



STATE OF NEVADA
COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

5587 Wa Pai Shone Avenue
Carson City, Nevada 89701
(775) 687-7678 FAX (775) 687-4911

STEVE SISOLAK
Governor

MICHAEL D. SHERLOCK
Executive Director

NOTICE OF PUBLIC MEETING (NRS 241)

NOTICE IS HEREBY GIVEN THAT STARTING AT **10:00 A.M. ON TUESDAY, JULY 19, 2022**, THE COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING WILL HOLD A PUBLIC COMMENT, WORKSHOP AND REGULARLY SCHEDULED MEETING AT THE **POST ADMINISTRATIVE OFFICE, CLASSROOM #2, 5587 WA PAI SHONE AVE., CARSON CITY, NV 89701**.

The agenda will include the following items. The Commission, at their discretion, may take items out of order, combine two or more agenda items for consideration, and remove an item from the agenda or delay discussion relating to an item on the agenda at any time. A request to have an item on the agenda heard out of order shall be made to the Commission's secretary prior to the commencement of the meeting. Prior to the commencement or conclusion of a contested case or a quasi-judicial proceeding that may affect the due process rights of an individual the Commission may refuse to consider public comment. See NRS 233B.126.

I. PUBLIC COMMENT HEARINGS

1. Call to order
2. Roll call of Commission Members
3. Public Comment Hearing on Proposed Regulations LCB File R078-21, R079-21, R052-22 AND R053-22.

THE PURPOSE OF THE HEARING IS TO RECEIVE COMMENTS FROM ALL INTERESTED PERSONS REGARDING THE ADOPTION, AMENDMENT AND REPEAL OF REGULATIONS PERTAINING TO CHAPTER 289 OF THE NEVADA ADMINISTRATIVE CODE (NAC) (THIS PUBLIC COMMENT HEARING HAS BEEN PREVIOUSLY NOTICED AS REQUIRED BY NRS CHAPTER 233B):

TOPICS

- A. **LCB File R078-21** - Amend NAC 289.110 to reflect revisions to comply with requirements established in NRS 289.510(c)(1) *Requirements for evaluations to be conducted during the recruitment and selection of peace officers, which must identify implicit bias on the part of a peace officer on the basis of race, color, religion, national origin, physical or mental disability, sexual orientation or gender identity or expression;*

- B. LCB File R079-21** - Amend NAC 289.230 to reflect revisions to comply with annual continuing education requirements established in NRS 289.510(c)(2) *which requires all peace officers annually complete not less than 12 hours of continuing education in courses that address (1) Racial profiling (2) Mental health, including, without limitation, crisis intervention (3) The well-being of officers (4) Implicit bias recognition (5) De-escalation (6) Human trafficking; and (7) Firearms*
- C. LCB File R052-22** – Amend NAC 289.047 to read as follows: *(1) “Executive level position” means a position held by a peace officer in which the peace officer is: (a) The chief executive of an agency; or (b) Is acknowledged and affirmed by the chief executive of an agency to be in the direct line and immediately available and authorized to act as the chief executive of an agency during the absence of the chief executive. (2) As used in this section, “chief executive” means a person who is in charge of an entire agency.*
- D. LCB File R053-22** –Amend NAC 289.270 to **add:** *(1) The Commission will grant an executive certificate to an officer upon submission of proof satisfactory that the officer meets certain minimum requirements, including that the officer has (1) current basic, intermediate, advanced, supervisor and management certificates; or (2) current certificates from a certifying entity of the Federal Government or another state if the requirements for such certification are consistent with and not of a lower standard than the regulations for a current basic, intermediate, advanced, supervisor and management certificate; or (3) training and experience in another state that are consistent with and not of a lower standard than the regulations for a current basic, intermediate, advanced, supervisor and management certificate. (2) The Commission will grant an executive certificate to an officer upon submission of proof satisfactory that the officer has been elected or appointed to the position of sheriff of a county or chief of a metropolitan or city police department for at least 5 consecutive years.*

II. WORKSHOP

- 1. Workshop on proposed regulation change.

THE PURPOSE OF THE HEARING IS TO SOLICIT COMMENTS FROM INTERESTED PERSONS ON THE FOLLOWING TOPIC THAT MAY BE ADDRESSED IN FUTURE PROPOSED REGULATIONS (THIS WORKSHOP HAS BEEN PREVIOUSLY NOTICED PURSUANT TO THE REQUIREMENTS OF NRS CHAPTER 233B):

TOPIC

NAC REGULATION

- A. Discussion regarding the establishment of a new regulation pursuant to Assembly Bill 336. Proposed language is: *“The employing agency shall implement an annual behavior wellness program for each of its officers to aid in the preserving of the emotional and mental health of its officers and asserting conditions that may affect the performance of duties by its officers.”*

NAC 289.190

- 2. **PUBLIC COMMENT.** The Commission may not take action on any matter considered under this item until the matter is specifically included on an agenda as an action item.

III. REGULARLY SCHEDULED MEETING AGENDA ITEMS

1. **DISCUSSION, PUBLIC COMMENT, AND FOR POSSIBLE ACTION.**

a. Approval of minutes from the May 5, 2022 regularly scheduled meeting.

2. **INFORMATION** Executive Director's report.

