

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

LCB File No. R102-99

September 2, 1999

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

AUTHORITY: §§1-14 and 18-33, NRS 289.510; §§15-17, NRS 289.510 and 289.600.

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

Sec. 2. *“Executive director” means the executive director of the commission.*

Sec. 3. *Upon making a final decision to deny the certification of a course pursuant to NAC 289.300 or 289.310, the executive director shall provide the affected agency with written notification of that decision. The agency may appeal the decision by filing a written request for appeal with the executive director within 30 days after the date set forth on the written notification. The request for appeal must set forth specific reasons why the agency believes the denial is improper. The commission will place the matter on the next available agenda for a meeting of the commission.*

Sec. 4. NAC 289.010 is hereby amended to read as follows:

289.010 As used in NAC 289.010 to 289.380, inclusive, *and sections 2 and 3 of this regulation*, unless the context otherwise requires, the words and terms defined in NAC 289.015 to 289.080, inclusive, *and section 2 of this regulation* have the meanings ascribed to them in those sections.

Sec. 5. NAC 289.020 is hereby amended to read as follows:

289.020 “Basic certificate” means the certificate issued by the ~~committee~~ *executive director* which is evidence that a person has met the minimum standards established by NAC 289.010 to 289.380, inclusive ~~and~~, *and sections 2 and 3 of this regulation.*

Sec. 6. NAC 289.030 is hereby amended to read as follows:

289.030 “Certified status” means compliance with or exemption from the employment qualifications and training requirements established by the ~~committee~~ *commission.*

Sec. 7. NAC 289.035 is hereby amended to read as follows:

289.035 ~~“Committee”~~ *“Commission”* means the peace officers’ standards and training ~~committee~~ *commission.*

Sec. 8. NAC 289.055 is hereby amended to read as follows:

289.055 “Lesson plan” means a document which specifically describes the material presented during a course of instruction. For the purpose of certifying a school, a “lesson plan” is the document submitted to the ~~committee~~ *executive director* for certification and represents the material approved by the ~~committee~~ *commission* for instruction.

Sec. 9. NAC 289.060 is hereby amended to read as follows:

289.060 “Peace officer” means an employee of an agency who is required to be certified by the ~~committee~~ *commission* pursuant to NRS ~~481.054~~ *289.550*. The term includes sworn full-time, part-time, reserve and volunteer officers who perform the duties of a peace officer without immediate supervision.

Sec. 10. NAC 289.070 is hereby amended to read as follows:

289.070 “School” means any university, college, academy, local training center or other school approved by the ~~{committee}~~ *commission* which provides a curriculum, instructors and facilities for the training of peace officers.

Sec. 11. NAC 289.075 is hereby amended to read as follows:

289.075 “State certification examination” means a comprehensive examination prescribed by the ~~{committee}~~ *commission* which measures knowledge of the subjects comprising the minimum training standards established for each training category.

Sec. 12. 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

~~{committee;}~~ *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. 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. 13. NAC 289.120 is hereby amended to read as follows:

289.120 1. Each peace officer who is required by NRS ~~[481.054]~~ **289.550** to be certified must satisfactorily complete a basic course of training approved by the ~~[committee.]~~ **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.

Sec. 14. NAC 289.130 is hereby amended to read as follows:

289.130 For purposes of determining minimum training standards, peace officers required by NRS ~~[481.054]~~ **289.550** to be certified by the ~~[committee]~~ **commission** will be divided into three 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.

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

Sec. 15. NAC 289.140 is hereby amended to read as follows:

289.140 The minimum standard of training for officers in training category I is successful completion of a basic course that includes 480 hours of training in:

1. Legal subjects, specifically:
 - (a) Constitutional law;
 - (b) Probable cause;
 - (c) Search and seizure;
 - (d) Laws of arrest;
 - (e) Crimes against property;
 - (f) Crimes against persons;
 - (g) Laws governing coroners;
 - (h) Traffic laws;
 - (i) Laws relating to narcotics;
 - (j) Civil liability;
 - (k) Use of force;
 - (l) Laws relating to child abuse;
 - (m) *Laws relating to the abuse of elderly persons;*
 - (n) Laws relating to domestic violence;

~~[(n)]~~ (o) *Laws relating to stalking and aggravated stalking;*

(p) Laws relating to juveniles;

~~[(o)]~~ (q) Miscellaneous crimes; and

~~[(p)]~~ (r) Operation of emergency vehicles.

