



STATE OF NEVADA
COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING
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BRIAN SANDOVAL
Governor

MICHAEL D. SHERLOCK
Executive Director

08/16/2017

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 hold a public hearing at 4:00 p.m., on October 16, 2017, at the South Point Hotel, Casino and Spa, NAPA rooms A & B, 9777 Las Vegas Blvd. South, Las Vegas, Nevada. 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 Commission has adopted regulations establishing the minimum standards required to issue a peace officer a Basic Certificate and standards to maintain a Basic Certificate. See NAC 289.140 thru NAC 289.170, NAC 289.200 and NAC 289.230.

Existing regulations establish the minimum standard of training for peace officers in training categories I, II, III and reserve officers. The proposed regulation in **LCB File No. R003-17 Sections 1-4** makes various changes concerning the minimum standard of training. These changes will update the NAC topic areas of academy training so they match with NRS changes made by the Legislature. This includes topic areas in training standards from category II and III minimum training standards and include them in the category I training standards resulting in students achieving multiple certifications. NAC 289.200 authorizes the Executive Director to award a basic certificate to a peace officer who is certified in another state and has completed training specified in NAC 289.200. **Section 5** of this proposed regulation revises the requirements, in the same manner as Sections 1-4, for the training course a peace officer is required to complete before being awarded a basic certificate.

Existing regulations require a peace officer to satisfy certain requirements annually in order to maintain a basic certificate or reserve certificate, including the completion of in-service training. In addition to such in-service training, a peace officer who is authorized to use a firearm is required, at least biannually, to demonstrate a minimum level of proficiency in the use of each firearm he or she is authorized to use. The proposed regulation in **LCB File No. R012-17** (NAC 289.230) **Section 1** requires a peace officer to demonstrate a minimum level of proficiency in the use of each **type of firearm** he or she is authorized to use. Additionally, existing regulations require a peace officer who does not serve as a peace officer for a certain period, depending on the reason therefor, to satisfy certain requirements before resuming his or her duties as a peace officer. (NAC 289.230) **Section 1** of this proposed regulation also requires a peace officer who is hired, rehired or reinstated on or after July 1 of a reporting year to satisfy such requirements.

Existing regulations establish provisions relating to the certification of courses of training above the level of basic training. (NAC 289.310) **Section 2** of this proposed regulation updates the requirements for in state and out of state training providers to obtain certification of their courses, exemption, and decertification of a course.

2. **For a temporary regulation, the terms, or the substance of the regulations 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 contacting Kathy Floyd at kfloyd@post.state.nv.us or by telephone at 775-687-3320.

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 amendment to the regulations will ensure that training topics are aligned with statutory titles and descriptions. This will provide academy training programs to be able to graduate officers with category I, II, III certificates. This will provide graduating officers with category I, II, and III certifications. This should lead to an increased level of professionalism among peace officers graduating from academies. This will also provide agencies with clear direction concerning annual training for newly hired, rehired or reinstated officers after July 1 of a reporting year. Training providers will have clear direction on the process for certification of professional development training courses.

(b) Both immediate and long-term effects:

The immediate effects: The changes and updates should provide more efficient and cost saving training with the consolidation of topic areas for Categories I, II, and III. Peace officers will be able to attend one academy and graduate with a certificate covering all three categories of law enforcement training and certification.

The long term effects: There should be beneficial long term fiscal savings to agencies. Instead of sending officers to two or three different academies to obtain necessary certifications to cover their changing duties, agencies can send officers to one training academy and achieve all three categories of certifications. The cost saving should effect both agencies and training academies run by the agencies.

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 minimum standards for the training, certification and decertification of peace officers employed by governmental law enforcement agencies, 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 September 28, 2017.** 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

LAS VEGAS

Grant Sawyer State Building, 555 Washington Avenue

Capitol Building, 101 N. Carson Street
Commission on POST, 5587 Wa Pai
Shone Ave.

ELY

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

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 Corner of Crook & 4th Street Post Office Box 430 Gold Field, Nevada 89013-430
Humboldt County Library 85 E. 5th Street Winnemucca, Nevada 89445-3095	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 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 Carson Street PO Box 999 Virginia City, Nevada 89440-0999
Washoe County Library System 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 3320, 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. R003-17

June 21, 2017

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

AUTHORITY: §§1, 2, 4 and 5, NRS 289.510 and 289.600; §3, NRS 289.510.

