



STATE OF NEVADA
COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING
5587 Wa Pai Shone Avenue
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STEVE SISOLAK
Governor

MICHAEL D. SHERLOCK
Executive Director

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 **1:00 p.m. on Monday, November 8, 2021, at the Southpoint Hotel and Casino, 9777 Las Vegas Blvd., S., Napa Room B, Las Vegas, NV 89183.** The purpose of the hearing is to receive comments from all interested persons regarding the adoption, 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.

Existing law requires the Peace Officer Standards and Training Commission to adopt regulations establishing minimum standards for the certification and decertification, recruitment, selection and training of peace officers. (NRS289.510) (NAC289.290)

Existing regulations establish the minimum standard of training for peace officers in training category I and require a peace officer in training category I to complete a basic course that includes, among other items, the DWI Detection and standardized field sobriety Testing course approved by the National Highway Traffic Safety Administration.

(NAC289.140) This proposed regulation adds the advanced Roadside Impaired Driving Enforcement course approved by the National Highway Traffic Safety Administration to the basic course for a peace officer in training category I.

This net increase of four hours of drug-driving detection training will have a positive impact on public safety by having a better-trained law enforcement officer on Nevada roads.

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 For a temporary regulation, the terms, or the substance of the regulation to be adopted, amended or repealed, or a description of the subjects and issues involved.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 Notice of Intent to Act Upon Regulation and proposed regulation text may be obtained by going to the Register of Administrative Regulations for 2020 by clicking the link: www.leg.state.nv.us/Register/2020Register/R177-20P.pdf, by contacting Chief Kathy Floyd at kfloyd@post.state.nv.us or by telephone at 775-687-3335 or going to the Nevada Commission on POST website at <http://post.nv.gov>.

4. The estimated economic effect of the regulation on the business which it is to regulate and on the public. These must be stated separately and, in each case, must include:

(a) Both adverse and beneficial effects; and

(1) Adverse effects: None

(2) Beneficial effects: This regulation adds the Advanced Roadside Impaired Driving Enforcement course approved by the National Highway Traffic Safety Administration to the basic course for a peace officer in training category I.

It will be implemented by adjusting the academy schedule without adding days or delays.

(b) Both immediate and long-term effects:

(1) The immediate effects: The regulation will require all academies to update the topic areas of training already established in this regulation

(2) The long-term effects: None

5. The methods used by the agency in determining the impact on a small business.

The Commission on POST has reviewed the text of the proposed regulations. Because the regulation amends Nevada Administrative Code Chapter 289, dealing with certification provisions of the annual continuing education of peace officers, the proposed amendments to NAC Chapter 289 will have no impact on small business.

6. The estimated cost to the agency for enforcement of the proposed regulation.

None

7. A description of and citation to any regulations of other states or local governmental agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the proposed regulation overlaps or duplicates a federal regulation, the notice must include the name of the regulating federal agency.

The proposed regulation does not overlap or duplicate any regulations of state, local or federal governmental agency regulating the same activity.

8. If the regulation is required pursuant to federal law, a citation and description of the federal law.

The proposed regulation is not required by federal law.

9. If the regulation includes provisions which are more stringent than a federal regulation that regulates the same activity, a summary of such provision.

There are no federal regulations that regulate the same activity.

10. Whether the proposed regulation establishes a new fee or increases an existing fee.

This regulation does not involve or establish fees.

11. For a temporary regulation, each address at which the text of the regulation may be inspected and copied.

N/A

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 October 25, 2021.** If no person who is directly affected by the proposed action appears to request time to make an oral presentation, the Commission on POST may proceed immediately to act upon any written submissions.

This Notice of Intent to Act Upon Regulations and the proposed regulation will be on file at the State Library, 100 Stewart Street, Carson City, Nevada for inspection by members of the public during business hours. Additional copies of the notice and regulations to be adopted, amended or repealed will be available at the Commission on POST Administrative Offices, 5587 Wai Pai Shone Avenue, Carson City, 89701, State of Nevada Register of Administrative Regulations, which is prepared and published monthly by the Legislative Counsel Bureau pursuant to NRS 233B.0653, and on the Internet at <http://leg.state.nv.us>, the POST web site at <http://post.nv.gov> and the State of Nevada Department of Administration website at <https://notice.nv.gov>.

