

**PROPOSED REGULATION OF THE PEACE OFFICERS
STANDARDS AND TRAINING COMMISSION**

LCB File No. R085-10

June 17, 2010

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

AUTHORITY: §§1-8, NRS 289.510.

A REGULATION relating to peace officers; revising provisions governing the background investigation required for appointment as a peace officer; revising the minimum requirements for a peace officer to obtain a management certificate; revising the minimum requirements for a peace officer to obtain an executive certificate; and providing other matters properly relating thereto.

Section 1. Chapter 289 of NAC is hereby amended by adding thereto the provisions set forth as sections 2, 3 and 4 of this regulation.

Sec. 2. *“Executive level position” means a position held by a peace officer in which the peace officer supervises two or more persons who hold management level positions and is in charge of an entire agency or a major division within an agency.*

Sec. 3. *“First-line supervisor” means a peace officer who supervises other persons and who is on an organizational level immediately above nonmanagerial officers.*

Sec. 4. *“Management level position” means a position held by a peace officer in which the peace officer supervises two or more persons who are first-line supervisors or who hold a position above the level of a first-line supervisor.*

Sec. 5. NAC 289.010 is hereby amended to read as follows:

289.010 As used in this chapter, unless the context otherwise requires, the words and terms defined in NAC 289.015 to 289.085, inclusive, *and sections 2, 3 and 4 of this regulation* have the meanings ascribed to them in those sections.

Sec. 6. NAC 289.110 is hereby amended to read as follows:

289.110 1. No person may be appointed to perform the duties of a peace officer unless he:

- (a) Has undergone a complete and documented investigation of his background which verifies that he has good moral character and meets the minimum standards established by the Commission;
- (b) Is a citizen of the United States;
- (c) Is at least 21 years of age at the time of his appointment;
- (d) Has successfully completed the 12th grade or has been certified by an appropriate authority as having an equivalent education; and
- (e) Has undergone a medical examination performed by a licensed physician who confirms in writing that no physical condition exists which would adversely affect his performance of the duties of a peace officer. The employing agency shall inform the examining physician of the specific functions required by the position to be filled.

2. The investigation of the background of a person required pursuant to subsection 1 ~~may include the use of a lie detector as defined in NRS 613.440 and~~ must include, without limitation:

- (a) An investigation of the current and past employment history of the person, including, without limitation, an examination of the duties that have been assigned to the person and any performance evaluations of the person;
- (b) An inquiry into the criminal history of the person in the State of Nevada and in any other state where the person is known to have resided, which must include, without limitation, any

warrants issued for the person and the submission of the person's fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report;

(c) An inquiry to the Department of Motor Vehicles and the appropriate entity in each other state in which the person is known to have resided regarding any driver's licenses the person has held and the driving record of the person;

(d) A financial history of the person;

(e) The educational background of the person;

(f) The history of any military service of the person;

(g) A history of each physical address where the person has resided;

(h) A drug screening test; ~~and~~

(i) A psychological evaluation ~~and~~; *and*

(j) The use of a lie detector as defined in NRS 613.440 for a peace officer being appointed as a category I, category II or reserve peace officer.

3. The investigation of the background of a person required pursuant to subsection 1 may include the use of a lie detector as defined in NRS 613.440 for a peace officer being appointed as a category III peace officer.

4. A person may not be appointed to perform the duties of a peace officer if he has:

(a) Been convicted of a felony in this State or of any offense which would be a felony if committed in this State;

(b) Been convicted of an offense involving moral turpitude or the unlawful use, sale or possession of a controlled substance; or

(c) A documented history of physical violence.

Sec. 7. NAC 289.260 is hereby amended to read as follows:

289.260 The Executive Director shall grant a management certificate to an officer upon submission of proof satisfactory to the Executive Director that the officer meets the following minimum requirements:

1. A current basic certificate.
2. A current intermediate certificate.
3. A current advanced certificate.
4. *A current supervisor certificate.*

5. Six years of experience as a peace officer, including at least 1 year of experience ~~as a first-line supervisor~~ *in a management level position* and a current assignment ~~as a first-line supervisor.~~

~~—5.]~~ *in a management level position. The applicant must present proof that the current assignment meets the criteria for a management level position as set forth in section 4 of this regulation by submitting a letter with the application that is signed by the administrator of the agency. The letter must include an organizational chart which demonstrates the applicant's position within the agency and must describe the manner in which the applicant's current assignment meets the criteria for a management level position as set forth in section 4 of this regulation.*

6. Six units of credit from an accredited college or university in addition to the units required for the intermediate and advanced certificates.

~~{6.}~~ 7. Two hundred hours of training which includes courses in the following subjects or their equivalent:

- (a) Introduction to management;

- (b) Public administration or business administration;
- (c) Financial administration;
- (d) Personnel administration;
- (e) Management and labor relations;
- (f) Supervision; and
- (g) Policy formulation.

Sec. 8. NAC 289.270 is hereby amended to read as follows:

289.270 1. The Commission will grant an executive certificate to an officer upon submission of proof satisfactory to the Commission that the officer meets the following minimum requirements:

- (a) A current basic certificate.
- (b) A current intermediate certificate.
- (c) A current advanced certificate.
- (d) *A current supervisor certificate.*
- (e) A current management certificate.

~~[(e)]~~ (f) Six years of experience as a peace officer, including at least 1 year of experience ~~[at the command]~~ *in an executive* level *position* and a current assignment ~~[at the command]~~ *in an executive* level ~~[-~~ *position*.

(g) Two hundred hours of training in advanced management in addition to the training completed for the basic, intermediate, advanced, *supervisor* and management certificates.

~~[(g) Authority to develop and approve policies of the agency.]~~

(h) The applicant must present proof ~~[of such authority]~~ *that the current assignment meets the criteria for an executive level position as set forth in section 2 of this regulation* by submitting a letter with the application which is signed by the administrator of the agency. The letter must include an organizational chart which demonstrates the applicant's position within the agency and must describe the manner in which ~~[he develops and approves policies for the agency.]~~ *the applicant's current assignment meets the criteria for an executive level position as set forth in section 2 of this regulation.*

2. In making a determination pursuant to subsection 1, the Commission will review and consider each applicant individually.