

LEGISLATIVE REVIEW OF ADOPTED REGULATIONS--NRS 233B.066
Informational Statement
LCB File No. R121-13

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

The NRS and NAC provide for the authority and responsibility of POST which includes, adopt regulations establishing minimum standards for the certification of peace officers. Nevada POST and law enforcement leaders are making every attempt to increase professionalism amongst law enforcement officers.

Amending NAC 289.230 in the following areas will provide clarity in the regulation, allow for agency administrators to determine specific training needs, act on these needs within a more efficient time, and be fiscally efficient.

1. **Change the current 24 hour training requirement to 12 hours of agency in-service training, and provide examples of topic areas of training.** This will provide agencies with the latitude to provide specific in-service training tailored to meet the needs of the agency.
2. **Remove the requirement that the Executive Director must approve the 12 hours of training provided by a law enforcement agency.** Currently all courses need the approval of the Executive Director. By removing this requirement for only the annual in-service training requirement, agencies have more latitude in providing training that meets the needs of agency instead of only training that has been approved by the Executive Director.
3. **Change the due date for agency reporting of in-service training from before January 31st following the year in which training was required to on or before December 31st of the year in which the training was required.** Currently, the reporting of annual in-service training involved a single report that was generally compiled in the first month of the new year to allow extra time for reporting. With the implementation of electronic reporting throughout a reporting year as training requirements are met, the extension of one extra month is not needed.
4. **Change the course topic title of “defensive tactics” to “arrest and control tactics.”** The course topic title of defensive tactics is outdate terminology and does not correctly reflect the actual training conducted. This terminology needs to be replaced with the term arrest and control tactics which will properly align this training title.

Amending NAC 289.260 which contains the requirements for a management certificate, to remove the wording “in addition to the units required for the intermediate and advanced certificates”. The requirements of the Management Certificate need to be modified in order to remove a conflict with the standards for the Intermediate and Advanced Certificate. The new standards for the Intermediate and Advanced Certificates allow credit for longevity, training, and higher education. An officer could obtain these certificates with longevity and training with no higher education. Since the Management Certificate currently references to the Intermediate and Advanced Certificates higher education requirements, it creates a conflict with the new standards. Making this change will properly align the Management Certificate with the Intermediate and Advanced Certificates.

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

Public comment was solicited as follows pursuant to NRS 233B.0603:

Notice of Workshop to Solicit Comment on Proposed Regulations May 2, 2013 1:30pm, Commission on Peace Officers' Standards and Training, 5587 Wa Pai Shone Avenue, Carson City, Nevada.

2nd Amended Notice of Workshop to Solicit Comment on Proposed Regulations, 9:30am, July 24, 2013, Prospector Hotel and Casino, 1501 E. Aultman, Ghost Train Room, Ely, Nevada

Notice of Public Meeting, Notice of Workshop to Solicit Comments on Proposed Regulations both scheduled for October 28, 2013 at 3:30 pm at the Palace Station Hotel and Casino, 2411 W. Sahara Avenue, Salon F, Las Vegas.

Amended Notice Of Intent To Act Upon A Regulation; Public Comment Hearing was held at 1:00 pm, on March 5, 2014, at the Carson City Sheriff's Office, Ormsby Room, 911 E. Musser St. Carson City, Nevada. In addition to the meeting locations listed below, the Public Comment Hearing was posted at all county library main branches.

Notices were sent to all listed meeting locations, all law enforcement agencies, law enforcement training academies, agency single points of contact, and posted on the POST web site, and the LCB web site.

POST Administrative Office, Carson City
Nevada State Capitol, Carson City
Blasdel State Building, Carson City
Nevada State Library and Archives, Carson City
Grant Sawyer Building, Las Vegas
White Pine County Sheriff's Office, Ely
Carson City Sheriff's Office
<http://www.post.state.nv.gov>
[www.http://leg.state.nv.us](http://leg.state.nv.us)

Public response consisted one written statement by Sheriff Ben Trotter, Churchill County Sheriff's Office extending his support for the regulation revision. This statement was read into the record at the July 24, 2013 Workshop.

At the May 2, 2013 Workshop:

Curtiss Kull, Undersheriff Humboldt County Sheriff's Office. State he was expressing the Sheriffs view by stating they would rather see the "current system stay". "He is in favor of more of a standardized level of training".

Jerry Antinoro, Sheriff Storey County He reiterate the concerns of Humboldt County Sheriff and said tht in order to have something that can truly be regulated, there should be hours attached to training.

Wayne Carlson, Executive Director Public Agency Insurance Pool. Their concern would be to make clarity as to what's critical skill levels. The second statement was dealing with liability defense and adding that part of professional development could include policy reviews, legal updates.