2. Procedures for patrol, specifically:

(a) Basic patrol procedures;

(b) Stopping and citing of drivers of vehicles;

(c) Survival of officers;

(d) Searching of buildings;

(e) Domestic violence;

(f) *Stalking and aggravated stalking;*

(g) Child abuse;

~~[(g)]~~ (h) *Abuse of elderly persons;*

(i) Handling persons who are mentally ill; and

~~[(h)]~~ (j) Crisis intervention.

3. Skills of officers, specifically:

(a) Techniques of interviewing and interrogation;

(b) Writing of reports;

(c) Fingerprinting;

(d) Methods of arrest;

(e) Nonlethal weapons;

(f) Retention of weapons;

(g) Qualification for use of firearms;

- (h) Defensive tactics; and
 - (i) Operation of emergency vehicles.
4. Investigation, specifically:
- (a) Principles of investigation;
 - (b) Investigation of crime scenes;
 - (c) Collection and preservation of evidence;
 - (d) Investigation of drivers who are under the influence of alcohol or a controlled substance;

[and]

- (e) Investigation of accidents ~~[H]~~;
- (f) Investigation of allegations of the abuse of elderly persons; and*
- (g) Investigation of allegations of stalking and aggravated stalking.*

5. Community relations, specifically:
- (a) Ethics in law enforcement;
 - (b) Victim's rights;
 - (c) History and principles of law enforcement; and
 - (d) Interpersonal communication.
6. Miscellaneous subjects, specifically:
- (a) Stress;
 - (b) Criminal justice process;
 - (c) Courtroom demeanor;
 - (d) Emergency first aid;
 - (e) Cardiopulmonary resuscitation;
 - (f) National Crime Information Center procedure; and

(g) Physical conditioning.

7. Course administration and examinations.

Sec. 16. NAC 289.150 is hereby amended to read as follows:

289.150 The minimum standard of training for officers in training category II is successful completion of a basic course that includes 200 hours of training in:

1. Legal subjects, specifically:

(a) Constitutional law;

(b) Probable cause;

(c) Search and seizure;

(d) Laws of arrest;

(e) Crimes against property;

(f) Crimes against persons;

(g) Laws relating to narcotics;

(h) Miscellaneous crimes;

(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; ~~and~~

~~(m)}~~ (n) *Laws relating to stalking and aggravated stalking; and*

(o) Laws relating to juveniles.

2. Procedures in the field, specifically:

(a) Survival of officers;

- (b) Domestic violence;
- (c) *Stalking and aggravated stalking*;
- (d) Child abuse;
- ~~(d)~~ (e) *Abuse of elderly persons*;
- (f) Handling persons who are mentally ill;
- ~~(e)~~ (g) Crisis intervention; and
- ~~(f)~~ (h) Care and custody of prisoners.

3. Skills of officers, specifically:

- (a) Techniques of interviewing *and* interrogation;
- (b) Writing of reports;
- (c) Fingerprinting;
- (d) Physical methods of arrest and defensive tactics;
- (e) Retention of weapons;
- (f) Qualification for use of firearms; and
- (g) Physical conditioning.

4. Investigations, specifically:

- (a) Principles of investigation;
- (b) Investigation of crime scenes; ~~and~~
- (c) *Investigation of allegations of the abuse of elderly persons*;
- (d) *Investigation of allegations of stalking and aggravated stalking; and*
- (e) Collection and preservation of evidence.

5. Community relations, specifically:

- (a) Ethics in law enforcement;

- (b) Victim's rights;
 - (c) History and principles of law enforcement; and
 - (d) Communication skills.
6. Miscellaneous subjects, specifically:
- (a) Stress;
 - (b) Criminal justice process;
 - (c) Courtroom demeanor;
 - (d) Emergency first aid;
 - (e) Cardiopulmonary resuscitation; and
 - (f) National Crime Information Center procedure.
7. Course administration and examinations.

