



STATE OF NEVADA  
COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

5587 Wa Pai Shone Avenue  
Carson City, Nevada 89701  
(775) 687-7678 FAX (775) 687-4911

JOE LOMBARDO  
Governor

MICHAEL D. SHERLOCK  
Executive Director

**NOTICE OF WORKSHOP TO SOLICIT COMMENTS ON PROPOSED REGULATIONS**

The Commission on Peace Officer Standards and Training is proposing the adoption and or amendment of regulations pertaining to Chapter 289 of the Nevada Administrative Code.

A workshop has been scheduled for **8:00 A.M. ON THURSDAY, MAY 2, 2024 AT THE POST ADMINISTRATION BUILDING, CLASSROOM #2, 5587 WA PAI SHONE AVE., CARSON CITY, NV 89701**. The purpose of the workshop is to solicit comments from interested persons on the following general topic(s) that may be addressed in the proposed regulations:

**TOPIC**

**NAC REGULATION**

- |  |                                 |
|--|---------------------------------|
| <p><b>A.</b> Discussion regarding possible revision to NAC 289.290(1)(i) to add: (i) Conviction of a misdemeanor crime of domestic violence as defined in 18 U.S.C. § 921(a)(33) <i>or conviction of a crime that has as an element the use or attempted use of physical force, or the threatened use of a deadly weapon; and that at the time the offense was committed, the officer was:</i></p> <ul style="list-style-type: none"><li><i>i. a current or former spouse, partner, parent or guardian of the victim;</i></li><li><i>ii. a person whom the victim shared a child in common;</i></li><li><i>iii. A person who was cohabitating with or had cohabited with the victim as a spouse, parent, or guardian; or,</i></li><li><i>iv. A person who was or had been similarly situated as a spouse, parent, or guardian of the victim.</i></li></ul> | <p><b>NAC289.290 (1)(i)</b></p> |
|--|---------------------------------|

Following the conviction of the employee for such a misdemeanor, suspension or revocation may be imposed regardless of whether the employing agency recommends suspension or revocation.

- |  |                               |
|--|-------------------------------|
| <p><b>B. (4)</b> The Commission will notify the officer by certified mail, <i>or personal service</i>, at the officer's last known address....</p> | <p><b>NAC 289.290 (4)</b></p> |
|--|-------------------------------|

C. Discussion regarding the creation of a program that would allow an officer whose basic certificate has expired to reinstate their basic certificate if meeting all requirements of NAC 289, and once they complete an in-person course, physical fitness test and state certification exam.

**NAC 289.200**

A copy of all materials for the meeting may be obtained by contacting Kathy Floyd, Standards Division Chief, at (775) 687-7678, ext.3335, Commission on Peace Officer Standards and Training at 5587 Wa Pai Shone Avenue, Carson City, Nevada 89701. A reasonable fee for copying may be charged.

This Notice of Workshop to Solicit Comments on Proposed Regulations has been sent to all listed meeting locations, all persons on the agency's mailing list for administrative regulations, all Nevada law enforcement agencies, agency single points of contact and posted at the following:

POST Administrative Office, Carson City  
Nevada State Library and Archives, Carson City  
<http://post.nv.gov>  
<http://notice.nv.gov>  
<http://leg.state.nv.us>

Electronically Posted pursuant to NRS 241.020(4)

NOTE: We are pleased to make reasonable accommodations for members of the public who are disabled and wish to attend the meeting. If special arrangements for the meeting are necessary, please notify the Commission on Peace Officer Standards and Training at 5587 Wa Pai Shone Avenue, Carson City, Nevada 89701 or call Kathy Floyd at (775) 687-7678, Ext. 3335, no later than 2 working days prior to the meeting.

## NAC 289.290

1. Each of the following constitutes cause for the Commission to revoke, refuse or suspend the certificate of a peace officer:

- (a) Willful falsification of any information provided to obtain the certificate.
- (b) A permanent or chronic physical or mental disability affecting the officer's ability to perform his or her full range of duties.
- (c) Chronic drinking or drunkenness on duty.
- (d) Addiction to or the unlawful use or possession of narcotics or other drugs.
- (e) Conviction of, or entry of a plea of guilty, guilty but mentally ill or nolo contendere to, a gross misdemeanor. Upon criminal indictment or filing of a criminal complaint, suspension may be imposed.
- (f) Failure to comply with the standards established in this chapter.
- (g) Conviction of, or entry of a plea of guilty, guilty but mentally ill or nolo contendere to, a felony. Upon criminal indictment or filing of a criminal complaint, suspension may be imposed. Upon conviction or entry of a plea of guilty, guilty but mentally ill or nolo contendere, the certificate will be revoked.
- (h) Except as otherwise provided in paragraph (i), conviction of a misdemeanor. If the employing agency recommends suspension or revocation following the conviction of the employee for a misdemeanor, suspension or revocation may be imposed. In determining whether to suspend or revoke the certificate, the Commission will consider the type of conviction and other information provided by the agency indicating unprofessional conduct or similar undesirable activity by the officer that resulted in disciplinary action.
- (i) Conviction of a misdemeanor crime of domestic violence as defined in 18 U.S.C. § 921(a)(33) ***or conviction of a crime that has as an element the use or attempted use of physical force, or the threatened use of a deadly weapon; and that at the time the offense was committed, the officer was:***
  - ***a current or former spouse, partner, parent or guardian of the victim;***
  - ***a person whom the victim shared a child in common;***
  - ***A person who was cohabitating with or had cohabited with the victim as a spouse, parent, or guardian; or,***
  - ***A person who was or had been similarly situated as a spouse, parent, or guardian of the victim.***

