

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

LCB File No. R100-02

Effective November 12, 2002

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

AUTHORITY: §§1-6, NRS 289.510.

Section 1. Chapter 289 of NAC is hereby amended by adding thereto a new section to read as follows:

“Weapons of mass destruction” has the meaning ascribed to it in 18 U.S.C. § 2332a(c)(2).

Sec. 2. NAC 289.010 is hereby amended to read as follows:

289.010 As used in NAC 289.010 to 289.380, inclusive, unless the context otherwise requires, the words and terms defined in NAC 289.015 to ~~289.080,~~ *289.075*, inclusive, *and section 1 of this regulation* have the meanings ascribed to them in those sections.

Sec. 3. 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;
- (o) Laws relating to stalking and aggravated stalking;
- (p) Laws relating to juveniles;
- (q) Miscellaneous crimes; and
- (r) Operation of emergency vehicles.

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) Stalking and aggravated stalking;
- (g) Child abuse;
- (h) Abuse of elderly persons;
- (i) Handling persons who are mentally ill; ~~{and}~~

(j) Crisis intervention ~~H~~; *and*

(k) Weapons of mass destruction.

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;

(e) Investigation of accidents;

(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. 4. NAC 289.200 is hereby amended to read as follows:

289.200 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. *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. 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~~ 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; ~~[and]~~
- (19) Laws relating to stalking and aggravated stalking ~~[.]~~; *and*
- (20) Weapons of mass destruction.*

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

~~—(a) Within] :~~

(a) While enrolled in a basic training course certified or approved pursuant to NAC 289.300; or

(b) Not earlier than 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] before, or not later than~~ 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 *or approved* pursuant to NAC 289.300 sustains a bona fide physical injury ~~[rendering]~~ *that renders* him incapable of ~~[performing the physical requirements to complete the course successfully,]~~ *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 ~~[requirement.]~~ *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 ~~[performing the physical requirements of the course.]~~ *completing the requirements of the state physical fitness examination*. If the executive director determines that an extension of time is warranted, ~~[he]~~ *the executive director* shall authorize an extension of time for a period not to exceed 12 months after the date on which ~~[he received the request.]~~ *the student was hired*.

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]~~ 5 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.]~~ *requirements set forth in subsection 1.*

Sec. 5. NAC 289.300 is hereby amended to read as follows:

289.300 1. The executive director shall certify courses of basic training presented by agencies *or approved by the commission* 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. To pass the examination,~~

~~a student 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.~~

~~(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 that restraint and include presentations on the use of force, the rules of the agency relating 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 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.

Sec. 6. NAC 289.080 is hereby repealed.

TEXT OF REPEALED SECTION

289.080 “State physical fitness examination” defined. (NRS 289.510) “State physical fitness examination” means the test of the physical fitness of a person conducted pursuant to paragraph (f) of subsection 1 of NAC 289.300.

NOTICE OF ADOPTION OF PROPOSED REGULATION
LCB File No. R100-02

The Peace Officers' Standards and Training Commission adopted regulations assigned LCB File No. R100-02 which pertain to chapter 538 of the Nevada Administrative Code on September 26, 2002.

Notice date: 8/23/2002
Hearing date: 9/26/2002

Date of adoption by agency: 9/26/2002
Filing date: 11/12/2002

INFORMATIONAL STATEMENT

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 noticed its intent to amend certain regulations through notices of one (1) public workshop held at 12:15 p.m. on September 26, 2002, at the Great Basin College, Elko, Nevada and via video conference at the Community College of Southern Nevada, North Las Vegas, Nevada; and one (1) Public Hearing held at 12:30 p.m. on September 26, 2002, at the Great Basin College, Elko, Nevada and via video conference at the Community College of Southern Nevada, North Las Vegas, Nevada, 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 the P.O.S.T. Administrative Offices, Carson City, Nevada State Capitol Building, Carson City, State Personnel-Blasdel Building, Carson City, Grant Sawyer Building, Las Vegas, Nevada State Library and Archives, Carson City, Elko County Sheriff's Office, Elko, Elko Police Department, Elko, the Peace Officers' Standards and Training Web Site, and main public library in each county in which the POST 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 POST Commission, 3476 Executive Pointe Way, Suite 12A, Carson City, Nevada 89706.

