

• **BEFORE THE STATE OF NEVADA
GOVERNMENT EMPLOYEE-MANAGEMENT RELATIONS BOARD**

• **DANIEL WALLACE,**

CASE NO. 2026-013

Complainant,

v.

RENO POLICE PROTECTIVE ASSOCIATION,

Respondent.

• **I. PARTIES AND JURISDICTION**

- **1.** Complainant Daniel Wallace was employed as a police officer by the City of Reno/Reno Police Department and was a member of the bargaining unit represented by the Reno Police Protective Association ("RPPA").
- **2.** RPPA was the bargaining representative responsible for representing bargaining-unit members concerning discipline and grievances under the applicable collective bargaining agreement.
- **3.** This complaint concerns RPPA's handling of Wallace's termination grievance and its decision not to continue union-supported representation through arbitration.
- **4.** Wallace alleges that the manner in which RPPA handled and discontinued representation was arbitrary, discriminatory, and/or in bad faith.

• **II. DISCIPLINE UNDERLYING THE GRIEVANCE**

- **5.** RPD placed Wallace on a Performance Improvement Plan on March 1, 2024 addressing interactions with civilians, peers and supervisors; report accuracy and timeliness; and body-worn-camera/digital-evidence matters.
- **6.** On July 18, 2024, while Wallace remained on administrative leave, RPD notified him of disciplinary recommendations associated with ADI2023-0020, including a pay-step reduction and mandatory retraining.
- **7.** In the same July 18, 2024 communication, RPD notified Wallace of its intent to terminate his employment under ADI2024-0002 based on sustained allegations involving truthfulness, Code of Conduct/Values and Ethics, and handling of a domestic-violence investigation.
- **8.** The domestic-violence matter underlying ADI2024-0002 arose from a January 20, 2024 incident.
- **9.** Contemporaneous body-worn-camera evidence captured portions of Wallace's communication with Sgt. Scott Nelson concerning the report that Wallace intended to complete.
- **10.** RPD later relied on truthfulness and credibility findings as part of the discipline that culminated in termination.

11. Chief Kathryn Nance upheld the recommended discipline on October 15, 2025. Wallace thereafter challenged the termination through the contractual grievance process.

III. RPPA REPRESENTATION BEFORE ARBITRATION

12. On October 21, 2025, Wallace appeared before the RPPA Executive Board concerning his termination and request for continued representation.

13. RPPA thereafter continued representation through the City Manager appeal.

14. On November 13, 2025, Wallace, RPPA Director of Discipline and Discharge Joshua Sanford, and attorney Paul Cotsonis appeared at Wallace's City Manager appeal hearing.

15. On December 1, 2025, City Manager Jackie Bryant issued a written decision upholding the discipline and termination.

16. The next contractual stage available to Wallace was arbitration.

IV. RPPA'S OWN REPRESENTATIONS ABOUT ITS REVIEW

17. RPPA later represented in its December 5, 2025 merit letter that members of its Executive Board had reviewed the entire Internal Affairs case file related to Wallace's termination so that they would be fully informed of the sustained allegations.

18. RPPA later represented to the EMRB that Executive Board members reviewed the entire Internal Affairs files for the sustained investigations and that the review did not reveal issues that the Board believed would justify arbitration.

19. These statements are pleaded as RPPA's representations concerning what it says it reviewed and how it says it reached its decision; they are not pleaded as independently established facts merely because RPPA asserted them.

20. RPPA's December 5 letter further stated that the City had 'seemingly established' serious policy violations, that Wallace had received progressive discipline, and that RPPA did not see a viable just-cause, CBA, or past-practice argument.

• V. SUPERVISORY-DIRECTION AND BODY-WORN-CAMERA EVIDENCE

21. Evidence in the underlying disciplinary matter included body-worn-camera recordings of Wallace's January 20, 2024 communications with Sgt. Nelson.

22. Wallace's disciplinary position was that he repeatedly communicated that he had or would complete an incident report and that Nelson responded without immediately correcting him or directing him, at that time, to prepare a crime report.

23. Officer Bridget Soto was present for relevant portions of the incident, and contemporaneous body-worn-camera evidence was capable of testing later witness recollections.

24. Because the termination included allegations of dishonesty and intentional misconduct, the contemporaneous recording, supervisor interaction, and later witness recollections were material to just cause, intent, and credibility.

25. RPPA's own position that it reviewed the IA materials and found no issue warranting arbitration places the reasonableness of its treatment of this evidence directly at issue.

VI. CREDIBILITY AND INVESTIGATIVE CONSISTENCY

26. The termination case placed substantial emphasis on Wallace's truthfulness and credibility.
27. The underlying records contained witness recollections and statements that could be compared against contemporaneous recordings and documentary evidence.
28. Whether discrepancies were treated consistently was material because truthfulness findings were used against Wallace.
29. Wallace's claim against RPPA is not that RPPA was required to accept Wallace's version of every disputed fact, but that a rational grievance review had to meaningfully evaluate material credibility conflicts before concluding that arbitration lacked a viable just-cause basis.

VII. PROGRESSIVE DISCIPLINE AND DOCUMENTED COMPARATOR EVIDENCE

30. RPPA expressly relied on progressive discipline and the absence of a viable past-practice argument in explaining why it would not support arbitration. Those stated reasons make same-and-similar discipline directly relevant to evaluating the rationality of RPPA's decision.
- 31. Comparator A. A confidential disciplinary record reflects a sustained Domestic Violence Investigation policy violation involving required follow-up failures. The documented disposition was a written reprimand plus victim-centered/DV-related training.
 - 32. Comparator B. A confidential disciplinary record reflects a sustained Body-Worn Camera violation for deactivation before the conclusion of an incident. The documented discipline was a one-day suspension held in abeyance conditioned on training/no similar conduct.
 - 33. Comparator C. A confidential disciplinary record reflects a sustained Report Process & Review violation involving failure to prepare or complete a report within the required period. The documented response was performance/training rather than severe economic discipline.
 - 34. Comparator D. A confidential disciplinary record reflects a sustained Code of Conduct/Values & Ethics finding that resulted in documented oral counseling.
 - 35. Comparator E. A confidential disciplinary record reflects a sustained Body-Worn Camera finding that resulted in a written reprimand.
 - 36. Comparator F. A confidential disciplinary record reflects a sustained Report Process & Review finding that resulted in documented oral counseling plus follow-up training with detectives.
 - 37. Comparator G. A confidential disciplinary record reflects a sustained Code of Conduct/Values & Ethics finding for which an initial one-day suspension recommendation was modified to a written reprimand.
 - 38. Comparator H. A confidential 2020 disciplinary record reflects a sustained Body-Worn Camera violation resulting in a one-day unpaid suspension; a related untruthfulness allegation was not sustained.

39. Comparator I. A confidential 2025 disciplinary matter reflects a sustained Code of Conduct/Values & Ethics finding resulting in documented oral counseling and a sustained Body-Worn Camera finding resulting in a written reprimand.

40. Comparator J. A separate officer in a related disciplinary matter received a sustained Report Process & Review finding resulting in documented oral counseling plus follow-up training; the matter also included a sustained Body-Worn Camera allegation.

41. The identities and case numbers of the comparator officers are not stated in this public pleading because the records were produced subject to confidentiality restrictions. Wallace can identify the records through an appropriate confidential procedure if required by the Board.

- 42. The comparator evidence is pleaded because it bears on the proportionality and consistency of the progressive-discipline and past-practice rationale RPPA itself invoked. The complaint does not allege that RPPA possessed every later-produced comparator record unless independent evidence establishes that it did.

VIII. DECEMBER 2025 TEXT COMMUNICATIONS

43. Contemporaneous text messages show that on December 2, 2025 Wallace affirmatively told Sanford that he wanted to go to arbitration and asked whether RPPA would represent him.

44. On December 3, Sanford asked whether Wallace wanted to speak with the Executive Board again. Wallace continued asking whether the Association would represent him.

45. The text exchange then focused on whether Wallace had 'anything new,' 'anything that has changed,' or 'new developments.'

46. Sanford told Wallace, in substance, that if there was nothing further or new, RPPA would not represent him at that time.

47. Wallace questioned the purpose of repeating the same presentation if RPPA had already tied reconsideration to new information, but he nevertheless indicated that if RPPA wanted him to come in and state the same information again, he would do so.

48. Sanford subsequently texted Wallace, "I'll call a meeting on Monday 12-8-25 at 1300 hours. If you'd like to come, we'll be there." The text establishes that Sanford stated he would call a meeting; it does not, by itself, establish that an Executive Board meeting was formally noticed, officially scheduled, convened, or held.

49. RPPA's December 5 merit letter subsequently characterized Wallace as having no new information and not wanting another meeting. RPPA later represented to EMRB that Wallace did not provide additional information and did not appear again. Those statements are pleaded as RPPA's characterizations and are disputed by the contemporaneous text-message sequence.

IX. SAME-AND-SIMILAR REVIEW AS A DUTY-OF-FAIR-REPRESENTATION ISSUE

50. RPPA's own litigation papers acknowledge that Wallace alleged RPPA failed to meaningfully investigate and utilize same-and-similar comparator discipline relevant to progressive discipline and arbitration.

51.

- RPPA's response to that allegation was that Wallace had not supplied sufficiently specific comparator facts in the earlier pleading.

52. The documented comparator records identified above supply concrete examples of sustained misconduct resulting in oral counseling, written reprimands, training, held-in-abeyance suspension, or limited unpaid suspension.

53. Because RPPA invoked progressive discipline and past practice as reasons for refusing arbitration, the existence and treatment of materially similar discipline is relevant to whether RPPA's grievance evaluation had a rational basis.

54. Wallace alleges that RPPA, as his exclusive bargaining representative, had a duty to adequately investigate and evaluate the merits of his termination grievance before deciding whether to discontinue representation at arbitration. Because RPD relied upon progressive discipline and prior disciplinary history to justify Wallace's termination, Wallace alleges that an adequate evaluation required RPPA to investigate relevant same-and-similar discipline and past practice to determine whether comparable misconduct by other officers resulted in materially lesser discipline. Wallace alleges that RPPA failed to adequately conduct and/or utilize that comparative-discipline analysis before refusing to support arbitration. The documented comparator records identified above demonstrate that relevant same-and-similar disciplinary evidence existed and was material to Wallace's argument that RPD subjected him to disparate and disproportionately severe discipline.

55. Wallace does not allege that RPPA was required to reach a particular conclusion from every comparator. Rather, Wallace alleges that RPPA could not reasonably rely upon progressive discipline and the absence of a viable past-practice argument as reasons for denying arbitration without adequately investigating the disciplinary treatment of similarly situated officers whose sustained violations involved the same or similar policies.

X. RPPA NOTICE, INSTITUTIONAL KNOWLEDGE, AND LATER ARBITRATION DISCOVERY

56. Wallace alleges that RPPA's knowledge of comparative discipline was not limited to information first obtained after RPPA refused arbitration. RPPA serves as the bargaining representative for its members in disciplinary matters, and its representatives participate in disciplinary proceedings on behalf of bargaining-unit members. Wallace alleges that this recurring representative role gave RPPA institutional exposure to disciplinary practices and outcomes relevant to progressive discipline and past practice. Wallace does not allege that RPPA necessarily possessed every confidential disciplinary record later produced in arbitration discovery.

57. Wallace had previously served on the RPPA Board and was familiar with RPPA's role in representing members in disciplinary matters. More importantly for this complaint, Wallace alleges that during his presentation to RPPA concerning continued representation he specifically raised that he was being disciplined more severely than other officers for comparable misconduct.

- **58.** Wallace further alleges that he raised unfair and disparate discipline during the City Manager appeal while RPPA representative Joshua Sanford and RPPA-provided counsel

were present. To the extent the hearing record, appeal materials, or other contemporaneous evidence confirms those statements, Wallace alleges that RPPA therefore had direct notice before its December 2025 refusal that comparative discipline was a material issue in his grievance.

59. RPPA has represented that members of its Executive Board reviewed the entire Internal Affairs files concerning the sustained allegations before deciding not to support arbitration. Wallace alleges that those materials contained witness statements, investigative conclusions, recordings, and other evidence capable of revealing material credibility conflicts and discrepancies.

60. Wallace alleges that he had raised concerns that materially inaccurate or contradictory statements had been made against him in other investigations. Because truthfulness and credibility were central to the termination decision, Wallace alleges that fair evaluation of the grievance required RPPA to meaningfully examine whether material statements against him conflicted with contemporaneous recordings, documents, or other evidence, and whether comparable credibility discrepancies involving other witnesses were investigated or treated consistently.

61. Wallace alleges that RPPA nevertheless failed to meaningfully pursue and utilize those credibility conflicts before concluding that no viable just-cause basis existed for arbitration. This allegation does not require a finding that every conflicting statement was intentionally false; the material issue is whether RPPA adequately investigated and evaluated objective conflicts in evidence when truthfulness was being used as a basis for Wallace's termination.

62. After RPPA declined to continue supporting arbitration, Wallace pursued arbitration independently. Through arbitration discovery, Wallace obtained additional confidential disciplinary records reflecting further instances of materially lesser discipline for sustained violations involving the same or similar policy areas relevant to his discipline.

63. Wallace does not allege that RPPA actually possessed each later-produced comparator record at the time of its December 2025 decision unless independent evidence establishes possession. Rather, Wallace alleges that the later discovery demonstrates that relevant comparative-discipline evidence existed and was obtainable through meaningful investigation and discovery, and that RPPA discontinued representation without adequately developing that issue despite having been placed on notice that Wallace was asserting disparate and disproportionate discipline.

64. Wallace alleges that this failure was material because RPPA's December 5, 2025 letter expressly relied on progressive discipline and the asserted absence of a viable past-practice argument as reasons for refusing to support arbitration. Wallace alleges that after RPPA withdrew support, his own arbitration discovery produced additional disciplinary evidence bearing directly on those same issues.

- 65. Wallace therefore alleges that RPPA's decision cannot be evaluated solely by asking whether RPPA physically possessed every comparator later obtained by Wallace. The relevant question includes whether, after receiving notice of the disparate-discipline issue and while relying on progressive discipline and past practice to reject arbitration, RPPA conducted a sufficiently meaningful investigation of readily relevant comparative discipline before ending representation.

66. Wallace further alleges that during the City Manager appeal, while RPPA representative Joshua Sanford and RPPA-provided counsel were present, the City

Manager stated or expressed that she did not believe Wallace's account or questioned his credibility. Wallace alleges that no specific evidence was identified at the hearing to explain the basis for that credibility determination. Because alleged truthfulness and credibility were central to Wallace's termination, RPPA was directly present when the adverse credibility determination was expressed and therefore had notice that the evidentiary basis for the City's credibility determination was a material issue for any subsequent arbitration.

67. Wallace alleges that RPPA nevertheless declined to pursue arbitration without meaningfully investigating or challenging the evidentiary basis for that credibility determination, despite its presence at the appeal and its knowledge of the contemporaneous body-worn-camera evidence, other credibility conflicts, Wallace's disparate-discipline allegations, and the comparative-discipline issue. Wallace alleges that this further supports his claim that RPPA's evaluation of the grievance was inadequate and did not meaningfully develop evidence supporting and contradicting the City's stated reasons for termination.

XI. ADDITIONAL COMMAND-STAFF AND INVESTIGATIVE-OBJECTIVITY EVIDENCE

68. Wallace alleges that RPPA possessed information concerning serious concerns involving members of RPD command staff and communicated concerns regarding command personnel to City officials. Wallace further alleges that, following those communications, certain command personnel relevant to matters affecting Wallace were placed on administrative leave and/or later separated from City employment.

69. Wallace does not allege solely from the timing of those personnel actions that RPPA caused the administrative leave or separation, nor does he rely on the personnel actions alone as proof of wrongdoing by the affected individuals. The significance to this complaint is Wallace's allegation that RPPA had preexisting knowledge of serious concerns involving command personnel whose actions, credibility, investigative involvement, or disciplinary decision-making were relevant to Wallace's grievance.

70. Wallace alleges that despite that knowledge, RPPA did not meaningfully investigate, develop, or utilize the command-staff information when deciding whether to continue representing him through arbitration. Wallace alleges that the information was material because his grievance challenged the fairness, credibility, consistency, and objectivity of disciplinary and investigative decisions involving RPD personnel.

- 71. Wallace's subsequent arbitration discovery produced internal communications concerning the City's investigation of his complaints of discrimination, hostile work environment, and retaliation. Wallace alleges that those communications show personnel communicating conclusions that his allegations were unsupported or unfounded before the investigation and final investigative report were completed.

72. The later final investigative report ultimately concluded that Wallace's broader discrimination, harassment, and retaliation allegations were unfounded, while also recognizing that the allegation that Officer Colton Albert referred to Wallace as a "monkey" had resulted in a sustained Internal Affairs finding. Wallace alleges that the timing of earlier adverse conclusions is relevant to whether the investigation remained objectively open until the evidence-gathering process was completed.

73. Wallace does not allege that RPPA necessarily possessed each internal communication later produced through arbitration discovery at the time of its December

2025 decision unless independent evidence establishes possession. Rather, Wallace alleges that the later-produced communications are consistent with the credibility and investigative-objectivity concerns he had raised and demonstrate the significance of investigative avenues that could have been developed through meaningful grievance investigation and discovery.

74. Wallace further alleges that RPPA's own knowledge concerning command-staff concerns, combined with Wallace's prior complaints of unfair and disparate treatment and the credibility conflicts contained in the underlying investigative materials, gave RPPA reason to meaningfully investigate those issues before concluding that his grievance presented no viable basis for arbitration.

75. To the extent evidence establishes that RPPA possessed particular information concerning the Chief or other command personnel but reserved or withheld that information for use in another matter rather than evaluating its relevance to Wallace's grievance, Wallace alleges that such selective use or non-use of material information is relevant to whether RPPA represented him neutrally and in good faith. Wallace does not plead as an established fact in this paragraph any specific meeting statement that has not yet been independently corroborated.

XII. DOCUMENTED ALBERT FINDING AND RPPA GOVERNANCE / NEUTRALITY CONCERN

76. The City's final investigative report concerning Wallace's discrimination/retaliation complaints states that the allegation that Officer Colton Albert referred to Wallace as a "monkey" was substantiated and resulted in a sustained Internal Affairs finding.

77. The evidence presently verified for this pleading establishes the sustained Albert finding. The exact discipline imposed on Albert should not be stated in the filed complaint unless the underlying disciplinary finding or other documentary record establishing that discipline is included in the evidence set and verified before filing.

- 78. RPPA itself later characterized Wallace's prior allegation as involving "conduct involving a racial slur by a member of RPPA's governing body." That statement is pleaded only as evidence of RPPA's own characterization, not as independent proof of Albert's exact RPPA office or role. The sustained Albert finding, together with RPPA's own characterization, supports evidentiary development into Albert's RPPA position during the relevant period and what safeguards, if any, RPPA used to ensure a neutral evaluation of Wallace's grievance.

79. Wallace does not allege that Albert voted on, participated in, or influenced RPPA's arbitration decision because the evidence presently verified does not establish such participation. Wallace seeks evidentiary development concerning Albert's RPPA role, whether he participated in any discussion or vote involving Wallace, and whether any conflict or neutrality safeguard was disclosed or used.

80. RPPA later argued that Wallace's prior allegations concerning "discriminatory bias concerns involving union leadership" and "conduct involving a racial slur by a member of RPPA's governing body" lacked supporting facts. The City's final investigative report now supplies documentary support that the Albert racial-slur allegation was sustained.

XIII. BREACH OF DUTY OF FAIR REPRESENTATION

81. Wallace acknowledges that a labor organization does not breach its duty of fair representation merely because it declines to arbitrate every grievance.

82. Wallace's claim concerns the manner in which RPPA evaluated and discontinued representation in this case, including whether RPPA adequately investigated the grievance, meaningfully evaluated material supervisory and body-worn-camera evidence, pursued material credibility conflicts, investigated and utilized same-and-similar discipline and past practice, neutrally addressed the documented Albert/RPPA-governance concern, and accurately characterized Wallace's December 2025 communications concerning further Board consideration and arbitration representation.

83. Taken collectively, Wallace alleges that RPPA's handling was arbitrary, discriminatory, and/or in bad faith because it discontinued arbitration support without an adequate investigation and evaluation of material evidence supporting just cause, credibility, disparate discipline, and potential bias/conflict concerns.

84. The contemporaneous December texts further support Wallace's allegation that RPPA tied reconsideration or continued representation to the existence of "new" information even though Wallace was asking RPPA to evaluate and use evidence already supporting his grievance, and that RPPA later characterized the exchange in a manner Wallace contends omitted material context.

85.

- RPPA's representations that it reviewed the entire IA materials and found no issue warranting arbitration, while also relying on progressive discipline and the absence of a viable past-practice argument, place the adequacy and rationality of its claimed review directly at issue. Wallace alleges that the documented evidence identified in this complaint provides concrete facts warranting evidentiary development rather than dismissal as conclusory.

XIV. HARM

86. After RPPA declined to continue supporting arbitration, Wallace pursued the contractual arbitration process without RPPA's financial support and representation.

87. Wallace incurred or became responsible for arbitration-related costs and expenses.

88. Wallace seeks only those additional remedies and damages authorized by NRS Chapter 288 and within the Board's jurisdiction.

XV. REQUEST FOR RELIEF

89. Find probable cause and permit this complaint to proceed;

90. Find, after hearing and evidentiary development, that RPPA breached its duty of fair representation if the evidence establishes arbitrary, discriminatory, and/or bad-faith conduct;

91. Order appropriate make-whole relief for expenses and losses legally caused by any proven breach;

92. Award fees, costs, or other monetary relief to the extent permitted by law; and

93. Grant such other relief as the Board deems just and proper.

VERIFICATION

I, Daniel Wallace, declare under penalty of perjury under the laws of the State of Nevada that the factual allegations stated in this Complaint are true and correct to the best of my knowledge and belief.

DATED: August 18th 2026

DWallace

Daniel Wallace, Complainant, Pro Se

RPPA (Respondent)

Answer

FILED
September 7, 2026
State of Nevada
E.M.R.B.
10:31 a.m.

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BEFORE THE STATE OF NEVADA
GOVERNMENT EMPLOYEE-MANAGEMENT RELATIONS BOARD

DANIEL WALLACE,

Case No.: 2026-013

Complainant,

Panel:

vs.

RENO POLICE PROTECTIVE
ASSOCIATION,

Respondent.

ANSWER

COMES NOW, Respondent RENO POLICE PROTECTIVE ASSOCIATION and
hereby answers Complainant DANIEL WALLACE'S Complaint as follows:

I. PARTIES AND JURISDICTION

1. Answering Paragraph 1 of the Complaint, Respondent admits.
2. Answering Paragraph 2 of the Complaint, Respondent objects to the allegations therein on the basis they state legal conclusions to which no response is required. To the extent a response is required, Respondent admits that it is the bargaining representative for its members and denies each and every other allegation set forth in said Paragraph.

1 3. Answering Paragraph 3 of the Complaint, Respondent objects to the allegations
2 therein on the basis they state legal conclusions to which no response is required. To the extent
3 a response is required, Respondent denies each and every allegation set forth in said Paragraph.

4 4. Answering Paragraph 4 of the Complaint, Respondent objects to the allegations
5 therein on the basis they state legal conclusions to which no response is required. To the extent
6 a response is required, Respondent denies each and every allegation set forth in said Paragraph.

8 **II. DISCIPLINE UNDERLYING THE GRIEVANCE**

9 5. Answering Paragraph 5 of the Complaint, Respondent is without sufficient
10 information or knowledge to form a belief as to the truth or falsity of each of the allegations set
11 forth in said Paragraph, and on that basis deny the same.

12 6. Answering Paragraph 6 of the Complaint, Respondent is without sufficient
13 information or knowledge to form a belief as to the truth or falsity of each of the allegations set
14 forth in said Paragraph, and on that basis deny the same.

15 7. Answering Paragraph 7 of the Complaint, Respondent is without sufficient
16 information or knowledge to form a belief as to the truth or falsity of each of the allegations set
17 forth in said Paragraph, and on that basis deny the same.

18 8. Answering Paragraph 8 of the Complaint, Respondent is without sufficient
19 information or knowledge to form a belief as to the truth or falsity of each of the allegations set
20 forth in said Paragraph, and on that basis deny the same.

21 9. Answering Paragraph 9 of the Complaint, Respondent is without sufficient
22 information or knowledge to form a belief as to the truth or falsity of each of the allegations set
23 forth in said Paragraph, and on that basis deny the same.

24 9. Answering Paragraph 9 of the Complaint, Respondent is without sufficient
25 information or knowledge to form a belief as to the truth or falsity of each of the allegations set
26 forth in said Paragraph, and on that basis deny the same.
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1 10. Answering Paragraph 10 of the Complaint, Respondent is without sufficient
2 information or knowledge to form a belief as to the truth or falsity of each of the allegations set
3 forth in said Paragraph, and on that basis deny the same.

4 11. Answering Paragraph 11 of the Complaint, Respondent admits the allegations
5 contained therein relating to Chief Nance upholding the discipline. Respondent is without
6 sufficient information or knowledge to form a belief as to the truth or falsity of each of the other
7 allegations set forth in said Paragraph, and on that basis deny the same.
8

9 **III. RPPA REPRESENTATION BEFORE ARBITRATION**

10 12. Answering Paragraph 12 of the Complaint, Respondent admits.

11 13. Answering Paragraph 13 of the Complaint, Respondent admits.

12 14. Answering Paragraph 14 of the Complaint, Respondent admits.

13 15. Answering Paragraph 15 of the Complaint, Respondent admits.

14 16. Answering Paragraph 16 of the Complaint, Respondent denies each and every
15 allegation set forth in said Paragraph.
16

17 **IV. RPPA'S OWN REPRESENTATION ABOUT ITS REVIEW**

18 17. Answering Paragraph 17 of the Complaint, Respondent admits.

19 18. Answering Paragraph 18 of the Complaint, Respondent is without sufficient
20 information or knowledge to form a belief as to the truth or falsity of each of the allegations set
21 forth in said Paragraph, and on that basis deny the same.
22

23 19. Answering Paragraph 19 of the Complaint, Respondent objects to the allegations
24 therein on the basis they state legal conclusions to which no response is required. To the extent
25 a response is required, Respondent denies each and every allegation set forth in said Paragraph.
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1 20. Answering Paragraph 20 of the Complaint, Respondent objects to the allegations
2 therein on the basis they state legal conclusions to which no response is required. To the extent
3 a response is required, Respondent denies each and every allegation set forth in said Paragraph.

4 **V. SUPERVISORY-DIRECTION AND BODY-WORN-CAMERA EVIDENCE**

5 21. Answering Paragraph 21 of the Complaint, Respondent is without sufficient
6 information or knowledge to form a belief as to the truth or falsity of each of the allegations set
7 forth in said Paragraph, and on that basis deny the same.

8 22. Answering Paragraph 22 of the Complaint, Respondent is without sufficient
9 information or knowledge to form a belief as to the truth or falsity of each of the allegations set
10 forth in said Paragraph, and on that basis deny the same.

11 23. Answering Paragraph 23 of the Complaint, Respondent is without sufficient
12 information or knowledge to form a belief as to the truth or falsity of each of the allegations set
13 forth in said Paragraph, and on that basis deny the same.

14 24. Answering Paragraph 24 of the Complaint, Respondent objects to the allegations
15 therein on the basis they state legal conclusions to which no response is required. To the extent
16 a response is required, Respondent denies each and every allegation set forth in said Paragraph.

17 25. Answering Paragraph 25 of the Complaint, Respondent objects to the allegations
18 therein on the basis they state legal conclusions to which no response is required. To the extent
19 a response is required, Respondent denies each and every allegation set forth in said Paragraph.

20 **VI. CREDIBILITY AND INVESTIGATION CONSISTENCY**

21 26. Answering Paragraph 26 of the Complaint, Respondent is without sufficient
22 information or knowledge to form a belief as to the truth or falsity of each of the allegations set
23 forth in said Paragraph, and on that basis deny the same.

1 27. Answering Paragraph 27 of the Complaint, Respondent objects to the allegations
2 therein on the basis they state legal conclusions to which no response is required. To the extent
3 a response is required, Respondent denies each and every allegation set forth in said Paragraph.

4 28. Answering Paragraph 28 of the Complaint, Respondent objects to the allegations
5 therein on the basis they state legal conclusions to which no response is required. To the extent
6 a response is required, Respondent denies each and every allegation set forth in said Paragraph.

7 29. Answering Paragraph 29 of the Complaint, Respondent objects to the allegations
8 therein on the basis they state legal conclusions to which no response is required. To the extent
9 a response is required, Respondent denies each and every allegation set forth in said Paragraph.

10 **VII. PROGRESSIVE DISCIPLINE AND DOCUMENTED COMPARATOR**
11 **EVIDENCE**

12 30. Answering Paragraph 30 of the Complaint, Respondent objects to the allegations
13 therein on the basis they state legal conclusions to which no response is required. To the extent
14 a response is required, Respondent denies each and every allegation set forth in said Paragraph.

15 31. Answering Paragraph 31 of the Complaint, Respondent is without sufficient
16 information or knowledge to form a belief as to the truth or falsity of each of the allegations set
17 forth in said Paragraph, and on that basis deny the same.

18 32. Answering Paragraph 32 of the Complaint, Respondent is without sufficient
19 information or knowledge to form a belief as to the truth or falsity of each of the allegations set
20 forth in said Paragraph, and on that basis deny the same.

21 33. Answering Paragraph 33 of the Complaint, Respondent is without sufficient
22 information or knowledge to form a belief as to the truth or falsity of each of the allegations set
23 forth in said Paragraph, and on that basis deny the same.

1 34. Answering Paragraph 34 of the Complaint, Respondent is without sufficient
2 information or knowledge to form a belief as to the truth or falsity of each of the allegations set
3 forth in said Paragraph, and on that basis deny the same.

4 35. Answering Paragraph 35 of the Complaint, Respondent is without sufficient
5 information or knowledge to form a belief as to the truth or falsity of each of the allegations set
6 forth in said Paragraph, and on that basis deny the same.

7 36. Answering Paragraph 36 of the Complaint, Respondent is without sufficient
8 information or knowledge to form a belief as to the truth or falsity of each of the allegations set
9 forth in said Paragraph, and on that basis deny the same.

10 37. Answering Paragraph 37 of the Complaint, Respondent is without sufficient
11 information or knowledge to form a belief as to the truth or falsity of each of the allegations set
12 forth in said Paragraph, and on that basis deny the same.

13 38. Answering Paragraph 38 of the Complaint, Respondent is without sufficient
14 information or knowledge to form a belief as to the truth or falsity of each of the allegations set
15 forth in said Paragraph, and on that basis deny the same.

16 39. Answering Paragraph 39 of the Complaint, Respondent is without sufficient
17 information or knowledge to form a belief as to the truth or falsity of each of the allegations set
18 forth in said Paragraph, and on that basis deny the same.

19 40. Answering Paragraph 40 of the Complaint, Respondent is without sufficient
20 information or knowledge to form a belief as to the truth or falsity of each of the allegations set
21 forth in said Paragraph, and on that basis deny the same.

22 41. Answering Paragraph 41 of the Complaint, Respondent objects to the allegations
23 therein on the basis they state legal conclusions to which no response is required. To the extent
24 a response is required, Respondent denies each and every allegation set forth in said Paragraph.
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1 42. Answering Paragraph 42 of the Complaint, Respondent objects to the allegations
2 therein on the basis they state legal conclusions to which no response is required. To the extent
3 a response is required, Respondent denies each and every allegation set forth in said Paragraph.

4 **VIII. DECEMBER 2025 TEXT COMMUNICATIONS**

5 43. Answering Paragraph 43 of the Complaint. Respondent is without sufficient
6 information or knowledge to form a belief as to the truth or falsity of each of the allegations set
7 forth in said Paragraph, and on that basis deny the same.

8 44. Answering Paragraph 44 of the Complaint, Respondent is without sufficient
9 information or knowledge to form a belief as to the truth or falsity of each of the allegations set
10 forth in said Paragraph, and on that basis deny the same.

11 45. Answering Paragraph 45 of the Complaint, Respondent is without sufficient
12 information or knowledge to form a belief as to the truth or falsity of each of the allegations set
13 forth in said Paragraph, and on that basis deny the same.

14 46. Answering Paragraph 46 of the Complaint, Respondent is without sufficient
15 information or knowledge to form a belief as to the truth or falsity of each of the allegations set
16 forth in said Paragraph, and on that basis deny the same.

17 47. Answering Paragraph 47 of the Complaint, Respondent is without sufficient
18 information or knowledge to form a belief as to the truth or falsity of each of the allegations set
19 forth in said Paragraph, and on that basis deny the same.

20 48. Answering Paragraph 48 of the Complaint, Respondent admits that Mr. Sanford
21 texted Wallace. Respondent is without sufficient information or knowledge to form a belief as
22 to the truth or falsity of each of the allegations set forth in said Paragraph and denies each and
23 every remaining allegation set forth in said Paragraph.
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1 49. Answering Paragraph 49 of the Complaint, Respondent objects to the allegations
2 therein on the basis they state legal conclusions to which no response is required. To the extent
3 a response is required, Respondent denies each and every allegation set forth in said Paragraph.

4 **IX. SAME-AND-SIMILAR REVIEW AS A DUTY-OF-FARIR-**
5 **REPRESENTATION ISSUE**

6
7 50. Answering Paragraph 50 of the Complaint, Respondent denies each and every
8 allegation set forth in said Paragraph.

9 51. Answering Paragraph 51 of the Complaint, Respondent objects to the allegations
10 therein on the basis they state legal conclusions to which no response is required. To the extent
11 a response is required, Respondent denies each and every allegation set forth in said Paragraph.

12
13 52. Answering Paragraph 52 of the Complaint, Respondent objects to the allegations
14 therein on the basis they state legal conclusions to which no response is required. To the extent
15 a response is required, Respondent denies each and every allegation set forth in said Paragraph.

16
17 53. Answering Paragraph 53 of the Complaint, Respondent objects to the allegations
18 therein on the basis they state legal conclusions to which no response is required. To the extent
19 a response is required, Respondent denies each and every allegation set forth in said Paragraph.

20 54. Answering Paragraph 54 of the Complaint, Respondent objects to the allegations
21 therein on the basis they state legal conclusions to which no response is required. To the extent
22 a response is required, Respondent denies each and every allegation set forth in said Paragraph.

23
24 55. Answering Paragraph 55 of the Complaint, Respondent objects to the allegations
25 therein on the basis they state legal conclusions to which no response is required. To the extent
26 a response is required, Respondent denies each and every allegation set forth in said Paragraph.

1 **X. RPPA NOTICE, INSTITUTIONAL KNOWLEDGE, AND LATER**
2 **ARBITRATION DISCOVERY**

3 56. Answering Paragraph 56 of the Complaint, Respondent objects to the allegations
4 therein on the basis they state legal conclusions to which no response is required. To the extent
5 a response is required, Respondent denies each and every allegation set forth in said Paragraph.

6 57. Answering Paragraph 57 of the Complaint, Respondent is without sufficient
7 information or knowledge to form a belief as to the truth or falsity of each of the allegations set
8 forth in said Paragraph, and on that basis deny the same.

9 58. Answering Paragraph 58 of the Complaint, Respondent objects to the allegations
10 therein on the basis they state legal conclusions to which no response is required. To the extent
11 a response is required, Respondent denies each and every allegation set forth in said Paragraph.
12 In addition, Respondent is without sufficient information or knowledge to form a belief as to
13 the truth or falsity of each of the allegations set forth in said Paragraph.
14 the truth or falsity of each of the allegations set forth in said Paragraph.

15 59. Answering Paragraph 59 of the Complaint, Respondent objects to the allegations
16 therein on the basis they state legal conclusions to which no response is required. To the extent
17 a response is required, Respondent denies each and every allegation set forth in said Paragraph.
18 In addition, Respondent is without sufficient information or knowledge to form a belief as to
19 the truth or falsity of each of the allegations set forth in said Paragraph, and on that basis deny
20 the same.
21 the same.

22 60.. Answering Paragraph 60 of the Complaint, Respondent objects to the allegations
23 therein on the basis they state legal conclusions to which no response is required. To the extent
24 a response is required, Respondent denies each and every allegation set forth in said Paragraph.
25 a response is required, Respondent denies each and every allegation set forth in said Paragraph.
26 a response is required, Respondent denies each and every allegation set forth in said Paragraph.

1 61. Answering Paragraph 61 of the Complaint, Respondent objects to the allegations
2 therein on the basis they state legal conclusions to which no response is required. To the extent
3 a response is required, Respondent denies each and every allegation set forth in said Paragraph.

4 62. Answering Paragraph 62 of the Complaint, Respondent is without sufficient
5 information or knowledge to form a belief as to the truth or falsity of each of the allegations set
6 forth in said Paragraph, and on that basis deny the same.

7
8 63. Answering Paragraph 63 of the Complaint, Respondent objects to the allegations
9 therein on the basis they state legal conclusions to which no response is required. To the extent
10 a response is required, Respondent denies each and every allegation set forth in said Paragraph.

11 64. Answering Paragraph 64 of the Complaint, Respondent objects to the allegations
12 therein on the basis they state legal conclusions to which no response is required. To the extent
13 a response is required, Respondent denies each and every allegation set forth in said Paragraph.

14
15 65. Answering Paragraph 65 of the Complaint, Respondent objects to the allegations
16 therein on the basis they state legal conclusions to which no response is required. To the extent
17 a response is required, Respondent denies each and every allegation set forth in said Paragraph.

18
19 66. Answering Paragraph 66 of the Complaint, Respondent objects to the allegations
20 therein on the basis they state legal conclusions to which no response is required. To the extent
21 a response is required, Respondent denies each and every allegation set forth in said Paragraph.

22 67. Answering Paragraph 67 of the Complaint, Respondent objects to the allegations
23 therein on the basis they state legal conclusions to which no response is required. To the extent
24 a response is required, Respondent denies each and every allegation set forth in said Paragraph.

25
26 **XI. ADDITIONAL COMMAND-STAFF AND INVESTIGATIVE-**
27 **OBJECTIVITY EVIDENCE**

1 68. Answering Paragraph 68 of the Complaint, Respondent objects to the allegations
2 therein on the basis they state legal conclusions to which no response is required. To the extent
3 a response is required, Respondent denies each and every allegation set forth in said Paragraph.
4 In addition, Respondent is without sufficient information or knowledge to form a belief as to
5 the truth or falsity of each of the allegations set forth in said Paragraph, and on that basis deny
6 the same.

7
8 69. Answering Paragraph 69 of the Complaint, Respondent objects to the allegations
9 therein on the basis they state legal conclusions to which no response is required. To the extent
10 a response is required, Respondent denies each and every allegation set forth in said Paragraph.
11 In addition, Respondent is without sufficient information or knowledge to form a belief as to
12 the truth or falsity of each of the allegations set forth in said Paragraph, and on that basis deny
13 the same.

14
15 70. Answering Paragraph 70 of the Complaint, Respondent objects to the allegations
16 therein on the basis they state legal conclusions to which no response is required. To the extent
17 a response is required, Respondent denies each and every allegation set forth in said Paragraph.
18 In addition, Respondent is without sufficient information or knowledge to form a belief as to
19 the truth or falsity of each of the allegations set forth in said Paragraph, and on that basis deny
20 the same.

