



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

JOE LOMBARDO
Governor

MICHAEL D. SHERLOCK
Executive Director

NOTICE OF WORKSHOP TO SOLICIT COMMENTS ON PROPOSED REGULATIONS

The Commission on Peace Officer Standards and Training is proposing the adoption and or amendment of regulations pertaining to Chapter 289 of the Nevada Administrative Code.

A workshop has been scheduled for **1:00 p.m. on Thursday, July 27, 2023, at the Bristlecone Convention Center, 150 6th Street, Ely, NV.** The purpose of the workshop is to solicit comments from interested persons on the following general topic(s) that may be addressed in the proposed regulations:

TOPIC

NAC REGULATION

- | | |
|--|-----------------------|
| A. Continued discussion regarding the creation of an Executive Level Basic Certificate and its requirements. | New Regulation |
| B. Continued discussion regarding the establishment of a new regulation pursuant to NRS 289.510 (1)(c)(6) which requires the POST Commission to adopt a regulation establishing “standards for an annual behavior wellness visit for peace officers to aid in preserving the emotional and mental health of the peace officer and assessing the conditions that may affect the performance of the duties by the peace officer.” | New Regulation |
| C. Discussion regarding possible revisions to NAC 289.270 to update the requirements to qualify for an Executive Certificate. | NAC 289.270 |

A copy of all materials for the meeting may be obtained by contacting Kathy Floyd, Standards Division Chief, at (775) 687-7678, ext.3335, Commission on Peace Officer Standards and Training at 5587 Wa Pai Shone Avenue, Carson City, Nevada 89701. A reasonable fee for copying may be charged.

This Notice of Workshop to Solicit Comments on Proposed Regulations has been sent to all listed meeting locations, all persons on the agency’s mailing list for administrative regulations, all Nevada law enforcement agencies, agency single points of contact and posted at the following:

POST Administrative Office, Carson City
Nevada State Library and Archives, Carson City

<http://post.nv.gov>
<http://notice.nv.gov>
<http://leg.state.nv.us>

Electronically Posted pursuant to NRS 241.020(4)

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.

- A. Continued discussion regarding the creation of an Executive Level Basic Certificate and its requirements.

Executive Level Category I Basic Certificate

NAC 289.xxx–Executive Level Basic Certificate:

1. The Executive Director may award an executive level category I basic certificate to any peace officer who:
 - a. Has been elected or appointed to the executive level position (NAC 289.047). No more than two (2) active executive level basic certificates will be permitted per agency.
 - b. Has met all standards of NAC 289.110 and hired by a Nevada Law Enforcement Agency; and
 - c. Has a history of at least 5 consecutive years of employment as a peace officer; and
 - d. The certification of the peace officer has not been revoked or suspended in any state; and
 - e. The peace officer has satisfactorily completed, within 1 year of date of appointment, a training course that is approved by the Executive Director which consists of a minimum of 80 hours of training that satisfies the requirements established by the Commission pursuant to subsection 1 of [NAC 289.300](#) in:
 - (1) Abuse of older persons;
 - (2) Child abuse and sexual abuse of a child;
 - (3) Civil liability;
 - (4) Classification and receiving of offenders;
 - (5) Constitutional law;
 - (6) Counter-terrorism and weapons of mass destruction;
 - (7) Crimes against persons;
 - (8) Crimes against property;
 - (9) Cultural awareness;
 - (10) Domestic violence, stalking and aggravated stalking;
 - (11) Ethics in law enforcement;
 - (12) Fire safety and use of emergency equipment;
 - (13) Games offenders play;
 - (14) Gangs and cults;
 - (15) Juvenile law;
 - (16) Laws relating to arrest;
 - (17) Laws relating to correctional institutions;
 - (18) Laws relating to drugs, including, without limitation, current trends in drugs;
 - (19) Miscellaneous crimes;
 - (20) Modern correctional philosophy;
 - (21) Probable cause;
 - (22) Public and media relations;
 - (23) Records of offenders in institutions;
 - (24) Rights of victims;
 - (25) Search and seizure;
 - (26) Searches of offender institutions;
 - (27) Supervision of offenders;
 - (28) Training concerning active assailants; and
 - (29) Use of force

- f. The peace officer passes the state certification exam with a score of at least 70 percent; and
- g. The peace officer passes the state physical readiness examination for category I or the Cooper Standard for Law Enforcement or a physical readiness test approved by the employing agency.
- h. The peace officer must meet all requirements of Chapter 289 to maintain the basic certificate.
- i. Executive level basic certificate expires immediately upon separation as an executive with that agency.

SAMPLE

- B. Continued discussion regarding the establishment of a new regulation pursuant to NRS 289.510 (1)(c)(6) which requires the POST Commission to adopt a regulation establishing **“standards for an annual behavior wellness visit for peace officers to aid in preserving the emotional and mental health of the peace officer and assessing the conditions that may affect the performance of the duties by the peace officer.”**

NRS 289.510 Peace Officers' Standards and Training Commission: Powers and duties; regulations. [Effective January 1, 2023.]

1. The Commission:

(a) Shall meet at the call of the Chair, who must be elected by a majority vote of the members of the Commission.

