

LCB File No. T003-98

PROPOSED TEMPORARY REGULATION OF THE PEACE OFFICERS' STANDARDS AND TRAINING COMMITTEE

NOTICE OF INTENT TO ACT UPON A REGULATION OF THE PEACE OFFICERS' STANDARDS AND TRAINING COMMITTEE

A sub-committee, of the Peace Officers' Standards and Training Committee, will hold a public hearing at 10:00 A.M., ON September 02, 1998, at the Henderson Police Department, Second Floor, Training Room "B", 223 Lead Street, Henderson, Nevada. The purpose of the hearing is to receive comments from all interested persons regarding the temporary suspension and amendment of regulations pertaining to Chapter 481 of the Nevada Administrative Code.

THE FOLLOWING INFORMATION IS PROVIDED PURSUANT TO THE REQUIREMENTS OF NRS 233B.060.

1. The need and purpose of the proposed regulation or amendments.

To suspend an existing regulation which exempts elected officers from certification requirements and; a portion of a regulation which imposes a mandatory one year qualification period requirement for officers completing a basic course of instruction or completing the qualifications equivalent to a basic course of instruction for P.O.S.T. Certification.

2. Either the terms or the substance of the regulations to be adopted, amended or repealed, or a description of the subjects and issues involved.

ACTIONS

NAC REGULATION

Suspension of regulation exempting elected officers from the regulations of Nevada Administrative Code 481.040 and 481.050.

NAC 481.036

Amendment of regulation to remove the one year qualification period.

NAC 481.060

3. The estimated economic effect of the regulation on the business which it is to regulate and on the public. These must be state separate and in each case must include:

- (a) both adverse and beneficial effects; and**

NAC 481.036 - The proposed suspension of NAC 481.036 will remove a conflict which exists between Nevada Revised Statute NRS 481.054 which requires all those upon whom some or all of the powers of a peace officer have been conferred to be certified by the P.O.S.T. Committee and NAC 481.036 which exempts elected peace officers from the requirements of P.O.S.T. certification. The proposed change removes the inconsistency between the statute and the committee regulation on the issue of P.O.S.T. certification for elected peace officers.

NAC 481.060 - The proposed amendment of NAC 481.060 will remove a conflict which exists in the current regulations. NAC 481.060 requires a one year qualification period before a peace officer is eligible for P.O.S.T. certification and NAC 481.060 requires a peace officer to be P.O.S.T. certified before performing the duties of a peace officer. Under the proposed regulation change, a peace officer would be eligible for a P.O.S.T. Basic Certificate upon completion of a Basic Training Course, or a course determined to be at least equivalent to a Basic Training Course, and passage of the State Certification and Physical Fitness Examinations. The change will make it possible for a peace officer to be P.O.S.T. certified before they begin performing the duties of a peace officer.

(b) both immediate and long-term effects.

NAC 481.036 -

Same as 3(a) above.

NAC 481.060

Same as 3(a) above.

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

Enforcement of these regulations should not result in any increased cost.

5. A description of, and citation to, any regulations of other state or local governmental agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the proposed regulation overlaps or duplicates a federal regulation, the notice must include the name of the regulating federal agency.

To our knowledge, these regulations do not overlap or duplicate the regulations of other state, local, or federal governmental agencies.

6. If the regulation is required pursuant to federal law, a citation and description of the federal law.

The proposed regulation changes are not required pursuant to federal law.

7. If the regulation includes provisions which are more stringent than a federal regulation that regulates the same activity, a summary of such provisions.

These proposed regulations do not include provisions which are more stringent than federal regulations of the same activity.

8. Whether the proposed regulation establishes a new fee or increases an existing fee.

These proposed regulations do not establish any new fee or increased an existing one.

Persons wishing to comment upon the proposed action of the Peace Officers' Standards and Training Committee may appear at the scheduled public hearing or may address their comments, data, views or arguments, in written form, to Richard Clark, Nevada P.O.S.T., 2101 Snyder Avenue, Carson City, Nevada 89701. Written submissions must be received by the P.O.S.T. Committee on or before August 28, 1998, if no person who is directly affected by the proposed action appears to request time to make an oral presentation, the Peace Officers' Standards and Training Committee may proceed immediately to act upon any written submissions.

A copy of this notice and the proposed regulations to be suspended and amended will be on file at the state Library, 100 Stewart Street, Carson city, Nevada for inspection by members of the public during business hours. Additional copies of the notice and the regulations to be suspended and amended will be available at the Department of Motor Vehicles and Public Safety Building, 555 Wright Way, Carson city, Nevada, Department of Personnel, Blasdel Building, 209 Musser Street, Carson City, Nevada, Grant Sawyer Building, 555 East Washington Avenue, Las Vegas, Nevada, and in all counties in which an office of the agency is not maintained, at the main public library, for inspection and copying by members of the public during business hours. This notice and the text of the proposed regulations are also available in the State of Nevada Register of Administrative Regulations which is prepared and published monthly by the Legislative Counsel Bureau pursuant to NRS 233B.0653 and on the Internet <http://www.leg.state.nv.us>. Copies of this notice and the proposed regulations will also be mailed to members of the public upon request. A reasonable fee may be charged for copies if it is deemed necessary.

Upon adoption of any regulation, the agency, if requested to do so by an interested person, either before adoption or within 30 days thereafter, will issue a concise statement of the principle reasons for and against its adoption and incorporate therein its reasons for overruling the consideration urged against its adoption.