21
22 71. Answering Paragraph 71 of the Complaint, Respondent objects to the allegations
23 therein on the basis they state legal conclusions to which no response is required. To the extent
24 a response is required, Respondent denies each and every allegation set forth in said Paragraph.
25 In addition, Respondent is without sufficient information or knowledge to form a belief as to
26 the truth or falsity of each of the allegations set forth in said Paragraph, and on that basis deny
27 the same.
28

1 72. Answering Paragraph 72 of the Complaint, Respondent is without sufficient
2 information or knowledge to form a belief as to the truth or falsity of each of the allegations set
3 forth in said Paragraph, and on that basis deny the same.

4 73. Answering Paragraph 73 of the Complaint, Respondent objects to the allegations
5 therein on the basis they state legal conclusions to which no response is required. To the extent
6 a response is required, Respondent denies each and every allegation set forth in said Paragraph.
7

8 74. Answering Paragraph 74 of the Complaint, Respondent objects to the allegations
9 therein on the basis they state legal conclusions to which no response is required. To the extent
10 a response is required, Respondent denies each and every allegation set forth in said Paragraph.
11

12 75. Answering Paragraph 75 of the Complaint, Respondent objects to the allegations
13 therein on the basis they state legal conclusions to which no response is required. To the extent
14 a response is required, Respondent denies each and every allegation set forth in said Paragraph.
15

16 **XII. DOCUMENTED ALBERT FINDING AND RPPA**
17 **GOVERNANCE/NEUTRALITY CONCERNS**

18 76. Answering Paragraph 76 of the Complaint, Respondent is without sufficient
19 information or knowledge to form a belief as to the truth or falsity of each of the allegations set
20 forth in said Paragraph, and on that basis deny the same.

21 77. Answering Paragraph 77 of the Complaint, Respondent objects to the allegations
22 therein on the basis they state legal conclusions to which no response is required. To the extent
23 a response is required, Respondent denies each and every allegation set forth in said Paragraph.
24

25 78. Answering Paragraph 78 of the Complaint, Respondent denies each and every
26 allegation set forth in said Paragraph.
27
28

1 79. Answering Paragraph 79 of the Complaint, Respondent objects to the allegations
2 therein on the basis they state legal conclusions to which no response is required. To the extent
3 a response is required, Respondent denies each and every allegation set forth in said Paragraph.

4 80. Answering Paragraph 80 of the Complaint, Respondent objects to the allegations
5 therein on the basis they state legal conclusions to which no response is required. To the extent
6 a response is required, Respondent denies each and every allegation set forth in said Paragraph.

7 81. Answering Paragraph 81 of the Complaint, Respondent is without sufficient
8 information or knowledge to form a belief as to the truth or falsity of each of the allegations set
9 forth in said Paragraph, and on that basis deny the same.

10 82. Answering Paragraph 82 of the Complaint, Respondent objects to the allegations
11 therein on the basis they state legal conclusions to which no response is required. To the extent
12 a response is required, Respondent denies each and every allegation set forth in said Paragraph.

13 83. Answering Paragraph 83 of the Complaint, Respondent objects to the allegations
14 therein on the basis they state legal conclusions to which no response is required. To the extent
15 a response is required, Respondent denies each and every allegation set forth in said Paragraph.

16 84. Answering Paragraph 84 of the Complaint, Respondent objects to the allegations
17 therein on the basis they state legal conclusions to which no response is required. To the extent
18 a response is required, Respondent denies each and every allegation set forth in said Paragraph.

19 85. Answering Paragraph 85 of the Complaint, Respondent objects to the allegations
20 therein on the basis they state legal conclusions to which no response is required. To the extent
21 a response is required, Respondent denies each and every allegation set forth in said Paragraph.

22 **XIV. HARM**

23 86. Answering Paragraph 86 of the Complaint, Respondent admits.
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1 87. Answering Paragraph 87 of the Complaint, Respondent admits that Wallace will
2 be responsible for arbitration costs. Respondent is without sufficient information or knowledge
3 to form a belief as to the truth or falsity of each of the remaining allegations set forth in said
4 Paragraph, and on that basis deny the same.

5 88. Answering Paragraph 88 of the Complaint, Respondent is without sufficient
6 information or knowledge to form a belief as to the truth or falsity of each of the allegations set
7 forth in said Paragraph, and on that basis deny the same.

8
9 **XV .REQUEST FOR RELIEF**

10 89. Answering Paragraph 89 of the Complaint, Respondent denies the allegations
11 therein contained in the Request for Relief in Complainant's Complaint to the extent they are
12 asserted against Respondent, and further denies complainant is entitled to any damages, interest,
13 punitive damages, attorney's fees and costs or any other relief.

14
15 90. Answering Paragraph 90 of the Complaint, Respondent denies the allegations
16 therein contained in the Request for Relief in Complainant's Complaint to the extent they are
17 asserted against Respondent, and further denies complainant is entitled to any damages, interest,
18 punitive damages, attorney's fees and costs or any other relief.

19
20 91. Answering Paragraph 91 of the Complaint, Respondent denies the allegations
21 therein contained in the Request for Relief in Complainant's Complaint to the extent they are
22 asserted against Respondent, and further denies complainant is entitled to any damages, interest,
23 punitive damages, attorney's fees and costs or any other relief.

24
25 92. Answering Paragraph 92 of the Complaint, Respondent denies the allegations
26 therein contained in the Request for Relief in Complainant's Complaint to the extent they are
27 asserted against Respondent, and further denies complainant is entitled to any damages, interest,
28 punitive damages, attorney's fees and costs or any other relief.

1 93. Answering Paragraph 93 of the Complaint, Respondent denies the allegations
2 therein contained in the P Request for Relief in Complainant's Complaint to the extent they are
3 asserted against Respondent, and further denies complainant is entitled to any damages, interest,
4 punitive damages, attorney's fees and costs or any other relief.

5 **VERIFICATION**

6 Answering the Verification of the Complaint, Respondent is without sufficient
7 information or knowledge to form a belief as to the truth or falsity of each of the allegations set
8 forth in said Paragraph, and on that basis deny the same.

10 **AFFIRMATIVE DEFENSES**

11 Without assuming the burden of proof as to any of the following defenses where the law
12 does not impose such burden on Respondent, Respondent asserts the following defenses:

13 1. The Complaint fails to state a claim upon which upon which monetary, equitable,
14 declaratory, and/or injunctive relief may be granted.

15 2. To the extent applicable, Complainant's claims are barred for failing to timely exhaust
16 applicable administrative, statutory, or contractual remedies.

17 3. To the extent applicable, Complainant has failed to exhaust its administrative remedies.

18 4. To the extent applicable, Complainant's claims are barred by the doctrines of waiver,
19 laches, estoppel, and unclean hands.

20 5. Any alleged damage suffered by Complainant were in no way caused by, or the result of,
21 any fault, act or omission by Respondent.

22 6. Any alleged damage suffered by Complainant were in no way caused by, or the result of,
23 any fault, act or omission by Respondent, but was caused by circumstances, persons, and/or entities
24 for which and/or by whom Respondent are not and may not be held responsible, including
25 Complainant and for which Respondent cannot be held liable. The damages sustained by
26 Complainant and for which Respondent cannot be held liable. The damages sustained by
27 Complainant and for which Respondent cannot be held liable. The damages sustained by
28 Complainant and for which Respondent cannot be held liable. The damages sustained by

1 Complainant, if any, were caused by Complainant's own acts and/or omissions and not those of
2 Respondent.

3 7. Complainant has failed to set forth facts sufficient to support a claim for attorneys' fees.

4 8. Complainant's claims are barred by their failure to comply with statutory prerequisites
5 for this action.

6 9. Pursuant to Nevada Rule of Civil Procedure 11, all possible affirmative defenses may not
7 have been alleged herein insofar as sufficient facts were not available after reasonable inquiry upon
8 the filing of Complainant's Complaint, and therefore, Respondent reserve the right to amend its
9 Answer to Complainant's Complaint to allege additional affirmative defenses, if subsequent
10 investigation so warrants.
11

12 WHEREFORE, Respondent prays that Complainant takes nothing by reason of his
13 Complaint, that it be dismissed with prejudice, and that Respondent be awarded its costs of suit,
14 reasonable attorney's fees, and any other and further relief that the Board deems appropriate.
15

16 Dated this 7th day of September, 2026.
17

18 /s/ Ronald J. Dreher
19 Ronald J. Dreher
20 NV Bar No. 15726
21 DREHER LAW
22 P.O. Box 6494
23 Reno, NV 89513
24 Telephone: (775) 846-9804
25 ron@dreherlaw.net
26 Attorney for Respondent
27
28

CERTIFICATE OF SERVICE

Pursuant to NAC 288.070, the undersigned hereby certifies that I am the counsel for the Reno Police Protective Association and that on this date I served a true and correct copy of the preceding document addressed to the following:

Daniel Wallace
7127 Beacon Dr.
Reno, NV 89506
djwallace1@att.net

by electronic service by transmitting the copy electronically as an attachment to electronic mail in portable document format and deposited the same for mailing, certified/registered.

DATED this 7th day of September, 2026.

/s/ Ronald J. Dreher
Ronald J. Dreher
NV Bar No. 15726
DREHER LAW
P.O. Box 6494
Reno, NV 89513
Telephone: (775) 846-9804
ron@dreherlaw.net
Attorney for Respondent

CERTIFICATE OF SERVICE

Pursuant to NAC 288.070, the undersigned hereby certifies that I am the counsel for the Reno Police Protective Association and that on this date I served a true and correct copy of the preceding document addressed to the following:

Marisu Abellar
Commissioner, EMRB
3300 W. Sahara Avenue
Suite 260
Las Vegas, NV 89102
MAbellar@business.nv.gov

by electronic service by transmitting the copy electronically as an attachment to electronic mail in portable document format.

DATED this 7th day of September, 2026.

/s/ Ronald J. Dreher
Ronald J. Dreher
NV Bar No. 15726
DREHER LAW
P.O. Box 6494
Reno, NV 89513
Telephone: (775) 846-9804
ron@dreherlaw.net
Attorney for Respondent

RPPA (Respondent)

Motion to Dismiss

FILED
September 7, 2026
State of Nevada
E.M.R.B.
10:31 a.m.

1 Ronald J. Dreher
2 NV Bar No. 15726
3 DREHER LAW
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8 *Attorney for Respondent*

9
10 **BEFORE THE STATE OF NEVADA**
11
12 **GOVERNMENT EMPLOYEE-MANAGEMENT RELATIONS BOARD**

13 DANIEL WALLACE,

Case No.: 2026-013

11 Complainant,

Panel:

12 vs.

13 RENO POLICE PROTECTIVE
14 ASSOCIATION,

15 Respondent.
16 _____ /

17 **MOTION TO DISMISS**

18 **COMES NOW**, Respondent RENO POLICE PROTECTIVE ASSOCIATION, by and
19 through its undersigned attorney, hereby files its Motion to Dismiss the Complaint filed by
20 Complainant Daniel Wallace on or about August 18, 2026. This motion is based on the
21 following memorandum of points and authorities, the pleadings and papers on file herein and
22 any other material the Board chooses to consider.
23

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25 ///

26 ///

27 ///

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MEMORANDUM OF POINTS AND AUTHORITIES

I. INTRODUCTION

Respondent Reno Police Protective Association ("RPPA") is an employee organization as defined in N.R.S. 288.040. It is the recognized bargaining unit for police officers employed by the City of Reno ("City"). Complainant Daniel Wallace ("Wallace") at all times relevant was a local government employee as defined in NRS 288.050. Wallace was a member of the RPPA during his employment at the Reno Police Department ("RPD") and faced several disciplinary actions during this time. Due to repeated performance issues, Wallace was placed on a performance improvement plan on March 1, 2024. Then, on May 8, 2024, Wallace received sustained violations for a failure to follow the body worn camera policy and for failing to complete a written report as required. (**Exhibit 1**). The recommended discipline from these sustained allegations was provided on July 18, 2024, and included a pay-step reduction and additional training. (**Exhibit 2**). Wallace did not request representation from the RPPA for his interview for this investigation. On March 26, 2024, the RPD sustained misconduct against Wallace for allegations stemming from an incident that occurred on January 19, 2024. (**Exhibit 3**). The sustained misconduct from these allegations included a failure by Wallace to properly document and complete an investigation of domestic violence, for a failure to enforce the law, and for being untruthful in the investigation interview. (**Id.**) Wallace again did not request representation from the RPPA for this investigation and the recommended discipline for these violations was termination. (**Id.**)

Wallace was eventually placed on paid administrative leave pending the results of the disciplinary findings of these investigations, both of which were appealed to the Chief's level for pre-disciplinary hearings ("PDH"). The RPPA provided both representative and legal

1 counsel to Wallace for these PDH hearings, and on October 15, 2025, then RPD Chief Kathryn
2 Nance upheld the recommended discipline, and Wallace was terminated from the RPD. (Exhibit
3 4). Wallace expressed a desire to appeal his termination to the City Manager, and the RPPA
4 provided both representative and legal counsel for this appeal. On November 12, 2025, legal
5 counsel for the RPPA, Paul Cotsonis, provided an appeal letter to City Manager Jackie Bryant,
6 and on November 13, 2025, RPPA representative Joshua Sanford and Mr. Cotsonis
7 accompanied Wallace for his appeal hearing in front of Ms. Bryant. (Exhibit 5). On December 1
8 2025, Ms. Bryant upheld the termination, and Wallace was discharged at that time from the
9 RPD. (Exhibit 6).

11 Prior to the meeting with the City Manager, the RPPA Executive Board invited Wallace
12 to meet with them in person and present his case and to explain why he believed the RPPA
13 should continue to support his appeals. Following this, the RPPA Executive Board voted to
14 support Wallace's appeal through the City Manager level, and to revisit the appeal if the
15 discipline was maintained. While waiting for the City Manager's decision, members of the
16 RPPA Executive Board reviewed the entire internal affairs files for the sustained allegations.
17 Following the City Manager's hearing and upholding of the termination, Wallace requested the
18 RPPA support his appeal of the termination to arbitration. The RPPA Executive Board again
19 invited Wallace to appear and present any additional information and/or evidence that would
20 support his desire to continue to arbitration as the previous meeting with Wallace and the review
21 of the IA file did not reveal issues with the investigations that would justify an appeal to
22 arbitration. (Exhibit 8). Wallace did not provide any additional information and did not appear
23 before the RPPA Executive Board to again present why he believed the RPPA should support
24 his appeal to arbitration. (Id.) After careful consideration, the RPPA Executive Board voted not
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1 to support Wallace's appeal to arbitration and advised him of his right to pursue his appeal on
2 his own behalf. (Exhibit 7). Wallace did indeed file an appeal to arbitration, and this complaint
3 followed.

4 **II. LEGAL AUTHORITY**

5 The Board may dismiss a complaint for lack of probable cause under NAC 288.375(1).
6 A complaint must contain a "clear and concise statement of the facts constituting the alleged
7 practice sufficient to raise a justiciable controversy under Chapter 288, including the time and
8 place of the occurrence of the particular acts and the names of persons involved." See NAC
9 288.200; see also Clark County Public Employees Association, SEIU Local 1107 vs. Clark
10 County, Case No. A1-045496, EMRB Item 281 (11/21/90). If a complaint lacks sufficient
11 factual allegations to raise a justiciable controversy, it necessarily lacks probable cause and is
12 subject to dismissal. See Thomas D. Richards v. Police Managers and Supervisors Association,
13 Case No. A1-046094, Item No. 788 (08/19/13).

14 The Board must dismiss the Complaint if it determines that no probable cause exists for
15 the Complaint, NAC 288.375(1), or if a complainant files a spurious or frivolous complaint.
16 NAC 288.375(5). In the present matter, the complaint utterly fails to provide any factual
17 allegations and instead contains mere labels and conclusions or a formulaic recitation of the
18 elements of a cause of action, and it must be dismissed. NAC 288.375.

19 **III. ARGUMENT**

20 The complaint was never properly served on the RPPA, and this alone mandates that it
21 be dismissed with prejudice. This is Mr. Wallace's second bite at the apple, and despite his
22 previous notification by the Board that service must comply with NRCP service rules, Mr.
23 Wallace ignored the Board's direction and again failed to serve the RPPA. The Board
24

1 specifically outlined in its July 20, 2026, order that NAC 288.080(1) requires that the "issuance
2 and service of process of papers required by this chapter must be in conformity with the Nevada
3 Rules of Civil Procedure and the rules and regulations of the Board." (Exhibit 9 at ¶ 2). The
4 Board explained further that,

5 NRCP 4.2(c) sets forth the acceptable means by which a Nevada entity or
6 association may be served. The rule does not permit service of process on
7 an entity or association via certified mail alone. Instead, for an entity or
8 association, service generally must be made via personal service. NRCP4
9 4.2(c). For an association, such service must be made on the registered
10 entity of the association, any managing or general agent of the
11 association, or any other agent authorized by appointment or by law to
12 receive service of process. NRCP 4.2(c)(1)(A). If, for any reason, service
13 cannot be made under Rule 4.2(c)(1), leave may be sought to serve the
14 Nevada Secretary of State, in the association's stead, pursuant to NRCP
15 4.2(c)(3).

16 (Id. at ¶ 3). In addition, the Board admonished Wallace that any new complaint must be
17 served in compliance with the applicable NRCP to avoid dismissal with prejudice. (Id. at p. 4:7-
18 9). Despite the clear and unambiguous order from the Board, Wallace chose to serve this second
19 complaint in the same manner he served the first, simply choosing to ignore the Board's ruling
20 and the requirements under the NRCP. For this reason alone, Wallace's complaint must be
21 dismissed with prejudice, and fees and costs should be assessed for his actions.

22 Moreover, the complaint is wholly inefficient and must be dismissed. In his complaint,
23 Wallace makes absolutely no factual allegations and provides no facts to support his claims.
24 Rather, the entire complaint is filled only with conclusory statements that are seemingly brought
25 to fulfill what Wallace appears to believe are the elements of the statute he is alleging was
26 violated. As described herein, Wallace was a police officer with the RPD and a member of the
27 RPPA. Over the course of his career, Wallace was charged with and sustained on multiple
28 allegations of misconduct that resulted in his termination. The RPPA provided representation to

1 Wallace over several years to include providing legal counsel up to and through his termination
2 appeal to Reno City Manager Jackie Bryant. (Exhibits 5-7).

3 Wallace alleges that the RPPA violated the duty of fair representation and NRS 288.270,
4 with no clarification as to which subsection of this statute he is alleging was violated. However,
5 it can be assumed based on the remainder of the complaint that Wallace is alleging the RPPA
6 violated its duty to fairly represent him in his appeal to arbitration of his termination.
7

8 This Board addressed in detail in Woodard v. Sparks Police Protective Association, Case
9 2018-026, EMRB Item No. 853-A the legal standards it considers when addressing a claim that
10 a union has not fairly represented a member. In the Woodard case, this Board explained that the
11 Nevada Supreme Court has recognized that employee organizations are subject to the duty of
12 fair representation. Weiner v. Beatty, 121 Nev. 243,249, 116 P.3d 829, 832 (2005); Cone v.
13 Nevada Serv. Employees Union/SEIU Local 1107, 116 Nev. 473, 478-79, 998 P.2d 1178, 1182
14 (2000). The Board detailed that the “duty of fair representation requires that when the union
15 represents or negotiates on behalf of a union member, it must conduct itself in a manner that is
16 not ‘arbitrary, discriminatory, or in bad faith.’” Weiner, 121 Nev. at 249, 11 P.3d at 832-33.
17 “Union agents should not be held to a negligence standard of care, when the union for whom
18 they work is liable only if its representation is “arbitrary, discriminatory, or in bad faith.” Id. at
19 250; Peterson v. Kennedy, 771 F.2d 1244, 1253 (9th Cir. 1985); Vaca v. Sipes, 386 U.S.
20 171(1967). The Board further clarified that “[w]hether in a particular case a union’s conduct is
21 ‘negligent’, and therefore non-actionable, or so egregious as to be ‘arbitrary’, and hence
22 sufficient to give rise to a breach of duty claim, is a question that is not always easily answered.”
23 Peterson, 771 F.2d at 1253-54. A union's conduct is said to be “‘arbitrary’ if it is ‘without
24 rational basis,’ or is ‘egregious, unfair and unrelated to legitimate union interests.’” Id. (internal
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1 citation omitted), citing Johnson v. United States Postal Service, 756 F.2d 1461, 1465 (9th
2 Cir.1985); Demetris v. Transp. Workers Union of Am., AFL-CIO, 862 F.3d 799, 805 (9th Cir.
3 2017) (will be “deemed arbitrary if it is ‘so far outside [the] ‘wide range of reasonableness,’ that
4 it is wholly ‘irrational.’”).

5 For a union to be said to act arbitrarily, it must be shown that it “simply ignores a
6 meritorious grievance or handles it in a perfunctory manner, for example, by failing to conduct a
7 ‘minimal investigation’ of a grievance that is brought to its attention.” Peterson, 771 F.2d at
8 1254 (internal citation omitted), citing Tenorio v. National Labor Relations Board, 680 F.2d
9 598, 601 (9th Cir.1982) If a union failed to “consider individually the grievances of particular
10 employees where the factual and legal differences among them were significant” or “permit
11 employees to explain the events which led to their discharge before deciding not to submit their
12 grievances to arbitration” it may be said to be acting arbitrarily. Peterson, 771 F.2d at 1254.

13 For a complainant to show bad faith, there must be “substantial evidence of fraud,
14 deceitful action or dishonest conduct.” Bybee & Gingell v. While Pine County Sch. Dist., Item
15 No. 724B (2011), citing Amalgamated Ass’n of St. Elec. Ry. & Motor Coach Emp. of Am. v.
16 Lockridge, 403 U.S. 274, 299 (1971); Crom v. Las Vegas-Clark County Library Dist., Item No.
17 752E (2013). See also Demetris v. Transp. Workers Union of Am., 857 F.3d 803, 812 (2017).
18 To prove discriminatory action, a complainant must “adduce substantial evidence of
19 discrimination that is intentional, severe, and unrelated to legitimate union objections.” Id. citing
20 Amalgamated Ass’n of St. Elec. Ry. & Motor Coach Emp. of Am. v. Lockridge, 403 U.S. at
21 299. The United States Supreme Court has long recognized that unions “must retain wide
22 discretion to act in what they perceive to be their members’ best interests.” Peterson, 771 F.2d at
23 1253 (9th Cir. 1985). Thus, the United States Supreme Court has “stressed the importance of
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1 preserving union discretion by narrowly construing the unfair representation doctrine.” Id.
2 “Because a union balances many collective and individual interests in deciding whether and to
3 what extent it will pursue a particular grievance, courts should ‘accord substantial deference’ to
4 a union’s decisions regarding such matters.” Id.

5 The complaint contains 92 paragraphs that seem to be the basis for Wallace’s claim.
6 However, there are absolutely no factual allegations contained in any section of the complaint.
7 In this complaint, Wallace asserts that he sought representation from the RPPA and admits the
8 RPPA did indeed represent him through the City Manager level appeal. Compl. at ¶ 14. Wallace
9 further admits that he was provided due process by the RPPA when the RPPA’s Executive
10 Board heard his arguments as to why it should support an appeal to the City Manager and did
11 indeed support this appeal. Compl. at ¶¶ 12-14. Additionally, Wallace admits that the RPPA
12 offered to meet with him again after his termination was upheld at the City Manager level to
13 determine if any additional information had become available that it should consider before
14 deciding whether to move to arbitration. Compl. at ¶¶ 43-49. Notwithstanding the invitation to
15 do so, Wallace admittedly did not appear again before the RPPA Executive Board to present his
16 reasonings as to why the RPPA should support arbitration. Compl. at ¶ 48.

17 As conceded in the complaint, following Wallace’s request to move the appeal to the
18 City Manager level, and possibly to arbitration, members of the RPPA Executive Board
19 reviewed the entire internal affairs investigation files for both of the sustained investigations.
20 This review did not reveal any issues that the RPPA Executive Board believed would support
21 moving the matter to arbitration. Further, the RPPA asked Wallace to provide evidence that the
22 allegations sustained against him were incorrect, and he failed to provide such evidence. Thus,
23 Wallace’s claim that the RPPA did not adequately investigate his grievance is wholly without
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1 merit. Wallace also asserts that the RPPA did not meaningfully process or pursue his grievances,
2 but as noted above, and supported by the evidence, the RPPA provided representation and legal
3 counsel to Wallace up to and including the City Manager level. Therefore, this conclusory
4 statement is without merit. Throughout the complaint, Wallace absolutely fails to provide any
5 factual allegations to include "the time and place of the occurrence of the particular acts and the
6 names of persons involved." See NAC 288.200; see also Clark County Public Employees
7 Association, SEIU Local 1107 vs. Clark County, Case No. A1-045496, EMRB Item 281
8 (11/21/90). Similarly, throughout the complaint, Wallace makes conclusory statements without
9 any times or places of the particular acts, which member or members of the RPPA were alleged
10 to have acted or not acted, and what acts they are alleged to have done that supposedly violated
11 Wallace's rights. In addition, Wallace fails to state what inaction the RPPA is alleged to have
12 done that violated his rights and which member or members are alleged to have not acted when
13 they were required to or how the acts or inaction were discriminatory toward Wallace. The
14 RPPA clearly explained why it was not choosing to move forward with the arbitration process,
15 in-person, by text and in a letter. (Exhibits 7-8). Wallace makes a conclusory allegation that the
16 RPPA was aware of credibility issues relating to decision-makers, but provides no factual basis
17 for this allegation, which member or members of the RPPA supposedly had this information,
18 and to which decision-makers he is referring. Wallace, despite being advised that the RPPA had
19 reviewed his cases, had provided him opportunities to present evidence and provided him
20 representation, further claims the RPPA failed to investigate these unknown credibility issues to
21 assist him in his case. Wallace yet again failed to provide any factual information to support his
22 allegation or to support his allegation that the RPPA intended to use this undescribed and
23 unreported information to support other members, but not him. Wallace then continues his
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1 general statements, with no factual or actual information, by claiming that he was treated
2 differently than other similarly situated members but fails to name which member(s) were
3 treated more favorably than he was, when this was, how these cases were similar to Wallace's
4 case or how he was treated differently than other RPPA members. Perhaps most importantly,
5 Wallace does not cite one comparator case in which a police officer was sustained for being
6 untruthful and they were not terminated.
7

8 Wallace alleges that an RPPA board member used a racial slur that somehow supports he
9 was discriminated against by the RPPA. Yet, as with all of his allegations, Wallace utterly failed
10 to provide any factual basis for this allegation or to show how this supports his claim that the
11 RPPA did not fairly represent him by not supporting arbitration. In fact, Wallace concedes that
12 the board member he is referencing is not alleged to have "voted on, participated in, or
13 influenced RPPA's arbitration decision because the evidence presently verified does not
14 establish such participation." Compl. at ¶ 79. Thus, there is no allegation, factual or otherwise,
15 that the RPPA acted improperly when it voted to not support arbitration.
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18 As described herein, Wallace has failed to demonstrate or state a claim for relief that the
19 RPPA acted arbitrary, discriminatory, or in bad faith when it denied Wallace's request to be
20 supported by the RPPA at arbitration. Weiner, 121 Nev. at 249, 11 P.3d at 832-33. Without any
21 evidence, much less substantial evidence, Wallace's claims fail, the complaint lacks probable
22 cause, and this matter must be dismissed. NAC 288.200; Clark County Public Employees
23 Association, SEIU Local 1107 vs. Clark County, Case No. A1-045496, EMRB Item 281
24 (11/21/90); Bybee & Gingell v. While Pine County Sch. Dist., Item No. 724B (2011). In
25 addition, Wallace's failure to properly serve the RPPA, despite this Board's mandate that he do
26 so, requires the matter be dismissed with prejudice. (Exhibit 9).
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1 **IV. CONCLUSION**

2 Based on the foregoing, the RPPA respectfully request that the complaint brought by its
3 former member Danial Wallace be **DISMISSED** with prejudice and Wallace ordered to pay all
4 fees and costs the RPPA has incurred in having to defend this matter.

5 DATED this 7th day of September, 2026.

7 /s/ Ronald J. Dreher

8 Ronald J. Dreher

9 NV Bar No. 15726

10 DREHER LAW

11 P.O. Box 6494

12 Reno, NV 89513

13 Telephone: (775) 846-9804

14 ron@dreherlaw.net

15 Attorney for Respondent

INDEX OF EXHIBITS

Exhibit No.	Description	No. of Page(s)
1	May 8, 2024, Internal Affairs Decision	15
2	March 26, 2024, Internal Affairs Decision	3
3	July 18, 2024, Discipline Recommendation	40
4	October 15, 2025, termination letter	2
5	Appeal letters	7
6	December 1, 2025, City Manager Decision	4
7	December 5, 2025, letter to Daniel Wallace	3
8	Text messages	8
9	July 20, 2026, EMRB order dismissing case Number 2026-005.	7

CERTIFICATE OF SERVICE

Pursuant to NAC 288.070, the undersigned hereby certifies that I am the counsel for the Reno Police Protective Association and that on this date I served a true and correct copy of the preceding document addressed to the following:

Daniel Wallace
7127 Beacon Dr.
Reno, NV 89506
djwallace1@att.net

by electronic service by transmitting the copy electronically as an attachment to electronic mail in portable document format and deposited the same for mailing, certified/registered.

DATED this 7th day of September, 2026.

/s/ Ronald J. Dreher

Ronald J. Dreher
NV Bar No. 15726
DREHER LAW
P.O. Box 6494
Reno, NV 89513
Telephone: (775) 846-9804
ron@dreherlaw.net
Attorney for Respondent

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CERTIFICATE OF SERVICE

Pursuant to NAC 288.070, the undersigned hereby certifies that I am the counsel for the Reno Police Protective Association and that on this date I served a true and correct copy of the preceding document addressed to the following:

Marisu Abellar
Commissioner, EMRB
3300 W. Sahara Avenue
Suite 260
Las Vegas, NV 89102
MAbellar@business.nv.gov

by electronic service by transmitting the copy electronically as an attachment to electronic mail in portable document format.

DATED this 7th day of September, 2026.

/s/ Ronald J. Dreher
Ronald J. Dreher
NV Bar No. 15726
DREHER LAW
P.O. Box 6494
Reno, NV 89513
Telephone: (775) 846-9804
ron@dreherlaw.net
Attorney for Respondent

EXHIBIT 1

EXHIBIT 1



**Reno Police Department
Internal Affairs
ADI2023-0020**

Date: 05/08/2024

Investigation Supervisor: Lieutenant Ryan Connelly

Investigator: Sergeant Eric Schlesener

PRINCIPAL EMPLOYEES:

Officer Daniel Wallace	Reno Police Department – Patrol
Officer Tyler Bristol	Reno Police Department – Patrol
Officer Eric Prost	Reno Police Department – Patrol

COMPLAINANT:

Sergeant Cory Autrey	Reno Police Department – Patrol
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ALLEGATION:

We are looking into the events surrounding your involvement in relation to RPD case # 23-16982. It is alleged that you may have failed to conduct a proper preliminary investigation and/or follow-up investigation. It is also alleged you may have failed to activate, unmute, or otherwise appropriately operate your BWC during your investigation. These incidents may be a violation of Reno Police Department General Orders.

INVESTIGATIVE CONCLUSIONS:

Officer Daniel Wallace

1. A violation of RPD General Order P-500-18 (Body Worn Cameras – Issued 5/22/18 and Revised 4/14/2023)

IV. Procedures

2. Activation - Officers shall only activate their BWC while responding to a call for service or at the initiation of any other law enforcement or investigative encounter between the officer and a member of the public. Officers shall activate their BWC during the above-described interactions. Officers are not required to obtain consent to activate a BWC.

3. Deactivation - Once it becomes necessary to activate a BWC, the officer will not deactivate the BWC until the conclusion of the law enforcement or investigative encounter.

4. Failure to Activate - Upon realizing that they have not activated a BWC in an event requiring BWC activation, the officer will begin recording as soon as practicable and safe to do so. If a BWC was not activated, activated late, or the BWC malfunctioned while on scene of an event requiring activation, the officers will document this fact in any report completed by the officer.

Allegation #1 – Officer Wallace did not activate his BWC when he first contacted the victim and begun his investigation into the vehicle burglary. Officer Wallace placed his BWC on mute while on scene at the suspect residence looking for the air tag and never un-muted his BWC for the remainder of his time on scene (approximately 22 minutes) to include when speaking with the victims. Officer Wallace did not activate his BWC while on scene at the apartment complex looking at surveillance video and speaking with the manager. Officer Wallace did not articulate in his report the failure to activate his BWC while continuing his investigative encounter. -- **SUSTAINED**

2. A violation of RPD General Order P-130-05 (Patrol Deployment - Issued November 6, 2005)

Preliminary Investigation -

In most cases, the officer first responding to an incident/CFS will be responsible for the initial report/investigation, regardless of the type of crime/incident. Follow-up investigation can be accomplished by the officer completing the initial report, or by another unit or officer to whom the case is assigned. Officers assigned to the report for a crime should keep in mind that the objective is not simply to generate a report, but to initiate an investigation.

During preliminary investigations, an officer needs to follow certain steps in an effort to minimize follow-up investigations. Preliminary steps should include, but not necessarily be limited to:

- Observing conditions, events, and remarks;
- Locating/Identifying witnesses;
- Maintaining crime scene/protecting evidence;
- Interviewing complainant/witnesses;
- Interviewing suspect(s);
- Arranging for the collection of evidence;
- Effecting the arrest of the suspect; and
- Reporting the incident fully/accurately.

Allegation #2 – Officer Wallace did not take appropriate efforts to preserve and collect evidence, to include not seeking a search warrant where grounds existed. -- **NOT SUSTAINED**

3. A violation of RPD General Order E-105-17 (Report Process and Review – Issued 10/22/12 and Revised 9/12/19)

1. Crime Reports – All original and supplemental crime reports and incident reports, not involving

an immediate arrest, must be complete within 7 days of the time the case was initiated.

Allegation #3 - Officer Wallace did not prepare and complete a written report within 7 days as required by the Report Process and Review General Order. -- **SUSTAINED**

Officer Tyler Bristol

1. A violation of RPD General Order P-130-05 (Patrol Deployment - Issued November 6, 2005)

Preliminary Investigation -

In most cases, the officer first responding to an incident/CFS will be responsible for the initial report/investigation, regardless of the type of crime/incident. Follow-up investigation can be accomplished by the officer completing the initial report, or by another unit or officer to whom the case is assigned. Officers assigned to the report for a crime should keep in mind that the objective is not simply to generate a report, but to initiate an investigation.

During preliminary investigations, an officer needs to follow certain steps in an effort to minimize follow-up investigations. Preliminary steps should include, but not necessarily be limited to:

- Observing conditions, events, and remarks;
- Locating/Identifying witnesses;
- Maintaining crime scene/protecting evidence;
- Interviewing complainant/witnesses;
- Interviewing suspect(s);
- Arranging for the collection of evidence;
- Effecting the arrest of the suspect; and
- Reporting the incident fully/accurately.

Allegation #1 -- Officer Bristol did not make appropriate efforts to preserve and collect evidence, to include not seeking a search warrant where grounds existed. -- **NOT SUSTAINED**

2. A violation of RPD General Order P-500-18 (Body Worn Cameras – Issued 5/22/18 and Revised 4/14/2023)

IV. Procedures

2. Activation - Officers shall only activate their BWC while responding to a call for service or at the initiation of any other law enforcement or investigative encounter between the officer and a member of the public. Officers shall activate their BWC during the above-described interactions. Officers are not required to obtain consent to activate a BWC.

3. Deactivation - Once it becomes necessary to activate a BWC, the officer will not deactivate the BWC until the conclusion of the law enforcement or investigative encounter.

4. **Failure to Activate** - Upon realizing that they have not activated a BWC in an event requiring BWC activation, the officer will begin recording as soon as practicable and safe to do so. If a BWC was not activated, activated late, or the BWC malfunctioned while on scene of an event requiring activation, the officers will document this fact in any report completed by the officer.

Allegation #2 – Officer Bristol failed to activate, unmute, or otherwise appropriately operate his BWC during his investigation. -- **NOT SUSTAINED**

Officer Eric Prost

1. A violation of RPD General Order P-130-05 (Patrol Deployment - Issued November 6, 2005)

Preliminary Investigation -

In most cases, the officer first responding to an incident/CFS will be responsible for the initial report/investigation, regardless of the type of crime/incident. Follow-up investigation can be accomplished by the officer completing the initial report, or by another unit or officer to whom the case is assigned. Officers assigned to the report for a crime should keep in mind that the objective is not simply to generate a report, but to initiate an investigation.

During preliminary investigations, an officer needs to follow certain steps in an effort to minimize follow-up investigations. Preliminary steps should include, but not necessarily be limited to:

- Observing conditions, events, and remarks;
- Locating/Identifying witnesses;
- Maintaining crime scene/protecting evidence;
- Interviewing complainant/witnesses;
- Interviewing suspect(s);
- Arranging for the collection of evidence;
- Effecting the arrest of the suspect; and
- Reporting the incident fully/accurately.

Allegation #1 – Officer Prost did not take appropriate efforts to preserve and collect evidence, to include not seeking a search warrant where grounds existed. -- **NOT SUSTAINED**

2. A violation of RPD General Order P-500-18 (Body Worn Cameras – Issued 5/22/18 and Revised 4/14/2023)

IV. Procedures

2. Activation - Officers shall only activate their BWC while responding to a call for service or at the initiation of any other law enforcement or investigative encounter between the officer and a member of the public. Officers shall activate their BWC during the above-described interactions. Officers are not required to obtain consent to activate a BWC.

3. Deactivation - Once it becomes necessary to activate a BWC, the officer will not deactivate the BWC until the conclusion of the law enforcement or investigative encounter.

4. Failure to Activate - Upon realizing that they have not activated a BWC in an event requiring BWC activation, the officer will begin recording as soon as practicable and safe to do so. If a BWC was not activated, activated late, or the BWC malfunctioned while on scene of an event requiring activation, the officers will document this fact in any report completed by the officer.

Allegation #2 – Officer Prost failed to activate, unmute, or otherwise appropriately operate his BWC during his investigation. -- NOT SUSTAINED

INCIDENT SUMMARY:

On September 16, 2023, Officer Wallace, Officer Bristol and Officer Prost responded to the area of Reno High School to meet with the victim of a vehicle burglary. Tools were stolen from the vehicle as well as a backpack with an Apple Air Tag that could be tracked. Using the victim's phone, they tracked the air tag to the area of 1786 Westfield Ave. Officers responded there in an attempt to contact a possible suspect. While on scene, the location for the air tag moved from 1786 Westfield Ave to the residence next door and then back again with it mostly staying at 1786 Westfield Ave. They were unable to make contact with the resident at that time and Officer Wallace left to check surveillance video at the apartment complex where the crime occurred. They made the air tag produce an audible sound to see if they could hear it from outside of the house, but they could not. While on scene, Officer Prost observed tools in the backseat of a truck parked in front of the target residence. These tools, however, didn't appear to match the tools the victim reported stolen. The victim was on scene and confirmed the tools in the truck did not belong to him.

A short time later, while Officer Prost and Officer Bristol were still on scene speaking with the victim and his family, a male suspect exited the residence and walked to the truck parked out front. They obtained his information, asked his whereabouts the night before and asked why there would be an Apple air tag pinging inside his residence. Ultimately, they were unable to place the suspect or his vehicle at the scene of the crime and didn't receive consent to search the vehicle or residence. Other than the ping location of the air tag, the officers on scene didn't believe they had enough to apply for a search warrant.