(b) Shall provide for and encourage the training and education of persons whose primary duty is law enforcement to ensure the safety of the residents of and visitors to this State.

(c) Shall adopt regulations establishing minimum standards for the certification and decertification, recruitment, selection and training of peace officers. The regulations must establish:

(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;

(2) Requirements for basic training for category I, category II and category III peace officers and reserve peace officers;

(3) Standards for programs for the continuing education of peace officers, including minimum courses of study and requirements concerning attendance, which must require that all peace officers annually complete not less than 12 hours of continuing education in courses that address:

(I) Racial profiling;

(II) Mental health, including, without limitation, crisis intervention;

(III) The well being of officers;

(IV) Implicit bias recognition;

(V) De-escalation;

(VI) Human trafficking; and

(VII) Firearms.

(4) Qualifications for instructors of peace officers;

(5) Requirements for the certification of a course of training; and

(6) Standards for an annual behavioral wellness visit for peace officers to aid in preserving the emotional and mental health of the peace officer and assessing conditions that may affect the performance of duties by the peace officer.

(d) Shall, when necessary, present courses of training and continuing education courses for category I, category II and category III peace officers and reserve peace officers.

(e) May make necessary inquiries to determine whether the agencies of this State and of the local governments are complying with standards set forth in its regulations.

(f) Shall carry out the duties required of the Commission pursuant to [NRS 432B.610](#) and [432B.620](#).

(g) May perform any other acts that may be necessary and appropriate to the functions of the Commission as set forth in [NRS 289.450](#) to [289.680](#), inclusive.

(h) May enter into an interlocal agreement with an Indian tribe to provide training to and certification of persons employed as police officers by that Indian tribe.

(i) Shall develop and approve a standard curriculum of certified training programs in crisis intervention, which may be made available in an electronic format, and which address specialized responses to persons with mental illness and train peace officers to identify the signs and symptoms of mental illness, to de-escalate situations involving persons who appear to be experiencing a behavioral health crisis and, if appropriate, to connect such persons to treatment. A peace officer who completes any program developed pursuant to this paragraph must be issued a certificate of completion.

2. Regulations adopted by the Commission:

(a) Apply to all agencies of this State and of local governments in this State that employ persons as peace officers;

(b) Must require that all peace officers receive training in the handling of cases involving abuse or neglect of children or missing children;

(c) Must require that all peace officers receive training in the handling of cases involving abuse, neglect, exploitation, isolation and abandonment of older persons or vulnerable persons; and

(d) May require that training be carried on at institutions which it approves in those regulations.

(Added to NRS by [1999, 2421](#); A [2001, 1730](#); [2009, 2449](#); [2015, 831](#); [2019, 1009, 3495, 4462](#); [2021, 551, 574, 950](#), effective January 1, 2023)

Kathy Floyd

From: Rodriguez, Mariana <Mariana.Rodriguez@lcb.state.nv.us>
Sent: Tuesday, May 2, 2023 3:20 PM
To: Kathy Floyd
Subject: RE: R190-22

Hi Kathy,

I hope you're doing well! Thank you for the language you provided below. Unfortunately, it does not appear that the language you submitted conforms to the intent of NRS 289.510(1)(c)(6). The statute requires that the Commission adopt a regulation that establishes the standards for a behavioral wellness visit for peace officers. However, your language does not establish any standards.

Some examples for such standards may include: (1) how long the visit needs to last; (2) who conducts the visit; (3) the qualifications of the person conducting the visit, such as a psychologist or doctor, etc.; or (4) what subjects the visit will cover, such as suicide prevention or stress management.

If you could please send some language along those lines, that would be great. It might be helpful for you to consult with your AG about what language might conform to the requirements of the statute.

Thank you,

Mariana

ATTENTION

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If you have received this message in error, please immediately notify the sender and/or the Legal Division of the Legislative Counsel Bureau by telephone at (775) 684-6830 and delete or destroy any copy of this message as well as any attachments.

From: Kathy Floyd <kfloyd@post.state.nv.us>
Sent: Thursday, April 27, 2023 4:07 PM
To: Rodriguez, Mariana <Mariana.Rodriguez@lcb.state.nv.us>
Cc: Michael D. Sherlock <msherlock@post.state.nv.us>
Subject: RE: R190-22

You don't often get email from kfloyd@post.state.nv.us. [Learn why this is important](#)

Hi Mariana!

In further discussion, we are thinking language such as this would be a better fit:

The employing agency shall implement an annual behavioral health wellness check in which must include, without limitation, an annual check in for each officer, such as peer support programs, suicide prevention, psychological services, stress management and employee assistance programs to aid in preserving the emotional and mental health of the peace officer and assessing conditions that may affect the performance of duties by the peace officer.

We don't want to put language out there that agencies will misinterpret and think we are mandating these programs. Our goal is to provide these programs as examples to give them options.

“The employing agency shall implement a behavior wellness visit for all POST certified peace officer personnel on staff. Each officer must participate in a visit at least once each calendar year.

The purpose of the visit shall be the providing of support and improving the officer’s overall well-being or a program intended to provide psychoeducational sessions for sworn officers.

