK: [signature]

EXHIBIT E

JUSTICE COURT. HENDERSON TOWNSHIP
CLARK COUNTY, NEVADA
DOCKET SHEET...CRIMINAL

CASE # 22CRH000090-0000 SAM BATEMAN - DEPT # 1

State **RIOS, CAESAR**

DATE, JUDGE, OFFICERS OF COURT PRESENT	PROCEEDINGS APPEARANCES - HEARING	EVENTS
May 31, 2023 S. BATEMAN, JP M. SCHIFALACQUA, DCA S. DIGIACOMO, DCA R. DEMARCO, ESQ. K. ZICHA, CLK L. BRENSKE, CR	MOTION: DEFENDANT PRESENT DEFENDANT MOTION TO DISMISS OR IN THE ALTERNATIVE NEW TRIAL DATE COURT'S EXIBIT #8 MARKED - USB DRIVE COURT REVIEWS USB DRIVE PARTIES ARGUE MOTION MOTION DENIED DEFENDANT'S SENTENCE STANDS $348 FINE; DOMESTIC VIOLENCE COUNSELING FOR 6 MONTHS; INDRIECT UPERVISION WITH SPECIAL PROGRAMS FOR MINIMUM OF 8 MONTHS; 48 HOURS MANDATORY COMMUNITY SERVICE; STAY OUT OF TROUBLE; 24 HOURS JAIL TIME; 6 MONTHS JAIL TIME - SUSPENDED DEPUTY CITY ATTORNEY IS NOT REQUESTING STAY AWAY FROM VICIM ORDER DEFENDANT REMANDED IN OPEN COURT TO SERVE 24 HOURS JAIL TIME IN THE HENDERSON DETENTION CENTER PARTIES REQUEST CASE BE TAKEN OFF CALENDAR	
May 23, 2023	CITY OF HENDERSON'S OPPOSITION TO DEFENDANT'S MOTION TO DISMISS OR IN THE ALTERNATIVE FOR NEW TRIAL FILED BY SANDRA K. DIGIACOMO, ATTORNEY FOR THE CITY OF HENDERSON - FILED	
May 04, 2023	DEFENDANT'S MOTION TO DISMISS OR IN THE ALTERNATIVE FOR NEW TRIAL FILED	
April 27, 2023 S. BATEMAN, JP M. SCHIFALACQUA, DCA S. DIGIACOMO, DCA R. DEMARCO, ESQ. K. ZICHA, CLK L. BRENSKE, CR	STATUS CHECK DEFENDANT NOT PRESENT DEFENSE COUNSEL STATES DEFENDANT IS WORKING OUT OF STATE DEFENSE GIVES PARTIES ORAL NOTICE HE WILL BE FILING A MOTION FOR NEW TRIAL BASED ON NEW DISCLOSURES EARLY NEXT WEEK MATTER CONTINUED FOR DEFENDANT TO BE PRESENT AND SENTENCING $3,000 CASH BAIL CONTINUES SET FOR COURT APPEARANCE Event: COURT APPEARANCE HND Date: 05/31/2023 Time: 9:00 am Judge: BATEMAN, SAM Location: DEPARTMENT 1	

JUSTICE COURT. HENDERSON TOWNSHIP
CLARK COUNTY, NEVADA
DOCKET SHEET...CRIMINAL

CASE # 22CRH000090-0000 SAM BATEMAN - DEPT # 1

State **RIOS, CAESAR**

DATE, JUDGE, OFFICERS OF COURT PRESENT	PROCEEDINGS APPEARANCES - HEARING	EVENTS
April 11, 2023	ORDER OF AFFIRMANCE RECEIVED FROM DISTRICT COURT - MATTER IS REMANDED TO HENDERSON JUSTICE COURT FOR FURTHER POCEEDINGS CONSISTENT WITH ORDER. BOND IF ANY, RETURNED TO RESPONDENT.	
April 05, 2023	HEARING VACATED - PENDING APPEAL. ALL PARTIES NOTIFIED The following event: COURT APPEARANCE HND scheduled for 04/06/2023 at 9:00 am has been resulted as follows: Result: HEARING VACATED Judge: BATEMAN, SAM Location: DEPARTMENT 1 SET FOR COURT APPEARANCE The following event: COURT APPEARANCE HND scheduled for 04/06/2023 at 9:00 am has been rescheduled as follows: Event: COURT APPEARANCE HND Date: 04/27/2023 Time: 9:00 am Judge: BATEMAN, SAM Location: DEPARTMENT 1 Result: CRIMINAL HEARING HELD	
December 21, 2022 S. BATEMAN, JP A. BEAUMONT, DDA R. DEMARCO, ESQ (NOT PRESENT) T, VAUGHN, CLK A. CAMPAGNA, CR	STATUS CHECK: DEFENDANT NOT PRESENT CONTINUED FOR STATUS CHECK ON DISTRICT COURT CASE CASH BAIL CONTINUES SET FOR COURT APPEARANCE Event: COURT APPEARANCE HND Date: 04/06/2023 Time: 9:00 am Judge: BATEMAN, SAM Location: DEPARTMENT 1	
December 01, 2022	REPORTER'S TRANSCRIPT OF PROCEEDINGS (03/01/2022) FILED REPORTER'S TRANSCRIPT OF PROCEEDINGS (02/10/2022) FILED REPORTER'S TRANSCRIPT OF PROCEEDINGS (04/06/2022) FILED REPORTER'S TRANSCRIPT OF PROCEEDINGS (05/03/2022) FILED	

JUSTICE COURT. HENDERSON TOWNSHIP
CLARK COUNTY, NEVADA
DOCKET SHEET...CRIMINAL

CASE # 22CRH000090-0000 SAM BATEMAN - DEPT # 1

State **RIOS, CAESAR**

DATE, JUDGE, OFFICERS OF COURT PRESENT	PROCEEDINGS APPEARANCES - HEARING	EVENTS
August 31, 2022	HEARING JURY TRIAL 06/20/2022 (TRANSCRIPT) FILED HEARING JURY TRIAL 06/21/2022 (TRANSCRIPT) FILED HEARING JURY TRIAL 06/16/2022 (TRANSCRIPT) FILED	
August 22, 2022	REPORTER'S TRANSCRIPT OF AUGUST 15, 2022 PROCEEDINGS FILED	
August 17, 2022	HEARING VACATED The following event: STATUS CHECK HND scheduled for 08/24/2022 at 9:00 am has been resulted as follows: Result: HEARING VACATED Judge: BATEMAN, SAM Location: DEPARTMENT 1 ORDER DENYING DEFENDANT'S MOTION FOR JUDGMENT OF ACQUITTAL OR IN ALTERNATIVE FOR NEW TRIAL, OR TO ARREST THE JUDGMENT-SIGNED AND FILED. SET FOR COURT APPEARANCE Event: STATUS CHECK HND Date: 12/21/2022 Time: 9:00 am Judge: BATEMAN, SAM Location: DEPARTMENT 1 Result: CRIMINAL HEARING HELD	
August 16, 2022	NOTICE OF APPEAL - FILED $3,000 CASH BAIL POSTED Charge #1: DOMESTIC BATTERY, 1ST Receipt: 6387258 Date: 08/16/2022 ORDER DENYING DEFENDANT'S MOTION FOR JUDGMENT OF ACQUITTAL OR IN ALTERNATIVE NEW TRIAL OR TO ARREST THE JUDGMENT FORWARDED TO CHAMBERS	