Sec. 17. NAC 289.160 is hereby amended to read as follows:

289.160 The minimum standard of training for officers in training category III is successful completion of a basic course that includes 160 hours of training in:

1. Legal subjects, specifically:
- (a) Civil rights of offenders;
 - (b) Searches of offender institutions;
 - (c) Laws relating to correctional institutions;
 - (d) Laws relating to stalking and aggravated stalking;* and
 - ~~(d)~~ (e) Use of force.
2. Procedures in the field, specifically:
- (a) Gangs and cults;
 - (b) Supervision of offenders;

- (c) Classification and receiving of offenders;
 - (d) Transportation of offenders;
 - (e) Crisis intervention;
 - (f) Records of offenders in institutions; and
 - (g) Games offenders play.
3. Skills of officers, specifically:
- (a) Writing of reports for correctional institutions;
 - (b) Fire safety and use of emergency equipment;
 - (c) Fingerprinting;
 - (d) Defensive tactics;
 - (e) Introduction of restraints; and
 - (f) Physical conditioning.
4. Investigation, specifically:
- (a) Crime scene and evidence;
 - (b) Investigation of narcotics and abuse of controlled substances;
 - (c) Investigation of allegations of stalking and aggravated stalking;* and
 - ~~(e)~~ *(d)* Personality disorders and prevention of suicide.
5. Community relations, specifically:
- (a) Ethics for correctional officers;
 - (b) Cultural awareness;
 - (c) Interpersonal communications; and
 - (d) Public and media relations.
6. Miscellaneous subjects, specifically:

- (a) Modern correctional philosophy;
- (b) First aid;
- (c) Cardiopulmonary resuscitation; and
- (d) Criminal justice system.

7. Course administration and examination.

Sec. 18. NAC 289.200 is hereby amended to read as follows:

289.200 1. The ~~[committee will]~~ *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 ~~[committee]~~ *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. ~~;~~ *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]~~ *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 ~~committee~~ *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 ~~successfully~~ complete a course ~~[:]~~ *successfully*:

(a) Within 16 weeks ~~from~~ *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 ~~from~~ *after* the date on which he was hired if he has completed a course of training which the ~~committee~~ *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 ~~successfully~~ 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 ~~committee or its designee.~~ *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 ~~committee or its designee~~ *executive director* determines that an extension of time is warranted, ~~it~~ *he* shall authorize an extension of time for a period not to exceed 12 months ~~from~~ *after* the date on which ~~it~~ *he* 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.~~ *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 ~~1,~~ *and sections 2 and 3 of this regulation;* and
- (d) The statement concerning child support prescribed by the welfare division of the department of human resources pursuant to NRS 425.520.

~~7.~~ **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 ~~committee.~~ *executive director* and the state physical fitness examination.

Sec. 19. NAC 289.220 is hereby amended to read as follows:

289.220 The ~~committee will.~~ *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.

Sec. 20. NAC 289.230 is hereby amended to read as follows:

289.230 1. To maintain a basic certificate or reserve certificate, the officer must annually complete 24 hours of additional training prescribed by the administrator of the employing agency of the officer and approved by the ~~{committee}~~ *executive director*. The employing agency shall ensure that its officers receive the required training. After an officer completes such training, the employing agency shall submit verification of completion of training to the ~~{committee}~~ *executive director* on a form approved by the ~~{committee}~~ *commission*. Verification must be submitted before January 15 following the year in which training was required.

2. Upon the request of the ~~{committee}~~ *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 continuing education requirement. The ~~{committee}~~ *commission* will notify each officer and his employing agency of any noncompliance. The ~~{committee}~~ *commission* will suspend the certificate of any officer who does not obtain the required training within 6 months after the date on which he received the notice of noncompliance. The ~~{committee}~~ *commission* will reinstate the suspended certificate of an officer upon receiving documentation from the officer which demonstrates that he has complied with the continuing education requirement.

3. As part of the continuing education required pursuant to subsection 1, an officer must:

(a) If the officer is authorized to use a firearm, at least biannually review the policy of his agency on the use of force and demonstrate a minimum level of proficiency in the use of each firearm he is authorized to use. An officer who is not able to demonstrate a minimum level of proficiency with the use of any firearm he is authorized to use may not carry or use the firearm until he participates in a remedial course established by the employing agency to ensure that he achieves and maintains a satisfactory level of proficiency.

