

INFORMATIONAL STATEMENT

R078-21

1. A clear and concise explanation of the need for the adopted regulation:

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. (NRS 289.510, as amended by section 1 of Assembly Bill No. 409, chapter 136, Statutes of Nevada 2021, at page 574)

The existing regulations of the Commission require a person seeking to be appointed to perform the duties of a peace officer to undergo a background investigation regarding the person's: (1) employment, criminal and financial history; (2) driving record; (3) education and military background; and (4) previous addresses of residence. The background investigation must also include a drug screening, psychological evaluation and lie detector test. (NAC 289.110)

The Nevada Legislature, in an attempt to modernize the hiring and recruiting process and to better identify implicit bias issues during the background investigation, has enacted this addition to the regulation which requires the background investigation to include an evaluation to identify any implicit bias the person may have on the basis of race, color, religion, national origin, physical or mental disability, sexual orientation or gender identity or expression. This will provide law enforcement agencies that are not already screening for these issues guidance in implementing a procedure. It will assist agencies in ensuring they are hiring the best candidates.

This regulation makes a corresponding change to the background investigation requirement of the Commission.

2. A description of how public comment was solicited, a summary of the public response and an explanation of how other interested persons may obtain a copy of the summary:

A Workshop held November 8, 2021, public comment accepted during the workshop and regularly scheduled meeting. A copy of the notice of regulations to be adopted, amended or repealed was posted pursuant to the Governor's Declaration of Emergency Directive 006, section 004: A notice of this workshop and meeting have been provided via electronic means to all law enforcement agencies on the POST Listserv email list, electronically posted on post.nv.us, notice.nv.gov, leg.state.nv.us and physically posted at the Commission on Peace Officer Standards and Training Administrative Office, 5587 Wa Pai Shone Ave., Carson City and the Nevada State Library in Carson City. Copies of the notice and regulations to be adopted, amended or repealed are available upon request by contacting the POST Standards Division at (775) 687-3335.

A Public Comment Hearing was held July 19, 2022. Public Comment accepted during the Public Comment Hearing and regularly scheduled meeting. The notice and the regulations to be adopted, amended or repealed, pursuant to NRS 233B.0607, have been provided via electronic means to all law enforcement agencies on the POST Listserv email list, electronically posted on post.nv.us, notice.nv.gov, leg.state.nv.us and physically posted at the Commission on Peace Officer Standards and Training Administrative Office, 5587 Wa Pai Shone Ave., Carson City and the Nevada State Library in Carson City. Copies of the notice and regulations to be adopted, amended or repealed are available upon request by contacting the POST Standards Division at (775) 687-3335.

The number of persons who:

- 1) **Attended each hearing**
 - a. **Workshop – 10**
 - b. **Public Comment Hearing - 13**
 - 2) **Testified at each hearing**
 - a. **Workshop – 0**
 - b. **Public Comment Hearing - 0**
 - 3) **Submitted to the agency written statements: 0**
3. **Contact information of each person that testified at each hearing or submitted statements to the agency. (If no contact information was provided state “not provided”): N/A**
4. **A description of how comment was solicited from affected businesses, a summary of their response and an explanation of how other interested persons may obtain a copy of the summary:**

Because the regulation amends Nevada Administrative Code Chapter 289, adding to the requirements of the background of an officer, the proposed amendments to NAC 289 will have no impact on small business.

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/2021Register/R078-21P.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>.

5. **If the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation without change:**

This regulation meets the requirements and was adopted with no changes

6. 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 much include:

1)Both the adverse and beneficial effects; and

Adverse:

1. Clark County – \$25,000 per fiscal year
2. Lyon County - \$15,000 per fiscal year
3. Carson City - TBD
4. Douglas County-TBD
5. Lincoln County-TBD
6. Pershing County-TBD
7. White Pine County-TBD
8. Boulder City-TBD
9. City of Las Vegas – TBD
10. City of North Las Vegas-TBD
11. City of Reno-TBD

Beneficial: This regulation requires the background investigation to include an evaluation to identify any implicit bias the person may have on the basis of race, color, religion, national origin, physical or mental disability, sexual orientation or gender identity or expression. An agency will have this additional tool available to eliminate the hiring of people with bias issues.

2)Both immediate and long-term effects

Immediate: None

Long Term: None

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

None

8. A description of any regulations of other state or government agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the regulation overlaps or duplicates a federal regulation, the name of the regulating federal agency:

None

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

None

10. If the regulation provides a new fee or increases an existing fee, the total annual amount the agency expects to collect and the manner in which the money will be used:

None