



STATE OF NEVADA
COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

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Governor

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To All Nevada Law Enforcement Agencies,

Earlier this year the Nevada Legislature passed AB 478, which becomes effective October 1, 2019. This bill directed the Commission on POST to include a requirement in regulations that all Categories of Nevada Peace Officers must complete a minimum of 12 hours annual training in the following subjects;

1. Racial Profiling
2. Mental Health
- 3. (See NRS 435.007 as required by AB 129)**
4. Officer Well-Being
5. Implicit Bias Recognition
6. De-Escalation
7. Human Trafficking
8. Firearms

The Legislature did not specify or direct the Commission on POST to develop curriculum, establish performance objectives or construct an hourly breakdown for these areas of training. As such, POST has taken the position that individual agencies may tailor the training to fit their specific needs and determine if existing training may cover some, or all, of these topics. For instance, most Use of Force training also includes de-escalation techniques and may also cover specific areas of Firearms/Deadly Force. Likewise, Racial Profiling and Implicit Bias Recognition are closely related topics and could be taught in a single session of training.

Nothing in the bill requires an agency to develop a separate and/or specific training program to comply with AB 478.

The POST Compliance/Audit process will require that each agency be able to confirm that a minimum of 12 hours of training was conducted covering these areas and be able to establish the validity of the training through existing or newly created lesson plans/ training documents in the listed areas. It should also be noted that because POST conducts compliance inspections on an annual basis, agencies will have until December 31, 2020 to achieve compliance with AB 478 requirements.

In furtherance of our mission, POST has developed recommended areas of instruction to assist agencies in developing new curriculum, or examining/comparing existing training, in order to achieve compliance with AB 478 requirements. This information has been included in this communication and will also be posted on our website at:

http://post.nv.gov/Training/Training_Material/

Simply click on the link or copy and paste into your internet browser to access this information.

As always, if you need further assistance or have any questions, please contact us at your earliest convenience at:

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Reference Material

De-escalation

De-escalation Defined:

A reduction of the intensity of a conflict or potentially violent situation.

In recent years, changes in social attitudes toward Law Enforcement have resulted in a public expectation that it is a Peace Officer's responsibility to completely control a situation and thereby mitigate or eliminate the need to use force. While this expectation is not realistic, it exists and must be acknowledged. It is important to note that while the public expectation has changed, the Law has not. Landmark case decisions of the U.S. Supreme Court remain as the legal standard for judging reasonable force.

Each Law Enforcement Agency will need to examine their specific policies and procedures concerning Use of Force and Force Options and tailor their training program to include techniques for De-escalation. POST recommends that agency training programs include the following information:

- I. Identify different methods for de-escalation in a crisis
- II. Explain objective reasonableness as it applies to *Graham v. Connor*
- III. Compare minimizing force techniques in a non-compliant subject
- IV. Discuss *Tennessee v. Garner* as it applies to excessive force being a clear Constitutional violation.



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Firearms

- I. Discuss the appropriate type(s) and use of firearms and related requirements or restrictions as determined by the agencies policies.
- II. Discuss the 4th and 14th Amendments as they apply to the agencies use of firearms.
- III. Examine Tennessee v. Garner and Graham v. Connor as they apply to the establishment of a Reasonable Force legal standard and the use of Deadly Force/Excessive Force.



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Reference Material

HUMAN TRAFFICKING

Summarize the history of human trafficking and slavery
Describe the concept of Human Trafficking from a global perspective
Discuss the term human trafficking, as it applies to international and U.S. laws
Examine national and international perspectives concerning efforts to end human trafficking
Explain the Palermo Protocol
Define TVPA or Trafficking Victims Protection Act.
Define Sex trafficking
Define labor Trafficking
Compare and contrast sex trafficking and labor trafficking
Discuss modern trafficking patterns
Explain the invisibility of victims and the difficulty identifying victims of human trafficking
Define the differences between human smuggling and human trafficking
Discuss the 4 stages of sex trafficking

1. Targeting a victim finding vulnerability
2. Gaining trust
3. Filling a need
4. Isolation
5. Gain control, manipulation and exploitation

Define a human trafficker
Explain how important it is to identify minors being used in sex trafficking
Discuss why minors engaged in commercial sex acts should be treated as victims
Explore the need of state wide and country wide cooperation and partnership in investigating human trafficking
Discuss how coercion is used in human trafficking
Discuss how fraud is used in human trafficking
Discuss how force is used in human trafficking
Explain the factors which leads to human trafficking and phases connected.
Describe observational and investigative cues to help identify victims of human trafficking