During his investigation, Officer Wallace did not activate his BWC when he first contacted the victim and begun his investigation into the vehicle burglary. Officer Wallace placed his BWC on mute while on scene at the suspect residence looking for the air tag and never un-muted his BWC for the remainder of his time on scene (approximately 22 minutes) to include when speaking with the victims. Officer Wallace did not activate his BWC while on scene at the apartment complex looking at surveillance video and speaking with the manager. Officer Wallace did not articulate in his report the failure to activate his BWC while continuing his investigative encounter.

A report supplement to the original crime report was not completed in this case. Officer Wallace details in his report to see Officer Prost's supplement for further information. Officer Prost and Officer Bristol

report they asked Officer Wallace if he wanted one of them to complete a supplement to which Officer Wallace told them no and he would handle it.

INVESTIGATIVE FINDINGS:

Blue Team Narrative provided by Sgt. Cory Autrey

Initial complaint synopsis:

On 09/17/23 I received a phone call from Mike Nelson (father of the victim, Tracy Walker). Mike expressed dissatisfaction with patrol response to a vehicle burglary (23-16982) involving a loss of approximately \$6,000.00 worth of tools. He alleged that Officer Wallace responded, along with two other Officers later identified through dispatch call logs and BWC footage as Officer Prost and Officer Bristol, and were informed of the high loss burglary. Stolen were a variety of tools related to electrical work and a backpack with a hidden air tag which could be tracked. The victims had tracked the air tag with their phone to the area of Westfield Ave. and Arbutus St. where Officers further narrowed their focus to 1786 Westfield Ave. Officers made contact with two people associated with the house and confirmed that the stolen air tag was pinging to that location. However, after consent to enter and search was denied they made no further efforts to seek a search warrant to recover the property. Mike also alleged that Officers told him on scene that they heard the air tag pinging audibly from inside the suspect residence. Mike feels that Officer Wallace was just concerned with taking an initial report without expending any further effort despite what he felt were clear investigative leads and resources.

On 09/18/23 I received a follow up phone call from Mike Nelson. The air tag had moved and this was reported to Officer Wallace who responded and located the air tag from the side of the road, approximately one block away from the suspect address. After recovering the stolen air tag, Officer Wallace allegedly told Mike's son (Tracy Walker, the victim of the burglary), that it wouldn't have mattered yesterday because he (Officer Wallace), "couldn't have written a search warrant because we (patrol) don't do that."

I later confirmed there were two Patrol Sergeants working day shift that day, Sergeant Myers and Sergeant Ball. Sergeant Ball was working in the south district where this incident occurred and Sergeant Myers was supervising the north and central districts (initial burglary occurred in the north district). There was no mention of a high loss burglary with investigative leads in the watch log. With that information, I checked with both Sergeant Myers and Sergeant Ball as to whether or not they had received notification about this high loss vehicle burglary with a tracked air tag, identified suspect residence, and possible suspect contact. Neither Sergeant Myers nor Sergeant Ball had received any notification from the involved Officers that day or since.

Tiburon report: I reviewed Officer Wallace's reports which corroborate that they had tracked the associated air tag to 1786 Westfield Ave. At the time, Officer Wallace left the scene to go to the apartment complex where the vehicle burglary occurred to check surveillance video. Officer Prost and Officer Bristol remained at the Westfield Ave. address where they subsequently contacted a suspect outside the home. Officer Wallace's reports also corroborate that he retrieved the air tag two days later approximately 0.2 miles from the Westfield Ave Address. It should also be noted that the initial patrol response occurred on 09/16/2023, Officer Wallace's original report was not completed until 09/24/2023.

As of the time of this Blue Team, neither Officer Prost nor Officer Bristol have started nor completed a

Tiburon report detailing their involvement on scene with the suspect contact, his brother's information (additional suspect), or a second female subject associated with the suspect house who showed up on scene.

BWC review:

Officer Wallace: In reviewing Officer Wallace's BWC footage the following was learned:

- *Officer Wallace does not appear to have activated his BWC for the initial response to the call for service and subsequent contact with the victims.*
- *Upon responding to the area where the air tag was pinged (1786 Westfield Ave.), his BWC footage is 00:26:49 long. However it is muted at 00:04:47, and remains muted for the remainder of the contact, to include contact with the victims and Mike. Because it is muted, I am unable to confirm whether or not any audible ping was heard from the air tag inside the residence as claimed by Mike.*
- *Officer Wallace does not appear to have activated his BWC for the follow up at the victim's apartment complex where he contacted staff and checked surveillance video.*
- *Officer Wallace does not appear to have activated his BWC for the recovery of the air tag or the subsequent contact with the victim after said recovery. Therefore, I am unable to corroborate the statement about not being able to seek a search warrant because "we (patrol) don't do that" as claimed by Mike in his initial complaint. It should be noted that I am unaware if this contact was in person or on the phone.*

Officer Prost and Officer Bristol: In reviewing Officer Prost and Officer Bristol's BWC footage the following was learned:

- *Officer Prost's and Officer Bristol's BWC were activated and deactivated several times on scene. As such I am unable to confirm whether or not any audible ping was heard from the air tag inside the residence as claimed by Mike.*
- *While on scene, Officer Prost does make verbal notation of what appears to be tools inside of a black truck parked directly in front of the suspect residence.*
- *Officer Prost makes comments corroborating the presence of the air tag in the suspect residence.*
- *Upon contact with the male occupant of the house, outside by the aforementioned truck, Officer Prost is denied consent to search the truck or residence.*
- *Officer Prost and Officer Bristol confirmed with the male that he is the sole occupant of the home, nobody else has access to it or lives there, nobody else has been there, and confronts the male about the presence of the air tag in the house, which the male does not deny.*
- *The male suspect then mentions his brother, who has lived there, but they are estranged. He mentions toward the end of the conversation that he understands the victims just want their property back, and if there's any way that he can get it back to them he will and mentions calling his brother again.*
- *A female associated with the suspect address shows up on scene and is confronted by Officer Prost and Officer Bristol.*

A stolen air tag associated with the stolen property from a high loss burglary was tracked to and pinged at 1786 Westfield Ave. Officers on scene communicated that they observed what appeared to be tools in a truck parked directly in front of the suspect residence. Contact with a male suspect in front of the house yielded information that there was nobody else associated with that house as a resident or visitor, but he did not deny the presence of the air tag inside his house. The male also appeared to implicate his brother as a possible suspect for the vehicle burglary and made comments indicating that the property could be inside, and if he could get it back to the victims after contacting his brother, he would. Despite the lack of consent, there appeared to be solid legal foundation for the application of a search warrant. Officer Bristol and Officer Prost explain to the victims that the suspect male's timeline appears to check out based on LPR data but fail to address the issue of the air tag in the house and advise that they do not

"have enough to brace him on." No further investigative efforts are made.

Through limited fact finding based on the initial complaint it was discovered that:

- BWC were not appropriately activated, and/or were inappropriately deactivated or muted.*
- Appropriate efforts were not taken to preserve and collect evidence, to include not seeking a search warrant where grounds existed.*
- No supervisor notification was made of a high loss burglary.*
- Required police reports were either completed late, or not at all.*
- Conduct on scene and thereafter reflected poorly on the department due to unsatisfactory performance and failing to take appropriate action in response to a call for service.*

Based on the aforementioned factors, I am forwarding this incident to IA with a request for an administrative directed investigation for suspected policy violations.

Officer Daniel Wallace

Review of BWC

During the review of Officer Wallace's BWC for this investigation, it was observed that Officer Wallace did not activate his BWC when he first contacted the victim and begun his investigation into the vehicle burglary while on scene at Reno High School. Officer Wallace placed his BWC on mute while on scene at the suspect residence looking for the air tag and never un-muted his BWC for the remainder of his time on scene (approximately 22 minutes) to include when speaking with the victims. Later, when Officer Wallace was on scene at the apartment complex looking at surveillance video and speaking with the manager, he did not activate his BWC. Officer Wallace did not articulate in his report the failure to activate his BWC while continuing his investigative encounter. During his compelled interview, Officer Wallace could not recall why he didn't un-mute his BWC or why he never activated his BWC when required.

Review of Tiburon Report

The call for service occurred on September 16, 2023, when Officer Wallace met with the victim in referenced to the vehicle burglary. When reviewing Officer Wallace's Tiburon report, it was observed the report was initiated on September 18, 2023, and owner approved on September 24, 2023. The report was then supervisor approved on September 27, 2023. The time between when the investigation was initiated and when the report was owner approved was outside of the 7-day requirement detailed in the Report Process General Order that was in effect at the time.

owner approved!!

Interview of Daniel Wallace

On December 20, 2023, I, Sgt. Eric Schlesener, and Sgt. Craig Titterington conducted a compelled interview with Officer Daniel Wallace in the RPD Internal Affairs office. Officer Wallace did not have a RPPA representative, or an attorney present with him.

The following is a summary of the interview with Officer Wallace and is not intended to be verbatim. Please see the transcripts and/or the audio recording for complete details.

Before initiating the interview, I verified with Officer Wallace that he did not have a union representative, or an attorney present with him for the interview. He confirmed he did not and agreed to continue with the interview without having either present.

Officer Wallace was asked if he was aware of the call for service related to the investigation and he said he was. He said they responded to a call of a vehicle burglary that had occurred and they met with the victims at Reno High School. They learned one of the victims had an Apple Air Tag that was showing its location in a nearby neighborhood. They responded over to the location where the air tag was pinging and knocked on doors at different houses trying to locate it. They believed the air tag was pinging at 1786 Westfield Ave and knocked on the door there but received no answer. Officer Wallace said there was a truck out front of 1786 Westfield Ave and when they looked inside the truck, they didn't see anything in plain view. Officer Wallace said he was told the apartment complex where the vehicle burglary occurred had surveillance video and might have caught the suspects. Officer Wallace responded to the apartment complex while Officer Eric Prost and Officer Tyler Bristol remained on scene. He said he was looking for the truck coming or going from the scene of the burglary. Officer Bristol and Officer Prost end up contacting a suspect outside of the house, but he didn't know what they talked about. Officer Wallace said he believed they all talked about Officer Prost writing a supplemental report to detail what they saw and did. Officer Wallace said he told the victims to call him if the location for the air tag moved and a couple days later, he received a phone call from them saying it moved. Officer Wallace said he responded to the new location and found the air tag dumped on the ground. He said he called the victim and asked if he wanted the air tag back and he said yes. Officer Wallace arranged a time for them to meet and they said OK. The day came and when he attempted to reach the victim and his friend, he was unable to get ahold of either of them. I asked Officer Wallace if they ever got the air tag back and he said no and that it was still in his locker. I asked if they had made any contact to get it back and he said he had text messages saying, "this and that" and confirmed they were on his work phone.

Officer Wallace was asked if he was familiar with our department's Body Worn Camera policy, and he said he was familiar. He was asked to explain in his own words what the policy said about when to activate your body worn camera and he said, "I guess when you're on scene". He could not provide any more details about what the policy said.

Officer Wallace was asked if he could explain what our Body Worn Camera policy says if you fail to activate your body worn camera and he said, "I guess if you didn't turn it on while you were on scene, that's my interpretation". He was asked more specifically about what the policy said you are to do if you failed to activate your body worn camera and he said he didn't know.

Officer Wallace was handed a copy of the Body Worn Camera policy and asked him to read the section highlighted in yellow about body worn camera activation. Officer Wallace read the following: "*Officers shall only activate their BWC while responding to a call for service or at the initiation of any other law enforcement or investigative encounter between the officer and a member of the public. Officers shall activate their BWC during the above-described interactions. Officers are not required to obtain consent to activate a BWC.*"

Officer Wallace was asked to read the section highlighted in orange which was the failure to activate portion of the body worn camera policy. He read the following: "*Upon realizing that they have not activated a BWC in an event requiring BWC activation, the officer will begin recording as soon as practicable and safe to do so. If a BWC was not activated, activated late, or the BWC malfunctioned while on scene of an event requiring activation, the officers will document this fact in any report completed by the officer.*"

Officer Wallace was asked if it sounded familiar and he said, "sure, we'll say that's familiar." He was shown the front page of the Body Worn Camera policy that was printed out for him to read. He was asked if it looked familiar and if it was the department's policy on Body Worn Camera's and he said yes.

Referring to when he met with the victims at Reno High School to take the initial report, Officer Wallace was asked if he could explain why he didn't activate his body worn camera for their interaction and he said he couldn't explain that. He was asked if he included his failure to activate his body worn camera in his report and he said he was pretty sure he did not include that in his report.

Officer Wallace was asked what his thoughts were when he arrived at the location where the air tag was pinging, and he said they only knew the air tag was somewhere in that area, so they began knocking on a bunch of doors. Officer Wallace was provided with a printed-out map of the area the air tag was pinging and asked him to circle the specific area the air tag showed to be in as was given to him by the victim.

Officer Wallace circled a location on the map that encompassed an approximate eight house diameter. One of the houses included in that circle was 1786 Westfield Ave.

He was asked if the victim said how accurate the air tags are and he said he didn't remember. He was asked if the victim ever sent a signal to the Apple air tag for it to make a sound while they were on scene, and he said they did but he didn't recall hearing any sound. He was asked if the victims ever recovered their air tag after he located it the next day and he said he called and left messages for them to come pick it up but never heard back from them. As of the interview, Officer Wallace still had the air tag in his possession, either in his locker or mailbox.

When reviewing Officer Wallace's BWC footage, it was observed that he activated the mute function on his camera approximately four minutes into the twenty-six minute long video. This occurred while he was still searching for the air tag and also while he remained on scene speaking to the victims. He was asked if he could explain why he muted his BWC and he said he didn't know why he muted it. He also stated he could have forgotten that he muted it. He was told there were only two BWC videos in Evidence.com and none of them showed his contact with the apartment complex or captured his conversation with the victims. He stated this is not normal for him and he usually activates his BWC.

Officer Wallace said when he was reviewing video surveillance at the apartment complex, he never saw the suspect vehicle enter or leave the complex. Officer Wallace stated when he returned from reviewing surveillance he spoke with Officer Bristol and Officer Prost about their interaction. He said Officer Prost stated he was going to write a supplemental report regarding their contact with the suspect.

He was asked if there was any conversation with Officer Bristol or Officer Prost about attempting to obtain a search warrant and he said he didn't remember but he said they thought they didn't have enough to get a search warrant. He was asked if he was aware that patrol can and are encouraged to seek search warrants if the investigation may require it and he said that made sense. Officer Wallace was asked if he had any conversation with the victim about obtaining a search warrant and he said he didn't remember talking to them about it. The father of the victim mentioned in his complaint to the Sergeant that Officer Wallace had told the victim that he wouldn't be able to get a search warrant because, "Patrol doesn't do that". Officer Wallace said to his knowledge, he didn't say that.

He told investigators that he has applied for a search warrant once prior to this incident but couldn't recall if it was specifically to search for items inside a residence. He was asked why they didn't believe they could obtain a search warrant and he said they didn't have any guarantees the air tag was inside. He was

informed that search warrants are issued based on probability and not guarantees and he said he understood that. He was asked if he would do anything differently with the knowledge he has now and he stated he would do everything differently. He clarified that a Sergeant could have told them what to do and then he wouldn't be here (in IA). Investigators asked if he believed it would have been appropriate for him to contact a Sergeant to advise them of the circumstances or to seek advice regarding the search warrant. He said he believe that he should call a Sergeant for every call that he is on because that would keep him out of trouble

Officer Wallace was asked if any officers completed supplements to his case and he said he included in his report that Officer Prost was going to complete a supplement. He didn't realize until after he was noticed for this investigation that the supplement was never done.

Officer Tyler Bristol

Review of BWC

During the review of Officer Bristol's BWC footage, there were no violations of policy observed. Officer Bristol's interview corroborated what was observed on BWC.

After attempting to contact the suspect at the residence, Officer Bristol and Officer Prost remain on scene speaking with the victim. A short time later, a male subject exits the suspected residence and is contacted by both officers. During their contact with the male subject, they asked for and were denied consent to search inside the truck and inside the residence. Officer Bristol establishes a timeline for the male subject's whereabouts for the last two days and attempts to confirm with LPR by contacting Officer Mia Tosi. Officer Bristol was able to confirm via LPR when the male left Reno but was unable to confirm when he returned. After he spoke with Officer Wallace regarding the LPR results, Officer Bristol learned the male subject, or his vehicle could not be located on surveillance footage at the crime scene during the time frame when the crime occurred.

Without enough evidence, in their opinion, the officers believed they could not secure a search warrant and released the male subject without incident.

Interview of Officer Bristol

On May 1, 2024, I, Sgt. Eric Schlesener, and Sgt. Bryan McQuattie conducted a compelled interview with Officer Tyler Bristol in the RPD Internal Affairs office. Also, present with Officer Bristol was his RPPA Representative, Josh Sanford.

The following is a summary of the interview with Officer Bristol and is not intended to be verbatim. Please see the transcripts and/or the audio recording for complete details.

Officer Bristol affirmed he was aware of the call for service related to the internal investigation and he had a chance to review his Body Worn Camera (BWC) footage prior to his interview.

Officer Bristol recalled the street address where the Apple Air Tag was pinging was Westfield Ave. He was advised the specific address they contacted was 1786 Westfield Ave. He was asked what led them to believe the Air Tag was at that house specifically and he said the victim showed them the air tag's

location that was displayed on his iPhone. Officer Bristol didn't know how accurate the air tags were exactly and the victim never told them.

Officer Bristol told investigators they attempted to make contact at the suspect residence but received no answer from anyone inside. While at the door they could hear a dog barking and potentially someone talking inside. Officer Bristol mentioned the victim used his phone to force the air tag to make an audible noise while officers were at the door, but they were never able to hear the audible noise from the air tag while they were outside the front door.

Officer Bristol was asked if he recalled seeing any tools inside of the suspects truck that was parked in front of the suspect residence. He said he remembered seeing some tool bags but nothing that matched what the victim claimed was missing.

Officer Bristol said there was conversation amongst the officers on scene about the possibilities of applying for a search warrant, but they all agreed they didn't believe they had enough to get a search warrant. The only piece of evidence they had was a location for the air tag. He didn't recall if anyone on scene contacted a supervisor.

Officer Bristol said he and Officer Prost had talked back and forth about completing a supplemental report and at one point they asked Officer Wallace if he wanted one of them to complete a supplement and he told them not to worry about it and he would take care of it. He was asked if whoever made contact with the suspect should do a supplemental report and he said if it was his case yes. He said he relayed all of the information they learned from the male suspect to Officer Wallace and he didn't ask for a supplement.

Officer Bristol was asked if other tools or methods were used for follow-up other than attempting to obtain consent from the suspect and he said he contacted Officer Mia Tosi who had access to the License Plate Recognition (LPR) software. The suspect told Officer Bristol he had left town to go visit his mom for a couple days and had returned earlier in the morning around 3 am. Officer Bristol learned the LPR camera only caught the suspects truck leaving Reno westbound on I-80 at the time frame the suspect told officers he left. They were not able to find the truck on LPR coming back into Reno via I-80. He was asked if any further investigation or follow up was done after their BWC were deactivated and he said not that he was aware of.

Officer Eric Prost

Review of BWC

During the review of Officer Prost's BWC footage, there were no violations of policy observed. Officer Prost's interview corroborated what was observed on BWC.

After attempting to contact the suspect at the residence, Officer Bristol and Officer Prost remain on scene speaking with the victim. A short time later, a male subject exits the suspected residence and is contacted by both officers. During their contact with the male subject, they asked for and were denied consent to search inside the truck and inside the residence. Officer Prost remains with the male subject making small talk and attempts to gather more information on the subject's whereabouts over the last two days. During this time, the male subject had very short answers and didn't offer much information. At one

point in the conversation, the male subject states that even though his brother was evicted from the house in question, it was possible his brother could have returned and potentially placed the stolen tools inside the residence. He said he would look for the tools and if he located them, he would let the officers know and return the tools to the victim.

Without enough evidence, in their opinion, the officers believed they could not secure a search warrant and released the male subject without incident.

Interview of Officer Prost

On May 1, 2024, I, Sgt. Eric Schlesener, and Sgt. Bryan McQuattie conducted a compelled interview with Officer Eric Prost in the RPD Internal Affairs office. Also, present with Officer Prost was his RPPA Representative, Josh Sanford, Shane Pearman and Michael Frady.

The following is a summary of the interview with Officer Prost and is not intended to be verbatim. Please see the transcripts and/or the audio recording for complete details.

Officer Prost recalled the address where the air tag was pinged was near Reno High School. He was informed the address they responded to was 1786 Westfield Ave and he stated that sounded correct. He was asked what made them believe the air tag was at that specific address and he said the victim provided them the location after using his phone to track the air tag. He added the victim provided them his phone and they walked around to try and get a more precise location. Officer Prost said he never heard the audible noise from the air tag and at times the location would show it was at the house next door and then bounce back to 1786 Westfield Ave. Officer Prost said he attempted several times to have the air tag make noise, but he couldn't hear it from the outside of the house.

Officer Prost recalled seeing the tools in the backseat of the suspect's truck. He said they didn't appear to match the tools the victim reported stolen. Officer Prost said the victim and his parents looked into the truck through the window as well and stated the tools did not match what was stolen from him.

Officer Prost said he and the other officers spoke about obtaining a search warrant, but they all agreed they didn't believe they had enough evidence to secure a search warrant. Officer Prost said he didn't recall anyone calling a supervisor while on the call. He added that if he had heard the air tag pinged then he would have called a supervisor and started the process for the search warrant.

Officer Prost was asked if there was any conversation between him and Officer Bristol about completing a supplemental report and he said yes. Neither of them was going to complete a supplement because when they spoke with Officer Wallace, he told them he would cover it in his original and not to worry about it. Officer Prost said when he received his notice of investigation from Internal Affairs, he read Officer Wallace's report and saw that he added a line that said, "See Officer Prost's Supplement". Officer Prost saw Officer Wallace in the report room and asked him why he wrote that when he told Officer Prost that he didn't need to write a supplement. Officer Wallace said something to the effect of, I'm sorry, I apologize, I forgot. Officer Prost said every bit of information he had, he relayed to Officer Wallace and when he asked Officer Wallace if he wanted a supplement done, he told Officer Prost no.

CASE RESOURCES:

- All Notices and Employee Protections in an Internal Investigations forms

- Recordings and transcripts of all interviews
- Blue Team Report
- Tiburon Reports
- BWC recordings
- Reno Police Department General Order P-500-18 (Body Worn Cameras – Issued 5/22/18 and Revised 4/14/2023)
- Reno Police Department General Order E-105-17 (Report Process and Review – Issued 10/22/12 and Revised 9/12/19)
- Reno Police Department General Order P-130-05 (Patrol Deployment - Issued November 6, 2005)

EXHIBIT 2

EXHIBIT 2



RENO POLICE DEPARTMENT
Internal Affairs Unit
Memorandum

DATE: July 18, 2024
TO: Daniel Wallace #14239
FROM: Lt. Ryan Connelly
SUBJECT: Right to Pre-Disciplinary Hearing

Case #: ADI2023-0020 Allegation 1

Investigative finding: Sustained – G.O. P-500-18 Body Worn Cameras

Disciplinary recommendation: Pay-step reduction and additional training related to Body Worn Camera and Report Process and Review policies.

From Chief Kathryn Nance:

Date: July 18, 2024

I have reviewed the report,

☒ I agree with the disciplinary recommendation

☐ I modify the recommendation to:

You have ten (10) scheduled working days from the date you receive this notice to agree or disagree with the recommended disciplinary action. You may request or waive a pre-disciplinary hearing with the Chief in writing or by e-mail. If you so desire, you may simply e-mail a reply to this notice and indicate one of the following two options:

1. "I agree with the recommended disciplinary action and waive my right to a pre-disciplinary hearing with the Chief."
2. "I do not agree with the recommended disciplinary action and request a pre-disciplinary hearing with the Chief."

Prior to selecting one of the options above and/or appearing for a pre-disciplinary hearing, you may review the case file and any disciplinary recommendations in this office during business hours, Monday-Friday, 8 AM to 5 PM. Please call 775-334-2106 to schedule an appointment.

Remember, if you make the request for a pre-disciplinary hearing with the Chief, it must be received in the Chief's office and/or IA Office no later than ten scheduled working days from the time this notice is received by you:

If you fail to respond to this notification within the prescribed ten working day/scheduled time period, you will be deemed to have waived your right to a pre-disciplinary hearing with the Chief and the recommended discipline will be upheld.

Even if you waive your right to a disciplinary hearing and agree with the recommended discipline; the Department and NRS provides the right for each employee who receives an unfavorable comment or document to submit a written response within 30 days from the date of this notice, which will be permanently attached to this document.

cc: IA (email)
Gerri Biegler (email)
RPPA Board or RPSAE Board (email)



RENO POLICE DEPARTMENT
Internal Affairs Unit
Memorandum

DATE: July 18, 2024
TO: Daniel Wallace #14239
FROM: Lt. Ryan Connelly
SUBJECT: Right to Pre-Disciplinary Hearing

Case #: ADI2023-0020 Allegation 3

Investigative finding: Sustained – G.O. E-105-17 Report Process and Review

Disciplinary recommendation: Pay-step reduction and additional training related to Body Worn Camera and Report Process and Review policies.

From Chief Kathryn Nance:

Date: July 18, 2024

I have reviewed the report,

☒ I agree with the disciplinary recommendation

☐ I modify the recommendation to:

You have ten (10) scheduled working days from the date you receive this notice to agree or disagree with the recommended disciplinary action. You may request or waive a pre-disciplinary hearing with the Chief in writing or by e-mail. If you so desire, you may simply e-mail a reply to this notice and indicate one of the following two options:

1. "I agree with the recommended disciplinary action and waive my right to a pre-disciplinary hearing with the Chief."
2. "I do not agree with the recommended disciplinary action and request a pre-disciplinary hearing with the Chief."

Prior to selecting one of the options above and/or appearing for a pre-disciplinary hearing, you may review the case file and any disciplinary recommendations in this office during business hours, Monday-Friday, 8 AM to 5 PM. Please call 775-334-2106 to schedule an appointment.

Remember, if you make the request for a pre-disciplinary hearing with the Chief, it must be received in the Chief's office and/or IA Office no later than ten scheduled working days from the time this notice is received by you:

If you fail to respond to this notification within the prescribed ten working day/scheduled time period, you will be deemed to have waived your right to a pre-disciplinary hearing with the Chief and the recommended discipline will be upheld.

Even if you waive your right to a disciplinary hearing and agree with the recommended discipline; the Department and NRS provides the right for each employee who receives an unfavorable comment or document to submit a written response within 30 days from the date of this notice, which will be permanently attached to this document.

cc: IA (email)
Gerri Biegler (email)
RPPA Board or RPSAE Board (email)

EXHIBIT 3

EXHIBIT 3



Date: March 26th, 2024

Investigation Supervisor: Lt. Ryan Connelly #10980

Investigator: Lt. Ryan Connelly #10980

PRINCIPAL EMPLOYEE:

Officer Brigitte Soto

Reno PD Patrol Division

Officer Daniel Wallace

Reno PD Patrol Division

Sgt. Scott Nelson

Reno PD Patrol Division

COMPLAINANT:

Lt. Trenton Johnson

Reno PD Patrol Division

WITNESSES:

Sgt. John Torres

Reno PD Patrol Division

Officer Mia Staples

Reno PD Patrol Division

Lt. Cory Autrey

Reno PD Patrol Division

Katie Hartley

AWAKEN Nevada

Sumara McMurray

Victim

ALLEGATION:

On January 19th, 2024, at around 2044 hours, Officers Wallace and Soto responded to 1205 South Meadows Parkway #L2087 on a report of a family disturbance in which the male half was breaking into the apartment. Officers Wallace and Soto arrived on scene and conducted an investigation, which included possible charges of Burglary, Home Invasion, Domestic Battery, Petit Larceny, and Preventing a Victim of Reporting a Crime. During this investigation, Sgt. Nelson arrived on scene and was briefed. At the conclusion of the investigation Officer Wallace authored an incident report but no arrest was attempted nor was a warrant sought although there appeared to exist probable cause for several charges and Officers were within the statutorily defined timeline for an arrest.

During a Tiburon review of the incident report authored these deficiencies were identified by Sgt. Torres and brought to the attention of Lt. Johnson. After conducting a non-investigatory review, Lt. Johnson identified multiple possible policy violations that were committed due to the lack of an appropriate investigation, enforcement action, and supervisory direction. This case was forwarded to the Internal Affairs Unit for investigation.

INVESTIGATIVE CONCLUSION:

Officer Soto --

Allegation #1: Officer Soto responded to a report of a domestic violence incident and failed to complete a thorough investigation or attempt to take appropriate enforcement action against the suspect.

1. A violation of RPD General Order P-180-17 (Domestic Violence Investigations)
 - III. Procedures
 - A. Domestic Violence Investigations in General
 1. Employee Responsibilities – Any employee investigating reports of domestic violence will adhere to the...**arrest requirements as required by state and local law...Employees will exhaust reasonable investigative efforts to develop probable cause...Employees who have developed probable cause will ensure efforts are underway to arrest the suspect within statutorily defined timelines.** - UNFOUNDED

Allegation #2: Officer Soto responded to an incident with multiple felony level charges involved and failed to complete a thorough investigation or attempt to take appropriate enforcement action against the suspect.

1. A violation of RPD General Order P-340-05 (Code of Conduct and Values and Ethics)
 - a. Legal Procedures
 - i. The Primary duty of a police officer is to uphold and **enforce the law in a fair and equitable manner.**
 - ii. ...In applying the law, officers must **exercise mature judgment and discretion within the limits of statutory authority and departmental policy.** - UNFOUNDED

Officer Wallace --

Allegation #1: Officer Wallace responded to a report of a domestic violence incident and failed to complete a thorough investigation or attempt to take appropriate enforcement action against the suspect.

1. A violation of RPD General Order P-180-17 (Domestic Violence Investigations)
 - III. Procedures
 - A. Domestic Violence Investigations in General
 2. Employee Responsibilities – Any employee investigating reports of domestic violence will adhere to the...**arrest requirements as required by state and local law...Employees will exhaust reasonable investigative efforts to develop probable cause...Employees who have developed probable cause will ensure efforts are underway to arrest the suspect within statutorily defined timelines.** - SUSTAINED

Allegation #2: Officer Wallace responded to an incident with multiple felony level charges involved and failed to complete a thorough investigation or attempt to take appropriate enforcement action against the suspect.

2. A violation of RPD General Order P-340-05 (Code of Conduct and Values and Ethics)
 - a. Legal Procedures
 - i. The Primary duty of a police officer is to uphold and enforce the law in a fair and equitable manner.
 - ii. ...In applying the law, officers must exercise mature judgment and discretion within the limits of statutory authority and departmental policy. - SUSTAINED

Allegation #3: Officer Wallace was untruthful to Internal Affairs Investigators in his compelled interview for the included allegations.

1. A violation of RPD General Order E-252-04 (Truthfulness in Duty)
 - a. Members have the responsibility to be truthful in all matters related to the scope of their employment and the operations of the department.
 - b. For the purposes of this general order, truthfulness involves conduct and/or statements involving:
 - i. Dishonesty in any other type of administrative, judicial, quasi-judicial/administrative proceeding. - SUSTAINED

Sgt. Nelson --

Allegation #1: Sgt. Nelson failed to properly identify a lack of a thorough and complete investigation and lack of attempts to take appropriate enforcement action while on scene and briefed as to the nature of the included domestic violence incident.

1. A violation of RPD General Order P-180-17 (Domestic Violence Investigations)
 - III. Procedures
 - B. Domestic Violence Investigations in General
 2. Supervisor's Responsibilities – Supervisors are responsible for ensuring employees fulfill their responsibilities... - NOT SUSTAINED

INCIDENT SUMMARY:

On January 19th, 2024, Officers Wallace and Soto responded to the listed address on a report of a domestic violence situation in which the male half was breaking into his ex-girlfriend's residence. The reporting party was not on scene but had previously been speaking to the victim over the phone. Upon arrival Officers met with the victim and completed their investigation. During the investigation Officer Wallace learned that the suspect and victim, who share a child in common, were involved in a physical domestic disturbance. The suspect, who does not reside at the residence had scaled an exterior wall to the second-floor apartment, entered through the window, and chased the female outside into the hallway where he used physical force to take her phone as the victim was trying to call 911. This disturbance had been witnessed by an independent neighbor.

At the conclusion of the investigation Officer Wallace completed an incident report only indicating that the victim did not wish to pursue charges. Within this report Officer Wallace articulated several factors that would likely lead to criminal charges being filed, to include felony level charges that could be levied absent a willing victim, especially in a domestic violence type situation.

During a later review of Officer Wallace's report Sgt. Torres found several concerning aspects to include the report type being listed as 'incident', the indication that no criminal charges were being pursued due to victim not participating even though the crimes alleged were domestic violence in nature and additional felony level crimes that do not require a fully cooperative victim to move forward with criminal charges. Sgt. Torres worked with Officer Soto to complete a report and submit a probable cause sheet. During this Officer Soto related to Sgt. Torres that she had been under the impression that Officer Wallace would "handle" the case and was surprised to find out no criminal report had been completed nor PC sheet submitted based off what she had learned while on scene of the initial incident.

Upon review of the Officers' BWC footage it was noted that several felony level crimes were articulated and supported by the physical evidence on scene. These crimes include violations of NRS 205.067 Home Invasion, NRS 205.060 Burglary, NRS 200.380 Robbery, and NRS 199.305 Preventing a Victim from Reporting a Crime. Additionally, information was relayed by the victim and corroborated by an independent witness that an act constituting domestic violence as defined by NRS 33.018, specifically a Battery, Assault, Home Invasion, and Burglary were committed. As per policy and law each one of these charges can and should be arrested on without a cooperative victim with the supporting facts observed and collected on scene in this incident.

Officer Wallace, who was identified as the case Officer, had a duty to ensure a thorough and complete investigation was conducted. Additionally, given the nature of the alleged crimes a more victim focused, and trauma informed approach was needed that removed the burden of pushing forward the case from the victim and allowed the judicial system to take ownership of the criminal charges. Although follow up was later conducted and a probable cause attempt to locate disseminated to sworn personnel, the investigation conducted that evening was inadequate and insufficient. No attempts to conduct follow-up to locate the suspect were undertaken by Officer Wallace.

During a compelled interview regarding this investigation Officer Wallace admitted that he understood the statutory requirements related to the investigations of domestic violence but consciously did not adhere to these requirements. He also advised that he was familiar with and understood department policy and legal authority relating to the investigation of not only domestic violence but also felony and gross misdemeanor level crimes.

Additionally, during the compelled interview of Officer Wallace related to the incident he made numerous factually, blatantly incorrect, and contradictory statements regarding being ordered to complete an incident report rather than a crime report by Sgt. Nelson. These factually incorrect statements were disproven by officers BWC video as well as contradictory testimony given by others on scene. These incorrect statements were deemed to be untruthful and an attempt to remove all responsibility for decisions made on scene, alleviate Officer Wallace of all culpability in this case, and pass all blame onto Sgt. Nelson.

Several times during the compelled interview Officer Wallace stated that he had completed an incident report rather than a crime report at the direction of Sgt. Nelson. When asked to summarize his initial response to the incident, Officer Wallace stated "I explained everything to Sgt. Nelson as well. Sgt. Nelson told me 'Yes that's cool, do an incident report'." When asked if any follow-up steps were taken regarding felony or gross misdemeanor arrests as directed in the Delayed Arrest Training Bulletin, Officer Wallace stated "It was not, because I was told to do an incident report, so I did not do them." Again, when asked if any follow-up steps were taken

regarding the domestic violence charge, Officer Wallace stated *"the reason why I did not do that was because myself, and who was on scene with a Sergeant, decided we would do an incident report and not to do all that...because a Sergeant who was on scene said for me to do an incident report, so I did."*

When asked about the possibility of the domestic violence incident being considered a 'mutual battery', Officer Wallace stated he did not consider it a mutual battery and continued stating, *"I went to the Sergeant (Sgt. Nelson) to get clarification...I made sure I did exactly what a Sergeant wanted me to do."* Officer Wallace continued, *"I wanted to do a crime report in a way...I'm like I got nothing Sarge... 'Yeah, sure, do an incident report' (intimating he was speaking as Sgt. Nelson), because if I made that decision by myself, I knew no matter what I did was going to be wrong."* Officer Wallace added, *"that's why I asked him. I did what I was told to do...I did what I was supposed to do based upon a Sergeant."*

When asked specifically about additional felony level crimes that may have been committed in this incident and what led to the decision not to pursue criminal charges, Officer Wallace stated *"me going over it with Sgt. Nelson and he said do an incident report."* Officer Wallace was asked if he felt there was probable cause for the arrest of the suspect in this incident to which he replied, *"yes, I was going to write up the report as a crime report and send it to Detectives so they could follow up."* When asked to clarify if the only thing preventing him from doing so was his understanding of the victim's desire not to press charges he replied, *"I think the more jist of it was Sgt. Nelson said 'yeah, do an incident report', so I did."*

While on scene and investigating the incident Officer Wallace located the suspect's cell phone near the bedroom window that he had made entry through. Officer Wallace provided this phone to Sumara and failed to collect it and book it as evidence. When asked why Officer Wallace replied, *"I guess when it came down to the end of it and this came down to being an incident report and this is what it is. I didn't feel the need to book it for evidence, due to it being an incident report."* When asked to clarify the timing of that decision Officer Wallace stated *"Honestly, I believe we found the phone after I talked to Sgt. Nelson, I don't remember, because I remember we didn't see the phone at first and then when I went to go take pictures, after we decided what we were going to do, I found a phone in there."*

A review of the BWC video revealed that Officer Wallace located the suspect's cell phone and provided it to her prior to ever speaking to Sgt. Nelson. When presented with this in the interview and asked to clarify his statements, Officer Wallace stated *"Because, it, I was still investigating, and because it went to an incident report, I did not collect the phone, that's all I know."*

During a review of Officer Wallace's initial incident report, Sgt. Torres identified deficiencies in the initial investigation and reporting. When Sgt. Torres provided an order to fix these deficiencies in this report, Officer Wallace met with Lt. Autrey to discuss the matter. According to Lt. Autrey, during that meeting Officer Wallace indicated that he did not agree with the direction given to him by Sgt. Torres and appeared to still believe that an incident report was appropriate. In his interview Officer Wallace related that he told Lt. Autrey that *"I did what I was told to do, I did what the Sergeant who was there, what I was told as the Sergeant, I did exactly what Sergeant said."*

When Lt. Autrey was asked if Officer Wallace had discussed Sgt. Nelson in their meeting, Lt. Autrey advised *"I don't believe so. I believe if he said anything about Nelson it didn't go very far into the weeds. He (Officer Wallace) may have indicated that he didn't understand because*

the Sergeant on scene was fine with his plan, but now he is being told to do something different and that was the crux of his argument." Sgt. McQuattie clarified with Lt. Autrey that when Officer Wallace was speaking about the incident report being completed if it appeared that the plan to do the incident report rather than the crime report was Officer Wallace's plan, to which Lt. Autrey replied *"Yes, that's my understanding, in talking to him (Officer Wallace)."* I asked Lt. Autrey if he recalled Officer Wallace stating that he had been ordered to do an incident report rather than a crime report by Sgt. Nelson, but Lt. Autrey did not recall Officer Wallace ever saying that.