- a. Training Division
- b. Standards Division
- c. Administration

3. **DISCUSSION, PUBLIC COMMENT, AND FOR POSSIBLE ACTION.**

The Commission to discuss and take possible action to adopt, amend or repeal their regulations as follows:

- A. **LCB File R078-21** - Amend NAC 289.110 to reflect revisions to comply with requirements established in NRS 289.510(c)(1) *Requirements for evaluations to be conducted during the recruitment and selection of peace officers, which must identify implicit bias on the part of a peace officer on the basis of race, color, religion, national origin, physical or mental disability, sexual orientation or gender identity or expression;*
- B. **LCB File R079-21** - Amend NAC 289.230 to reflect revisions to comply with annual continuing education requirements established in NRS 289.510(c)(2) *which requires all peace officers annually complete not less than 12 hours of continuing education in courses that address (1) Racial profiling (2) Mental health, **including, without limitation, crisis intervention** (3) The well-being of officers (4) Implicit bias recognition (5) De-escalation (6) Human trafficking; and (7) Firearms*
- C. **LCB File R052-22** – Amend NAC 289.047 to read as follows: *(1) “Executive level position” means a position held by a peace officer in which the peace officer is: (a) The chief executive of an agency; or (b) Is acknowledged and affirmed by the chief executive of an agency to be in the direct line and immediately available and authorized to act as the chief executive of an agency during the absence of the chief executive. (2) As used in this section, “chief executive” means a person who is in charge of an entire agency.*
- D. **LCB File R053-22** –Amend NAC 289.270 to **add:** *(1) The Commission will grant an executive certificate to an officer upon submission of proof satisfactory that the officer meets certain minimum requirements, including that the officer has (1) current basic, intermediate, advanced, supervisor and management certificates; or (2) current certificates from a certifying entity of the Federal Government or another state if the requirements for such certification are consistent with and not of a lower standard than the regulations for a current basic, intermediate, advanced, supervisor and management certificate; or (3) training and experience in another state that are consistent with and not of a lower standard than the regulations for a current basic, intermediate, advanced, supervisor and management certificate.
(2) The Commission will grant an executive certificate to an officer upon submission of proof satisfactory that the officer has been elected or appointed to the position of sheriff of a county or chief of a metropolitan or city police department for at least 5 consecutive years.*

The Commission to fully consider all written and oral comments received on these proposed regulations before taking any action.

4. **DISCUSSION, PUBLIC COMMENT, AND FOR POSSIBLE ACTION.**

The Commission to decide whether to continue the rulemaking process regarding the establishment of a new regulation pursuant to Assembly Bill 336. Proposed language is: *“The employing agency shall implement an annual behavior wellness program for each of its officers to aid in the preserving of the emotional and mental health of its officers and asserting conditions that may affect the performance of duties by its officers.”*

5. **DISCUSSION, PUBLIC COMMENT, AND FOR POSSIBLE ACTION.**

Hearing pursuant to NAC 289.290(1)(e) on the revocation of Regina M. Joines (formerly with the Nevada Department of Corrections) Category III basic certificate based on a Gross Misdemeanor conviction of Sexual Abuse of Prisoner or Unauthorized Custodial Conduct by Employee (in violation of NRS212.188(1) and (3)(b)).

6. **DISCUSSION, PUBLIC COMMENT, AND FOR POSSIBLE ACTION.**

Hearing pursuant to NAC 289.290(1)(i) on the revocation of Zachary E. Winningham’s (formerly with the Henderson Police Department) Category I, II and III basic certificates based on a Misdemeanor conviction for Domestic Battery, first offense. (in violation of NRS 200.485(1)(A), 200.481(1)(A), 33.018, Henderson City Charter, Section 2.140)

7. **DISCUSSION, PUBLIC COMMENT, AND FOR POSSIBLE ACTION.**

Commission to decide whether to establish an exploratory workgroup to study and make recommendations for improving our ability to recruit out of state laterals and reviewing the POST reciprocity process.

8. **PUBLIC COMMENTS**

The Commission may not take action on any matter considered under this item until the matter is specifically included on an agenda as an action item.

9. **DISCUSSION, PUBLIC COMMENT, AND FOR POSSIBLE ACTION.**

Schedule upcoming Commission Meeting – 10:00 a.m. September 21, 2022

10. **DISCUSSION, PUBLIC COMMENT, AND FOR POSSIBLE ACTION.**

Adjournment.

POSTED AT THE FOLLOWING LOCATIONS:

Commission on POST Administrative Office
Carson City, NV 89701
State Library, Archives and Public Records
100 Stewart Street, Carson City
<http://post.nv.gov>
<http://notice.nv.gov>
<http://leg.state.nv.us>

Pursuant to NRS 241.020(2)(c), a copy of supporting materials for the meeting may be obtained by contacting POST Standards Division, at (775) 687-7678, ext. 3335, Commission on Peace Officer Standards and Training at 5587 Wa Pai Shone Avenue, Carson City, Nevada 89701.

NOTE: We are pleased to make reasonable accommodations for members of the public who are disabled and wish to attend the meeting. If special arrangements for the meeting are necessary, please notify the Commission on Peace Officer Standards and Training at 5587 Wa Pai Shone Avenue, Carson City, Nevada 89701 or call Kathy Floyd at (775) 687-7678, Ext. 3335, no later than 2 working days prior to the meeting.