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Mental Health/Developmental Disabilities

- I. Examine attitudes about mental illness in our society.
- II. Recognize differences and similarities between mental health crises, mental illness, **development disability** and neurological disorder. (*See also NRS 435.007 and AB 129*)
- III. Explore how homelessness, drug abuse and alcohol abuse influence those with mental illness.
- IV. Discuss productive behaviors and interactions when contacting those with mental illness/Developmental Disabilities.
- V. Examine possible unpredictable and dangerous behavior by individuals with mental illness.
- VI. Describe people who might be at risk for suicide or suicide by cop.
- VII. Explain NRS 433A.115 and how it defines a person in mental health crisis as a threat to themselves or others.
- VIII. Discuss effective strategies to promote positive interactions with those in your community who have mental health issues.



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Reference Material

Officer Well-being

- I. Personal Fitness
 - A. Aerobic
 - B. Anaerobic
 - C. Conditioning, Strength and Endurance
 - D. Fitness programs
- II. Nutrition for Life
 - A. Components of Food
 - B. Nutritional planning
- III. Mental Health Awareness
 - A. Recognizing and Managing stress
 - 1. Critical Incidents and PTSD
 - 2. Managing Critical Incident Stress
 - 3. Managing Cumulative Stress
 - 4. Help Services
 - B. Treating Depression
 - 1. Signs and Symptoms
 - 2. Suicide Awareness
 - 3. Crises Intervention
 - 4. Help Services
 - C. Substance Abuse
 - 1. Alcohol
 - 2. Narcotics
 - 3. Tobacco
 - 4. Help Services
 - D. Sleep deprivation



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Reference Material

Title: Racial Profiling, Intrinsic Bias, Prejudice and Discrimination

Perceptions/Discrimination/Intrinsic Bias

Persons are not born with set opinions or opinions. Instead, they develop these based on many different sources and impacts throughout their lifetimes. Recognizing these bases and influences can help an individual differentiate between rational and irrational opinions or perceptions of individuals with differing cultural backgrounds.

All individuals develop perceptions, feelings, biases, and thoughts regarding their culture and the culture of others. These perceptions are neither right nor wrong. A common belief is, *one's perception is one's reality*. To place one's own perceptions of other cultures in proper perspective, peace officers should first recognize and understand how these perceptions of differing cultures developed.

Peace officers need to become aware of stereotyping that could lead to prejudicial viewpoints and unlawful acts of discrimination.

There are several influences on an individual's perceptions:

- Family traditions and values
- Perceptions of family members and role models
- Values, opinions, norms of different generations
- Past experiences (positive and negative) with people of different cultural backgrounds or different ethnic groups
- Experiences of others
- Historic local, regional, national, or international events
- Recent local, regional, national, or international events
- Economic conditions or situations (opportunity, conflicts, real or perceived)

Individual Perceptions or Intrinsic Bias include:

- Stereotypes (cognitive)
- Prejudice (affective)
- Discrimination (behavioral)

Intrinsic Bias is a preference (positive or negative) for a social category that operates outside of awareness. We can think of implicit bias as a lens through which we view the world.

- intrinsic biases are pervasive
- people are often unaware of their implicit biases
- intrinsic biases predict behavior
- people differ in levels of implicit bias

Personal awareness and introspection are prime strategies towards reducing implicit bias in decision-making.

Stereotyping

A **stereotype** is a preconceived or over-simplified generalization involving negative or positive beliefs about another group. When an individual is stereotyped, that person is perceived as having specific behavioral traits and abilities.

