

# ELKO COUNTY SHERIFF'S POSSE BY-LAWS

## I. ESTABLISHMENT OF THE POSSE AS A UNIT OF THE ELKO COUNTY SHERIFF'S DEPARTMENT.

- A. Established during the month of October, 1982.
- B. Incorporated during the month of October, 1984.
- C. By-laws reviewed and submitted to Posse, October 1992.
- D. By-laws revised March, 2008

### CONDITIONS OF SERVICE

There is hereby established an independent group within the Elko County Sheriff's Department a unit, which shall be known as The **ELKO COUNTY SHERIFF'S POSSE and SEARCH AND RESCUE** (Posse), comprised of private citizens who volunteer their time and equipment to assist, without compensation, to lessen the burden on the Elko County Sheriff's Department. This unit shall conform to the procedures, policies, and meet training standards adopted by the Sheriff's Department and Posse leadership; they will conduct themselves in the professional manner demanded by this profession. The Posse members shall have limited peace officer authority when authorized by the Sheriff or his agents, as defined herein. The Posse shall operate solely as a unit within the organizational structure and in the service of, the Elko County Sheriff's Department. All Posse members shall serve at the pleasure of the Sheriff, or Under-Sheriff when the Under-Sheriff is acting as the Sheriff. All Posse members will enjoy the benefit of the Nevada State insurances same as the full-time deputies, while on training or on duty.

## II. MISSION AND TRAINING OF THE POSSE

- A. The primary function of the Posse is to provide professional grade Search and Rescue services to the Elko County Sheriff's Department.
- B. The secondary function of the Posse is to provide such other services as may be required by the Sheriff or by any authority of the Sheriff or Under-Sheriff during times of exceptional emergencies and excessive need.
- C. Posse directives require that members qualify under an in-house policy of minimum training standards to become and remain a member in good standing.
  1. The **Executive Officers** will set training type and institute standards to parallel or exceed standards of other peer Nevada search and rescue agencies.
  2. Training required by the Posse, will be provided to members through in-house training, contracted trainers, seminars or other methods deemed as practical training.
- D. Individual Posse members may, at their own discretion and expense with the approval of the Sheriff, Under-Sheriff, the Posse Commander, as appropriate, participate in extracurricular training. Such functions or training may include, but are not limited to:
  1. Peace Officer Standards Training (P.O.S.T.);
  2. Security for functions, (under conditions approved by the Sheriff);
  3. Riding with Deputies on patrol;
  4. Training with the Sheriff's Deputies and Reserves.

### III. POSSE ORGANIZATION

- A. The Posse shall consist of one **Commander**, one **Deputy Commander**, one **Field Lieutenant**, and one **Administrative Lieutenant** and as many **Sergeants** as needed, a **Secretary**, a **Treasurer**, at least three **Directors** and a qualified **General Membership**.
- B. The Posse Commander shall be appointed by the Sheriff and will act as the liaison between the Sheriff's Department and Posse membership.
- C. The general Posse membership will nominate qualified candidates from the General Membership for **Deputy Commander**, **Field Lieutenant** and **Administrative Lieutenant** positions during the September meeting and new officers will be elected by a secret vote of the General Membership during the October meeting. The Posse Secretary will make notification of nominations to all Posse members absent at September's meeting.
- D. **Sergeants** will manage individual Branch Services and will be appointed by the **Executive Committee** as needed.
- E. Qualifications: Candidates for officer positions must have at least **two years** of continual, offense-free Posse membership. Appointees for sergeant positions must have at least **one year** of offense-free Posse membership.
- F. The **General Membership** will consist of Elko County citizens who qualify and are accepted through the terms stated herein. They will enjoy all rights and privileges granted qualifying members.
- G. A quorum, as defined herein, must be present at both the September and October meetings. In the absence of a quorum the nominations and elections will be delayed until the next monthly meeting where a quorum is present. Members may vote by proxy provided a quorum is present.
- H. The Secretary shall be elected annually and must meet the General Membership qualifications.
- I. The Treasurer shall be elected annually and must meet the General Membership qualifications.
- J. Representatives of the Posse to third-party organizations shall be selected, as needed, by the Commander. The Commander shall describe to any person(s) their responsibility and authority connected with such selection.
- K. A quorum is defined as at least three executive officers and 25 percent of the General Membership.
- L. A proxy is defined as a written, dated and signed permission from a Posse member with specific instruction on how to cast a vote in his/her absence. The Secretary will not accept an oral proxy. A signed proxy may be mailed to the Posse Secretary or brought to the meeting by another Posse member.
- M. A Cadet program may be established at the discretion of Posse membership. Training and other cadet activities will be managed according to written policies regarding individual cadet involvement. No cadet program will commence without specific written policies in place.

