



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 INTENT TO ACT UPON A REGULATION

Notice of Hearing for the Adoption, Amendment and Repeal Of Regulations of the Commission on Peace Officer Standards and Training

PUBLIC COMMENT HEARING NOTICE: The Commission on Peace Officer Standards and Training (“Commission”) will be holding a Public Comment Hearing at **2:00 p.m. on Thursday, February 22, 2024, at the Boulder City Hall, City Council Chambers, 401 California Ave., Boulder City, NV 89005.** The purpose of the hearing is to receive comments from all interested persons regarding the adoption, amendment and repeal of regulations that pertain to Chapter 289 of the Nevada Administrative Code (NAC).

The following information is provided pursuant to the requirements of NRS 233B.0603:

1. The need for and purpose of the proposed regulations.

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.

2. For a temporary regulation, the terms, or the substance of the regulation to be adopted, amended or repealed, or a description of the subjects and issues involved.

This is a permanent regulation.

3. For a proposed regulation, a statement explaining how to obtain the approved or revised text of the proposed regulation.

The proposed regulation text may be obtained by going to the Register of Administrative Regulations for 2020 and clicking 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 775-687-7678, ext. 3335 or going to the Nevada Commission on POST website at <https://post.nv.gov>.

4. 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 adverse and beneficial effects; and

- (1) Adverse effects: There will be a fee to the agency (\$200) payable upon enrollment.
- (2) Beneficial effects: 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.

5. The methods used by the agency in determining the impact on a small business.

The Commission on POST has reviewed the text of the proposed regulations. Because the regulation amends Nevada Administrative Code Chapter 289, dealing with certification provisions of the annual continuing education of peace officers, the proposed amendments to NAC Chapter 289 will have no impact on small business.

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

The fee for this online course is \$200.00 per employee, payable upon enrollment.

7. A description of and citation to any regulations of other states or local governmental agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the proposed regulation overlaps or duplicates a federal regulation, the notice must include 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.

8. If the regulation is required pursuant to federal law, a citation and description of the federal law.

The proposed regulation is not required by federal law.

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

There are no federal regulations that regulate the same activity.

10. Whether the proposed regulation establishes a new fee or increases an existing fee.

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.

11. For a temporary regulation, each address at which the text of the regulation may be inspected and copied.

N/A

Persons wishing to comment upon the proposed action of the Commission on Peace Officer Standards and Training (Commission on POST) may appear at the scheduled public hearing or may address their comments, data, views or arguments, in written form, to Michael D. Sherlock, Executive Director, Commission on POST, 5587 Wa Pai Shone Avenue, Carson City, Nevada 89701. **Written submissions must be received by the Commission on POST on or before 5:00 pm on February 8, 2024.** If no person who is directly affected by the proposed action appears to request time to make an oral presentation, the Commission on POST may proceed immediately to act upon any written submissions.

This Notice of Intent to Act Upon Regulations and the proposed regulation will be on file at the State Library, Archives and Public Records Administrator, 100 Stewart Street, Carson City, Nevada for inspection by members of the public during business hours. Additional copies of the notice and regulations to be adopted, amended or repealed will be available at the Commission on POST Administrative Offices, 5587 Wai Pai Shone Avenue, Carson City, 89701, State of Nevada Register of Administrative Regulations, which is prepared and published monthly by the Legislative Counsel Bureau pursuant to NRS 233B.0653, and on the Internet at <http://leg.state.nv.us>, the POST web site at <http://post.nv.gov> and the State of Nevada Department of Administration website at <https://notice.nv.gov>.

Copies of this notice and the proposed regulation will also be mailed to members of the public at no charge upon request.

Upon adoption of any regulation, the agency, if requested to do so by an interested person, either before adoption or within 30 days thereafter, shall issue a concise statement of the principal reasons for and against its adoption and incorporate therein its reason for overruling the consideration urged against its adoption.

The Notice of Intent to Act Upon Regulations and the proposed regulation have been sent to all criminal justice agencies on the Commission on POST Listserv list and posted at the following locations:

**Commission on POST Administrative Office
Carson City, NV 89701**

<http://post.nv.gov>

<http://notice.nv.gov>

<http://leg.state.nv.us>

NOTE: We are pleased to make reasonable accommodations for members of the public with disabilities who wish to attend the meeting. If special arrangements for the meeting are necessary, please notify the Commission on POST, in writing, at 5587 Wai Pai Shone Avenue, Carson City, Nevada 89701, or call Chief Kathy Floyd at (775) 687-7678, Extension 3335, no later than five working days prior to the meeting.

**SEE ATTACHED COPIES OF THE PROPOSED
REGULATIONS**

**PROPOSED REGULATION OF THE PEACE OFFICERS’
STANDARDS AND TRAINING COMMISSION**

LCB File No. R118-23

December 13, 2023

EXPLANATION – Matter in *italics* is new; matter in brackets [~~omitted material~~] is material to be omitted.

AUTHORITY: §§ 1-3, NRS 289.510, as amended by section 1 of Senate Bill No. 323, chapter 158, Statutes of Nevada 2023, at page 839.