JUSTICE COURT. HENDERSON TOWNSHIP
CLARK COUNTY, NEVADA
DOCKET SHEET...CRIMINAL

CASE # 22CRH000090-0000 SAM BATEMAN - DEPT # 1

State **RIOS, CAESAR**

DATE, JUDGE, OFFICERS OF COURT PRESENT	PROCEEDINGS APPEARANCES - HEARING	EVENTS
August 15, 2022 S. BATEMAN, JP S. DIGIACOMO, DCA R. DEMARCO, ESQ. K. ZICHA, CLK S. GRAHAM, CR	MOTION AND SENTENCING: DEFENDANT PRESENT DEFENSE MOTION FOR JUDGMENT OF ACQUITTAL OR IN THE ALTERNATIVE NEW TRIAL OR TO ARREST THE JUDGMENT - PARTIES ARGUE MOTION MOTION DENIED - CITY TO FILE PROPOSED ORDER COURT AJUDGES DEFENDANT GUILTY "BATTERY CONSTITUTING DOMESTIC VIOLENCE" SENTENCED AS FOLLOWS DEFENDANT TO PAY $348 FINE; ATTEND DOMESTIC VIOLENCE COUNSELING FOR 6 MONTHS; INDIRECT SUPERVISION WITH SPECIAL PROGRAMS FOR A MINIMUM OF 8 MONTHS; 48 HOURS MANDATORY COMMUNITY SERVICE; STAY OUT OF TROUBLE MINIMUM OF 8 MONTHS; 60 DAYS CLARK COUNTY JAIL - SUSPENDED; NO CONTACT WITH VICTIM UNLESS REGARDING SPECIFIC HEALTH AND WELFARE OF CHILD THROUGH EMAIL AND 48 HOURS CLARK COUNTY JAIL WITH 24 HOURS CTS COURT SETS BAIL AMOUNT $3,000 CASH OR SURETY TO BE POSTED BEFORE NEXT COURT DATE DEFENDANT STATES APPEAL WILL BY FILED MATTER CONTINUED FOR STATUS CHECK ON BAIL BEING POSTED AND NOTICE OF APPEAL BEING FILED DEFENSE COUNSEL GIVEN FIREARMS AFFIDAVIT ALL SENTENCING STAYED AT THIS TIME SET FOR COURT APPEARANCE Event: STATUS CHECK HND Date: 08/24/2022 Time: 9:00 am Judge: BATEMAN, SAM Location: DEPARTMENT 1	
August 09, 2022 S. BATEMAN, JP M. SCHIFALACQUA, DCA (NOT PRESENT) R. DEMARCO, ESQ (NOT PRESENT) K. ZICHA, CLK S. GRAHAM, CR	STATUS CHECK: DEFENDANT NOT PRESENT MOTION FOR JUDGMENT OF ACQUITTAL OR IN ALTERNATIVE NEW TRIAL OR TO ARREST THE JUDGMENT, CONTINUED NO BAIL POSTED SET FOR COURT APPEARANCE Event: COURT APPEARANCE HND Date: 08/15/2022 Time: 9:00 am Judge: BATEMAN, SAM Location: DEPARTMENT 1	

JUSTICE COURT. HENDERSON TOWNSHIP
CLARK COUNTY, NEVADA
DOCKET SHEET...CRIMINAL

CASE # 22CRH000090-0000 SAM BATEMAN - DEPT # 1

State **RIOS, CAESAR**

DATE, JUDGE, OFFICERS OF COURT PRESENT	PROCEEDINGS APPEARANCES - HEARING	EVENTS
August 08, 2022	DEFENDANT'S REPLY TO THE OPPOSITION TO MOTION FOR JUDGMENT OF AQUITTAL OR IN THE ALTERNATIVE FOR NEW TRIAL, OR ARREST THE JUDGMENT FILED	
July 20, 2022	CITY OF HENDERSON'S OPPOSITION TO DEFENDANT'S MOTION FOR JUDGMENT OF AQUITTAL OR IN THE ALTERNATIVE FOR NEW TRIAL, OR TO ARREST THE JUDGMENT FILED OPPOSITION FORWARDED TO CHAMBERS FOR JUDGE TO REVIEW	
July 07, 2022 S. BATEMAN, JP M. SCHIFALACQUA, DCA R. DEMARCO, ESQ T. VAUGHN, CLK S. GRAHAM, CR	SET FOR COURT APPEARANCE Event: COURT APPEARANCE HND Date: 08/09/2022 Time: 9:00 am Judge: BATEMAN, SAM Location: DEPARTMENT 1 HEARING VACATED The following event: SENTENCING HEARING HND scheduled for 07/19/2022 at 9:00 am has been resulted as follows: Result: HEARING VACATED Judge: BATEMAN, SAM Location: DEPARTMENT 1 MOTION: DEFENDANT NOT PRESENT MOTION FOR JUDGMENT OF ACQUITTAL OR IN THE ALTERNATIVE FOR NEW TRIAL OR TO ARREST THE JUDGMENT, CONTINUED SENTENCING DATE OT 07/19/2022 CONTINUED CITY OF HENDERSON TO HAVE A RESPONSE FILED BY 07/19/2022 DEFENSE TO HAVE A REPLY FILED BY 07/25/2022 SENTENCING AND MOTION CONTINUED UNTIL 08/09/2022 NO BAIL POSTED	
June 28, 2022	DEFENDANT'S MOTION FOR JUDGMENT OF ACQUITTAL OR IN THE ALTERNATIVE FOR NEW TRIAL, OR TO ARREST THE JUDGMENT FILED BY ATTORNEY ROBERT Z. DEMARCO, ESQ. SET FOR COURT APPEARANCE Event: MOTIONS HND Date: 07/07/2022 Time: 9:00 am Judge: BATEMAN, SAM Location: DEPARTMENT 1 Result: CRIMINAL HEARING HELD	

JUSTICE COURT. HENDERSON TOWNSHIP
CLARK COUNTY, NEVADA
DOCKET SHEET...CRIMINAL

CASE # 22CRH000090-0000 SAM BATEMAN - DEPT # 1

State **RIOS, CAESAR**

DATE, JUDGE, OFFICERS OF COURT PRESENT	PROCEEDINGS APPEARANCES - HEARING	EVENTS
June 22, 2022	SET FOR COURT APPEARANCE Event: SENTENCING HEARING HND Date: 07/19/2022 Time: 9:00 am Judge: BATEMAN, SAM Location: DEPARTMENT 1 Result: HEARING VACATED	

JUSTICE COURT. HENDERSON TOWNSHIP
CLARK COUNTY, NEVADA
DOCKET SHEET...CRIMINAL

CASE # 22CRH000090-0000 SAM BATEMAN - DEPT # 1

State **RIOS, CAESAR**

DATE, JUDGE, OFFICERS OF COURT PRESENT	PROCEEDINGS APPEARANCES - HEARING	EVENTS
June 21, 2022 S. BATEMAN, JP M. SCHIFALACQUA, DCA S. DIGIACOMO, DCA R. DEMARCO, ESQ. K. ZICHA, CLK JAVS	SET FOR COURT APPEARANCE Event: CRIMINAL JURY TRIAL - MISD - HND Date: 06/21/2022 Time: 12:00 pm Judge: BATEMAN, SAM Location: DEPARTMENT 1 Result: JURY TRIAL HELD - CRIMINAL REPORTER'S TRANSCRIPT OF JUNE 9, 2022 PROCEEDINGS FILED	