(b) If the officer is authorized to use an impact weapon, annually review the policy of his agency on the use of force and demonstrate a minimum level of proficiency in the use of each impact weapon he is authorized to use.

(c) If the duties of an officer require him to use defensive tactics, demonstrate annually a minimum level of proficiency in the use of defensive tactics, including, without limitation, techniques related to applying handcuffs, taking down suspects, self-defense and retention of weapons. If the employing agency authorizes the use of a carotid restraint or lateral vascular neck restraint, each officer in the agency must demonstrate annually a minimum level of proficiency in those techniques.

4. Each employing agency ~~[must]~~ *shall* establish and provide the courses set forth in subsection 3 to its officers and establish the minimum level of proficiency that an officer must demonstrate in each course.

5. An officer who is certified by the ~~[committee]~~ *executive director* to instruct courses in firearms, impact weapons or defensive tactics is not required to comply with the continuing education requirements of subsection 3 if the officer:

(a) Instructs a course in the subject for which his certificate is issued during each calendar year;

(b) Participates at least once every 3 years in a course of training for instructors that is approved by the ~~[committee;]~~ *executive director*; and

(c) Demonstrates to the ~~[committee]~~ *commission* or its designee at least once every 3 years proficiency at the level of an instructor in the subject that he instructs. The ~~[committee]~~ *commission* will establish for each subject the minimum level of proficiency that an instructor must demonstrate.

6. Each agency shall maintain documentation of the courses provided pursuant to subsection 3. 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 ~~committee~~ *executive director* of each officer who completes the training.

Sec. 21. NAC 289.240 is hereby amended to read as follows:

289.240 The ~~committee will~~ *executive director shall* grant an intermediate certificate to an officer upon submission of proof satisfactory to the ~~committee~~ *executive director* that the officer meets the following minimum requirements:

1. Forty hours of training concerning the skills of officers, consisting of courses certified by the ~~committee~~ *executive director* relating to the physical and technical aspects of the requirements of duty , including, without limitation:

- (a) Firearms;
- (b) Self-defense; and
- (c) Use of equipment.

2. Forty hours of training concerning investigative skills, consisting of courses certified by the ~~committee~~ *executive director* covering various aspects and types of investigation, including, without limitation:

- (a) Homicide;
- (b) Interview and interrogation;
- (c) Arson;
- (d) Scientific methods; and
- (e) Other investigative studies.

3. Forty hours of training concerning human development, consisting of courses certified by the ~~{committee}~~ *executive director* relating to the human aspects of the duties of a peace officer, including, without limitation:

- (a) Stress;
- (b) Leadership; and
- (c) Community relations and other related fields.

4. Forty hours of courses certified by the ~~{committee}~~ *executive director* in legal subjects such as civil liability and criminal law.

5. Forty hours of elective training in any courses relating to peace officers. These courses may include excess courses from the categories set out in subsections 1 to 4, inclusive.

6. Six units of credit from an accredited college or university , including three units of English composition.

7. A valid basic certificate.

8. Three years of experience as a peace officer employed by a Nevada agency . ~~{approved by the committee.}~~

9. Current employment as a peace officer by an agency.

Sec. 22. NAC 289.250 is hereby amended to read as follows:

289.250 The ~~{committee will}~~ *executive director shall* grant an advanced certificate to an officer upon submission of proof satisfactory to the ~~{committee}~~ *executive director* that the officer meets the following minimum requirements:

- 1. A current basic certificate.
- 2. A current intermediate certificate.
- 3. Six years of experience as a peace officer.

4. Six units of credit from an accredited college or university in addition to the units required for the intermediate certificate, including three units of courses related to communication, including, without limitation, public speaking and development of instructors.

5. Two hundred hours of training in any courses relating to peace officers in addition to the training completed for the basic and intermediate certificates.

Sec. 23. NAC 289.260 is hereby amended to read as follows:

289.260 The ~~{committee will}~~ *executive director shall* grant a management certificate to an officer upon submission of proof satisfactory to the ~~{committee}~~ *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. Six years of experience as a peace officer, including at least 1 year of experience as a first-line supervisor and a current assignment as a first-line supervisor.