The annual visit is defined as a behavior health visit which is virtual or in person, in a group setting or individual setting, while being officer-centric and should be used to:

- 1) increase the officer’s knowledge about mental health concerns by providing education and
- 2) reduce concerns about confidentiality by providing opportunities for a confidential setting to discuss mental health and mental health concerns and
- 3) reduce stigma about mental health issues by providing an opportunity to obtain accurate information and support and
- 4) increase exposure and comfort to qualified mental health professionals thereby increasing access to appropriate care should the officer need help or support in the future.

A letter confirming attendance for each officer that attended the visit should be kept on file by the agency. This letter shall be made available to both the officer and the Chief Executive of the agency or the officers Commanding Officer upon completion. ADA requirements and confidentiality restrictions shall apply to these visits. Information disclosed by a peace officer shall be privileged and shall not be used against them unless the information is required to be reported under mandatory reporting laws.

The annual visit should not include personal assessment, evaluations or diagnostics or violate peace officer rights in other ways or violate any provision of the ADA”

IACP

Currently, five states have mandated wellness visit legislation: Connecticut, Illinois, Maryland, Missouri, Nevada, and Oregon. It is important to note that the laws vary considerably in terms of who provides the service, how often the service is offered, the intended purpose of the visit, the visit focus (for officer wellness v. agency), and whether or not the visit is evaluative or wellness focused. BUT, in a recent survey of 87 mental health professionals that are actively involved in conducting these types of visits, researchers (Panza, Kelly & Walsh) consolidated available evidence and provided a definition and intended purposes of the visits that can be used as a guide.

What is a behavioral health wellness visit?

There are currently two possible definitions:

A confidential, periodic (often annual), scheduled visit with a qualified mental health professional for the purposes of providing support and improving the officer's overall well-being (Panza, Kelly & Walsh, in progress)

A program intended to provide individual, private, and confidential periodic psychoeducational sessions for sworn officers, administrators, and/or support personnel (Inwald & Panza, 2022)

What are the barriers to behavioral health treatment for officers?

Researchers (Jetelina et al., 2020; Casas & Benuto, 2021) have shown there are four main barriers that prevent officers from seeking treatment for mental health conditions: 1) *lack of knowledge about mental health*, 2) *concerns about confidentiality of the services*, 3) *stigma*, 4) *the idea that mental health professionals will not understand them/the job*.

What are the purposes of a behavioral health wellness visit and how does it reduce barriers to treatment for officers?

A behavioral health wellness visit is an officer-centric service and should be used to 1) increase their knowledge about mental health concerns by providing education, 2) reduce their concerns about confidentiality by providing a confidential setting to discuss mental health and mental health concerns, 3) reduce stigma about mental health issues by providing an opportunity to obtain accurate information and support, 4) increase exposure and comfort to qualified (licensed, culturally competent) mental health professionals thereby increasing access to appropriate care should the officer need help or support in the future.

Who should conduct the visits?

Researchers (Panza, Kelly & Walsh) recommend that visits be conducted by a licensed mental health professional (i.e., Psychologists, Licensed master's level clinicians: LPC, LCSW, LMFT) that can demonstrate cultural competency with police and public safety psychology via appropriate education, training, experience, and exposure to the culture. In their survey of providers, over 70% of providers conducting wellness visits were doctoral-level Psychologists due to their unique education, training, experience, and specialization in Police and Public Safety Psychology.

What is the outcome of the visit?

Researchers recommend that the only information reported back from the visit and kept on file for the agency should be a letter confirming attendance for each officer that attends a visit. This will ensure that the visit is officer-oriented and confidential.

What is NOT a behavioral health wellness visit?

Based on available evidence, Psychologists agree that a wellness visit should not be evaluative or targeted. It should not be used as a tool to identify or weed out “problem” officers or make fitness for duty referrals. Wellness visits are more akin to preventative education and should NOT be:

- A broadly focused psychological evaluation with formal testing and findings reported back to the agency.
- A fitness for duty or fitness for duty-esque evaluation with findings that can impact a person’s career.
- A clinical intake session focused on diagnostic screening or assessment.
- A therapy session.



Department of Administrative Services

500 S Grand Central Pky 6th Fl • Box 551712 • Las Vegas NV 89155-1712
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Les Lee Shell, Deputy County Manager • Jeanine D'Errico, Director • Daniel Giraldo, Assistant Director

July 18, 2022

Nevada Commission on Peace Officers Standards and Training
5587 Wa Pai Shone Avenue
Carson City, NV 89701
Attention: Chief Kathy Floyd, Standards Division
By email to: kfloyd@post.state.nv.us

Dear Chief Floyd:

Clark County would like to offer the following comments in connection with the Workshop scheduled at the forthcoming Commission meeting to discuss proposed regulations to implement Assembly Bill 336 (2021).

The Commission's proposed language states: *"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."*

Comment 1: Please consider changing the language from "annual behavioral wellness program for each of its officers" to "annual behavioral wellness visit." Assembly Bill 336 mandated POST to establish standards for a "visit", not an entire program. We respectfully request this change to align with the language used throughout Assembly Bill 336.

