

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

LCB File No. R110-26

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; authorizing the Executive Director of the Peace Officers' Standards and Training Commission to certify certain basic training courses; eliminating certain obsolete requirements relating to training in the use of certain restraints; requiring instructional facilities used for certain basic training courses to provide an adequate location for training in the operation of emergency vehicles; requiring an agency requesting certification of a basic training course to demonstrate that the proposed course satisfies certain criteria; 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, decertification, recruitment, selection and training of peace officers, which must include regulations establishing requirements for basic training for category I, category II, category III and reserve peace officers. (NRS 289.510) Existing regulations require the Executive Director of the Commission to certify basic training courses presented by agencies or approved by the Commission which meet certain requirements. (NAC 289.300) This regulation instead authorizes the Executive Director to certify such basic training courses. This regulation additionally requires an agency requesting the certification of a basic training course to demonstrate: (1) the need for the approval of the course; (2) that the course meets the minimum standards of training for the applicable training category; and (3) that there is sufficient demand for the course.

Existing regulations require the minimum standard of training for officers in certain training categories to include training in the operation of emergency vehicles. (NAC 289.140) This regulation requires an agency submitting a course for certification to have, if the course requires training in the operation of emergency vehicles, an instructional facility with an adequate location to enable the course to provide practical demonstrations, training and testing

regarding the operation of emergency vehicles in a manner consistent with certain standardized performance objectives or instructor manuals.

Before the enactment of Assembly Bill No. 3 (A.B. 3) of the 32nd Special Session, a peace officer was only authorized to use a choke hold in the course of his or her duties if: (1) the agency employing the peace officer authorized the use of choke holds; and (2) the peace officer had completed certain training prescribed by the Commission in the proper use of the choke hold and held certification for its use. However, A.B. 3 repealed the authority of an agency to authorize the use of the choke hold and affirmatively prohibited a peace officer from using a choke hold on another person, which includes the application of pressure to a person's neck on either side of the windpipe to stop the flow of blood to the brain via the carotid arteries. (NRS 193.305; section 12 of Assembly Bill No. 3, chapter 4, Statutes of Nevada 2020, 32nd Special Session, at page 73) Existing regulations require a basic training course to include certain instruction and testing in the use of certain restraints that temporarily restrict the flow of blood to the brain via the carotid arteries, if the applicable agency authorized the use of such restraints. (NAC 289.300) This regulation therefore eliminates this obsolete requirement, as the use of such restraints by a peace officer is prohibited under existing law.

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

289.300 1. The Executive Director ~~shall~~ *may* certify basic training courses 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) A person enrolling in the course may be required to pass a physical fitness examination not sooner than 30 days before the commencement of the course and not later than 14 days after the commencement of the course. To pass such a physical fitness examination, the person must:

(1) For category I and reserve training:

(I) Complete a vertical jump of not less than 11.5 inches.

(II) Complete not less than 24 sit-ups in 1 minute.

(III) Complete not less than 18 push-ups.

(IV) Run 300 meters in not more than 1 minute and 22 seconds.

(V) Walk or run 1.5 miles in not more than 20 minutes and 20 seconds.

(VI) Complete an agility run in not more than 23.4 seconds.

(2) For category II training:

(I) Complete a vertical jump of not less than 12 inches.

(II) Complete not less than 23 sit-ups in 1 minute.

(III) Complete not less than 12 push-ups.

(IV) Run 300 meters in not more than 1 minute and 36 seconds.

(V) Walk or run 1.5 miles in not more than 24 minutes and 10 seconds.

(VI) Complete an agility run in not more than 24.9 seconds.

(3) For category III training:

(I) Complete a vertical jump of not less than 12 inches.

(II) Complete not less than 16 push-ups.

(III) Run 300 meters in not more than 1 minute and 29 seconds.

(IV) Walk or run 1.5 miles in not more than 21 minutes and 10 seconds.

(V) Complete an agility run in not more than 24.5 seconds.

(c) 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

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

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

(e) 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.

(f) 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 ~~+~~

~~—(g) 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.} ; and~~

(6) If the course requires training in the operation of emergency vehicles, a location adequate for the course to provide practical demonstrations, training and testing regarding the operation of emergency vehicles in a manner consistent with any standardized performance objectives or instructor manuals prescribed or approved by the Commission.

2. Certification of courses will be made and maintained on the basis of on-site inspections conducted by the Executive Director or the staff of the Executive Director. 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}~~ :

(a) 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 receipt of the request.

(b) Demonstrate in the written request made pursuant to paragraph (a):

(1) The need for the approval of a new basic training course. The agency may demonstrate such a need by, without limitation, showing that other basic training courses that have previously been approved by the Commission are not:

(I) Currently available to the agency; or

(II) Cost-effective.

(2) That the course meets the minimum standards of training pursuant to NAC 289.140 to 289.170, inclusive, for the applicable training category.

(3) That there is sufficient demand for the course, including an incoming class size that is capable of, at a minimum:

(I) Facilitating effective interactions among a diverse group of students;

(II) Enabling a student to demonstrate his or her effectiveness in situations requiring teamwork or involving group dynamics; and

(III) Supporting or facilitating performance-based or scenario-based participation and training exercises.