



STATE OF NEVADA
COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING
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STEVE SISOLAK
Governor

MICHAEL D. SHERLOCK
Executive Director

REVISED

07/9/2020

NOTICE OF INTENT TO ACT UPON A REGULATION

**Notice of Hearing for the Adoption, Amendment and Repeal
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 **10:00 a.m. on Thursday, August 13, 2020 at the Reno Police Department, 455 E. 2nd St., Reno, NV 89502**. The purpose of the hearing is to receive comments from all interested persons regarding the adoption, amendment and repeal 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.

NRS Chapter 289 authorizes the Commission to adopt regulations setting the minimum standards for the certification, decertification, training and selection of peace officers. See NRS 289.510. The existing regulations establish the minimum standards of training for certain category I, category II, category III, and reserve peace officer. (NAC 289.140-170)

NRS 289.510 requires a peace officer to satisfy certain requirements annually in order to maintain a basic certificate or reserve certificate, including completion of 12 hours of in-service training prescribed by the administrator of the employing agency of the peace officer. Existing regulations authorize this in-service training to include, without limitation, training related to: (1) legal issues; (2) the policies and procedures of the employing agency of the peace officer; (3) driving; (4) first aid; (5) cardiopulmonary resuscitation; (6) blood-borne pathogens; (7) sexual harassment; and (8) any other training prescribed by the administrator of the employing agency of the peace officer. (NAC 289.230) **Section 1** of this regulation removes the existing in-service training requirements and the regulation is being amended to add the statutory continuing education requirements to complete not less than 12 hours of continuing education in courses that address: (1) racial profiling; (2) mental health (3) the well-being of officers; (4) implicit bias recognition; (5) de-escalation; (6) human trafficking; and (7) firearms. **Sections 2 and 3** of this regulation make conforming changes. Agencies are still able to provide additional continuing education training as needed by their individual agency circumstances.

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 2020 and clicking the link: <http://www.leg.state.nv.us/Register/2020Register/R025-20.pdf>.

The proposed regulation text may be obtained by contacting Kathy Floyd at kfloyd@post.state.nv.us or by telephone at 775-687-7678, ext. 3335.

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 anticipated.

(2) Beneficial effects: The regulation will provide specific topic areas for continuing education each year for Category I, Category II, Category III and Reserve peace officers. The 12 hours of continuing education in courses address: (1) racial profiling; (2) mental health (3) the well-being of officers; (4) implicit bias recognition; (5) de-escalation; (6) human trafficking; and (7) firearms.

(b) Both immediate and long-term effects:

The immediate effects: The regulation will require agencies to obtain the statutorily required continuing education. Agencies are still able to provide additional continuing education training as needed by their individual agency circumstances.

The long term effects: The regulation does not foresee any long term effects.

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.**

The Commission does not project any extra costs for enforcement of the proposed regulations.

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.**

This regulation is not a temporary regulation; it is a permanent regulation.

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 Wa Pai Shone Avenue, Carson City, Nevada 89701. **Written submissions must be received by the Commission on POST on or before 5:00 pm on July 30, 2020.** 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.

A copy of this notice and the regulations to be adopted, amended or repealed will be on file at the State Library, 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, and in all counties in which an office of the agency is not maintained, at the main public library, for inspection and copying by members of the public during business hours. This notice and the text of the proposed regulations are also available in the 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 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 Hearing has been sent to all criminal justice agencies on the Commission on POST mailing list and posted at the following locations:

CARSON CITY

Blasdel Building, 209 East Musser Street
Nevada State Library, 100 Stewart Street

Capitol Building, 101 N. Carson St.
Commission on POST, 5587 Wai Pai Shone Ave.

ELY

White Pine County Sheriff's Office
1785 Great Basin Blvd.

LAS VEGAS

Grant Sawyer State Building
555 Washington Ave.

LIBRARIES (MAIN BRANCHES)

