

INFORMATIONAL STATEMENT

R005-23

1. 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)

NAC289.300(1)(b) requires a person enrolling in a basic training program must be required to pass the physical fitness examination not sooner than 30 days before the commencement of the course and not later than 14 days after the commencement of the course. This update to the regulation (R005-23RP1) will make this requirement optional for academies by updating the language to say “a person enrolling in a basic training program may be required to pass....” With strict, regimented physical training, a cadet that could not pass the physical fitness test at the start of the academy could be conditioned to pass the final physical fitness examination before the end of the academy. Dismissing such a cadet causes a financial burden on agencies that have spent several thousand dollars completing a full background on a candidate that can be conditioned to pass the examination. Using this “entrance level” physical fitness test as a guide to evaluate the physical fitness of cadets at the start of the academy, instead of a mandatory requirement to pass, will allow agencies to maintain their new hires and train the cadet to meet the physical fitness standard during the academy and allow them to retain the officers that otherwise would have been dismissed.

2. 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 February 9, 2023, where public comment was accepted during the workshop and regularly scheduled meeting. The notice and the regulation to be adopted, amended or repealed, pursuant to NRS 233B.0607, were provided via electronic means to all law enforcement agencies on the POST Listserve email list, electronically posted on post.nv.us, notice.nv.gov, leg.state.nv.us and physically posted at the Commission on Peace Officer Standards and Training Administrative Office, 5587 Wa Pai Shone Ave., Carson City and the Nevada State Library in Carson City. Copies of the notice and regulations to be adopted, amended or repealed were available upon request by contacting the POST Standards Division at (775) 687-3335.

A public comment hearing was held October 26, 2023. The notice and the regulation to be adopted, amended or repealed, pursuant to NRS 233B.0607, were provided via electronic means to all law enforcement agencies on the POST Listserve email list, electronically posted on post.nv.us, notice.nv.gov, leg.state.nv.us and physically posted at the Commission on Peace Officer Standards and Training Administrative Office, 5587 Wa Pai Shone Ave.,

Carson City and the Nevada State Library in Carson City. Copies of the notice and regulations to be adopted, amended or repealed were available upon request by contacting the POST Standards Division at (775) 687-3335.

The number of persons who:

- 1) **Attended the workshop (Feb. 9, 2023) 13**
- 2) **Testified at the workshop 1**
- 3) **Submitted to the agency written statements 0**

The number of persons who:

- 1) **Attended the public comment hearing - 14**
- 2) **Testified at the public comment hearing - 0**
- 3) **Submitted to the agency, written statement - 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”):

Workshop (02/09/2023)-

Chief Chris Crawforth, Sparks Police Department, Not Provided

Public Comment Hearing (10/26/2023) None

3. 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:

Because the regulation amends Nevada Administrative Code Chapter 289, the proposed amendments to NAC 289 will have no impact on small business.

The proposed regulation text may be obtained by going to the Register of Administrative Regulations for 2020 and clicking the link: <https://www.leg.state.nv.us/Register/2023Register/R005-23RP1.pdf> or by contacting Chief Kathy Floyd at kfloyd@post.state.nv.us or by telephone at 775-687-7678, ext. 3335 or going to the Nevada Commission on POST website at <https://post.nv.gov>.

4. 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.

5. 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:

- 1) **Both the adverse and beneficial effects; and**

Adverse – None

Beneficial Allow for retention of newly hired officers and allow the academy to condition these officers to pass the final physical fitness examination instead of dismissing the officer and having to start the hiring process over again, costing thousands of dollars agencies do not have in their budgets.

2) Both immediate and long-term effects

The immediate effects: Retention of cadets in the law enforcement academy

The long-term effects: Retention of officers that only need regimented physical fitness training to pass the final physical fitness test. Agencies will benefit from retaining these new hires and not having to start the hiring process over.

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

None

7. 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:

None

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

None

9. 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:

None