### IV. POSSE MEMBER QUALIFICATIONS/REQUIREMENTS

- A. All members shall meet the following minimum qualifications/requirements:
  - 1. Must be 21 years of age or older.
  - 2. Submit and pass a Federal background investigation (N.C.I.C.)
  - 3. Be a citizen of the United States of America.

4. Be in good health and physical condition, free from any physical or mental impairment preventing him/her from performing assigned duties.
5. Be able to read, write, and speak the English language fluently.
6. Possess a valid Class "C" Nevada driver's license.
7. Be able to respond to a call on short notice.
8. Must possess, or be willing to obtain special knowledge, skills, and/or equipment as necessary to function as part of the unit.
9. All members will be required to wear the standard Posse uniform while on duty as required by the Sheriff or Under-Sheriff.

#### **V. POSSE DUTIES/STANDARDS OF CONDUCT.**

- A. General members will, at a minimum, be required to perform the following duties:
  1. Observe and follow all Sheriff's Office Department and Sheriff's Posse rules including, but not limited to, general and special orders, memorandums and operating procedures. Observe and obey all county, state, and federal regulations, ordinances and laws,
  2. Every Posse member shall be personally responsible for his or her actions while on duty.
  3. When on duty, Posse members shall be under the direction of the Sheriff, Under-Sheriff or any Deputy Sheriff who has authority to direct the activities of the Posse members consistent with standard operating procedures of the Sheriff's Department.
- B. Executive Board:
  1. The Executive Board shall consist of the following members:
    - a. The Posse Commander.
    - b. The Posse Deputy Commander
    - c. Both Posse Lieutenants
    - d. And at least the Chairman from the Board of Directors.
  2. The Executive Board shall meet when necessary:
    - a. To hear Grievances;
    - b. To determine and dispense Discipline;
    - c. To consider Membership applications;
    - d. To appoint Sergeants to Branch Services; and
    - e. Such other important business matters as necessary that don't exceed the authority described herein.
  3. The Executive Board will meet when called by Posse Commander or his/her alternate.
- C. Board of Directors:
  1. The Board of Directors shall consist of at least three members elected by the General Membership.
  2. The Board of Directors Shall meet when necessary to:
    - a. Audit the Posse books;

- b. Review the by-laws to insure they reflect the Posse's mission and recommend changes as necessary;
  - c. Review changes to the by-laws submitted by members to insure compliance with intent and meaning of the by-laws; and
  - d. Participate as part of the Executive Board.
- D. Duties and Requirements of the Commander:
1. Perform all duties required of the General Membership.
  2. Be responsible for the overall Posse operations.
  3. Adopt and enforce departmental rules and policies set forth by the Sheriff and
  4. Be liaison with the Sheriff's Department
  5. Perform the following specific duties:
    - a. Sit on the Executive Board.
    - b. Conduct monthly meetings.
    - c. Prepare annual Posse budget.
    - d. Set up qualification standards for officers.
    - e. Any other function or assignment as deemed necessary by the Sheriff or Under-Sheriff.
- E. Duties and Requirements of the Deputy Commander
1. Perform all duties required of the General Membership.
  2. Perform the following duties:
    - a. Sit on the Executive Board.
    - b. Be responsible for the enforcement of all rules governing the Posse and its members.
    - c. Assume the duties of the Commander in his absence.
    - d. Inform the Commander of any problems that may require a grievance or disciplinary hearing.
    - e. Perform administrative duties directed by the Commander
    - f. Be responsible for scheduling Posse members on duty.
    - g. Inform the Commander of any violations of the rules and regulations set forth in these by-laws.
    - h. Setting and implementation of training standards and "typing" of services.
    - i. Assure that all Posse training and accreditation meets Posse and Nevada state standards.
    - j. Operational synchronization between the field and administrative groups.
    - k. Maintain a contemporaneous and accurate set of training records for all Posse members.
- F. Duties and Requirements of the Field Lieutenant:
1. Perform all duties required of the General Membership.
  2. Perform the following duties:
    - a. Sit on the Executive Board when necessary.
    - b. Conduct monthly meetings in the absence of the Commander and Deputy Commander.
    - c. Provide the Secretary with changes to the roster.
    - d. Perform duties as directed by the Commander and Deputy Commander.

