



STATE OF NEVADA
COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING
Performance Objective Reference Material

The Performance Objective Reference Material is designed to accompany the P.O.S.T. mandated Performance Objectives of each N.A.C. mandated course for Category I, II, III, and Reserve peace officers.

Thoroughly reviewing this document will help in your preparation to teach the related course.

An instructor will not be successful by reviewing the Performance Objective Material the night before or the day of instruction. Instructors are expected to spend time studying this reference material, researching supplemental material, and developing student activities which will in effect enhance the learning for students. DO NOT be an instructor who shows up unprepared and expects a "canned" presentation to be given based on this reference material.

The Performance Objective Reference Material is to be used for the purpose of understanding the Course Performance Objectives and to be used as a guide for lesson plan development.

P.O.S.T. would like to thank you for being a part of the training of new Peace Officers in the State of Nevada.

Significant changes or notable areas are highlighted in red.

Updated August 2019



Title: Crimes Against Persons
Category: I, II, Reserve, Reciprocity
NAC: 289. 140, 150, 170, and 200

Homicide (PO A1)

The deliberate and unlawful killing of one person by another; murder.

NRS 200.120 "Justifiable homicide" defined. Justifiable homicide is the killing of a human being in necessary self-defense, or in defense of habitation, property or person, against one who manifestly intends, or endeavors, by violence or surprise, to commit a felony, or against any person or persons who manifestly intend and endeavor, in a violent, riotous, tumultuous or surreptitious manner, to enter the habitation of another for the purpose of assaulting or offering personal violence to any person dwelling or being therein.

Elements to Arrest-Homicide (PO A1i)

"Murder" defined. Murder is the unlawful killing of a human being: With malice aforethought, either express or implied; NRS 200.010

Degrees of Murder (NRS 200.030) (PO A1ia)

Murder of the first degree is murder which is:

Perpetrated by means of poison, lying in wait or torture, or by any other kind of willful, deliberate and premeditated killing; Committed in the perpetration or attempted perpetration of sexual assault, kidnapping, arson, robbery, burglary, invasion of the home, sexual abuse of a child, sexual molestation of a child under the age of 14 years, child abuse or abuse of an older person or vulnerable person pursuant to NRS 200.5099; or Committed to avoid or prevent the lawful arrest of any person by a peace officer or to effect the escape of any person from legal custody; or Committed on the property of a public or private school, at an activity sponsored by a public or private school or on a school bus while the bus was engaged in its official duties by a person who intended to create a great risk of death or substantial bodily harm to more than one person by means of a weapon, device or course of action that would normally be hazardous to the lives of more than one person; or Committed in the perpetration or attempted perpetration of an act of terrorism

Murder of the second degree is all other kinds of murder



Malice (Expressed and Implied) Defined (PO A1ii)

Express malice is that deliberate intention unlawfully to take away the life of a fellow creature, which is manifested by external circumstances capable of proof.

Malice shall be implied when no considerable provocation appears, or when all the circumstances of the killing show an abandoned and malignant heart.

“Premeditation and Deliberation”

- An intent to Kill
- Formed in a “cool mind” and
- Which was formulated in advance of the act of killing, so as to permit reflection on the intent
- Time to reflect can be very brief

Attempt to Murder (NRS 193.330) (PO A1iii)

An act done with the intent to commit a crime, and

- Tending but failing to accomplish it
- Is an attempt to commit that crime

Manslaughter (Voluntary/Involuntary) (PO A2i)

- In cases of voluntary manslaughter, there must be a serious and highly provoking injury inflicted upon the person killing, sufficient to excite an irresistible passion in a reasonable person, or an attempt by the person killed to commit a serious personal injury on the person killing.
- Voluntary manslaughter does not include vehicular manslaughter as described in NRS 484B.657
- Except under the circumstances provided in [NRS 484B.550](#) and [484B.653](#), involuntary manslaughter is the killing of a human being, without any intent to do so, in the commission of an unlawful act, or a lawful act which probably might produce such a consequence in an unlawful manner, but where the involuntary killing occurs in the commission of an unlawful act, which, in its consequences, naturally tends to destroy the life of a human being, or is committed in the prosecution of a felonious intent, the offense is murder NRS 200.070.



