

INFORMATIONAL STATEMENT

R190-22

A clear and concise explanation of the need for the adopted regulation:

Existing law requires the Peace Officer Standards and Training Commission to adopt regulations establishing minimum standards for the certification and decertification, recruitment, selection and training of peace officers. (NRS 289.510). Assembly Bill 336 of the 81st Legislative Session requires the Commission to adopt regulations establishing standards for an annual behavioral wellness visit for peace officers to aid in preserving the emotional and mental health of the peace officer and assessing conditions that may affect the performance of duties by the peace officer. This proposed language (R190-22) creates the new regulation establishing this new standard.

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

A description of how public comment was solicited, a summary of the public response and an explanation of how other interested persons may obtain a copy of the summary:

A Workshop was held July 19, 2022, where public comment was accepted during the workshop and regularly scheduled meeting immediately after the workshop. The notice and the regulation to be amended, pursuant to NRS 233B.0607, were provided via electronic means to all law enforcement agencies on the POST Listserve email list, electronically posted on the POST website at post.nv.us, on the state of Nevada website at notice.nv.gov and the legislative website at leg.state.nv.us. The notice was physically posted at the Commission on Peace Officer Standards and Training Administrative Office at 5587 WaPai Shone Ave., Carson City, NV 89701 and the Nevada State Library in Carson City. Copies of the notice and regulations to be amended were available upon request by contacting the POST Standards Division at (775) 687-3335.

The number of persons who:

- 1) Attended the workshop: 8**
- 2) Testified at the workshop: 0**
- 3) Submitted to the agency written statements: 2**

Contact information of each person that testified at each hearing or submitted statements to the agency. (If no contact information was provided state “not provided”):

Government Affairs Manager Joanna Jacob, Clark County Department of Administrative Services, 500 S. Grand Central Pky 6th Fl, Box 551712, Las Vegas, NV 89155-1712 Phone 702-455-3530 Fax 702-455-3558 Email – Joanna.Jacob@ClarkCountyNV.gov

Executive Director Vinson W. Guthreau, Nevada Association of Counties, 304 South Minnesota Street, Carson City, NV 89703, Phone – 775-883-7863, No email provided.

A second workshop was held September 21, 2022, where public comment was accepted during the workshop and regularly scheduled meeting immediately after the workshop. The notice and the regulation to be amended, pursuant to NRS 233B.0607, were provided via electronic means to all law enforcement agencies on the POST Listserve email list, electronically posted on the POST website at post.nv.us, on the state of Nevada website at notice.nv.gov and the legislative website at leg.state.nv.us. The notice was physically posted at the Commission on Peace Officer Standards and Training Administrative Office at 5587 WaPai Shone Ave., Carson City, NV 89701 and the Nevada State Library in Carson City. Copies of the notice and regulations to be amended were available upon request by contacting the POST Standards Division at (775) 687-3335.

The number of persons who:

- 1) Attended the workshop: 3**
- 2) Testified at the workshop: 0**
- 3) Submitted to the agency written statements: 0**

Contact information of each person that testified at each hearing or submitted statements to the agency. (If no contact information was provided state “not provided”):

No testimony or written statements received.

A third workshop was held July 27, 2023, where public comment was accepted during the workshop and regularly scheduled meeting immediately after the workshop. The notice and the regulation to be amended, pursuant to NRS 233B.0607, were provided via electronic means to all law enforcement agencies on the POST Listserve email list, electronically posted on the POST website at post.nv.us, on the state of Nevada website at notice.nv.gov and the legislative website at leg.state.nv.us. The notice was physically posted at the Commission on Peace Officer Standards and Training Administrative Office at 5587 WaPai Shone Ave., Carson City, NV 89701 and the Nevada State Library in Carson City. Copies of the notice and regulations to be amended were available upon request by contacting the POST Standards Division at (775) 687-3335.

The number of persons who:

- 1) Attended the workshop: 8**
- 2) Testified at the workshop: 0**
- 3) Submitted to the agency written statements: 1**

Contact information of each person that testified at each hearing or submitted statements to the agency. (If no contact information was provided state “not provided”):

Director Elizabeth Florez-Nevada Association of Juvenile Justice Administrators, no physical address included in letter, no phone number included in letter, no email address included in letter.

