

LCB File No. T051-03

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

Filed with the Secretary of State on June 25, 2003

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

AUTHORITY: §§ NRS 289.510

SECTION 1. Chapter 289 of NAC is hereby amended to read as follows:

NAC 289.025 “Basic training course” defined. “Basic training course” means a curriculum of basic training for peace officers that ~~[is equivalent to]~~ *meets* the minimum standards established by NAC 289.010 to 289.380 inclusive.

SECTION 2. Chapter 289 of NAC is hereby amended to read as follows:

NAC 289.060 “Peace officer” defined. “Peace officer” means an employee of an agency who is required to be certified by the commission pursuant to NRS 289.550. The term includes sworn full-time, part-time~~[,]~~ *and* reserve ~~[and volunteer]~~ officers who perform the duties of a peace officer ~~[without immediate supervision]~~ .

SECTION 3. Chapter 289 of NAC is hereby amended to read as follows:

NAC 289.065 “Reserve officer” defined. “Reserve officer” means any peace officer who performs *some of* the duties of a peace officer ~~[without]~~ *with* the immediate supervision of a certified officer and is not employed *by the agency* ~~[as a peace officer]~~ on a full-time basis.

SECTION 4. Chapter 289 of NAC is hereby amended to read as follows:

NAC 289.120 Completion and attendance of basic course of training.

1. Each peace officer who is required by NRS 289.550 to be certified must satisfactorily complete a basic course of training approved by the executive director.

2. ~~[Any peace officer who is in a reserve status may attend the basic course of training at the request of the administrator of the officer's agency.]~~ A reserve officer must be in full duty status and fully covered by industrial insurance through the employing agency while attending the training.

SECTION 5. Chapter 289 of NAC is hereby amended to read as follows:

NAC 289.130 Training categories. For purposes of determining minimum training standards, peace officers required by NRS 289.550 to be certified by the commission will be divided into ~~[three]~~ *four* training categories:

1. Training category I includes peace officers who are empowered by law to perform a broad spectrum of law enforcement duties and whose primary functions specifically include:

- (a) Routine patrol;
- (b) Criminal investigations;
- (c) Enforcement of traffic laws; and
- (d) Investigation of motor vehicle accidents.

2. Training category II includes peace officers whose authority or primary duties are limited to a specific or specialized area of law enforcement.

3. Training category III includes peace officers whose legal authority and primary duties are limited to the care and custody of adults and juveniles in a correctional or detention facility of the State of Nevada or its political subdivisions.

4. Reserve officer includes reserve officers assigned to a category I, II, or III agency.

The administrator of each agency shall determine the appropriate training ~~[category]~~ for the officers employed by his agency.

SECTION 6. Chapter 289 of NAC is hereby amended to read as follows:

NAC 289.200 Basic certificate: Requirements; extension of time to complete certain requirements; request for certification; placement on inactive status.

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 ~~[for a course of training which the commission or its designee determines to be at least equivalent to 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 ~~[by the federal government]~~ who 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 peace officer is deemed to have completed a course of training that is at least equivalent to the basic training course for basic certification if]:~~

(a) ~~[The peace officer has been certified by a certifying entity of another state or by the Federal Government to perform the duties of a peace officer and t]~~ 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; ~~[and]~~

(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.

(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 as set forth in section 1 (c).

3. The executive director may award a reserve basic certificate to any reserve officer who meets the minimum standards for appointment established 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.

A person whose reserve officer status was activated and had not been certified by the POST commission, prior to June 03, 2003, will have until June 03, 2004, to become certified. Reserve officers who fail to become certified by June 03, 2004, plus any extension granted by the POST commission, are prohibited from exercising any of the powers of a peace officer.

~~[3]~~ **4.** Except as otherwise provided in subsection ~~[4]~~ **5**, 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 the date of activation of the reserve status of a reserve officer.*

~~[4]~~ **5.** 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 the date of activation of the reserve status of a reserve officer*.

~~[5]~~ 6. Upon satisfactory completion of the requirements listed in subsection 1, *2 or 3*, 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 the date of activation of the reserve status of a reserve officer*;

(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.

~~[6]~~ 7. 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.

SECTION 7. Chapter 289 of NAC is hereby amended to read as follows:

NAC 289.210 Basic certificate: Nature.

