



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 HEARING NOTICE: The Commission on Peace Officer Standards and Training (“Commission”) will be holding a Public Comment Hearing at **8:00 a.m. on Thursday, May 2, 2024, at the POST ADMINISTRATION BUILDING, CLASSROOM #2, 5587 WA PAI SHONE AVE., CARSON CITY, NV 89701.** 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).

R031-23RP2 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.

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 For a temporary regulation, the terms, or the substance of the regulation to be adopted, amended or repealed, or a description of the subjects and issues involved.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 2023 and clicking the link: www.leg.state.nv.us/Register/2023Register/R031-23RP2.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: 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.

(b) Both immediate and long-term effects:

- (1) The immediate effects: This will shorten the hiring process for executive level staff, for Nevada agencies. This will allow agencies to hire experienced staff who will be on the job during the process of certification.
- (2) The long-term effects: Agencies will have the ability to hire executive level staff that will bring knowledge and experience to their agencies.

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.

There is no cost to the agency for enforcement.

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 or increase existing fees.

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 April 17, 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 Wa 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**

**SECOND REVISED PROPOSED REGULATION OF THE PEACE
OFFICERS' STANDARDS AND TRAINING COMMISSION**

LCB File No. R031-23

March 28, 2024

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

AUTHORITY: § 1, NRS 289.510.

A REGULATION relating to peace officers; establishing the requirements a peace officer must meet to receive a command level basic certificate; 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 and training of peace officers. (NRS 289.510)

This regulation provides that the Commission may award a command level basic certificate to a peace officer if: (1) the peace officer has been elected or appointed to an executive level position; (2) the peace officer meets the minimum standards for appointment; (3) the peace officer has 5 consecutive years of experience as a peace officer employed by a Nevada agency; (4) any prior certification of the peace officer has not been revoked or suspended; (5) the peace officer has completed certain training courses; (6) the peace officer passes the state certification examination with a score of at least 70 percent; and (7) the peace officer passes a physical fitness examination approved by the employing agency of the peace officer.

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

- 1. The Commission may award a command level basic certificate to a peace officer if:*
 - (a) The peace officer has been elected or appointed to an executive level position;*
 - (b) The peace officer meets the minimum standards for appointment established pursuant to NAC 289.110;*

(c) The peace officer has 5 consecutive years of experience as a peace officer employed by a Nevada agency;

(d) Any prior certification of the peace officer has not been revoked or suspended;

(e) The peace officer has satisfactorily completed 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 examination with a score of at least 70 percent; and

(g) The peace officer passes a physical fitness examination approved by the employing agency of the peace officer.

2. An agency may have only two active command level basic certificates at any one time.

3. To maintain a command level basic certificate, a peace officer must comply with the provisions of this chapter and chapter 289 of NRS.

4. A command level basic certificate expires immediately upon the separation of a peace officer from an executive level position unless, within 90 days after the separation, the peace officer is newly elected or appointed to an executive level position.