Stereotypes can be based on a number of factors including, but not limited to:

- nationality
- ethnicity
- race
- gender
- sexual orientation
- socioeconomic status
- age
- physical ability

Stereotyping is a natural human tendency. Use of stereotypes can become:

- a means of processing or filtering information and can be considered a tool for simplification of an environment
- a way to fill in information voids about other people in the absence of information to the contrary
- an overreaction to behaviors that do not match an individual's expectations
- a result of the differences in the levels of contact individuals have with members of other groups

Stereotyping can be dangerous. Stereotyping can mean not only *ascribing differences* to other groups but can also result in *making a judgment* (positive or negative) based on those perceived differences. A stereotyping assumption can be dangerous:

- Can be factually incorrect
- The reliability of the source of the information should be considered

Stereotypes of Law Enforcement

Past experiences of individual members of a cultural group or ethnic group can shape their attitudes and expectations regarding the role of government and law enforcement. The following identifies several common stereotypes individuals may have of law enforcement officers:

- 1) If peace officers are viewed as apathetic, this stereotype may be reinforced by
 - a) Insensitive actions and
 - b) Lack of empathy
- 1A) Officers can help **counter** stereotypes by:
 - a) Considering their own safety and the safety of others at all times
 - b) Demonstrate empathy
 - c) Being sensitive to the other person's needs and concerns
- 2) If peace officers are viewed as unethical and engage in unprofessional conduct, this stereotype may be reinforced by:
 - a) Accepting Gratuities
 - b) Abusing authority
 - c) Adhering to a code of silence
 - d) Officer brutality
 - e) Corruption or abusing publicly owned equipment
- 2A) Officers can **counter** these stereotypes by:
 - a) Adhering to the Law Enforcement Code of Ethics and Code of Professional Conduct
 - b) Holding themselves and peers to the highest standard of behavior
 - c) Using public equipment for public business only
- 3) If peace officers are viewed as prejudice or discriminate against certain groups. This stereotype may be reinforced by:
 - a) Targeting certain groups,
 - b) Applying different standards of enforcement or assistance to different groups in the community.
- 3A) Officers can help **counter** these stereotypes by:
 - a) Being aware of their own stereotypes
 - b) Treating all people in a professional manner
 - c) Remaining impartial
 - d) Not allowing a bad experience on one call to affect judgment on another

- 4) If peace officers project a poor public image. This stereotype may be reinforced by:
- a) Presenting a poor physical image (e.g., overweight)
 - b) Sloppy or poorly kept uniforms
 - c) Inappropriate demeanor or body language (e.g., acting tough to intimidate others)
- 4A) Officers can help **counter** these stereotypes by:
- a) Adopting a lifestyle conducive to lifelong fitness
 - b) Demonstrating pride in their personal appearance
 - c) Controlling their temper and emotions
 - d) Treating others as they would wish to be treated
- 5) If peace officers are unable or unwilling to handle service calls, this stereotype may be reinforced by:
- a) Inadequately trained officers dealing with situations for which they are not prepared
 - b) Officer inability or unwillingness to apply trained job skills
- 5A) Officers can help **counter** these stereotypes by:
- a) Responding promptly and courteously to all calls
 - b) Acknowledging their own limitations and calling for assistance when needed

Perceptions and Stereotypes of Law Enforcement

Preexisting tensions among groups may also be based on:

- Demographic or class shifts in communities
- Current unstable political conditions or situations in homelands
- Historical conflicts, etc.

Peace officers must be aware of their own biases and stereotypes regarding the communities and individuals they serve. Relying on these can potentially lead to:

- developing a lower level of tolerance to *individual* behavior
- forming conclusions before getting to a scene
- decreasing an officer's objectivity concerning the facts of a case
- Potential development of officer safety situations (escalation of non-hostile situations)

- Negative expectations becoming self-fulfilling prophecies
- Inappropriate officer behavior

All of the above behaviors contribute to negative stereotypes of peace officers and construct negative stereotypes often held by peace officers.

Prejudice and Discrimination

Any preconceived notions, whether positive or negative, about a cultural or ethnic group formed before the facts are known can lead to acts of **discrimination**. These preconceived notions are paradigm notions held by a person or group to define another group.

Prejudice is a prejudgment or point of view about a person or group of individuals that is usually formed before the facts are known.

Prejudice is a:

- Process, not a static attitude
- *learned* attitude
- Way of thinking about others that may be based on:
 - Misconceptions
 - Misunderstandings
 - Inflexible generalizations

Prejudice and Law Enforcement

Throughout the history of mankind, group prejudice and racism has been used to enslave, torture and murder *other* groups and cultures. Many members of a cultural group may hold certain prejudicial views of other specific groups. Conforming to such a prejudice may become a “normal” attitude or reaction for members of the original group. Children will model behavior and once the child becomes an adult, the prejudice may be accepted or rationalized without question.