- e. Tabulate monthly hours and maintain record books for individual **Field Branch Service** groups.
  - f. Inform the Commander of any violations of the rules and regulations set forth in these by-laws.
  - g. When directed by the Commander, assume the duties of the Deputy Commander when he is absent or unable to perform his/her duties.
  - h. Coordination of activities, training and personnel matters within the **Field Branch services** and coordination of these activities with the Administrative Lieutenant and Deputy Commander
- G. Duties and Requirements of the Administrative Lieutenant:
- H. Perform all duties required of the General Membership. Perform the following duties:
- a. Sit on the Executive Board if and when necessary.
  - b. Provide the Secretary with changes to the roster.
  - c. Perform duties as directed by the Commander and Deputy Commander.
  - d. Inform the Commander of any violations of the rules and regulations set forth in these by-laws.
  - e. When directed by the Commander, assume the duties of the Deputy Commander when absent or unable to perform his/her duties.
  - f. Perform administrative duties requested by the Commander or Deputy Commander.
  - g. Responsible for coordination of activities, training and personnel matters within the administrative branch services and coordination of these activities with the Field Lieutenant and Deputy Commander.
  - h. Create and maintain an accurate inventory of all Posse property.
  - i. Maintain Posse property to usable or greater standards.
- I. Duties and Requirements of the Secretary:
- 1. Perform all duties required of the General Membership.
  - 2. The Secretary will report to the Lieutenant of Administrative Services
  - 3. The Secretary will perform the following duties:
    - a. Archiving all Posse records
    - b. Create and distribute minutes of all official Posse meetings
    - c. Notifying all members of upcoming training and business meetings
    - d. Keep and distribute a current member roster
- J. Duties and Requirements of the Treasurer:
- 1. Perform all duties required of the **General Membership**.
  - 2. Perform the following duties:
    - a. Collect and record all monies due including but not limited to
      - (1) Service Fees, and
      - (2) Donations and Contributions;

- b. Maintain records of cash receipts and payments;
- c. Maintain accurate bank reconciliations;
- d. Pay any financial obligations incurred by the Elko County Sheriff's Posse after a Full Membership vote has directed such action;
- e. Prepare and submit any State or Federal tax reports, and other mandatory tax reporting.

**VI. RESTRICTIONS** (RESTRICTIONS ARE AFFECTED BY POLICIES SET FORTH BY THE SHERIFF.)

- A. No member of the Posse will:
  - 1. Carry firearms on assigned duties unless authorized and qualified by the Department to do so.
  - 2. Identify themselves as peace officers of the Elko County Sheriff's Department for any purpose other than authorized by the Department.
  - 3. Use the authority of their office/membership to realize personal gains.

**VII. MEETINGS/ATTENDANCE**

**Business Meetings**

The Elko County Sheriff's Posse regularly meets once a month to conduct its business. Members will discuss and decide only on agenda items. Passage on any voting must be by a simple Majority (51% or more) vote of those present if those members constitute a quorum or if a member has voted by proxy.

There will be no exceptions.

