



STATE OF NEVADA  
COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING  
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JOE LOMBARDO  
*Governor*

MICHAEL D. SHERLOCK  
*Executive Director*

## NOTICE OF INTENT TO ACT UPON A REGULATION

### Notice of Hearing for the Adoption and/or Amendment 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 be holding a Public Comment Hearing at **8:00 a.m. on Thursday, October 26, 2023, at the Southpoint Hotel and Casino, 9777 Las Vegas Blvd., S., Napa Room B, Las Vegas, NV 89183.** The purpose of the hearing is to receive comments from all interested persons regarding the adoption and/or amendment 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 Officer 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)

NAC289.300(1)(b) requires a person enrolling in a basic training program must be required to pass the physical fitness examination not sooner than 30 days before the commencement of the course and not later than 14 days after the commencement of the course. This update to the regulation (R005-23RP1) will make this requirement optional for academies by updating the language to say “a person enrolling in a basic training program may be required to pass....” With strict, regimented physical training, a cadet that could not pass the physical fitness test at the start of the academy could be conditioned to pass the final physical fitness examination before the end of the academy. Dismissing such a cadet causes a financial burden on agencies that have spent several thousand dollars completing a full background on a candidate that can be conditioned to pass the examination. Using this “entrance level” physical fitness test as a guide to evaluate the physical fitness of cadets at the start of the academy, instead of a mandatory requirement to pass, will allow agencies to maintain their new hires and train the cadet to meet the physical fitness standard during the academy and allow them to retain the officers that otherwise would have been dismissed.

- 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/R005-23RP1.pdf>, by contacting Chief Kathy Floyd at [kfloyd@post.state.nv.us](mailto: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:** Allow for retention of newly hired officers and allow the academy to condition these officers to pass the final physical fitness examination instead of dismissing the officer and having to start the hiring process over again, costing thousands of dollars agencies do not have in their budgets.

**(b) Both immediate and long-term effects:**

**(1) The immediate effects:** Retention of officers, fewer dismissals

**(2) The long-term effects:** Retention of officers that only need regimented physical fitness training to pass the final physical fitness test. Agencies will benefit from retaining these new hires and not having to start the hiring process over.

- 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

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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 Wai Pai Shone Avenue, Carson City, Nevada 89701. **Written submissions must be received by the Commission on POST on or before 5:00 pm on October 12, 2023.** 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 Wai 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. R005-23**

July 19, 2023

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

AUTHORITY: § 1, NRS 289.510, as amended by section 7 of Senate Bill No. 225, chapter 422, Statutes of Nevada 2023, at page 2546, and section 1 of Senate Bill No. 323, chapter 158, Statutes of Nevada 2023, at page 839.

A REGULATION relating to peace officers; revising requirements relating to the certification of basic training courses for peace officers; 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, decertification, recruitment, selection and training of peace officers. (NRS 289.510, as amended by section 7 of Senate Bill No. 225, chapter 422, Statutes of Nevada 2023, at page 2546, and section 1 of Senate Bill No. 323, chapter 158, Statutes of Nevada 2023, at page 839)

Existing regulations require the Executive Director of the Commission to certify basic training courses for peace officers which meet certain requirements, including that a person enrolling in such a course must pass a physical examination within a certain period. (NAC 289.300) This regulation instead requires the Executive Director to certify a basic training course if a person enrolling in the course may be required to pass a physical fitness examination.

**Section 1.** NAC 289.300 is hereby amended to read as follows:

289.300 1. The Executive Director shall certify basic training courses presented by agencies or approved by the Commission which meet the following requirements:

(a) The length of the course must meet the minimum standards for training established by the Commission.

(b) A person enrolling in the course ~~must~~ **may** be required to pass a physical fitness examination not sooner than 30 days before the commencement of the course and not later than 14 days after the commencement of the course. To pass such a physical fitness examination, the person must:

(1) For category I and reserve training:

- (I) Complete a vertical jump of not less than 11.5 inches.
- (II) Complete not less than 24 sit-ups in 1 minute.
- (III) Complete not less than 18 push-ups.
- (IV) Run 300 meters in not more than 1 minute and 22 seconds.
- (V) Walk or run 1.5 miles in not more than 20 minutes and 20 seconds.
- (VI) Complete an agility run in not more than 23.4 seconds.

(2) For category II training:

- (I) Complete a vertical jump of not less than 12 inches.
- (II) Complete not less than 23 sit-ups in 1 minute.
- (III) Complete not less than 12 push-ups.
- (IV) Run 300 meters in not more than 1 minute and 36 seconds.
- (V) Walk or run 1.5 miles in not more than 24 minutes and 10 seconds.
- (VI) Complete an agility run in not more than 24.9 seconds.

(3) For category III training:

- (I) Complete a vertical jump of not less than 12 inches.
- (II) Complete not less than 16 push-ups.
- (III) Run 300 meters in not more than 1 minute and 29 seconds.
- (IV) Walk or run 1.5 miles in not more than 21 minutes and 10 seconds.

(V) Complete an agility run in not more than 24.5 seconds.

(c) Each course submitted to the Executive Director for certification must have a curriculum that contains the following elements:

(1) Each topic of instruction for which the Commission has not established standardized performance objectives must have specifically defined objectives for the performance of the students which are based upon known work requirements;

(2) Each topic of instruction for which the Commission has established standardized performance objectives must include, at a minimum, the standardized performance objectives established by the Commission;

(3) Each topic of instruction must have a detailed lesson plan that specifically describes what the student is taught; and

(4) Each topic of instruction must be assigned a specific amount of time.

(d) Each course must employ performance-oriented instructional methods that provide opportunities for each student to demonstrate achievement of the objectives.

(e) For each course, there must be a system of written or practical examinations, or both, that will measure on a pass or fail basis the success of each student in achieving the objectives, including an examination at the beginning and end of each course.

(f) Each agency submitting a course for certification shall provide an instructional facility that meets the following requirements:

(1) A classroom with adequate heating, cooling, ventilation, lighting and space and an environment conducive to learning;

(2) Comfortable chairs with tables or arms for writing;

(3) Audiovisual equipment necessary to support the course;

(4) Instructional films and videotapes necessary to support the course; and

(5) A firing range adequate to train officers safely in the use of firearms.

(g) If an agency authorizes the use of the carotid restraint or the lateral vascular neck restraint, the course must include at least 8 hours of instruction in that restraint and include presentations on the use of force, the rules of the agency relating to safety, medical implications, approved techniques, and instruction on care and control measures. The course provided by such an agency must also include a written test of at least 10 questions requiring a minimum score of 70 percent and a proficiency test requiring a minimum score of 85 percent. The agency shall maintain records of each student's performance in the course.

2. Certification of courses will be made and maintained on the basis of on-site inspections conducted by the Executive Director or the staff of the Executive Director. Inspections will be conducted at the discretion of the Executive Director. The agency shall notify the Executive Director of any proposed changes regarding courses, instructors and facilities.

3. The Executive Director shall deny, suspend or revoke the certification of any course for failure of the agency to maintain the minimum curriculum, qualified instructors or requirements for the facility established by the Commission. The Executive Director shall automatically suspend the certification of a course that ceases operation for 24 consecutive months.

4. An agency requesting certification of a course shall make the request in writing to the Executive Director at least 60 days before the course is scheduled to begin. The training course must be reviewed and the request signed by the administrator of the agency and the legal adviser. The Executive Director shall acknowledge receipt of the request within 5 working days. The Executive Director shall respond with a detailed review of the course within 30 days and rule on the request within 45 days after receipt of the request.