Occupational cultures, including law enforcement, may be susceptible to developing and passing on prejudices against those who are outsiders, or not within their group (i.e., individuals within the community). Certain “us” versus “them” attitudes may develop.

Because law enforcement officers have certain powers over members of a community, prejudicial attitudes could lead to potential abuse and *must never be tolerated within a law enforcement agency*.

Prejudice in law enforcement or allowing expressions of prejudice can lead to:

- Lack of trust within the organization
- Adverse attention from the media
- Lack of trust within the community
- Complaints or lawsuits
- Disciplinary action or dismissal

Prejudice is a thought, it is private and is not a violation of the law. However, a prejudicial thought that is acted upon, may lead to discrimination. Behaviors or acts of discrimination can be illegal. Expressions of prejudice or acts of discrimination on the part of law enforcement officers can destroy a law enforcement agency. At the very least it will:

- prompt an internal or external investigation of a department or agency
- lead to disciplinary action, dismissal, or civil or criminal legal actions
- undermine the authority of higher ranking officers
- lead to negative attitudes within a department or agency being carried into the community
- lead to mistrust in a community
- further escalate situations to a dangerous level
- lead to racial profiling or bias-based policing

Racial Profiling

“Racial profiling” is the practice of detaining a suspect based on a wide-ranging set of criteria which casts suspicion on the entire class of people without any individualized suspicion on the particular person being stopped. The constitution and Nevada State Laws apply to all classes including race, gender, and religion.

Research consistently shows that minorities are more likely than whites to view law enforcement with doubt and distrust. Minorities regularly report that the police unreasonably single them out because of their race or ethnicity. The public's perceptions about the lawfulness and legitimacy of law enforcement is important.

Racial and ethnic minority opinions that the police lack lawfulness and legitimacy, based fundamentally on their interactions with the police, can lead to distrust of the police. Suspicion of police has serious consequences. It undermines the legitimacy of law enforcement, and without legitimacy police lose their ability and authority to function effectively.

Racial profiling by law enforcement is commonly defined as a practice which targets people for suspicion of crime based on their race, ethnicity, religion or national origin. Creating a profile about the kinds of people who commit certain types of crimes may lead officers to generalize about a particular group and act according to the generalization rather than specific behavior.

Conversely, racial profiling is unlikely to be an effective policing strategy as criminals can simply shift their activities outside the profile (e.g., if racial profiling begins with police stopping black males in their teens and twenties for being drug carriers, criminals may start using other demographic groups — such as Hispanics, children or the elderly — to move drugs).

Racial Profiling and Peace Officer's Legal Requirements

State and federal law restates existing obligations imposed by the Fourth and Fourteenth Amendments to the United States Constitution. It reinforces law enforcement's obligation not to racial profile and to report situations when discrimination or racial profiling by law enforcement is observed.

The Fourth Amendment of the United States Constitution:

- protects the peoples' right to be free from unreasonable detentions or searches and seizures, and requires probable cause for warrants to be issued

The reasonable suspicion or probable cause for detentions or searches and seizures must be:

- individualized to a particular person
- focused on the person to be stopped or detained
- based on the individual being suspected of engaging in unlawful activity

The Fourteenth Amendment of the United States Constitution:

- requires that peace officers apply the law equally to all people regardless of race, creed, nationality, religious preference, or national origin

Key concepts of this amendment are:

- Individualized suspicion cannot be based on race unless race was provided as a specific descriptor

- When law enforcement efforts focus on one particular ethnic group while ignoring similar unlawful conduct by other ethnic groups, they are violating the Fourteenth Amendment.

Case Law

Whren vs. United States provides broad discretion on the part of officers to make pretext stops. An officer may use a traffic violation to investigate the possibility that the driver is engaged in a more serious activity, i.e., weaving out of the lane raises suspicion of driving under the influence. An officer should observe articulable behavior or characteristics to initiate a pretext stop. *If the pretext* is based solely on race, the stop constitutes racial profiling. A stop can be legal under the Fourth Amendment yet be illegal under the Fourteenth Amendment.

Criminal Profiling vs. Racial Profiling

Criminal profiling is a legitimate practice based on articulable behaviors or characteristics that can be analyzed and evaluated. Officers must have individualized suspicion based on articulable behavior or characteristics to detain anyone.

Racial profiling occurs when *race alone* is used to predict criminality. Officers can take race into consideration if it is part of a description of an individual involved in a crime.