This notice of hearing has been posted at the following locations:

County/State Libraries:

Carson City Library
900 North Roop Street
Carson City, Nevada

Churchill County Library
553 South Maine Street
Fallon, Nevada

Clark County Las Vegas Library 833 Las Vegas Blvd, North Las Vegas, Nevada

Douglas County Library
1625 Library Lane
Minden, Nevada

Elko County Library
720 Court Street
Elko, Nevada

Esmeralda County Library
Goldfield Public Library
Fourth & Crook Street
Goldfield, Nevada

Eureka Branch Library
10190 Monroe Street
Eureka, Nevada

Humboldt County Library
85 East 5th Street
Winnemucca, Nevada

Lincoln County Library
625 Broad Street
Pioche, Nevada

Lyon County Library
20 Nevin Way
Yerington, Nevada

Mineral County Library
First & A Street
Hawthorne, Nevada

County Courthouse:

Carson City Courthouse
2621 Northgate Lane # 2
Carson City, Nevada

Clark County Courthouse
500 South Grand Central Parkway
Las Vegas, Nevada

Elko County Courthouse
569 Court Street
Elko, Nevada

Eureka County Courthouse
P.O. Box 677
Eureka, Nevada

Lander County Courthouse
315 South Humble
Battle Mountain, Nevada

Lyon County Courthouse
31 South Main Street
Yerington, Nevada

Nye County Library
171 Central Street
Tonopah, Nevada

Pershing County Library
1125 Central Avenue
Lovelock, Nevada

Storey County Library
95 South R Street
Virginia City, Nevada

Washoe County Library
301 South Center Street
Reno, Nevada

White Pine County Library 950 Campton
Street
Ely, Nevada

Lander County
Battle Mountain, Nevada

Nevada State Library & Archives
Capitol Complex
Carson City, Nevada

Churchill County Courthouse
190 West First Street
Fallon, Nevada

Douglas County Courthouse
P.O. Box 218
Minden, Nevada

Esmeralda County Courthouse
Other Posting Locations:

CARSON CITY

Blasdel State Office Building
209 E. Musser Street

Capitol Press Corps
Basement, Capitol Building

State Capitol Building
Capitol Complex

CLARK COUNTY

Department of Motor Vehicles & Public
Safety
1399 American Pacific Drive
Henderson, Nevada

P.O. Box 517
Goldfield, Nevada

Humboldt County Courthouse
P.O. Box 90
Pioche, Nevada

Mineral County Courthouse
P.O. Box 1450
Hawthorne, Nevada

Nye County Courthouse
P.O. Box 153
Tonopah, Nevada

Storey County Courthouse
P.O. Drawer D
Virginia City, Nevada

White Pine Courthouse
P.O. Box 659
Ely, Nevada

U.S. Post Office
Main Branch

Carson City Courthouse
198 N. Carson Street
Nevada state Library 100 Stewart Street

Department of Motor Vehicles & Public
Safety
555 Wright Way

Henderson Police Department
223 Lead Street
Henderson, Nevada

** A copy of the regulations to be repealed and amended may be obtained from the Peace Officers' Standards and Training Administrative Offices of the Department of Motor Vehicles and Public Safety, 2101 Snyder Avenue, Carson City, Nevada 89701.

Note: We are pleased to make reasonable accommodations for members of the public with disabilities who wish to attend the meeting. If special arrangements for the meeting are necessary, please notify the P.O.S.T. Committee in writing at 2101 Snyder Avenue, Carson City, Nevada 89701, or call Gordon Waldaias at (702) 687-3283, no later than five working days prior to the meeting.

**PROPOSED TEMPORARY REGULATION OF THE PEEACE OFFICERS'
STANDARDS AND TRAINING COMMITTEE**

July 30, 1998

EXPLANATION—Matter in italics is new; matter in brackets [] is material to be omitted

AUTHORITY: NRS 481.053

NAC 481.060 is hereby amended to read as follows:

NAC 481.060 Basic certificate: Requirements; request for certification; placement on inactive status. (NRS 481.053)

481.060 1. The committee will award a basic certificate to any peace officer who meets the minimum standards for appointment established pursuant to NAC 481.040 and has:

- (a) Satisfactorily completed the basic training course for basic certification or a course of training which the committee 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;
- (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; and
- [(d) Satisfactorily completed a period of qualification of 1 year as a peace officer employed by an agency.]

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 committee 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 committee 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 successfully complete a course:

(a) Within 16 weeks from the date on which he enters a basic training course certified pursuant to NAC 481.080 if he is in training category II or III; or

(b) Within 16 weeks from the date on which he was hired if he has completed a course of training which the committee 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 481.080 sustains a bona fide physical injury rendering him incapable of performing the physical requirements to successfully complete the course, 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 committee or its designee. 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 committee or its designee determines that an extension of time is warranted, it shall authorize an extension of time for a period not to exceed 12 months from the date on which it received the request.

5. The period of qualification must:

(a) Begin on the date on which the officer is notified of his passage of the state certification examination; and

(b) Be continuous unless the officer becomes unemployed because of a reduction of employees in the agency, in which case the period may be aggregate but must be completed within 2 years.

6. Upon satisfactory completion of the requirements listed in subsection 1, the employing agency shall submit a request for certification to the committee. 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 481.010 to 481.120, inclusive; and

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

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 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 committee and the state physical fitness examination.

[Peace Officers' Standards & Training Com., § VI, eff. 6-7-83]–(NAC A 12-17-87; 8-24-90; 4-28-94; R024-97, 10-1-97; R169-97, 1-30-98; R170-97, 1-30-98)

Notice of Hearing for the Suspension of Regulations of Nevada Peace Officers' Standards and Training.

THE FOLLOWING SECTION IS TO BE SUSPENDED:

NAC 481.036 Exemption for elected officers. An elected peace officer is not required to meet the standards established by NAC 481.040 and 481.050.

[Peace Officers' Standards & Training Com., § IX, subsec. 1, eff. 5-7-82]–(Substituted in revision for NAC 481.020).