A Public Comment Hearing was held February 22, 2024, where public comment was accepted during the Public Comment Hearing and during the regularly scheduled meeting after the Public Comment Hearing. The notice and the regulation to be amended, pursuant to NRS 233B.0607, were provided via electronic means to all law enforcement agencies on the POST Listserve email list, electronically posted on the POST website at post.nv.us, on the state of Nevada website at notice.nv.gov and the legislative website at leg.state.nv.us. The notice was physically posted at the Commission on Peace Officer Standards and Training Administrative Office at 5587 WaPai Shone Ave., Carson City, NV 89701 and the Nevada State Library in Carson City. Copies of the notice and regulations to be amended were available upon request by contacting the POST Standards Division at (775) 687-3335.

The number of persons who:

- 4) Attended the public comment hearing: 13**
- 5) Testified at the public comment hearing: 2**
- 6) Submitted to the agency written statements: 1**

Contact information of each person that testified at each hearing or submitted statements to the agency. (If no contact information was provided state “not provided”):

Joann Carter, City of Henderson- no other contact information given.

Wes Easley, Washoe County Sheriff's Office- no other contact information given.

Email sent by Mary-Sarah Kinner, Government Affairs Liaison, Washoe County Sheriff's Office, 911 Parr Blvd., Reno, NV 89512. Cell – 775-399-1759, email-
mkinner@washoecounty.gov.

Summary of Public Response – Three written statements were submitted over the span of three Public Comment Hearings. In July of 2022, the statement from the Clark County Department of Administrative Services proposed changing the language from “annual behavioral wellness program” to “annual behavioral wellness visit”. Their second suggestion was to consider adopting specific standards for these visits. The second letter, submitted by the Nevada Association of Counties at the same meeting, supported the statement from Clark Co and encouraged the commission to consider those changes which were implemented. The third letter, submitted for the meeting held in July of 2023, was from the Nevada Association of Juvenile Justice Administrators. They requested language that clarified how the regulation comports with peace officers’ rights, required qualifications of providers, subject matter of visit and location, documentation required to report compliance, if applicable, effective date, consequences if agencies do not have qualified provider.

Two people provided public comment-

-Joann Carter, City of Henderson, provided comments about the program they are implementing for their agency and county. Attempting to implement a program that will include at least a 30 min. visit, per peace officer, with a 3rd party mental health clinician.

Wes Easley, Washoe County Sheriff's Office, is the only mental health counselor on staff for approximately 1000 employees, approximately 500 sworn staff. Questioned commission on available funding and whether the agency is to pay for this program with their budget. County is looking into a 3rd party. 1 clinician cannot handle annual visits for all sworn employees annually. He also stated “Fielding calls from multiple agencies within Northern Nevada that have no idea how to go forward with this.”

Email statement from Mary-Sarah Kinner reiterated Mr. Easley’s statements and provided a cost of approximately \$108,472 for salary and benefits for an additional mental health clinician. That cost does not include any equipment that must be provided as well.

A copy of this summary can be requested by contacting POST at 775-687-3335 or by emailing kfloyd@post.state.nv.us.

A description of how comment was solicited from affected businesses, a summary of their response and an explanation of how other interested persons may obtain a copy of the summary:

The notice and the regulation to be amended, pursuant to NRS 233B.0607, were provided via electronic means to all affected businesses on the POST Listserve email list, electronically posted on the POST website at post.nv.us, on the state of Nevada website at notice.nv.gov and the legislative website at leg.state.nv.us. The notice was physically posted at the Commission on Peace Officer Standards and Training Administrative Office at 5587 WaPai Shone Ave., Carson City, NV 89701 and the Nevada State Library in Carson City. Copies of the notices, regulations/regulations to be amended, and Public Response Summaries are available upon request by contacting the POST Standards Division at (775) 687-3335 or emailing kfloyd@post.state.nv.us.

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If the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation without change:

This regulation meets the requirements and was adopted with no changes.

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

(a) Both adverse and beneficial effects;

(1) Adverse effects: See above Summary of Public Response.

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

(b)Both immediate and long-term effects

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

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

The estimated cost to the agency for enforcement of the proposed regulation:

At this time, there will be no cost to the agency (NV POST).

A description of any regulations of other state or government agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the regulation overlaps or duplicates a federal regulation, the name of the regulating federal agency:

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

If the regulation includes provisions which are more stringent than a federal regulation which regulates the same activity, a summary of such provisions:

There are no federal regulations that regulate the same activity.

If the regulation provides a new fee or increases an existing fee, the total annual amount the agency expects to collect and the manner in which the money will be used:

This regulation does not involve or establish fees.