JUSTICE COURT. HENDERSON TOWNSHIP
CLARK COUNTY, NEVADA
DOCKET SHEET...CRIMINAL

CASE # 22CRH000090-0000 SAM BATEMAN - DEPT # 1

State **RIOS, CAESAR**

DATE, JUDGE, OFFICERS OF COURT PRESENT	PROCEEDINGS APPEARANCES - HEARING	EVENTS
	TIME SET FOR JURY TRIAL DEFENDANT PRESENT PARTIES FINALIZE JURY INSTRUCTIONS DEFENDANT WAIVES RIGHT TO TESTIFY INSTRUCTIONS TO THE JURY FILED IN OPEN COURT JURY ESCORTED INTO COURT ROOM BY MARSHAL DEFENSE RESTS COURT READS JURY THE INSTRUCTIONS TO THE JURY CITY MAKES CLOSING ARGUMENTS DEFENSE MAKES CLOSING ARGUMENTS CITY'S REBUTTAL COURT RETIRES JURY CLERK SWEARS IN MARSHAL RESPONSIBLE FOR JURY MARSHAL ESCORTS JURY TO DELIBERATION ROOM COURT NOTIFIES JURY #14 THEY ARE ALTERNATE AND READS ADMONITION JURY NOTIFIES MARSHAL VERDICT REACHED JURY NOTIFIES MARSHAL THAT 3 UNMARKED ITEMS WERE FOUND WITH EXHIBITS MARSHAL COLLECTS UNMARKED ITEMS AND DELIVERS TO COURT COURT MARKS ITEMS AS COURT EXHIBIT'S #3-#5 MARSHAL ESCORTS FOREMAN, JUROR #6 INTO COURT ROOM WHO STATES JURY ONLY REVIEWED EXHIBITS PLAYED IN COURT AND FURTHER STATES THE JURY REACHED A VERDICT BEFORE FINDING DEFENSE COUNSEL NOTES MARSHAL ESCORTS JUROR #4 INTO COURT ROOM WHO STATES THEY ONLY USED USB – EXHIBIT #43 AND DID NOT REMOVE ANY DISKS FROM DISK SLEEVE COURT GIVES CITY AND DEFENSE OPPORTUNITY TO QUESTION BOTH JURORS REGARDING THE JURORS REVIEW OF EXHIBITS COURT ALSO PLAYS EXHIBIT #42 AND #43 AT DEFENSE COUNSEL'S REQUEST MARSHAL ESCORTS ENTIRE JURY INTO COURT ROOM – PARTIES STIPULATE ALL JURORS PRESENT FOREMAN DELIVERS VERDICT TO MARSHAL COURT REVIEWS VERDICT – CLERK READS VERDICT FOR RECORD	

CASE # 22CRH000090-0000 SAM BATEMAN - DEPT # 1

State **RIOS, CAESAR**

DATE, JUDGE, OFFICERS OF COURT PRESENT	PROCEEDINGS APPEARANCES - HEARING	EVENTS
	VERDICT FILED IN OPEN COURT DEFENDANT FOUND GUILTY OF BATTERY CONSTITUTING DOMESTIC VIOLENCE DEFENSE COUNSEL REQUESTS SENTENCING CONTINUED MATTER CONTINUED FOR SENTENCING NO BAIL POSTED – STAY AWAY FROM VICTIM AND SPECIAL PROGRAMS SUPERVISION CONTINUES	
	JURY TRIAL HELD - CRIMINAL The following event: CRIMINAL JURY TRIAL - MISD - HND scheduled for 06/21/2022 at 12:00 pm has been resulted as follows: Result: JURY TRIAL HELD - CRIMINAL Judge: BATEMAN, SAM Location: DEPARTMENT 1	

JUSTICE COURT. HENDERSON TOWNSHIP
CLARK COUNTY, NEVADA
DOCKET SHEET...CRIMINAL

CASE # 22CRH000090-0000 SAM BATEMAN - DEPT # 1

State **RIOS, CAESAR**

DATE, JUDGE, OFFICERS OF COURT PRESENT	PROCEEDINGS APPEARANCES - HEARING	EVENTS
June 20, 2022 S. BATEMAN, JP M. SCHIFALACQUA, DCA S. DIGIACOMO, DCA R. DEMARCO, ESQ. K. ZICHA, CLK JAVS	JURY TRIAL HELD - CRIMINAL The following event: CRIMINAL JURY TRIAL - MISD - HND scheduled for 06/20/2022 at 9:00 am has been resulted as follows: Result: JURY TRIAL HELD - CRIMINAL Judge: BATEMAN, SAM Location: DEPARTMENT 1 TIME SET FOR JURY TRIAL DEFENDANT PRESENT EXCLUSIONARY RULE INVOKED JURORS ESCORTED INTO COURT ROOM BY COURT MARSHAL – PARTIES STIPULATE ALL JURORS PRESENT CITY MAKES OPENING STATEMENT DEFENSE MAKES OPENING STATEMENT CITY'S WITNESSES DILLON [redacted] LUIS [redacted] LINDA [redacted] LUIS [redacted] RECALLED YESENIA [redacted] JONATHAN [redacted] COURT'S EXHIBIT'S #1 - #7 MARKED CITY'S EXHIBIT'S #1; #40; #41, #42 OFFERED, OBJECTED, ADMITTED #2-#39; #43 OFFERED, ADMITTED JUROR BADGE #11 EXCUSED DUE TO MEDICAL DEFENSE RENEWS MOTION TO DISMISS – MOTION DENIED COURT CANVASS DEFENDANT REGARDING RIGHT TO TESTIFY AND READS DEFENDANT JURY ADMONITION CITY RESTS DEFENSE ORAL MOTION TO CONTINUE TRIAL ONE DAY – CITY OBJECTS COURT POLLS JURY REGARDING SCHEDULE JURY EXCUSED FOR DAY– COURT READS JURY ADMONITION JURY TRIAL CONTINUED NO BAIL POSTED – STAY AWAY FROM VICTIM AND SPECIAL PROGRAMS SUPERVISION CONTINUES	