A REGULATION relating to peace officers; revising provisions relating to the minimum standard of training required for peace officers and reserve officers; revising requirements for the training course certain peace officers are required to complete before being awarded a basic certificate; 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 law also requires the Commission to require each peace officer, as a condition of certification, to be trained in dealing with the crimes of stalking and aggravated stalking. (NRS 289.600)

Existing regulations establish the minimum standard of training for peace officers in training categories I, II and III and reserve officers. (NAC 289.140-289.170) **Sections 1-4** of this regulation make various changes concerning the minimum standard of training required for peace officers in training categories I, II and III and reserve officers, respectively.

Existing regulations establish the requirements for the awarding of a basic certificate to a peace officer and authorize the Executive Director of the Commission to award a basic certificate to a peace officer who is certified in another state or has successfully completed certain training approved by the Commission in certain circumstances. (NAC 289.200) **Section 5** of this regulation revises the requirements for the training course such a peace officer is required to complete before being awarded a basic certificate.

Section 1. NAC 289.140 is hereby amended to read as follows:

289.140 The minimum standard of training for officers in training category I is successful completion of a basic course that includes 480 hours of training in:

1. Law and legal procedures, specifically:
 - (a) Civil liability;
 - (b) Constitutional law;
 - (c) Crimes against persons;
 - (d) Crimes against property;
 - (e) Juvenile law;
 - (f) Laws governing coroners;
 - (g) Laws relating to arrest;
 - (h) *Laws relating to correctional institutions;*
 - (i) Laws relating to drugs, including, without limitation, current trends in drugs;
 - ~~{(i)}~~ (j) Miscellaneous crimes;
 - ~~{(j)}~~ (k) Probable cause;
 - ~~{(k)}~~ (l) Rights of victims;
 - ~~{(l)}~~ (m) Search and seizure;
 - ~~{(m)}~~ (n) *Searches of offender institutions;*
 - (o) Traffic laws; and
 - ~~{(n)}~~ (p) Use of force.
2. Patrol operations and investigations, specifically:
 - (a) Abuse of ~~{elderly}~~ *older* persons;

- (b) ~~{Accident investigations;}~~
 - ~~—(e)}~~ Basic patrol procedures;
 - ~~{(d)}~~ (c) Child abuse and sexual abuse of a child;
 - ~~{(e)}~~ (d) *Crash investigations;*
 - (e) Domestic violence , ~~{and}~~ stalking ~~{;}~~ *and aggravated stalking;*
 - (f) Investigation of crime scenes, collection and preservation of evidence and fingerprinting;
 - (g) Principles of investigation;
 - (h) Techniques of interviewing and interrogation;
 - (i) The DWI Detection and Standardized Field Sobriety Testing course approved by the National Highway Traffic Safety Administration; and
 - (j) Unknown-risk and high-risk vehicle stops.
3. Performance skills, specifically:
- (a) ~~{Health, fitness and wellness;}~~ *Fire safety and use of equipment;*
 - (b) Interpersonal communications;
 - (c) *Lifetime fitness;*
 - (d) Operation of emergency vehicles;
 - ~~{(d)}~~ (e) Provision of emergency first aid and cardiopulmonary resuscitation;
 - ~~{(e)}~~ (f) *Public and media relations;*
 - (g) Searching of buildings;
 - ~~{(f)}~~ (h) Tactics for the arrest and control of suspects, including, without limitation, methods for arrest and the use of less than lethal weapons;
 - ~~{(g)}~~ (i) Training concerning active assailants;

- ~~{(h)}~~ (j) Training in the use of firearms; and
- ~~{(i)}~~ (k) Writing of reports.
- 4. The functions of a peace officer, specifically:
 - (a) Care of persons in custody;
 - (b) *Classification and receiving of offenders;*
 - (c) Community policing;
 - ~~{(e)}~~ (d) Counter-terrorism and weapons of mass destruction;
 - ~~{(d)}~~ (e) Courtroom demeanor, including, without limitation, the giving of testimony;
 - ~~{(e)}~~ (f) Crisis intervention;
 - ~~{(f)}~~ (g) *Cultural awareness;*
 - (h) Ethics in law enforcement;
 - ~~{(g)}~~ (i) *Games offenders play;*
 - (j) *Gangs and cults;*
 - (k) Handling of persons with mental illness;
 - ~~{(h)}~~ (l) History and principles of law enforcement;
 - ~~{(i)}~~ ~~Management of stress;~~
 - (m) *Modern correctional philosophy;*
 - ~~{(j)}~~ (n) National Crime Information Center procedures;
 - ~~{(k)}~~ (o) *Records of offenders in institutions;*
 - (p) *Supervision of offenders;*
 - (q) Survival of peace officers;
 - ~~{(l)}~~ (r) Systems of criminal justice; and

~~[(m)]~~ (s) The realities of law enforcement.

