

INFORMATIONAL STATEMENT

R052-22

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 and decertification, recruitment, selection and training of peace officers. (NRS 289.510)

Existing regulation provides the Commission will grant an executive certificate to a peace officer upon submission of proof that the peace officer, among other requirements, has at least 1 year of experience in an executive level position and a current assignment in an executive level position.

In order to clarify and delineate executive level position, this regulation (1) revises the definition of "executive level position" to mean a position held by a peace officer in which the peace officer is the chief executive of an agency or is acknowledged and affirmed by the chief executive of an agency to be in the direct line and immediately available and authorized to act as the chief executive of the agency during the absence of the chief executive; and (2) defines "chief executive" to mean a person who is in charge of an entire agency.

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 was held November 8, 2021, where public comment was accepted during the workshop 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 The notice and the regulations to be adopted, amended or repealed, pursuant to NRS 233B.0607, have been provided via electronic means to all law enforcement agencies on the POST Listserv email list, electronically posted on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 Copies of the notice and regulations to be adopted, amended or repealed are available upon request by contacting the POST Standards Division at (775) 687-3335.

A Workshop was held February 24, 2022, where public comment was accepted during the workshop 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 The notice and the regulations to be adopted, amended or repealed, pursuant to NRS 233B.0607, have been provided via electronic means to all law enforcement agencies on the POST Listserv email list, electronically posted on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.

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 (11/8/21) - 10**
 - b. **Workshop (2/24/22) - 7**
 - c. **Public Comment Hearing -13**

 - 2) **Testified at each hearing**
 - a. **Workshop (11/8/21) - 1**
 - b. **Workshop (2/24/22) - 4**
 - c. **Public Comment Hearing - 1**

 - 3) **Submitted to the agency written statements: 1**
- 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”):**

11/8/21- Workshop

Ken Furlong/Carson City SO (kfurlong@carson.org)

2/24/22 - Workshop

Aaron Johnson/Boulder City PD – ajohnson@bcnv.gov

Chris Lininger/Humboldt Co SO – chris.lininger@humboldtcountynv.gov

Ken Furlong/Carson City SO – kfurlong@carson.org

Thedrick Andres/Henderson PD - not provided

Gerald Antinoro/Storey Co SO – via written statement

7/19/22 – Public Comment Hearing

Aaron Johnson/Boulder City PD – ajohnson@bcnv.gov

- 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: www.leg.state.nv.us/Register/2020Register/R052-22P.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>.

- 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 must include:**

1)Both the adverse and beneficial effects; and

Adverse: None

Beneficial: This definition is tied to the eligibility of the Executive certificate. In clarifying and specifying which positions are considered executive level, it can be utilized by agencies to aid in negotiations when hiring or promoting and used when determining salaries and compensation.

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