

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

LCB File No. R146-05

Effective December 29, 2005

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

AUTHORITY: §§1-5, NRS 289.510.

A REGULATION relating to training of peace officers; requiring a peace officer to complete training in counter-terrorism as a condition of obtaining a basic certificate; authorizing the Executive Director of the Peace Officers’ Standards and Training Commission to award a basic certificate in training category I to a peace officer who holds a certificate in training category II under certain circumstances; and providing other matters properly relating thereto.

Section 1. Chapter 289 of NAC is hereby amended by adding thereto a new section to read as follows:

“Less than lethal weapon” means a weapon that is designed and manufactured with the intent that it not create a substantial risk of causing death or serious bodily injury when a person with appropriate training uses the weapon in accordance with the instructions of the manufacturer.

Sec. 2. 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. Legal subjects, specifically:
 - (a) Constitutional law;
 - (b) Probable cause;

- (c) Search and seizure;
- (d) Laws of arrest;
- (e) Crimes against property;
- (f) Crimes against persons;
- (g) Laws governing coroners;
- (h) Traffic laws;
- (i) Laws relating to narcotics;
- (j) Civil liability;
- (k) Use of force;
- (l) Laws relating to child abuse;
- (m) Laws relating to the abuse of elderly persons;
- (n) Laws relating to domestic violence;
- (o) Laws relating to stalking and aggravated stalking;
- (p) Laws relating to juveniles;
- (q) Miscellaneous crimes; and
- (r) Operation of emergency vehicles.

2. Procedures for patrol, specifically relating to:

- (a) Basic patrol procedures;
- (b) Stopping and citing of drivers of vehicles;
- (c) Survival of officers;
- (d) Searching of buildings;
- (e) Domestic violence;
- (f) Stalking and aggravated stalking;

- (g) Child abuse;
- (h) Abuse of elderly persons;
- (i) Handling persons who are mentally ill;
- (j) Crisis intervention; ~~and~~
- (k) Weapons of mass destruction ~~and~~; *and*
- (l) Counter-terrorism.*

3. Skills of officers, specifically:

- (a) Techniques of interviewing and interrogation;
- (b) Writing of reports;
- (c) Fingerprinting;
- (d) Methods of arrest;
- (e) ~~Nonlethal~~ *Less than lethal* weapons;
- (f) Retention of weapons;
- (g) Qualification for use of firearms;
- (h) Defensive tactics; and
- (i) Operation of emergency vehicles.

4. Investigation, specifically:

- (a) Principles of investigation;
- (b) Investigation of crime scenes;
- (c) Collection and preservation of evidence;
- (d) Investigation of drivers who are under the influence of alcohol or a controlled substance;
- (e) Investigation of accidents;
- (f) Investigation of allegations of the abuse of elderly persons; and

(g) Investigation of allegations of stalking and aggravated stalking.

5. Community relations, specifically:

(a) Ethics in law enforcement;

(b) Victim's rights;

(c) History and principles of law enforcement; and

(d) Interpersonal communication.

6. Miscellaneous subjects, specifically:

(a) Stress;

(b) Criminal justice process;

(c) Courtroom demeanor;

(d) Emergency first aid;

(e) Cardiopulmonary resuscitation;

(f) National Crime Information Center procedure; and

(g) Physical conditioning.

7. Course administration and examinations.

Sec. 3. 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. Legal subjects, specifically:

(a) Constitutional law;

(b) Probable cause;

(c) Search and seizure;

(d) Laws of arrest;

- (e) Crimes against property;
- (f) Crimes against persons;
- (g) Laws relating to narcotics;
- (h) Miscellaneous crimes;
- (i) Civil liability;
- (j) Use of force;
- (k) Laws relating to child abuse;
- (l) Laws relating to the abuse of elderly persons;
- (m) Laws relating to domestic violence;
- (n) Laws relating to stalking and aggravated stalking; and
- (o) Laws relating to juveniles.