- A. Regularly scheduled General Membership meetings will be held at 18:00 hours on the third Monday of each calendar month at the **Posse Headquarters** unless sufficient advance notice of change of day, time, or location is made. Training may be conducted during each regularly scheduled General Membership meeting and special SAR training will be scheduled at the will of the Officer deemed in charge, on an as-needed basis. No Posse business will be conducted at training meetings unless the **Special Meeting** rules are followed (See below).
- B. Five unexcused absences and/or non-participation in Posse functions (including, but not limited to, searches, training, and fund-raising activities) within one calendar year will result in review action at the annual Executive Board's review of member qualifications for continued membership.
  - 1. Members unable to attend a meeting or Posse function may be excused from that meeting or function by contacting a Posse officer before the meeting or function, or by sending written notice with any other member who will attend the meeting or function.
  - 2. Excessive excused absences (here defined as five (5) or more in a calendar year) will result in the Board of Directors action as described above.
  - 3. Members who know they will be unable to attend meetings or participate in Posse functions, as defined above, for an extended period (here defined as a period in excess of five (5)

months) may at their own request be placed in an inactive status for a period not to exceed six (6) months. And inactive status may be extended a maximum of two (2) times the member's request.

- C. All Posse meetings will be generally conducted in accordance with the Robert's Rules of Order.
- D. Special Meetings:
  - 1. Special meetings may be called under the following circumstances:
    - a. At the direction of the Sheriff, Under Sheriff, or Commander.
    - b. By the Executive Board when such is deemed necessary by a majority of Board members.
    - c. When requested by at least 25% of the active membership.
  - 2. Notice of a special meeting must be given to **every** member by telephone, by special letter, or in person at least twenty-four (24) hours prior to the meeting. Such notice shall consist of the time of the meeting, the date of the meeting, the place of the meeting, and the purpose for which the meeting is being called.
  - 3. No business other than that for which the special meeting was called will be transacted during the meeting
- E. Training Meetings
  - 1. Officers may call members to training meetings from time to time. They are neither required to give special notice nor agenda the meeting. No Posse business will be discussed during training meetings unless **Special Meeting** rules are followed. Training meetings are not required to follow a regular schedule.

### VIII. DISCIPLINARY ACTIONS

- A. When need for disciplinary action arises, any member of the Executive Board may call for a disciplinary hearing.
- B. Procedures for the conduct of such a hearing will be established by the Executive Board's Chairman. When facing disciplinary action, a Posse member may request or waive a hearing relative to the action. Such request of waiver will be noted and placed in the member's personal service file along with the result of any disciplinary action.
- C. Upon completion of a disciplinary hearing, the Board will make a written recommendation, signed by a majority of the Board members present for disposition of the case to the Sheriff.
- D. Disciplinary action may vary from a verbal reprimand to dismissal from the Posse, depending upon the seriousness of the incident.
  - 1. **Oral Reprimand:** the lowest level of discipline to be used by the immediate supervisor for educational purposes. The Member's immediate supervisor may reprimand a subordinate without reference to higher authority.
    - a. At his/her discretion, the supervisor may make a note in the member's file that they have issued the member an oral

reprimand. The supervisor will remove the note after a period of six months if the member has not received further reprimands during that period.

- 1). An **Oral Reprimand** will not contain specific details of the incident, only that it was delivered and under what circumstances (safety concerns, insubordination, infraction of rules or laws, etc.)
  - 2) Two or more **Oral Reprimands** may result in a written reprimand.
2. **Written reprimand:** Will come from the Executive Board. This is a second level of discipline intended to impress that the member has demonstrated a pattern of conduct which could lead to a more serious disciplinary action if not corrected. The member will be given a copy of the written reprimand detailing the infraction(s) and recommended corrective action. A copy of the written reprimand will be placed in the member's personal file for a period of one (1) year from the date the individual receives the reprimand.
  3. Posse members may be dismissed for violation of any laws, ordinances, statutes or rules and regulations of the Posse, policies of the Sheriff's Department, conduct that brings discredit to the Sheriff's Department or Posse, inability or refusal to properly perform duties, continued infractions of rules and regulations with unacceptable corrective action.
    - a. Upon notice of dismissal, the dismissed member will surrender to the Posse Commander or his appointed representative, their Posse-issued Identification Card and any property belonging to the Posse or the County, including, but not restricted to: radios, keys computer software, training hardware and manuals. This will also include any badge(s) purchased by or issued to the individual member. The member will be reimbursed for any personally purchased badge(s) within ten (10) working days from the date of dismissal.
  4. If the seriousness of the offense warrants, the Sheriff, Under Sheriff, or the Commander may immediately suspend a member from all Posse activities until an Executive Board hearing is called.
    - a. It will be the responsibility of the Commander to notify the Deputy Commander and Lieutenants of the action.
    - b. Posse members under suspension shall not be entitled to any of the rights or privileges accorded to other Posse members.
    - c. The Executive Board hearing must be convened within seven (7) working days of notice of suspension.