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- Involuntary manslaughter does not include vehicular manslaughter

Kidnapping (PO A3i-ia)

Kidnapping is the unlawful taking away or transportation of a person against that person's will, usually to hold the person unlawfully. This may be done for ransom or in furtherance of another crime, or in connection with a child custody dispute.

A person who willfully:

Seizes, confines, inveigles, entices, decoys, abducts, conceals, kidnaps or carries away a person by any means whatsoever with the intent to hold or detain, or who holds or detains, the person for ransom, or reward, or for the purpose of committing sexual assault, extortion or robbery upon or from the person, or for the purpose of killing the person or inflicting substantial bodily harm upon the person, or to exact from relatives, friends, or any other person any money or valuable thing for the return or disposition of the kidnapped person, and a person who leads, takes, entices, or carries away or detains any minor with the intent to keep, imprison, or confine the minor from his or her parents, guardians, or any other person having lawful custody of the minor, or with the intent to hold the minor to unlawful service, or perpetrate upon the person of the minor any unlawful act is guilty **of kidnapping in the first degree** which is a category A felony.

A person who willfully and without authority of law:

Seizes, inveigles, takes, carries away or kidnaps another person with the intent to keep the person secretly imprisoned within the State, or for the purpose of conveying the person out of the State without authority of law, or in any manner held to service or detained against the person's will, **is guilty of kidnapping in the second degree** which is a category B felony

Sexual assault and Seduction (PO A4i)

Sexual assault:

- A person who subjects another person to sexual penetration, or who forces another person to make a sexual penetration on himself or herself or another, or on a beast, against the will of the victim or under conditions in which the perpetrator knows or should know that the victim is mentally or physically incapable of resisting or understanding the nature of his or her conduct, is guilty of sexual assault NRS 200.366.



Statutory sexual seduction:

"Statutory sexual seduction" means ordinary sexual intercourse, anal intercourse or sexual penetration committed by a person 18 years of age or older with a person who is 14 or 15 years of age and who is at least 4 years younger than the perpetrator. (NRS 200.364)

- Any other sexual penetration committed by a person 18 years of age or older with a person under the age of 16 years with the intent of arousing, appealing to, or gratifying the lust or passions or sexual desires of either of the persons. (NRS 200.368)

Sexual Penetration (PO A4ii)

"Sexual penetration" means cunnilingus, fellatio, or any intrusion, **however slight**, of any part of a person's body or any object manipulated or inserted by a person into the genital or anal openings of the body of another, including sexual intercourse in its ordinary meaning.

Robbery (PO A5i)

Robbery is the unlawful taking of personal property from the person of another, or in the person's presence, against his or her will, by means of force or violence or **fear of injury, immediate or future to his or her person, or the person** of a member of his or her family, or **the person** of anyone in his/her company at the time of the robbery. Any use of force or fear is sufficient to constitute robbery if it causes persons to give up property, the victim need not demonstrate terror resistance of a member of his or her family, or of anyone in his or her company at the time of the robbery a taking is by means of force or fear if force or fear is used to: obtain or retain possession of the property; prevent or overcome resistance to the taking; or facilitate escape.

The previous wording, "by means of force or violence or fear of injury, immediate or future, to his or her person or property, or the person or property" has been amended and "property" has been removed

Robbery requires a taking of property from the person or presence of the victim, which means that the taking must be from the victim's possession, whether actual or constructive. Property is on the victim's person if it is in his hand, in the pocket of the clothing he wears, or otherwise attached to his body or clothing.

The phrase "**from the presence**" or "**in the presence**" has been construed to mean proximity or control rather than within eyesight of the victim NRS 200.380.