5. Course administration and examinations.

Sec. 2. NAC 289.150 is hereby amended to read as follows:

289.150 The minimum standard of training for officers in training category II is successful completion of a basic course that includes 200 hours of training in:

1. Law and legal procedures, specifically:

(a) Civil liability;

(b) Constitutional law;

(c) Crimes against persons;

(d) Crimes against property;

(e) Juvenile law;

(f) Laws relating to arrest;

(g) *Laws relating to correctional institutions;*

(h) Laws relating to drugs, including, without limitation, current trends in drugs;

~~[(h)]~~ (i) Miscellaneous crimes;

~~[(i)]~~ (j) Probable cause;

~~[(j)]~~ (k) Rights of victims;

~~[(k)]~~ (l) Search and seizure; ~~and~~

~~[(l)]~~ (m) *Searches of offender institutions; and*

(n) Use of force.

2. Operations and investigations, specifically:

(a) Abuse of ~~{elderly}~~ *older* persons;

- (b) Child abuse and sexual abuse of a child;
 - (c) Domestic violence , ~~and~~ stalking ~~+~~ *and aggravated stalking;*
 - (d) Investigation of crime scenes, collection and preservation of evidence and fingerprinting;
 - (e) Principles of investigation; and
 - (f) Techniques of interviewing and interrogation.
3. Performance skills, specifically:
- (a) ~~{Health, fitness and wellness;}~~ *Fire safety and use of equipment;*
 - (b) Interpersonal communications;
 - (c) *Lifetime fitness;*
 - (d) Provision of emergency first aid and cardiopulmonary resuscitation;
 - ~~{d}~~ (e) *Public and media relations;*
 - (f) Tactics for the arrest and control of suspects, including, without limitation, methods for arrest and the use of less than lethal weapons;
 - ~~{e}~~ (g) Training concerning active assailants;
 - ~~{f}~~ (h) Training in the use of firearms; and
 - ~~{g}~~ (i) Writing of reports.
4. The functions of a peace officer, specifically:
- (a) Care of persons in custody;
 - (b) *Classification and receiving of offenders;*
 - (c) Counter-terrorism and weapons of mass destruction;
 - ~~{e}~~ (d) Courtroom demeanor, including, without limitation, the giving of testimony;
 - ~~{d}~~ (e) Crisis intervention;

~~{(e)}~~ *(f) Cultural awareness;*

(g) Ethics in law enforcement;

~~{(f)}~~ *(h) Games offenders play;*

(i) Gangs and cults;

(j) Handling of persons with mental illness;

~~{(g)}~~ *(k) History and principles of law enforcement;*

~~{(h)}~~ ~~Management of stress;~~

~~{(i)}~~ *(l) Modern correctional philosophy;*

(m) National Crime Information Center procedures;

~~{(j)}~~ *(n) Records of offenders in institutions;*

(o) Supervision of offenders;

(p) Survival of peace officers;

~~{(k)}~~ *(q) Systems of criminal justice; and*

~~{(l)}~~ *(r) The realities of law enforcement.*

5. Course administration and examinations.

Sec. 3. NAC 289.160 is hereby amended to read as follows:

289.160 The minimum standard of training for officers in training category III is successful completion of a basic course that includes 160 hours of training in:

1. Legal subjects, specifically:

(a) Civil ~~{rights of offenders;}~~ *liability;*

(b) ~~{Searches of offender}~~ *Laws relating to correctional institutions;*

(c) ~~{Laws relating to correctional}~~ *Searches of offender institutions; and*

- (d) ~~{Laws relating to stalking and aggravated stalking; and~~
- ~~—(e)}~~ Use of force.
- 2. Procedures in the field, specifically:
 - (a) *Care of persons in custody;*
 - (b) *Classification and receiving of offenders;*
 - (c) *Crisis intervention;*
 - (d) *Games offenders play;*
 - (e) Gangs and cults;
 - ~~{(b)}~~ (f) *Records of offenders in institutions; and*
 - (g) Supervision of offenders . ~~†~~
 - ~~—(e)~~ Classification and receiving of offenders;
 - ~~—(d)~~ Transportation of offenders;
 - ~~—(e)~~ Crisis intervention;
 - ~~—(f)~~ Records of offenders in institutions; and
 - ~~—(g)~~ Games offenders play.†
- 3. Skills of officers, specifically:
 - (a) ~~{Writing of reports for correctional institutions;~~
 - ~~—(b)}~~ Fire safety and use of emergency equipment;
 - ~~{(e)}~~ Fingerprinting;
 - ~~—(d)~~ Defensive tactics;
 - ~~—(e)~~ Introduction of restraints;
 - ~~—(f)~~ Physical conditioning; and

~~—(g)~~ (b) *Lifetime fitness;*

(c) *Tactics for the arrest and control of suspects, including, without limitation, methods for arrest and the use of less than lethal weapons;*

(d) Training concerning active assailants ~~{-}~~ ;

(e) *Training in the use of firearms; and*

(f) *Writing of reports.*

4. Investigation, specifically:

(a) ~~{Crime scene and}~~ *Domestic violence, stalking and aggravated stalking;*

(b) *Handling of persons with mental illness;*

(c) *Investigation of crime scenes, collection and preservation of evidence* ~~{-}~~;

~~—(b) Investigation of narcotics and abuse of controlled substances;~~

~~—(c) Investigation of allegations of stalking and aggravated stalking;}~~ *and fingerprinting;* and

(d) ~~{Personality disorders and prevention of suicide.}~~ *Laws relating to drugs, including, without limitation, current trends in drugs.*

5. Community relations, specifically:

(a) ~~{Ethics for correctional officers;~~

~~—(b)}~~ Cultural awareness;

(b) *Ethics in law enforcement;*

(c) Interpersonal communications; and

(d) Public and media relations.

6. Miscellaneous subjects, specifically:

(a) *Counter-terrorism and weapons of mass destruction;*

(b) Modern correctional philosophy;

~~{(b) First}~~

(c) *Provision of emergency first aid* ~~;~~

~~(c) *Cardiopulmonary* and *cardiopulmonary* resuscitation; and~~

(d) ~~{Criminal}~~ *Systems of criminal justice* . ~~{system; and~~

~~(e) *Counter terrorism and weapons of mass destruction.*~~

7. Course administration and examination.

Sec. 4. NAC 289.170 is hereby amended to read as follows:

289.170 The minimum standard of training for reserve officers is successful completion of a basic course that includes 120 hours of training in:

1. Law and legal procedures, specifically:

(a) Civil liability;

(b) Constitutional law;

(c) Crimes against persons;

(d) Crimes against property;

(e) Juvenile law;

(f) Laws relating to arrest;

(g) Laws relating to drugs, including, without limitation, current trends in drugs;

(h) Miscellaneous crimes;

(i) Probable cause;

(j) Search and seizure;

(k) Traffic laws; and

- (l) Use of force.
2. Patrol operations and investigations, specifically:
 - (a) Abuse of ~~{elderly}~~ *older* persons;
 - (b) Basic patrol procedures;
 - (c) Child abuse and sexual abuse of a child;
 - (d) Domestic violence, ~~{and}~~ stalking ~~{;}~~ *and aggravated stalking*;
 - (e) Investigation of crime scenes, collection and preservation of evidence and fingerprinting;
 - (f) Principles of investigation; and
 - (g) Unknown-risk and high-risk vehicle stops.
3. Performance skills, specifically:
 - (a) ~~{Health,}~~ *Lifetime* fitness ; ~~{and wellness;}~~
 - (b) Provision of emergency first aid and cardiopulmonary resuscitation;
 - (c) Searching of buildings;
 - (d) Tactics for the arrest and control of suspects, including, without limitation, methods for arrest and the use of less than lethal weapons;
 - (e) Training concerning active assailants;
 - (f) Training in the use of firearms; and
 - (g) Writing of reports.
4. The functions of a peace officer, specifically:
 - (a) Community policing;
 - (b) Counter-terrorism and weapons of mass destruction;
 - (c) Courtroom demeanor, including, without limitation, the giving of testimony;

- (d) Crisis intervention;
 - (e) Ethics in law enforcement;
 - (f) Handling of persons with mental illness;
 - (g) History and principles of law enforcement; and
 - (h) Survival of peace officers.
5. Course administration and examinations.