**IX. GRIEVANCES**

- A. Any Posse member who feels he/she has cause to file a grievance may do so, in writing, using the following procedures:
1. The member will first discuss the grievance with his/her immediate supervisor thereby giving the supervisor an opportunity to correct the situation. If action taken by the supervisor is not satisfactory to the member, the member has the right to submit the grievance in writing to the next member in the chain of command.
  2. Each level of the chain of command through the Deputy Commander will attempt to satisfy the grievance.
  3. If the grievance remains unsatisfied, the Deputy Commander must refer the grievance to the Executive Board for review and action.
  4. The Executive Board must hear the grievance within seven (7) working days of the initial written submission and hand down a recommendation within five (5) working days of the hearing.
  5. Upon completion of a grievance hearing, the Executive Board will make a written recommendation of any action to be taken for those involved in the chain of command. This recommendation must be signed by a majority of the Board members present at such a hearing.
  6. When dealing with grievances, the purpose and intent of all levels of command as well as the Executive Board is to determine WHAT is right, not WHO is right, and to provide assurances that everyone involved will receive fair and just treatment.

**X. CHANGES TO THE BY-LAWS**

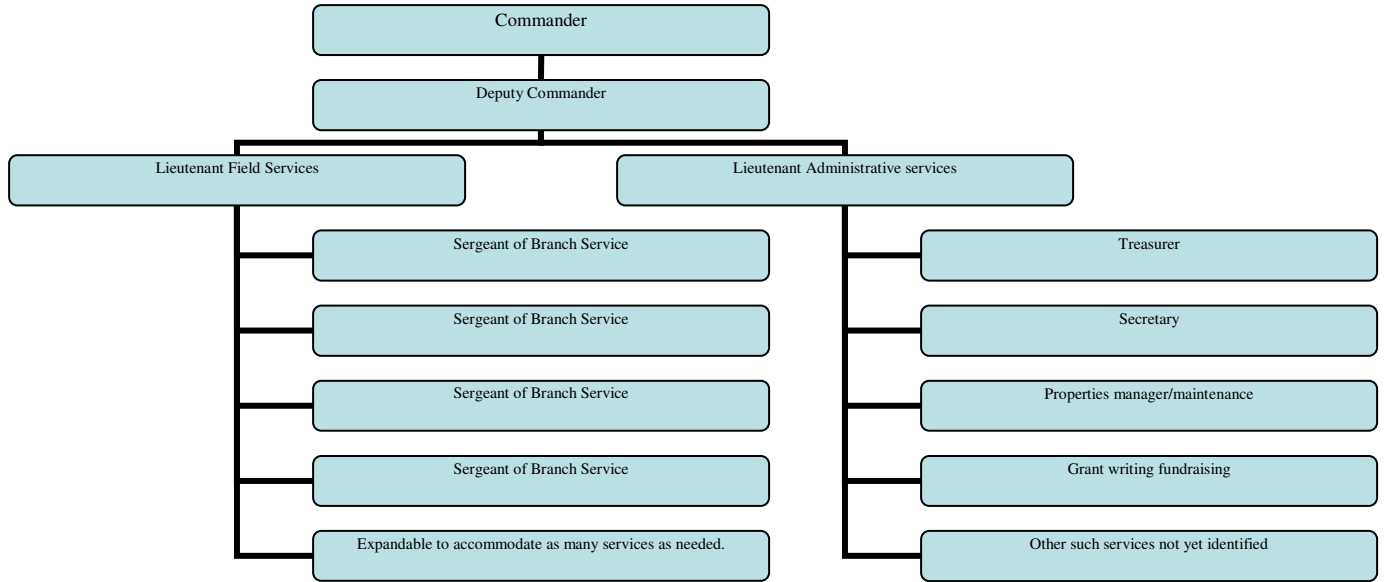
- A. Any changes to these by-laws will be handled by the same procedures currently being used to handle voting.
1. Notice of intent to change the by-laws must be made to all members at least ten (10) days prior to the meeting.
  2. All changes should be addressed and discussed at the meeting. No voting will be done at this meeting.
  3. The actual voting will be done at the **next regularly scheduled** monthly meeting.
- B. The Corporation may be dissolved with the assent given in writing and signed by 2/3 (two-thirds) of the members of the Executive Board.