Comment 2: Please consider adopting specific standards for these visits. During the legislative session, Clark County raised concerns about whether these visits would be considered confidential and what type of visit would be required. It was clear from the AB336 hearings that the bill sponsor believed that these details would be deferred to the regulations to be developed by POST. Specifically, we request that POST consider the following:

- Require the visit to be held confidential and only disclosed to the employing agency's risk management division if the provider finds the employee poses a risk of harm to themselves or to others.
- Define the recordkeeping requirements for each employing agency.
- Set the minimum standards for the visit described in Assembly Bill 336. We request that POST define which types of providers may conduct these visits, may they be conducted

July 18, 2022

Page 2

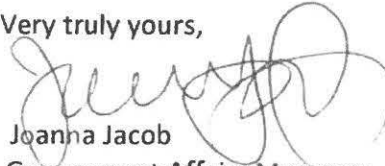
specialized training specific to the mental health needs of peace officers working in multiple law enforcement settings or as first responders.

- Define whether the visit is mandatory, whether the peace officer may refuse to attend the examination, and if so, the employing agency's responsibilities upon receipt of that refusal.

We appreciate POST's attempt to accommodate for variance in local government programs statewide. However, setting specific yet minimum standards in the areas noted above will help to promote consistency across all of our programs and insure against different levels of implementation across the State. We strongly encourage POST to consider addressing these issues and are willing to participate in further discussion along with our local government colleagues.

Please do not hesitate to contact me directly with any further questions. I may be reached via email to Joanna.Jacob@ClarkCountyNV.gov or by phone at (702) 455-2739.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Joanna Jacob', written over a circular stamp or watermark.

Joanna Jacob
Government Affairs Manager



Nevada Association of Counties
304 South Minnesota Street
Carson City, NV 89703
(775) 883-7863
www.nvnaco.org

July 19, 2022

Nevada Commission on Peace Officers Standards and Training
5587 Wa Pai Shone Avenue
Carson City, NV 89701

RE: NAC Regulation 289.190

Dear Commission Members,

The Nevada Association of Counties (NACO), the statewide association representing Nevada's Counties would like to provide input on the proposed regulations to implement Assembly Bill (AB) 336, from the 2021 session of the Nevada Legislature. We thank the Commission for the opportunity to provide perspective, sharing the goal of the commission members to implement the intent, and spirit of AB 336.

NACO would like to bring to the Commission's attention a letter submitted by Clark County and offer our support. NACO echoes the comments outlined in the letter they submitted, specifically around the language that mandates an "annual behavioral wellness *program*." NACO believes the intent of this legislation is to establish standards for wellness and behavioral health *visits* and we concur with Clark County's recommendation that language in the regulation be changed to reflect that.

We also encourage the commission to review the suggestions submitted by Clark County, especially around confidentiality, the setting of minimum standards and clarifying if a visit can be refused by a peace officer and any subsequent responsibility that an employing agency would have as a result.

Thank you, again, for the opportunity to provide input. We encourage Commission members to fully review the language and intent of AB 336 as they craft and adopt the corresponding regulation.

Should any Commission members have additional questions, or follow up, please do not hesitate to contact me directly.

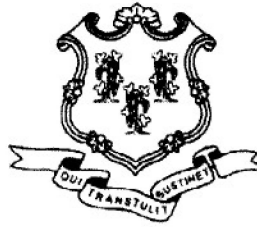
Sincerely,

A handwritten signature in cursive script that reads "Vinson W. Guthreau".

Vinson W. Guthreau
Executive Director

Table 1. Continuum of law enforcement mental health and wellness programs


Components	BPD	CMPD	DPD	IMPD	LVMPD	LASD	MNPD	MPD	SAPD	TPD	Cop2Cop
Recruitment, hiring, and screening for mental wellness			X	X			X	X	X	X	
Training academy resiliency and self-care			X	X	X	X	X	X	X	X	
In-service training on mental wellness topics	X	X	X	X	X	X	X	X	X	X	X
• Suicide prevention	X	X	X	X	X	X	X	X	X	X	X
• Resilience and self-care	X	X	X	X	X	X	X	X	X		X
• Supervisor training as front-line mental health first aid				X	X					X	X
Mentorship programs				X							
Early warning systems				X	X	X		X		X	
Critical incident response teams	X	X	X	X	X	X	X	X	X	X	X
• Debriefing protocol	X	X	X	X	X	X	X	X	X		X
Peer support programs	X	X		X	X	X	X	X	X	X	X
Behavioral health and wellness units				X	X	X	X	X	X	X	
• Counseling (finances, family, career)	X	X	X	X	X	X	X	X	X	X	X
• Referrals for services	X	X	X	X	X	X	X	X	X	X	X
• Domestic violence				X	X	X	X	X		X	X
• Substance abuse	X	X	X	X	X	X	X	X	X	X	X
Chaplaincy role	X	X	X		X	X	X	X	X		
Psychological counseling (internal)	X		X		X	X	X	X	X	X	X
Psychological counseling (external)		X	X	X	X	X		X		X	X
• Employee assistance program		X		X	X	X		X		X	X
• Treatment (residential and nonresidential)		X	X		X	X	X	X	X	X	X
• Recurring mental health checks		X	X				X		X		X
• Mandatory counseling following critical incident	X	X	X	X	X	X	X	X	X	X	X
• Eye movement desensitization and reprocessing therapy					X	X				X	X
• Officer crisis care and support (injury, illness, line-of-duty deaths, etc.)	X	X	X	X	X	X	X	X	X	X	X
• Military support—deployment and reintegration		X		X	X	X					X
• Retired officers		X	X	X			X	X	X	X	X
• Spousal support, healthy families, or Family Day	X	X	X	X	X	X	X		X	X	
• Therapy animals (dogs, cats, horses, goats)					X						