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

6. 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. 24. NAC 289.270 is hereby amended to read as follows:

289.270 1. The ~~committee~~ *commission* will grant an executive certificate to an officer upon submission of proof satisfactory to the ~~committee~~ *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 management certificate.
- (e) Six years of experience as a peace officer, including at least 1 year of experience at the command level and a current assignment at the command level.
- (f) Two hundred hours of training in advanced management in addition to the training completed for the basic, intermediate, advanced ~~and~~ and management certificates.
- (g) Authority to develop and approve policies of the agency. The applicant must present proof of such authority 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.

2. In making a determination pursuant to subsection 1, the ~~committee~~ *commission* will review and consider each applicant individually.

Sec. 25. NAC 289.280 is hereby amended to read as follows:

289.280 1. The ~~committee will~~ *executive director shall* grant an instruction certificate in a specific subject to an officer upon submission of proof satisfactory to the ~~committee~~ *executive director* that the officer meets the following minimum requirements:

~~1.] (a)~~ Two years of experience in the subject for which the certificate is issued or 2 years of education and 1 year of experience in the subject for which the certificate is issued.

~~2.] (b)~~ Successful completion of a formal course of instruction in the:

~~(a)] (1)~~ Subject for which the certificate is issued; and

~~(b)] (2)~~ Development of instructors.

~~3.] (c)~~ Development and submission for approval by the ~~committee~~ *executive director* of a detailed lesson plan for the subject for which the certificate is issued, including, without limitation, objectives for the performance of the students that can be measured with a written or practical examination.

~~4.] (d)~~ Submission to the ~~committee~~ *executive director* of a current written résumé covering the areas of:

~~(a)] (1)~~ Personal identification;

~~(b)] (2)~~ Educational experience;

~~(c)] (3)~~ Work experience;

~~(d)] (4)~~ Teaching experience; and

~~(e)] (5)~~ Recommendation of the employing agency.

FLUSH Instructors may also be certified on the basis of extraordinary experience, education or expertise in an unusually technical subject area.

~~5.] 2.~~ To maintain an instructor certificate, an instructor must teach at least one class in the subject for which the certificate is issued during the year immediately preceding each

anniversary date of the issuance of the certificate. An instructor must provide evidence of compliance with this requirement upon the request of the ~~{committee or its designee.}~~ *executive director.*

Sec. 26. NAC 289.290 is hereby amended to read as follows:

289.290 1. Each of the following constitutes cause for the ~~{committee}~~ *commission* to revoke, refuse or suspend the certificate of a peace officer:

- (a) Willful falsification of any information provided to obtain the certificate.
- (b) A permanent or chronic physical or mental disability affecting the officer's ability to perform his full range of duties.
- (c) Chronic drinking or drunkenness on duty.
- (d) Addiction to or the unlawful use or possession of narcotics or other drugs.
- (e) Conviction of a gross misdemeanor. Upon criminal indictment or filing of a criminal complaint, suspension may be imposed.
- (f) Failure to comply with the standards established in NAC 289.010 to 289.380, inclusive ~~{ }~~ *, and sections 2 and 3 of this regulation.*
- (g) Conviction of a felony. Upon criminal indictment or filing of a criminal complaint, suspension may be imposed. Upon conviction, the certificate will be revoked.
- (h) Conviction of a misdemeanor. If the employing agency recommends suspension or revocation following conviction of the employee for a misdemeanor, suspension or revocation may be imposed. In determining whether to suspend or revoke the certificate, the ~~{committee}~~ *commission* will consider the type of conviction and other information provided by the agency indicating unprofessional conduct or similar undesirable activity by the officer that resulted in disciplinary action.

2. Denial, suspension or revocation procedures will not be considered by the ~~{committee}~~ *commission* in cases where the employment of an officer is terminated for violations of the policies, general orders or similar guidelines of operation of the employing agency which do not constitute any of the causes for denial, suspension or revocation specified in subsection 1.

3. The employing agency shall notify the ~~{committee}~~ *commission* any time that it becomes aware that one of its officers has been charged with a crime that could result in denial, suspension or revocation procedures. Upon receipt of information alleging any of the causes enumerated in subsection 1, the ~~{committee}~~ *commission* will determine whether to pursue revocation or suspension of the certificate of the officer.

