

State of Nevada
Commission on Peace Officers' Standards and Training
Informational Statement
R075-11

03/01/2012

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

The Commission on Peace Officer' Standards and Training noticed its intent to amend its regulations through notices of two (2) public workshops, and one (1) public comment hearing. The first workshop was held on Thursday July 21, 2011, at the Prospector Hotel and Casino, Ghost Train room, 1501 East Aultman Ely, Nevada. The second public workshop was held on Thursday, September 15, 2011, at the Fallon Convention Center, 100 Campus Way Fallon, Nevada. The Public Comment Hearing was held on February 23, 2012, at the Henderson Police Department, North Command Training Facility, Room 102, 225 East Sunset Road, Henderson, Nevada, all in compliance with NRS 233B.0603.

Notice of the Public Comment hearings were sent via U.S., inter-departmental mail or faxed to all identified law enforcement agencies.

Notice for the Public Comment Hearing was posted at all Nevada county libraries, POST Administrative Offices, Carson City; Nevada State Capitol Building, Carson City; State Personnel-Blasdel Building, Carson City; Nevada State Library, Carson City; Grant Sawyer Building, Las Vegas; emailed to all Nevada criminal justice agency administrators, and posted on the Nevada POST website at www.post.state.nv.us pursuant to NRS 241.020(4).

Persons who wished to comment on the proposed action of the Commission on Peace Officers' Standards and Training were invited to appear at the scheduled workshops and public comment hearing or were invited to address their comments, data, views or arguments, in written form, to Richard P. Clark c/o POST Commission, 5587 Wa Pai Shone Avenue, Carson City, Nevada 89701.

No written comments were received by the Commission prior to the hearing.

2. A statement indicating the number of persons who attended each meeting or workshop, testified at each hearing, and submitted written statements regarding the proposed regulation.

- (a) The number of persons attending the July 21, 2011, Workshop: 11
- (b) The number of persons testifying at the July 21, 2011, Workshop: 1
- (c) The number of persons attending the September 15, 2011, Workshop: 6
- (d) The number of persons testifying at the September 15, 2011, Workshop: 1
- (e) The number of persons attending the February 23, 2012, Public Comment Hearing: 9
- (f) The number of persons testifying at the February 23, 2012 Public Comment Hearing: 1

(g) The number of persons submitting written comments: 0

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

Comment was solicited as provided in section one.

Interested agencies or persons employed by law enforcement agencies had an opportunity to submit written comments or testify at the workshops and the public comment hearing. The public comment related to the permanent surrender and term surrender of a certificate and why a peace officer can request the Commission to reinstate the certificate. Persons wishing to obtain a copy of a summary of the public comments may request copies by calling (775) 687-7678 or by writing to the Commission on Peace Officers' Standards and Training, Executive Director, 5587 Wa Pai Shone Avenue, Carson City, Nevada 89701.

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.

The regulations were adopted at the POST Commission meeting on February 23, 2012 to be adopted as Permanent Regulations. The regulations were adopted without change to the Legislative Counsel Bureau version. The public comments did not suggest or recommend modifications to the Legislative Counsel Bureau language.

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

(a) Both adverse and beneficial effects;

Adverse effects:

The Commission is unaware of any adverse effects created by providing a procedure for a peace officer to voluntarily surrender their Basic Certificate.

Beneficial effects:

This regulation will give the Commission, prosecutors, and employing agencies another tool to address circumstances where a peace officer engages in conduct that is incompatible with future employment as a peace officer. As part of a plea bargain in a criminal case, as part of a settlement in an employment disciplinary action, as part of a settlement in Commission revocation action, or under other appropriate circumstances, a person can voluntarily surrender their P.O.S.T. Basic Certificate.

(b) Both immediate and long-term effects.

Same as stated above.

6. The estimated cost to the agency for enforcement of the proposed adopted regulations.

There are no anticipated costs associated with this regulation.

7. A description of any regulation 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 Commission has no knowledge of any regulations imposed by other state, government or federal agencies, which overlap or duplicate this regulation.

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

The Commission is not aware of any Federal regulation that may be associated with this same activity.

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.

The adopted regulation neither establishes nor increases any existing fee.