

INFORMATIONAL STATEMENT

R031-23

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).

R031-23 will establish a Command Level Basic Certificate, awarded only to Executive Level Staff. Recruitment of executive level staff can be difficult, especially around elections. An elected official may have been certified but their basic certificate has expired. This certificate will assist in the recruitment and retention of Executive Level positions, including, but not limited to elected and/or appointed officials. In other instances, the certified elected official prefers to appoint an individual that has been out of law enforcement for more than 5 years. This new level of basic certificate and the process to achieve it will assist agencies in hiring personnel that can provide valuable insight, experience and knowledge. The process to achieve the certification is consistent with the reciprocity process, therefore allowing the individual to work while completing the online course and not having to complete a full, in person, basic academy, saving the agency valuable time and money.

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 May 4, 2023 where public comment was accepted during the workshop and regularly scheduled meeting immediately after the workshop. The notice and 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 Wa Pai 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 each hearing 22
- 2) Testified at each hearing 4
- 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"):

Albert J. Reshaw – al.reshaw@gmail.com

Sheriff Ken Furlong, Carson City Sheriff's Office – 775-283-7800

Undersheriff Bill Becht, Nye County Sheriff's Office – not provided

Sheriff Joe McGill, Nye County Sheriff's Office – no provided

A second 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 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 Wa Pai 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 each hearing 8**
- 5) Testified at each hearing 0**
- 6) 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”):

N/A

A Public 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.

A second Public hearing was held May 2, 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:

- 7) Attended each hearing 17**
- 8) Testified at each hearing 0**
- 9) 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”):

N/A

Summary Public Response:

Public response was supportive. Mr. Reshaw was to support the idea that a Command Level basic certificate would be beneficial to agencies.

Sheriff Furlong felt there should not be a restriction of two (2) certificates per agency, and felt the physical fitness test should be mandatory.

Undersheriff Bill Becht was supportive of the certification, and this would be a way for him to be certified again.

Sheriff Joe McGill was in support of the physical fitness test being based on the agency requirement.

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:

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

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:

1)Both the adverse and beneficial effects

Adverse- a fee of \$200.00 to the employing agency payable upon enrollment.

Beneficial – Agencies will save time and money by having their staff attend the online course instead of paying for a full basic academy and losing a much-needed officer while they attend a full basic academy.

2)Both immediate and long-term effects

Immediate effect – This change will shorten the hiring process for Nevada agencies. This will allow agencies to hire experienced staff who will be on the job during the process of certification.

Long Term effect – Agencies will have the ability to hire executive level staff that will bring knowledge and experience to their agencies.

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

No cost to the agency for enforcement.

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 provisions which are more stringent than a federal regulation which regulates 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 or increase an existing fee.