Carson City Library 900 N. Roop St Carson City, Nevada 89702	Churchill County Library 553 S. Maine Street Fallon, Nevada 89406-3387
Clark County Library 1401 E. Flamingo Rd. Las Vegas, Nevada 89119-5265	Douglas County Public Library 1625 Library Ln. PO Box 337 Minden, Nevada 89423-4420
Elko County Library 720 Court St. Elko, Nevada 89801-3331	Esmeralda County Library Goldfield Valley Library Corner of Crook & 4th Street Post Office Box 430 Gold Field, Nevada 89013-430
Eureka County Branch Library 210 South Monroe Eureka, NV 89316	Humboldt County Library 85 E. 5th Street Winnemucca, Nevada 89445-3095
Lander Co Battle Mountain Branch Library 625 S. Broad St Post Office Box 141 Battle Mountain, Nevada 89820-1920	Lincoln County Library 63 Main Street PO Box 330 Pioche, Nevada 89043
Lyon County Library System 20 Nevin Way Yerington, Nevada 89447-2399	Mineral County Library 110 1st St PO Box 1390 Hawthorne, Nevada 89415-1390
Tonopah Public Library 167 S. Central Street Post Office Box 449 Tonopah, Nevada 89049-0449	Pershing County Library 1125 Central Avenue PO Box 781 Lovelock, Nevada 89419-0781
Storey County Library 175 E. Carson Street PO Box 999 Virginia City, Nevada 89440-0999	Washoe County Downtown Reno Library 301 South Center Street Reno, Nevada 89501-2102
White Pine County Library 950 Campton Street Ely, Nevada 89301-1965	

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 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**

**PROPOSED REGULATION OF THE PEACE OFFICERS’
STANDARDS AND TRAINING COMMISSION**

LCB File No. R025-20

March 11, 2020

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

AUTHORITY: §§1-3, NRS 289.510.

A REGULATION relating to peace officers; revising certain annual requirements for maintenance of a basic certificate or reserve certificate by a peace officer; 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 and decertification, recruitment, selection and training of peace officers. (NRS 289.510)

Existing regulations require a peace officer to satisfy certain requirements annually in order to maintain a basic certificate or reserve certificate, including completion of 12 hours of in-service training prescribed by the administrator of the employing agency of the peace officer. Existing regulations authorize this in-service training to include, without limitation, training related to: (1) legal issues; (2) the policies and procedures of the employing agency of the peace officer; (3) driving; (4) first aid; (5) cardiopulmonary resuscitation; (6) blood-borne pathogens; (7) sexual harassment; and (8) any other training prescribed by the administrator of the employing agency of the peace officer. (NAC 289.230) **Section 1** of this regulation removes the existing in-service training requirements and instead provides that the peace officer must complete not less than 12 hours of continuing education in courses that address: (1) racial profiling; (2) mental health; (3) the well-being of officers; (4) implicit bias recognition; (5) de-escalation; (6) human trafficking; and (7) firearms. **Sections 2 and 3** of this regulation make conforming changes.

Section 1. NAC 289.230 is hereby amended to read as follows:

289.230 1. Except as otherwise provided in subsections 7 and 8, to maintain a basic certificate or reserve certificate, the officer must annually ~~[satisfy]~~ :

(a) *Satisfy* the requirements of subsection 5 ; and ~~[complete]~~

(b) *Complete not less than* 12 hours of ~~[additional agency in-service training prescribed by the administrator of the employing agency of the officer. Agency in-service training may include, without limitation, training related to legal issues, the policies and procedures of the employing agency of the officer, driving, first aid, cardiopulmonary resuscitation, blood-borne pathogens, sexual harassment or any other training prescribed by the administrator of the employing agency of the officer.]~~ *continuing education in courses that address:*

- (1) *Racial profiling;*
- (2) *Mental health;*
- (3) *The well-being of officers;*
- (4) *Implicit bias recognition;*
- (5) *De-escalation;*
- (6) *Human trafficking; and*
- (7) *Firearms.*

2. The employing agency shall ensure that its officers comply with the requirements of subsection 1. The employing agency shall notify each officer of the requirements of this section and the penalties set forth in subsection 4 for failure to comply with this section. After an officer completes the requirements of subsection 1, the employing agency shall submit to the Executive Director by any means approved by the Executive Director verification that the officer has

completed those requirements. Verification must be submitted on or before December 31 of the year in which the officer was required to complete the requirements of subsection 1.

3. If the Executive Director has not received verification that an officer has completed the requirements of subsection 1 on or before December 31 of the year in which the officer was required to complete those requirements, the Executive Director shall notify the administrator of the employing agency that he or she has not received the verification required by subsection 2 and that if the verification is not received on or before March 1 following the year in which the officer was required to complete the requirements, the Executive Director will place the administrator on the agenda for the next scheduled meeting of the Commission to explain the delay in the submission of the verification. If the Executive Director has not received verification that an officer has completed the requirements of subsection 1 on or before March 1 following the year in which ~~[training]~~ *the officer* was required ~~[]~~ *to complete the requirements*, the Executive Director shall place the administrator of the employing agency on the agenda for the next scheduled meeting of the Commission.