2. Procedures in the field, specifically:

- (a) Survival of officers;
- (b) Domestic violence;
- (c) Stalking and aggravated stalking;
- (d) Child abuse;
- (e) Abuse of elderly persons;
- (f) Handling persons who are mentally ill;
- (g) Crisis intervention; ~~and~~
- (h) Care and custody of prisoners ~~H~~;
- (i) *Weapons of mass destruction; and*
- (j) *Counter-terrorism.*

3. Skills of officers, specifically:

- (a) Techniques of interviewing and interrogation;
 - (b) Writing of reports;
 - (c) Fingerprinting;
 - (d) Physical methods of arrest and defensive tactics;
 - (e) Retention of weapons;
 - (f) Qualification for use of firearms; and
 - (g) Physical conditioning.
4. Investigations, specifically:
- (a) Principles of investigation;
 - (b) Investigation of crime scenes;
 - (c) Investigation of allegations of the abuse of elderly persons;
 - (d) Investigation of allegations of stalking and aggravated stalking; and
 - (e) Collection and preservation of evidence.
5. Community relations, specifically:
- (a) Ethics in law enforcement;
 - (b) Victim's rights;
 - (c) History and principles of law enforcement; and
 - (d) Communication skills.
6. Miscellaneous subjects, specifically:
- (a) Stress;
 - (b) Criminal justice process;
 - (c) Courtroom demeanor;
 - (d) Emergency first aid;

- (e) Cardiopulmonary resuscitation; and
- (f) National Crime Information Center procedure.

7. Course administration and examinations.

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. Legal subjects, including an overview of:
 - (a) Constitutional law;
 - (b) Probable cause;
 - (c) Search and seizure;
 - (d) Laws of arrest;
 - (e) Crimes against property;
 - (f) Crimes against persons;
 - (g) Traffic laws;
 - (h) Laws relating to narcotics;
 - (i) Civil liability;
 - (j) Use of force;
 - (k) Laws relating to child abuse;
 - (l) Laws relating to the abuse of elderly persons;
 - (m) Laws relating to domestic violence;
 - (n) Laws relating to stalking and aggravated stalking;
 - (o) Laws relating to juveniles; and
 - (p) Miscellaneous crimes.

2. Procedures for patrol, specifically relating to:

- (a) Basic patrol procedures;
- (b) Stopping and citing of drivers of vehicles;
- (c) Survival of officers;
- (d) Searching of buildings;
- (e) Domestic violence;
- (f) Handling persons who are mentally ill;
- (g) Crisis intervention; ~~and~~
- (h) Weapons of mass destruction ~~and~~; *and*
- (i) Counter-terrorism.*

3. Skills of officers, specifically:

- (a) Writing of reports;
- (b) Fingerprinting;
- (c) Methods of arrest;
- (d) ~~Nonlethal~~ *Less than lethal* weapons;
- (e) Retention of weapons;
- (f) Qualification for use of firearms; and
- (g) Defensive tactics.

4. Investigation, specifically:

- (a) Principles of investigation;
- (b) Investigation of crime scenes; and
- (c) Collection and preservation of evidence.

5. Community relations, specifically:

- (a) Ethics in law enforcement;
- (b) History and principles of law enforcement;
- (c) Courtroom demeanor;
- (d) Emergency first aid;
- (e) Cardiopulmonary resuscitation; and
- (f) Physical conditioning.

6. Course administration and examinations.

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 at or above the 70th percentile; and
- (c) Passed the state physical fitness examination. To pass the examination, a person must:
 - (1) Complete a vertical jump of not less than 14 inches;
 - (2) Complete not less than 15 sit-ups in 1 minute;
 - (3) Complete not less than 18 push-ups;
 - (4) Run 300 meters in not more than 77 seconds; and
 - (5) Walk or run 1.5 miles in not more than 17 minutes and 17 seconds.

2. The Executive Director may award a basic certificate to any peace officer who has been previously certified by the certifying entity of another state or has successfully completed a Federal Law Enforcement Training Center 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 in:

- (1) Constitutional law;
- (2) Probable cause;
- (3) Search and seizure;
- (4) Laws of arrest;
- (5) Crimes against property;
- (6) Crimes against persons;
- (7) Laws relating to narcotics;
- (8) Civil liability;
- (9) Use of force;
- (10) Laws relating to child abuse;
- (11) Laws relating to domestic violence;
- (12) Laws relating to juveniles;
- (13) Miscellaneous crimes;
- (14) Rights of victims;
- (15) Ethics in law enforcement or for correctional officers;