A REGULATION relating to peace officers; setting forth the requirements for obtaining a basic certificate by reciprocity as a category III peace officer; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law requires the Peace Officers’ Standards and Training Commission to adopt regulations establishing minimum standards for the certification, decertification, recruitment, selection and training of peace officers, including standards for the reciprocity of a person who: (1) has been certified as a category III peace officer or its equivalent by the certifying authority of another state; or (2) has successfully completed a federal law enforcement training program that is equivalent to a category III peace officer in this State. (NRS 289.510, as amended by section 1 of Senate Bill No. 323, chapter 158, Statutes of Nevada 2023, at page 839) **Section 1** of this regulation sets forth the requirements for a person to obtain a basic certificate by reciprocity as a category III peace officer. **Section 1** provides that the Executive Director of the Commission may award a basic certificate by reciprocity as a category III peace officer if the person: (1) is currently employed in another state in a position that is equivalent to the position of a category III peace officer in this State or not more than 60 months have lapsed since he or she was employed in another state in a position that is equivalent to the position of a category III peace officer in this State; (2) meets certain minimum standards for appointment that apply to all peace officers in this State; (3) provides certain evidence relating to his or her certification or training; (4) has passed the state certification examination with a score of at least 70 percent; and (5) has satisfactorily completed a training course approved by the Executive Director which consists of a minimum of 40 hours of training in certain subjects.

Section 2 of this regulation makes a conforming change to amend the definition of “basic certificate” to include a basic certificate by reciprocity as a category III peace officer.

Section 3 of this regulation makes a conforming change to create an exception to the requirement that a person pass the state physical fitness examination generally required for a basic certificate as a category III peace officer, as **section 1** provides instead that an agency that wants to employ a person who obtains a basic certificate by reciprocity as a category III peace officer may require the person to pass the state physical fitness examination.

Section. 1. Chapter 289 of NAC is hereby amended by adding thereto a new section to read as follows:

1. The Executive Director may award a basic certificate by reciprocity to any person if the person:

(a) Is currently employed in another state in a position that is equivalent to the position of a category III peace officer in this State or not more than 60 months have lapsed since he or she was employed in another state in a position that is equivalent to the position of a category III peace officer in this State;

(b) Meets the minimum standards for appointment established pursuant to NAC 289.110;

(c) Provides verifiable evidence that he or she:

(1) Has been certified as the equivalent of a category III peace officer by the certifying entity of another state and demonstrate that:

(I) Such certification has not been revoked or suspended; and

(II) The certification requirements are equivalent to the requirements for obtaining a basic certificate as a category III peace officer in this State;

(2) Has successfully completed training in another state that does not have a certifying entity and demonstrate that the training requirements are equivalent to the requirements for obtaining a basic certificate as a category III peace officer in this State; or

(3) Has successfully completed a Federal Law Enforcement Training Centers of the United States Department of Homeland Security training program regarding custody and detention, approved by the Commission;

(d) Has passed the state certification examination with a score of at least 70 percent; and

(e) Has satisfactorily completed a training course that is approved by the Executive Director which consists of a minimum of 40 hours of training that satisfies the requirements established by the Commission pursuant to subsection 1 of NAC 289.300 in:

- (1) Ethics in law enforcement;*
- (2) Cultural awareness;*
- (3) Crisis intervention;*
- (4) Handling of persons with mental illness;*
- (5) Public and media relations;*
- (6) Constitutional law;*
- (7) Use of force;*
- (8) Civil liability;*
- (9) Laws relating to drugs, including, without limitation, current trends in drugs;*
- (10) Modern correctional philosophy;*
- (11) Laws relating to correctional institutions;*
- (12) Classification and receiving of offenders;*
- (13) Supervision of offenders;*
- (14) Care of persons in custody;*
- (15) Searches of offender institutions;*
- (16) Games offenders play;*
- (17) Gangs and cults;*
- (18) Records of offenders in institutions;*
- (19) Domestic violence, stalking and aggravated stalking;*
- (20) Training concerning active assailants;*

(21) Searching of buildings;

(22) Counter-terrorism and weapons of mass destruction; and

(23) Fire safety and use of equipment.

2. The Commission or its designee will determine whether any certification or training received in another state is equivalent to the requirements for obtaining a basic certificate as a category III peace officer in this State.

3. An agency that wants to employ a person who obtains a basic certificate by reciprocity as a category III peace officer pursuant to this section may require the person to pass the state physical fitness examination as described in subsection 3 of NAC 289.205.

Sec. 2. NAC 289.020 is hereby amended to read as follows:

289.020 “Basic certificate” means the certificate issued by the Executive Director which is evidence that a person has met the minimum standards established by this chapter to be appointed to perform the duties of a peace officer. *The term includes, without limitation, a basic certificate by reciprocity as a category III peace officer issued pursuant to section 1 of this regulation.*

Sec. 3. NAC 289.205 is hereby amended to read as follows:

289.205 To pass the state physical fitness examination, a person must:

1. For a basic certificate as a category I peace officer or as a reserve peace officer:
 - (a) Complete a vertical jump of not less than 14 inches.
 - (b) Complete not less than 30 sit-ups in 1 minute.
 - (c) Complete not less than 23 push-ups.
 - (d) Run 300 meters in not more than 1 minute and 8 seconds.
 - (e) Walk or run 1.5 miles in not more than 16 minutes and 57 seconds.

(f) Complete an agility run in not more than 19.5 seconds.

2. For a basic certificate as a category II peace officer:

(a) Complete a vertical jump of not less than 15 inches.

(b) Complete not less than 29 sit-ups in 1 minute.

(c) Complete not less than 15 push-ups.

(d) Run 300 meters in not more than 1 minute and 20 seconds.

(e) Walk or run 1.5 miles in not more than 20 minutes and 6 seconds.

(f) Complete an agility run in not more than 20.7 seconds.

3. ~~For~~ *Except as otherwise provided in section 1 of this regulation, for* a basic certificate

as a category III peace officer:

(a) Complete a vertical jump of not less than 15 inches.

(b) Complete not less than 20 push-ups.

(c) Run 300 meters in not more than 1 minute and 14 seconds.

(d) Walk or run 1.5 miles in not more than 17 minutes and 37 seconds.

(e) Complete an agility run in not more than 20.4 seconds.