4. Upon the request of the Commission or its designee, the employing agency shall make available for inspection the records of all officers to verify that they have complied with the requirements of subsection 1. The Commission will notify each officer and his or her employing agency of any noncompliance. The Commission will suspend the certificate of any officer who does not complete the requirements of subsection 1 within 60 days after the date on which he or she received the notice of noncompliance. The Executive Director may temporarily reinstate the suspended certificate of an officer upon receiving documentation from the officer which demonstrates that he or she has complied with the requirements of subsection 1. The temporary

reinstatement of the suspended certificate is effective upon the Executive Director's approval of the temporary reinstatement and expires on the date on which the Commission determines whether to reinstate the certificate. The Commission will reinstate the suspended certificate or temporarily reinstated certificate of an officer upon receiving documentation from the officer which demonstrates that he or she has complied with the requirements of subsection 1.

5. Except as otherwise provided in subsections 7 and 8, in addition to completing the ~~[agency in-service training]~~ *continuing education* required pursuant to subsection 1, an officer must:

(a) If the officer is authorized to use a firearm, at least biannually demonstrate a minimum level of proficiency in the use of each type of firearm he or she is authorized to use. An officer who does not demonstrate a minimum level of proficiency with the use of any type of firearm he or she is authorized to use may not carry or use that type of firearm until he or she participates in a remedial course established by the employing agency to ensure that the officer achieves and maintains a satisfactory level of proficiency.

(b) If the officer is authorized to use an impact weapon, chemical weapon, electronic incapacitating device or other less than lethal weapon, at least annually demonstrate a minimum level of proficiency in the use of each such weapon or device he or she is authorized to use. An officer who does not demonstrate a minimum level of proficiency with the use of any such weapon may not carry or use that weapon until the officer participates in a remedial course established by the employing agency to ensure that the officer achieves and maintains a satisfactory level of proficiency.

(c) If the duties of an officer require him or her to use arrest and control tactics, demonstrate annually a minimum level of proficiency in the use of arrest and control tactics, including, without limitation, techniques related to applying handcuffs, taking down suspects, self-defense and retention of weapons.

(d) If the employing agency of the officer authorizes the use of a carotid restraint or lateral vascular neck restraint, demonstrate annually a minimum level of proficiency in those techniques.

(e) Review annually each policy of the employing agency which addresses the use of force in any situation in which the agency or the officer may become involved.

6. Each employing agency shall establish and provide the courses set forth in subsection 5 to its officers and establish the minimum level of proficiency that an officer must demonstrate in each course.

7. An officer:

(a) Who voluntarily leaves his or her employment as a peace officer for at least 4 consecutive months but not more than 60 consecutive months;

(b) Whose employment as a peace officer is terminated for any reason for at least 4 consecutive months but not more than 60 consecutive months;

(c) Who, during a period of continuous employment as a peace officer, is absent from his or her duties as a peace officer because of medical leave, military leave or other approved leave for at least 4 consecutive months; or

(d) Who is hired, rehired or reinstated on or after July 1 of a reporting year,

↪ must satisfy the requirements of paragraphs (b) to (e), inclusive, of subsection 5 and demonstrate a minimum level of proficiency in the use of each type of firearm he or she is authorized to use before commencing or resuming his or her duties as a peace officer.

8. An officer who instructs a course pursuant to subsection 5 is not required to comply with the requirements of subsection 5 to which the instruction applies if the officer:

(a) Instructs a course in the subject for which the officer is qualified and approved by the administrator of the officer's agency during each calendar year;

(b) Participates at least once every 3 years in a course of training for instructors that is approved by the Executive Director; and

(c) Demonstrates to the Commission or its designee at least once every 3 years proficiency in the subject that he or she instructs.

9. Each agency shall maintain documentation of the courses provided pursuant to subsection 5. Such documentation must include, without limitation, the qualifications of each instructor who provides training, a description of the training provided and a list on a form that has been approved by the Executive Director of each officer who completes the training.

Sec. 2. NAC 289.240 is hereby amended to read as follows:

289.240 The Executive Director shall grant an intermediate certificate to an officer upon submission of proof satisfactory to the Executive Director that the officer:

1. Has a valid basic certificate;
2. Is currently employed as a peace officer by an agency; and
3. Meets the minimum requirements set forth in one of the following paragraphs:

(a) The officer:

(1) Has 2 years of experience as a peace officer employed by a Nevada agency;

(2) Holds a bachelor's degree or a higher degree from a college or university accredited by a national or regional accrediting body recognized by the United States Department of Education; and

(3) In addition to the ~~training~~ *continuing education* required by NAC 289.230, has successfully completed 20 hours of training in courses concerning the duties of peace officers, consisting of courses certified pursuant to NAC 289.310.