4. The ~~{committee}~~ *commission* will notify the officer by certified mail at the officer's last known address of any pending revocation or suspension action and of the nature of the charges and ~~{of}~~ the officer's right to appear and answer the charges. The officer shall, within 15 days ~~{from}~~ *after* the date on the certified mail receipt, respond in writing, notifying the ~~{committee}~~ *commission* of his intended action with reference to the charges.

5. If the officer fails to notify the ~~{committee}~~ *commission* within the specified time of his intention to appear in answer to the pending action, the ~~{committee}~~ *commission* will:

(a) Consider the case on its own merits, using the statement from the head of the employing agency or the substantiated information derived from any independent investigation it deems necessary;

(b) Take no action pending the outcome of possible criminal action which may be filed against the officer; and

(c) Take no action pending the outcome of an appeal.

FLUSH

The ~~{committee's}~~ *commission's* decision will be determined by a majority vote of ~~{committee}~~ *the members of the commission* present.

6. When an officer notifies the ~~{committee}~~ *commission* of his intention to appear and answer the charges pending against him, the ~~{committee}~~ *commission* will elect to sit as a whole at a hearing or designate an independent hearing officer to hear the matter and make recommendations in writing to the ~~{committee. The committee}~~ *commission. The commission* will review the recommendations of any such hearing officer and arrive at a decision by majority vote of the members present.

7. The ~~{committee}~~ *commission* will notify the officer of its decision within 15 days after the hearing.

8. An applicant for a certificate who has not been previously certified, but who would be subject to revocation for any cause set out in subsection 1, will not be granted a certificate.

9. If, upon receiving a written allegation that a peace officer is in violation of any provision of subsection 1 and that the facts and circumstances indicate that suspension rather than revocation would be in the best interests of the agency and law enforcement in general, the ~~{committee}~~ *commission* will suspend the officer's certificate.

10. Any suspension pursuant to this section will be for no longer than 60 days.

11. The ~~{committee}~~ *commission* will provide each peace officer whose certificate is suspended with written notice of the suspension by certified registered mail. The suspension becomes effective 24 hours after receipt of the certified notice. The notice will contain a statement advising the officer of his right to a hearing.

12. Suspension of a certificate is not a bar to future revocation of the certificate and any prior suspensions may be considered as a factor if revocation is being considered by the ~~[committee.]~~ *commission*.

13. Five years after the revocation of a certificate, an officer may submit a written request to the ~~[committee]~~ *commission* to allow him to reinstate his certificate. The ~~[committee]~~ *commission* will schedule a hearing to consider whether to reinstate the officer's certificate. The ~~[committee]~~ *commission* will notify the agency that requested the revocation of the date and time of the hearing. After the hearing, the ~~[committee]~~ *commission* will determine whether to reinstate the certificate. If the certificate is reinstated, the ~~[committee]~~ *commission* may establish a probationary period during which any misconduct by the officer would result in revocation.

Sec. 27. NAC 289.300 is hereby amended to read as follows:

289.300 1. The ~~[committee will]~~ *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 ~~[committee.]~~ *commission*.

(b) Each course submitted to the ~~[committee]~~ *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 ~~[must]~~ *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 ~~[safely]~~ 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 ~~[successfully]~~ 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. 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 situps in 1 minute.
- (4) Absolute strength: maximum weight for one repetition of the bench press or maximum number of pushups in 1 minute.

(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 ~~[committee or its]~~ *executive director or his* staff. Inspections will be conducted at least annually and at other times at the discretion of the ~~[committee.]~~ *executive director*. The agency shall notify the ~~[committee]~~ *executive director* of any proposed changes regarding courses, instructors and facilities.

3. The ~~[committee will]~~ *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 ~~[committee. The committee will]~~ *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 ~~[must]~~ *shall* make the request in writing to the ~~[committee]~~ *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 ~~[committee will]~~ *executive director shall* acknowledge receipt of the request within 5 working days. The ~~[committee will]~~ *executive director shall* respond with a detailed review of the course within 30 days and ~~[will]~~ rule on the request within 45 days after ~~[its]~~ *his* receipt of the request.