FIRST
PARALLEL
SECTION

Sec. 5. NAC 289.200 is hereby amended to read as follows:

289.200 1. The Executive Director shall award a basic certificate to any peace officer who meets the minimum standards for appointment established pursuant to NAC 289.110 and has:

- (a) Satisfactorily completed the basic training course for basic certification;
- (b) Passed the state certification examination with a score of at least 70 percent; and
- (c) Passed the state physical fitness examination for the appropriate category of peace officer

as described in NAC 289.205.

2. The Executive Director may award a basic certificate to any peace officer who has been certified by the certifying entity of another state or has successfully completed a Federal Law Enforcement Training Centers of the United States Department of Homeland Security training program approved by the Commission and who meets the minimum standards for appointment established pursuant to NAC 289.110 if:

(a) The Commission or its designee has determined that the course of training required for the certification was at least equivalent to the basic training course for basic certification;

(b) The certification of the peace officer in the other jurisdiction has not been revoked or suspended;

(c) Not more than 60 months have lapsed since the peace officer was employed in the other jurisdiction;

(d) The peace officer has satisfactorily completed a training course that is approved by the Executive Director which consists of a minimum of 80 hours of training that satisfies the requirements established by the Commission pursuant to subsection 1 of NAC 289.300 in:

(1) Abuse of ~~elderly~~ *older* persons;

(2) ~~Active assailants;~~

~~(3)~~ Child abuse and sexual abuse of a child;

~~(4)~~ (3) Civil liability;

~~(5)~~ (4) *Classification and receiving of offenders;*

(5) Constitutional law;

(6) Counter-terrorism and weapons of mass destruction;

(7) Crimes against persons;

(8) Crimes against property;

(9) Cultural awareness;

(10) Domestic violence, ~~and~~ stalking ~~;~~ *and aggravated stalking;*

(11) Ethics in law enforcement; ~~or for correctional officers;~~

(12) *Fire safety and use of equipment;*

(13) *Games offenders play;*

(14) *Gangs and cults;*

(15) Juvenile law;

~~(13)~~ (16) Laws relating to arrest;

~~{(14)}~~ (17) *Laws relating to correctional institutions;*

(18) Laws relating to drugs, including, without limitation, current trends in drugs;

~~{(15)}~~ (19) Miscellaneous crimes;

~~{(16)}~~ (20) *Modern correctional philosophy;*

(21) Probable cause;

~~{(17)}~~ (22) *Public and media relations;*

(23) *Records of offenders in institutions;*

(24) Rights of victims;

~~{(18)}~~ (25) Search and seizure;

~~{(19)} Sexual harassment;~~

(26) *Searches of offender institutions;*

(27) *Supervision of offenders;*

(28) *Training concerning active assailants;* and

~~{(20)}~~ (29) Use of force;

(e) The peace officer passes the state certification examination with a score of at least 70 percent; and

(f) The peace officer passes the state physical fitness examination for the appropriate category of peace officer as described in NAC 289.205.

3. The Executive Director may award a reserve basic certificate to any reserve officer who meets the minimum standards for appointment pursuant to NAC 289.110 and has:

(a) Satisfactorily completed the basic training course for a reserve certificate;

(b) Passed the state certification examination with a score of at least 70 percent; and

(c) Passed the state physical fitness examination described in subsection 1 of NAC 289.205.

4. Except as otherwise provided in subsection 5 or 6, an officer must pass the state physical fitness examination:

(a) If the officer is not eligible for certification pursuant to subsection 2, not later than 16 weeks after the first day of the officer's basic training course certified or approved pursuant to NAC 289.300; or

(b) If the officer is eligible for certification pursuant to subsection 2, not later than 16 weeks after the date on which the officer was hired or, if the officer is a reserve officer, the date of activation of his or her reserve status.

5. If a student enrolled in a basic training course certified or approved pursuant to NAC 289.300 sustains a bona fide physical injury that renders him or her incapable of completing the requirements of the state physical fitness examination, an agency may submit a request for an extension of time for the student to complete the examination. The agency shall submit such a request to the Executive Director. The request must include, without limitation, written verification by a physician that the student is incapable of completing the requirements of the state physical fitness examination. If the Executive Director determines that an extension of time is warranted, the Executive Director shall authorize an extension of time for a period not to exceed 12 months after the date on which the student was hired or, if the student is a reserve officer, the date of activation of his or her reserve status.

