



STATE OF NEVADA
COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING
5587 Wa Pai Shone Ave
Carson City, Nevada 89701
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BRIAN SANDOVAL
Governor

MICHAEL D. SHERLOCK
Executive Director

01/17/2018

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 hold a public hearing at 1:00 p.m., on February 22, 2018, at the Casa Blanca Hotel, in the Dunes rooms 1 & 2, at 950 West Mesquite Blvd, Mesquite, Nevada. 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.

NRS Chapter 289 authorizes the Commission to adopt regulations setting the minimum standards for the certification, decertification, training and selection of peace officers. See, NRS 289.510. The Commission has adopted regulations establishing the minimum standards required to issue a peace officer a Basic Certificate and standards to maintain a Basic

Certificate. See NAC 289.140 thru NAC 289.170, NAC 289.200 and NAC 289.230.

Assembly Bill 151 went into effect on July 1, 2017 amended NRS Chapter 289 by adding a new section requiring the Commission to establish by regulation the minimum standards for a voluntary program for the training of law enforcement dispatchers and issue appropriate certificates to law enforcement dispatchers who have satisfactorily completed the voluntary program. (Section 1, Statutes of Nevada 2017, at page 231).

Section 3 of this regulation establishes the minimum standards of training for law enforcement dispatchers who attend the voluntary program. **Section 4** of this regulation requires the Executive Director of the Commission to award a law enforcement dispatcher certificate to a law enforcement dispatcher who satisfactorily completes the voluntary program and meets certain other requirements.

2. **For a temporary regulation, the terms, or the substance of the regulations to be adopted, amended or repealed, or a description of the subjects and issues involved.**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 contacting Scott Johnston at johnston@post.state.nv.us or by telephone at 775-687-3335.

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: None anticipated.

(2) Beneficial effects: The establishment of regulatory standards for training and certification of law enforcement dispatchers

(b) Both immediate and long-term effects:

The immediate effects: The regulation will establish minimum standards for law enforcement dispatcher who attend the voluntary training and certification program.

The long term effects: Trained Law Enforcement dispatchers are better equipped to continue performing their function to the public and law enforcement.

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 minimum standards for the training, certification and decertification of peace officers and law enforcement dispatchers employed by governmental law enforcement agencies, 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 Commission does not project any extra costs for enforcement of the proposed regulations.

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. The regulations are required as outlined in AB 151.

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 involve or establish fees.

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

This regulation is not a temporary regulation; it is a permanent regulation.

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 15, 2018.** 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.

A copy of this notice and the regulations to be adopted, amended or repealed will be on file at the State Library, 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, and in all counties in which an office of the agency is not maintained, at the main public library, for inspection and copying by members of the public during business hours. This notice and the text of the proposed regulations are also available in the 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 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 Hearing has been sent to all criminal justice agencies on the Commission on POST mailing list and posted at the following locations:

CARSON CITY

Blasdel Building, 209 East Musser Street
Nevada State Library, 100 Stewart Street

Capitol Building, 101 N. Carson Street
Commission on POST, 5587 Wa Pai
Shone Ave.

LAS VEGAS

Grant Sawyer State Building, 555 Washington Avenue

ELY

White Pine County Sheriff's Office, 1785 Great
Basin Blvd.

LIBRARIES (MAIN BRANCHES)

<p>Carson City Library 900 N. Roop St Carson City, Nevada 89702</p>	<p>Churchill County Library 553 S. Maine Street Fallon, Nevada 89406-3387</p>
<p>Clark County Library 1401 E. Flamingo Rd. Las Vegas, Nevada 89119-5265</p>	<p>Douglas County Public Library 1625 Library Ln. PO Box 337 Minden, Nevada 89423-4420</p>
<p>Elko County Library 720 Court St. Elko, Nevada 89801-3331</p>	<p>Esmeralda County Library Goldfield Valley Library Corner of Crook & 4th Street Post Office Box 430 Gold Field, Nevada 89013-430</p>
<p>Eureka County Branch Library 210 South Monroe Eureka, NV 89316</p>	<p>Humboldt County Library 85 E. 5th Street Winnemucca, Nevada 89445-3095</p>
<p>Lander Co Battle Mountain Branch Library 625 S. Broad St Post Office Box 141 Battle Mountain, Nevada 89820-1920</p>	<p>Lincoln County Library 63 Main Street PO Box Box 330 Pioche, Nevada 89043</p>
<p>Lyon County Library System 20 Nevin Way Yerington, Nevada 89447-2399</p>	<p>Mineral County Library 110 1st St PO Box 1390 Hawthorne, Nevada 89415-1390</p>
<p>Tonopah Public Library 167 S. Central Street Post Office Box 449 Tonopah, Nevada 89049-0449</p>	<p>Pershing County Library 1125 Central Avenue PO Box 781 Lovelock, Nevada 89419-0781</p>
<p>Storey County Library 175 E. Carson Street PO Box 999 Virginia City, Nevada 89440-0999</p>	<p>Washoe County Downtown Reno Library 301 South Center Street Reno, Nevada 89501-2102</p>
<p>White Pine County Library 950 Campton Street Ely, Nevada 89301-1965</p>	

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 Kathy Floyd at (775) 687-7678, Extension 3320, 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. R128-17

November 8, 2017

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

AUTHORITY: §§1-5 and 7, section 1 of Assembly Bill No. 151, chapter 60, Statutes of Nevada 2017, at page 231; §6, NRS 289.510.