STATE OF CONNECTICUT
DEPARTMENT OF EMERGENCY SERVICES AND PUBLIC PROTECTION
Police Officer Standards and Training Council
Connecticut Police Academy

GENERAL NOTICE 20-11

To: Chief Law Enforcement Officers
Training Officers
Protective Services
Resident Troopers

From: Karen Boisvert 
Academy Administrator

Date: November 23, 2020

Subject: Guidance Document regarding periodic mental health wellness checks pursuant to the Legislative July Special Session, Public Act No. 20 – 1 (House Bill No. 6004).

At the November 12, 2020 regular meeting, the Police Officer Standards and Training Council adopted written guidance language to assist Law Enforcement Units concerning periodic mental health wellness checks pursuant to the Legislative July Special Session, Public Act No. 20 – 1 (House Bill No. 6004).

The attached guidance document concerning periodic mental health wellness checks will provide:

- Section 1:** Scope
- Section 2:** Purpose
- Section 3:** Procedure
- Section 4:** Definitions
- Section 5:** Confidentiality

Questions or comments may be directed to my attention either by e-mail Karen.boisvert@ct.gov or phone 203 – 427 – 2601.

KB/kb

Police Officer Standards and Training Council Guidance Policy
Mental Health Wellness Checks
In accordance with July Special Session, Public Act No. 20-1
Revised 3/2/2021

Section 1. Scope

The scope of this policy is in accordance with the provisions of (HB6004), the Police Officer Standards and Training Council, and in partnership with Connecticut's municipal and state law enforcement agencies, supporting initiatives aimed at maintaining and improving mental, physical and the spiritual health of Connecticut sworn law enforcement officers. This policy seeks to implement the aforementioned mandate while removing the stigma associated with treatment for the impacts of critical incidents, acutely stressful events, and adverse experiences associated with the duties of police officers. POSTC or (your Department) values its officers and has a vested interest in assisting officers in maintaining their health and wellness.

Section 2. Purpose

Periodic mental health wellness checks have existed for law enforcement officers for many years. In accordance with Section 16 of the Police Accountability Bill, (HB6004), it is recommended that a broad scope of officer wellness, not exclusive to PTSD be part of a mental health wellness check performed every (5) years of P.O.ST.C. certified law enforcement officers. While P.T.S.D. is a concern for law enforcement officers, prevalent data suggest that issues such as substance abuse, depression, family issues, and suicide are also impactful on an officer's life and are mental health concerns that need to be assessed in the wellness checks.

Section 3. Procedure

Every (5) years, and under the direction of the Chief Executive Officer or Chief of Police, of each respective department, shall ensure that sworn officers must participate in a mental health wellness check. Individual respective departments may determine the number of officers to participate in the wellness checks each year, ensuring that officers are screened every (5) years. (It is recommended that the departments cycle through their officers at a rate of 20% of their personnel each year, accomplishing a rolling (5) year cycle).

The mental health checks shall consist of an approximately 45 minute scheduled meeting that would explore an officers overall "mental health wellness". This assessment shall identify, if any, issues that may require further treatment and/or evaluation. If so appropriate referrals shall be made to relevant resources. These wellness checks shall be performed by a Board Certified Psychiatrist or Psychologist.

A final report prepared by the evaluator shall include information pertaining to an officer's attendance and participation in the wellness check, and shall be made available to both the Officer and the Chief of Police upon completion. These reports shall contain no clinical information, A.D.A requirements and confidentiality restrictions shall apply to these visits. It is essential that officers feel confident that the process is confidential and their well-being is of a paramount concern for the evaluation.

In the event that an evaluator determines that an officer is a danger to themselves or the public, a report will be immediately sent to the Chief of Police delineating those concerns. In those instances, the Chief of Police shall make a determination as to whether a comprehensive fitness for duty evaluation shall be performed and what measures will be taken to place the officer in a modified duty assignment. The subject of confidentiality limits are outweighed by a concern for a danger to one's self, a danger to others, elder and child abuse, involvement with criminal activity, or where information is divulged that would require a mandatory fitness for duty evaluation.

Section 4. Definitions

P.O.S.T.C. - Police Officer Standards and Training Council

P.T.S.D. - Post Traumatic Stress Disorder

Board Certified Psychologist/Psychiatrist - A licensed professional certified by the American Board of Psychology.