JUSTICE COURT. HENDERSON TOWNSHIP
CLARK COUNTY, NEVADA
DOCKET SHEET...CRIMINAL

CASE # 22CRH000090-0000 SAM BATEMAN - DEPT # 1

State **RIOS, CAESAR**

DATE, JUDGE, OFFICERS OF COURT PRESENT	PROCEEDINGS APPEARANCES - HEARING	EVENTS
June 16, 2022 S. BATEMAN, JP M. SCHIFALACQUA, DCA S. DIGIACOMO, DCA R. DEMARCO, ESQ. K. ZICHA, CLK JAVS	JURY TRIAL HELD - CRIMINAL The following event: CRIMINAL JURY TRIAL - MISD - HND scheduled for 06/16/2022 at 9:00 am has been resulted as follows: Result: JURY TRIAL HELD - CRIMINAL Judge: BATEMAN, SAM Location: DEPARTMENT 1 SET FOR COURT APPEARANCE Event: CRIMINAL JURY TRIAL - MISD - HND Date: 06/20/2022 Time: 9:00 am Judge: BATEMAN, SAM Location: DEPARTMENT 1 Result: JURY TRIAL HELD - CRIMINAL TIME SET FOR JURY TRIAL DEFENDANT PRESENT DEFENSE ORAL MOTION TO DISMISS AND ARGUMENT IN FAVOR OF SAID MOTION CITY ARGUMENT AGAINST SAID MOTION MOTION TO DISMISS DENIED CLERK TAKES ROLL CALL OF ALL POTENTIAL JURORS AND ADMINISTERS JURY VOIR DIRE OATH COURT ASKS JURY STANDARD AND DISQUALIFYING QUESTIONS VOIR DIRE OF JURORS BY CITY AND DEFENSE CITY AND DEFENSE EXERCISE PEREMPTORY CHALLENGES REMAINING JURORS EXCUSED 12 JURORS AND 2 ALTERNATES SELECTED AND GIVEN NEW JURY BADGES #1-#14 COURT READS PRELIMINARY INSTRUCTIONS TO JURY CLERK READS CRIMINAL COMPLAINT TO JURY JUROR LIST FILED IN OPEN COURT SELECTED JURY SEATING CHART FILED IN OPEN COURT JURORS EXCUSED FOR DAY - COURT READS JURY ADMONITION JURY TRIAL CONTINUED NO BAIL POSTED – STAY AWAY FROM VICTIM AND SPECIAL PROGRAMS SUPERVISION CONTINUES	

JUSTICE COURT. HENDERSON TOWNSHIP
CLARK COUNTY, NEVADA
DOCKET SHEET...CRIMINAL

CASE # 22CRH000090-0000 SAM BATEMAN - DEPT # 1

State **RIOS, CAESAR**

DATE, JUDGE, OFFICERS OF COURT PRESENT	PROCEEDINGS APPEARANCES - HEARING	EVENTS
June 09, 2022 S. BATEMAN, JP M. SCHIFALACQUA, DCA R. DEMARCO, ESQ. K. ZICHA, CLK L. BRENSKE, CR	CALLENDAR CALL: DEFENDANT PRESENT MOTION IN LIMINE TO PRECLUDE ANY EVIDENCE REGARDING THE INTERNAL AFFAIRS INVESTIGATION RE: DEFENDANT'S EMPLOYMENT - MOTION GRANTED PARTIES AGREE ON 12 JURORS JURY TRIAL STANDS NO BAIL POSTED - STAY AWAY ORDER & SPECIAL PROGRAMS SUPERVISION CONTINUES	
June 01, 2022	MOTION IN LIMINE TO PRECLUDE ANY EVIDENCE REGARDING THE INTERNAL AFFAIRS INVESTIGATION RE: DEFENDANT'S EMPLOYMENT FILED	
May 03, 2022 S. BATEMAN, JP N. DEMONTE, DDA R. DEMARCO, ESQ K. ZICHA, CLK L. BRENSKE, CR	STATUS CHECK: DEFENDANT NOT PRESENT CITY PROVIDED OFFER, DEFENDANT REJECTED OFFER CALENDAR CALL SET FOR 06/09/2022 STANDS JURY TRIAL SET FOR 06/16/2022 STANDS NO BAIL POSTED - STAY AWAY ORDER & SPECIAL PROGRAMS SUPERVISION CONTINUES	
April 06, 2022 S. BATEMAN, JP M. SCHIFALACQUA, DCA R. SCHONFELD, ESQ. FOR R. DEMARCO, ESQ. K. ZICHA, CLK L. BRENSKE, CR	SET FOR COURT APPEARANCE Event: STATUS CHECK HND Date: 05/03/2022 Time: 9:00 am Judge: BATEMAN, SAM Location: DEPARTMENT 1 MOTION: DEFENDANT NOT PRESENT CITY ATTORNEY MOTION REQUESTING NO CONTACT ORDER GRANTED IN PART DEFENDANT MAY ONLY CONTACT VICTIM IN WRITING REGARDING CHILDS WELLFARE AND HEALTH CITY ATTORNEY FURTHER REQUESTS DEFENDANT REMAIN ON CITY SPECIAL PROGRAMS SUPERVISION - DEFENSE OBJECTS COURT REINSTATES SPECIAL PROGRAMS SUPERVISION AS ORDERED IN MUNICIPAL COURT CALLENDAR CALL AND JURY TRIAL STANDS MATTER CONTINUED FOR STATUS CHECK NO BAIL POSTED	

JUSTICE COURT. HENDERSON TOWNSHIP
CLARK COUNTY, NEVADA
DOCKET SHEET...CRIMINAL

CASE # 22CRH000090-0000 SAM BATEMAN - DEPT # 1

State **RIOS, CAESAR**

DATE, JUDGE, OFFICERS OF COURT PRESENT	PROCEEDINGS APPEARANCES - HEARING	EVENTS
March 30, 2022	MOTION TO PLACE ON CALENDAR TO REQUEST NO-CONTACT ORDER FILED BY HENDERSON CITY ATTORNEY SET FOR COURT APPEARANCE Event: MOTIONS HND Date: 04/06/2022 Time: 9:00 am Judge: BATEMAN, SAM Location: DEPARTMENT 1 Result: CRIMINAL HEARING HELD	
March 01, 2022 S. BATEMAN, JP E. DERJAVINA, DCA R. DEMARCO, ESQ. K. ZICHA, CLK L. BRENSKE, CR	SET FOR COURT APPEARANCE Event: CALENDAR CALL HND Date: 06/09/2022 Time: 9:00 am Judge: BATEMAN, SAM Location: DEPARTMENT 1 DEFENDANT NOT PRESENT ARGUMENTS HEARD MOTION DENIED JURY TRIAL SET CALENDAR CALL SET NO BAIL POSTED - NO CONTACT WITH VICTIM AND STAY OUT OF TROUBLE ORDER CONTINUES SET FOR COURT APPEARANCE Event: CRIMINAL JURY TRIAL - MISD - HND Date: 06/16/2022 Time: 9:00 am Judge: BATEMAN, SAM Location: DEPARTMENT 1	
February 10, 2022 S. BATEMAN, JP E. ANDERLIK, DCA R. SCHONFELD, ESQ. FOR R. DEMARCO, ESQ. K. ZICHA, CLK L. BRENSKE, CR	SET FOR COURT APPEARANCE Event: ARGUMENT HND Date: 03/01/2022 Time: 9:00 am Judge: BATEMAN, SAM Location: DEPARTMENT 1 DEFENDANT NOT PRESENT DEFENSE REQUESTS MOTION TO DISQUALIFY THE HENDERSON CITY ATTORNEY (FILED IN HENDERSON MUNICIPAL COURT) BE CONTINUED FOR ARGUMENT DEFENSE FURTHER RESERVES OBJECTIONS TO TRANSFTER CASE MATTER CONTINUED FOR ARGUMENT NO BAIL POSTED - NO CONTACT WITH VICTIM AND STAY OUT OF TROUBLE ORDER CONTINUES	