1. The basic certificate authorizes the holder to perform the duties of a peace officer.

2. *The reserve basic certificate is only effective during those periods when the reserve officer is formally assigned by the agency to perform the duties of a peace officer.*

~~[2]~~ 3. Each basic certificate is issued by the State of Nevada as a revocable privilege and may be denied, suspended or revoked in accordance with the provisions of NAC 289.010 to 289.380, inclusive.

SECTION 8. Chapter 289 of NAC is hereby amended to read as follows:

NAC 289.350 Reports.

1. Upon employment or termination of a peace officer *or the activation or termination of the reserve status of a reserve officer*, an agency shall notify the executive director on a personnel action report form provided by the commission or its designee.

2. *An agency shall submit the personnel action report form within 15 days after the date of employment or termination of a peace officer or the activation or termination of the reserve status of a reserve officer.*

~~[2]~~ 3. An agency shall submit, upon the request of the commission or its designee, such documentation or information as the commission or its designee deems necessary to determine

whether the standards and provisions of NAC 289.010 to 289.380, inclusive, have been complied with.

SECTION 9. Chapter 289 of NAC is hereby amended by adding thereto a new section to read as follows:

New Section Minimum standard of training: Training category reserve officer
The minimum standard of training for reserve officers is successful completion of a basic course that includes 120 hour of training in:

1. *Legal subjects, 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.*
3. *Skills of officers, specifically:*
 - (a) *Writing of reports;*
 - (b) *Fingerprinting;*
 - (c) *Methods of arrest;*
 - (d) *Non-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.*

TEXT OF SECTIONS TO BE REPEALED

NAC 289.220 Reserve basic certificate. The executive director shall award a reserve basic certificate to a reserve officer who meets the same requirements as those established for a basic certificate. A reserve certificate is effective only during those periods when the reserve officer is formally assigned by the employing agency to perform the duties of a peace officer.

NAC 289.360 Notice to executive director when employment as peace officer terminated. Upon termination of employment as a peace officer for any reason, the head of the employing agency or his designee shall, within 15 days after the termination, notify the executive director of the termination. The notification must be made on the personnel action report form provided by the commission or its designee.

**NOTICE OF ADOPTION OF TEMPORARY REGULATION
LCB File No. T051-03**

THE COMMISSION ON PEACE OFFICERS' STANDARDS AND TRAINING (P.O.S.T.), RECENTLY ADOPTED REGULATIONS THAT MAY AFFECT YOUR AGENCY AND PERSONNEL.

THE CHANGES MADE WERE IN ACCORDANCE WITH THE OFFICE OF THE NEVADA ATTORNEY GENERAL ADMINISTRATIVE RULEMAKING PROCESS.

CHANGES PERTAIN TO: **NAC - CHAPTER 289**

ADDS NEW SECTION

NAC 289.025 (amended)
NAC 289.060 (amended)
NAC 289.065 (amended)
NAC 289.120 (amended)
NAC 289.130 (amended)
NAC 289.200 (amended)
NAC 289.210 (amended)
NAC 289.350 (amended)

NAC 289.220 (repealed)
NAC 289.360 (repealed)

EFFECTIVE DATE: **JUNE 25, 2003**

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LEGISLATIVE COUNSEL BUREAU

INFORMATIONAL STATEMENT
LCB File No. T051-03

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 Officer' Standards and Training (P.O.S.T.) noticed its intent to amend certain regulations through notices of one (1) public workshop held at 9:00 a.m. on March 26, 2003, at the Western Nevada Community College, 2200 West College Parkway, Cedar Building, Room 307, Carson City, Nevada and via video conference at the University of Nevada Las Vegas, C.B.C. Building "B", Room 117, 4545 Maryland Parkway, Las Vegas, Nevada; and one public comment hearing held May 15, 2003, at the Western Nevada Community College, Cedar Building, Room 307, 2201 West College Parkway, Carson City, Nevada with a video conference link to the University of Nevada, School of Medicine, Patient Care Center, Room 210, Learning Center, 1707 West Charleston Boulevard, Las Vegas, Nevada, all in compliance with NRS 233B.0603.