Copies of this notice and the proposed regulation will also be mailed to members of the public at no charge upon request.

Upon adoption of any regulation, the agency, if requested to do so by an interested person, either before adoption or within 30 days thereafter, shall issue a concise statement of the principal reasons for and against its adoption and incorporate therein its reason for overruling the consideration urged against its adoption

The Notice of Intent to Act Upon Regulations and the proposed regulation have been sent to all criminal justice agencies on the Commission on POST Listserv list and posted at the following locations:

**Commission on POST Administrative Office
Carson City, NV 89701**

<http://post.nv.gov>

<http://notice.nv.gov>

<http://leg.state.nv.us>

NOTE: We are pleased to make reasonable accommodations for members of the public with disabilities who wish to attend the meeting. If special arrangements for the meeting are necessary, please notify the Commission on POST, in writing, at 5587 Wai Pai Shone Avenue, Carson City, Nevada 89701, or call Chief Kathy Floyd at (775) 687-7678, Extension 3335, no later than five working days prior to the meeting.

**SEE ATTACHED COPIES OF THE PROPOSED
REGULATIONS**

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

LCB File No. R177-20

July 1, 2021

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

AUTHORITY: § 1, NRS 289.510.

A REGULATION relating to peace officers; revising provisions relating to the minimum standard of training required for certain peace officers; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law requires the Peace Officers’ Standards and Training Commission to adopt regulations establishing minimum standards for the certification and decertification, recruitment, selection and training of peace officers. (NRS 289.510) Existing regulations establish the minimum standard of training for peace officers in training category I and require a peace officer in training category I to complete a basic course that includes, among other items, the DWI Detection and Standardized Field Sobriety Testing course approved by the National Highway Traffic Safety Administration. (NAC 289.140) This regulation adds the Advanced Roadside Impaired Driving Enforcement course approved by the National Highway Traffic Safety Administration to the basic course for a peace officer in training category I.

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;
 - (j) Miscellaneous crimes;
 - (k) Probable cause;
 - (l) Rights of victims;
 - (m) Search and seizure;
 - (n) Searches of offender institutions;
 - (o) Traffic laws; and
 - (p) Use of force.
2. Patrol operations and investigations, specifically:
- (a) Abuse of older persons;
 - (b) Basic patrol procedures;
 - (c) Child abuse and sexual abuse of a child;
 - (d) Crash investigations;
 - (e) Domestic violence, 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~~ *and the Advanced Roadside Impaired Driving Enforcement courses* approved by the National Highway Traffic Safety Administration; and

(j) Unknown-risk and high-risk vehicle stops.

3. Performance skills, specifically:

(a) Fire safety and use of emergency equipment;

(b) Interpersonal communications;

(c) Lifetime fitness;

(d) Operation of emergency vehicles;

(e) Provision of emergency first aid and cardiopulmonary resuscitation;

(f) Public and media relations;

(g) Searching of buildings;

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

(i) Training concerning active assailants;

(j) Training in the use of firearms; and

(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;

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

(e) Courtroom demeanor, including, without limitation, the giving of testimony;

- (f) Crisis intervention;
 - (g) Cultural awareness;
 - (h) Ethics in law enforcement;
 - (i) Games offenders play;
 - (j) Gangs and cults;
 - (k) Handling of persons with mental illness;
 - (l) History and principles of law enforcement;
 - (m) Modern correctional philosophy;
 - (n) National Crime Information Center procedures;
 - (o) Records of offenders in institutions;
 - (p) Supervision of offenders;
 - (q) Survival of peace officers;
 - (r) Systems of criminal justice; and
 - (s) The realities of law enforcement.
5. Course administration and examinations.