Section 5. Confidentiality

Mental health services are normally confidential, and the agency will not normally be notified if an employee seeks voluntary treatment beyond the scope of the mental health checks, but some exceptions to confidentiality exist. These exceptions include, but are not limited to expressions of an intent to hurt one's self, expression of an intent to hurt others, elder or child abuse, or involvement in criminal activity, or other information divulged that would require a fitness for duty evaluation.



Illinois Law Enforcement Training and Standards Board

JB Pritzker, Governor
Keith Calloway, Interim Executive Director

Phone: 217/782-4540
Fax: 217/524-5350
TDD: 866-740-3933

MENTAL HEALTH SCREENING RECOMMENDATIONS

Public Act 101-652 requires the Board to establish statewide standards for minimum standards regarding regular mental health screenings for probationary and permanent police officers, ensuring that counseling sessions and screenings remain confidential. In response, the Board has approved the following recommendations:

- A. All law enforcement agencies should perform a psychological evaluation on newly hired recruit officers. This evaluation should contain a battery examination of several characteristics. This evaluation should focus on personality traits that support resiliency to the adverse environment that law enforcement responds to. Assessment protocols will focus on assessment tools to assess the overall resiliency of officers so as to take a proactive response to the psychological health of the law enforcement community. It is a well-documented reality that law enforcement are up to 4 times more likely to die by suicide than in the line of duty. While there are many options that serve this purpose, agencies should conduct this examination to the extent of their available resources.
- B. Agencies should screen new recruit officers while they attend the basic academy, specifically at the beginning and end of their training. This screening should identify the general growth and development of the recruit. If concerns are raised as to the health of the recruit, more specific testing and education on officer resiliency is recommended. These screening tools are a natural process to the development of systems within law enforcement to reduce the negative impact of lateral trauma and chronic hypervigilance.
- C. Agencies should screen all officers at least once annually to evaluate the overall health of the agency. These annual screenings should be general and brief but allow for more detailed questions to be asked if certain metrics are displayed, such as a majority or substantial number of responses indicating the negative impact of lateral trauma, signs of depression/PTSD, or other negative outcomes related to the officer's career.
- D. Knowing the well documented negative impact of the stress of law enforcement are exposed to, instances where the overall health of the agency is a concern, programs, training, and in more intense situations; Critical Incident Stress Management (CISM)/counselors or counseling options should be made available to the officers. All officers should be encouraged to attend sessions with a CISM/counselor and there should be no stigma, negative outcome, financial burden, socially, or professionally, for attending a counseling session.

- E. In the course of any mental health screening, confidentiality is to remain paramount. Responses to all screening questions shall remain anonymous/confidential when conducted internally by the employing agency. These screenings should not be used for any fitness or promotional matters. In the event that the screening of any single officer reveals items of serious concern, the agency may not attempt to ascertain the identity of the responding officer.



- F. Agencies should consider partnering with a third-party to conduct these screenings. Agencies should also consider partnering with a third-party vendor to provide overall follow up of trends that may be identified by the screening outcomes to improve officer wellness and wellness of the agency. The role of a third-party screening entity allows for greater confidentiality and trust, therefore increasing the likelihood of accurate and thorough responses.

The Board believes that these screening measures will better allow police agencies to understand the health of their new and experienced officers as they move through their career and will help identify trends and concerns that are present within an agency. These recommendations will also allow specific officer concerns to be identified and addressed by third-party screeners who can preserve the highest degree of confidentiality and assist officers to better serve their communities.

(Initial Draft – September 2021)

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS

[Chapter 590](#)

 Effective - 28 Aug 2021 

590.192. Critical incident stress management program, purpose — services to be provided — requirements — confidentiality of information — fund created, use of moneys. — 1. There is hereby established the "Critical Incident Stress Management Program" within the department of public safety. The program shall provide services for peace officers to assist in coping with stress and potential psychological trauma resulting from a response to a critical incident or emotionally difficult event. Such services may include consultation, risk assessment, education, intervention, and other crisis intervention services provided by the department to peace officers affected by a critical incident. For purposes of this section, a "critical incident" shall mean any event outside the usual realm of human experience that is markedly distressing or evokes reactions of intense fear, helplessness, or horror and involves the perceived threat to a person's physical integrity or the physical integrity of someone else.

2. All peace officers shall be required to meet with a program service provider once every three to five years for a mental health check-in. The program service provider shall send a notification to the peace officer's commanding officer that he or she completed such check-in.

3. Any information disclosed by a peace officer shall be privileged and shall not be used as evidence in criminal, administrative, or civil proceedings against the peace officer unless:

(1) A program representative reasonably believes the disclosure is necessary to prevent harm to a person who received services or to prevent harm to another person;

(2) The person who received the services provides written consent to the disclosure; or

(3) The person receiving services discloses information that is required to be reported under mandatory reporting laws.