- (16) Sexual harassment;
- (17) Cultural awareness;
- (18) Laws relating to abuse of elderly persons;
- (19) Laws relating to stalking and aggravated stalking; ~~{and}~~
- (20) Weapons of mass destruction ~~{;}~~ ; and

(21) Counter-terrorism;

- (e) The peace officer passes the state certification examination with a score at or above the 70th percentile; and
- (f) The peace officer passes the state physical fitness examination. To pass the examination, a person must:

- (1) Complete a vertical jump of not less than 14 inches;
- (2) Complete not less than 15 sit-ups in 1 minute;
- (3) Complete not less than 18 push-ups;
- (4) Run 300 meters in not more than 77 seconds; and
- (5) Walk or run 1.5 miles in not more than 17 minutes and 17 seconds.

3. ***The Executive Director may award a basic certificate in training category I to a peace officer who holds a basic certificate in training category II issued by the Commission if the peace officer:***

- (a) Is currently employed as a peace officer by an agency;***
- (b) Has satisfactorily completed a training course approved by the Executive Director that consists of a minimum of 280 hours of training in:***

(1) Legal subjects, specifically:

- (I) Laws governing coroners;***

(II) Traffic laws; and

(III) Operation of emergency vehicles;

(2) Procedures for patrol, specifically relating to:

(I) Basic patrol procedures;

(II) Stopping and citing of drivers of vehicles;

(III) Searching of buildings;

(IV) Weapons of mass destruction; and

(V) Counter-terrorism;

(3) Skills of officers, specifically:

(I) Less than lethal weapons; and

(II) Operation of emergency vehicles;

(4) Investigations, specifically:

(I) Investigation of drivers who are under the influence of alcohol or a controlled substance; and

(II) Investigation of accidents; and

(c) Passes the state certification examination for training category I with a score at or above the 70th percentile.

4. 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 at or above the 70th percentile; and
- (c) Passed the state physical fitness examination. To pass the examination, a person must:
 - (1) Complete a vertical jump of not less than 14 inches;

- (2) Complete not less than 15 sit-ups in 1 minute;
- (3) Complete not less than 18 push-ups;
- (4) Run 300 meters in not more than 77 seconds; and
- (5) Walk or run 1.5 miles in not more than 17 minutes and 17 seconds.

~~[4-]~~ **5.** Except as otherwise provided in subsection ~~[5 or 6,]~~ **6 or 7**, an officer must pass the state physical fitness examination:

(a) While enrolled in a basic training course certified or approved pursuant to NAC 289.300;
or

(b) Not earlier than 16 weeks before, or not later than 16 weeks after, the date on which he was hired or, if the officer is a reserve officer, the date of activation of his reserve status.

~~[5-]~~ **6.** 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 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 reserve status.

~~[6-]~~ **7.** 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 he was hired or, if the officer is a reserve officer, the date of activation of his reserve status,

↪ the employing agency of the officer may submit a request to the Executive Director to waive the requirements of subsection ~~[4.]~~ 5. 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.]~~ 5. The Executive Director may, for good cause shown, grant a request submitted pursuant to this subsection.

~~[7.]~~ 8. Upon satisfactory completion of the requirements listed in subsection 1, 2 ~~[or 3.]~~, 3 *or 4*, 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 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 Welfare Division of the Department of Human Resources pursuant to NRS 425.520.

~~[8.]~~ 9. 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 basic certificate by successfully completing the requirements set forth in subsection 1.

~~9.~~ **10.** 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 he completes the course, the person must repeat all of the requirements for basic certification set forth in subsection 1.

NOTICE OF ADOPTION OF PROPOSED REGULATION
LCB File No. R146-05

The Peace Officers' Standards and Training Commission adopted regulations assigned LCB File No. R146-05 which pertain to chapter 289 of the Nevada Administrative Code on December 1, 2005.

Notice date: 11/18/2005
Hearing date: 12/8/2005

Date of adoption by agency: 12/1/2005
Filing date: 12/29/2005

INFORMATIONAL STATEMENT

1. A description of how public comment was solicited, a summary of public response, and an explanation how persons may obtain a copy of the summary.