A REGULATION relating to law enforcement dispatchers; establishing the minimum standards of a voluntary program for the training of law enforcement dispatchers; providing for the award a law enforcement dispatcher certificate to a law enforcement dispatcher who satisfactorily completes the voluntary program and meets certain other requirements; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Peace Officers' Standards and Training Commission to establish by regulation the minimum standards of a voluntary program for the training of law enforcement dispatchers and issue appropriate certificates to law enforcement dispatchers who have satisfactorily completed the voluntary program. (Section 1 of Assembly Bill No. 151, chapter 60, Statutes of Nevada 2017, at page 231)

Section 3 of this regulation establishes the minimum standard of training for law enforcement dispatchers who attend the voluntary program. **Section 4** of this regulation requires the Executive Director of the Commission to award a law enforcement dispatcher certificate to a law enforcement dispatcher who satisfactorily completes the voluntary program and meets certain other requirements.

Section 1. Chapter 289 of NAC is hereby amended by adding thereto the provisions set forth as sections 2, 3 and 4 of this regulation.

Sec. 2. *As used in sections 2, 3 and 4 of this regulation, unless the context otherwise requires, “law enforcement dispatcher” has the meaning ascribed to it in section 1 of Assembly Bill No. 151, chapter 60, Statutes of Nevada 2017, at page 231.*

Sec. 3. *A law enforcement dispatcher may attend a voluntary program for the training of law enforcement dispatchers. The minimum standard of training for law enforcement dispatchers is successful completion of a course that includes 120 hours of training in:*

- 1. Communications technology;*
- 2. Course administration, orientation and testing;*
- 3. Criminal law and the classification and definitions of crimes;*
- 4. Effective communication;*
- 5. Excited delirium and agitated chaotic events;*
- 6. Health, wellness and stress management;*
- 7. Homeland security;*
- 8. Interrogation;*
- 9. Law enforcement dispatching and the legal aspects thereof;*
- 10. Receiving calls for service related to crimes, traffic incidents, public safety and any other related calls for assistance;*
- 11. State and national computer files; and*
- 12. The role of a law enforcement dispatcher and an overview of public safety organizations.*

NEW FIRST
PARALLEL
SECTION

Sec. 4. *The Executive Director shall award a law enforcement dispatcher certificate to a law enforcement dispatcher who:*

- 1. Is currently employed as a law enforcement dispatcher;*
- 2. Is an authorized user of the National Crime Information Center who is thereby able to access the system to make inquiries;*
- 3. Satisfactorily completes the voluntary program established pursuant to section 3 of this regulation; and*
- 4. Submits to the Executive Director the statement concerning child support prescribed by the Division of Welfare and Supportive Services of the Department of Health and Human Services pursuant to NRS 425.520.*

NEW
SECOND
PARALLEL
SECTION

Sec. 5. Section 4 of this regulation is hereby amended to read as follows:
The Executive Director shall award a law enforcement dispatcher certificate to a law enforcement dispatcher who:

1. Is currently employed as a law enforcement dispatcher;
2. Is an authorized user of the National Crime Information Center who is thereby able to access the system to make inquiries; **and**
3. Satisfactorily completes the voluntary program established pursuant to section 3 of this regulation. **†**
and
- ~~4. Submits to the Executive Director the statement concerning child support prescribed by the Division of Welfare and Supportive Services of the Department of Health and Human Services pursuant to NRS 425.520.†~~

Sec. 6. 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.

Sec. 7. 1. This section and sections 1, 2, 3 and 6 of this regulation become effective on the date on which the Legislative Counsel files this regulation with the Secretary of State in accordance with subsection 1 of NRS 233B.070.

2. Section 4 of this regulation becomes effective on the date on which the Legislative Counsel files this regulation with the Secretary of State in accordance with subsection 1 of NRS 233B.070 and expires by limitation on the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:

(a) Have failed to comply with a subpoena or warrant relating to a proceeding to determine the paternity of a child or to establish or enforce an obligation for the support of a child; or

(b) Are in arrears in the payment for the support of one or more children,
↪ are repealed by the Congress of the United States.

3. Section 5 of this regulation becomes effective on the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:

(a) Have failed to comply with a subpoena or warrant relating to a proceeding to determine the paternity of a child or to establish or enforce an obligation for the support of a child; or

(b) Are in arrears in the payment for the support of one or more children,
↪ are repealed by the Congress of the United States.