**XI. Dissolution**

Upon the dissolution of the Elko County Sheriff's Posse, the Board of Directors shall, after paying or making provision for the payment of all of the liabilities of the Corporation, dispose of all of the assets of the Corporation, exclusively for the purpose of the Corporation in such manner, or to such organization or organizations, organized and operated exclusively for search and rescue purposes and shall at the time qualify as an exempt organization or organizations under Section 501(C)(3) of the Internal Revenue Code, as the Board of Directors shall determine, or to Federal, State, or local governments to be used exclusively for public purposes. Any such asset(s) not so disposed of shall be disposed of by the District Court of the County in which the principal office of the Corporation is then located, exclusively for such purposes or to such organizations as such Court shall determine, which are organized and operated exclusively for section 501(C) (3) purposes or to such governments for such purposes.

Appendix 1

Elko County Sheriff's Posse Chain of Command



**Appendix 2****DEFINITIONS:**

- A. **Quorum:** *At least three (3) Executive Officers and twenty-five (25%) from the Full Membership.*
- B. **Posse Headquarters:** *The present location of the Posse's administration offices and quarters.*
- C. **Executive Officers:** *The Commander, Deputy Commander, Field Lieutenant and Administrative Lieutenant.*
- D. **Board of Directors/Trustees:** *As few as three members elected by the Full Membership through secret vote, to oversee general operations; may include any of the Executive Officers or secretary, or treasurer*
- E. **Executive Board:** *All executive officers and the Chairperson of the Board of Directors/Trustees*
- F. **Chairperson:** *The presiding authority at normal business and special business meetings, which is usually the Commander or Deputy Commander.*
- G. **General Membership:** *Every qualified and documented member of the Elko County Sheriff's Posse with defined full membership rights.*
- H. **Cadet Membership:** *A person between the ages of 16 and 20 years of age who may participate in ECSPSAR activities and training on a limited basis as defined in ECSPSAR policies.*
- I. **Proxy:** *Written, dated and signed permission from an ELKO COUNTY SHERIFF'S POSSE member with specific instruction on how to cast their vote in his/her absence.*
- J. **Simple Majority:** *One more than 50% of the members voting alike.*
- K. **Super Majority:** *At least 75% of the members present voting alike.*
- L. **Business Meeting:** *The regularly scheduled ELKO COUNTY SHERIFF'S POSSE meeting at which the general business of the group is managed and a quorum is present.*
- M. **Training Meeting:** *A meeting of ELKO COUNTY SHERIFF'S POSSE members for the sole purpose of training; no ELKO COUNTY SHERIFF'S POSSE business may be conducted at training meetings, and no quorum is required.*
- N. **Special Business Meeting:** *A meeting scheduled outside of regular business meeting to manage special demands. A Special Business Meeting may only occur under the special circumstances described herein.*
- O. **Field Branch Service:** *A unit of Posse members training for specific SAR services, including but not restricted to K-9, Special Vehicles, Trackers, Equestrian, Water Rescue.*
- P. **Administrative Branch Service:** *All SAR supporting services not directly related to searching in the field.*