The Commission on Peace Officers' Standards and Training noticed its intent to amend certain regulations through notices of one (1) public workshop held at 1:00 p.m. and one (1) Public Comment Hearing held at 1:30 p.m. on December 08, 2005, at the CasaBlanca Resort and Casino, 950 West Mesquite Boulevard, North Shore Room, Mesquite, Nevada, all in compliance with NRS 233B.0603.

Notice of the Public Comment hearings were sent via U.S., inter-departmental mail or faxed to all identified law enforcement agencies.

Notice for the Public Hearing was posted at all Nevada county libraries, POST Administrative Offices, Carson City; Nevada State Capitol Building, Carson City; State Personnel-Blasdel Building, Carson City; Nevada State Library, Carson City; Grant Sawyer Building, Las Vegas; Mesquite Police Department, Mesquite, Nevada; and posted on the Nevada POST website at www.post.state.nv.us.

Persons who wished to comment on the proposed action of the Commission on Peace Officers' Standards and Training were invited to appear at the scheduled public hearings or were invited to address their comments, data, views or arguments, in written form, to Richard P. Clark c/o POST Commission, 5587 Wa Pai Shone Avenue, Carson City, Nevada 89701.

One (1) person provided comments on the proposed regulations. His comments focused on the use of the term "less than lethal weapon" in the proposed regulations. He stated that the proper term should be "less lethal weapon."

No written comments were received by the Commission prior to the hearing.

2. The number of persons who:

- (a) Attended the workshop;
December 08, 2005 (11)

- (b) Testified at the workshop;
December 08, 2005 (01)
- (c) Attended the public comment hearing;
December 08, 2005 (11)
- (d) Testified at the public comment hearing;
December 08, 2005 (00)

3. A description of how comment was solicited from affected businesses, a summary of their response, and an explanation how other interested persons may obtain a copy of the summary;

Comment was solicited as provided in section one.

Interested agencies or persons employed by law enforcement agencies had an opportunity to submit written comments or testify at the public hearing workshop and the public comment hearing.

Persons wishing to obtain a copy of any written comments, may request copies by calling (775) 687-7678 or by writing to the Commission on Peace Officers' Standards and Training, Executive Director, 5587 Wa Pai Shone Avenue, Carson City, Nevada 89701.

4. If the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation without change.

The regulations were adopted at the POST Commission meeting on December 08, 2005. Based on information received during the meeting and commissions deliberations, the proposed regulations included the following changes:

The commission decided to delete section 4 which would have added weapons of mass destruction and counter-terrorism to the list of subjects required for a category III basic training course. This deletion means that the subjects will not be part of the subjects required for a category III basic training course.

The Commission voted to accept the proposed language with the exception of the deletion of the category III basic training requirements discussed above.

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

- (a) Both adverse and beneficial effects;

Adverse effects:

Sec. 1 there is no adverse effect by adding a definition of “less than lethal weapon.”

Sec. 2, 3 and 5 may require basic training courses to be expanded to accommodate the addition of counter-terrorism and/or weapons of mass destruction to their training curricula.

Sec. 6, a person may not seek a basic certification upgrade from category II to category I unless they successfully complete a POST certified category II to I upgrade academy.

Beneficial effects:

Sec. 1 will provide clarity by providing a definition for a “less than lethal weapon.”

Sec. 2, 3, and 5 establish new standards by providing an overview of counter-terrorism in basic training for all categories of peace officers.

Sec. 6, the amendment will provide a method for category II peace officers to upgrade their training certification to category I without having to complete a full category I basic training course.

Sec. 3 the amendment provides that weapons of mass destruction be added to the category II basic training requirement.

(b) Both immediate and long-term effects.

Same as stated above.

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

There is no anticipated cost associated with change to these regulations.

7. A description of any regulation of other state or government agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the regulation overlaps or duplicates a federal regulation, the name of the regulating federal agency.

The Commission has no knowledge of any regulations imposed by other state, government or federal agencies, which overlap or duplicate these regulations.

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

The Commission is not aware of any Federal regulation that may be associated with this same activity.

9. If the regulation provides a new fee or increases an existing fee, the total annual amount the agency expects to collect and the manner in which the money will be used.

The adopted regulations neither establish nor increase any existing fee.