

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

LCB File No. R066-03

Effective December 4, 2003

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

AUTHORITY: §§1-11, NRS 289.510.

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

The minimum standard of training for reserve officers is successful completion of a basic course that includes 120 hours of training in:

1. Legal subjects, including an overview of:

(a) Constitutional law;

(b) Probable cause;

(c) Search and seizure;

(d) Laws of arrest;

(e) Crimes against property;

(f) Crimes against persons;

(g) Traffic laws;

(h) Laws relating to narcotics;

(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;*
- (n) Laws relating to stalking and aggravated stalking;*
- (o) Laws relating to juveniles; and*
- (p) Miscellaneous crimes.*

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) Handling persons who are mentally ill;*
- (g) Crisis intervention; and*
- (h) Weapons of mass destruction.*

3. Skills of officers, specifically:

- (a) Writing of reports;*
- (b) Fingerprinting;*
- (c) Methods of arrest;*
- (d) Nonlethal weapons;*
- (e) Retention of weapons;*
- (f) Qualification for use of firearms; and*
- (g) Defensive tactics.*

4. Investigation, specifically:

- (a) *Principles of investigation;*
 - (b) *Investigation of crime scenes; and*
 - (c) *Collection and preservation of evidence.*
5. *Community relations, specifically:*
- (a) *Ethics in law enforcement;*
 - (b) *History and principles of law enforcement;*
 - (c) *Courtroom demeanor;*
 - (d) *Emergency first aid;*
 - (e) *Cardiopulmonary resuscitation; and*
 - (f) *Physical conditioning.*
6. *Course administration and examinations.*

Sec. 2. NAC 289.025 is hereby amended to read as follows:

289.025 “Basic training course” means a curriculum of basic training for peace officers that ~~is equivalent to~~ *meets* the minimum standards established by NAC 289.010 to 289.380, inclusive.

Sec. 3. 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 Commission pursuant to NRS 289.550. The term includes sworn full-time, part-time ~~;~~ ~~reserve and volunteer~~ *and reserve* officers who perform the duties of a peace officer. ~~without immediate supervision.~~

Sec. 4. NAC 289.065 is hereby amended to read as follows:

289.065 “Reserve officer” means any peace officer who performs *some of* the duties of a peace officer ~~[without]~~ *with* the immediate supervision of a certified officer and is not employed ~~[as a peace officer]~~ *by the agency* on a full-time basis.

Sec. 5. NAC 289.120 is hereby amended to read as follows:

289.120 1. Each peace officer who is required by NRS 289.550 to be certified must satisfactorily complete a basic course of training approved by the 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. 6. NAC 289.130 is hereby amended to read as follows:

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

4. Training category reserve officer includes peace officers who are reserve officers and who are assigned to an agency that employs category I, category II or category III peace officers.

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

Sec. 7. 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 ; ~~for 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~~ *The Executive Director may award a basic certificate to any peace officer who has been previously certified by the certifying entity of another state or has successfully completed a Federal Law Enforcement Training Center training program approved by the Commission and who meets the minimum standards for appointment established pursuant to NAC 289.110 if:*

(a) *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 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;
- (19) Laws relating to stalking and aggravated stalking; and
- (20) Weapons of mass destruction **[H]**;

(e) The peace officer passes the state certification examination with a score at or above the 70th percentile; and

(f) The peace officer passes 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.*

3. The Executive Director may award a reserve basic certificate to any reserve officer who meets the minimum standards for appointment pursuant to NAC 289.110 and has:

- (a) Satisfactorily completed the basic training course for a reserve certificate;*

(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.

4. Except as otherwise provided in subsection ~~[4.]~~ 5, an officer must pass the state physical fitness examination:

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

or

(b) Not earlier than 16 weeks before, or not later than 16 weeks after, the date on which he was hired ~~†~~

~~—4.]~~ *or, if the officer is a reserve officer, the date of activation of his reserve status.*

5. If a student enrolled in a basic training course certified or approved pursuant to NAC 289.300 sustains a bona fide physical injury that renders him incapable of 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 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 completing the requirements of the state physical fitness examination. If the Executive Director determines that an extension of time

is warranted, the Executive Director shall authorize an extension of time for a period not to exceed 12 months after the date on which the student was hired ~~[-]~~

~~—5.]~~ *or, if the student is a reserve officer, the date of activation of his reserve status.*

6. Upon satisfactory completion of the requirements listed in subsection 1, *2 or 3*, 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 ~~[-]~~ *or, if the officer is a reserve officer, the date of activation of his reserve status;*

(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 this chapter; 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 5 consecutive years, the person must renew his basic certificate by successfully completing the requirements set forth in subsection 1.

Sec. 8. NAC 289.210 is hereby amended to read as follows:

289.210 1. The basic certificate authorizes the holder to perform the duties of a peace officer.

2. *The reserve basic certificate is only effective during those periods when the reserve officer is formally assigned by the agency to perform the duties of a peace officer.*

3. Each basic certificate is issued by the State of Nevada as a revocable privilege and may be denied, suspended or revoked in accordance with the provisions of NAC 289.010 to 289.380, inclusive.

