

LCB File No. T023-00

**ADOPTED TEMPORARY REGULATION OF THE
PEACE OFFICERS' STANDARDS AND TRAINING COMMISSION**
(Effective December 7, 2000)

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

EXPLANATION - Matter in *italics* is new; matters 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 289.200 Basic certificate: Requirements; request for certification; placement on inactive status. (NRS 289.510)

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 or 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 ~~[with a score at or above the 60th percentile of the fitness norm for the single standard of the general population].~~

2. 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 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(b) The certification of the peace officer in the other jurisdiction has not been revoked or suspended;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 24 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; and
- (17) Cultural awareness.

3. Except as otherwise provided in subsection 4, an officer must pass the state physical fitness examination to complete a course successfully.

(a) Within 16 weeks after the date on which he enters a basic training course certified pursuant to NAC 289.300 if he is in training category II or III; or

(b) Within 16 weeks after the date on which he was hired if he has completed a course of training which the commission or its designee determines to be at least equivalent to the basic training course for basic certification.

4. If a student enrolled in a basic training course certified pursuant to NAC 289.300 sustains a bona fide physical injury rendering him incapable of performing the physical requirements to complete the course successfully, an agency may submit a request for an extension of time for the student to complete the requirement. 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 performing the physical requirements of the course. If the executive director determines that an extension of time is warranted, he shall authorize an extension of time for a period not to exceed 12 months after the date on which he received the request.

5. Upon satisfactory completion of the requirements listed in subsection 1, 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;

(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 NAC 289.010 to 289.380, inclusive; and

(d) The statement concerning child support prescribed by the welfare division of the department of human resources pursuant to NRS 425.520.

6. 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 2 consecutive years, the person must renew his basic certificate by successfully completing the state certification examination, an 80-hour course of training that is approved by the executive director and the state physical fitness examination.

Section 2. NAC 289.300 is hereby amended to read as follows:

NAC 289.300 Courses of basic training. (NRS 289.510)

1. The executive director shall certify courses of basic training presented by agencies 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 must have specifically defined objectives for the performance of the students which are based upon known work requirements;

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

(3) 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) Each course must include the state physical fitness examination. ~~[This examination is based upon the standards established by the Cooper Institute for Aerobics Research which are set forth in the "Physical Fitness Specialist Course" manual (1996 edition), which is hereby adopted by reference. That publication may be purchased from the Cooper Institute for Aerobics Research, 12330 Preston Road, Dallas, Texas 75230, for the price of \$35. The minimum standard required of a student to enter a basic training course must be that which is referred to as the 40th percentile of the fitness norm for the single standard of the general population.]~~ The minimum standard required of a student to complete a course successfully ~~[must be that which is referred to as the 60th percentile of the fitness norm for the single standard of the general population.]~~ **is as follows:**

~~[The test must include as a minimum the following events performed in the manner set forth in the manual:~~

~~(1) Aerobic power test: 1 1/2-mile run.~~

~~(2) Sit and reach: flexibility test.~~

~~(3) Muscular endurance: maximum number of sit-ups in 1 minute.~~

~~(4) Absolute strength: maximum weight for one repetition of the bench press or maximum number of push-ups in 1 minute.]~~

<i>Height by vertical jump</i>	<i>14 inches</i>
<i>Number of Sit ups in one (1) minute</i>	<i>15</i>
<i>300 Meter Run</i>	<i>77 seconds</i>
<i>Number of Push Ups (no time limit)</i>	<i>18</i>
<i>1.5 Mile Run/Walk</i>	<i>17:17 m/s</i>

(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 such restraint and include presentations on the use of force, the rules of the agency related 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 least annually and at other times 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.

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INFORMATIONAL STATEMENT

12/07/00

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

The Commission on Peace Officers' Standards and Training noticed its intent to amend certain regulations through notices of one (1) public workshop held at 12:30 p.m. on November 30, 2000, at the CasaBlanca Resort/Casino, Mesquite, Nevada and one (1) Public Hearing held at 1:00 p.m. on November 30, 2000 at the CasaBlanca Resort/Casino, all in compliance with NRS 233B.0603.

Notice of the public comment hearings were sent via U.S., inter-departmental mail or faxed to all identified law enforcement agencies.

Notice for the Public Hearing was posted at all Nevada county libraries, DMV&P/S-Carson City, State Personnel-Carson City, US Post Office-Carson City, P.O.S.T. administrative offices-Carson City, Grant Sawyer Building-Las Vegas, Nevada State Legislative Counsel Bureau-Carson City, DMV&P/S Mesquite, Mesquite Municipal Court- Mesquite, Mesquite Police Department.

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 Clark, c/o Commission on Peace Officers' Standards and Training, 3476 Executive Pointe Way, Suite 12A, Carson City, Nevada 89706. The comments centered on concerns related to lowering the current standards, lack of incumbent testing and the absence of the correlation of the physical testing and related job tasks. The Nevada Department of Prisons (NDOP) and POST staff recommended adoption of the validated physical fitness standards currently in effect in the State of Idaho. NDOP stated that they had compared their job tasks with the job tasks set out in the Idaho Study and they found a high degree of correlation.

A copy of written comments may be obtained by calling the Commission on Peace Officers' Standards and Training (775) 684-7678, or writing to the Commission at 3476 Executive Pointe Way, Suite 12A, Carson City, Nevada 89706.

- 2. The number of persons who:**

- (a) Attended the hearing;**

November 30, 2000, 1:00, Mesquite - forty nine (49)

- (b) Testified at the hearing;**

November 30, 2000, 1:00 p.m., Mesquite - twelve (12)

- (c) Submitted to the agency written comments:**

There were no written comments received by the Commission prior the events.

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.

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

Persons wishing to obtain a copy of any written comments, may request copies by calling (775) 684-7678 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 temporary regulation amended Chapter 289.200 and 300(1)(f) of Nevada Administrative Code by modifying the existing physical fitness standards for peace officer certification. The purpose of changing the physical fitness standards is to update the standards and increase their defensibility. The Commission made substantive changes to the original proposal. The Commission, based on public comment and the recommendations of staff, adopted the validated standards currently in effect in the State of Idaho. The Commission found the Idaho standards are job related and transferable to Nevada peace officers.

The Commission did not receive any written comments on this amendment.

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

(a) Both adverse and beneficial effects;

NAC 289300(1)(f) and NAC 289.200

Beneficial effects: This temporary modification would update the current State physical fitness standards, provide additional evidence of job relatedness and increase their defensibility.

Adverse effects: There are no anticipated adverse effects associated with this regulation.

(b) Both immediate and long-term effects.

Same as stated in section 5(a).

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

NAC 289.300(1)(f) The amendment of the State Physical Fitness Examination may have minor economic impact on agencies and academies providing the new testing battery on either potential employees and/or academy students. The proposed physical fitness battery will only require a minimum of additional equipment and should not require any additional manpower.

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 temporary regulations neither establish nor increase any existing fee.