JUSTICE COURT. HENDERSON TOWNSHIP
CLARK COUNTY, NEVADA
DOCKET SHEET...CRIMINAL

CASE # 22CRH000090-0000 SAM BATEMAN - DEPT # 1

State **RIOS, CAESAR**

DATE, JUDGE, OFFICERS OF COURT PRESENT	PROCEEDINGS APPEARANCES - HEARING	EVENTS
February 03, 2022	CASE TRANSFERRED FROM HENDERSON MUNICIPAL COURT	
	SET FOR COURT APPEARANCE Event: COURT APPEARANCE HND Date: 02/10/2022 Time: 9:00 am Judge: BATEMAN, SAM Location: DEPARTMENT 1 Result: CRIMINAL HEARING HELD	

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

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

Count One: Interference with Commerce by Robbery, a Felony (18 U.S.C §1951)
Count Two: Interference with Commerce by Robbery, a Felony (18 U.S.C §1951)
Count Three: Interference with Commerce by Robbery, a Felony (18 U.S.C §1951)
Count Four: Brandishing a Firearm During and In Relation to a Crime of Violence, a Felony (18 U.S.C § 924(c))

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

January 22, 2024

Caleb M. Rogers
[redacted]
North Las Vegas, NV 89031

Dear Mr. Rogers,

POST PIN #: 33836

Based upon documentation received by the Nevada Peace Officer Standards and Training Commission (the Commission) and in accordance with Nevada Administrative Code 289.290 and Nevada Revised Statute 241.033, you are hereby notified that the Commission has initiated action to revoke your Nevada peace officer certificate(s) that authorizes the holder to be employed as a peace officer in the state of Nevada.

I have included a copy of Nevada Administrative Code 289.290 for your convenience.

The Commission's regulations provide that a person's peace officer certificate(s) will be revoked pursuant to **NAC 289.290(1)(g) based on a Conviction of, or entry of a plea of guilty, guilty but mentally ill or nolo contendere to, a felony.** The conviction(s) which have led to this action are as follows:

Count One: Interference with Commerce by Robbery, a Felony (18 U.S.C §1951)
Count Two: Interference with Commerce by Robbery, a Felony (18 U.S.C §1951)
Count Three: Interference with Commerce by Robbery, a Felony (18 U.S.C §1951)
Count Four: Brandishing a Firearm During and In Relation to a Crime of Violence, a Felony (18 U.S.C § 924(c))
Case#: 2:22-cr-00064-APG-EJY-1
Jurisdiction: United States District Court, District of Nevada

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

If you choose to appeal and answer the charges against you, the Commission may elect to sit as a whole or a number that is practicable at a hearing or designate an independent hearing officer to hear the matter. You will be given the opportunity to present evidence and cross-examine witnesses as applicable. If you wish, you may be represented by an attorney; however, this would be at your own expense.

EXHIBIT A

Written requests can be made to:

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

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

Date: February 22, 2024
Time: 2:00 p.m.
Location: Boulder City Hall, City Council Chambers, 401 California Ave., Boulder City, NV 89005

The hearing will cover the following: whether your P.O.S.T certificate(s) should be revoked, pursuant to **NAC 289.290(1)(g) based on a Conviction of, or entry of a plea of guilty, guilty but mentally ill or nolo contendere to, a felony.**

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

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

Sincerely,

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

cc: Senior Deputy Attorney General Nathan Hastings
File

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

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

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

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

(c) Chronic drinking or drunkenness on duty.

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

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

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

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

(h) Except as otherwise provided in paragraph (i), conviction of a misdemeanor. If the employing agency recommends suspension or revocation following the conviction of the employee for a misdemeanor, suspension or revocation may be imposed. In determining whether to suspend or revoke the certificate, the Commission will consider the type of conviction and other information provided by the agency indicating unprofessional conduct or similar undesirable activity by the officer that resulted in disciplinary action.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

STATE OF NEVADA

COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING
5587 Wa Pai Shone Avenue
CARSON CITY, NEVADA 89701
(775) 687-7678 FAX (775) 687-4911

JOE LOMBARDO
Governor

MICHAEL D. SHERLOCK
Executive Director

DECLARATION OF SERVICE

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

To Individual's Name: **CALEB M. ROGERS**

at [redacted] on this

24 day of January, 2024.
Day *Month* *Year*

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

Executed on this 24 day of January, 2024.
Day *Month* *Year*

Signature of person serving the Notice

D. Stone
Printed name of person serving the Notice

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

EXHIBIT B

State of Nevada – POST

Update – Personnel Action Report (PAR)

Agency Login

Agency Name *
LV Metro PD

Employee Details

POST ID *
33836

First Name *
CALEB

Last Name *
ROGERS

Middle Initial
M

Suffix

☐ Name Changed

☐ Address Changed

Level Change

Level Changed *
◉ Line ○ Supervisor ○ Management ○ Executive

*
○ Part Time ◉ Full Time

Status Changed
○ Deceased ○ Retired ◉ Separated

Effective Date *
10/31/2023

NAC 289.290 Notification (Cause for Commission Action)

EXHIBIT C

Pursuant to NAC 289.290(3): "The employing agency shall notify the Commission anytime that it becomes aware that one of its officer's has been charged with a crime that could result in denial, suspension or revocation procedures. Upon receipt of information alleging any of the causes enumerated in subsection 1, the Commission will determine whether to pursue revocation or suspension of the certificate of the officer."

Does the above NAC apply?

○ No ● Yes

Is your agency requesting revocation?

○ Yes ○ No

Comments\Additional Information:

Voluntary Resignation- CI2022-017 Federal District Court

Submitter Details

Submitter's Full Name *	Submitter's Phone # *	Submitter's E-Mail Address
Jessica Reynolds	702-828-6944	J16596R@LVMPD.com

txtFormType

Update PAR

STATE OF NEVADA

COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

Hereby Awards the

Category I
Basic Certificate

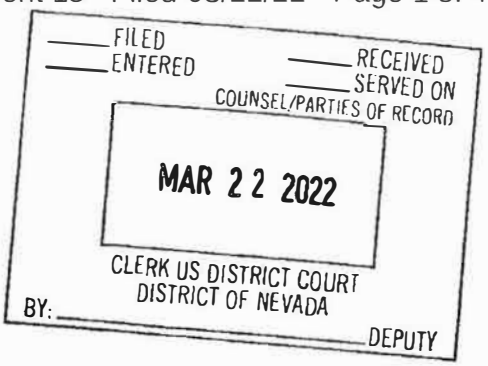
To

Caleb M. Rogers

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

Governor	Executive Director
33836	June 14, 2016
POST ID No.	Date

EXHIBIT D



CHRISTOPHER CHIOU
Acting United States Attorney
District of Nevada
Nevada Bar Number 14853
DANIEL J. COWHIG
Assistant United States Attorney
501 Las Vegas Blvd. South, Suite 1100
Las Vegas, Nevada 89101
(702) 388-6336
daniel.cowhig@.usdoj.gov
Attorneys for the United States of America

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

CALEB MITCHELL ROGERS,

Defendant.

