



STATE OF NEVADA COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

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Governor

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NOTICE OF WORKSHOP TO SOLICIT COMMENTS ON PROPOSED REGULATIONS

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

A workshop has been scheduled for **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 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

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| A. Discussion regarding possible revision to NAC 289.047 (Definition of “Executive level position”) to clarify one of the requirements to qualify for an Executive Certificate by changing the definition of “Executive level position” as follows: “Executive level position” means a position held by a peace officer <i>as a chief of police, sheriff, director or chief executive of an agency or deputy chief, undersheriff, deputy director or other rank designated as the second in command of the agency.</i> | NAC 289.047 |
| B. Discussion regarding revisions to NAC 289.230(1)(b) to comply with annual continuing education requirements established in NRS 289.510(c)(2) which requires all peace officers annually complete not less than 12 hours of continuing education in courses that address (1) Racial profiling (2) Mental health, <u>including, without limitation, crisis intervention</u> (3) The well being of officers (4) Implicit bias recognition (5) De-escalation (6) Human trafficking; and (7) Firearms | NAC 289.230 |
| C. Discussion regarding revisions to NAC 289.110 to comply with requirements established in NRS 289.510(c)(1) Requirements for evaluations to be conducted during the recruitment and selection of peace officers, which must identify implicit bias on the part of a peace officer on the basis of race, color, religion, national origin, physical or mental disability, sexual orientation or gender identity or expression; | NAC 289.110 |

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 289.047 “Executive level position” defined. ([NRS 289.510](#)) “Executive level position” means a position held by a peace officer in which the peace officer supervises two or more persons who hold management level positions and is in charge of an entire agency or a major division or bureau within an agency. *as a chief of police, sheriff, director or chief executive of an agency or deputy chief, undersheriff, deputy director or other rank designated as the second in command of the agency.*

APPROVED REGULATION OF THE PEACE OFFICERS'
STANDARDS AND TRAINING COMMISSION

LCB File No. R025-20

Effective November 2, 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 [;], including, without limitation, crisis intervention;*
- (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.

NAC 289.110 Minimum standards for appointment. ([NRS 289.510](#))

1. No person may be appointed to perform the duties of a peace officer unless he or she:
 - (a) Has undergone a complete and documented investigation of his or her background which verifies that the person has good moral character and meets the minimum standards established by the Commission;
 - (b) Is a citizen of the United States;
 - (c) Is at least 21 years of age at the time of the appointment;
 - (d) Has successfully completed the 12th grade or has been certified by an appropriate authority as having an equivalent education; and
 - (e) Has undergone a medical examination performed by a licensed physician who confirms in writing that no physical condition exists which would adversely affect his or her performance of the duties of a peace officer. The employing agency shall inform the examining physician of the specific functions required by the position to be filled.
2. The investigation of the background of a person required pursuant to subsection 1 must include, without limitation:
 - (a) An investigation of the current and past employment history of the person, including, without limitation, an examination of the duties that have been assigned to the person and any performance evaluations of the person;
 - (b) An inquiry into the criminal history of the person in the State of Nevada and in any other state where the person is known to have resided, which must include, without limitation, any warrants issued for the person and the submission of the person's fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report;
 - (c) An inquiry to the Department of Motor Vehicles and the appropriate entity in each other state in which the person is known to have resided regarding any driver's licenses the person has held and the driving record of the person;
 - (d) A financial history of the person;
 - (e) The educational background of the person;
 - (f) The history of any military service of the person;
 - (g) A history of each physical address where the person has resided;
 - (h) A drug screening test;
 - (i) A psychological evaluation; and
 - (j) The use of a lie detector as defined in [NRS 613.440](#) for a peace officer being appointed as a category I, category II or reserve peace officer.
 - (k) Requirements for evaluations to be conducted during the recruitment and selection of peace officers, which must identify implicit bias on the part of a peace officer on the basis of race, color, religion, national origin, physical or mental disability, sexual orientation or gender identity or expression;**
3. The investigation of the background of a person required pursuant to subsection 1 may include the use of a lie detector as defined in [NRS 613.440](#) for a peace officer being appointed as a category III peace officer.
4. A person may not be appointed to perform the duties of a peace officer if he or she has:
 - (a) Been convicted of a felony in this State or of any offense which would be a felony if committed in this State;
 - (b) Been convicted of an offense involving moral turpitude or the unlawful use, sale or possession of a controlled substance;
 - (c) A documented history of physical violence; or

(d) Resigned in lieu of termination or been terminated from any civil service employment for substantiated misconduct involving dishonesty, and has not been reinstated as a result of a judicial action or any available appeal or remedy relating to the resignation or termination, including, without limitation, any civil service appeal, direct administrative appeal or collective bargaining remedy. For purposes of this paragraph, “dishonesty” includes untruthfulness, deception, misrepresentation, falsification, and dishonesty by admission or omission.

[Peace Officers’ Standards & Training Com., § IV, eff. 5-7-82] — (NAC A 12-17-87; 8-24-90; A by Peace Officers’ Standards & Training Comm’n by R102-99, 11-2-99; R118-09, 1-28-2010; R085-10, 12-16-2010, eff. 7-1-2011; R066-12, 9-14-2012)