



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., 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/or 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 Officers’ 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).

This language revises NAC 289.270 and will add two additional ways to meet the eligibility of the Executive Certificate. This will allow officers in an executive level position, that came to Nevada through reciprocity and previously held the executive certificate in their prior law enforcement position, and the training meets Nevada requirements, to obtain the executive certificate, or is an officer of this state who has been appointed or elected to an executive level position and has remained in the position for 5 consecutive years.

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 For a temporary regulation, the terms, or the substance of the regulation to be adopted, amended or repealed, or a description of the subjects and issues involved.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: <https://www.leg.state.nv.us/Register/2023Register/R032-23RP1.pdf> 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: None
- (2) Beneficial effects: Retention of experienced officers that will now be eligible for bonuses and pay increases due to being able to obtain the Executive Certificate.

(b) Both immediate and long-term effects:

- (1) The immediate effects: None
- (2) The long-term effects: Retention of experienced officers that will now be eligible for bonuses and pay increases due to being able to obtain the Executive Certificate.

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.

None

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 involve or establish 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**

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

LCB File No. R032-23

January 19, 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; revising the minimum requirements for certain peace officers to obtain an executive certificate; establishing the requirements for a peace officer of another state to obtain an executive 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) Existing regulations provide that the Commission will grant an executive certificate to a peace officer upon the submission of, among other things, a letter of recommendation that is signed by the administrator of the agency and includes an organizational chart which demonstrates the position of the applicant within the agency. (NAC 289.270)

This regulation revises the contents of such a letter of recommendation and provides that the Commission will grant an executive certificate to: (1) a peace officer of this State if the peace officer has been elected or appointed to an executive level position and has remained in the position for 5 consecutive years; and (2) a peace officer of another state in certain circumstances.

Section 1. NAC 289.270 is hereby amended to read as follows:

289.270 1. The Commission will grant an executive certificate to ~~{a}~~ :

(a) *An officer of this State* upon submission of proof satisfactory to the Commission that the officer meets the following minimum requirements:

~~{a}~~ (1) A current basic certificate.

~~{b}~~ (2) A current intermediate certificate.

~~{c}~~ (3) A current advanced certificate.

~~[(d)]~~ (4) A current supervisor certificate.

~~[(e)]~~ (5) A current management certificate.

~~[(f)]~~ (6) 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)]~~ (7) Two hundred hours of training in advanced management in addition to the training completed for the basic, intermediate, advanced, supervisor and management certificates.

~~[(h)]~~ (8) 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~~ :

(I) *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] ; and~~

(II) *Describes* the manner in which the applicant's current assignment meets the criteria for an executive level position as set forth in NAC 289.047.

(b) An officer of this State who has been appointed or elected to an executive level position and has remained in the position for 5 consecutive years.

(c) An officer of another state, if the other state has a certifying entity and the officer:

(1) Meets the requirements of subsection 2 of NAC 289.200 for a basic certificate;

(2) Holds a current intermediate, advanced, supervisor and management certificate issued by the certifying entity of the other state;

(3) Has 6 years of experience as a peace officer in the other state, including at least 1 year of experience in the other state in a position equivalent to an executive level position;

(4) Has the equivalent of 200 hours of training in advanced management in another state in addition to the training completed for the basic, intermediate, advanced, supervisor and management certificates;

(5) Has a current assignment in an executive level position in this State; and

(6) Presents proof that the current assignment in this State 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:

(I) Is signed by the administrator of the agency; and

(II) Describes the manner in which the applicant's current assignment meets the criteria for an executive level position as set forth in NAC 289.047.

(d) An officer of another state, if the other state does not have a certifying entity and upon submission of proof satisfactory to the Commission that the officer:

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

(2) Has received training and experience that is equivalent to the training and experience required for a basic, intermediate, advanced, supervisor and management certificate pursuant to NAC 289.200 and 289.240 to 289.260, inclusive.

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