

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

LCB File No. R166-05

Effective January 1, 2007

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

AUTHORITY: §§1 and 2, NRS 289.510 and 289.590.

A REGULATION relating to training of peace officers; revising the provisions concerning the certification of basic training courses for peace officers; and providing other matters properly relating thereto.

Section 1. NAC 289.300 is hereby amended to read as follows:

289.300 1. The Executive Director shall certify *basic training* courses ~~[of basic training]~~ presented by agencies or approved by the Commission which meet the following requirements:

(a) The length of the course must meet the minimum standards for training established by the Commission.

(b) Each course submitted to the Executive Director for certification must have a curriculum that contains the following elements:

(1) Each topic of instruction *for which the Commission has not established standardized performance objectives* must have specifically defined objectives for the performance of the students which are based upon known work requirements;

(2) *Each topic of instruction for which the Commission has established standardized performance objectives must include, at a minimum, the standardized performance objectives established by the Commission;*

(3) Each topic of instruction must have a detailed lesson plan that specifically describes what the student is taught; and

~~(3)~~ (4) Each topic of instruction must be assigned a specific amount of time.

(c) Each course must employ performance-oriented instructional methods that provide opportunities for each student to demonstrate achievement of the objectives.

(d) For each course, there must be a system of written or practical examinations, or both, that will measure on a pass or fail basis the success of each student in achieving the objectives, including an examination at the beginning and end of each course.

(e) Each agency submitting a course for certification shall provide an instructional facility that meets the following requirements:

(1) A classroom with adequate heating, cooling, ventilation, lighting and space and an environment conducive to learning;

(2) Comfortable chairs with tables or arms for writing;

(3) Audiovisual equipment necessary to support the course;

(4) Instructional films and videotapes necessary to support the course; and

(5) A firing range adequate to train officers safely in the use of firearms.

(f) If an agency authorizes the use of the carotid restraint or the lateral vascular neck restraint, the course must include at least 8 hours of instruction in that restraint and include presentations on the use of force, the rules of the agency relating to safety, medical implications, approved techniques, and instruction on care and control measures. The course provided by such an agency must also include a written test of at least 10 questions requiring a minimum score of 70 percent and a proficiency test requiring a minimum score of 85 percent. The agency shall maintain records of each student's performance in the course.

2. Certification of courses will be made and maintained on the basis of on-site inspections conducted by the Executive Director or his staff. Inspections will be conducted at the discretion of the Executive Director. The agency shall notify the Executive Director of any proposed changes regarding courses, instructors and facilities.

3. The Executive Director shall deny, suspend or revoke the certification of any course for failure of the agency to maintain the minimum curriculum, qualified instructors or requirements for the facility established by the Commission. The Executive Director shall automatically suspend the certification of a course that ceases operation for 24 consecutive months.

4. An agency requesting certification of a course shall make the request in writing to the Executive Director at least 60 days before the course is scheduled to begin. The training course must be reviewed and the request signed by the administrator of the agency and the legal adviser. The Executive Director shall acknowledge receipt of the request within 5 working days. The Executive Director shall respond with a detailed review of the course within 30 days and rule on the request within 45 days after his receipt of the request.

Sec. 2. This regulation becomes effective on January 1, 2007, and applies to any basic training course which begins on or after that date.

**NOTICE OF ADOPTION OF PROPOSED REGULATION
LCB File No. R166-05**

The Peace Officers' Standards and Training Commission adopted regulations assigned LCB File No. R166-05 which pertain to chapter 289 of the Nevada Administrative Code on March 2, 2006.

Notice date: 1/31/2006
Hearing date: 3/2/2006

Date of adoption by agency: 3/2/2006
Filing date: 6/1/2006

INFORMATIONAL STATEMENT

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

The commission on Peace Officer' Standards and Training noticed its intent to amend certain regulations through notices of one (1) public workshop held at 1:00 pm and one (1) Public Comment Hearing held at 1:15 pm on March 2, 2006, at the Fiesta Henderson Hotel and Casino, 777 West Lake Mead Drive, Henderson, Nevada, all in compliance with NRS 233B.0603.

Notice of the Public Comment Hearings were sent via E.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; Henderson Police Department, Henderson, Nevada; and posted on the Nevada POST website at www.post.state.nv.us pursuant to NRS 241.020(4).

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, date, views or arguments, in written form, to Richard P. Clark c/o POST Commission, 5587 Wa Pai Shone Avenue, Carson City, Nevada 89701.

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

2. The number of persons who:

(a Attended the hearing;
March 02, 2006 (8)

(b Testified at the hearing;
March 02, 2006 (0)

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 regulation was adopted at the POST Commission meeting on March 02, 2006. Based on public comments and commission deliberations, the proposed regulation included the following changes:

Section:

1. Amended NAC 289.300 to add language requiring those entities that present basic training courses to peace officers to cover, at a minimum, certain performance objectives that have been approved by the Commission for topics required for POST basic certification.

IMPORTANT NOTICE-EFFECTIVE DATE: When the Commission adopted this regulation change, they found that these regulations should only apply to basic training courses that commence after January 01, 2007. This means those agencies that present basic training courses must use, at a minimum, the performance objectives approved by the Commission for any basic training courses beginning after January 01, 2007. This should give agencies ample time to revise their lesson plans in order to implement the new performance objectives.

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

(a) Both adverse and beneficial effects;

Adverse effects:

Sec. 1, will require basic training courses to be modified to accommodate the requirement set forth that all basic training courses will deliver, at a minimum, established performance objectives as adopted by the Commission.

Beneficial effects:

Sec.1, the standardization of performance objectives will enable all providers of basic training courses to standardize minimum training standards to add continuity to basic training statewide.

(b) Both immediate and long-term effects;

Same as stated above.

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

There is no anticipated cost associated with change to this regulation.

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 this regulation.

8. If the regulation includes provisions that 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 regulation neither establishes nor increase any existing fee.