CRIMINAL INDICTMENT

Case No. 2:22-cr-64-JCM-VCF

VIOLATIONS:

Counts One through Three: 18 U.S.C. § 1951 – Interference with Commerce by Robbery

Count Four: 18 U.S.C. § 924(c)(1)(A)(ii) – Brandishing a Firearm During and in Relation to a Crime of Violence

THE GRAND JURY CHARGES THAT:

COUNT ONE
Interference with Commerce by Robbery
18 U.S.C. § 1951

On or about November 12, 2021, in the State and Federal District of Nevada,

CALEB MITCHELL ROGERS,

defendant herein, unlawfully obstructed, delayed, and affected, and attempted to obstruct, delay, and affect commerce as that term is defined in Title 18, United States Code, Section 1951(b)(3), and the movement of articles and commodities in such commerce, by robbery

EXHIBIT E

as that term is defined in Title 18, United States Code, Section 1951(b)(1), in that the defendant did unlawfully take and obtain property, that is, approximately seventy three thousand eight hundred ten dollars ($73,810.00) in United States currency, from the person and in the presence of an employee and agent of the Red Rock Resort and Casino, located at 11011 West Charleston Boulevard in Las Vegas, Nevada, against the will of said employee and agent, and by means of actual and threatened force, violence, and fear of injury, immediate or future, to the person of said employee and agent, all in violation of Title 18, United States Code, Section 1951.

COUNT TWO
Interference with Commerce by Robbery
18 U.S.C. § 1951

On or about January 6, 2022, in the State and Federal District of Nevada,

CALEB MITCHELL ROGERS,

defendant herein, unlawfully obstructed, delayed, and affected, and attempted to obstruct, delay, and affect commerce as that term is defined in Title 18, United States Code, Section 1951(b)(3), and the movement of articles and commodities in such commerce, by robbery as that term is defined in Title 18, United States Code, Section 1951(b)(1), in that the defendant did unlawfully take and obtain property, that is, approximately eleven thousand five hundred dollars ($11,500.00) in United States currency, from the person and in the presence of an employee and agent of Aliante + Casino + Hotel + Spa, located at 7300 Aliante Parkway in North Las Vegas, Nevada, against the will of said employee and agent, and by means of actual and threatened force, violence, and fear of injury, immediate or future, to the person of said employee and agent, all in violation of Title 18, United States Code, Section 1951.

/ / /

COUNT THREE
Interference with Commerce by Robbery
18 U.S.C. § 1951

On or about February 27, 2022, in the State and Federal District of Nevada,

CALEB MITCHELL ROGERS,

defendant herein, unlawfully obstructed, delayed, and affected, and attempted to obstruct, delay, and affect commerce as that term is defined in Title 18, United States Code, Section 1951(b)(3), and the movement of articles and commodities in such commerce, by robbery as that term is defined in Title 18, United States Code, Section 1951(b)(1), in that the defendant did unlawfully take and obtain property, that is, approximately seventy eight thousand eight hundred ninety eight dollars ($78,898.00) in United States currency, from the person and in the presence of an employee and agent of Rio All-Suite Hotel and Casino, located at 3700 West Flamingo Road in Las Vegas, Nevada, against the will of said employee and agent, and by means of actual and threatened force, violence, and fear of injury, immediate or future, to the person of said employee and agent, all in violation of Title 18, United States Code, Section 1951.

COUNT FOUR
Brandishing a Firearm During and In Relation to a Crime of Violence
18 U.S.C. § 924(c)

On or about February 27, 2022, in the State and Federal District of Nevada,

CALEB MITCHELL ROGERS,

defendant herein, during and in relation to the crime of violence charged in Count Three of this Indictment, knowingly and intentionally carried and used a firearm, to wit: a Sturm,

/ / /

/ / /

Ruger & Company model SP101 .357 caliber revolver bearing serial number 57309886, said firearm being brandished; all in violation of Title 18, United States Code, Section 924(c)(1)(A)(ii).

DATED: this 22nd day of March, 2022.

A TRUE BILL:

/S/
FOREPERSON OF THE GRAND JURY

CHRISTOPHER CHIOU
Acting United States Attorney

By _____
DANIEL J. COWHIG
Assistant United States Attorney

Attorneys for Plaintiff
UNITED STATES OF AMERICA

FILED RECEIVED
ENTERED SERVED ON
COUNSEL/PARTIES OF RECORD
JUL 14 2023
CLERK US DISTRICT COURT
DISTRICT OF NEVADA
BY: DEPUTY

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff

v.

CALEB MITCHELL ROGERS,

Defendant

Case No.: 2:22-cr-00064-APG-EJY

VERDICT

We, the jury, upon our oaths, do say:

1. **COUNT ONE**: That we find the defendant, **CALEB MITCHELL ROGERS,** Guilty **(Not Guilty / Guilty)** of the offense of *Robbery* as charged in Count One of the Indictment.

2. **COUNT TWO**: That we find the defendant, **CALEB MITCHELL ROGERS,** Guilty **(Not Guilty / Guilty)** of the offense of *Robbery* as charged in Count Two of the Indictment.

3. **COUNT THREE**: That we find the defendant, **CALEB MITCHELL ROGERS,** Guilty **(Not Guilty / Guilty)** of the offense of *Robbery* as charged in Count Three of the Indictment.

4. **COUNT FOUR:** That we find the defendant, **CALEB MITCHELL ROGERS,** Guilty **(Not Guilty / Guilty)** of the offense of *Brandishing a Firearm During and in Relation to Robbery* as charged in Count Four of the Indictment.

Signed by Foreperson: /s/

EXHIBIT F

THE UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA
* * * *

UNITED STATES OF AMERICA, Plaintiff, vs. CALEB MITCHELL ROGERS, Defendant.	2:22-cr-00064-APG-EJY-1 DATE: July 13, 2023 Courtroom 6C

THE HONORABLE ANDREW P. GORDON, UNITED STATES DISTRICT JUDGE

DEPUTY CLERK: Melissa Johansen COURT REPORTER: Paige Christian

COUNSEL FOR PLAINTIFF: Daniel Cowhig and David Kiebler

COUNSEL FOR DEFENDANT: Richard Pocker

MINUTES OF PROCEEDINGS: Jury Trial (Day 4)

9:35 a.m. The court convened outside the jury's presence. The defendant is present and in custody. Jury question addressed.

The court recessed from 9:37 a.m. until 12:46 p.m.

Outside the jury's presence, the court announced the jury reached a verdict.

12:49 p.m. The jury entered.

The verdict is published by the Court.

The defendant is found guilty as to Counts 1 – 4 of the Criminal Indictment (ECF No.15).

The jury is thanked and discharged.

Sentencing is scheduled for October 12, 2023, at 9:00 a.m. in Las Vegas Courtroom 6C.

Court adjourned at 12:52 p.m.

DEBRA K. KEMPI, CLERK
U.S. DISTRICT COURT

BY: /S/
Melissa Johansen, Deputy Clerk

EXHIBIT G

AO 245B (Rev. 09/20) Judgment in a Criminal Case
Sheet 1

UNITED STATES DISTRICT COURT

District of Nevada

UNITED STATES OF AMERICA
v.
Caleb Mitchell Rogers

JUDGMENT IN A CRIMINAL CASE

Case Number: 2:22-cr-00064-APG-EJY-1

USM Number: 90236-509

Richard J. Pocker
Defendant's Attorney

THE DEFENDANT:

☐ pleaded guilty to count(s)

☐ pleaded nolo contendere to count(s) which was accepted by the court.