6. If an officer passes the state physical fitness examination:

(a) While not enrolled in a basic training course certified or approved pursuant to NAC 289.300; and

(b) More than 16 weeks, but less than 12 months, after the date on which the officer was hired or, if the officer is a reserve officer, the date of activation of his or her reserve status, ⇒ the employing agency of the officer may submit a request to the Executive Director to waive the requirements of subsection 4. The request must include, without limitation, the reason the officer was unable to pass the state physical fitness examination within the periods described in subsection 4. The Executive Director may, for good cause shown, grant a request submitted pursuant to this subsection.

7. Upon satisfactory completion of the requirements listed in subsection 1, 2 or 3, the employing agency shall submit a request for certification to the Executive Director. The request must include:

(a) The name, social security number and date of hire of the officer or, if the officer is a reserve officer, the date of activation of his or her reserve status;

(b) Documentary evidence that the officer has successfully completed an approved basic training course;

(c) Verification by the administrator of the agency that the officer meets the minimum standards established by this chapter; and

(d) The statement concerning child support prescribed by the Division of Welfare and Supportive Services of the Department of Health and Human Services pursuant to NRS 425.520.

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. If the certification of such a person is on inactive status for more than 5 consecutive years, the

person must renew his or her basic certificate by successfully completing the requirements set forth in subsection 1.

9. If a person who successfully completes a basic training course for the purpose of obtaining a basic certificate is not employed by an agency within 24 months after completing the course, the person must repeat all of the requirements for basic certification set forth in subsection 1.

10. Except as otherwise provided in this subsection, to satisfactorily complete a basic training course for the purposes of this section, the person must successfully complete all of the requirements in one course. If a person is discharged from a basic training course for any reason that is not disciplinary, the person may complete any remaining requirements in a later course provided by the same entity if the person has not previously been discharged from a course and if:

(a) The administrator of the basic training course recommends that the person complete the requirements in a later course, the administrator of the employing agency of the person requests that the person be allowed to complete the requirements in a later course and the Executive Director gives approval;

(b) The subsequent course is provided in a manner which ensures that the person completes all of the requirements for a basic training course for which the course is certified; and

(c) The subsequent course begins not later than 120 days after the discharge.

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

LCB File No. R012-17

June 30, 2017

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

AUTHORITY: §§1 and 2, NRS 289.510.

A REGULATION relating to peace officers; requiring a peace officer who is authorized to use a firearm to demonstrate a minimum level of proficiency in the use of each type of firearm he or she is authorized to use; requiring certain peace officers to satisfy certain requirements before commencing or resuming their duties as a peace officer; making various changes regarding the certification of courses for training above the level of basic training; 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 the completion of in-service training. In addition to such in-service training, a peace officer who is authorized to use a firearm is required, at least biannually, to demonstrate a minimum level of proficiency in the use of each firearm he or she is authorized to use. (NAC 289.230) **Section 1** of this regulation instead requires a peace officer to demonstrate a minimum level of proficiency in the use of each type of firearm he or she is authorized to use. Existing regulations require a peace officer who does not serve as a peace officer for a certain period, depending on the reason therefor, to satisfy certain requirements before resuming his or her duties as a peace officer. (NAC 289.230) **Section 1** also requires a peace officer who is hired, rehired or reinstated on or after July 1 of a reporting year to satisfy such requirements.

Existing regulations establish provisions relating to the certification of courses for training above the level of basic training. (NAC 289.310) **Section 2** of this regulation makes various changes regarding the certification of such courses.

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 the requirements of subsection 5 and complete 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.

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 was required, 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 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 ~~the~~ *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; ~~or~~

(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~~; *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 289.310 is hereby amended to read as follows:

289.310 1. ~~{An agency or other}~~ A provider of training *whose principal place of business is located:*

(a) Within this State may, except as otherwise provided in subsection 2, apply for certification above the level of basic training for a course by submitting to the Executive Director, by any means approved by the Executive Director : ~~{, a request to certify the course on a form approved by the Executive Director and:~~

~~—(a)}~~ *(1) A ~~{concise synopsis of the}~~ course ~~{,}~~ **description**, including, without limitation, the title of the course, the intended goals of the course and specific objectives for ~~{the students in}~~ the course;*