4. (1) There is hereby created in the state treasury the "988 Public Safety Fund", which shall consist of moneys appropriated by the general assembly. The state treasurer shall be custodian of the fund. In accordance with sections [30.170](#) and [30.180](#), the state treasurer may approve disbursements. The fund shall be a dedicated fund and moneys in the fund shall be used solely by the department of public safety for the purposes of providing services for peace officers to assist in coping with stress and potential psychological trauma resulting from a response to a critical incident or emotionally difficult event pursuant to subsection 1 of this section. Such services may include consultation, risk assessment, education, intervention, and other crisis intervention services provided by the department to peace officers affected by a critical incident. The director of public safety may prescribe rules and regulations necessary to carry out the provisions of this section. Any rule or portion of a rule, as that term is defined in section [536.010](#), that is created under the authority delegated in this section shall become effective only

if it complies with and is subject to all of the provisions of [chapter 536](#) and, if applicable, section [536.028](#). This section and [chapter 536](#) are nonseverable and if any of the powers vested with the general assembly pursuant to [chapter 536](#) to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2021, shall be invalid and void.

(2) Notwithstanding the provisions of section [33.080](#) to the contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund.

(3) The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

(L. 2021 S.B. 26 merged with S.B. 53 & 60 merged with S.B. 57)

Enrolled Senate Bill 424

Sponsored by Senator FREDERICK, Representatives LEWIS, NOBLE, PILUSO; Senators MANNING JR, STEINER HAYWARD, Representatives GORSEK, KENY-GUYER, MARSH, SMITH DB, SOLLMAN, WILLIAMSON (Presession filed.)

CHAPTER

AN ACT

Relating to mental health wellness policies.

Be It Enacted by the People of the State of Oregon:

SECTION 1. (1) As used in this section, "law enforcement agency" means:

- (a) A city or municipal police department.**
- (b) A county sheriff's office.**
- (c) The Oregon State Police.**
- (d) A police department established by a university under ORS 352.121 or 353.125.**

(2) A law enforcement agency shall establish a mental health wellness policy for addressing issues related to the mental health wellness of law enforcement officers employed by the agency.

Passed by Senate March 14, 2019

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Lori L. Brocker, Secretary of Senate

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Peter Courtney, President of Senate

Passed by House April 25, 2019

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Tina Kotek, Speaker of House

Received by Governor:

.....M.,....., 2019

Approved:

.....M.,....., 2019

.....
Kate Brown, Governor

Filed in Office of Secretary of State:

.....M.,....., 2019

.....
Bev Clarno, Secretary of State

Police Bureau

Sworn to protect. Dedicated to serve.

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More Contact Info (<http://www.portlandoregon.gov/police/article/492458>)



0500.00 Portland Police Bureau Wellness Program

0500.00 Portland Police Bureau Wellness Program

Refer:

ORS 181A.832, Mental health wellness policies for law enforcement agencies

DIR 0240.00, Employee Assistance Program

DIR 0280.00, Fitness Room

DIR 0305.00, Active Bystandership, Intervention, and Anti-Retaliation

DIR 0316.00, Drug, Alcohol, and Tobacco-Free Workplace

DIR 0410.00, Injuries/Occupational Illness/Disability/LOS

Definitions:

Wellness: A state of being physically, mentally, emotionally, socially, and financially healthy.

Wellness Training: Activities include, but are not limited to, physical exercise, meditation, mental health services, and wellness-related educational opportunities.

Policy:

1. The Portland Police Bureau recognizes that the wellness of its members is essential and is committed to fostering a culture of wellness to best serve its members, their families, and the community. Increased member wellness can lead to better decision-making, community interactions, and safety, which leads to increased wellness in the community.
2. This Directive establishes the Portland Police Bureau Wellness Program. The goal of the program is to enhance the physical, mental, emotional, social, and financial health for all Bureau members while increasing organizational wellness, excellence, and efficiency.
3. The Wellness Program strives to increase readiness and resiliency, enhance morale, increase productivity, reduce sick leave use, and increase job and life satisfaction. The Bureau is committed to providing wellness-related training, resources, and opportunities for members, and paid Wellness Time in accordance with this directive.

Procedure:

1. The Wellness Program.

1.1. The Bureau shall maintain a Wellness Program and designate, at minimum, a sworn officer as Wellness Program Coordinator to develop wellness-related training, refer members to wellness resources, and provide wellness-related educational opportunities. The Bureau shall strive to build a Wellness Unit staffed with both sworn and professional staff to optimize wellness for all members.

1.2. The Wellness Program Coordinator shall oversee the Wellness Time program and Wellness Training, review, document, and approve organized wellness initiatives, and coordinate with RU Wellness Committees and the Employee Assistance Program (EAP) to offer services to all Bureau members.

1.3. The Wellness Program shall periodically submit a report to the Chief of Police outlining Wellness Program project goals and measurable outcomes to evaluate efficacy.

1.4. Wellness Committees.

1.4.1. Each RU shall establish and maintain a Wellness Committee to represent all of its sworn and professional staff to coordinate with the Wellness Program and develop a Standard Operating Procedure (SOP) regarding scheduling and approving Wellness Time.

1.5. Wellness Program Objectives.

1.5.1. The Wellness Program aims to increase member and community wellness by:

- 1.5.1.1. Increasing member resilience in response to physical injury and potentially reducing injury-related leave.
- 1.5.1.2. Increasing member resilience in response to emotional injury, stress, and trauma.
- 1.5.1.3. Improving member morale and building a culture of community and wellness within the Bureau and within the larger Portland community.
- 1.5.1.4. Increasing safety and trust in the community through improving member decision-making, communication, and community interactions.