Officer Wallace was asked during his interview if based off everything he knows about the incident now if he still feels an incident report was appropriate to which he replied, *"based upon every word that you guys used to make me look bad, should I have done a crime report? Yes, I should have done a crime report because I would not be here in this situation... But, as far as me doing an incident report because my Sergeant told me to do an incident report, because I thought that was the right thing to do, from my Sergeant's command, I did."*

During his interview Officer Wallace was asked if he felt the 'order' given to him by Sgt. Nelson was lawful. He replied that he *"did not think this was an unlawful order, to write an incident report, so I went with it. I didn't think it was unlawful."* Officer Wallace later added, *"I did not believe that when I was on scene that I was required to do a crime report at the time...when Sergeant said, 'do an incident report', I was like, Okay."*

A review of the BWC video was conducted in which it was noted that after returning from speaking to an independent witness (the neighbor), Officer Wallace meets with the victim and advises her that he will be completing a report due to the domestic nature of the incident. Officer Wallace indicates in this conversation that his report will contain that the victim does not want to press charges. This conversation occurs approximately 22 minutes before Sgt. Nelson arrives on scene and prior to any conversation between him and Officer Wallace.

Additionally, Officer Wallace locates the suspect's cell phone on scene and provides it to the victim prior to speaking with Sgt. Nelson. Based off his own statements that the phone was not collected as evidence due to him completing an incident report it is evident that Officer Wallace had already decided that he would be completing an incident report and not conducting follow up prior to ever speaking with Sgt. Nelson. This fact also refutes any attempt to say that Sgt. Nelson's apparent agreement with Officer Wallace's plan to complete an incident report is in its nature an order. The decision to complete an incident report rather than a crime report and the ensuing lack of a thorough investigation was made by Officer Wallace and Office Wallace alone and was a decision made prior to Sgt. Nelson's arrival on scene.

The nature of Officer Wallace's untrue statements was readily apparent and egregious to the point that it was clear to investigators that Officer Wallace was attempting to obfuscate the truth. These statements were provided in a compelled interview in accordance with NRS 289 prior to which Officer Wallace had been both verbally and in writing advised of the requirements to be truthful and honest, and the potential disciplinary measures if he is found to be untruthful.

Sgt. Nelson self-dispatched to the incident and was briefed by Officer Wallace. Officer Wallace failed to provide a complete and thorough briefing to Sgt. Nelson, specifically failing to relate accurately what the independent witness had advised. During a compelled interview with Sgt. Nelson, he related that he was unaware of Officer Wallace's intent to complete an incident report and was under the impression that Officer Wallace was taking the proper steps. Although Officer Wallace's advisement to Sgt. Nelson that he would be completing an incident report was

captured on the BWC video, Sgt. Nelson's explanation of his attention being diverted was reasonable and supported by other factors. While on scene and speaking with Officer Wallace, Sgt. Nelson confirmed several steps that a reasonable supervisor would believe indicated a criminal report was being completed such as criminal history checks, CPS contacts, a VINE form being provided, and information as to the possible residential location of the suspect.

Officer Soto, although on scene during the initial response and investigation by Officer Wallace, was acting as the cover Officer and did not have a duty to complete the initial crime report or follow up investigations. Officer Soto was under the impression, rightfully so, that as the specified primary investigator Officer Wallace would be taking the appropriate steps needed to complete the investigation. She did assist Officer Wallace in his investigation, and it appears that all pertinent information she acquired was properly related to Officer Wallace for his consideration. Officer Soto additionally provided the victim with the required VINE form as well as contacting CPS to brief then as is required by department policy.

INVESTIGATIVE FINDINGS:

Compelled Interviews were conducted with the Officers who had been on scene as well as a review of their BWC video. Additional compelled interviews were conducted with those employees involved in the follow-up after the reporting deficiencies were noted. Phone interviews were conducted with the victim as well as her case worker through AWAKEN.

A review of the CAD call information regarding this incident showed that the call had been entered at 2044 hours for 1205 South Meadows Pkwy, which is indicated to be in 96 Beat of the Reno South District. Officer Wallace was identified on this shift as S396, and the primary unit assigned to the call. Officer Wallace and Officer Vega were initially dispatched at 2046 hours, but Officer Soto preempted Officer Vega and responded at 2049 hours. Officer Wallace arrives at 2058 hours with Officer Soto arriving at 2100. Officer Wallace clears the call at 2155 hours with a disposition of "RTF" indicating a report to follow.

Interview of Sgt. Torres:

On February 9th, 2024, Sgt. Torres was noticed as a witness in this investigation. A compelled interview was scheduled for February 16th, 2024, at 0900 which took place at the Reno Police Department Internal Affairs Office. Present in the interview along with myself was Sgt. Bryan McQuattie, and Sgt. Torres. Below is a summation of that interview, for exact content see transcript.

Sgt. Torres is currently assigned to the Patrol Division, Swing Shift, supervising Team 21. In addition to his assigned supervisory duties, Sgt. Torres also assists other Swing Shift supervisors in reviewing and approving Tiburon reports for Team 22 as that team is currently without an assigned Sergeant.

Sometime shortly after January 19th, 2024, Sgt. Torres was completing a Tiburon audit of Officers assigned to Team 22 when he reviewed the report authored by Officer Wallace, #24-1101. At the time of Sgt. Torres' original review Officer Soto had not yet completed a supplemental report. During his initial review Sgt. Torres identified several concerning aspects of Officer Wallace's report to include: the report type was listed as an incident rather than a criminal charge, the narrative of the report described a domestic violence related as well as other felony level crimes, it was indicated the victim did not wish to participate in the investigation although law and policy do not allow Officers that discretion in this type of case, and additionally the level of alleged felony crimes do not require a willing complainant.

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After identifying these concerns with the report, Sgt. Torres met with Lt. Johnson. During that conversation they worked on steps needed to fix the mistakes with the criminal report and move forward as well as any administrative issues that would need to be addressed. Sgt. Torres at this point had not spoken to Officers Wallace or Soto about the incident. He did recall having a conversation with Sgt. Nelson on the 19th possibly about the incident in which Sgt. Nelson was seeking Sgt. Torres' input on the investigation but Sgt. Nelson did not go into detail about the nature of the incident. Sgt. Torres was unable to recall exactly what Sgt. Nelson and he discussed.

After meeting initially with Lt. Johnson about the incident, Sgt. Torres and Sgt. Nelson met with Lt. Johnson to confirm further follow-up steps that were needed. Sgt. Torres was assigned to meet with Officer Soto to determine if she was able to complete a probable cause sheet based off her knowledge of the case and Officer Wallace's initial report. At that time Officer Wallace was on his regular days off. Officer Soto completed a supplemental report (*a review of the report shows it was initiated on January 21st at around 2100*) and Officer Vega later sent out an email on 1/22/24 at 0030 to ATL@reno.gov indicating Officer Soto had PC for the suspect's, Vashone Lee, arrest for Home Invasion constituting domestic violence, Robbery, and Preventing a Victim from reporting a crime. This hazard was also later entered into the Lee's Tiburon name file. Additional directions were given by Sgt. Torres to graveyard Officers as well as HEAT detectives in relation to attempting to locate the suspect. Sgt. Torres also spoke with Sgt. Ball, the day shift supervisor in the South District, about the incident and his Officers would complete additional follow-up. VSU had also been contacted, though Sgt. Torres was unable to confirm if they had been notified the night of the investigation or if it was later.

Sgt. Torres indicated that upon reviewing Officer Wallace's report, Officer Soto was confused as to why it was listed as an incident. As Sgt. Torres and Officer Soto were working on her supplemental report, she advised him that she had a prior conversation with Officer Wallace in which he sated he "*had it (the report) handled*" and that he did not need her to complete a supplemental report at that time. She went on to state that she had expected, based on what she had learned while on scene, that Officer Wallace would complete the crime report and put out an attempt to locate for the Lee's arrest. According to Sgt. Torres, Officer Soto was "*surprised to find out*" that Officer Wallace had not done so.

Sgt. Torres added that he later provided directions to Officer Wallace regarding addressing the concerns that had been noted in his report. These corrections were made by Officer Wallace which included changes to the report type, property tabs, and suspect/victim information. Officer Wallace made additions to his narrative to add information that was not relevant to the criminal case such as he was being directed by Sgt. Torres to change his report, which was later removed by Officer Wallace after being informed by Sgt. Torres as to the proper procedure for documenting disagreements with an order given by a supervisor.

Interview of Officer M. Staples:

On February 15th, 2024, Officer M. Staples was noticed as a witness in this investigation. A compelled interview was scheduled for February 22nd, 2024, at 1100 which took place at the Reno Police Department Internal Affairs Office. Present in the interview along with myself was Sgt. Bryan McQuattie, Officer M. Staples, and her RPPA representative Josh Sanford. Below is a summation of that interview, for exact content see transcript.

Officer Staples is currently assigned to the Patrol Division, Dayshift, Team 13. On January 22nd, 2024, Officer Staples was contacted by Sgt. Ball who directed her to complete follow up in relation to this case as she had a trainee (Officer Kinamon), and this would provide a good

training opportunity for him. Officer Staples advised that she was familiar with the incident as Officer Vega had sent out an email to all sworn personnel advising of Officer Soto's probable cause for arrest. Officer Staples began researching Lee along with Officer Wozniak. Detective Edelen was also briefly consulted.

As part of the follow up Officer Staples and her trainee responded to 1205 South Meadows to attempt to speak with the victim, Sumara McMurray, as Officer Staples was still under the impression that Lee was in possession of McMurray's cell phone. Upon arrival at the apartment Officer Staples could hear movement inside but there was no answer at the door. Later, McMurray called dispatch to leave a message for a Sgt inquiring why Officers had been at her door. Officer Staples returned the call to continue her follow up.

While speaking with McMurray Officer Staples learned that she had been able to get her phone back from Lee. McMurray went on to ask several questions about the case to include charges against Lee. During their conversation McMurray attempted to minimize the incident, stated she felt at fault, and added that Lee did in fact live at the apartment. I asked Officer Staples about McMurray's statements and how she perceived them based on her experience of speaking with victims of domestic violence. Officer Staples advised that McMurray *"was giving the answers that most victims of domestic violence do, she was trying to take fault in it, that she deserved it."* McMurray related to Officer Staples that she did not want to get Lee in trouble.

As McMurray was continuing to talk about aspects of the case that Officer Staples was not familiar with, she advised that she would forward her statements to the case officer, at that time Officer Soto. The phone call ended, and Officer Staples briefed Officer Soto as well as her Sergeant.

During our interview with Officer Staples, Sgt. McQuattie confirmed with her the charges that were listed in Officer Vega's email. He also asked her about the need for a cooperative victim in those types of charges. Officer Staples affirmed that in her training and experience an arrest can be made on those charges without a cooperative victim.

Interview of Lt. Cory Autrey:

On March 26th, 2024, Lt. Cory Autrey was noticed as a witness in this investigation. A compelled interview was scheduled for March 26th, 2024, at 0840 hours, which took place at the Internal Affairs Office. Present in the interview along with myself was Sgt. Bryan McQuattie and Lt. Cory Autrey. Below is a summation of that interview, for exact content see transcript.

Lt. Autrey is currently assigned to the Patrol Division, Swing Shift. He is the watch commander and currently supervises the side of the shift that contains Sgt. Nelson's team. Shortly after this incident took place and during the time that Sgt. Torres was working with Officer Wallace to fix the deficiencies he had identified in the report, Officer Wallace asked to speak with Lt. Autrey.

Lt. Autrey advised that he had become aware of the incident after Officer Wallace requested to speak with him. Officer Wallace was looking for clarification on what he was being told by Sgt. Torres and related that he did not agree with the direction he was being given. Based on the conversation between Officer Wallace and Lt. Autrey, Lt. Autrey was under the impression that Officer Wallace had responded to a domestic violence situation and based off what Officer Wallace was told on scene *"he did not believe that she was a victim. if I'm not mistaken, so, nor that a crime had occurred because she didn't want to do anything...she didn't want to take any action so he wrote up the report as an incident report, with no suspects or victims listed or linked"*

to any crime. And it was just subjects from an incident report, and he didn't understand why he was being ordered to by the Sergeant (Sgt. Torres) to change that to a crime report."

Lt. Autrey categorized the conversation that he and Officer Wallace had as him clarifying the documenting or reports where we have a crime alleged but a victim may indicate they do not wish to pursue charges. Lt. Autrey's direction to Officer Wallace at that time was that a crime report should be completed, and the decision or information related to the victim pursuing charges will come in the form of a signed complaint or cooperation with the attorney's/testimony, etc. Lt. Autrey advised that Officer Wallace appeared to understand what was being said, but he still may not agree with it.

I asked Lt. Autrey if Officer Wallace had provided any details as to his interaction with Sgt. Nelson regarding this incident. Lt. Autrey advised *"I don't believe so. I believe if he said anything about Nelson it didn't go very far into the weeds. He (Officer Wallace) may have indicated that he didn't understand because the Sergeant on scene was fine with his plan, but now he is being told to do something different and that was the crux of his argument."* Sgt. McQuattie clarified with Lt. Autrey that when Officer Wallace was speaking about the incident report being completed if it appeared that the plan to do the incident report rather than the crime report was Officer Wallace's plan, to which Lt. Autrey replied *"Yes, that's my understanding, in talking to him (Officer Wallace)."* It also appeared to Lt. Autrey that Officer Wallace did not agree with the direction to change the report from an incident report to a crime report given to him by Sgt. Torres.

I asked Lt. Autrey if he recalled Officer Wallace stating that he had been ordered to do an incident report rather than a crime report by Sgt. Nelson, but Lt. Autrey did not recall Officer Wallace ever saying that. Lt. Autrey did advise that he had discussed this incident with Sgt. Nelson after the report had come to his attention. During this discussion he spoke to him about general leadership while on scene. It appeared that Sgt. Nelson had already been made aware of the deficiencies in the incident.

We then asked Lt. Autrey if he had ever given any direction to his shift expectations related to reporting requirements which he had not. Lt. Autrey confirmed that he had never provided directions to his shift that they would be completing incident reports in circumstances such as this incident.

Interview of Katie Hartley:

On February 28th, 2024, at approximately 1230 I was able to contact Katie Hartley via telephone. Katie is a mental health therapist that works with AWAKEN Nevada, an organization that assists with sex trafficking victims. Katie is currently working with Sumara and spoke with her on January 19th after the Officers left the apartment. Katie also spoke with Officer Wallace that evening to gather more information about the incident to assist Sumara. Our phone conversation was recorded with Katie's consent and is summarized below. Please see transcript for full details.

On the evening of January 19th, 2024, a short time after the Officers had left the apartment, Katie received a *"panicked"* crisis type call from Sumara. Katie has been working with Sumara for several years and knows about her prior history with domestic violence. Katie related that Sumara was *"heightened, emotional, she was really fearful, and I think confused is probably another word I would use to explain"* when referring to Sumara's mental state.

Sumara went on to explain to Katie the circumstances of Lee entering her apartment and taking her phone. Katie stated that Sumara was confused and upset because she did not know what was

happening regarding her case that evening. Sumara told Katie that the Officers on scene advised they "would come back and take a report another time" and wanted to give her some time. Sumara also related to Katie that she was upset as Officers on scene had been critical of Sumara's relationship with her therapist as well as her parenting style and techniques (a review of the BWC showed that Officer Wallace did indeed critique Sumara's therapist as well as attempt to provide her parenting suggestions while on scene). According to Kaite, Sumara felt as if the comments made on scene shifted the blame to her and did not align with the victim focused and trauma informed approach needed when dealing with victims of domestic violence.

After speaking with Sumara, Katie contacted Officer Wallace to attempt to get more information for Sumara. While speaking with Officer Wallace she related that Sumara did indeed want to press charges. I asked Katie if Officer Wallace advised that he would either return or plan for another Officer to complete the report and she stated he did not. According to Katie, Officer Wallace advised that "they did not have enough to charge him (Lee) with domestic violence". Katie advised that by the time Officers conducted further follow up (Officer Staples on January 22nd), Sumara had already gotten back with Lee, and she was fearful of charging him with a felony. I asked Katie if Sumara had related any feelings of being discouraged from pressing charges that evening and she advised that it was more a feeling of confusion and feeling blamed for the incident that played a part in Sumara's lack of focus regarding charging Lee.

I advised Katie that I was trying to reach out to Sumara and contact her regarding this incident. Katie related that she would contact Sumara and have her call me. The interview ended at that time.

Interview of Sumara McMurray

On March 8th, 2024, at around 0810 hours, I was able to contact Sumara McMurray via telephone to conduct an interview related to this incident. After speaking to Sumara briefly to explain why I was contacting her I advised her that I would like to audio record our conversation. Our phone conversation was recorded with Sumara's consent and is summarized below. Please see transcript for full details.

Sumara related that on the evening of January 19th she was involved in a domestic violence incident and confirmed that Officers had responded to her residence. She stated that a male (Officer Wallace) and female (Officer Soto) Officer arrived on scene and began to interview her about the situation.

While speaking with Sumara she advised that Officer Wallace had made "weird comments" to her surrounding her two-year-old son and her parenting style. Sumara stated that she was very stressed that evening and did not object to Officer Wallace's comments at that time. Sumara also stated that Officer Wallace was asking about her abuse victim history, specifically if she had been "sexually abused." In a review of the BWC video I did not note any instances in which Officer Wallace specifically asked Sumara about being a sexual abuse victim, although they do discuss her over all abusive victimization history. Sumara also complained that she felt Officer Wallace's comments about her therapist being inadequate were also odd and not appreciated.

Sumara related that as she was speaking with the Officers initially and told them what had occurred both Officers seemed to disbelieve her and stated, "I don't think that's actually true, do you?" to each other. Based on a review of the BWC I did not identify a similar conversation between Officers Soto and Wallace. Officers on scene did ask several clarifying questions of Sumara to gather the details of the incident, but nothing appeared to be inappropriate regarding Sumara's credibility.

Sumara stated that during her interaction with Officers that evening she became uncomfortable and wanted the Officers *"out of my (Sumara's) house, I was trying to do whatever I could to get him (Officer Wallace) out of my house."* I asked Sumara why she told the Officers that she wanted to do *"nothing"* about the incident. She said that she was confused that evening and was looking for further clarification. She wanted additional details about what the process was. When Officer Wallace asked Sumara if she *"wanted to do anything"*, Sumara was confused because she believed that by calling 911 and speaking to the Officers she was *"doing something"* and that the Officers would take it from there.

Sumara stated that when Officer Wallace was talking about the report, she got the impression that nothing would happen, so she began to doubt herself as to the seriousness of the incident. She began to feel that due to the Officer's behavior on scene she felt that she was not believed to the extent that she felt she should have been. Sumara also stated that she was now under the impression that she could not press charges against Lee as he had been receiving mail at the apartment but had not been *"evicted."* I informed Sumara that a crime report had been done and regardless of his standing at the apartment there were still possible domestic violence charges that could be brought.

I asked Sumara if she had any further general concerns about the incident, and she advised she did not. I then ended the call at 0820 hours.

Interview of Sgt. Nelson:

On February 15th, 2024, Sgt. Nelson was noticed as a principal in this investigation. A compelled interview was scheduled for March 19th, 2024, at 1030 hours which took place at the Reno Police Department Internal Affairs Office. Present in the interview along with myself was Sgt. Bryan McQuattie, Sgt. Nelson, and his RPSAE representatives Andy Carter and Kevin Vogt, and his legal counsel Mark Kilburn. Below is a summation of that interview, for exact content see transcript.

Sgt. Nelson advised that prior to coming into speak with IA he had not reviewed any related BWC video but had reviewed the Tiburon Reports completed by Officers Wallace, Soto, and Staples.

Sgt. Nelson is currently assigned to the Patrol Division on Swing Shift in the South District. Sgt. Nelson has been with the Reno Police Department for 17 years, began his Sergeant training in November of 2023, and had been out of PTS training for five days prior to this incident. On the evening of this incident Sgt. Nelson advised that he recalls hearing the Officers being dispatched to the incident and later responded himself to meet with the Officers. Upon arrival Sgt. Nelson entered the apartment and observed Officer Soto speaking with Sumara while Officer Wallace was standing by. Sgt. Nelson was under the impression at that time that Officer Soto was the primary Officer. Officer Wallace provided Sgt. Nelson with a briefing as to the nature of the incident.

Officer Wallace related to Sgt. Nelson that the male half (*Lee*) of the incident had arrived on scene to collect a box of clothing. Lee had entered through the second story window at which time the female half (*Sumara*) heard Lee enter at which time she fled the apartment. Sgt. Nelson then described what he recalled as a *"tug of war"* over the cell phone between Lee and Sumara. Sgt. Nelson stated that Sumara then mentioned calling the police as she knows Lee does not like the Police in an effort to get him to leave, at which time he did. After getting the initial

information Sgt. Nelson gathered information related to Lee and his standing in the residence, the ownership of the phone, and the status of the juvenile in the residence and CPS.

Sgt. Nelson then *"wanted to make sure we (the Officers) were going to properly document this"* as Officer Wallace had provided Sgt. Nelson with information that Sumara was *"not that she was uncooperative, but she was also not forthcoming with some of the information"* as she did not want Lee or his family to be upset with her. Sgt. Nelson also confirmed with the Officers whether VSU services were needed, at which time Officer Wallace advised that Sumara did not need any resources and was comfortable staying the night at her residence. Sgt. Nelson then confirmed if Officer Wallace needed any additional assistance, which did not appear as if he did, at which point Sgt. Nelson secured from the scene. *tug*

Sgt. Nelson recalled that Officer Wallace had spoken to a neighbor and categorized that conversation based off his recollection as both Sumara and Lee having a *"tug of war"* over the phone and both claiming ownership. I provided Sgt. Nelson with the language used during his brief by Officer Wallace based off a review of their BWCs and confirmed that it was a reasonably accurate depiction of what he recalls. When Officer Wallace provided that brief and via further discussion about the ownership of the phone, Sgt. Nelson believed that further investigation needed to be done to determine if a crime had occurred. Sgt. Nelson did believe that a crime of preventing a victim of reporting a crime was possible, but his impression of what had occurred was that *"there was nothing sequentially that's basically like 'Hey, I'm calling the Police' then there's the tug of war over the phone to try and prevent it...but since it was more of the tug of war and the way it was described was that she says she was going to do this and he basically leaves because she gets the reaction that she wants. That was my perception on scene."*

I then read Sgt. Nelson specifically what was related to Officer Wallace by the neighbor, to include details about the battery. I asked Sgt. Nelson if he felt that he had been provided a complete and thorough briefing of known information given what Officer Wallace had been told and comparing it to what Officer Wallace had related to him, to which Sgt. Nelson replied, *"not at the time, not based on that"*. I asked Sgt. Nelson that given this information now if he felt there were steps that should have been taken and he advised that he would have wanted more details from the neighbor as to the nature of the shoving and the fight over the phone.

I then read Sgt. Nelson what Officer Wallace had related to him about the suspect's standing and his intentions of completing an incident report stating, *"No. no residency. nothing like that. She doesn't want to be a victim. Um. I said, look this is breaking and entering. This could be a robbery for taking your stuff because it is your phone...She's (Sumara) like no, no, no. So right now. I got an incident report."* Sgt. Nelson advised that he recalls speaking about the residency but did not recall the information about possible home invasion or robbery. Sgt. Nelson also did not recall hearing Officer Wallace advise he was going to be completing an *"incident report"*. Sgt. Nelson stated that he recalled specifically saying *"I just want to ensure that we are going to document, properly document, you know, what occurred, but I don't ever recall directly instructing him or ordering him to do just a plain out incident"*. In a review of the BWC video Sgt. Nelson does ask some clarifying questions related to properly documenting the incident such as confirming CPS, VSU, and the VINE form. However, I did not observe an instance when Sgt. Nelson specifically says anything related to ensuring proper documentation. *H-3*

I asked Sgt. Nelson if he recalled Officer Wallace providing Lee's cell phone to Sumara, but he did not. He recalled the discussion at some point while he was on scene that Lee's phone had been located. Sgt. Nelson related that regarding Sumara's phone and Lee preventing her from calling 911 he was unsure of the timeline on that and if Lee had taken her phone or if Sumara

had retained it. I later asked Sgt. Nelson if he had ever discussed with Officer Wallace the need or lack thereof to collect Lee's cell phone as evidence to which he replied *"We did not discuss that all, no."*

During our interview I asked Sgt. Nelson if he provided a direct order to Officer Wallace to complete an incident report rather than a criminal report, Sgt. Nelson advised *"No, I was just {intelligible} to document, the documenting"*. I asked Sgt. Nelson did he direct Officer Wallace to complete an incident report rather than a criminal report, he replied *"No"*. I asked Sgt. Nelson did he suggest Officer Wallace complete an incident report rather than a criminal report, he replied *"No"*. I asked Sgt. Nelson did he imply in any manner, verbally or non-verbally, that Officer Wallace should complete an incident report rather than a criminal report, he replied *"No"*.

I then asked Sgt. Nelson if he expressed a preference for what type of report should be completed in any way, shape, or manner that could have been interpreted by Officer Wallace as being given a direct order. Sgt. Nelson's legal counsel wanted to be clear that it is difficult for Sgt. Nelson to relay what Officer Wallace interpreted or did not interpret. I clarified and asked Sgt. Nelson if he felt like he had given Officer Wallace any direction as far as his preference for a type of report to which Sgt. Nelson replied *"I don't believe so. my biggest thought going on was we are going to document this. Whether that was interpreted one way or the other. I just wanted to make sure, with the comments that she's, you know, not really wanting to be a victim, doesn't want the help, that we are not just going to, 'Here's your FINE form', SAS it, and then leave"*. Sgt. Nelson continued, *"So my train of thought, I can tell you what my train of thought was, is we were, regardless of what we are doing, we are taking a report on it. You know, the type and nature of it, like, I didn't specify or anything else at that point."*

I asked Sgt. Nelson if based off everything that he knew about the incident and had been told by Officers on scene if he felt an incident and an incident report only where appropriate, he replied *"No, I would have done, I personally would have done at least a crime report on it."* I asked Sgt. Nelson why, when Officer Wallace advised Sgt. Nelson that he would be doing an incident report, Sgt. Nelson stated *"Okay"* in apparent agreement. Sgt. Nelson stated *"That could have been my misinterpretation of, my thing is he is going to document it. I don't recall the actual specific verbiage he used for the 'incident report'. I think my understanding was we are doing a we are documenting this, we are doing a report on this. As regard to the incident, I took that to mean you are going to document it properly...but yeah, I don't recall him specifically stating the whole 'incident' thing."* I then clarified with Sgt. Nelson that he did not recall Officer Wallace saying the words *"incident report"*, but interpreted it as *"report"*, which he replied *"Correct, I interpreted it as a report, I don't recall the specific 'incident', and then 'Okay'. I took it as we are doing a report on it."*

I asked Sgt. Nelson about any criminal charges that he had considered or assumed would apply to this incident and he mentioned Home Invasion, Burglary, Larceny, Trespassing, and Preventing a 911 Call. He advised that based on the information he had been provided during his briefing there were questions that he felt needed to be answered before probable cause could be established related to ownership of the phone, intent of Lee upon entry, and circumstances surrounding a possible attempt to call 911 for assistance. He also advised that based off the nature of the information he had been provided by Officer Wallace about what the neighbor had seen he was unsure if probable cause for domestic battery could be established. This again speaks to the belief of Sgt. Nelson that Officer Wallace failed to provide him with a full and complete briefing of what was learned while on scene.

I asked Sgt. Nelson if he believed it was within policy, procedure, and legally sound for Officers to move forward with a crime report on domestic violence situation or with felony level crimes even with an 'uncooperative' victim, to which he replied "Yes."

I asked Sgt. Nelson if he had any contact with either Officer Wallace or Officer Soto outside of what was captured on the BWC videos that evening about this incident. Sgt. Nelson stated he had no further contact with Officer Wallace but did have a phone conversation with Officer Soto after leaving the incident around 2220. Sgt. Nelson stated that Officer Soto had called him and stated that *"she did not want to interfere or step on any toes about how the potential case was being handled by Officer Wallace."* It was also during this conversation that Sgt. Nelson learned that Officer Wallace was the case Officer rather than Officer Soto. Sgt. Nelson also advised that Officer Soto wanted to get a better understanding of the elements of home invasion and whether the damage to the window screen would fit.

Sgt. Nelson stated that he would investigate that question further but at the time of the phone call an unrelated vehicle pursuit was initiated by Officers which pulled Sgt. Nelson's attention away. Sgt. Nelson advised that he did not ask what specific concerns she had, nor did he have any contact with Officer Wallace after. I asked Sgt. Nelson if he had spoken with Sgt. Torres after he left the apartment, but he did not recall speaking with Sgt. Torres that evening.

Sgt. McQuattie asked Sgt. Nelson if he, as a supervisor, must rely on and trust information provided to him by Officers on scene, which Sgt. Nelson agreed with. Sgt. Nelson also agreed that there is an expectation that Officers have knowledge of laws and procedures related to investigating crimes constituting domestic violence. Sgt. Nelson also agreed that Officers are expected to conduct follow-up investigations in instances of domestic violence.

After we had completed our initial line of questioning RPSAE representative Andy Carter asked Sgt. McQuattie and I to step out so he could confer with Mr. Kilburn off the record. I stopped the recording, and we stepped out. After a few minutes we returned and resumed the tape recording of the interview.

At that time Mr. Kilburn spoke with Sgt. Nelson and asked some clarifying questions. Mr. Kilburn asked Sgt. Nelson at the time of the incident how long he had been out of the training program and *"on his own"*, to which Sgt. Nelson replied *"That would have been the first day of my second week. So basically, my fifth day."* Mr. Kilburn also spoke to Sgt. Nelson about the tone of Officer Wallace when he was being briefed. Sgt. Nelson stated *"We were about 10 - 15 feet away, so a lot of times, when, at least in my experience, when you are talking about, kind of what is going on in the case, your tone and demeanor is a little softer...in this case it was very soft, just kind of very low. Like a low tone, because didn't want to interject, or loud, or disrupt whatever kind of conversation that Officer Soto and Sumara were having."* Sgt. Nelson went on to describe the conversation between Officer Wallace and him as *"soft spoken."*

Sgt. Nelson went on to state that during the brief he was also monitoring the ongoing radio traffic in his district. He stated *"I don't know if something was said where I'm trying to peak up, where I'm trying to monitor and manage my district, and I hear 'report' while something is going off. And, 'Okay', so yeah like I said it was very soft spoken and just trying to kind of, you know, also keep track of what is going on there but there as well."* Sgt. Nelson advised that he utilizes an in-ear microphone for his radio that is placed in his left ear. A review of the BWC video does reveal that during the brief given by Officer Wallace to Sgt. Nelson there is ongoing radio traffic.

Mr. Kilburn asked Sgt. Nelson about reviewing the report completed by Officer Wallace and if he was "surprised" to find that it was an incident report rather than a crime report to which Sgt. Nelson advised "Yes. I was surprised." Mr. Kilburn asked Sgt. Nelson that based on his expectation that there be proper documentation, what type of documentation he would expect to see, to which Sgt. Nelson replied, "I would have expected it to be a crime report."

To follow up on the demeanor of the Officers in the room I asked Sgt. Nelson if he had any impression of the willingness of Officer Wallace to complete the report based on Officer Wallace being on his last shift of the week. Sgt. Nelson stated, "The perception he gave, the perception I got was a little more like a downplay on it. That the biggest thing was she doesn't want to be a victim, she doesn't want this, she doesn't want that. So, kind of like, it is what it is. The perception of 'I can't help them if they don't want to'. Regardless of that, as a supervisor and as an Officer, regardless if they want help or not you still have to do your job and properly document it."

I then discussed with Sgt. Nelson if he is familiar with the steps Officers should take when they have probable cause for arrest of a suspect but are unable to locate them. Sgt. Nelson was familiar with the steps that should be taken. I asked Sgt. Nelson if he recalled seeing an ATL email or anything similar that had been sent out regarding this incident on his next shift in. Sgt. Nelson advised that he had been off shift on the following day (Saturday) but did return to work on Sunday. I asked if he recalled seeing any emails at that time and he stated he did not. Of note, an ATL email was sent out by Officer Vega at the direction of Officer Soto after she met with Sgt. Torres on Monday, January 22nd at 0030 hours, several days after this incident.

When asked if there was anything that Sgt. Nelson would have done differently that evening, he discussed asking further clarification questions with the Officers on scene and ensuring that he had a clearer picture of the details of the incident and ensuring that he was clear on his expectations of the nature of the report needed. At that time the interview was completed.

As is required per policy Sgt. Nelson had an activated body worn camera on during this investigation. Sgt. Nelson is on scene recording for approximately six and a half minutes. A review of the video was conducted, and key segments summarized as follows.

Officer Wallace briefs Sgt. Nelson upon his arrival:

:52 – Officer Wallace "So, In short, he climbs up the edges of the windows, that window is open, tears the screen, crawls in here because he wants his phone that she's using but it's technically her phone because she bought it. But it's under his plan. And then so she runs out, he runs after her. Neighbor over there sees them struggling over the phone. She (referring to Sumara) claims no domestic violence, or any physical happens. But the neighbor just said, they just saw him (Wallace begins to act out the pulling on the phone between the victim and suspect) just no, my phone, my phone, my phone."

Sgt. Nelson "Back and forth, back and forth?"

Officer Wallace "And then he runs away."

Sgt. Nelson "Okay, does he live here?"

Officer Wallace "No."

Sgt. Nelson "Oh, he doesn't live here at all?"

Officer Wallace "No, no residency, nothing like that. She doesn't want to be a victim. Um, I said, look this is breaking and entering. This could be a robbery for taking your stuff because it is your phone...She's (Sumara) like no, no, no. So right now. I got an incident report."

Sgt. Nelson "Okay."

Officer Wallace "That's calling CPS, we gave her a VINE form."

Sgt. Nelson "Cool."

Officer Wallace "She has not felt in fear of her life or anything like that, she doesn't want to get him in trouble, she has a victim mentality."

2:47 – Sgt. Nelson to Officer Wallace "So they're just {unintelligible} over the phone, he basically breaks in and struggles over the phone?"

Officer Wallace "Yeah."

Sgt. Nelson "Okay."

2:53 – Officer Wallace to Sumara "Oh, how did he grab your phone. Where was your phone when he grabbed your..."

Sumara "In my hand. I was. because it was in my hand in the middle. I was talking to Zoe in the living room and then I ran out and I said. I'm calling the police...and that's when he tried grabbing my phone."

4:09 – Officer Wallace "And she (Sumara) also doesn't want the family to hate her or him to, if he goes to jail."

Sgt. Nelson "Okay, you said CPS was called though?"

Officer Wallace "Yeah, we're going to do that. Yeah, we're still going to do that."

Sgt. Nelson "Okay, cool."

4:30 – Officer Wallace "And the TPO expired in October."

Sgt. Nelson "Oh, she's already had one against him? Yeah."

Officer Wallace affirms.

5:05 – Sgt. Nelson "How did his clothes come to be here? Did he live here for a while?"

Officer Wallace "No, so technically, since they have kid in custody he would come by here and there. But she had his clothes."

Sgt. Nelson "Okay, just want to make sure he doesn't freaking live here. That's all."

Officer Wallace "Supposedly he is staying with his brother, on Robb Drive. They used to live together on El Rancho."

Sgt. Nelson "Okay."

6:01 – Sgt. Nelson "Well, you going to head back and get your 17 (paperwork) done for this? If you can, get them done?"

Officer Wallace affirms.

Interview of Officer B. Soto:

On February 27th, 2024, Officer B. Soto was noticed as a principal in this investigation. A compelled interview was scheduled for March 20th, 2024, at 1300 which took place at the Reno Police Department Internal Affairs Office. Present in the interview along with myself was Sgt. Bryan McQuattie, Officer B. Soto, and her RPPA representative Doug Wilson. Below is a summation of that interview, for exact content see transcript.

Officer Soto is currently assigned to the Patrol Division, Swing Shift, in the south district. She has been with the Reno Police Department for approximately three years. Officer Soto stated that she had reviewed BWC video and Tiburon reports related to this incident around the time of the original report as part of her process of completing her report.

I asked Officer Soto if she could relate the circumstances of the incident as she recalled them. Officer Soto related that Officer Wallace and she had responded on a report of domestic disturbance in which the female victim had claimed that the male suspect had climbed onto the balcony or window and made entry into the residence. Officer Soto recalled speaking to Sumara upon arrival and found her to be credible and the information that she was providing to be accurate based on Officer Soto's observations.

I asked Officer Soto if she had discussed with Officer Wallace who would be the primary Officer of this incident. She said that this had been the first call that she had responded to with Officer Wallace as they had not worked together. At one point she observed that Officer Wallace was not taking notes as she does during an investigation so she began to write down the personal identifying information about those involved at which time Officer Wallace told Officer Soto, "No, I got this one or I got this" which indicated to Officer Soto that Officer Wallace would be the case Officer for this investigation.

Based off the information she learned while on scene I asked Officer Soto if she had any thoughts on any types of criminal charges that were warranted. Officer Soto stated that "it was definitely warranted to have a domestic case, that's why I told Officer Wallace I would be getting a VINE form from the car after we secured the scene." Office Soto continued "then once we were going through, you know, hearing what else we had, it was possibly, you know, I was thinking robbery of the phone or burg or you know, something like that." I asked Officer Soto if she had learned anything from her records check on Lee, Sumara, and in speaking to CPS. She recalled information about an expired TPO but could not recall specifics. I later asked Officer Soto if at the time they were on scene speaking to Sumara if she felt there was probable cause for the arrest of Lee to which she stated, "I did".

I asked Officer Soto if she recalled Officer Wallace relaying what he had learned from the neighbor. She advised that she remember Officer Wallace advising the neighbor had witnessed a "struggle" over the phone in the hallway. I advised Officer Soto that the neighbor had told Officer Wallace she observed Lee and Sumara "shoving" each other over the phone. I asked if based on her training and experience if she would consider two individuals "shoving" each other a battery, to which she said she did. I asked Officer Soto if she was familiar with the Nevada Revised Statutes regarding domestic violence, and she stated she was. I asked her if she could relate what steps an Officer should take when faced with a mutual battery domestic violence situation. Officer Soto advised several factors an Officer should consider such as injury level, prior history, and independent witnesses.

During a review of Officer Soto's BWC video I noted that she made the comment "What's going on? Are we ready to go home?" towards the end of their contact and in front of Sumara. I asked Officer Soto about this comment, but she did not recall making it. I also asked Officer Soto if she recalled Officer Wallace speaking to Sumara about her mental health and therapist. Officer Soto categorized Officer Wallace's comments as a "mixture" of positive and negative comments. She was unsure why Officer Wallace was asking about the therapist as although somewhat related to the incident at hand, Officer Soto was more focused on the investigation and locating Lee.

Officer Soto related that after leaving the apartment she had additional conversations with Officer Wallace and Sgt. Nelson. Officer Soto had contacted Officer Wallace after she spoke with CPS to advise him of the particulars as to whom she had spoken to. She also advised that she had called Sgt. Nelson and updated him about her call to CPS as well as discussing the fact that Officer Wallace had asked the victim if she wanted to press charges. Officer Soto described Officer Wallace asking this question as "strange, I have never heard an Officer ask someone on a domestic. like, do you want to press charges?" When she was speaking to Sgt. Nelson about this, she was confirming her own understanding of policy and procedure that a willingness to press charges by a victim of domestic violence is not a necessary component of moving forward with a criminal charge. Officer Soto advised that Sgt. Nelson related that he would "discuss that with Officer Wallace". Officer Soto also discussed the elements of Home Invasion with Sgt. Nelson.