Sec. 28. NAC 289.310 is hereby amended to read as follows:

289.310 1. An agency may apply for certification above the level of basic training for a course by submitting to the ~~[committee:]~~ *executive director:*

(a) A concise synopsis of the course, 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 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) The total amount of hours of instruction;

(e) A description of the written or 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.

2. The ~~{committee will}~~ *executive director shall* award certification of a course to an agency which did not comply with the provisions of subsection 1 for a course which has been certified by another state or other comparable agency if the submitting agency presents the supporting documents concerning the subject matter and instructors.

3. A request to certify a course must be approved and signed by the administrator of the agency or his designee. If the course offers training in legal issues and subjects relating to legal liability, the legal adviser of the agency must approve the course and sign the request for certification.

4. The ~~{committee will}~~ *executive director shall* review courses certified pursuant to this section periodically for compliance with the provisions of this section. The ~~{committee will}~~ *executive director shall* notify an agency that provides such a course of any noncompliance.

5. The ~~{committee will}~~ *executive director shall* revoke the certification of a course if the agency that provides the course:

- (a) Requests revocation of the certification of the course;
- (b) Has not provided the course during any period of 24 consecutive months; or
- (c) Does not comply with the provisions of this section.

6. A training course offered by a private vendor must be sponsored by a law enforcement agency ~~{}~~ *or an* accredited university or college.

7. An agency whose course has been certified shall, within 15 working days after the completion of the course and on a form that has been approved by the ~~{committee,}~~ *executive director,* submit to the ~~{committee,}~~ *executive director:*

- (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.

8. An agency 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,

FLUSH is not required to apply to the ~~committee~~ *executive director* for accreditation of the course.

Such an agency shall, within 15 working days after the completion of a course and on a form that has been approved by the ~~committee~~ *commission*, submit to the ~~committee~~ *executive director* a roster of the peace officers who attended the course and each officer's results on the examination.

Sec. 29. NAC 289.350 is hereby amended to read as follows:

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

2. An agency shall submit, upon the request of the ~~committee~~ *commission or its designee*, such documentation or information as the ~~committee~~ *commission or its designee* deems necessary to determine whether the standards and provisions of NAC 289.010 to 289.380, inclusive, *and sections 2 and 3 of this regulation* have been complied with.

Sec. 30. NAC 289.360 is hereby amended to read as follows:

289.360 Upon termination of employment as a peace officer for any reason, the head of the employing agency or his designee shall, within 15 days ~~of~~ *after* the termination, notify the

~~[committee]~~ *executive director* of the termination. The notification must be made on the personnel action report form provided by the ~~[committee.]~~ *commission or its designee*.

Sec. 31. NAC 289.370 is hereby amended to read as follows:

289.370 Any administrator of an agency may petition the ~~[committee]~~ *commission* for a waiver of any provision of NAC 289.010 to 289.380, inclusive, *and sections 2 and 3 of this regulation* on behalf of an officer.

Sec. 32. NAC 289.380 is hereby amended to read as follows:

289.380 1. This section applies to students who are enrolled in a school operated by the ~~[committee.]~~ *commission*.

2. The ~~[committee's]~~ representative *of the commission* who is in charge of the school or the instructor of a course may:

- (a) Orally reprimand a student;
- (b) Assign extra work to the student;
- (c) Restrict the student's privileges; or
- (d) Remove a disruptive student from the class,

FLUSH ~~[where]~~ *when* that action is necessary to maintain orderly conduct at the school. The representative shall report any such action to the ~~[coordinator.]~~ *executive director*.

3. The ~~[coordinator]~~ *executive director* may, upon his own initiative or upon facts and a recommendation presented by the representative, take one of the following disciplinary actions in any case where that action is necessary to maintain order at the school or to ensure the integrity or professionalism of the program of training:

- (a) Written reprimand of a student;
- (b) Suspension of a student; or

(c) Dismissal of a student.

4. The ~~coordinator~~ *executive director* shall notify the administrator of the agency which employs the student in writing in all cases of disciplinary action.

5. Any student subjected to disciplinary action pursuant to the provisions of this section may appeal the action taken to the ~~committee~~ *commission*.

Sec. 33. NAC 289.100 is hereby repealed.

TEXT OF REPEALED SECTION

289.100 Exemption for elected officers. An elected peace officer is not required to meet the standards established by NAC 289.110 and 289.120.