2. Wellness Time.

2.1. General Guidelines.

2.1.1. Members shall be granted 4 hours per week, in any combination of 60 or 90 minute sessions, (Wellness Time) for Bureau-approved wellness activities during the member's workweek during paid work hours.

2.1.1.1. RU managers or their designee may approve sessions longer than 90 minutes at their discretion.

2.1.2. Wellness Time is not accrued and unused hours cannot be banked or carried over to the following week.

2.1.3. The Wellness Time allotted includes time for changing clothes, showering, and the wellness activity.

2.1.4. Wellness Time shall only be used for activities that directly impact member wellness and is available pursuant to the operational needs of the Bureau and is subject to cancellation and/or rescheduling.

2.2. Cancellation.

2.2.1. Any supervisor may cancel Wellness Time at their discretion based on the operational needs of the Bureau and shall communicate both the beginning and the end of the cancellation period to the members they supervise and to the Wellness Coordinator.

2.3. Participation.

2.3.1. All Bureau members, both professional staff and sworn members, are encouraged to participate in Wellness Time.

2.3.2. Member participation is voluntary.

2.3.3. Participating members should consult their doctor regarding any prior or existing medical conditions or limitations that put them at risk for injury or illness while participating in the program.

2.4. Scheduling, Approving, and Documenting Wellness Time.

2.4.1. Wellness Time shall be scheduled and approved following the member's RU's Wellness Time SOP.

2.4.2. Wellness Time shall be documented following Wellness Program guidelines.

2.4.3. Organized wellness initiatives (e.g., a running club, group fitness class, or other group wellness activity) require prior approval and documentation by the Wellness Program Coordinator.

2.5. Telework.

2.5.1. Members are authorized to participate in Wellness Time on days they are in a telework status and shall comply with all scheduling, approval, and documentation requirements.

3. Illness and Injury Reporting.

3.1. Members shall report injuries incurred while participating in Wellness Time to a supervisor as soon as practicable and shall comply with Directive 0410.00, Injuries/Occupational Illness/Disability/LOS.

History:

Originating Directive Date: 02/27/2022

Signed: 01/28/2022

Effective Date: 02/27/2022

Next Review Date: 02/27/2023

- C. Discussion regarding possible revisions to NAC 289.270 to update the requirements to qualify for an Executive Certificate.

CURRENT LANGUAGE:

NAC 289.270 Executive certificate. ([NRS 289.510](#))

1. The Commission will grant an executive certificate to an officer upon submission of proof satisfactory to the Commission that the officer meets the following minimum requirements:

- (a) A current basic certificate.
- (b) A current intermediate certificate.
- (c) A current advanced certificate.
- (d) A current supervisor certificate.
- (e) A current management certificate.
- (f) Six years of experience as a peace officer, including at least 1 year of experience in an executive level position and a current assignment in an executive level position.
- (g) Two hundred hours of training in advanced management in addition to the training completed for the basic, intermediate, advanced, supervisor and management certificates.
- (h) The applicant must present proof that the current assignment meets the criteria for an executive level position as set forth in [NAC 289.047](#) by submitting a letter of recommendation with the application which is signed by the administrator of the agency. The letter must include an organizational chart which demonstrates the applicant's position within the agency and must describe the manner in which the applicant's current assignment meets the criteria for an executive level position as set forth in [NAC 289.047](#).

2. In making a determination pursuant to subsection 1, the Commission will review and consider each applicant individually.

PROPOSED LANGUAGE

NAC 289.270 Executive certificate. ([NRS 289.510](#))

1. ***Except as otherwise provided in subsection 2, the Commission may*** grant an executive certificate to an officer upon submission of proof satisfactory to the Commission that the officer meets the following minimum requirements:

- (a) A current basic certificate.
- (b) A current intermediate certificate.
- (c) A current advanced certificate.
- (d) A current supervisor certificate.
- (e) A current management certificate.
- (f) Six years of experience as a peace officer, including at least 1 year of experience in an executive level position and a current assignment in an executive level position.
- (g) Two hundred hours of training in advanced management in addition to the training completed for the basic, intermediate, advanced, supervisor and management certificates.
- (h) The applicant must present proof that the current assignment meets the criteria for an executive level position as set forth in NAC 289.047 by submitting a letter of recommendation with the application which is signed by the administrator of the agency. The letter must describe the manner in which the applicant's current assignment meets the criteria for an executive level position as set forth in NAC 289.047 or

2. Where the applicant is eligible for reciprocity and meets sections 1. (f), (g) and (h) above and possesses a basic, intermediate, advanced, supervisor and management certificate from that state or federal agency recognized for reciprocity. Should the reciprocity state not issue such certificates, proof from the applicant that they have the training and experience in that reciprocity state that would meet Nevada POST requirement for such certificate had the applicant been a Nevada peace officer or

3. The applicant has been appointed or elected to the executive level position and has 5 consecutive years in the position.

4. ⁴ In making a determination, the Commission will review and consider each applicant individually.