

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

LCB File No. R012-17

Effective _____, 2017

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

AUTHORITY: §§1 and 2, NRS 289.510.

A REGULATION relating to peace officers; requiring a peace officer who is authorized to use a firearm to demonstrate a minimum level of proficiency in the use of each type of firearm he or she is authorized to use; requiring certain peace officers to satisfy certain requirements before commencing or resuming their duties as a peace officer; making various changes regarding the certification of courses for training above the level of basic training; 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 the completion of in-service training. In addition to such in-service training, a peace officer who is authorized to use a firearm is required, at least biannually, to demonstrate a minimum level of proficiency in the use of each firearm he or she is authorized to use. (NAC 289.230) **Section 1** of this regulation instead requires a peace officer to demonstrate a minimum level of proficiency in the use of each type of firearm he or she is authorized to use. Existing regulations require a peace officer who does not serve as a peace officer for a certain period, depending on the reason therefor, to satisfy certain requirements before resuming his or her duties as a peace officer. (NAC 289.230) **Section 1** also requires a peace officer who is hired, rehired or reinstated on or after July 1 of a reporting year to satisfy such requirements.

Existing regulations establish provisions relating to the certification of courses for training above the level of basic training. (NAC 289.310) **Section 2** of this regulation makes various changes regarding the certification of such courses.

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 the requirements of subsection 5 and complete 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.

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 was required, 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 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 ~~the~~ *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; ~~for~~

(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 ~~for~~ ; 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.

Sec. 2. NAC 289.310 is hereby amended to read as follows:

289.310 1. ~~{An agency or other}~~ A provider of training *whose principal place of business is located:*

(a) *Within this State* may, *except as otherwise provided in subsection 2*, apply for certification above the level of basic training for a course by submitting to the Executive Director, by any means approved by the Executive Director ~~{, a request to certify the course on a form approved by the Executive Director and:~~

~~—(a)}~~ :

(1) A ~~{concise synopsis of the}~~ course ~~{,}~~ *description*, including, without limitation, the title of the course, the intended goals of the course and specific objectives for ~~{the students in}~~ the course;

~~{(b) A detailed}~~

(2) *An outline of the* lesson plan, including, without limitation, a chronological list of the major subject headings;

~~{(c) A list of the intended instructors, including, without limitation, a brief résumé of experience in the subject area and experience in instructing for each instructor;~~

~~—(d)}~~ (3) The total ~~{amount}~~ *number* of hours ~~{of instruction;~~

~~—(e) A description}~~ *required to complete the course; and*

(4) *If applicable, a copy* of the written *examinations* or *a description of the* practical examinations on the material covered by the course which is to be graded on a pass or fail basis and which measures accomplishment of the objectives. ~~{by the students, including, without limitation, an examination at the beginning and end of the course; and~~

~~—(f) A bibliography of all resource materials used to prepare the course.}~~

(b) Outside of this State may apply for certification above the level of basic training for a course in accordance with subsection 2.

2. *Any provider of training who provides a course that is currently accredited under the Program, regardless of whether the principal place of business of the provider of training is located within or outside of this State, may apply for certification above the level of basic training for the course by submitting to the Executive Director documentation of such accreditation.* The Executive Director shall award *to the provider of training* certification *above the level* of ~~{a} basic training for the~~ course ~~{to an agency or other provider of training which did not comply with the provisions of subsection 1 for a}~~ *if the* course ~~{which has been certified by another state or other comparable agency if the submitting agency or other provider of training presents the supporting documents concerning the subject matter and instructors.}~~ *meets all minimum requirements for a course that is above the level of basic training and the provider of training complies with all requirements established by the Program.*

3. A ~~{request to certify a course must be approved by the administrator of the agency or other}~~ provider of training ~~{for the administrator's designee. If the course offers training in legal issues and subjects relating to legal liability, the legal adviser of the agency or other provider of training must approve the course.}~~ *may apply for an exemption from the requirements set forth in subsection 2 by submitting a request to the Executive Director, on the business letterhead of the provider of training, explaining the specific reasons for requesting the exemption. The Executive Director may grant an exemption upon a showing of good cause by the provider of training.*

4. The Executive Director shall review courses certified pursuant to this section periodically for compliance with the provisions of this section. The Executive Director shall notify ~~an agency or other~~ *a* provider of training that provides such a course of any noncompliance.

5. The Executive Director shall ~~revoke the certification of~~ *decertify* a course if ~~the agency or other~~ :

(a) *The* provider of training that provides the course:

~~{(a)}~~ (1) Requests ~~revocation of~~ the ~~certification~~ *decertification* of the course; *or*

(2) *Does not comply with the provisions of this section; or*

(b) ~~Has not provided~~ *There is no record of a peace officer completing* the course during any period of 24 consecutive months . ~~}; or~~

~~—(c) Does not comply with the provisions of this section.~~

6. ~~An agency or other~~ *A* provider of training whose course has been certified shall maintain on file, and make available for inspection upon the request of the Commission or its designee:

(a) A roster of the peace officers who attended the course;

(b) Each officer's results on the examination; and

(c) An evaluation of the course by each peace officer who attended the course.

7. ~~An agency or other provider of training whose course is currently accredited by an organization, such as the National Accreditation Committee or the American Correctional Association, which:~~

~~—(a) Is nationally recognized; and~~

~~—(b) Gives accreditation to courses for peace officers;~~

~~is not required to apply to the Executive Director for accreditation of the course. Such an agency or other provider of training shall maintain on file, and make available for inspection upon the request of the Commission or its designee, a roster of the peace officers who attended the course, each officer's results on the examination and an evaluation of the course by each peace officer who attended the course.~~

~~8. An agency or other~~ A provider of training whose course has been certified shall issue a certificate of completion to all peace officers who successfully complete the course of training.

The certificate must contain:

- (a) The certification number assigned to the course ; ~~by the Commission;~~
- (b) The name of the course;
- (c) The hours of training earned for the course; and
- (d) The date on which the course was presented.

~~9.~~ 8. The employing agency of a peace officer ~~who attends a course certified pursuant to this section~~ shall, upon receipt of ~~the~~ a certificate of completion issued to the peace officer pursuant to subsection ~~8.~~ 7, report the ~~peace officer's successful~~ completion of the course *of training* to the Executive Director by any means approved by the Executive Director ~~on or before December 31 of the year in which the peace officer completes the course of training.~~

9. As used in this section, "Program" means the National Certification Program of the International Association of Directors of Law Enforcement Standards and Training.