I asked Officer Soto if she recalled Sgt. Nelson providing a direct order to Officer Wallace to complete an incident report rather than a criminal report, she replied "No". I asked Officer Soto if she recalled Sgt. Nelson directing Officer Wallace to complete an incident report rather than a criminal report, she replied "No". I asked Officer Soto if she recalled Sgt. Nelson suggesting Officer Wallace complete an incident report rather than a criminal report, she replied "No". I asked Officer Soto if she recalled Sgt. Nelson implying in any manner, verbally or non-verbally, that Officer Wallace should complete an incident report rather than a criminal report, she replied "No". I asked Officer Soto if she recalled Sgt. Nelson expressing his preference for what type of report Officer Wallace should complete by non-verbal cues, she replied "No". I asked Officer Soto if she was under the impression on scene that Sgt. Nelson was trying to direct Officer Wallace one way or the other as far as the type of report that should be completed. She stated "No" and then related that although not uncommon for a Sergeant to show up to calls for service, but "they especially show up when it is something pretty grave, like this situation. So, I just assumed that him (Sgt. Nelson) showing up was something like, Oh, this is serious."

I then spoke with Officer Soto about her interaction with Sgt. Torres after he had reviewed the report drafted by Officer Wallace. Officer Soto stated that two or so days after this incident Sgt. Torres requested to meet with Officer Soto in the report room. Sgt. Torres advised that he wanted to show her the report that had been drafted by Officer Wallace and he had a task for her. Sgt.

Torres showed Officer Soto the report at which time she saw "Officer Wallace's report pop up and it says 'Incident Report' at the top. And, I think I said something like 'what the fuck, an incident report?' and he (Sgt. Torres) says 'yeah, that's why we need to fix this'." Sgt. Torres then provided Officer Soto to complete a supplemental report as if she was the primary Officer indicating what was learned. She completed the report and Officer Vega assisted her with an ATL email indicating there was probable cause for the arrest of Lee.

Sgt. McQuattie asked Officer Soto what caused her reaction when she saw what type of report Officer Wallace had completed. She advised that "we don't do incident reports on domestics. So, to me it was, even if there is no PC right, like, we write domestic battery reports as criminal reports not incident reports. So, to me, that was just, came out of left field...I saw incident and to me that doesn't apply to what we had just been to with the allegations that were alleged by the victim." Officer Soto stated that when she left the apartment that evening, she stated she was under the assumption that Officer Wallace would be completing a criminal report.

While Officer Soto was reviewing Officer Wallace's report, she noted that he had included that Sumara did not want to press charges. Officer Soto again stated that this was odd "because we don't ask victims of domestic violence, even if it was not a domestic, on felony charges we have that, you know." Officer Soto described Sumara as being upset over the entire incident and "hesitant" but stated in her experience a lot of victims of domestic violence act similarly. I asked Officer Soto if she had ever moved forward with charges in a similar case with a hesitant victim and she stated "absolutely." Sgt. McQuattie asked if Officer Wallace had given any indication why he would not pursue criminal charges in this case and she replied, "not that I recall."

Sgt. McQuattie asked Officer Soto if hypothetically a supervisor had arrived on scene and told her to do an incident report rather than a criminal report for this incident if she would, to which she replied, "I would do a criminal report." Sgt. McQuattie followed up and asked if she would relay to her supervisor the reasons why and she stated "yes." I asked Officer Soto if there was anything that she would have done differently in this incident and she advised that she wishes she would have just taken the case herself to avoid this issue.

RPPA Representative Wilson then asked Officer Soto several clarifying questions that clearly established that Officer Soto was the cover Officer on this incident. During this discussion Officer Soto also reaffirmed that at the time she left the scene that evening she was under the impression that Officer Wallace had probable cause for Lee's arrest and would be following the standard practice when an Officer is faced with being unable to locate a suspect, they have PC for. It was not until Sgt. Torres advised her of the issues that she was aware that did not occur.

A limited historic search of Officer Soto's sent emails was conducted to determine if any request for follow-up was done or ATL email sent. The only related email that was sent from her account during the period immediately following this incident was a copy of the narrative of her supplemental report that was emailed to herself on January 22nd, 2024, at 0301 hours.

As is required per policy Officer Soto had an activated body worn camera on during this investigation. Officer Soto is on scene recording for approximately 51 minutes. A review of the video was conducted, and key segments summarized as follows.

4:20 – Sumara “I hear that noise, I instantly was like, he put his hands on me before, he’s done domestic violence on me before. I said like, oh shit, I don’t want him (referring to her son) see me get beat up, so I ran out the house and then he’s (Lee) like, you left your fucking baby, you stupid bitch. I’m like yeah, I did, you’re not after the baby, you’re after me. And so, then he like attacks me and like I, the neighbor thank, this old neighbor (Gallegos) is like, get off of her, cause I’m screaming, trying to get people’s attention. I’m trying to call 911, he snatches the phone out of my hands and like dips off.”

10:16 – Officer Soto “So he (Lee) wasn’t staying here?”

Sumara “No, that’s part of the problem.”

11:02 – Officer Soto runs wants/warrants checks and prior domestics on information provided by Sumara.

12:43 – Officer Soto “So when you said he attacked you, what did he do?”

Sumara “He didn’t really, it’s like he didn’t really attack me. He was like, I don’t know what, I think he was caught off guard because I started running. So, when I ran, he ran, and he like...”

Officer Soto “You ran outside?”

Sumara “Yeah, I said I’m calling the cops. And I was like, I’m calling and he’s afraid of the cops. So, I was like, I’m calling the cops. And he basically, like I think he, he was trying to get the phone ‘cause I was calling the cops and that’s when he was like trying to rip out my hand and then rip, the old lady, the lady (Gallegos) comes out, well she starts screaming at him and then I just run back, and I locked the door.”

14:55 – Officer Soto “It’s his line (cell phone line) but not his phone?”

Sumara “Yes, yeah, exactly. Which, I don’t really, I don’t even really, I didn’t really want any of this to happen”.

Officer Wallace “Well ‘cause technically we have breaking and entering. We have domestic battery possibly ‘cause she (the Neighbor) said that when you guys were out there, you guys were just arguing over the phone. Gimmie the phone, gimmie the phone”

15:17 – Sumara “Yeah, he was saying, I’m getting the phone, I wasn’t arguing, I just ran back.”

Officer Wallace “Yeah. So, there was no domestic battery seen outside...but there could have been some inside when you said...”

Sumara “Nothing. He didn’t touch me at all. I literally, as soon as I seen him, I got the fuck out.”

Officer Wallace “So he didn’t hit you or anything?”

Sumara “No, no.”

Officer Soto “That’s what I was trying to clarify with her. ‘cause she said he attacked me, you know.”

Sumara "Yeah, she said, oh, sorry. So that's, sorry."

Officer Soto "No, no its fine, we just need to clarify and see what that means to you."

Officer Wallace then begins to explain to Sumara that they must contact CPS and advise them of the incident. Sumara appears to become hesitant and is concerned that CPS involvement will jeopardize her custody of her son. She states that in a prior incident CPS was notified of a domestic violence situation involving Lee.

19:04 – Sumara "...I don't, it's like I just don't want CPS to get involved."

Officer Soto "They're going to, if you continue to uh, try to minimize these things. As soon as you want to put a stop to it..."

Sumara "How do I put a stop to it then?"

Officer Soto "You tell us exactly what happened, which is what you're doing so it...and then you get a protection order. If he, if this is unsafe for your child, then you don't feel safe. And you work with CPS, and you get a custody agreement."

21:34 – Sumara (becoming upset and emotional) "Yeah, but I'm saying like, this is new. Like, like I have my, like he has not, it's like we have been fine until this. So, listen, so like it happened again. It's like, I don't know what to do. I don't want it to happen."

Officer Soto – "Hey, listen, it's not, maybe it seems new to you 'cause this is a new place in my eyes. In my eyes. The way I'm hearing it is just, just a pattern of his behavior."

Sumara – "It is. But like, I don't, it's like the, that I was he like made, he like, he like, he like, he went to jail over that shit. And he made me seem like I was so evil as shit. And like all his family, they..."

Officer Wallace "I'm sorry, can I just cut you off real quick? They're supposed to manipulate you and make you feel like trash. Okay, let's go along with the next one."

Sumara "His family. They fucking, they like, like they hate me now because he went to..."

Officer Soto "Okay. I mean, there's a reason he goes to jail, right? Because there are laws preventing his behavior, which means that it's illegal to do that. Which just means it's wrong. Right? It's morally and legally wrong to do this. So, I don't know if that gives you any peace of mind or something."

Sumara "I don't, you're right. I, I don't know why I keep, I like, it's like I'm afraid that he's gonna go to jail 'cause I'm going to feel bad, but I don't, I shouldn't care."

Sumara again begins to speak about CPS and her fears that they will take her child from her if they believe that she is protecting Lee. She advises that "is what happened last time." At the 36:49-mark Officer Soto completes a VINE form and confirms with Officer Wallace that she will call CPS. She also lists Officer Wallace as the case Officer on the VINE form and presents it to Sumara. Both Officer Wallace and Officer Soto discuss with Sumara the VSU resources.

Sumara advises she does not need VSU resources as she feels safe and will be meeting with Zoe and AWAKEN tomorrow.

39:23 – Sumara shows Officer Soto the text messages on Lee's phone which was found at the scene.

Sumara "See, I texted, I said I'm gonna call the cops bro." ... "When he's knocking on the door. I said, I'm gonna call the cops, bro. It's fucking over from inside. So, I used to have my phone at this point. And then that was that."

Officer Soto "Did you open the door?"

Sumara "No...So I did not, but he was banging 'cause I found out that he was still talking to people too...So when I said when he's knocking on the door, banging on it, I said, I'm gonna call the cops {unintelligible}, I'm going to call the cops if you keep knocking on my door...I called him on messenger telling him I'm pressing charges after you took my phone."

40:33 – Sumara showing Officer Soto the text messages "So I go, that's what earlier I said I'm, I said I paid for that phone. You fucked up bro. We're fucking through. I'm pressing charges. And that's before you guys got here. I was texting him off my laptop. This is after he took the phone and dipped off."

43:35 – Sumara relaying a previous text message exchange with Lee "I'm free Saturday. I'll block you if you continue to text me after I've repeated myself. So, we talked, please do not show up to my house because this is after he showed up to my house and I said again to try and break in, I will press charges. So, I was trying to threaten him to try to like scare him, you know what I mean?"

46:56 – Officers are trying to connect Sumara with her friend to ensure she will check on her tomorrow.

Officer Soto to Officer Wallace "Can you call Zoe since you have her number and make sure that she's gonna..."

Sumara "I, I can try calling my phone since I have his phone. Well..."

Officer Soto "What's that?"

Sumara "I'm oh, that doesn't do anything. That, I don't know. I don't know. I'm not thinking right. I don't know."

50:06 – Officer Soto (while still in front of the victim speaking to Officer Wallace) "What's going on? We ready to go home?"

Officer Wallace "I'm ready to go home. I've got three reports so I'm gonna jump in and get 'em out the way."

51:15 – Officers Soto and Wallace leave the residence. Officer Soto is seen and heard on the phone speaking with CPS.

Interview of Officer Wallace:

On February 29th, 2024, Officer Wallace was noticed as a principal in this investigation. A compelled interview was scheduled for March 7th, 2024, at 1400 hours which took place at the Reno Police Department Internal Affairs Office. Present in the interview along with myself was Sgt. Bryan McQuattie. Officer Wallace appeared by himself without representation. Below is a summation of that interview, for exact content see transcript.

Officer Wallace is currently assigned to swing shift in the Patrol Division. He has been an Officer with the Reno Police Department for approximately four years. Of note he is currently assigned to Team 22 (*north swing shift*) but on the evening in question he was assigned to the South District as S396 due to staffing shortages.

I asked Officer Wallace to relate the circumstances of his response to this incident at which time he advised that he responded based off a report of possible domestic violence that was being reported by a friend of the victim. Upon arrival Officer Soto and Officer Wallace met with the victim, Sumara McMurray at her apartment. Officer Wallace related what he recalled Sumara had stated upon his arrival to include that the suspect had entered her apartment by scaling a wall to the second floor, chased her out of the apartment and into the hallway, and taken her phone.

Officer Wallace related that he spoke with Sumara and advised her that *"we have home invasion, burglary, yadda yadda yudda, and she says no, I don't want to do anything"*. At that time Officer Wallace advised Sumara that he would be completing a report regardless as well as notifying CPS (*Sumara's two-year-old son had been on scene during this incident*). According to Officer Wallace Sumara stated *"She was not a victim; I (Sumara) don't want to do anything about it."* Officer Wallace stated he asked her multiple times and she continued to say no. Officer Wallace advised he could not coerce Sumara, so he discontinued his efforts to get her to press charges.

Officer Wallace continued and advised that Officer Soto had been on scene with him, and she contacted CPS. Officer Wallace also confirmed that he had briefed Sgt. Nelson upon his arrival, stating *"Sgt. Nelson came over, I explained everything to Sgt. Nelson as well. Sgt. Nelson told me 'Yes that's cool, do an incident report'. I did an incident report, and now I am in IA."*

Of note, during the interview Officer Wallace stated several times that the decision to complete an incident report and specific direction to do so was made by Sgt. Nelson, however early on in his investigation to this incident and prior to even meeting with Sgt. Nelson, Officer Wallace tells Sumara that he will be completing a report. At approximately 18 minutes into their encounter after Officer Wallace speaks to the neighbor, he relates to Sumara that he will be completing a non-criminal report.

As captured on the BWC video, Officer Wallace relates to Sumara that *"Well, unfortunately, no matter what, we gotta do a report because you're in a domestic. So, we gotta write a report saying at this day, at this time, you said this, neighbor said this. If there're no charges because he didn't hit you, but he did grab your phone and he ran out and you guys were shoving for the phones. That's all we got...And you're saying that you don't want to press charges, get him breaking into your house."*

Officer Wallace continues to speak with Sumara stating *"{Unintelligible} I'll say your name and all this stuff, and they'll (CPS) be like, yeah, I remember that. Well, this is what happened. Um, no charges, no domestic. He didn't hit her, but he supposedly climbed up a story to the second*

story. Jumped in the window, came in here, she got scared, ran out, he grabbed the phone, and they tussled about the phone. And then he left. That's pretty much how it went, right?"

He discusses with her the possible charges and states that his report will indicate that she does not want to press charges. This conversation occurs approximately 22 minutes before Sgt. Nelson arrives on scene.

Officer Wallace also confirmed that he recalled speaking with the neighbor, Linda Gallegos. During our interview Officer Wallace agreed that Gallegos appears to be a credible independent witness to this incident. I provided Officer Wallace with a quote taken off his BWC of what Gallegos stated. She related that Lee and Sumara were *"going back and forth...and then she started saying like, um, she started saying get away from me. Get away from me. And then there was screaming, and they were over here, I guess fighting over a phone...they were both kind of going at it...at it, not hitting, really shoving each other and..."*. On the BWC Officer Wallace then clarifies if Gallegos observed either party *"hitting"* each other at which point Gallegos states, *"Not hitting, really shoving each other and..."*.

Officer Wallace advised that he does not remember verbatim what Gallegos advised him, but he did state that Sumara told him nothing physical had occurred. I asked Officer Wallace if Sumara was referring to 'nothing physical' regarding inside of the apartment prior to her running out, outside in the hallway, or in an overall general sense but Officer Wallace could not recall.

I asked Officer Wallace if he would consider an individual 'shoving' another to be a battery, to which he agreed. I also asked Officer Wallace if he would consider an individual 'shoving' another and taking their personal property to be a robbery, to which he agreed, but stated that was not his understanding of what occurred in this incident. Officer Wallace then expanded on his understanding of what occurred in this incident and stated, *"I don't remember them saying shoving. I remember them tugging the phone, they were saying gimme-gimme the phone, that's what was understood that happened that night."* It should be noted that Officer Wallace is observed on his BWC taking written notes while speaking with Gallegos where it appears he writes down and verbally reaffirms the information about the battery that she provided.

I then confirmed with Officer Wallace that he was familiar with NRS 171.137, Arrest Required for Suspected Battery Constituting Domestic Violence, to which he stated he was familiar. I then asked him what the proper procedure in accordance with his training, experience, and the law was when dealing with a mutual battery domestic violence situation. Officer Wallace did provide prior history between the parties as a factor to consider and stated, *"there are a few others"*. I would later confirm with Officer Wallace that he was aware of prior domestic violence issues between Sumara and Lee to include a protection order against Lee on behalf of Sumara that had recently expired.

I then asked Officer Wallace if he was familiar with NRS 33.018, Acts Which Constitute Domestic Violence. Officer Wallace advised he was sure he was familiar with it but wanted to review a copy of the statute which I then provided him. After reviewing the copy Officer Wallace confirmed that he was familiar with this statute. I asked Officer Wallace if he recalled Sumara relating that Lee had tried to enter her apartment on previous occasions by climbing onto her patio, but Officer Wallace did not recall. Officer Wallace then again went on to relate that Sumara advised she did not want to be a victim and that he *"understands what the NRS says, but I was like, did anything physical happen and she says, No."* Later in the interview Sgt. McQuattie asked Officer Wallace if it was common practice to determine whether to move forward with criminal charges related to domestic violence based on the willingness of a victim

to which Officer Wallace replied, "if there is a battery involved than no, we have the GO, but if there is no physical interaction then it just turns into an incident report."

Later in the interview I asked Officer Wallace about comments he made to Sumara that she could call back if she changed her mind and report the incident. I asked Officer Wallace if he had ever taken a domestic violence related report where he told the person they could call back another time and a report would be taken. Officer Wallace stated "No, because she said nothing physical happened, that's why I was like, OK, if nothing physical happened {intelligible} the domestic was willful and unlawful use of force, there was no, she said nothing physical happened, so that's what we were going with based on her testimony, what I was going with based upon her testimony".

I then again confirmed with Officer Wallace that he found Gallegos a credible independent witness and that she had advised there was a physical disturbance at which time Officer Wallace stated, "She said they were shoving over the phone, that's correct." I then confirmed with him that 'shoving' would constitute a battery, to which he replied, "that's what you said, that's correct." I then corrected Officer Wallace and stated that he had agreed with that position and asked him again, would he consider two people shoving each other a battery, at which time Officer Wallace stated, "It's all about the willful and unlawful intent of shoving. I mean if...yeah, sure, that's, yeah, yeah".

I asked Officer Wallace if he had come to a conclusion regarding Lee's standing at the apartment and he replied that Lee "had no legal standing" at the apartment. I later asked Officer Wallace if he could explain the proper procedure for an Officer who has probable cause to arrest a suspect for a felony or gross misdemeanor but is unable to locate the suspect. Officer Wallace identified several steps such as completing a probable cause sheet and sending out an attempt to locate email. I then went through the Delayed Arrest training bulletin (#TB-580) which provides several steps Officers should undertake when an immediate arrest is unable to be made. Officer Wallace stated that he was familiar with this bulletin. I then asked Officer Wallace if any of those steps were undertaken and he stated, "It was not, because I was told to do an incident report, so I did not do them." I then went through the same process on the same bulletin regarding domestic battery charges. Officer Wallace stated that, "I am familiar with that, and the reason why I did not do that was because myself, and who was on scene with a Sergeant, decided we would do an incident report and not to do all that." I then clarified that none of these steps were taken while on scene or immediately afterwards to which Officer Wallace replied, "That is correct, because a Sergeant who was on scene said for me to do an incident report, so I did."

Later in the interview I asked Officer Wallace if based on the totality of the circumstances of Lee's making a rather difficult climb up the wall to the second floor window, entering, chasing Sumara into the hallway, and the events witnessed in the hallway if there was a chance the battery could have been seen as mutual, to which he replied "I don't think her trying to get her stuff back was not a mutual battery, no it was not a mutual battery."

Officer Wallace continued, "I mean, the only reason, sorry, I went to the Sergeant (Sgt. Nelson), to get clarification, because of all of the targeting that has been happening to me, I made sure I did exactly what a Sergeant wanted me to do, so that would prevent me from being here in IA. And still, I am in here, in IA. So, I was there, conducting the investigation, and figuring this out. I wanted to do a crime report in a way, because I tried to get her to admit all this other stuff. I'm like OK, I got nothing Sarge, this is what we got, this is what is going on. 'Yeah, sure, do an incident report' (intimating he was speaking as Sgt. Nelson), because if I made that decision by myself, I knew no matter what I did was going to be wrong. That's why I had a Sergeant, that's

why I updated him, that's why I asked him. I did what I was told to do. And I'm still here in L.A. I understand all the questions you are asking, I understand the NRS and GOs, I did what I felt was best based upon a Sergeant, because everything I do here seems to be wrong and targeted, and biased. So, I did what I was supposed to do based upon a Sergeant."

Throughout our interview Officer Wallace maintained that he had been ordered to complete an Incident Report by Sgt. Nelson. As is more thoroughly documented below in a recap of the BWC video for Sgt. Nelson and Office Wallace, at no time does Sgt. Nelson order or suggest Officer Wallace complete an incident report. Officer Wallace is the one who advises Sgt. Nelson that he will be completing an incident report. Sgt. Nelson does agree with Officer Wallace, stating "Okay" when the subject of the incident report is brought up by Officer Wallace. No mention of a criminal report is captured on the BWC. During our interview, Officer Wallace also confirmed that no other discussions were had either during this incident or immediately afterwards with Sgt. Nelson that was not captured on his BWC.

I related that in my review of the BWC video several crimes are mentioned or alluded to such as Home Invasion, Burglary, Robbery, and Preventing a Victim from Reporting a Crime. I asked Officer Wallace what led to his decision to complete an incident report rather than a crime report given the level of these possible crimes to which he replied, *"me going over it with Sgt. Nelson and he said do an incident report."* I asked Officer Wallace if those were Sgt. Nelson's words and he stated, *"I told him, he said do an incident report, that's what I remember."*

Officer Wallace went on to state *"I explained the whole situation, I explained about how she was...I was very verbal, it's all on camera, hey we would like to help you, we would like to do this, these are the charges, she says I don't want to get him in trouble, I don't want to do this."* Officer Wallace continued and related that he said, *"Okay Sarge, she doesn't want to press, she doesn't want to be a victim, she doesn't want to do any of this, she said nothing physical happened, so I will write this up and do an incident report"*. Officer Wallace then intimates he is speaking as Sgt. Nelson at this point and says *"Yeah, do an incident report...So, I did."*

I asked Officer Wallace if absent his belief that Sumara did not want to press charges would he agree that there was probable cause for the arrest of Lee to which Officer Wallace stated, *"The information I knew, as far as him entering the house and taking the phone, yes, I was going to write up the report as a crime report and send it to Detectives so they could follow up."* I then asked him to clarify that the only thing preventing him from completing the report as a crime report was Sumara's apparent unwillingness to be a victim. Officer Wallace then stated, *"I think the more jist of it was Sgt. Nelson said yeah, do an incident report, so I did."* I then asked Officer Wallace if Sgt. Nelson had ordered him to do a crime report he would have done one, to which he replied *"Yeah."* I asked Officer Wallace what he would have done if Sgt. Nelson had not been able to respond to the scene and he stated *"Well, based on my experience at the Reno Police Department I would have called him and said what to do anyways, because no matter what I do I am in trouble, so I would have called a Sgt. and asked what to do, because the Reno Police Department does not feel I am capable of making decisions."*

How for into

Sgt. McQuattie later asked Officer Wallace if Sgt. Nelson specifically told Officer Wallace not to pursue criminal charges in this case, to which Officer Wallace replied *"If by verbatim using those words, I cannot remember. I don't think he did verbatim, he just said do an incident report."* Sgt. McQuattie also asked Officer Wallace if he interpreted Sgt. Nelson telling him to do an incident report as dismissing the potential of pursuing criminal charges against Lee to which Officer Wallace replied, *"That's how I took it, that's why I did an incident report. I'm*

pretty sure I remember him saying, Sarge, this is a home invasion, and burglary, and you know we have all this other stuff, but we can't because she doesn't want to be a victim."

I asked Officer Wallace if he felt he gave Sgt. Nelson a full and complete accounting of what information he had gathered upon his arrival on scene to which Officer Wallace replied, *"I believe so."* While briefing Sgt. Nelson, Officer Wallace describes Sumara as having a *"victim mentality."* I asked him to expand on what he meant by that and how in his experience those individuals he has encountered suffering from a similar mindset present to which Officer Wallace stated that Sumara was *"used to being a victim and she does not want to go after her victimizer. I attempted to say, hey guess what, this is not healthy, you are a slave to your victimizer, you need help."*

Officer Wallace went on to state, *"I was unable to reach her and get her the help that she needed"*. I asked Officer Wallace about his prior experience with similar individuals and how he has interacted with them, and he advised *"my goal is to help them and to give them everything they needed, but if they turn me down, I cannot make them do what they don't want to do."*

At the end of our interview, Sgt. McQuattie clarified with Officer Wallace based off his BWC video what was related to Sgt. Nelson stating *"So right now, I got an incident report. That's calling CPS and gave her a VINE form"*. Sgt. McQuattie asked Officer Wallace if mentioning the incident report was Officer Wallace telling Sgt. Nelson what he was doing and Sgt. Nelson agreed, or did Sgt. Nelson tell him to do an incident report?

Officer Wallace stated, *"I can't remember verbatim, but I know he agreed. Like, hey Sarge this is what I'm going to do, OK, that means he agrees. I don't know how to define that."* Sgt. McQuattie pointed out that there is a difference between someone being told what to do and saying what they are going to do. Officer Wallace stated, *"Well someone saying yeah do that, or I agree with you is telling someone to do something where I come from."*

Sgt. Nelson remains on scene for approximately six minutes. Officer Wallace appears to be the only Officer who is briefing Sgt. Nelson while Officer Soto is speaking with Sumara. After Sgt. Nelson leaves, Officer Wallace again begins to speak with Sumara to summarize his next steps in the investigation and advises her that he will be completing an incident report which will include information about her not wanting to press charges. At that time, Sumara states *"No, wait, I...if I press charges...I should press charges"*.

I asked Officer Wallace if he recalls this exchange to which he replied, *"I remember she was wishy-washy, going back and forth, again. I was trying to convince her to press charges without coercing her."* At that time, I confirmed with Officer Wallace that he was aware he could press charges on a felony or gross misdemeanor without a cooperative victim to which he stated, *"yes, that is correct."* I asked Officer Wallace if he had ever experienced a criminal case where charges were brought and moved forward with when the victim does not want to participate and he stated, *"it happens all the time."*

During our interview I confirmed with Officer Wallace that it was understood between Officer Soto and himself that he would be the primary Officer of this investigation. Although Officer Wallace was out of his normally assigned district, and it was his final workday of the week he stated he took the report because he wanted to help Sumara. He went on to state that he *"was very eager to help her but wasn't able to help her due to her, I guess, non-cooperation with the investigation."* During my review of the BWC footage I noted that Officer Wallace stated, *"ugh, there goes my Friday"* in an exasperated tone while on scene in the apartment. Officer Wallace

why I updated him, that's why I asked him. I did what I was told to do. And I'm still here in LA. I understand all the questions you are asking, I understand the NRS and GOs, I did what I felt was best based upon a Sergeant, because everything I do here seems to be wrong and targeted, and biased. So, I did what I was supposed to do based upon a Sergeant."

Throughout our interview Officer Wallace maintained that he had been ordered to complete an Incident Report by Sgt. Nelson. As is more thoroughly documented below in a recap of the BWC video for Sgt. Nelson and Office Wallace, at no time does Sgt. Nelson order or suggest Officer Wallace complete an incident report. Officer Wallace is the one who advises Sgt. Nelson that he will be completing an incident report. Sgt. Nelson does agree with Officer Wallace, stating "Okay" when the subject of the incident report is brought up by Officer Wallace. No mention of a criminal report is captured on the BWC. During our interview, Officer Wallace also confirmed that no other discussions were had either during this incident or immediately afterwards with Sgt. Nelson that was not captured on his BWC.

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I asked Officer Wallace if absent his belief that Sumara did not want to press charges would he agree that there was probable cause for the arrest of Lee to which Officer Wallace stated, *"The information I knew, as far as him entering the house and taking the phone, yes, I was going to write up the report as a crime report and send it to Detectives so they could follow up."* I then asked him to clarify that the only thing preventing him from completing the report as a crime report was Sumara's apparent unwillingness to be a victim. Officer Wallace then stated, *"I think the more jist of it was Sgt. Nelson said yeah, do an incident report, so I did."* I then asked Officer Wallace if Sgt. Nelson had ordered him to do a crime report he would have done one, to which he replied *"Yeah."* I asked Officer Wallace what he would have done if Sgt. Nelson had not been able to respond to the scene and he stated *"Well, based on my experience at the Reno Police Department I would have called him and said what to do anyways, because no matter what I do I am in trouble, so I would have called a Sgt. and asked what to do, because the Reno Police Department does not feel I am capable of making decisions."*

How for info

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indicated that him being on his last shift of the week had no influence on his response to this incident. Officer Wallace stated he did not remember saying that, but if he did, he meant *"this is going to be a really detailed report, I wanted to help the young lady, and she didn't want help, so it probably came from frustration of not being able to help the young lady who needed help."*

I asked Officer Wallace why he had provided Lee's phone, which he had located in the back bedroom where Lee had allegedly made entry, to Sumara rather than booking it into evidence. Officer Wallace stated, *"I guess when it came down to the end of it and this came down to being an incident report and this is what it is, I didn't feel the need to book it for evidence, due to it being an incident report, that's my guess."* Sgt. McQuattie later asked Officer Wallace if he had the incident/crime report conversation with Sgt. Nelson prior to collecting the phone or after to which Officer Wallace replied, *"I don't remember."*

Officer Wallace elaborated to state *"Honestly, I believe we found the phone after I talked to Sgt. Nelson, I don't remember, because I remember we didn't see the phone at first and then when I went to go take pictures, after we decided what we were going to do, I found a phone in there."* I then clarified for the record that Officer Wallace located the phone prior to Sgt. Nelson's arrival. As recorded on the BWC video Officer Wallace hands the phone over to Sumara just as Sgt. Nelson is arriving on scene and prior to any discussion between Sgt. Nelson and Officer Wallace.

WTF? [Sgt. McQuattie asked Officer Wallace to clarify his earlier statement that he had handed over the phone to Sumara as he had already been directed to complete an incident report by Sgt. Nelson, but the BWC video shows him handing the phone over to Sumara prior to even briefing Sgt. Nelson. Officer Wallace stated, *"Because it, I was still investigating, and because it went to an incident report, I did not collect the phone, that's all I know."* Based off the review of the BWC as well as the timing of the collection of the phone and Officer Wallace's statements that it not being collected due to the incident report being completed, it is apparent that Officer Wallace decided to complete an incident report prior to ever speaking with Sgt. Nelson. This stands in stark contrast to his repeated claims that the incident report's completion was a direction given to him by Sgt. Nelson. *to not be more wishy washy*

As noted above during this investigation it was related that Sumara felt that Officer Wallace was inappropriate in his criticism of both her therapeutic treatment plan as well as her parenting style. Officer Wallace confirmed that he had discussed his thoughts with Sumara about her therapist but did not see anything wrong with his verbal delivery. Officer Wallace also believes that he provided Sumara with *"great advice"* regarding her parenting style and techniques. I asked Officer Wallace about his conversation with Katie, and he provided a similar account as Katie did previously. Officer Wallace advised that he had not discussed any follow up efforts with Katie at that time.

During the interview I also confirmed with Officer Wallace that he had no other conversations with Officer Soto or Sgt. Nelson regarding this incident other than those that were captured on his and the others BWCs. Sgt. McQuattie later asked Officer Wallace why he had ultimately changed his incident report to a crime report. Officer Wallace advised that he had been given a direct order by Sgt. Torres to change his report from an incident to a crime report.

Sgt. McQuattie asked if Officer Wallace agreed with that order to which he replied, *"the way he said it, I knew this was going to be another IA, which is why I went to Autrey (Lt. Cory Autrey) and said this is ridiculous."* Officer Wallace continued to state, *"I did what I was told to do, I did what the Sergeant who was there, what I was told as the Sergeant, I did exactly what*

*did
Katie
indicated
to him
she wanted
to press
charges*

Sergeant said, and now I see this, and I am pretty sure I'll be in IA, and my fears were correct. I'd be in IA for whatever reason RPD thought so." Officer Wallace then confirmed that the direction provided to him from Sgt. Torres had come through the email and during this direction he was also told to remove statements from his Tiburon report dealing with the direction by Sgt. Torres that was not pertinent to the criminal case.

Sgt. McQuattie asked Officer Wallace if, based off of everything he now knows, if he still feels the incident report was the proper report to complete, to which Officer Wallace replied *"Based upon everything you guys are saying, maybe I need more than one Sergeant to tell me what to do...the reason I cannot answer directly is I went to Sgt. Autrey, Lt. Autrey, and told him this is what happened, he said well sometimes people can't or do not have a choice to be a victim, sometimes they do. I understand all the words that you guys used, I understand the terminologies to make me look bad, I get it, so based upon every word that you guys used to make me look bad, should I have done a crime report? Yes, I should have done a crime report because I would not be here in this situation."* Officer Wallace continues, *"But, as far as me doing an incident report because my Sgt. told me to do an incident report, because I thought that was the right thing to do, from my Sgt's command. I did."*

Towards the end of the interview, I asked Officer Wallace if he understood the process for him to follow if he believed he had been given an unlawful order by Sgt. Nelson. Officer Wallace advised that he had become aware of the process during his interaction with Sgt. Torres. Officer Wallace also stated that he *"did not think this was an unlawful order, to write an incident report, so I went with it. I didn't think it was unlawful, so. I didn't think it was unlawful."*

I then clarified with Officer Wallace that his statements earlier had been that he wrote the incident report and incident report only because he had been given an order by Sgt. Nelson at which time he stated, *"No, I wrote the incident report because an incident happened. We were deciding whether we press charges or not, and since she didn't want to press charges or do a lot of the things. I was like, OK. I have to document this no matter what, because of what happened. That was normal, that's easy, to do an incident report. As far as an incident to a crime report, if Sgt. Nelson would have said...Hey, Wallace, I think this is probably a crime report, go write it up. I would have said, sure Sarge, no problem. and I would have done that."*

Officer Wallace then later stated, *"I did not believe that when I was on scene that I was required to do a crime report at the time".* When I asked him why, he replied, *"Because she didn't want to press charges, she didn't want to be a victim. I know I had to do an incident report. I was like well can we, can we not, and then when Sergeant said do an incident report, I was like OK. So then yeah, well then just do an incident report."*

Sgt. McQuattie asked Officer Wallace if he understood the reasoning behind the mandatory arrest language in the NRS relating to domestic violence. Officer Wallace stated that he did understand why it is in there and that it is to ensure that those victims who are threatened and mistreated by their abuser receive all the help and assistance that we can provide. Officer Wallace stated that he agrees with this principle *"100%."* At the conclusion of our interview, I asked Officer Wallace if there was anything he would have done differently knowing what he knows now and he stated, *"I did everything in good faith."*

A limited historical search of Officer Wallace's sent emails was conducted to determine if any request for follow-up was done or ATL email sent. No related emails were sent by Officer Wallace during the time immediately following this incident.

As is required per policy Officer Wallace had an activated body worn camera on during this investigation. Officer Wallace was on scene recording for approximately 53 minutes. A review of the video was conducted, and key segments summarized as follows.

5:46 – Sumara "I hear that noise, I instantly was like, he put his hands on me before, he's done domestic violence on me before. I said like, oh shit, I don't want him (referring to her son) see me get beat up, so I ran out the house and then he's (Lee) like, you left your fucking baby, you stupid bitch. I'm like yeah, I did, you're not after the baby, you're after me. And so, then he like attacks me and like I, the neighbor thank, this old neighbor (Gallegos) is like, get off of her, cause I'm screaming, trying to get people's attention. I'm trying to call 911, he snatches the phone out of my hands and like dips off."

Officer Wallace "Where's your phone now?"

Sumara "He (Lee) has it."

6:29 – Officer Wallace "Okay, so how long have you guys been dating before?"

Sumara "We, we, well he's the son of my father (Investigator believes she meant to advise the suspect is the father of her son), we dated like two years, but we haven't been dating for six months."

Officer Wallace "Gotcha, okay. This is, and how long has this, has he lived here, or has he ever lived here?"

Sumara "He's never lived here."

Officer Wallace meets with the neighbor (Linda Gallegos) who witnessed the incident in the hallway:

13:16 – Linda "Oh, what I saw was, I well I heard a lot of like going back and forth...and then she started saying like, um, she started saying get away from me. Get away from me. Get away from me. And then there was screaming, and they were over here, I guess fighting over a phone...they were both kind of going at it...at it, not hitting, really shoving each other and..."

14:20 Officer Wallace "So pretty much all you heard was um, gimme my phone back. It's my phone. Pretty much just... Yeah..."

Linda "Just screaming. Get away from me. Get away from..."

Officer Wallace "Did you see anybody hitting each other or battering or just holding for the phone?"

Linda "They were both kind of going at it."

Officer Wallace "Like going (demonstrates hitting of fists) at it?"

Linda "Not hitting, really shoving each other and..."

Officer Wallace "Shoving and trying to grab the phone from each other. Yes. Shoving, grabbing the phone. Okay."

Officer Wallace returns to the apartment to speak with Sumara. He confirms that the phone was paid for by Sumara and belongs to her:

16:30 – Sumara "It's not his phone. Yes, yeah, exactly. Which, I don't really, I don't even really, I didn't really want any of this to happen".

Officer Wallace "Well 'cause technically we have breaking and entering. We have domestic battery possibly 'cause she (the Neighbor) said that when you guys were out there, you guys were just arguing over the phone. Gimmie the phone, gimmie the phone."

16:43 – Sumara "Yeah, he was saying, I'm getting the phone, I wasn't arguing, I just ran back."

16:47 – Officer Wallace "Yeah. So, there was no domestic battery seen outside...but there could have been some inside when you said."

16:53 – Sumara "Nothing. He didn't touch me at all. I literally, as soon as I seen him, I got the fuck out."

Officer Wallace "So he didn't hit you or anything?"

Sumara "No, no."

Officer Soto "That's what I was trying to clarify with her. 'cause she said he attacked me, you know."

Sumara "Yeah, she said, oh, sorry. So that's, sorry."

Officer Soto "No, no its fine, we just need to clarify and see what that means to you."

17:10 – Officer Wallace "Technically we have burglary and breaking, entering, burglary and grabbing stuff. So, it depends on..."

Sumara "Oh yeah, so."

Officer Wallace "Nothing domestic happened, correct?"

Sumara "No. Didn't take anything. No, nothing like that. Just took the phone outside..."

Officer Wallace "And I'm gonna ask a question, and I apologize for asking that this way. What do you wanna do about this?"

Sumara "Nothing. I, it's like, because..."

Officer Wallace "You're a victim, but do you want to be a victim?"

Sumara "No, I don't like, I honestly think it's really it's cause a bad break up, you know what I mean? And he, he didn't expect me to run out the house, he probably thought we were gonna talk it out. He's fucking, that's really weird way of doing it. You know what I mean? Like breaking into my house to talk to me. I don't want anything to happen. It's just this, I don't know. I don't know that."