☑ was found guilty on count(s) after a plea of not guilty. 1 - 4

The defendant is adjudicated guilty of these offenses:

Title & Section	Nature of Offense	Offense Ended	Count
18:1951	Interference with Commerce by Robbery	11/12/2021	1
18:1951	Interference with Commerce by Robbery	01/06/2022	2
18:1951	Interference with Commerce by Robbery	02/27/2022	3
18:924(c)(1)(A)(ii)	Brandishing a Firearm During and In Relation to a Crime of Violence	02/27/2022	4

The defendant is sentenced as provided in pages 2 through 7 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

☐ The defendant has been found not guilty on count(s)

☐ Count(s) ☐ is ☐ are dismissed on the motion of the United States.

It is ordered that the defendant must notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances.

October 17, 2023
Date of Imposition of Judgment

Signature of Judge

ANDREW P. GORDON, UNITED STATES DISTRICT JUDGE
Name and Title of Judge

October 17, 2023
Date

EXHIBIT H

DEFENDANT: Caleb Mitchell Rogers
CASE NUMBER: 2:22-cr-00064-APG-EJY-1

IMPRISONMENT

The defendant is hereby committed to the custody of the Federal Bureau of Prisons to be imprisoned for a total term of:
60 months per Count 1-3, concurrent; 84 months per Count 4, consecutive to all other counts for an aggregate term of 144 months.

☑ The court makes the following recommendations to the Bureau of Prisons:
Based on the proximity of family, the court recommends the defendant be permitted to serve his term of incarceration as USP Coleman 2, or the Mid-Atlantic Region.

☑ The defendant is remanded to the custody of the United States Marshal.

☐ The defendant shall surrender to the United States Marshal for this district:

☐ at _____ ☐ a.m. ☐ p.m. on _____.

☐ as notified by the United States Marshal.

☐ The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:

☐ before 12 p.m. on _____.

☐ as notified by the United States Marshal.

☐ as notified by the Probation or Pretrial Services Office.

RETURN

I have executed this judgment as follows:

Defendant delivered on _____ to _____

at _____, with a certified copy of this judgment.

_____
UNITED STATES MARSHAL

By _____
DEPUTY UNITED STATES MARSHAL

DEFENDANT: Caleb Mitchell Rogers
CASE NUMBER: 2:22-cr-00064-APG-EJY-1

SUPERVISED RELEASE

Upon release from imprisonment, you will be on supervised release for a term of:

3 years per count, concurrent.

MANDATORY CONDITIONS

1. You must not commit another federal, state or local crime.
2. You must not unlawfully possess a controlled substance.
3. You must refrain from any unlawful use of a controlled substance. You must submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court, not to exceed 104 tests annually.
   - ☐ The above drug testing condition is suspended, based on the court's determination that you pose a low risk of future substance abuse. *(check if applicable)*
4. ☑ You must make restitution in accordance with 18 U.S.C. §§ 3663 and 3663A or any other statute authorizing a sentence of restitution. *(check if applicable)*
5. ☑ You must cooperate in the collection of DNA as directed by the probation officer. *(check if applicable)*
6. ☐ You must comply with the requirements of the Sex Offender Registration and Notification Act (34 U.S.C. § 20901, *et seq.*) as directed by the probation officer, the Bureau of Prisons, or any state sex offender registration agency in the location where you reside, work, are a student, or were convicted of a qualifying offense. *(check if applicable)*
7. ☐ You must participate in an approved program for domestic violence. *(check if applicable)*

You must comply with the standard conditions that have been adopted by this court as well as with any other conditions on the attached page.

DEFENDANT: Caleb Mitchell Rogers
CASE NUMBER: 2:22-cr-00064-APG-EJY-1

STANDARD CONDITIONS OF SUPERVISION

As part of your supervised release, you must comply with the following standard conditions of supervision. These conditions are imposed because they establish the basic expectations for your behavior while on supervision and identify the minimum tools needed by probation officers to keep informed, report to the court about, and bring about improvements in your conduct and condition.

1. You must report to the probation office in the federal judicial district where you are authorized to reside within 72 hours of your release from imprisonment, unless the probation officer instructs you to report to a different probation office or within a different time frame.
2. After initially reporting to the probation office, you will receive instructions from the court or the probation officer about how and when you must report to the probation officer, and you must report to the probation officer as instructed.
3. You must not knowingly leave the federal judicial district where you are authorized to reside without first getting permission from the court or the probation officer.
4. You must answer truthfully the questions asked by your probation officer.
5. You must live at a place approved by the probation officer. If you plan to change where you live or anything about your living arrangements (such as the people you live with), you must notify the probation officer at least 10 days before the change. If notifying the probation officer in advance is not possible due to unanticipated circumstances, you must notify the probation officer within 72 hours of becoming aware of a change or expected change.
6. You must allow the probation officer to visit you at any time at your home or elsewhere, and you must permit the probation officer to take any items prohibited by the conditions of your supervision that he or she observes in plain view.
7. You must work full time (at least 30 hours per week) at a lawful type of employment, unless the probation officer excuses you from doing so. If you do not have full-time employment you must try to find full-time employment, unless the probation officer excuses you from doing so. If you plan to change where you work or anything about your work (such as your position or your job responsibilities), you must notify the probation officer at least 10 days before the change. If notifying the probation officer at least 10 days in advance is not possible due to unanticipated circumstances, you must notify the probation officer within 72 hours of becoming aware of a change or expected change.
8. You must not communicate or interact with someone you know is engaged in criminal activity. If you know someone has been convicted of a felony, you must not knowingly communicate or interact with that person without first getting the permission of the probation officer.
9. If you are arrested or questioned by a law enforcement officer, you must notify the probation officer within 72 hours.
10. You must not own, possess, or have access to a firearm, ammunition, destructive device, or dangerous weapon (i.e., anything that was designed, or was modified for, the specific purpose of causing bodily injury or death to another person such as nunchakus or tasers).
11. You must not act or make any agreement with a law enforcement agency to act as a confidential human source or informant without first getting the permission of the court.
12. If the probation officer determines that you pose a risk to another person (including an organization), the probation officer may require you to notify the person about the specific risks posed by your criminal record and you must comply with that instruction. The probation officer may contact the person and confirm that you have notified the person about the specific risks posed by your criminal record.
13. You must follow the instructions of the probation officer related to the conditions of supervision.

U.S. Probation Office Use Only

A U.S. probation officer has instructed me on the conditions specified by the court and has provided me with a written copy of this judgment containing these conditions. For further information regarding these conditions, see *Overview of Probation and Supervised Release Conditions*, available at: www.uscourts.gov.

Defendant's Signature _____ Date _____

DEFENDANT: Caleb Mitchell Rogers
CASE NUMBER: 2:22-cr-00064-APG-EJY-1

SPECIAL CONDITIONS OF SUPERVISION

1. Mental Health Treatment – You must participate in a mental health treatment program [Outpatient] and follow the rules and regulations of that program. The probation officer, in consultation with the treatment provider, will supervise your participation in the program (provider, location, modality, duration, intensity, etc.).