(b) The officer:

(1) Has 4 years of experience as a peace officer employed by a Nevada agency;

(2) Holds an associate's degree from a college or university accredited by a national or regional accrediting body recognized by the United States Department of Education; and

(3) In addition to the ~~training~~ *continuing education* required by NAC 289.230, has successfully completed 40 hours of training in courses concerning the duties of peace officers, consisting of courses certified pursuant to NAC 289.310.

(c) The officer:

(1) Has 6 years of experience as a peace officer employed by a Nevada agency;

(2) Has earned 45 units of credit from a college or university accredited by a national or regional accrediting body recognized by the United States Department of Education; and

(3) In addition to the ~~training~~ *continuing education* required by NAC 289.230, has successfully completed 80 hours of training in courses concerning the duties of peace officers, consisting of courses certified pursuant to NAC 289.310.

(d) The officer:

- (1) Has 8 years of experience as a peace officer employed by a Nevada agency;
- (2) Has earned 30 units of credit from a college or university accredited by a national or regional accrediting body recognized by the United States Department of Education; and
- (3) In addition to the ~~[training]~~ *continuing education* required by NAC 289.230, has successfully completed 120 hours of training in courses concerning the duties of peace officers, consisting of courses certified pursuant to NAC 289.310.

(e) The officer:

- (1) Has 10 years of experience as a peace officer employed by a Nevada agency;
- (2) Has earned 15 units of credit from a college or university accredited by a national or regional accrediting body recognized by the United States Department of Education; and
- (3) In addition to the ~~[training]~~ *continuing education* required by NAC 289.230, has successfully completed 160 hours of training in courses concerning the duties of peace officers, consisting of courses certified pursuant to NAC 289.310.

(f) The officer:

- (1) Has 12 years of experience as a peace officer employed by a Nevada agency; and
- (2) In addition to the ~~[training]~~ *continuing education* required by NAC 289.230, has successfully completed 200 hours of training in courses concerning the duties of peace officers, consisting of courses certified pursuant to NAC 289.310.

Sec. 3. NAC 289.250 is hereby amended to read as follows:

289.250 The Executive Director shall grant an advanced certificate to an officer upon submission of proof satisfactory to the Executive Director that the officer:

1. Has a current basic certificate;

2. Has a current intermediate certificate;
3. Is currently employed as a peace officer by an agency; and
4. Meets the minimum requirements set forth in one of the following paragraphs:

(a) The officer:

(1) Has 4 years of experience as a peace officer;

(2) Holds a bachelor's degree or a higher degree from a college or university accredited by a national or regional accrediting body recognized by the United States Department of Education; and

(3) In addition to the ~~training~~ *continuing education* required by NAC 289.230, has successfully completed 40 hours of training in courses concerning the duties of peace officers, consisting of courses certified pursuant to NAC 289.310.

(b) The officer:

(1) Has 6 years of experience as a peace officer;

(2) Holds an associate's degree from a college or university accredited by a national or regional accrediting body recognized by the United States Department of Education; and

(3) In addition to the ~~training~~ *continuing education* required by NAC 289.230, has successfully completed 80 hours of training in courses concerning the duties of peace officers, consisting of courses certified pursuant to NAC 289.310.

(c) The officer:

(1) Has 8 years of experience as a peace officer;

(2) Has earned 45 units of credit from a college or university accredited by a national or regional accrediting body recognized by the United States Department of Education; and

(3) In addition to the ~~{training}~~ *continuing education* required by NAC 289.230, has successfully completed 160 hours of training in courses concerning the duties of peace officers, consisting of courses certified pursuant to NAC 289.310.

(d) The officer:

(1) Has 10 years of experience as a peace officer;

(2) Has earned 30 units of credit from a college or university accredited by a national or regional accrediting body recognized by the United States Department of Education; and

(3) In addition to the ~~{training}~~ *continuing education* required by NAC 289.230, has successfully completed 240 hours of training in courses concerning the duties of peace officers, consisting of courses certified pursuant to NAC 289.310.

(e) The officer:

(1) Has 12 years of experience as a peace officer;

(2) Has earned 15 units of credit from a college or university accredited by a national or regional accrediting body recognized by the United States Department of Education; and

(3) In addition to the ~~{training}~~ *continuing education* required by NAC 289.230, has successfully completed 320 hours of training in courses concerning the duties of peace officers, consisting of courses certified pursuant to NAC 289.310.

(f) The officer:

(1) Has 14 years of experience as a peace officer; and

(2) In addition to the ~~{training}~~ *continuing education* required by NAC 289.230, has successfully completed 400 hours of training in courses concerning the duties of peace officers, consisting of courses certified pursuant to NAC 289.310.