Officer Wallace "Well, unfortunately, no matter what, we gotta do a report because you're in a domestic. So, we gotta write a report saying at this day, at this time, you said this, neighbor said this. If there're no charges because he didn't hit you, but he did grab your phone and he ran out and you guys were shoving for the phones. That's all we got." ... "And you're saying that you don't want to press charges, get him breaking into your house."

Sumara "Well, it's cause it's like it is. Fuck. It's, it's bad. But it's like, no, I just, I've been through this again, uh, before and it's just such, it is so stressful."

Officer Wallace then begins to explain to Sumara that they must contact CPS and advise them of the incident. Sumara appears to become hesitant and is concerned that CPS involvement will jeopardize her custody of her son. She states that in a prior incident CPS was notified of a domestic violence situation involving Lee.

19:00 – Sumara "But, like okay. So, this has happened before with him at my old apartment and CPS got involved. And so, like..."

Officer Wallace "{Unintelligible} I'll say your name and all this stuff, and they'll (CPS) be like, yeah, I remember that. Well, this is what happened. Um, no charges, no domestic. He didn't hit her, but he supposedly climbed up a story to the second story. Jumped in the window, came in here, she got scared, ran out, he grabbed the phone, and they tussled about the phone. And then he left. That's pretty much how it went, right?"

20:26 – Sumara "...I don't, it's like I just don't want CPS to get involved."

26:25 – Officer Wallace (speaking to Sumara about domestic violence not being her fault and pressing charges) "Ok, as long as you can admit it, we can move on. So today you have a choice. You can press charges for breaking and entering and robbing you or you can remain a victim and do nothing. It's all up to you. Either way we have to call CPS and tell them what happened."

27:01 – Officer Soto to Officer Wallace "So she did say that she told him, I'm gonna call 911. Hung up with Zoe and was about to call 911. And then he, he, she said he's scared of the cops. So that's why he was trying to take the phone."

Officer Wallace "All abusers are scared of the cops 'cause they, they're cowards. So, I'll give you a minute or so to figure out what you would like to do."

Sumara "I, me too, Um, like this whole week I've literally just been wondering, like, 'cause he doesn't stop trying to contact me. No. And I'm like trying to find a peaceful way out."

28:20 – Officer Wallace "Ugh, there goes my Friday."

31:59 – Officer Wallace "Are you, are you scared to be here? Are you in fear whatsoever?"

Sumara "I'm not in fear here. I actually, I haven't been 'cause it's like me and my therapist even changed my locks. So, I haven't been locking my door since I moved in. 'cause I lost my house key."

Officer Wallace "Do you even feel like a victim? And just answer honestly."

Sumara "I don't know. How does that (being a victim) feel?"

Officer Wallace "You're going to have to answer that unfortunately" (Officer Wallace then discusses resources available to Sumara through RPD).

39:20 – Officer Wallace locates Lee's phone and gives it to Sumara. "So, um, when I was in there I found this".

Sumara "That's his phone."

Officer Wallace "This is his phone? Oh great, so now you have his phone."

Officer Wallace briefs Sgt. Nelson upon his arrival:

40:52 – Officer Wallace "So, in short, he climbs up the edges of the windows, that window is open, tears the screen, crawls in here. Because he wants his phone that she is using, but it's technically her phone because she bought it. But it's under his plan or whatever it goes. And then, so she runs out, he runs after her, Neighbor over there sees them struggling over the phone. She (referring to Sumara) claims no domestic violence, or any physical happens. But the neighbor just said, they just saw him (Wallace begins to act out the pulling on the phone between the victim and suspect) just no, my phone, my phone, my phone."

Sgt. Nelson "Back and forth, back and forth?"

Officer Wallace "And then he runs away."

Sgt. Nelson "Okay, does he live here?"

Officer Wallace "No."

Sgt. Nelson "Oh, he doesn't live here at all?"

Officer Wallace "No, no residency, nothing like that, she doesn't want to be a victim. Um, I said, look this is breaking and entering. This could be a robbery for taking your stuff because it is your phone...She's (Sumara) like no, no, no. So right now, I got an incident report."

Sgt. Nelson "Okay."

Officer Wallace "That's calling CPS and gave her a VINE form."

Sgt. Nelson "Cool."

Officer Wallace "She has not felt in fear of her life. She doesn't want to get him in trouble. She has that victim mentality."

42:44 Sgt. Nelson to Officer Wallace "So they're just {unintelligible} over the phone, he basically breaks in and struggles over the phone?"

Officer Wallace "Yeah."

Sgt. Nelson "Okay."

Officer Wallace to Sumara "Oh, How did he grab your phone? Where was your phone when he grabbed your..."

Sumara "In my hand. I was, because it was in my hand in the middle. I was talking to Zoe in the living room and then I ran out and I said, I'm calling the police...and that's when he tried grabbing my phone."

44:04 – Officer Wallace "And she (Sumara) also doesn't want the family to hate her or him to hate her, if he goes to jail."

Sgt. Nelson "Okay, you said CPS was called though?"

Officer Wallace "Yeah, we're going to do that. Yeah, we're still going to do that."

Sgt. Nelson "Okay."

Officer Wallace "And the TPO expired in October."

Sgt. Nelson "Oh, she's already had one against him? Yeah."

Officer Wallace affirms.

45:00 – Sgt. Nelson "How did his clothes come to be here? Did he live here for a while?"

Officer Wallace "No, so technically, since they have kid in custody he would come by here and there. But she had his clothes."

Sgt. Nelson "Okay, just want to make sure he doesn't freaking live here. That's all."

Officer Wallace "Supposedly he is staying with his brother, on Robb Drive. They used to live together on El Rancho."

Sgt. Nelson "Okay."

45:58 – Sgt. Nelson "Well, you going to head back and get your 17 (paperwork) done for this? If you can, get them done?"

Officer Wallace affirms.

46:30 – Sgt. Nelson leaves the scene.

46:38 – Officer Wallace "So, just to give you a heads up. So, what I'm going to do is I'm going to write a report, again, at this date, at this time, this is what was said. Um, I'm gonna say that you don't want to press charges."

Sumara "No, wait, I...If I press charges...I should press charges."

Officer Wallace "And he is going to jail for a felony."

Sumara "Felony? That {unintelligible}, yeah."

Officer Wallace "That's breaking and entering, He's broken into your house. And then there's also burglary because he broke in with the intent to harm you, hurt you, or steal something from you."

Sumara "Ok, yeah. Because I just, I don't, my fear is like if CPS comes, they're gonna think that like, oh, I'm trying to stick up for him because in the past is what I did. You know what I mean? Even though I..."

Officer Wallace "There is no fear of anything."

Sumara "If I, I'm saying like, if I don't press charges, that's what I'm afraid will happen."

Officer Wallace "Honestly, I mean, I can't tell you what to do. It's a, you can report it another time. Uh, I don't think it's a great idea, but you can report it at another time. You can sleep over it, you can call tomorrow and say, yeah this is what happened. I would like to report this."

Sumara "Okay, okay."

48:18 – Officers are trying to connect Sumara with her friend to ensure she will check on her tomorrow.

Officer Soto to Officer Wallace "Can you call Zoe since you have her number and make sure that she's gonna..."

Sumara "I, I can try calling my phone since I have his phone. Well..."

Officer Soto "What's that?"

Sumara "I'm oh, that doesn't do anything. That, I don't know. I don't know. I'm not thinking right. I don't know."

48:55 – Sumara "So what's going to happen from here?"

Officer Wallace "I'm going to do a report. Just like I said, at this day, at this time, this is what happened. Okay. Um, I'll say that you will decide if you would like to press charges at a later time. All of the information given to you."

50:35 – Officer Wallace (while still in front of the victim) "Alright, I'm over it."

51:32 – Officer Soto (while still in front of the victim) "What's going on? We ready to go home?"

Officer Wallace "I'm ready to go home. I've got three reports so I'm gonna jump in and get 'em out the way."

52:40 – Officers Soto and Wallace leave the residence. Officer Soto is seen and heard on the phone speaking with CPS.

INVESTIGATOR RECOMENDATION:

It is recommended that this report be forwarded to the Reno Police Department Chief of Police for review.

EXHIBIT 4

EXHIBIT 4



MEMORANDUM

DATE: October 14, 2025
TO: Daniel Wallace
FROM: Kathryn Nance, Chief of Police
SUBJECT: ADI2023-0020 and ADI2024-0002

This memorandum serves to inform you that your employment with the City of Reno in the position of Police Officer is being terminated, effective **October 14, 2025, at 5:00 PM.**

During a Pre-Disciplinary Hearing for ADI 2023-0020 and ADI 2024-002, you presented mitigating factors necessitating an investigation into allegations. This investigation has concluded and after consideration, the mitigating factors did not have an impact on the sustained findings of the Internal Affairs investigations. After consideration of all the information in this case, my recommendations for the sustained findings are as follows:

- ADI 2023-0020 – Pay step reduction and additional training related to our body worn camera, report process, and review policies.
- ADI 2024-002 – Termination based on the totality of the circumstances.

In accordance with the Reno Police Department General Order E-210-05, Investigations of Employee, and RPPA Collective Bargaining Agreement, you are hereby notified of the disciplinary action being taken. If you accept the recommendation of termination, please contact Gerri Biegler, Assistant to the Chief of Police, via email or in writing.

You have already exercised your right of appeal to the level of the Chief of Police pursuant to Article 19(e)(1) of the RPPA Collective Bargaining Agreement. As such, should you wish to appeal the decision further, you have ten (10) working days to file a written appeal with the City Manager's Office pursuant to Article 19(e)(2). As this is a discharge case, Article 19(f) alternatively provides you the option of appealing to the Civil Service Commission.

cc: Internal Affairs
Gerri Biegler
RPPA Board
Mark Dunagan, Esq.
Paul Cotsonis

EXHIBIT 5

EXHIBIT 5



Paul Cotsonis | Senior Associate
200 S. Virginia St., Suite 655 | (775) 446-8096
Reno, Nevada 89501 | Paul@RRVlawyers.com

RRVlawyers.com

November 12, 2025

VIA Electronic Mail

Jackie Bryant
City Manager
1 E. First Street
PO BOX 1900
Reno, Nevada 89505
c/o
Krysti Smith
Executive Implementation Strategist
SmithK@Reno.Gov

**Re: Appeal Statement to Pay-Step reduction in Case#: ADI2023-0020 as well as
Termination in Case#ADI2024-0002**

Dear City Manager Bryant:

Please accept this letter as the Reno Police Protective Association's ("RPPA") Appeal Statement on behalf of Officer Wallace in the above-referenced matter, currently set to be heard by you on November 13, 2025, pursuant to Article 29(e)(2) of the Collective Bargaining Agreement ("CBA") between RPPA and the City of Reno ("City").

Introduction

As negotiated in Article 29(a) of the CBA, all discipline "shall be for just cause." "Just cause" is a flexible standard embodying fairness and equity, determined under the totality of the circumstances (*see Res. v. Carroll*, 358 N.C. 649, 669 (2004)). Arbitrators recognize that discipline should be progressive and corrective, not punitive (*see Niagara Frontier Transit Sys.*, 24 Lab. Arb. Rep. (BNA) 783 (Thompson, Arb. 1955)). For the reasons outlined below, there was no just cause for the imposed disciplines.

Argument

- a. Pay-step reduction and additional training related Body Worn Cameras ("BWC") in Case #ADI2023-0020, was not with just cause.*

The above-referenced investigation sustained the following allegations: (1) Officer Wallace did not activate his BWC at several points during his investigation into a vehicle burglary, putting his BWC on mute while on scene for an extended period of time, and not articulating in

his report the failure to activate his BWC; and (3) Officer Wallace did not complete his report until the eighth day after the initial patrol response¹. See IA Report for ADI2023-0020 at p's 1-3.

Here, the totality of the circumstances here does not warrant the imposition of discipline, let alone discipline as severe as a pay-step reduction. First, it is not uncommon for officers to fail to activate their BWC and discipline is rarely, if ever, imposed for such oversight. Secondly, Officer Wallace's failure to articulate the fact he did not activate the BWC in his report was simply because he was unaware of his original BWC oversight to begin with. Third, the reason for the one (1) day delay in completing the original report was simply because he was waiting to return the air tag to the victim before finalizing his report.

These issues are performance in nature and do not rise to the level of discipline and should be dealt with as such. In fact, during the pendency of the investigation, on or about March 1, 2024, Officer Wallace was placed on a Performance Improvement Plan ("PIP") covering these very issues. As such, by placing Officer Wallace on a PIP, the City has chosen the corrective action to be taken for this incident and to subsequently impose additional discipline for the same incident is inconsistent with just-cause principles.

In that regard, Officer Wallace requests the pay-step reduction be rescinded and he be given the opportunity to improve in accordance with the March 1, 2024, PIP.

b. Termination in Case #ADI2024-0002 was without just cause.

The termination arises from allegations that Officer Wallace (1) failed to complete a thorough investigation of a domestic-violence-related call, (2) failed to take enforcement action, and (3) was untruthful in his Internal Affairs interview. See the IA Report for ADI2024-0002 at p's 2-3.

(1) Sergeant Nelson indicated approval of Officer Wallace intent to write up an Incident Report negates just cause for Officer Wallace's termination

Here, the gist of the first two allegations is that Officer Wallace did an Incident Report on an alleged domestic violence incident when he should have done a Criminal Report with all the subsequent steps (completion of a probable cause sheet, sending an ATL email indicating probable cause for arrest of the suspect). However, arbitral authority holds that an employee cannot be disciplined for conduct explicitly or implicitly approved by supervision. See *Southern Frozen Foods*, 107 LA 1030 (Giblin, 1996); *Ball-Foster Glass Container Co.*, 106 LA 1209 (Howell, 1996). Here, Sgt. Nelson heard the relevant facts and affirmatively assented—creating reasonable reliance.

Contrary to the investigatory report's implied assertions, Officer Wallace conveyed to Sgt. Nelson sufficient facts for Sgt. Nelson to reach the same conclusion as the Department that a Criminal Report and not an Incident Report needed to be undertaken. Specifically, Officer Wallace informed him of the following:

¹ Allegation (2) was not sustained.

- Ex-boyfriend climbs in through window on second floor, tears the screen upon entering;
- She runs out of residence;
- He gives chase;
- They struggle over the phone;
- Neighbor witnesses struggle over the phone;
- Alleged victim claims no domestic violence or any physical happens; **BUT**
- The neighbor confirms the physical tug-of-war over the phone; and
- That the ex-boyfriend had a recent TPO expire that October.

Id. at p's 16 – 18. Additionally, in Sgt. Nelson's presence Officer Wallace asked the alleged victim how the ex-boyfriend grabbed the phone to which she responded that it was in her hand and that he tried grabbing it after she said, "I'm calling the police."

These facts as **related** by Officer Wallace to Sgt. Nelson were sufficient for Sgt. Nelson to reach the same conclusion as the Investigatory Report; that those facts supported charges for violations of NRS 205.067 Home Invasion, NRS 205.060 Burglary, NRS 200.380 Robbery, and NRS 199.305 Preventing a Victim from Reporting a Crime as well as NRS 33.018 domestic violence. However, upon hearing Officer Wallace indicating that he's "got an incident report" only, Sgt. Nelson's response was, "Okay." *Id.* Punishing Officer Wallace for relying on the apparent approval from Sgt. Nelson is inconsistent with just cause.

Of note, the IA Report goes on to exonerate Sgt. Nelson for failing to properly identify a lack of thorough and complete investigation by Officer Wallace. *Id. at p. 3.* The exoneration is presumably based on the determination that Sgt. Nelson's explanation of being distracted, *id. at 7*; *see also p. 15.* Excusing Sgt. Nelson's verbal assent to Officer Wallace's proposed course of action based on the conclusion that Sgt. Nelson may have been distracted and/or confused is one thing, but to expect Officer Wallace to have the telepathic ability to know Sgt. Nelson's assent wasn't really an assent is patently absurd.

(2) Officer Wallace was not dishonest

The finding of "untruthfulness" rests solely on Officer Wallace's statement that Sgt. Nelson "ordered" him to do an Incident Report during his investigatory interview nearly two (2) months later. At most, this reflects a semantic mischaracterization of an approved course of action, not an intentional falsehood. It goes without saying that "dishonesty" demands knowing falsity concerning a material fact, not an honest mistake or lapse of memory.

Moreover, the Department apparently credited inconsistencies in Sgt. Nelson's and Officer Soto's statements as more a matter of mistake as opposed to dishonesty. Specifically, Sgt. Nelson stated:

there was nothing sequentially that's basically like 'Hey, I'm calling the Police' then there's the tug of war over the phone to try and prevent it ... but since it was more of the tug of war and the way it was described was that she says she was going to

do this and he basically leaves because she gets the reaction that she wants. That was my perception on scene.

Id. at 13. However, the timestamps of Sgt. Nelson's body worn camera within the report clearly contradict his statement in that at the 2:53 mark the alleged domestic abuse victim states:

I ran out and I said, I'm calling the police ... and that's when he tried grabbing my phone.

Id. at 17. Despite this clear inconsistency, Sgt. Nelson was exonerated. *Id. at 3.* Likewise, it appears that Officer Soto indicated that in addition to completing a supplemental report she sent an ATL email for the arrest of the ex-boyfriend, but the investigator failed to find any such ATL email being sent. *Id. at 19.* Despite this inconsistency, Officer Soto was also exonerated. *Id. at 2.* Selectively labeling Wallace "untruthful" while excusing comparable or greater discrepancies by others violates the equal-treatment element of just cause. *See ABA/Bloomberg Law, Elkouri & Elkouri: How Arbitration Works*, Chapter 15.3.F.xiii.

Conclusion

Considering the totality of the circumstances, neither the pay-step reduction nor the termination meets the contractual or arbitral definition of just cause. The March 1 PIP already served the corrective purpose for the performance issues, and the termination rests on conduct contemporaneously approved by a supervisor, with an unsustainable finding of dishonesty.

For these reasons, Officer Wallace and RPPA respectfully request that you, as City Manager, rescind both disciplinary actions, reinstate Officer Wallace to full dut and maintain the PIP as the appropriate corrective measure.

Sincere regards,

/s/ Paul Cotsonis
Paul Cotsonis, Esq.
Senior Associate
REESE RING VELTO



Paul Cotsonis | Senior Associate
200 S. Virginia St., Suite 655 | (775) 446-8096
Reno, Nevada 89501 | Paul@RRVlawyers.com
RRVlawyers.com

September 9, 2024

VIA Electronic Mail

Kathryn Nance
Reno Police Chief
455 E. 2nd Street
Reno, Nevada 89502
NanceK@reno.gov

**Re: Rebuttal to Pay-step reduction in Case#: ADI2023-0020 as well as
Termination in Case#ADI2024-0002**

Dear Chief Nance:

Please accept this letter as a rebuttal and request for reconsideration to the Pay-step reduction and additional training related to Body Worn Camera and Report Process and Review policies in Case#ADI2023-0020 as well as Termination in Case #ADI2024-0002.

As a preliminary matter and of relevance to both case #'s ADI2023-0020 and ADI2024-0002 is that the parties have negotiation the standard for administering discipline in the Collective Bargaining Agreement ("CBA") between the City of Reno and the Reno Police Protective Association. Specifically, Article 29(a) of the CBA requires "[t]hat all discipline including discharge shall be for just cause." Just cause is a flexible concept, embodying notions of equity and fairness, that can only be determined upon an examination of the facts and circumstances of each individual case." *Res. v. Carroll*, 358 N.C. 649, 669, 599 S.E.2d 888, 898 (2004). A widely accepted requirement of just cause termination is that if discipline is to be productive, it must be progressive or corrective in nature; hence, warning is tried before suspension and training is tried before termination. *See Niagara Frontier Transit Sys.*, 24 Lab. Arb. Rep. (BNA) 783, 785 (Thompson, Arb. 1955). For reasons outlined below, there was no just cause for the imposed disciplines.

- a. Pay-step reduction and additional training related Body Worn Cameras ("BWC") in Case #ADI2023-0020, was not with just cause under the totality of the circumstances in this case.*

The above-referenced investigation sustained the following allegations: (1) Officer Wallace did not activate his BWC at several points during his investigation into a vehicle burglary, putting his BWC on mute while on scene for an extended period of time, and not articulating in his report the failure to activate his BWC; and (3) Officer Wallace did not complete his report until the eighth day after the initial patrol response¹.

¹ Allegation (2) was not sustained.

Here, the totality of the circumstances here does not warrant the imposition of discipline, let alone discipline as severe as a pay-step reduction. First, it is not uncommon for officers to fail to activate their BWC and discipline is rarely, if ever, imposed for such oversight. Secondly, Officer Wallace's failure to articulate the fact he did not activate the BWC in his report was simply because he was unaware of his original BWC oversight to begin with. Third, the reason for the one (1) day delay in completing the original report was simply because he was waiting to return the air tag to the victim before finalizing his report.

These issues are performance in nature and do not rise to the level of discipline and should be dealt with as such. In fact, during the pendency of the investigation, on or about March 1, 2024, Officer Wallace was placed on a Performance Improvement Plan ("PIP") covering these very issues. In that regard, Officer Wallace requests the pay-step reduction be rescinded and he be given the opportunity to improve in accordance with the March 1, 2024, PIP.

- b. Termination in Case #ADI2024-0002, was not with just cause as Officer Wallace specifically informed a supervisor of his intent to write up an Incident Report as opposed to a Criminal Report and the supervisor verbally assented to that proposed course of action and Officer Wallace's recollection that the assent was an order was not dishonesty.*

The above-referenced investigation sustained the following allegations: (1) Officer Wallace responded to a report of domestic violence incident and failed to complete a thorough investigation or attempt to take appropriate enforcement action against the suspect; (2) Officer Wallace responded to an incident with multiple felony level charges involved and failed to complete a thorough investigation or attempt to take appropriate enforcement action against the suspect; and (3) Officer Wallace was untruthful to Internal Affairs Investigators in his compelled interview for the included allegations.

Here, the gist of the first two allegations is that Officer Wallace did an Incident Report on an alleged domestic violence incident when he should have done a Criminal Report with all the subsequent steps (completion of a probable cause sheet, sending an ATL email indicating probable cause for arrest of the suspect). Assuming *arguendo* that the conclusion that Officer Wallace should have worked up a Criminal Report from this incident as opposed to an Incident Report is correct, it is *irrelevant* as to whether there was just cause to discipline him for his alleged failure to do so because he informed his supervisor, Sgt. Nelson, of the salient facts and his intended course of action, to do an Incident Report, and Sgt. Nelson's response was "okay." In short, it is axiomatic that a subordinate should be permitted to rely on their supervisor and that disciplining an employee for taking action that their supervisor "okay's" beforehand would be without just cause. That is exactly what we have in this case.

Contrary to the investigatory report's implied assertions, Officer Wallace conveyed to Sgt. Nelson sufficient facts for Sgt. Nelson to reach the same conclusion as the

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Department that a Criminal Report and not an Incident Report needed to be undertaken. Specifically, Officer Wallace informed him of the following:

- Ex-boyfriend climbs in through window on second floor, tears the screen upon entering;
- She runs out of residence;
- He gives chase;
- They struggle over the phone;
- Neighbor witnesses struggle over the phone;
- Alleged victim claims no domestic violence or any physical happens; BUT
- The neighbor confirms the physical tug-of-war over the phone; and
- That the ex-boyfriend had a recent TPO expire that October.

Additionally, in Sgt. Nelson's presence Officer Wallace asked the alleged victim how the ex-boyfriend grabbed the phone to which she responded that it was in her hand and that he tried grabbing it after she said, "I'm calling the police."

These facts as relayed by Officer Wallace to Sgt. Nelson were sufficient for Sgt. Nelson to reach the same conclusion as the Investigatory Report; that those facts supported charges for violations of NRS 205.067 Home Invasion, NRS 205.060 Burglary, NRS 200.380 Robbery, and NRS 199.305 Preventing a Victim from Reporting a Crime as well as NRS 33.018 domestic violence. However, upon hearing Officer Wallace indicating that he's "got an incident report" only, Sgt. Nelson's response was, "Okay." Excusing Sgt. Nelson's verbal assent to Officer Wallace's proposed course of action based on the conclusion that Sgt. Nelson may have been distracted and/or confused is one thing, but to expect Officer Wallace to have the telepathic ability to know Sgt. Nelson's assent wasn't really an assent is patently absurd.

Finally, Officer Wallace did not have the benefit of reviewing the BWC nearly two (2) months after the incident during his compelled interview and calling him a liar for misremembering his supervisor ordering him to do an Incident Report as opposed to his supervisor simply giving his assent to doing an Incident Report is inherently unfair especially when considering that Sgt. Nelson and Officer Soto likewise made statements/assertions at variance with actual facts, and yet, neither one was alleged to have been dishonest.

Specifically, per the Investigative Report, Sgt. Nelson indicated that there was nothing sequentially that "Hey, I'm calling the Police" then there's the tug of war over the phone to try and prevent it ..." when that is exactly what was conveyed by the alleged victim in his presence and that Sgt. Nelson indicated recalling that he "specifically saying 'I just want to ensure that we are going to document, properly document, you know what occurred...' even though in reviewing the BWC, Sgt. Nelson makes no such statement. Additionally, it appears that Officer Soto indicated that in addition to completing a supplemental report she sent an ATL email for the arrest of the ex-boyfriend, but the investigator failed to find any such ATL email being sent. However, neither Sgt. Nelson, nor Officer Soto were alleged to have been dishonest, presumably because they were given the benefit of the doubt, but the same courtesy was not given to Officer Wallace in mistakenly converting Sgt. Nelson's verbal assent to an order.

Therefore, based on the totality of circumstances surrounding both Case #'s ADI2023-0020 and ADI2024-0002, the Pay-step reduction and Termination of Officer Wallace are both unsupported by just cause and are out of proportion with the alleged offenses. As such, Officer Wallace and the Association respectfully requests the disciplines rescinded and Officer Wallace be immediately returned to duty and that he be given the opportunity to improve in accordance with the March 1, 2024, PIP.

Sincere regards,

/s/ Paul Cotsonis

Paul Cotsonis, Esq.
Senior Associate
REESE RING VELTO

EXHIBIT 6

EXHIBIT 6



C I T Y O F
RENO
Memorandum

DATE: December 1, 2025

TO: Daniel Wallace, Police Officer

FROM: Jackie Bryant, City Manager

CC: Paul Cotsonis Esq., Employee Representative
Kathryn Nance, Chief of Police
Monica Kirch, Interim Director of Human Resources
Karl Hall, City Attorney
Jesse Puett, Labor Relations Manager

SUBJECT: Disciplinary Appeal for Officer Wallace

On Thursday, November 13, 2025, I met with you to discuss your appeal of the Chief of Police's disciplinary decision in cases ADI 2023-0020 and ADI 2024-0002. After carefully reviewing the documents relevant to this appeal, and weighing the discussion we had on this matter, I am upholding the disciplinary decision made by Chief Nance.

Based on our discussion and the appeal statement filed on your behalf, there are two primary factors in this case that you believe should nullify the Chief's proposed discipline:

1. Pay-step reduction and additional training related to Body Worn Cameras in ADI2023-0020 was not with just cause, and;
2. Termination in Case ADI2024-0002 was without just cause.

The concept of progressive discipline requires a step-by-step approach to address employee misconduct or poor performance. The very nature of progressive discipline requires increased penalties as misconduct or poor performance continues to occur. Since your hire in 2020, you have been the subject of five Internal Affairs/Administrative Directed Investigations, each with progressive steps of discipline culminating in the Chief's proposed discipline in Case ADI2024-0002.

With regards to Case ADI2023-0020, I find that the discipline imposed was warranted. As I expressed during our conversation, the expectation is to have the camera on. While I have taken the explanations offered by you and Mr. Cotsonis under consideration, I do not find them persuasive or mitigating when compared to the detailed explanation contained in the IA report.

You also did not complete your report in a timely manner. The repeated failure to properly engage the BWC, the failure to document it, and the failure to complete the report in the required timeframe warrants discipline.

One of the core arguments you made during our conversation was that others have not been punished for failing to activate their BWC and failing to document it. However, the findings and disciplinary outcomes of ADIs are confidential matters, so while you may have heard of other instances around the Department, any such "evidence" is merely anecdotal and not persuasive. I have reviewed prior cases with Chief Nance, and I can confirm that those personnel matters have been handled appropriately.

Mr. Cotsonis also indicated you initially received a Performance Improvement Plan (PIP) for this issue, and as such, a pay-step reduction amounted to double jeopardy. To be clear, a PIP is not disciplinary in nature; it is a tool implemented to assist employees with the goal of improving deficient performance. There is no punitive element.

With regards to ADI 2024-0002, you failed to complete the proper report, a policy violation for which you had also received discipline in a different case (ADI 2022-0002), in which you acknowledged that you were responsible for the reporting requirements in a separate domestic violence case. Progressive discipline is therefore appropriate.

I have taken your arguments under consideration regarding the incident involving the decision to complete an incident report rather than a crime report. I have also reviewed the IA report and your investigative interview, and your argument placing responsibility for this decision on your sergeant is frankly not compelling.

The explanation offered at our meeting regarding the communication at the scene being a cultural issue is both novel and unpersuasive. Given that, and the weight of the IA Report and your prior statements during the investigation, I must agree with the Chief's discipline.

Mr. Cotsonis argued that the issues in this case are performance-based in nature and do not rise to the level of discipline. I find this argument to be without merit. When a consistent pattern of deficient performance issues cannot be remedied by either lesser disciplinary or performance-based outcomes, progressive discipline is the only reasonable path.

Additionally, during our conversation Mr. Cotsonis mentioned that you were no longer in paid status and that needed to be rectified. However, Article 29 No. 29. Discipline/Discharge of the Reno Police Protective Association's (RPPA) Collective Bargaining Agreement (CBA), section (e)(2) explicitly states, "Any regular employee of the bargaining unit being disciplined and electing the appeal procedure as delineated in section (e) of this Article, *except those being discharged* shall remain in pay status and shall not have discipline imposed pending the outcome of the appeal at the City Manager level" [emphasis added]. As such, you were appropriately removed from paid status.

This discipline is based on progressive discipline and meets the standards of just cause. It is based upon the totality of circumstances and represents an escalation in discipline through the accumulation of internal affairs investigative outcomes and failures both to improve and to show

accountability and a willingness to put law and Department policy above your personal convictions. As a result, Chief Nance's proposed discipline for cases ADI2023-0020 and ADI 2024-0002 for violations of RPD General Orders P-500-18 and E-105-17 for ADI 2023-0020, and General Orders P-180-17 P-340-05, and E-252-04, stands. The City has met its obligations under the provision of the RPPA CBA, Article No. 29. Discipline/Discharge.

As always, I am available to discuss matters of concern to you. Please do not hesitate to contact me in the future if you wish.

EXHIBIT 7

EXHIBIT 7

DREHER LAW

Labor Advocacy

MERIT LETTER

December 5, 2025

Daniel Wallace
Djwallace1@att.net

Dear Mr. Wallace,

The Reno Police Protective Association ("RPPA") has been providing you with legal representation from the firm of Ring Reese Velto through attorney Paul Cotsonis, Esq. On October 21, 2025, after being noticed by the Reno Police Department ("RPD") that your employment was terminated, you attended a meeting with the RPPA Executive Board in order to discuss your termination as a police officer. Following this meeting, the RPPA Executive Board voted to approve continuing legal representation through the appeal to the City Manager.

Since the October 21, 2025 meeting, members of the RPPA Executive Board reviewed the entire internal affairs case file related to your termination in order to ensure that its members were fully informed of the sustained allegations that led to your termination.

On November 13, 2025, you, RPPA Director of Discipline and Discharge Joshua Sanford and Mr. Cotsonis attended a termination appeal hearing in front of City Manager Jackie Bryant. Mr. Cotsonis presented a written appeal as well as arguments related to why you believed the RPD had erred in terminating your employment.

On December 1, 2025, the RPPA received the "Disciplinary Appeal for Officer Wallace" from Ms. Bryant which upheld your termination.

On December 4, 2025, RPPA Director of Discipline and Discharge Joshua Sanford contacted you and offered an additional opportunity to present to the RPPA Executive Board any additional or new information you believe would support your request to move this matter to arbitration. You responded that you have no new information, and that you would not like an additional meeting with the RPPA Executive Board.

As the legal representative for the RPPA, I have reviewed the case materials and related information, and I attended the October 21, 2025, meeting where you presented your view of the merits of your case. Based on my experience, I do not believe that the RPPA can prevail on your case in arbitration. The City has seemingly established that you have committed serious policy violations, and you have been provided with progressive discipline. There does not

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dreherlaw@outlook.com – (775) 846-9804

DREHER LAW

Labor Advocacy

appear to be any viable legal arguments to support that your termination is not based on just cause, or that your termination is in violation of the current collective bargaining agreement or any past practices between the RPPA and the City.

Therefore, after a careful review of the facts related to your case, and after thoroughly reviewing the case documents and considering your statements at the RPPA Executive Board meeting, the RPPA Executive Board has voted not to continue supporting any further appeal of your termination and will not be moving this matter to arbitration. This does not stop you from moving forward with arbitration on your own in accordance with Article 29(d)(2).

Please feel free to contact me if you have any questions or would like clarification regarding this matter.

Very truly yours,



Ronald J. Dreher
Attorney for the RPPA

EXHIBIT 8

EXHIBIT 8

3:41

63



Okay Dan I
need to kn. **+1 (775) 287-6831**
will represent me. I don't have
much time before my 10 days are
up.

If there is anything new or
anything that has changed I just
thought it would be a good idea
to discuss all of that. If not, okay
then that's the case

You have 10 working days, I
believe that puts you to the 15th I
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If there is anything new, anything that has changed I just thought it would be a good idea to discuss that. If not, or if then the case

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You have 10 working days, I believe that puts you to the 15th I believe

I hear you I really do, I just need to know if I need to find a lawyer or if the association is going to represent me. I don't think I'm asking for much. I just need an answer.

If there is nothing new further, then no at this time Dan

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3:36

Friday I believe

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< 1

If there is no new
development on your end, then
the RPI shouldn't be supporting
it. It's time

+1 (775) 287-6831

Ok that's what I needed to know

But like I said above, if you'd like
to come in again and speak with
us we'd be more than happy to
speak with you and discuss any
new developments. I can
schedule it for tomorrow anytime
if you'd like. Please let me know

If your mind is already made up
regarding the information I
provided then that's that. I
believe this is a failure to meet
your obligations to represent
after I have been a dues paying
member if you're deciding not to
represent me.
But once again if you want me to
come in and state the same thing
after you have already told me
that you will not represent me
without new information then
there's no point in meeting with
you guys if you already made
your decision.

Are you sure? Why don't we do
this. I'll call a meeting on Monday
12-8-25 at 1300 hours. If you'd
like to come we'll be there

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Message

Does that work for you Dan?

3:59

62



+1 (775) 287-6831

Okay Dan

Okay Dan is not an answer. I just need to know if the association will represent me. I don't have much time before my 10 days are up.

If there is anything new or anything that has changed I just thought it would be a good idea to discuss all of that. If not, okay then that's the case

You have 10 working days, I believe that puts you to the 15th I believe

I hear you I really do, I just need to know if I need to find a lawyer or if the association is going to represent me. I don't think I'm asking for much. I just need an answer.

If there is nothing new further, then no at this time Dan

Delivered

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iMessage



3:35

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+1 (775) 287-6831

iMessage
Tuesday 2:10 PM

Hey Sanford it's Wallace. Hey wanted to let you know that I want to go to arbitration. I was talking to NERC and they want to know if you guys are going to represent me. Plus do you know how long I have to answer for arbitration.
Thanks man

Hi Dan. You have 10 working days to file the appeal. What's your personal email and I'll have our attorney reach out to you

Dwallace1@att.net

We don't get involved with the NERC, but he can explain it better

Thanks 👍

Oh thanks but they just wanted to know if you guys are going to represent me through arbitration or not.



iMessage



regarding the information I
provided then that's that. I
believe this is a failure to meet

obligations to represent
I have been a paying
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represent **+1 (775) 287-6831**

But once again if you want me to
come in and state the same thing
after you have already told me
that you will not represent me
without new information then
there's no point in meeting with
you guys if you already made
your decision.

Are you sure? Why don't we do
this. I'll call a meeting on Monday
12-8-25 at 1300 hours. If you'd
like to come, we'll be there

Does that work for you Dan?

Sanford, you just said you are
not going to represent me if I
have no new information. Did I
miss understand? I have no new
information. All the information I
have was heard by you in the
meeting with the city manager.
What is it that you guys need to
hear from me that you have not
heard already? Once again I have
nothing new.

Okay Dan

Delivered



iMessage



3:41



meeting with
What is it **+1 (775) 287-6831**
hear from me that you have not
heard already? Once again I have
nothing new.

Okay Dan

Okay Dan is not an answer. I just
need to know if the association
will represent me. I don't have
much time before my 10 days are
up.

If there is anything new or
anything that has changed I just
thought it would be a good idea



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EXHIBIT 9

EXHIBIT 9

FILED
July 20, 2026
State of Nevada
E.M.R.B.

STATE OF NEVADA
GOVERNMENT EMPLOYEE-MANAGEMENT
RELATIONS BOARD

DANIEL WALLACE,
Complainant,
v.
RENO POLICE PROTECTIVE ASSOCIATION,
Respondent.

Case No.: 2026-005

NOTICE OF ENTRY OF ORDER
EN BANC

TO: Complainant DANIEL WALLACE; and

TO: Respondent RENO POLICE PROTECTIVE ASSOCIATION and its attorneys, Ronald J. Dreher, Esq. and Dreher Law.

PLEASE TAKE NOTICE that the ORDER was entered in the above-entitled matter on July 20, 2026.

A copy of said order is attached hereto.

DATED this 20th day of July 2026.

GOVERNMENT EMPLOYEE-
MANAGEMENT RELATIONS BOARD

By: Kelley Valadez
KELLY VALADEZ
Executive Assistant

CERTIFICATE OF MAILING

I hereby certify that I am an employee of the Government Employee-Management Relations Board, and that on the 20th day of July 2026, I served a copy of the foregoing **NOTICE OF ENTRY OF ORDER** by mailing a copy thereof, postage prepaid to:

Daniel Wallace
7127 Beacon Dr.
Reno, NV 89506

Ronald Dreher, Esq.
Dreher Law
P.O. Box 6494
Reno, NV 89513

Additionally, a copy of the foregoing was emailed to the following:

Daniel Wallace
djwallace1@att.net

Ronald Dreher, Esq.
ron@dreherlaw.net


KELLY VALADEZ
Executive Assistant

FILED
July 20, 2026
State of Nevada
E.M.R.B.

STATE OF NEVADA
GOVERNMENT EMPLOYEE-MANAGEMENT
RELATIONS BOARD

DANIEL WALLACE,
Complainant,
v.
RENO POLICE PROTECTIVE ASSOCIATION,
Respondent.