Peace Officer Racial Profiling is:

- ✓ When an officer has two people in two identical situations and the race of one party is used to select which person is stopped or detained.
- ✓ When a person of a particular race is stopped or detained because he or she is in an area primarily or predominantly comprised of another race.
- ✓ When an officer works in a predominantly single-race area where the majority of crime is committed by people of a particular race, he or she could form a belief that all people of that race are criminals, and this belief influences the officer's decision making for enforcement contacts.
- Racial profiling is racism.

Peace Officer Criminal Profiling is:

- ✓ A peace officer knows there are no race-specific crimes. Members of all cultures commit crimes.
 - ✓ Actions of some members of a culture should not influence how peace officers view all members of that culture.
 - ✓ The majority of all groups are law abiding, peace officers look for criminal behavior.
-
- Officers can still do their job effectively by profiling behavior and characteristics.

Civil Rights

While the genesis of the civil rights movement addressed the rights of African-Americans, it continues to evolve, guaranteeing the equal treatment and protection under the law for all races, religions, and genders.

The civil rights movement had a profound effect on the nation and law enforcement. A community's experience, history, and heritage can affect how it views law enforcement today. The civil rights movement provided several lessons related to law enforcement practices.

The civil rights movement precipitated changes in how peace officers carry out their work. Three notable changes are:

- Desegregation of the law enforcement profession
- Transition from an enforcement approach to community policing
- Establish trust with the communities served

One of the largest legacies from the civil rights movement was the elevation of a peace officers role to protect and enforce civil rights for all people.

Failure to recognize and eliminate bias-based policing constitutes a human rights issues. Protecting civil rights is not an inconvenience for peace officers; it is the foundation of professional policing.

Bias-based policing is not solely a law enforcement problem. It can be solved through:

- Police citizen partnerships
- Mutual trust and respect

To eliminate bias-based policing, professional peace officers must:

- recognize and respond effectively to any allegations of bias-based policing
- accept and carry out their responsibility to maintain public trust through their actions by:
 - treating each person fairly
 - explaining why each contact is made
 - Learning about the cultures in their jurisdiction
 - learning common phrases in languages other than English
 - Not racial profiling
 - interacting with the community on a non-enforcement basis

Policing is an excellent way to build trust and improve relations with the community because communities want to:

- be involved in law enforcement efforts
- respect peace officers, and
- be respected

Peace officers who understand the dynamic of cultural diversity are more likely to have successful outcomes to their calls for service than officers who have to rely on hunch. An officer who understands the cultural differences within the communities we serve is more likely to be safe than an officer who does not.

Prejudice vs. Stereotype

This table identifies how a prejudice differs from a stereotype.

| Stereotype | Prejudice |
|---|---|
| <ul style="list-style-type: none">• Emphasis is on attitudes and emotional reaction toward individuals• Stereotypes may be used to justify or encourage prejudices | <ul style="list-style-type: none">• Emphasis is on assumed group identity categories and traits |

| | |
|---|--|
| <ul style="list-style-type: none"> • Positive individual experiences with diverse people and groups, increased knowledge and maintaining an open mind are all keys to overcoming prejudice | <ul style="list-style-type: none"> • Positive individual experiences with diverse people and groups, increased knowledge and maintaining an open mind are all keys to overcoming stereotyping |
|---|--|

One of the deepest and therefore most hazardous forms of prejudice is subconscious prejudice or **intrinsic bias**. Individuals may have been accustomed by such beliefs to the point that their prejudice causes them to act out in a hostile and potentially dangerous way. Sometimes individuals who were mistreated or who are frustrated and insecure may select individuals or groups as scapegoats or targets of blame. Over an extended period of time, this mistrust and hatred of others becomes a way of life and can affect how this person interacts with others.

Prejudice that is unrestrained or not challenged may lead to the development of racism: a principle that one race is inherently superior (physically, intellectually, or culturally) to another.

All Peace Officers take an oath to uphold and defend the Constitution of the United States. The Constitution and supporting case law **requires** and **mandates** that all persons are afforded equal protection and opportunity, regardless of their race, creed, color, religion, gender, sexual preference, heritage, etc. Therefore, a Peace Officer takes an oath that they will not allow any personal attitudes, opinions, bias, prejudice or stereotype to influence how they enforce the law and will not engage in any discriminatory or prejudicial behaviors under the color of authority.