~~{(b) A detailed}~~

*(2) An **outline of the** lesson plan, including, without limitation, a chronological list of the major subject headings;*

~~{(c) A list of the intended instructors, including, without limitation, a brief résumé of experience in the subject area and experience in instructing for each instructor;~~

~~—(d)} (3) The total ~~{amount}~~ *number* of hours ~~{of instruction};~~~~

~~—(e) A description} *required to complete the course; and*~~

(4) If applicable, a copy of the written examinations or a description of the practical examinations on the material covered by the course which is to be graded on a pass or fail basis and which measures accomplishment of the objectives . ~~{by the students, including, without limitation, an examination at the beginning and end of the course; and~~

~~—(f) A bibliography of all resource materials used to prepare the course.}~~

(b) Outside of this State may apply for certification above the level of basic training for a course in accordance with subsection 2.

2. Any provider of training who provides a course that is currently accredited under the Program, regardless of whether the principal place of business of the provider of training is located within or outside of this State, may apply for certification above the level of basic training for the course by submitting to the Executive Director documentation of such accreditation. The Executive Director shall award to the provider of training certification above the level of {a} basic training for the course {to an agency or other provider of training which did not comply with the provisions of subsection 1 for a} if the course {which has been certified by another state or other comparable agency if the submitting agency or other provider of training presents the supporting documents concerning the subject matter and instructors.} meets all minimum requirements for a course that is above the level of basic training and the provider of training complies with all requirements established by the Program.

3. A ~~request to certify a course must be approved by the administrator of the agency or other~~ provider of training ~~for the administrator's designee. If the course offers training in legal issues and subjects relating to legal liability, the legal adviser of the agency or other provider of training must approve the course.~~ *may apply for an exemption from the requirements set forth in subsection 2 by submitting a request to the Executive Director, on the business letterhead of the provider of training, explaining the specific reasons for requesting the exemption. The Executive Director may grant an exemption upon a showing of good cause by the provider of training.*

4. The Executive Director shall review courses certified pursuant to this section periodically for compliance with the provisions of this section. The Executive Director shall notify ~~an agency or other~~ a provider of training that provides such a course of any noncompliance.

5. The Executive Director shall ~~revoke the certification of~~ *decertify* a course if ~~the agency or other~~ :

(a) *The provider of training that provides the course:*

~~{(a)}~~ (1) Requests ~~{revocation of}~~ the ~~{certification}~~ *decertification* of the course; or

(2) *Does not comply with the provisions of this section; or*

(b) ~~{Has not provided}~~ *There is no record of a peace officer completing* the course during any period of 24 consecutive months. ~~{or~~

~~{(c) Does not comply with the provisions of this section.}~~

6. ~~{An agency or other}~~ A provider of training whose course has been certified shall maintain on file, and make available for inspection upon the request of the Commission or its designee:

- (a) A roster of the peace officers who attended the course;
- (b) Each officer's results on the examination; and
- (c) An evaluation of the course by each peace officer who attended the course.

7. ~~{An agency or other provider of training whose course is currently accredited by an organization, such as the National Accreditation Committee or the American Correctional Association, which:~~

- ~~—(a) Is nationally recognized; and~~
- ~~—(b) Gives accreditation to courses for peace officers,~~

~~↪ is not required to apply to the Executive Director for accreditation of the course. Such an agency or other provider of training shall maintain on file, and make available for inspection upon the request of the Commission or its designee, a roster of the peace officers who attended the course, each officer's results on the examination and an evaluation of the course by each peace officer who attended the course.~~

~~—8. An agency or other} A provider of training whose course has been certified shall issue a certificate of completion to all peace officers who successfully complete the course of training.~~

The certificate must contain:

- (a) The certification number assigned to the course ; ~~{by the Commission;}~~
- (b) The name of the course;
- (c) The hours of training earned for the course; and
- (d) The date on which the course was presented.

~~{9.}~~ 8. The employing agency of a peace officer ~~{who attends a course certified pursuant to this section}~~ shall, upon receipt of ~~{the}~~ a certificate of completion issued to the peace officer

pursuant to subsection ~~[8.]~~ 7, report the ~~[peace officer's successful]~~ completion of the course of *training* to the Executive Director by any means approved by the Executive Director ~~[]~~ *on or before December 31 of the year in which the peace officer completes the course of training.*

9. *As used in this section, "Program" means the National Certification Program of the International Association of Directors of Law Enforcement Standards and Training.*