Case No.: 2026-005

ORDER

EN BANC

On July 10, 2026, this matter came before the State of Nevada, Government Employee-Management Relations Board (the "Board") for consideration and decision pursuant to the provisions of the Employee-Management Relations Act, NRS Chapter 233B, and NAC Chapter 288. At issue were Respondent Reno Police Protective Association's ("RPPA") (1) Motion to Dismiss, filed on May 18, 2026, and (2) Motion for Leave to File Reply to Response to Motion to Dismiss Complaint, filed on June 12, 2026. In reviewing both motions, the Board considered the following filed documents:

(1) Complainant Daniel Wallace's Complaint for Breach of Duty of Fair Representation, filed April 10, 2026 ("Complaint");

(2) RPPA's Motion to Dismiss, filed May 18, 2026 ("Motion to Dismiss");

(3) Complainant's Opposition to Respondent's Motion to Dismiss, filed May 23, 2026 ("Opposition"); and

(4) RPPA's Motion for Leave to File Reply to Response to Motion to Dismiss Complaint, filed June 12, 2026.

//

I.

FINDINGS OF FACT

1. On April 10, 2026, Complainant Daniel Wallace filed the Complaint. RPPA alleges the Complaint was sent via certified mail to RPPA's business address and not served in a manner permitted by NAC 288.080(1) and NRCP 4.2(c)(1)(A). Motion to Dismiss, p. 4, ll. 1-4.

2. As filed, the Complaint filed does not include a certificate of service, and neither party has provided as an exhibit to any filed document any evidence or proof of service.

3. Complainant does not dispute RPPA's factual allegation regarding how service was made. *See* Opposition, p. 5, § G. Instead, Complainant alleges RPPA "received actual notice of the Complaint and fully responded on the merits by filing both an Answer and Motion to Dismiss." *Id.* Accordingly, Complainant argues actual RPPA's actual notice of the Complaint cures any alleged service defect. *Id.*

4. Based on the arguments of the parties and because the Board is without evidence of the contrary, the Board finds Complainant Daniel Wallace did not serve the Complaint upon RPPA via personal service to any individual.

5. Any finding of fact better characterized as a conclusion of law shall be so deemed, and vice versa.

II.

CONCLUSIONS OF LAW

1. Pursuant to NRS 288.110(2) and NRS 288.280, the Board has exclusive jurisdiction over violations of NRS Chapter 288. The Board's jurisdiction is limited and does not extend to matters beyond the purview of NRS Chapter 288. *See Annette Shaw v. Nye County Employees Ass'n*, Case No. 2019-018, Item No. 860 (2019).

2. NAC 288.080(1) governs issuance of service of process and other papers for contested matters before the Board, providing in relevant part:

The issuance and service of process of papers required by this chapter must be in conformity with the Nevada Rules of Civil Procedure and the rules and regulations of the Board.

NAC 288.080(1).

1 3. NRCP 4.2(c) sets forth the acceptable means by which a Nevada entity or association
2 may be served. The rule does not permit service of process on an entity or association via certified mail
3 alone. Instead, for an entity or association, service generally must be made via personal service. NRCP
4 4.2(c). For an association, such service must be made on the registered entity of the association, any
5 managing or general agent of the association, or any other agent authorized by appointment or by law to
6 receive service of process. NRCP 4.2(c)(1)(A). If, for any reason, service cannot be made under Rule
7 4.2(c)(1), leave may be sought to serve the Nevada Secretary of State, in the association's stead,
8 pursuant to NRCP 4.2(c)(3).

9 4. Because Complainant failed to serve the Complaint by any of the means required by
10 NAC 288.080(1) and authorized by NRCP 4.2(c), the Complaint must be dismissed for insufficient
11 service of process. Although RPPA may have had actual notice of the Complaint despite Complainant's
12 failure to properly serve the Complaint, the Nevada Supreme Court has made clear that "notice is not a
13 substitute for service of process." *C.H.A. Venture v. G.C. Wallace Consulting Engineers, Inc.*, 106 Nev.
14 381, 384, 794 P.2d 707, 709 (1990). Instead, "[p]ersonal service or a legally provided substitute must
15 still occur in order to obtain jurisdiction over a party." *Id.*

16 5. Furthermore, pursuant to NAC 288.375(1), the Board may dismiss a matter "[i]f the
17 Board determines that no probable cause exists for the complaint." To substantiate probable cause, a
18 complaint must include "[a] clear and concise statement of the facts constituting the alleged practice
19 sufficient to raise a justiciable controversy under chapter 288 of NRS, including the time and place of
20 the occurrence of the particular acts and the names of persons involved." NAC 288.200(1)(c) (emphasis
21 added). If a complaint lacks sufficient factual allegations to raise a justiciable controversy, it necessarily
22 lacks probable cause and is subject to dismissal. See *Thomas D. Richards v. Police Managers and*
23 *Supervisors Association*, Case No. A1-046094, Item No. 788 (2013) (emphasis added).

24 6. The Board concludes no probable cause exists for the Complaint as filed, as the
25 document fails to set forth sufficient factual allegations. For example, the Complaint alleges
26 "Complainant was subject to disciplinary action and sought representation and assistance from RPPA."
27 Complaint, p. 2, § IV, ¶ 11. However, Complainant fails to specify what the disciplinary action was,
28 when it was taken, by whom the action was taken, how representation was sought, etc. Overly broad

1 and conclusory statements like those found in the Factual Allegations section of the Complaint do not
2 suffice to serve as factual allegations that describe the events underlying the Complaint well enough to
3 put the respondents on notice as to what exactly is being alleged or complained of.

4 **III.**

5 **ORDER**

6 For the reasons above, IT IS HEREBY ORDERED RPPA's Motion to Dismiss is GRANTED.
7 Accordingly, the matter is dismissed without prejudice. The Board admonishes that any new complaint
8 filed must cure for the deficiencies identified in this order to withstand potential dismissal with
9 prejudice.

10 IT IS FURTHER ORDERED RPPA's Motion for Leave to File Reply to Response to Motion to
11 Dismiss Complaint is DENIED as MOOT, and the Board did not consider RPPA's reply when deciding
12 the Motion to Dismiss.

13 IT IS SO ORDERED.

14 Dated this 20th day of July 2026.

15 GOVERNMENT EMPLOYEE-MANAGEMENT
16 RELATIONS BOARD

17 BY: 

18 BRENT C. ECKERSLEY, Chair
19
20
21
22
23
24
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28

Daniel Wallace (Complainant)

**Opposition to Respondent's Motion to Dismiss;
Request to Deny Fees and Costs; and Alternative
Request for Leave to Cure Service**

FILED
September 21, 2026
State of Nevada
E.M.R.B.
5:15 p.m.

2 Daniel Wallace, Pro Se
3 7127 Beacon Dr. Reno NV, 89506
4 775-287-6831
5 djwallace1@att.net
6

7 **BEFORE THE STATE OF NEVADA**
8 **GOVERNMENT EMPLOYEE-MANAGEMENT RELATIONS BOARD**
9

DANIEL WALLACE,

Complainant,

v.

RENO POLICE PROTECTIVE
ASSOCIATION,

Respondent.

Case No.: 2026-013

**COMPLAINANT DANIEL WALLACE'S
OPPOSITION TO RESPONDENT'S
MOTION TO DISMISS; REQUEST TO
DENY FEES AND COSTS; AND
ALTERNATIVE REQUEST FOR LEAVE
TO CURE SERVICE**

10
11 **I. INTRODUCTION**

12 Respondent asks the Board to dismiss this renewed duty-of-fair-representation complaint
13 with prejudice and to assess fees and costs. The motion should be denied because the Complaint
14 pleads concrete dates, named participants, specific documentary evidence, objective body-worn-
15 camera evidence, identified categories of comparator discipline, and a detailed December 2025
16 text-message sequence. Those allegations raise factual questions concerning whether RPPA
17 conducted a rational and sufficiently meaningful grievance review before ending union-
18 supported representation at arbitration.

19 The motion also materially mischaracterizes the Complaint in at least two respects. First,
20 it treats RPPA's own representation that Executive Board members reviewed the entire Internal
21 Affairs files as though Wallace conceded that the claimed review occurred and was adequate.
22 The Complaint expressly says the opposite: it pleads the statement as RPPA's representation and
23 not as an independently established fact. Second, the motion says Wallace admitted that he did
24 not appear again before the Executive Board and cites paragraph 48, but paragraph 48 contains
25 no such admission. It pleads Sanford's text that he would call a December 8 meeting and that
26 Wallace could attend, after Wallace had already stated he would come in and repeat the same
27 information if RPPA wanted him to do so.

28 The service issue should not justify dismissal with prejudice. Wallace acknowledges the
29 Board's July 20, 2026 order and does not ask the Board to disregard it. He asks, in the
30 alternative, for leave to cure any service defect immediately. That request is especially
31 appropriate because current NAC 288.200(2)(a) expressly directs a complainant to serve the
32 complaint by certified mail, and the EMRB's own current public guidance likewise instructs
33 complainants to serve an initial complaint by certified mail. RPPA had actual notice, filed both
34 an Answer and this Motion, and identifies no merits prejudice caused by the service method.
35 Under NAC 288.235, curable defects that do not prejudice substantial rights may be corrected or
36 disregarded.

1 II. RELEVANT FACTUAL ALLEGATIONS AND RECORD

2 A. RPPA expressly relied on its claimed review of the IA files, progressive discipline, and past
3 practice.

4 The Complaint alleges that RPPA's December 5, 2025 merit letter represented that
5 members of the Executive Board reviewed the entire Internal Affairs case file related to
6 Wallace's termination and that RPPA later repeated to the EMRB that its review found no issue
7 warranting arbitration. The Complaint expressly pleads those statements as RPPA's
8 representations about what it says it reviewed, not as concessions that the review occurred as
9 claimed or was adequate. Compl. ¶¶ 17-20. RPPA's Answer admits paragraph 17.

10 The Complaint further alleges that RPPA relied on progressive discipline and the asserted
11 absence of a viable past-practice argument in explaining its refusal to support arbitration. Compl.
12 ¶¶ 20, 30. That stated rationale makes same-and-similar discipline and the quality of RPPA's
13 comparative review directly material to whether its decision had a rational basis.

14 B. The Complaint identifies objective supervisory and body-worn-camera evidence material
15 to truthfulness and just cause.

16 The termination included a truthfulness finding arising from the January 2024 domestic-
17 violence investigation. The Complaint identifies contemporaneous body-worn-camera evidence
18 concerning Wallace's communication with Sgt. Scott Nelson, including Wallace's position that
19 he repeatedly communicated that he had or would complete an incident report and that Nelson
20 did not immediately correct him or direct him, at that time, to prepare a crime report. Compl. ¶¶
21 21-25. Because intentional dishonesty and credibility were central to the termination decision,
22 the supervisor interaction, objective recording, and later recollections were plainly material to a
23 rational just-cause review.

24 The Complaint does not demand that RPPA accept Wallace's version of every disputed
25 fact. It alleges that a rational grievance review had to meaningfully examine objective conflicts
26 between recordings, documents, and later recollections before concluding there was no viable
27 basis for arbitration. Compl. ¶¶ 26-29, 59-61.

28 C. The Complaint pleads specific comparator categories tied to RPPA's own progressive-
29 discipline rationale.

30 Paragraphs 31 through 40 identify ten confidential comparator categories, including
31 sustained domestic-violence investigation, body-worn-camera, report-process, and Code of
32 Conduct/Values & Ethics violations resulting in documented oral counseling, written
33 reprimands, training, held-in-abeyance suspension, or limited unpaid suspension. The Complaint
34 explains that the identities and case numbers were omitted from the public pleading because the
35 records were produced subject to confidentiality restrictions, and that Wallace can identify them
36 through an appropriate confidential procedure. Compl. ¶¶ 31-42.

37 These allegations are not offered merely to prove that the City treated someone else
38 differently. They are relevant because RPPA itself relied on progressive discipline and past
39 practice when deciding that arbitration lacked merit. The Complaint alleges that RPPA could not
40 rationally invoke those concepts without adequately investigating or using readily relevant same-
41 and-similar discipline. Compl. ¶¶ 50-55.

1 D. The complete December 2025 text sequence materially disputes RPPA's characterization
2 that Wallace did not want to meet.

3 RPPA's Motion relies on Exhibit 8 and asserts that Wallace did not provide additional
4 information and did not appear again before the Executive Board. Mot. at 3-4. The Complaint
5 pleads a fuller contemporaneous sequence: on December 2 Wallace told Joshua Sanford that he
6 wanted arbitration and asked whether RPPA would represent him; on December 3 Sanford asked
7 whether Wallace wanted to speak with the Executive Board again; the exchange then focused on
8 whether Wallace had "anything new," whether "anything has changed," or whether there were
9 "new developments." Compl. ¶¶ 43-46.

10 Wallace questioned the purpose of repeating the same presentation if RPPA had already
11 conditioned reconsideration on new information, but he nevertheless stated that if RPPA wanted
12 him to come in and state the same information again, he would do so. Compl. ¶ 47. Sanford then
13 texted: "I'll call a meeting on Monday 12-8-25 at 1300 hours. If you'd like to come, we'll be
14 there." Compl. ¶ 48. The Complaint carefully does not allege that this message, standing alone,
15 proves an Executive Board meeting was formally noticed, officially scheduled, convened, or
16 held. It does establish a factual dispute over RPPA's later characterization that Wallace did not
17 want another meeting. Compl. ¶ 49.

18 Wallace possesses a more complete text-message chain than the eight pages selected as
19 RPPA Exhibit 8. To the extent the Board considers the text messages in resolving the Motion,
20 Wallace requests that the complete chain be considered rather than a selective subset. Wallace
21 can submit the full screenshots as a supplemental exhibit or at hearing as directed by the Board.

22 III. LEGAL STANDARD

23 NAC 288.200 requires a complaint to contain a clear and concise statement of facts
24 sufficient to raise a justiciable controversy under NRS Chapter 288, including the time and place
25 of the particular acts and the names of persons involved. NAC 288.375 permits dismissal when
26 the Board determines that probable cause is lacking. At this stage, the issue is whether the
27 pleaded facts raise a justiciable controversy and probable cause for further proceedings, not
28 whether Wallace has already proven his claim after a full evidentiary hearing.

29 Nevada recognizes that an employee organization owes a duty of fair representation and
30 must not act arbitrarily, discriminatorily, or in bad faith. *Weiner v. Beatty*, 121 Nev. 243, 249,
31 116 P.3d 829, 832-33 (2005). As RPPA's own Motion acknowledges, a union may act arbitrarily
32 when it simply ignores a meritorious grievance or handles it perfunctorily, including by failing to
33 conduct a minimal investigation of a grievance brought to its attention. *Peterson v. Kennedy*, 771
34 F.2d 1244, 1253-54 (9th Cir. 1985); see also *Woodard v. Sparks Police Protective Ass'n*, Case
35 No. 2018-026, EMRB Item No. 853-A.

36 NAC 288.235 further authorizes amendment or correction of pleadings and permits the
37 Board to disregard defects that do not affect substantial rights. That rule favors resolution of a
38 factually pleaded controversy on its merits rather than dismissal with prejudice for a curable
39 procedural defect.

1 IV. ARGUMENT

2 A. The Complaint contains detailed factual allegations and satisfies the probable-cause
3 pleading standard.

4 The Motion repeatedly says the Complaint contains "absolutely no factual allegations."
5 That characterization cannot be reconciled with the pleading. The Complaint identifies the
6 March 1, 2024 PIP; the July 18, 2024 disciplinary recommendations; the January 2024 incident;
7 the October 21, 2025 RPPA Executive Board presentation; the November 13, 2025 City
8 Manager appeal; the December 1, 2025 decision; the December 2-8 text sequence; named
9 participants including Sanford, Cotsonis, Bryant, Nelson, and Soto; ten comparator categories;
10 and the precise nature of the BWC/supervisor and credibility evidence Wallace contends RPPA
11 failed to meaningfully evaluate.

12 Those are factual allegations. RPPA may dispute them, but a factual dispute is not the
13 same as an absence of factual pleading. Indeed, RPPA's Answer itself demonstrates that disputes
14 exist: it admits paragraph 17 concerning RPPA's December 5 representation about its IA-file
15 review; states that it lacks sufficient information to admit or deny paragraphs 43-47 concerning
16 the text sequence; and admits that Sanford texted Wallace as alleged in paragraph 48. Those
17 responses underscore why dismissal based on a supposed absence of facts is inappropriate.

18 B. RPPA's Motion misstates the Complaint concerning the alleged second Board meeting.

19 The Motion states that Wallace "admittedly did not appear again" and cites paragraph 48.
20 Mot. at 8. Paragraph 48 does not say that. It quotes Sanford's message that he would call a
21 meeting on December 8 and that Wallace could attend. Paragraph 47 alleges that Wallace had
22 already told Sanford that if RPPA wanted him to come in and repeat the same information, he
23 would do so. Paragraph 49 then expressly disputes RPPA's later characterization that Wallace
24 did not want another meeting.

25 This matters because the Motion asks the Board to accept RPPA's interpretation of a
26 disputed communication as a dispositive fact. The complete message sequence instead supports
27 an evidentiary question: whether RPPA genuinely offered a meaningful reconsideration of the
28 grievance, or conditioned further representation on "new" information while declining to revisit
29 material evidence already presented or contained in the files it says it reviewed.

30 C. RPPA's Motion improperly converts RPPA's claimed full-file review into a concession by
31 Wallace.

32 The Motion states that Wallace conceded that RPPA Executive Board members reviewed
33 the entire IA files and found no issue warranting arbitration. Mot. at 8. The Complaint
34 deliberately avoids that concession. Paragraphs 17-19 plead what RPPA represented about its
35 review and expressly state that those representations are not independently established facts
36 merely because RPPA asserted them.

37 If RPPA did review the entire IA materials as it claims, then the reasonableness of how it
38 treated the objective BWC/supervisor evidence, credibility conflicts, and progressive-discipline
39 material is directly at issue. If RPPA did not review the materials as broadly as it represented,
40 that would present a different factual issue. Either way, the subject requires factual development
41 rather than dismissal on the pleadings.

1 D. The comparator allegations are sufficient and material even without an identical
2 sustained-untruthfulness comparator.

3 RPPA argues that Wallace has not identified a comparator who was sustained for
4 untruthfulness and not terminated. Mot. at 10. That argument narrows the pleaded DFR theory
5 too far. Wallace is not asking the Board, at the motion stage, to decide that every comparator is
6 identical. He alleges that RPPA itself relied on progressive discipline and past practice while
7 refusing arbitration, yet failed to meaningfully investigate or use material disciplinary
8 comparisons across the same policy areas and credibility issues that formed the termination case.

9 The Complaint identifies concrete comparator categories and dispositions. Whether
10 particular comparators are sufficiently similar, what RPPA knew about them, and what weight a
11 rational union review should have given them are evidentiary questions. The absence of one
12 perfectly identical comparator does not erase the pleaded factual question whether RPPA
13 conducted a meaningful comparative review before invoking progressive discipline and past
14 practice against Wallace.

15 E. The Albert allegation is pleaded narrowly and supports discovery into neutrality; it does
16 not depend on a present allegation that Albert voted.

17 RPPA argues that the Albert racial-slur allegation is irrelevant because Wallace does not
18 presently allege that Albert voted on or influenced the arbitration decision. Mot. at 10. The
19 Complaint intentionally does not overstate the evidence. It alleges that the City's later final
20 discrimination/retaliation report documented a sustained IA finding concerning Albert's
21 "monkey" comment; that RPPA itself later characterized the matter as conduct involving a racial
22 slur by a member of its governing body; and that these circumstances warrant factual
23 development concerning Albert's exact RPPA role and what neutrality or conflict safeguards, if
24 any, were used. Compl. ¶¶ 76-80.

25 That careful pleading is a reason to permit factual development, not a basis for dismissal.
26 Wallace does not ask the Board to assume participation that has not yet been proven.

27 F. RPPA's Exhibits 1 through 9 do not establish a basis for dismissal.

28 RPPA Exhibits 1 through 3 concern the underlying Internal Affairs findings and
29 disciplinary recommendations. They establish that discipline occurred; they do not resolve
30 whether RPPA conducted a rational, non-perfunctory review of the grievance before
31 withdrawing arbitration support. Indeed, because RPPA says it reviewed the underlying files,
32 those materials are part of the factual context in which the adequacy of the union's review must
33 be evaluated.

34 RPPA Exhibit 4 is the termination letter. It establishes the adverse employment action
35 that generated the grievance; it does not establish that RPPA fulfilled its independent duty of fair
36 representation in deciding whether to arbitrate.

37 RPPA Exhibit 5 consists of appeal letters and reflects that RPPA provided representation
38 through the City Manager stage. Wallace does not deny that representation occurred. His claim
39 concerns the later decision to discontinue union-supported representation at arbitration and the
40 manner in which RPPA evaluated that decision.

41 RPPA Exhibit 6 is the December 1, 2025 City Manager decision. That decision is part of
42 the grievance history, but it does not adjudicate whether RPPA's later grievance review was
43 arbitrary, discriminatory, or in bad faith. The Complaint further alleges that RPPA
44 representatives were present when credibility became a material issue at the City Manager stage,

1 which put RPPA on notice that the evidentiary basis for the City's credibility determination
2 mattered to arbitration review.

3 RPPA Exhibit 7, the December 5 merit letter, is not merely a defense exhibit; it is central
4 evidence supporting the Complaint. The letter is the source of RPPA's representations that it
5 reviewed the IA materials and its reliance on progressive discipline, just cause, and past practice.
6 Those stated reasons make the adequacy of the claimed IA review and same-and-similar
7 discipline analysis factual issues.

8 RPPA Exhibit 8 contains selected text messages. Wallace disputes that the eight-page
9 selection presents the complete material context. The Complaint pleads the broader December 2-
10 8 sequence, including Wallace's statement that he would come in and repeat the same
11 information if RPPA wanted him to do so, followed by Sanford's statement that he would call a
12 December 8 meeting. At minimum, the competing characterizations of the messages create a
13 factual dispute that cannot properly be resolved by accepting RPPA's selected excerpt as
14 conclusive.

15 RPPA Exhibit 9 is the July 20, 2026 order dismissing the prior case. Wallace
16 acknowledges that order and its service instruction. Exhibit 9 does not adjudicate the merits of
17 the renewed DFR allegations. To the extent the Board finds service of the renewed complaint
18 defective, Wallace requests immediate leave to cure rather than dismissal with prejudice,
19 particularly in light of the current language of NAC 288.200 and the Board's public certified-
20 mail guidance.

21 **G. Any service defect should be cured, not used to dismiss the claim with prejudice and**
22 **impose fees.**

23 Wallace acknowledges the July 20, 2026 order quoted in RPPA's Motion, which directed
24 that a new complaint comply with the applicable Nevada Rules of Civil Procedure. Wallace does
25 not ask the Board to disregard that order. He requests leave to cure any defect immediately by
26 personal service on an authorized RPPA agent in the manner the Board deems required.

27 The record, however, strongly weighs against treating the service method as willful
28 defiance or as a basis for sanctions. Current NAC 288.200(2)(a) states that a complainant shall
29 serve a copy of the complaint by certified mail on all parties in interest at their last known
30 addresses and promptly provide the USPS tracking number to the Board. The EMRB's current
31 public FAQ likewise states that, after filing a complaint, the complainant serves the respondent
32 by certified mail within seven days. EMRB's 2025 public guide, "ABC's of Prosecuting a
33 Claim," gives the same instruction for an initial complaint.

34 That public regulatory language creates understandable procedural tension with the prior
35 order's application of NAC 288.080 and NRCP 4.2(c). Wallace therefore asks the Board to
36 distinguish between a curable service error and a frivolous or bad-faith filing. RPPA indisputably
37 received actual notice, filed an Answer, and filed a detailed Motion to Dismiss on the merits.
38 Wallace is prepared to complete any additional personal service the Board requires and file proof
39 promptly. Under NAC 288.235, the Board may permit correction or cure when substantial rights
40 are not prejudiced.

41 **H. Fees and costs are not warranted.**

42 RPPA seeks fees and costs on the premise that Wallace ignored the prior order and filed a
43 factless or frivolous complaint. The record does not support that characterization. The Complaint
44 contains extensive factual allegations; the service issue arises against the backdrop of NAC
45 288.200 and the Board's own public instructions expressly directing certified-mail service of an

V. REQUEST FOR RELIEF

Wallace respectfully requests that the Board: (1) deny RPPA's Motion to Dismiss; (2) find that the Complaint pleads sufficient facts to raise a justiciable controversy and probable cause for further proceedings; (3) deny RPPA's request for fees and costs; (4) consider Wallace's complete December 2025 text-message chain so that RPPA's selected Exhibit 8 is not considered out of context; (5) accept the attached certified-mail records as proof of the service method Wallace used on August 19, 2026; and (6) in the alternative, if the Board determines that service of the renewed Complaint was defective, grant Wallace a short period to cure service and promptly file proof rather than dismissing the Complaint with prejudice.

DATED this 21st day of September, 2026.

DWallace

Daniel Wallace, Complainant, Pro Se

CERTIFICATE OF SERVICE

I, Daniel Wallace, certify that on September 21, 2026, I served a true and correct copy of the foregoing **COMPLAINANT DANIEL WALLACE'S OPPOSITION TO RESPONDENT'S MOTION TO DISMISS; REQUEST TO DENY FEES AND COSTS; AND ALTERNATIVE REQUEST FOR LEAVE TO CURE SERVICE**, including its attached exhibits, on counsel for Respondent, Ronald J. Dreher, by electronic mail in PDF format to ron@dreherlaw.net.

DWallace

Daniel Wallace

**BEFORE THE STATE OF NEVADA
GOVERNMENT EMPLOYEE-MANAGEMENT RELATIONS BOARD**

DANIEL WALLACE,
Complainant,

Case No. 2026-013

v.

RENO POLICE PROTECTIVE ASSOCIATION,
Respondent.

**EXHIBIT A
COMPLETE DECEMBER 2025 TEXT MESSAGE EXCHANGE**

Complete chronological text-message screenshots between Daniel Wallace and RPPA representative Joshua Sanford concerning Wallace's request for arbitration, representation, and the proposed December 8, 2025 Executive Board meeting.

Submitted in support of Complainant's Opposition to Respondent's Motion to Dismiss.

8:59

Signal strength, Wi-Fi, and battery icons.



14

I'll call Paul cause my
complaints against Re
Admin Reno admin is
done
Sanford investigation

Cool

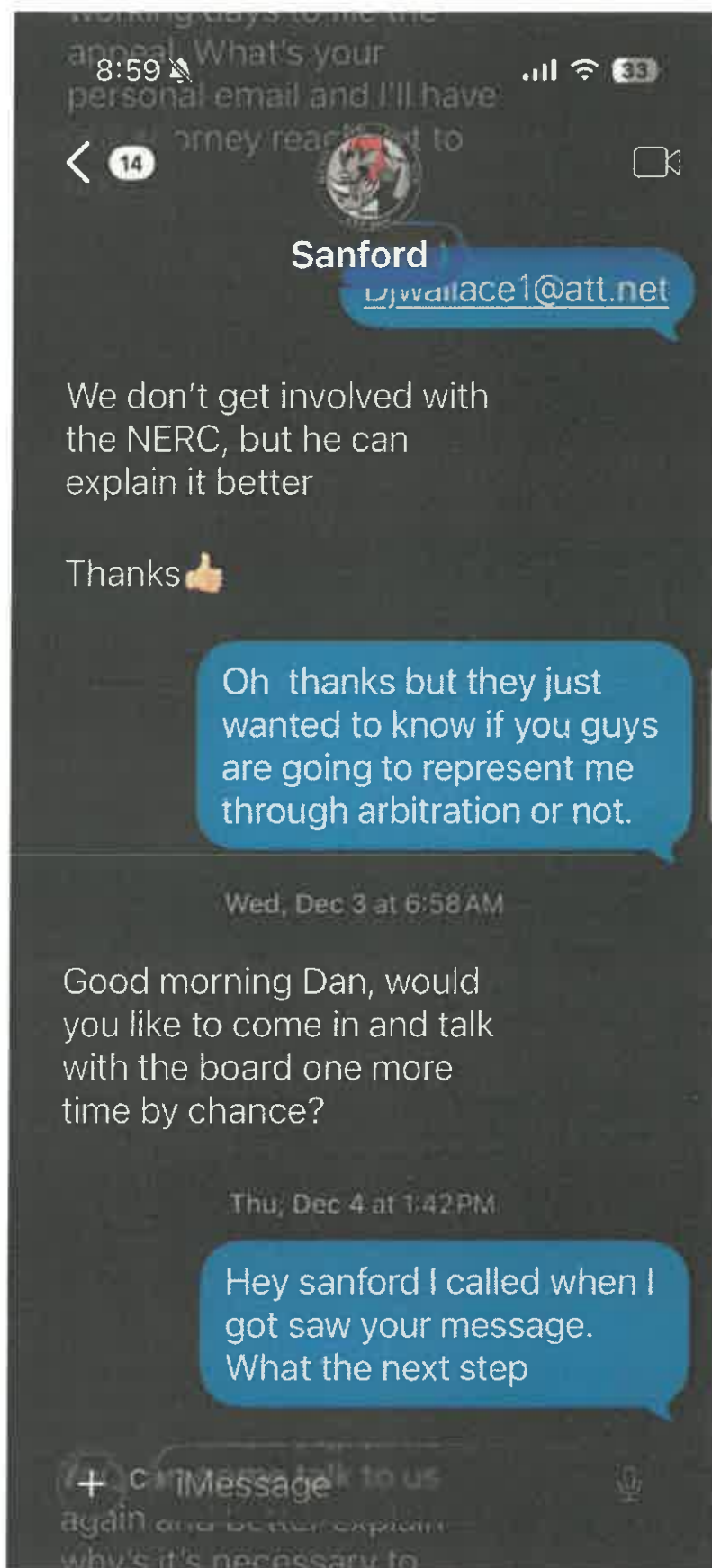
Tue, Dec 2 at 2:10 PM

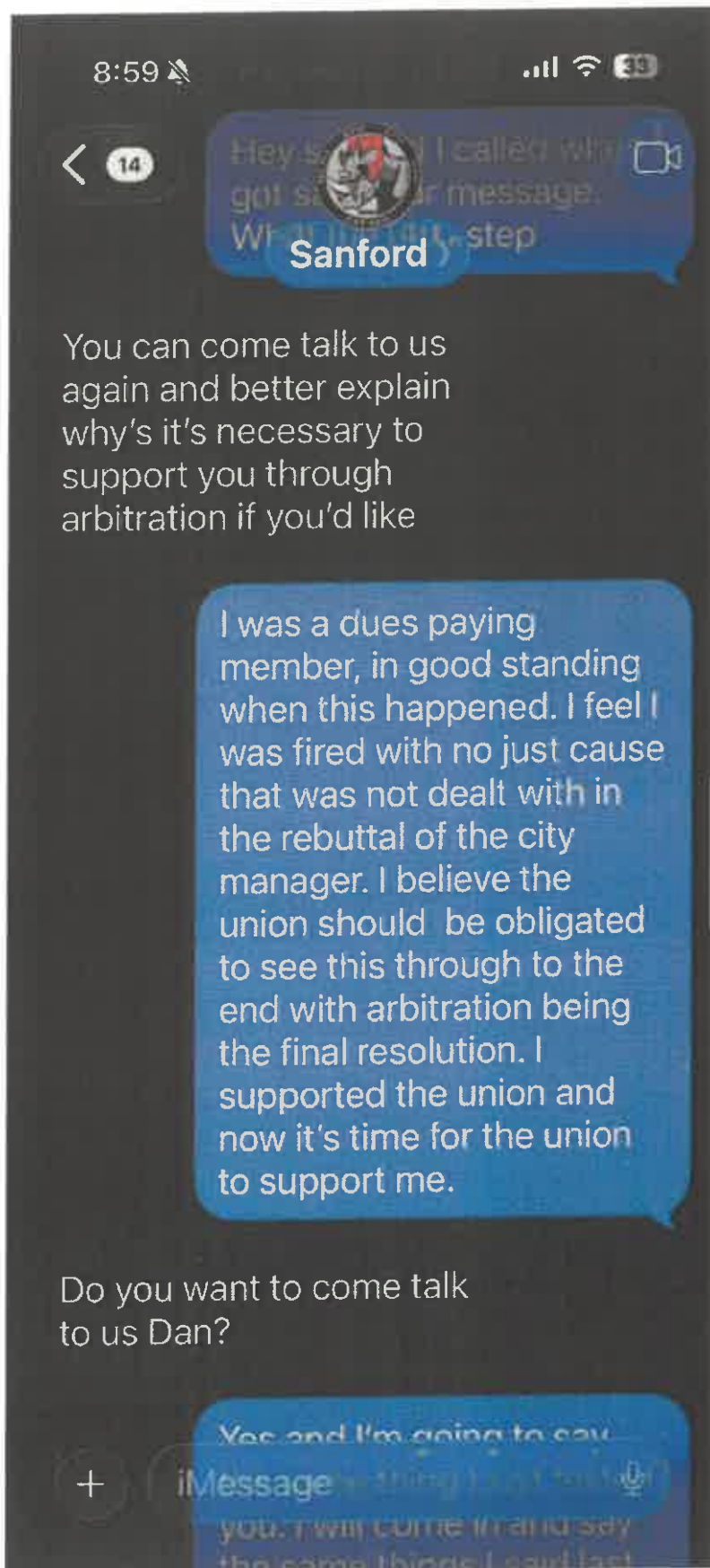
Hey Sanford it's Wallace.
Hey wanted to let you know
that I want to go to
arbitration. I was talking to
NERC and they want to
know if you guys are going
to represent me. Plus do
you know how long I have
to answer for arbitration.
Thanks man

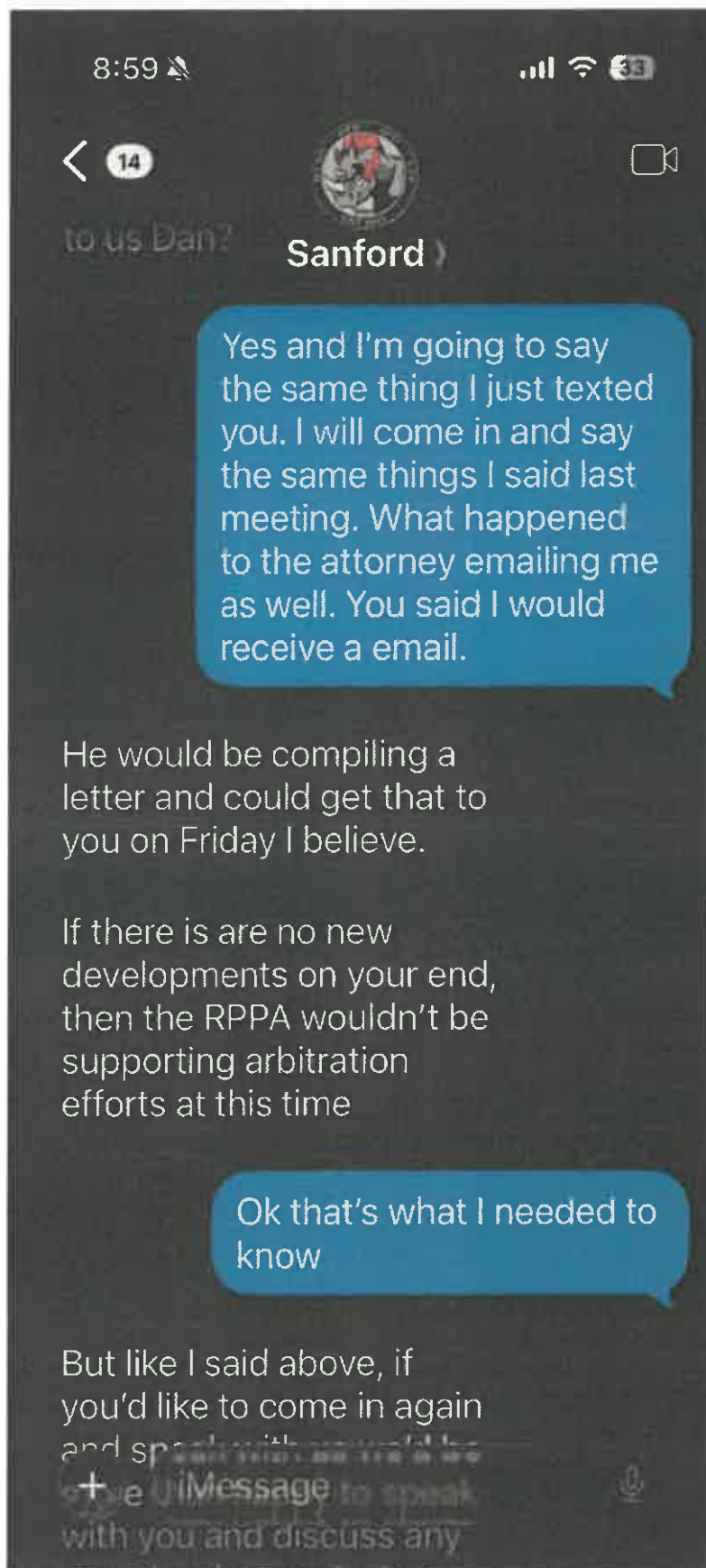
Hi Dan. You have 10
working days to file the
appeal. What's your
personal email and I'll have
our attorney reach out to
you

