

INFORMATIONAL STATEMENT

R118-23

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)

R118-23 creates the standards for a Category III reciprocity program, meeting the requirements of SB323. This new regulation creates an additional pathway to hire correctional officers through a reciprocity program to out of state correctional officers who are Category III equivalent. Category III agencies in Nevada have been prohibited, up to this point, from utilizing the reciprocity program to hire out of state officers. This regulation creates a program that will allow for a shortened hiring process and allow agencies to add experienced staff to their facilities without the delay of attending a full basic academy. It will also allow that experienced staff to complete this online reciprocity course while performing their duties, which will benefit correctional facilities by having staff on duty during this reciprocity process vs. limited staff on duty while officer attends the basic academy. Enrollment will be available at any time and this course can be completed before hiring on with a Nevada agency.

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 October 26, 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: 13**
- 2) **Testified at the workshop: 2**
- 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”):

Director James Dzurenda – Department of Corrections – jdzurenda@doc.nv.gov

Tracy Fails, Mesquite Police Department – tfails@mesquitenv.gov

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 public comment hearing: 12**
- 5) **Testified at public comment hearing: 0**
- 6) **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”):

N/A

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 the Nevada Administrative Code Chapter 289, allowing for a Category III reciprocity program, the proposed amendment to NAC 289 will have no impact on small business.

The proposed regulation text may be obtained by going to the Register of Administrative Regulation for 2023 and click on the link: : <https://www.leg.state.nv.us/Register/2023Register/R118-23P.pdf> or by contacting Chief Kathy Floyd at kfloyd@post.state.nv.us or by telephone at (775) 687-3335 or going to the Nevada Commission on POST website at <https://post.nv.gov>.

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 the adverse and beneficial effects:

- (1) Adverse – There will be a \$200 fee to the agency for each officer enrolled, payable upon enrollment.
- (2) Beneficial: Category III agencies in the state will be able to hire experienced correctional officers to work in Nevada and allow them to complete this reciprocity program while working. They will have officers in the facilities instead of being short staffed while their officers attend a basic academy.

b) Both immediate and long-term effects:

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

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

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

The fee for this online course is \$200 per officer, payable upon enrollment.

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 establish a new fee, it only adds a category to the existing reciprocity program which charges employed officers \$200.00 to complete the course. These fee's are deposited into the budget account for registration fees.