There were two written comments from interested persons that included Capt. Gary Schofield of the Las Vegas Metropolitan Police Department and one from Mr. Fritz Reese of the Clark County Juvenile Services.

There were no comments received on the other regulation changes.

2. The number of persons who:

- (a) **Attending the Workshop;**
September 26, 2002, Elko – Five (5)
September 26, 2002, North Las Vegas, – Nine (9)
- (b) **Testified at the Workshop;**
September 26, 2002, Elko – Two (2)
September 26, 2002, North Las Vegas, – Four (4)
- (c) **Attending the Public Comment Hearing;**
September 26, 2002, Elko – Three (3)
September 26, 2002, North Las Vegas, – Nine (9)
- (d) **Testified at the Public Comment Hearing;**
September 26, 2002, Elko – Zero (0)
September 26, 2002, North Las Vegas, – One (1)

There were two written comments received by the Commission prior to the events; one from Captain Gary Schofield of the Las Vegas Metropolitan Police Department and one from Mr. Fritz Reese of the Clark County Juvenile Justice Services.

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 workshop and the public comment hearing. The comments from interested persons focused on the proposed 16-week time parameters for physical fitness testing and how it would adversely affect their agencies' hiring practices and academy functionality. Additionally, the change would remove the requirement to physically test individuals attending basic academies thus removing the impetus for physical training in certain academies.

There were no comments received on the other regulation changes.

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 permanent regulation changes were adopted by the POST Commission at its meeting on September 26, 2002. The regulation changes focused on four areas:

(1) The addition of training in “weapons of mass destruction” to the minimum standard of training for category I and the equivalency training course;

(2) Modification of the time period for acceptance of an out of state certification for purposes of obtaining Nevada basic certification, and for re-activating a Nevada POST certification, from 24 months to 60 months;

(3) Movement of all regulations related to the State Physical Fitness Examination from various sections of the Commission’s regulations into one section. **Important note:** The Commission **did not** change any part of the physical fitness test battery as part of this regulation change;

(4) Modification to permit the Executive Director to certify non-agency basic training courses which are approved by the Commission;

(5) Modification of the regulations to provide for acceptance of State Physical Fitness Examination result for tests conducted 16 weeks prior to, and 16 weeks after, an individual’s date of hire.

All of the regulation changes related to the first four areas were adopted without change. There were no public comments recommending changes to any of these areas. The public comment focused on the final area. As a result of public comment, the Commission revised the proposed regulation to include acceptance of State Physical Fitness Examination results from tests administered during a basic training course.

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;

NAC 289.010

Beneficial effects: The modification adds greater clarity to all regulations by consolidating all references to the State physical fitness examination into one section of Chapter 289.

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

NAC 289.140

Beneficial effects: These modifications add weapons of mass destruction to the minimum standards for training in the category I basic training course. This training will provide students with a greater understanding of what constitutes a weapon of mass destruction, and how they are to handle situations involving those weapons of mass destruction in the course their duties as peace officers.

Adverse effects: The existing basic academies will be required to modify their curriculums to accommodate the change.

NAC 289.200

Beneficial effects: These modifications (1) provide clarity by consolidating all of the regulations related to the State Physical Fitness Examination into this section; (2) provide greater flexibility to agencies in the hiring process by allowing them to hire people who have been out of law enforcement for up to 60 months. Agencies hiring officers who were previously certified in Nevada can reactivate their certifications simply by making application to POST. Agencies hiring officers who were previously certified in another state can apply for basic certification after the officers successfully complete the 80-hour equivalency training course, the State Certification Examination, and the State Physical Fitness Examination; (3) clarify when State Physical Fitness Examination results will be accepted, and provide agencies with greater flexibility in determining when to administer that examination to their employees.

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

NAC 289.300

Beneficial effects: This modification permits the Executive Director to certify non-agency courses of basic training that are approved by the Commission, and clarifies the State physical fitness standards by consolidating all of the standards into one section, NAC 289.200.

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

NAC 289.080

Beneficial effects: This modification simply removes the definition of State physical fitness examination from one section as a housekeeping measure.

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

(b) 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.