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The degree of force used is immaterial if it is used to compel acquiescence to the taking of or escaping with the property. A taking constitutes robbery whenever it appears that, although the taking was fully completed without the knowledge of the person from whom taken, such knowledge was prevented by the use of force or fear. NRS 200.380.

False Imprisonment (PO A6i)

The illegal confinement of one individual against his or her will by another individual in such a manner as to violate the confined individual's right to be free from restraint of movement.

False imprisonment often involves the use of physical force, but such force is not required. The threat of force or arrest, or a belief on the part of the person being restrained that force will be used, is sufficient. The restraint can also be imposed by physical barriers or through unreasonable duress imposed on the person being restrained. For example, suppose a shopper is in a room with a security guard, who is questioning her about items she may have taken from the store. If the guard makes statements leading the shopper to believe that she could face arrest if she attempts to leave, the shopper may have a reasonable belief that she is being restrained from leaving, even if no actual force or physical barriers are being used to restrain her.

False imprisonment is an unlawful violation of the personal liberty of another, and consists in confinement or detention without sufficient legal authority a person convicted of false imprisonment shall pay all damages sustained by the person so imprisoned, and, except as otherwise provided in this section, is guilty of a gross misdemeanor NRS 200.460.

Assault and Battery (NRS 200.471, 200.481) (PO A7i-ii)

"Assault" means:

Unlawfully attempting to use physical force against another person; or
Intentionally placing another person in reasonable apprehension of immediate bodily harm.

"Battery" means:

Any willful and unlawful use of force or violence upon the person of another.



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Penalties/Classification of Battery Subsections (PO B)

Except as otherwise provided in NRS 200.485, a person convicted of a battery, other than a battery committed by an adult upon a child which constitutes child abuse, shall be punished:

(a) If the battery is not committed with a deadly weapon, and no substantial bodily harm to the victim results, except under circumstances where a greater penalty is provided in this section or NRS 197.090, for a misdemeanor.

(b) If the battery is not committed with a deadly weapon, and either substantial bodily harm to the victim results or the battery is committed by strangulation, for a category C felony as provided in NRS 193.130.

(c) If:

(1) The battery is committed upon an officer, provider of health care, school employee, taxicab driver or transit operator who was performing his or her duty or upon a sports official based on the performance of his or her duties at a sporting event;

(2) The officer, provider of health care, school employee, taxicab driver, transit operator or sports official suffers substantial bodily harm or the battery is committed by strangulation; and

(3) The person charged knew or should have known that the victim was an officer, provider of health care, school employee, taxicab driver, transit operator or sports official, for a category B felony by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 10 years, or by a fine of not more than \$10,000, or by both fine and imprisonment.

(d) If the battery is committed upon an officer, provider of health care, school employee, taxicab driver or transit operator who is performing his or her duty or upon a sports official based on the performance of his or her duties at a sporting event and the person charged knew or should have known that the victim was an officer, provider of health care, school employee, taxicab driver, transit operator or sports official, for a gross misdemeanor, except under circumstances where a greater penalty is provided in this section.

(e) If the battery is committed with the use of a deadly weapon, and:

(1) No substantial bodily harm to the victim results, for a category B felony by imprisonment in the state prison for a minimum term of not less than 2 years and a



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maximum term of not more than 10 years, and may be further punished by a fine of not more than \$10,000.

(2) Substantial bodily harm to the victim results or the battery is committed by strangulation, for a category B felony by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 15 years, and may be further punished by a fine of not more than \$10,000.

(f) If the battery is committed by a probationer, a prisoner who is in lawful custody or confinement or a parolee, without the use of a deadly weapon, whether or not substantial bodily harm results and whether or not the battery is committed by strangulation, for a category B felony by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years.

(g) If the battery is committed by a probationer, a prisoner who is in lawful custody or confinement or a parolee, with the use of a deadly weapon, and:

(1) No substantial bodily harm to the victim results, for a category B felony by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 10 years.

(2) Substantial bodily harm to the victim results or the battery is committed by strangulation, for a category B felony