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

Notice for the Public Hearing was posted at the Nevada State Personnel-Blasdel Building-Carson City, Nevada State Library-Carson City, Nevada State Capitol Building-Carson City, Nevada State Legislature-Carson City, P.O.S.T. Administrative Offices-Carson City and Nevada State Grant Sawyer Building-Las Vegas, the POST web-site and the main public library in each county in which the P.O.S.T. Commission does not maintain an office.

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 P.O.S.T. Commission, 3476 Executive Pointe Way, Suite 12A, Carson City, Nevada 89706.

There was one emailed comment received from an interested person Officer Jeffery Partyka of the Reno Police Department.

2. The number of persons who:

(a) Attending the Workshop;

March 26, 2003 (25)

Carson City (15)

Las Vegas (10)

(b) Testified at the Workshop;

Carson City: (6)

Marshall Emerson, WCSO Regional Training Center

Mike Richards - Churchill Sheriff's Office

Katie Durbin - WNLEA

Roger Hartley - Storey COSO
Larry Etter - Sheriff - Eureka COSO
Gerald Cook, West Wendover PD
Las Vegas: (3)
Chief Quasla - Las Vegas Paiute Tribe
Tony York, Lt. - Clark County School PD
Rich Bishop, Chief - Clark County Parks

(c) **Attending the Public Comment Hearing;**
May 15, 2003 Carson City (11)
Las Vegas (06)

(d) **Testified at the Public Comment Hearing;**
May 15, 2003 Carson City (0)
Las Vegas (0)

There was one written comment received via e-mail by the Commission prior to the public comment hearing from Officer Jeffrey Partyka of the Reno Police Department.

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 were given an opportunity to submit written comments or testify at the public workshop and the public comment hearing.

The comments from interested persons focused on the requirement that persons previously certified in another state or by the federal government must be employed for a minimum of 12 months to be eligible for the reduced certification requirements provided for in the commission's regulations. The comments criticized the 12-month employment requirement because it would make it more difficult for rural law enforcement agencies, in areas close to state borders, to hire individuals who had been trained in the other state, but had not had the opportunity to work in that state for a 12-month period of time.

Persons wishing to obtain a copy of any written comment, may request copies by calling (775) 684-7678, ext. 228 or by writing to the Commission on Peace Officers' Standards and Training, Executive Director, 3476 Executive Pointe Way, Suite 12A, Carson City, Nevada 89706.

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 proposed regulation changes were adopted by the POST Commission at its meeting on June 03, 2003. The regulation changes focused on two areas:

- (1) Defining “reserve officer” and setting the minimum standards for training, certification, continuing education, and reporting for those reserve officers.
- (2) Clarifying that a person coming from another state who wishes to take advantage of the reduced training requirements provided for in the current regulations must have been certified as a peace officer by the certifying entity in the other jurisdiction or successfully completed an approved training course presented by the Federal Law Enforcement Training Center.

The proposed regulations were revised to remove the twelve-month employment requirement for those persons who have been certified as a peace officer in another state or successfully completed the Federal Law Enforcement Training Center (FLETC) academy. The other regulations were adopted without any substantive changes.

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:

Individuals from other states who had not previously been certified will be unable to take advantage of the reduced certification requirements provided for in the Commission’s regulations. Agencies hiring these individuals would be required to send them to a full basic training academy, thereby incurring the additional expense and loss of personnel resulting from this requirement.

Beneficial effects:

The agencies will have the ability to use reserve officers to supplement their agency’s workforce without expending the time or funds to send the reserve officer to the longer basic training courses required of full-time peace officers. This is especially important given the budgetary and personnel constraints of many criminal justice agencies.

Individuals seeking to participate in community service through assisting criminal justice will have an easier time meeting the reduced minimum training requirements. This is important given that fact that many reserve officers also maintain full-time employment in other career areas.

(b) Immediate and long term effects:

It is anticipated that agencies will incur cost savings through the ability to supplement their agency’s workforce with reserve officers. The reduced minimum training requirements for these officers will result in less expense to agencies and/or individuals for the training.

Because many reserve officers work without compensation, agencies would enjoy a cost savings through use of reserve officers to supplement their full-time workforce.

(c) Both immediate and long-term effects.

Same as stated in 5 (a).

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

There are no anticipated costs associated with any regulation change.

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.