Following the conviction of the employee for such a misdemeanor, suspension or revocation may be imposed regardless of whether the employing agency recommends suspension or revocation.

2. Denial, suspension or revocation procedures will not be considered by the Commission in cases where the employment of an officer is terminated for violations of the policies, general orders or similar guidelines of operation of the employing agency which do not constitute any of the causes for denial, suspension or revocation specified in subsection 1.

3. The employing agency shall notify the Commission any time that it becomes aware that one of its officers has been charged with a crime that could result in denial, suspension or revocation procedures. Upon receipt of information alleging any of the causes enumerated in subsection 1, the Commission will determine whether to pursue revocation or suspension of the certificate of the officer.

4. The Commission will notify the officer by certified mail, *or personal service*, at the officer's last known address of any pending revocation or suspension action and of the nature of the charges and the officer's right to appear and answer the charges. The officer shall, within 15 days after the date on the certified mail receipt, respond in writing, notifying the Commission of his or her intended action with reference to the charges.

5. If the officer fails to notify the Commission within the specified time of his or her intention to appear in answer to the pending action, the Commission will:

(a) Consider the case on its own merits, using the statement from the head of the employing agency or the substantiated information derived from any independent investigation it deems necessary;

(b) Take no action pending the outcome of possible criminal action which may be filed against the officer; and

(c) Take no action pending the outcome of an appeal.

↪ The Commission's decision will be determined by a majority vote of the members of the Commission present.

6. When an officer notifies the Commission of his or her intention to appear and answer the charges pending against him or her, the Commission will elect to sit as a whole at a hearing or designate an independent hearing officer to hear the matter and make recommendations in writing to the Commission. The Commission will review the recommendations of any such hearing officer and arrive at a decision by majority vote of the members present.

7. The Commission will notify the officer of its decision within 15 days after the hearing.

8. An applicant for a certificate who has not been previously certified, but who would be subject to revocation for any cause set out in subsection 1, will not be granted a certificate.

9. If, upon receiving a written allegation that a peace officer is in violation of any provision of subsection 1 and that the facts and circumstances indicate that suspension rather than revocation would be in the best interests of the agency and law enforcement in general, the Commission will suspend the officer's certificate.

10. The Commission will provide each peace officer whose certificate is suspended with written notice of the suspension by certified registered mail. The suspension becomes effective

## **NAC 289.200**

8. The basic certificate of an officer whose employment is terminated for any reason will be placed on inactive status. If such a person is again employed as a full-time peace officer, the employing agency shall request that the person's basic certificate be returned to active status. Except as otherwise provided in subsection 9, if the certification of such a person is on inactive status for more than 5 consecutive years, ***but less than 10 consecutive years, and the provisions of NAC 289.290 do not apply, the persons certificate may be reinstated if the peace officer:***

- (a) Meets the minimum standards for employment established pursuant to NAC 289.110;***
- (b) Successfully completes the recertification course of training developed and delivered by the Commission;***
- (c) Is employed by a Nevada Law Enforcement Agency as a peace officer and;***
- (d) Meets the requirements established under NAC 289.230 section 7.***

If the person's basic certificate remains inactive for more than 10 years, the person must renew his or her basic certificate by successfully completing the requirements set forth in subsection 1.

9. Upon the request of the employing agency, the Executive Director may return the basic certificate of a category I or category II peace officer to active status if the peace officer:

- (a) Meets the minimum standards for appointment established pursuant to [NAC 289.110](#);
- (b) Successfully completes the requirements set forth in paragraphs (d), (e) and (f) of subsection 2; and
- (c) Within 5 consecutive years of his or her termination of employment as a category I or category II peace officer, became a full-time employee of the Commission or a full-time law enforcement officer of a federal law enforcement agency approved by the Commission, and subsequently, within 5 consecutive years of his or her termination of employment with the Commission or federal law enforcement agency, as applicable, became employed as a peace officer in the same category of peace officer as he or she held immediately prior to his or her employment with the Commission or the federal law enforcement agency.