At the October 28, 2013 Workshop:

Jim Pitts, Sheriff Elko County. He has reviewed the revisions and like the changes being done. It provides the departments with the latitude to train where we need to, where we think we are weak at. "So I am for this. I think it's a good move by this Board".

Richard Machado, Sheriff Pershing County. Stated he is in favor of the proposed changes. "I think that what we're doing here allows us, as sheriffs, to regulate the training a little better, be able to financially budget for this."

Interested persons may obtain a copy of the summary at the POST Commission Administrative Offices, 5587 Wai Pai Shone Avenue, Carson City 89701 or by calling Scott Johnston, Bureau Chief at 775-687-3335.

3. The number of persons who:

(a) Attended each hearing:

05/02/2013 Workshop	25
07/24/2013 Workshop	4
10/28/2013 Workshop	14
03/05/2014 Public Comment Hearing	0

(b) Testified at each hearing:

05/02/2013 Workshop	3
07/24/2013 Workshop	0
10/28/2013 Workshop	2
03/05/2014 Public Comment Hearing	0

(c) Submitted written comments:

05/02/2013 Workshop	0
07/24/2013 Workshop	1
10/28/2013 Workshop	0
03/05/2014 Public Comment Hearing	0

There was one written statement by Sheriff Ben Trotter, Churchill County Sheriff's Office. This statement was read into the record at the July 24, 2013 Workshop.

4. For each person identified in paragraphs (b) and (c) of number 3 above, the following information if provided to the agency conducting the hearing:

(a) Name;

05/02/2013	Curtiss Kull Sheriff's Humboldt County Sheriffs Office, Jerry Antinoro Sheriff Storey County Sheriff's Office, Wayne Carlson Executive Director Public Agency Insurance Pool
10/29/2013	Jim Pitts Sheriff Elko County Sheriff's Office, Richard Machado Sheriff Pershing County Sheriff's Office.

(b) Telephone number;

Humboldt County Sheriff's Office	775-623-6419
Storey County Sheriff's Office	775-847-0959

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| Public Agency Insurance Pool | 775-885-7475 |
| Elko County Sheriff's Office | 775-777-2501 |
| Pershing County Sheriff's Office | 775-273-5111 |
- (c) **Business address;**
Humboldt County Sheriff's Office 50 W. 5th St Winnemucca, Nv 89445
Storey County Sheriff's Office PO Box 498 Virginia City, Nv 89440
Public Agency Insurance Pool 201 S. Roop St Suite 102. Carson City, Nv 89701
Elko County Sheriff's Office 775 West Silver St Elko, Nv 89801
Pershing County Sheriff's Office PO Box 147 Lovelock, Nv 89149
- (d) **Business telephone number;** See "b"
- (e) **Electronic mail address; and**
Humboldt County Sheriff's Office h102@hcsnv.com
Storey County Sheriff's Office gantinoro@storeycounty.org
Public Agency Insurance Pool waynecarlson@poolpact.com
Elko County Sheriff's Office jpitts@elkocountynv.net
Pershing County Sheriff's Office rmachado@pershingcounty.net
- (f) **Name of entity or organization represented.**
05/02/2013 Humboldt County Sheriff's Office, Storey County Sheriff's Office,
Public Agency Insurance Pool
10/29/2013 Elko County Sheriff's Office, Pershing County Sheriff's Office
5. **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.** N/A
This regulation has no application toward businesses and only applies to Nevada law enforcement agencies. See #2 notice.
6. **If the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation without change.**
The Commission accepted and adopted the recommended language provided by the Legislative Counsel Bureau without revisions.
7. **The estimated economic effect of the regulation on the business which it is to regulate and on the public.**
(a) **Estimated economic effect on the businesses which they are to regulate.**
Economic effect is going to be seen as more efficient fiscal responsibility by agencies by having the latitude to more effectively address agency and individual training needs.
(b) **Estimated economic effect on the public which they are to regulate.**
N/A
8. **The estimated cost to the agency for enforcement of the proposed regulation:**
There should be no extra costs. It is projected there would be a more efficient fiscal responsibility by allowing agencies the latitude to determine training which is of most value to the agency and the officers. This process will also streamline and make more efficient the compliance reporting to P.O.S.T.

- 9. A description of any regulations of other State or governmental agencies which the regulation overlaps or duplicates and a statement explaining why the duplication or overlap is necessary. If the regulation overlaps or duplicates a federal regulation, the name of the regulating federal agency.**

There are no other regulations which overlap or duplicate the proposed regulations.

- 10. If the regulation includes provisions that are more stringent than a federal regulation that regulates the same activity, a summary of such provisions.**

There are no federal regulations that regulate the same activity

- 11. 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