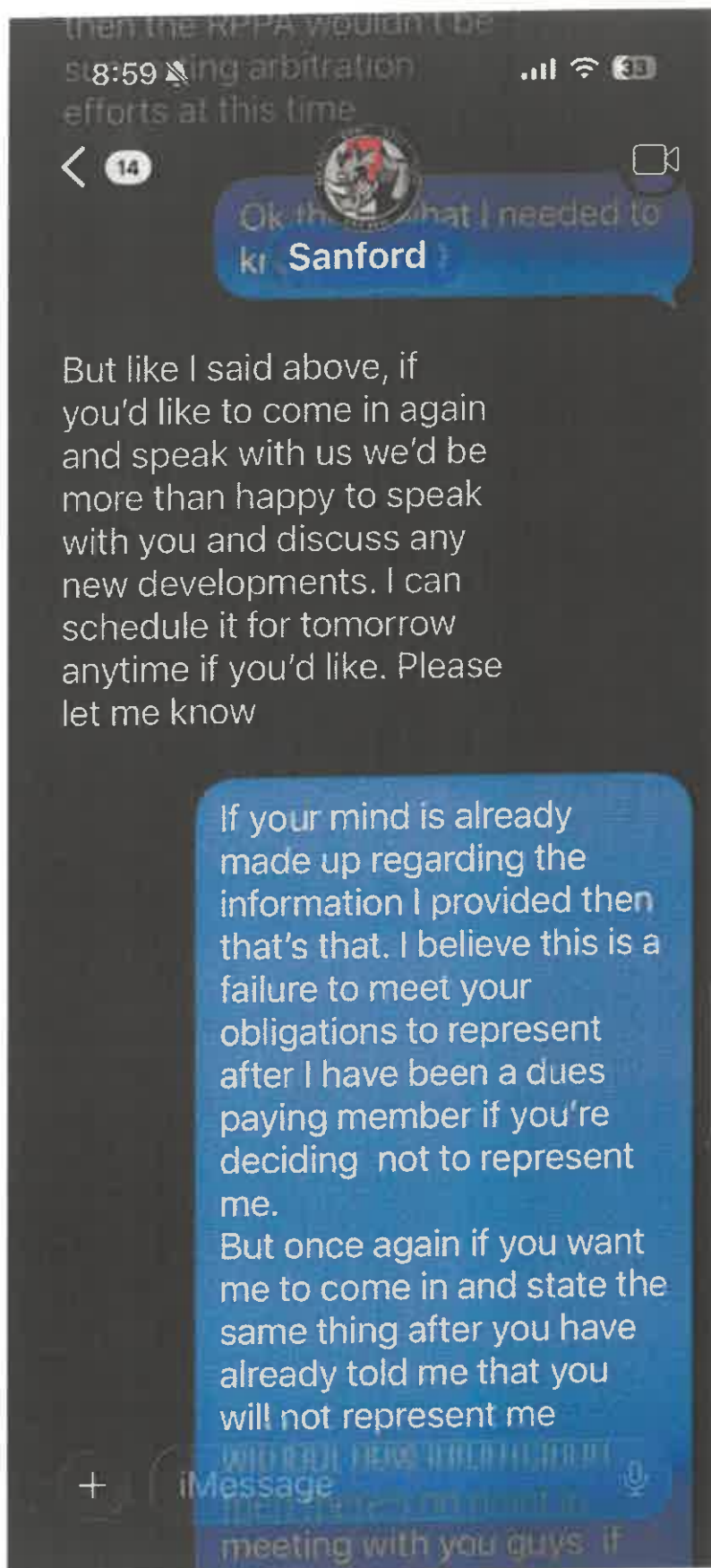
Djwallace1@att.net

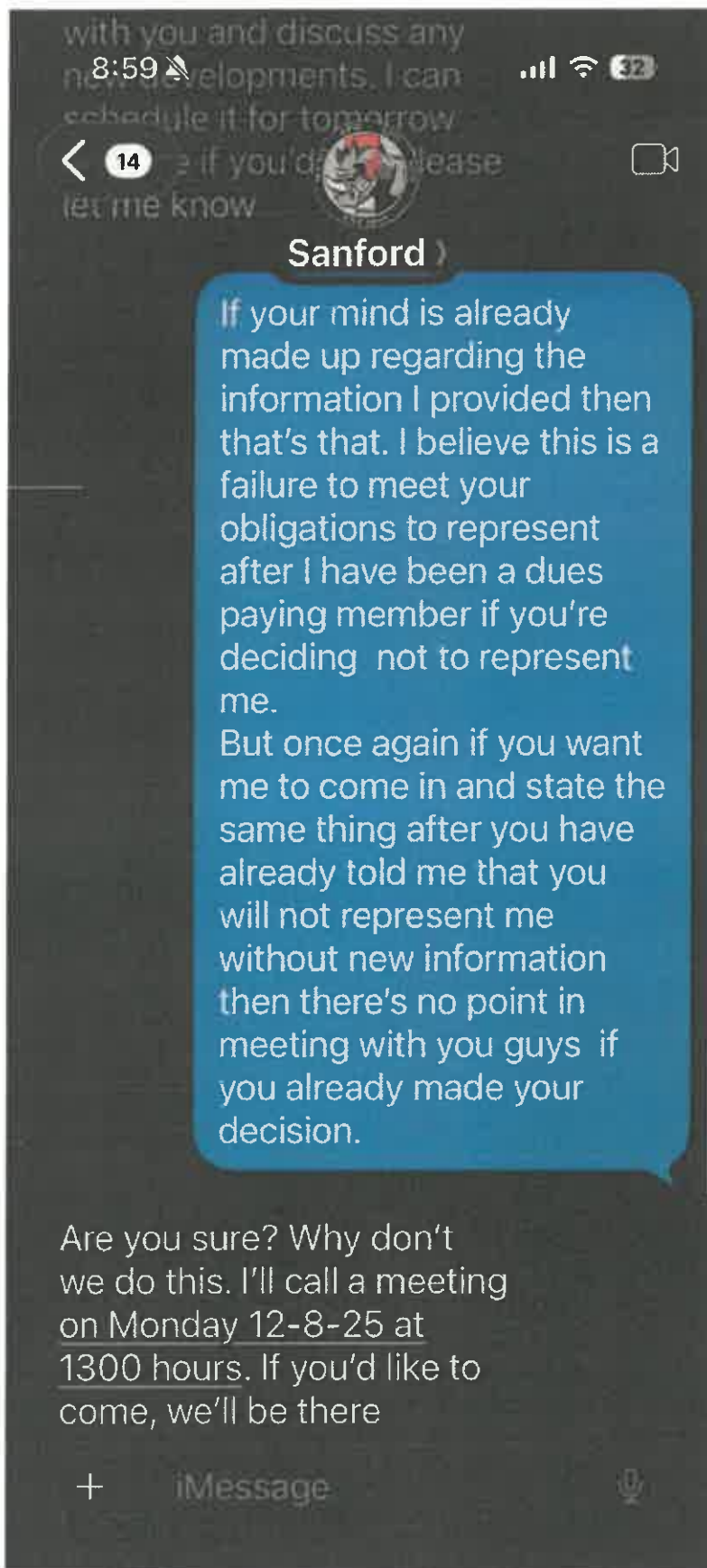
We don't get involved with
+ iMessage

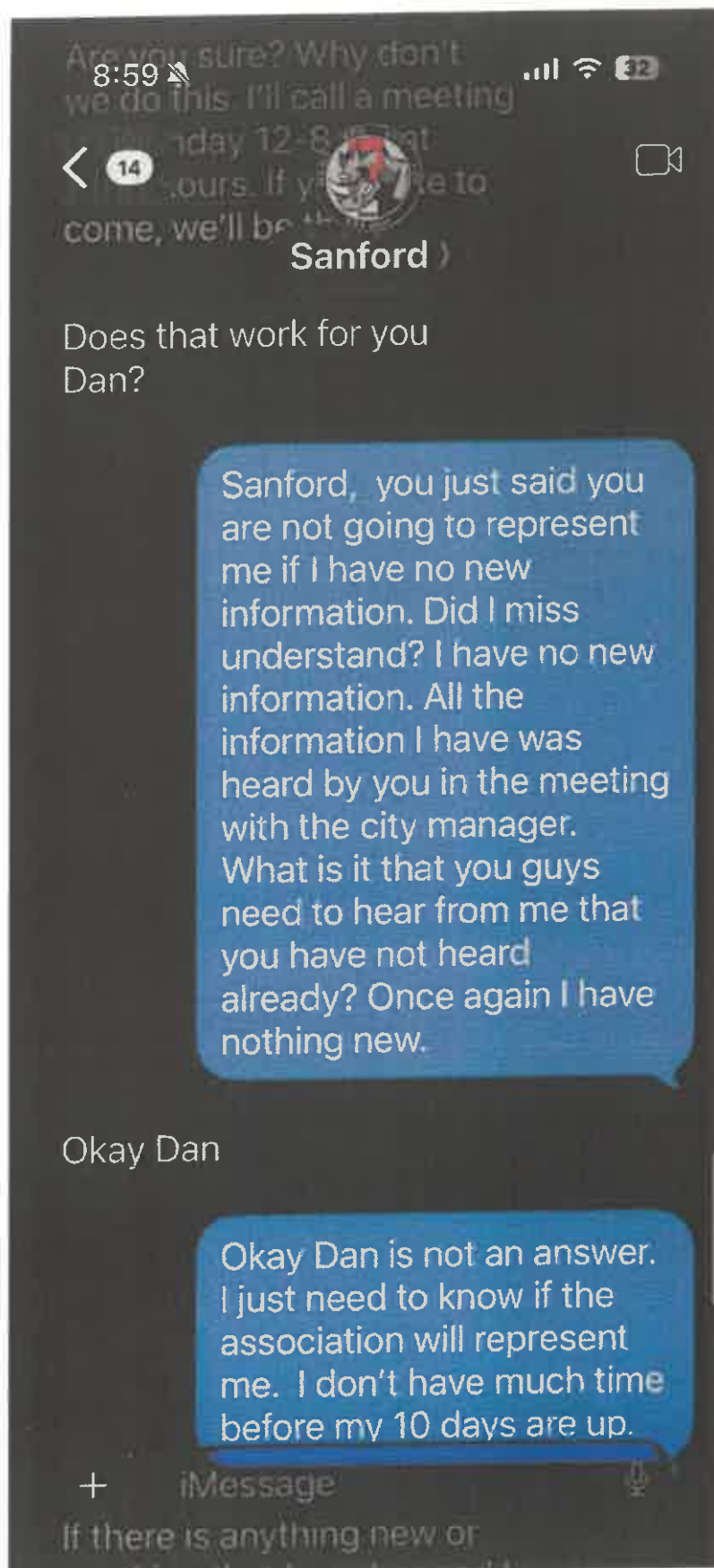


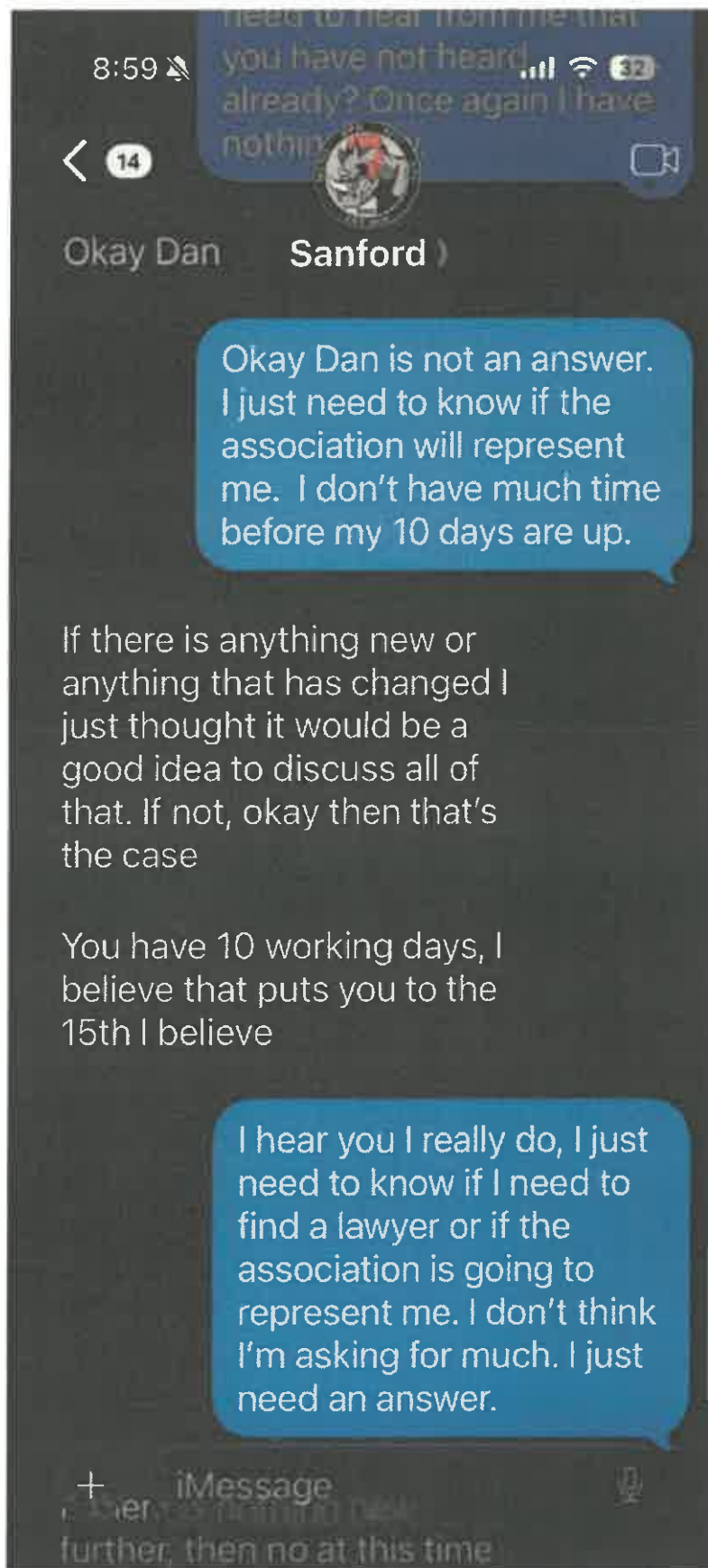












8:59

I just need to know if the
association will represent
me. I don't have much time
before 10 days are up

< 14



If there is any **Sanford**
anything that has changed I
just thought it would be a
good idea to discuss all of
that. If not, okay then that's
the case

You have 10 working days, I
believe that puts you to the
15th I believe

I hear you I really do, I just
need to know if I need to
find a lawyer or if the
association is going to
represent me. I don't think
I'm asking for much. I just
need an answer.

If there is nothing new
further, then no at this time
Dan

Copy

Delivered



iMessage



**BEFORE THE STATE OF NEVADA
GOVERNMENT EMPLOYEE-MANAGEMENT RELATIONS BOARD**

**DANIEL WALLACE, Complainant
v.
RENO POLICE PROTECTIVE ASSOCIATION, Respondent**

Case No. 2026-013

EXHIBIT B

USPS CERTIFIED MAIL RECEIPT — AUGUST 19, 2026

Tracking No. 9589 0710 5270 4000 9476 38

Submitted as proof of the certified-mail service method used in connection with the renewed Complaint.

EXHIBIT 1

USPS Certified Mail Receipt - August 19, 2026
Tracking No. 9589 0710 5270 4000 9476 38

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

For delivery information, visit our website at www.usps.com™.

Recd: NV 89502

OFFICIAL USE

0670
17

Certified Mail Fee	\$5.55
Extra Services & Fees (check box, and fee)	\$0.00
☐ Return Receipt Hardcopy	\$0.00
☐ Return Receipt eReceipt	\$0.00
☐ Certified Mail Restricted Delivery	\$0.00
☐ Adult Signature Required	\$0.00
☐ Adult Signature Restricted Delivery	\$0.00

Postage \$0.82

Total Postage and Fees \$6.37

Sent to: Reno Police Protective Association
Street and Apt. No., & PO Box No. 3100 Mill St Suite 204
City, State, ZIP+4® Reno NV 89502

PS Form 3800, January 2023 PSN 7530-02-000-9000 See Reverse for Instructions

**BEFORE THE STATE OF NEVADA
GOVERNMENT EMPLOYEE-MANAGEMENT RELATIONS BOARD**

**DANIEL WALLACE, Complainant
v.
RENO POLICE PROTECTIVE ASSOCIATION, Respondent**

Case No. 2026-013

EXHIBIT C

USPS MAILING LABEL / ADDRESSED CERTIFIED-MAIL EVIDENCE

Tracking No. 9589 0710 5270 4000 9476 38

Addressed to ATTN: RPPA President, 3100 Mill St., Suite 204, Reno, Nevada 89502.

EXHIBIT 2

USPS Mailing Label / Addressed Certified-Mail Evidence
Tracking No. 9589 0710 5270 4000 9476 38



RPPA (Respondent)

Reply in Support of Motion to Dismiss

FILED
September 28, 2026
State of Nevada
E.M.R.B.
3:09 p.m.

Ronald J. Dreher
NV Bar No. 15726
DREHER LAW
P.O. Box 6494
Reno, NV 89513
Telephone: (775) 846-9804
ron@dreherlaw.net
Attorney for Respondent

BEFORE THE STATE OF NEVADA
GOVERNMENT EMPLOYEE-MANAGEMENT RELATIONS BOARD

DANIEL WALLACE,

Case No.: 2026-013

Complainant,

Panel:

vs.

RENO POLICE PROTECTIVE
ASSOCIATION,

Respondent.

REPLY IN SUPPORT OF MOTION TO DISMISS

COMES NOW, Respondent RENO POLICE PROTECTIVE ASSOCIATION, by and through its undersigned attorney, hereby files its Reply in Support of Motion to Dismiss that it filed on September 7, 2026. This reply is based on the following memorandum of points and authorities, the pleadings and papers on file herein and any other material the Board chooses to consider.

///

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///

MEMORANDUM OF POINTS AND AUTHORITIES

I. INTRODUCTION

Respondent Reno Police Protective Association (“RPPA”) is an employee organization as defined in N.R.S. 288.040. It is the recognized bargaining unit for police officers employed by the City of Reno (“City”). The RPPA and the City have a negotiated collective bargaining agreement (“CBA”) that covers multiple subjects to include discipline and discharge procedures. Complainant Daniel Wallace (“Wallace”) at all times relevant was a local government employee as defined in NRS 288.050. Wallace was a member of the RPPA during his employment at the Reno Police Department (“RPD”) and faced several disciplinary actions that resulted in his termination.

Wallace filed a complaint against the RPPA on August 18, 2026, in which he is seemingly alleging that the RPPA failed to fairly represent him in the matter related to his termination. The RPPA vehemently denies these claims, and on September 7, 2026, it filed a motion to dismiss the complaint. Wallace filed a response on September 21, 2026, in which he attempts to claim that his complaint is sufficiently plead to withstand the motion to dismiss, but he fails to raise a justiciable controversy or to establish there is probable cause for his complaint. In addition, Wallace had previously filed a complaint that was dismissed without prejudice on July 20, 2026, based in part on the fact that Wallace did not properly serve the RPPA. (**Mot. Ex. 9**). In this order, the Board specifically detailed how Wallace was to serve the RPPA were he to file a new complaint. *Id.* Despite the clear and unambiguous terms of the order, Wallace admittedly did not follow the order and did not properly serve the RPPA. On this basis alone the current complaint should be dismissed with prejudice and Wallace ordered to pay all fees and costs to the RPPA for having to defend this matter.

1 The RPPA, in an abundance of caution and despite not being properly served, filed an
2 answer and its motion to dismiss in order to comply with the relevant statutes and rules, and in
3 no way is conceding that it was ever actually served by Wallace. Pursuant to NAC 288.240(4),
4 the RPPA is now filing its reply related to Wallace's response in opposition to the RPPA's
5 motion to dismiss.

6 **II. LEGAL AUTHORITY**

7
8 NRCP 4.2(c) sets forth the acceptable means by which a Nevada entity or association
9 may be served. This rule defines that "[a]n entity or association that is formed under the laws of
10 this state, is registered to do business in this state, or has appointed a registered agent in this
11 state, may be served by delivering a copy of the summons and complaint to: (i) the registered
12 agent of the entity or association; (ii) any officer or director of a corporation; (iii) any partner
13 of a general partnership; (iv) any general partner of a limited partnership; (v) any member of a
14 member-managed limited-liability company; (vi) any manager of a manager-managed limited-
15 liability company; (vii) any trustee of a business trust; (viii) any officer or director of a
16 miscellaneous organization mentioned in NRS Chapter 81; (ix) any managing or general agent
17 of any entity or association; or (x) any other agent authorized by appointment or by law to
18 receive service of process. an entity or association, service generally must be made via personal
19 service. NRCP 4.2(c)(1)(A). If, for any reason, service cannot be made under Rule 4.2(c)(1),
20 leave may be sought to serve the Nevada Secretary of State, in the association's stead, pursuant
21 to NRCP 4.2(c)(3).

22
23 The Board may dismiss a complaint for lack of probable cause under NAC 288.375(1).
24
25 A complaint must contain a "clear and concise statement of the facts constituting the alleged
26 practice sufficient to raise a justiciable controversy under Chapter 288, including the time and
27
28

1 place of the occurrence of the particular acts and the names of persons involved.” See NAC
2 288.200; see also Clark County Public Employees Association, SEIU Local 1107 vs. Clark
3 County, Case No. A1-045496, EMRB Item 281 (11/21/90). If a complaint lacks sufficient
4 factual allegations to raise a justiciable controversy, it necessarily lacks probable cause and is
5 subject to dismissal. See Thomas D. Richards v. Police Managers and Supervisors Association,
6 Case No. A1-046094, Item No. 788 (08/19/13).

7
8 The Board must dismiss the Complaint if it determines that no probable cause exists for
9 the Complaint, NAC 288.375(1), or if a complainant files a spurious or frivolous complaint.
10 NAC 288.375(5). In the present matter, the complaint, and response to the motion to dismiss,
11 completely fail to provide any factual allegations and instead contains mere labels and
12 conclusions or a formulaic recitation of the elements of a cause of action, and it must be
13 dismissed. NAC 288.375.

14 15 **III. ARGUMENT**

16 **A. Wallace Failed to Properly Serve the Complaint.**

17
18 As detailed in its motion, the RPPA continues to contend that the complaint was never
19 properly served on the RPPA, and this alone mandates that it be dismissed. In an abundance of
20 caution, and to ensure that its rights are protected, the RPPA filed an answer and its motion, but
21 it does not waive any defense or argument related to the failure of Wallace to properly serve the
22 complaint. In this matter, as in the previously dismissed matter, Wallace only mailed the
23 complaint to the RPPA’s business address, and never properly served the RPPA.

24
25 This failure to properly serve the RPPA is aggravated by the fact that this Board, when it
26 dismissed the previous complaint by Wallace on July 20, 2026, clearly and unambiguously
27 advised Wallace that any newly filed complaint must be served in accordance with NAC
28

1 288.080(1). (**Mot. Ex. 9 at p. 4**). This NAC requires that the “issuance and service of process of
2 papers required by this chapter must be in conformity with the Nevada Rules of Civil Procedure
3 and the rules and regulations of the Board.” (**Id. at ¶ 2**). The Board further explained that,

4 NRCP 4.2(c) sets forth the acceptable means by which a Nevada entity or
5 association may be served. The rule does not permit service of process on
6 an entity or association via certified mail alone. Instead, for an entity or
7 association, service generally must be made via personal service. NRCP4
8 4.2(c). For an association, such service must be made on the registered
9 entity of the association, any managing or general agent of the
10 association, or any other agent authorized by appointment or by law to
11 receive service of process. NRCP 4.2(c)(1)(A). If, for any reason, service
12 cannot be made under Rule 4.2(c)(1), leave may be sought to serve the
13 Nevada Secretary of State, in the association's stead, pursuant to NRCP
14 4.2(c)(3).

15 (**Id. at ¶ 3**). Wallace, despite acknowledging that he understood the Board’s previous
16 order to complete proper service, does not dispute his failure to comply with the service
17 requirement. Instead, he asks for leave, for now the third time, to cure the insufficient service
18 despite the Board’s clear and unambiguous order mandating that Wallace comply with the
19 service requirements. As correctly noted by the Board in its July 20 order, the failure of Wallace
20 to properly serve the RPPA has denied the Board jurisdiction over the RPPA and this matter.
21 See C.H.A. Venture v. G. C. Wallace Consulting Eng'rs, 106 Nev. 381, 383, 794 P.2d 707, 708
22 (1990) (defining that a judgment may be rendered “either for or against a person or entity only if
23 [the applicable body] has jurisdiction over the parties and the subject matter.” (citing Young v.
24 Nevada Title Company, 103 Nev. 436, 442, 744 P.2d 902, 905 (1987)). Given that the RPPA
25 was not properly served, no jurisdiction exists for this Board to render a judgment, and the
26 complaint must be dismissed with prejudice.

27 Further, Wallace willingly and admitingly ignored the Board’s previous order, which
28 amounts to contempt. NRS 22.010(3) defines that “[d]isobedience or resistance to any lawful

1 writ, order, rule or process issued by the court or judge at chambers” constitutes contempt. To
2 be the basis for a judgment of contempt an order must be “clear and unambiguous, and must
3 spell out the details of compliance in clear, specific and unambiguous terms so that the person
4 will readily know exactly what duties or obligations are imposed on him.” Cunningham v.
5 Eighth Judicial Dist. Court, 102 Nev. 551, 559-560, 729 P.2d 1328, 1334 (1986) (citing
6 Southwest Gas Corp. v. Flintkote Co., 99 Nev. 127, 659 P.2d 861 (1983)). Here, Wallace does
7 not dispute that he read and understood the Board’s July 20, 2026, order, or that the order was
8 not clear and unambiguous as to what service was required. Rather, he admits that he knew and
9 understood the service requirements but claims to have been confused by information on the
10 EMRB website and due to not correctly reading the applicable NAC. However, these claims do
11 not excuse the fact that this Board clearly and unambiguously advised Wallace of the service
12 requirements in the July 20, 2026, order, and his reasoning simply cannot be accepted.

15 What is evident is that Wallace has chosen not to comply with the service requirements
16 and to ignore the Board’s previous order. Therefore, this Board does not have jurisdiction over
17 the RPPA in this matter, the complaint must be dismissed with prejudice, and Wallace should
18 not be permitted to file yet another complaint as he has demonstrated he is unwilling to comply
19 with the applicable requirements.

21 NRS 288.110(6) permits the Board to “award reasonable costs, which may include
22 attorneys’ fees, to the prevailing party.” NAC 288.373(1)(a,c) further clarifies that the Board
23 may “impose sanctions against a party who fails: (a) To comply with an order of the Board . . .
24 or . . . (c) To comply with any applicable provisions of this chapter or chapter 288 of NRS.”
25 NAC 288.373(2)(a-b) defines that sanctions may include the “(a) Striking a pleading of a party;
26 and (b) Ordering the party to pay to the other party reasonable attorney’s fees and costs.” As
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1 detailed above, the Board should strike Wallace's pleading and should also award fees and costs
2 to the RPPA for Wallace's blatant failure to comply with the Board's order and to comply with
3 the applicable provisions of NRS Chapter 288 and NAC Chapter 288. Wallace fails to provide
4 good cause as to why he did not comply with the July 20, 2026, order or why he did not comply
5 with the applicable rules and statutory requirements. Instead, he only makes excuses for his
6 failures while simultaneously acknowledging that this Board clearly defined its expectations and
7 requirements related to the filing and service of any subsequent complaint. As such, Wallace
8 should be reprimanded and sanctioned for his contempt toward this Board and ordered to pay all
9 fees and costs the RPPA has incurred in having to defend this matter. NRS 288.110(6); NAC
10 288.375(1-2).
11

12
13 **B. Failure to Establish Probable Cause.**

14 This Board addressed in detail in the Woodard v. Sparks Police Protective Association,
15 Case 2018-026, EMRB Item No. 853-A the legal standards it considers when addressing a claim
16 that a union has not fairly represented a member. In the Woodard case, this Board explained that
17 the Nevada Supreme Court has recognized that employee organizations are subject to the duty
18 of fair representation. Weiner v. Beatty, 121 Nev. 243,249, 116 P.3d 829, 832 (2005); Cone v.
19 Nevada Serv. Employees Union/SEIU Local 1107, 116 Nev. 473, 478-79, 998 P.2d 1178, 1182
20 (2000). The Board detailed that the "duty of fair representation requires that when the union
21 represents or negotiates on behalf of a union member, it must conduct itself in a manner that is
22 not 'arbitrary, discriminatory, or in bad faith.'" Weiner, 121 Nev. at 249, 11 P.3d at 832-33.
23 "Union agents should not be held to a negligence standard of care, when the union for whom
24 they work is liable only if its representation is "arbitrary, discriminatory, or in bad faith.'" Id. at
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1 250; Peterson v. Kennedy, 771 F.2d 1244, 1253 (9th Cir. 1985); Vaca v. Sipes, 386 U.S.
2 171(1967).

3 In this matter, Wallace is attempting to have the Board rule on the merits of his
4 grievance and subsequent arbitration appeal, rather than address the claim that the RPPA
5 somehow failed in its duty to fairly represent him. Wallace provides no factual evidence that the
6 RPPA acted arbitrarily, in bad faith or in a discriminatory manner when it decided to end its
7 representation after the city manager appeal. Wallace bases his entire claim on his misstated
8 reasoning as to why the RPPA did not support his appeal to arbitration. His entire argument and
9 foundation for his claim is that the RPPA “expressly relied on progressive discipline and the
10 absence of a viable past-practice” to deny supporting arbitration. (**Compl. at ¶30**). Yet, this is
11 simply not factual as the RPPA explained to Wallace that he seemingly had been provided with
12 progressive discipline and that there were no viable legal arguments to support that the City had
13 violated the collective bargaining agreement or any established past practice. (**Mot. Ex. 7**). In
14 addition, the RPPA gave Wallace due process by permitting him to present his case to the
15 executive board, to provide any evidence he believed was relevant, and to ask and answer
16 questions while having legal representation to assist him. Moreover, the RPPA conducted an
17 investigation of its own by reviewing the entire internal affairs file related to Wallace’s
18 termination, as well as the previously sustained misconduct. After these steps the RPPA invited
19 Wallace to another meeting to explain any additional information that he believed was pertinent
20 and could assist the RPPA in determining if it should support the appeal to arbitration. Wallace
21 provided no further evidence and did not accept the RPPA’s invitation to attend another
22 executive board meeting to present his case. Therefore, the complaint fails to establish any
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1 factual allegations that the RPPA did not comply with its duty to fairly represent Wallace, and
2 the complaint should be dismissed as it is not supported by probable cause.

3 **1. The Complaint Contains no Facts to Support a Claim that the RPPA's**
4 **Actions Were Arbitrary.**

5 A union's conduct is said to be “‘arbitrary’ if it is ‘without rational basis,’ or is
6 ‘egregious, unfair and unrelated to legitimate union interests.’” Peterson, 771 F.2d at 1253
7 (citing Johnson v. United States Postal Service, 756 F.2d 1461, 1465 (9th Cir.1985); see also
8 Demetris v. Transp. Workers Union of Am., AFL-CIO, 862 F.3d 799, 805 (9th Cir. 2017) (a
9 union’s conduct will be “deemed arbitrary if it is ‘so far outside [the] ‘wide range of
10 reasonableness,’ that it is wholly ‘irrational.’”). For a union to be said to act arbitrarily, it must
11 be shown that it “simply ignores a meritorious grievance or handles it in a perfunctory manner,
12 for example, by failing to conduct a ‘minimal investigation’ of a grievance that is brought to its
13 attention.” Peterson, 771 F.2d at 1254 (internal citation omitted), (citing Tenorio v. National
14 Labor Relations Board, 680 F.2d 598, 601 (9th Cir.1982)). If a union failed to “consider
15 individually the grievances of particular employees where the factual and legal differences
16 among them were significant” or “permit employees to explain the events which led to their
17 discharge before deciding not to submit their grievances to arbitration” it may be said to be
18 acting arbitrarily. Peterson, 771 F.2d at 1254.
19
20
21

22 The crux of Wallace’s complaint is that he does not agree with the RPPA’s finding, after
23 the RPPA admittedly conducted an investigation and reviewed the relevant IA files, that
24 Wallace did not have a viable argument to support taking the matter to arbitration. (**Compl. at**
25 **¶54**). The rest of the complaint deals with Wallace’s version of the facts concerning his
26 arbitration, and it fails to demonstrate or allege that the RPPA acted arbitrarily in denying
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Wallace's request to support his arbitration. Rather, Wallace ignores the fact that he was sustained for a truthfulness violation, and a truthfulness violation goes directly to termination without progressive discipline as a peace officer cannot remain employed once they are found to be untruthful. The RPPA, as Wallace acknowledges, reviewed the entire IA files to determine if the City had violated Wallace's rights, had violated the CBA and/or had violated any past practices. After this review, and after permitting Wallace and his RPPA provided legal counsel to present Wallace's version of what had occurred, the RPPA came to the conclusion that the evidence did not support the City had violated Wallace's rights, the CBA or any established past practices. The RPPA is not aware of another member that has been sustained for truthfulness and was allowed to remain employed. Wallace provided no evidence or allegations that any other member who was sustained for untruthfulness was represented by the RPPA through arbitration. Moreover, Wallace does not allege that the RPPA acted irrationally by conducting its own review of the IA files, permitting him to present his case to the executive board, or by permitting Wallace to have legal representation when he appeared before the RPPA executive board. Rather, Wallace simply does not agree with the RPPA's decision, but he provided no factual allegations that demonstrate the RPPA acted irrationally or was unreasonable in determining that Wallace did not have a viable argument of violations by the City to take to arbitration. While Wallace may allege that he raised complaints of disparate and biased treatment in his appeal, he does not allege that the RPPA acted biased or disparate toward him or that the evidence supporting the sustained truthfulness finding was not substantial. Rather, Wallace alleges that he did not lie in his IA interview. Yet, after a careful review of the facts and evidence, the RPPA did not agree with his assertion and instead agreed that the City had established, by a preponderance of the evidence standard, that Wallace had indeed lied in his IA

1 interview. Truthfulness is automatic termination as a peace officer cannot conduct their duties if
2 they have been found to be untruthful. Thus, the RPPA did not find any evidence to support that
3 the Wallace was not untruthful in his IA investigation interview, that the City had violated the
4 CBA or any past practice by finding that Wallace was untruthful, and that there were just cause
5 violations regarding the sustained truthfulness charge. Given this, the RPPA did not, and still
6 does not, believe that Wallace had a viable appeal related to the most serious charge,
7 truthfulness, and this is why the RPPA made the decision not to support the grievance. This
8 decision was not reached lightly, but as the Board can see, Wallace cannot provide a single
9 comparator where the RPPA supported a member that was sustained and terminated for
10 truthfulness, or that it treated another member more favorably than Wallace. Given that a
11 sustained truthfulness violation results in termination, there is no progressive discipline to be
12 had prior to implementing this punishment.
13
14

15 As provided herein, the RPPA did not find any facts or evidence to support that Wallace
16 did not lie in his IA interview, that the City had violated his rights, the CBA and/or a past
17 practice in sustaining this untruthfulness violation, and as such, it chose not to support Wallace's
18 appeal to arbitration. Wallace's complaint contains no factual allegations that the RPPA acted
19 irrationally or unreasonably in coming to this conclusion, and instead he concedes that he was
20 provided due process and with representation through the city manager appeal.
21

22 Wallace also alleges that the RPPA ignored allegations of misconduct against the RPD
23 command staff that it should have considered when it made the decision to not support his
24 appeal to arbitration. However, Wallace provides no factual allegation that the RPPA had any
25 knowledge of misconduct by the RPD command staff at the time it chose not to continue its
26
27
28

1 representation of Wallace or that these allegations raised any reasonable grounds to support that
2 Wallace's sustained untruthfulness finding was not valid or supported by substantial evidence.

3 Wallace then includes an alleged racial slur by a current RPPA board member, but then
4 admits he has no evidence to support, and is not alleging, that this board member participated in
5 any decision related to Wallace's arbitration. Here again, Wallace provides no factual allegation
6 to support that what Wallace believes was a racial slur by an RPPA board member somehow
7 means the RPPA acted irrationally or unreasonably when it chose not to support his appeal to
8 arbitration. Wallace further acknowledged that just because the RPPA chose not to support his
9 appeal to arbitration, it was not fairly representing him. Yet, as with the previous complaint filed
10 by Wallace, he makes absolutely no factual allegation and provides no facts to support his
11 allegations. In fact, the entire complaint is filled only with conclusory statements that are
12 seemingly brought to fulfill what Wallace appears to believe are the elements of the statute he is
13 alleging was violated.
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15
16 Wallace admits the RPPA provided him with union and legal representation through the
17 city manager level appeal. (Compl. at ¶¶ 13-14). Wallace also admits that the RPPA executive
18 board provided him with due process by permitting him to present his case to the executive
19 board concerning why he believed he should be supported through arbitration, that he was
20 permitted to present evidence, and that he was represented by legal counsel provided by the
21 RPPA when he appeared before the RPPA executive board. (Compl. at ¶¶ 13-14, 43-48).
22 Therefore, the complaint should be dismissed with prejudice as Wallace has failed to provide
23 any factual allegations that support and/or demonstrate the RPPA acted arbitrarily or breached
24 its duty to fairly represent Wallace in deciding not to support this appeal to arbitration. Peterson,
25 771 F.2d at 1253; Johnson, 756 F.2d at 1465; Demetris, 862 F.3d at 805.
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1 **3. The Complaint Contains no Facts to Support a Claim that the RPPA's Actions**
2 **were Discriminatory.**

3 To prove discriminatory action, a complainant must “adduce substantial evidence of
4 discrimination that is intentional, severe, and unrelated to legitimate union objections.” Id. citing
5 Amalgamated Ass’n of St., Elec. Ry. & Motor Coach Emp. of Am. v. Lockridge, 403 U.S. at
6 299. The United States Supreme Court has long recognized that unions “must retain wide
7 discretion to act in what they perceive to be their members’ best interests.” Peterson, 771 F.2d at
8 1253. Thus, the United States Supreme Court has “stressed the importance of preserving union
9 discretion by narrowly construing the unfair representation doctrine.” Id. “Because a union
10 balances many collective and individual interests in deciding whether and to what extent it will
11 pursue a particular grievance, courts should ‘accord substantial deference’ to a union’s decisions
12 regarding such matters.” Id.

13 Wallace’s complaint contains absolutely no factual allegation, much less substantial
14 evidence, that the RPPA acted in a discriminatory manner toward Wallace in deciding not to
15 support his appeal to arbitration. Wallace makes no allegation that the RPPA’s decision to stop
16 its support of his case was based on discrimination, that any other member was treated more
17 favorably than Wallace, or that the RPPA’s decision was not legitimate. Rather, the complaint
18 fails to allege or support that any of the RPPA’s actions were discriminatory, that the RPPA
19 intentionally discriminated against Wallace, or that its decision related to Wallace’s appeal to
20 arbitration was not based on legitimate, RPPA business.

21 Wallace cites to several other cases of discipline of RPD officers, but he provides no
22 factual allegations that these officers were treated more favorably by the RPPA, or that the
23 RPPA even represented these members in these matters. Moreover, Wallace provides no
24

1 allegation or fact that these members were sustained for same or similar violations, that the
2 RPPA then provided these members more representation than it provided to Wallace, or that the
3 cases prove the RPPA discriminated against Wallace.

4 As established herein, Wallace has failed to demonstrate or state a claim for relief that
5 the RPPA acted arbitrary, discriminatory, or in bad faith when it denied Wallace's request to be
6 supported by the RPPA at arbitration. Weiner, 121 Nev. at 249, 11 P.3d at 832-33. Without any
7 evidence, much less substantial evidence, Wallace's claims fail, the complaint lacks probable
8 cause, and this matter must be dismissed. NAC 288.200; Clark County Public Employees
9 Association, SEIU Local 1107 vs. Clark County, Case No. A1-045496, EMRB Item 281
10 (11/21/90); Bybee & Gingell v. While Pine County Sch. Dist., Item No. 724B (2011).
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13 IV. CONCLUSION

14 Based on the foregoing, the RPPA respectfully request that the complaint brought by its
15 former member Danial Wallace be **DISMISSED** with prejudice and Wallace ordered to pay all
16 fees and costs the RPPA has incurred in having to defend this matter.
17

18 DATED this 28th day of September, 2026.

19 /s/ Ronald J. Dreher
20 Ronald J. Dreher
21 NV Bar No. 15726
22 DREHER LAW
23 P.O. Box 6494
24 Reno, NV 89513
25 Telephone: (775) 846-9804
26 ron@dreherlaw.net
27 *Attorney for Respondent*
28

CERTIFICATE OF SERVICE

Pursuant to NAC 288.070, the undersigned hereby certifies that I am the counsel for the Reno Police Protective Association and that on this date I served a true and correct copy of the preceding document addressed to the following:

Daniel Wallace
7127 Beacon Dr.
Reno, NV 89506
djwallace1@att.net

by electronic service by transmitting the copy electronically as an attachment to electronic mail in portable document format.

DATED this 28th day of September, 2026.

/s/ Ronald J. Dreher

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Attorney for Respondent

CERTIFICATE OF SERVICE

Pursuant to NAC 288.070, the undersigned hereby certifies that I am the counsel for the Reno Police Protective Association and that on this date I served a true and correct copy of the preceding document addressed to the following:

Marisu Abellar
Commissioner, EMRB
3300 W. Sahara Avenue
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Las Vegas, NV 89102
MAbellar@business.nv.gov

by electronic service by transmitting the copy electronically as an attachment to electronic mail in portable document format.

DATED this 28th day of September, 2026.

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