Sec. 9. NAC 289.350 is hereby amended to read as follows:

289.350 1. Upon employment or termination of a peace officer ~~§~~ *or upon the activation or termination of the reserve status of a reserve officer*, an agency shall notify the Executive Director on a personnel action report form provided by the Commission or its designee. *The personnel action report form must be submitted to the Executive Director within 15 days after the date of employment or termination of a peace officer or the activation or termination of the reserve status of a reserve officer.*

2. An agency shall submit, upon the request of the Commission or its designee, such documentation or information as the Commission or its designee deems necessary to determine whether the standards and provisions of NAC 289.010 to 289.380, inclusive, have been complied with.

Sec. 10. A person whose status as a reserve officer was activated before June 3, 2003, but who has not yet been certified by the Commission must, to continue to exercise any powers of a peace officer, become certified by the Commission before June 3, 2004, or the date of expiration of any extension granted by the Commission. Such a person who fails to become certified before June 3, 2004, or the date of expiration of any extension granted by the Commission may not exercise any of the powers of a peace officer.

Sec. 11. NAC 289.220 and 289.360 are hereby repealed.

TEXT OF REPEALED SECTIONS

289.220 Reserve basic certificate. The 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.

289.360 Notice to Executive Director when employment as peace officer terminated. Upon termination of employment as a peace officer for any reason, the head of the employing agency or his designee shall, within 15 days after the termination, notify the Executive Director of the termination. The notification must be made on the personnel action report form provided by the Commission or its designee.

**NOTICE OF ADOPTION OF PROPOSED REGULATION
LCB File No. R066-03**

The Peace Officers' Standards and Training Commission adopted regulations assigned LCB File No. R066-03 which pertain to chapter 289 of the Nevada Administrative Code on September 24, 2003.

Notice date: 8/20/2003
Hearing date: 9/24/2003

Date of adoption by agency: 9/24/2003
Filing date: 12/4/2003

INFORMATIONAL STATEMENT

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

The Commission on Peace Officer' Standards and Training (P.O.S.T.) noticed its intent to amend certain regulations through notices of one (1) public workshop held at 12:00 p.m. on September 24, 2003, and one public comment hearing held at 1215 p.m. on September 24, 2003 in the Santa Maria Room at the Sunset Station Hotel Casino, 1301 West Sunset Road, Henderson, Nevada, all in compliance with NRS 233B.0603.

Notice of the Public Comment hearings were sent via U.S., inter-departmental mail, e-mailed or faxed to all identified law enforcement agencies.

Notice for the Public Hearing was posted at the Nevada State Personnel-Blasdel Building-Carson City, Nevada State Library-Carson City, Nevada State Capitol Building-Carson City, Nevada State Legislature-Carson City, P.O.S.T. Administrative Offices-Carson City and Nevada State Grant Sawyer Building-Las Vegas, the POST website and the main public library in each county in which the P.O.S.T. 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 P.O.S.T. Commission, 3476 Executive Point Way, Suite 12A, Carson City, Nevada 89706.

- 2. The number of persons who attended the workshop:**
September 24, 2003 (09)
- (a) The number of persons who testified at the workshop:**
September 24, 2003 (0)
- (b) The number of persons who attended the Public Comment Hearing:**
September 24, 2003 (07)
- (c) Testified at the Public Comment Hearing:**
September 24, 2003 (0)

There was one written comment received via U.S. Mail by the Commission prior to the public comment hearing from Sheriff Sid Smith of the Lyon County Sheriff's Department.

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 were given an opportunity to submit written comments or testify at the public workshop and the public comment hearing.

Comments received focused on the issue of the definition of immediate supervision. Lyon County Sheriff Sid Smith expressed concern surrounding the term immediate supervision. Sheriff Smith expressed concern that the language of the proposed regulation would be too restrictive and not allow his reserve officers to work special events, etc. without a fully certified deputy being in close proximity to the reserve officer.

Persons wishing to obtain a copy of any written comment, may request copies by calling (775) 684-7678, ext. 228 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 regulation changes were adopted by the POST Commission at its meeting on September 24, 2003. The regulation changes focused on two areas:

- (1) Defining "reserve officer" and setting the minimum standards for training, certification, continuing education, and reporting for those reserve officers.
- (2) Clarifying that a person coming from another state who wishes to take advantage of the reduced training requirements provided for in the current regulations must have been certified as a peace officer by the certifying entity in the other jurisdiction or successfully completed an approved training course presented by the Federal Law Enforcement Training Center.

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

(a) Both adverse and beneficial effects.

Adverse effects:

Individuals from other state who had not previously been certified will be unable to take advantage of the reduced certification requirements provided for in the Commission's regulations. Agencies hiring these individuals would be required to send them to a full basic training academy, thereby incurring the additional expense and loss of personnel resulting from this requirement.

Beneficial effects:

The agencies will have the ability to use reserve officers to supplement their agency's workforce without expending the time or funds to send the reserve officer to the longer basic training courses required of full-time peace officers. This is especially important given the budgetary and personnel constraints of many criminal justice agencies.

Individuals seeking to participate in community service through assisting criminal justice agencies will have an easier time meeting the reduced minimum training requirements. This is important given that fact that many reserve officers also maintain full-time employment in other career areas.

(b) Immediate and long-term effects.

It is anticipated that agencies will incur costs savings through the ability to supplement their agency's workforce with reserve officers. The reduced minimum training requirements for these officers will result in less expense to agencies and/or individuals for the training. Because many reserve officers work without compensation, agencies would enjoy a cost savings through use of reserve officers to supplement their full-time workforce.

(c) Both immediate and long-term effects.

Same as stated in 5(a).

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

There are no anticipated costs associated with any regulation change.

7. A description of any regulations of other state or governmental 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.