2. Search and Seizure – You must submit your person, property, house, residence, vehicle, papers, computers (as defined in 18 U.S.C. § 1030(e)(1)), other electronic communications or data storage devices or media, or office, to a search conducted by a United States Probation Officer. Failure to submit to a search may be grounds for revocation of release. You must warn any other occupants that the premises may be subject to searches pursuant to this condition.

The probation officer may conduct a search under this condition only when reasonable suspicion exists that you have violated a condition of supervision and that the areas to be searched contain evidence of this violation. Any search must be conducted at a reasonable time and in a reasonable manner.

3. Access to Financial Information – You must provide the probation officer access to any requested financial information and authorize the release of any financial information. The probation office will share financial information with the U.S. Attorney's Office.

DEFENDANT: Caleb Mitchell Rogers
CASE NUMBER: 2:22-cr-00064-APG-EJY-1

CRIMINAL MONETARY PENALTIES

The defendant must pay the total criminal monetary penalties under the schedule of payments on Sheet 6.

	Assessment	Restitution	Fine	AVAA Assessment*	JVTA Assessment**
TOTALS	$ 400.00	$ 85,310.00	$ 0.00	$ 0.00	$ 0.00

☐ The determination of restitution is deferred until _____. An *Amended Judgment in a Criminal Case (AO 245C)* will be entered after such determination.

☑ The defendant must make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

Name of Payee	Total Loss***	Restitution Ordered	Priority or Percentage
Red Rock Resort and Casino 11011 W Charleston Blvd Las Vegas NV 89135		$73,810.00	
Aliante Casino Hotel and Spa 7300 N Aliante Pkwy North Las Vegas NV 89084		$11,500.00	

TOTALS	$ 0.00	$ 85,310.00

☐ Restitution amount ordered pursuant to plea agreement $ _____

☑ The defendant must pay interest on restitution and a fine of more than $2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 6 may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).

☐ The court determined that the defendant does not have the ability to pay interest and it is ordered that:

☐ the interest requirement is waived for the ☐ fine ☐ restitution.

☐ the interest requirement for the ☐ fine ☐ restitution is modified as follows:

* Amy, Vicky, and Andy Child Pornography Victim Assistance Act of 2018, Pub. L. No. 115-299.
** Justice for Victims of Trafficking Act of 2015, Pub. L. No. 114-22.
*** Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

AO 245B (Rev. 09/20) Judgment in a Criminal Case
Sheet 6 — Schedule of Payments

DEFENDANT: Caleb Mitchell Rogers
CASE NUMBER: 2:22-cr-00064-APG-EJY-1

SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties is due as follows:

A ☑ Lump sum payment of $ 85,710.00 due immediately, balance due

☐ not later than _____, or
☑ in accordance with ☐ C, ☐ D, ☐ E, or ☑ F below; or

B ☐ Payment to begin immediately (may be combined with ☐ C, ☐ D, or ☐ F below); or

C ☐ Payment in equal _____ *(e.g., weekly, monthly, quarterly)* installments of $ _____ over a period of _____ *(e.g., months or years)*, to commence _____ *(e.g., 30 or 60 days)* after the date of this judgment; or

D ☐ Payment in equal _____ *(e.g., weekly, monthly, quarterly)* installments of $ _____ over a period of _____ *(e.g., months or years)*, to commence _____ *(e.g., 30 or 60 days)* after release from imprisonment to a term of supervision; or

E ☐ Payment during the term of supervised release will commence within _____ *(e.g., 30 or 60 days)* after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time; or

F ☑ Special instructions regarding the payment of criminal monetary penalties:
It is further recommended that any unpaid balance shall be paid at a monthly rate of not less than 10% of any income earned during incarceration and/or gross income while on supervision, subject to adjustment by the Court based upon ability to pay.

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during the period of imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the clerk of the court.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

☐ Joint and Several

Case Number Defendant and Co-Defendant Names *(including defendant number)*	Total Amount	Joint and Several Amount	Corresponding Payee, if appropriate

☐ The defendant shall pay the cost of prosecution.

☐ The defendant shall pay the following court cost(s):

☐ The defendant shall forfeit the defendant's interest in the following property to the United States:

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) AVAA assessment, (5) fine principal, (6) fine interest, (7) community restitution, (8) JVTA assessment, (9) penalties, and (10) costs, including cost of prosecution and court costs.

From: [redacted]
To: [redacted]
Subject: Activity in Case 2:22-cr-00064-APG-EJY USA v. Rogers Sentencing
Date: Tuesday, October 17, 2023 12:43:32 PM

*****NOTE TO PUBLIC ACCESS USERS*** Judicial Conference of the United States policy permits attorneys of record and parties in a case (including pro se litigants) to receive one free electronic copy of all documents filed electronically, if receipt is required by law or directed by the filer. PACER access fees apply to all other users. To avoid later charges, download a copy of each document during this first viewing. However, if the referenced document is a transcript, the free copy and 30 page limit do not apply.**

United States District Court

District of Nevada

Notice of Electronic Filing

The following transaction was entered on 10/17/2023 at 12:42 PM PDT and filed on 10/17/2023

Case Name: USA v. Rogers
Case Number: 2:22-cr-00064-APG-EJY
Filer:
Document Number: 125(No document attached)

Docket Text:
MINUTES OF PROCEEDINGS - Sentencing and Disposition as to Caleb Mitchell Rogers held on 10/17/2023 before Judge Andrew P. Gordon. Crtrm Administrator: *M. Johansen*; AUSA: *Daniel Cowhig and David Kiebler*; Def Counsel: *Richard Pocker*; USPO: *Erica Strome*; Court Reporter/Recorder: *Paige Christian*; Time of Hearing: *9:34 a.m. - 11:18 a.m.*; Courtroom: *6C*; The defendant is present and in custody. Factual errors and objections to the PSR are addressed. Sentencing arguments are presented. The defendant and the defendants mother addressed the court. Sentence is imposed as to counts 1, 2, 3, and 4 of the criminal indictment. The defendant acknowledges receiving a copy of the standard, mandatory, and special conditions of release. The defendant is advised of his right to file a notice of appeal. The defendant is remanded to custody. (no image attached) (Copies have been distributed pursuant to the NEF - MAJ)

2:22-cr-00064-APG-EJY-1 Notice has been electronically mailed to:

Richard J. Pocker rpocker@bsfllp.com, dburgos@bsfllp.com, kdfoster@bsfllp.com, richard-pocker-3409@ecf.pacerpro.com, sbettinger@bsfllp.com

Daniel J. Cowhig daniel.cowhig@usdoj.gov, Chavonne.DeVille@usdoj.gov,

EXHIBIT I

caseview.ecf@usdoj.gov

David C Kiebler david.kiebler@usdoj.gov, CaseView.ECF@usdoj.gov, Chavonne.Deville@usdoj.gov

2:22-cr-00064-APG-EJY-1 Notice has been delivered by other means to:

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.

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.

17. **DISCUSSION, PUBLIC COMMENT, AND FOR POSSIBLE ACTION.**
Schedule upcoming Commission Meeting – May 2, 2024 in Carson City

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