

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

LCB File No. R127-04

July 20, 2004

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

AUTHORITY: §§1-4, NRS 289.510; §5, NRS 289.510 and 289.590.

A REGULATION relating to peace officers; increasing the number of hours of training required in a basic course for certain peace officers; revising various provisions concerning basic and reserve basic certificates; and providing other matters properly relating thereto.

Section 1. 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]~~ *600* 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;
- (j) Crisis intervention; 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. 2. 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~~ 300 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;

- (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;
 - (e) Abuse of elderly persons;
 - (f) Handling persons who are mentally ill;
 - (g) Crisis intervention; and
 - (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;
 - (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. 3. 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~~ 200 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

- (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
 - (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. 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;
- (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. 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;

(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;
- (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 5 ~~or~~ **6**, 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 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 or, if the student is a reserve officer, the date of activation of his reserve status.

6. *If an officer passes the state physical fitness examination:*

(a) *While not enrolled in a basic training course certified or approved pursuant to NAC 289.300; and*

(b) More than 16 weeks, but less than 12 months after the date on which he was hired or, if the officer is a reserve officer, the date of activation of his reserve status, ↪ the employing agency of the officer may submit a request to the Executive Director to waive the requirements of subsection 4. The request must include, without limitation, the reason the officer was unable to pass the state physical fitness examination within the periods described in subsection 4. The Executive Director may, for good cause shown, grant a request submitted pursuant to this subsection.

7. 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.

~~7.1~~ 8. 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.

9. If a person who successfully completes a basic training course for the purpose of obtaining a basic certificate is not employed by an agency at the time that he completes the course or within 24 months after he completes the course, the person must renew his basic certificate by successfully completing the requirements set forth in subsection 1.

Sec. 5. 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 Executive Director. The employing agency shall ensure that its officers receive the required training ~~and~~ *before December 31 of each year. The employing agency shall notify each officer of the requirements of this section and the penalties set forth in subsection 3 for failure to comply with this section.* After an officer completes such training, the employing agency shall submit verification of completion of training to the Executive Director on a form approved by the Commission. Verification must be submitted before January 15 following the year in which training was required.

2. If the Executive Director has not received verification of completion of training pursuant to subsection 1 before January 15 following the year in which training was required, the Executive Director shall notify the administrator of the employing agency that he has not received the verification required by subsection 1 and that if the verification is not received on or before February 15 of that year the Executive Director will place the administrator on the agenda for the next following meeting of the Commission to explain the delay in the submission of the verification. If the Executive Director has not received verification of

completion of training pursuant to subsection 1 on or before February 15 following the year in which training was required, the Executive Director shall place the administrator of the employing agency on the agenda for the next following meeting of the Commission.

3. Upon the request of the 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 Commission will notify each officer and his employing agency of any noncompliance. *Each employing agency must provide to the Commission, on a form approved by the Commission, the current residential address of each officer of the agency who has not complied with the continuing education requirement.* The Commission will suspend the certificate of any officer who does not obtain the required training within ~~6 months~~ *60 days* after the date on which he received the notice of noncompliance. The 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.~~ 4. 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~~ *does not* 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~~ *chemical weapon, electronic incapacitating device or other nonlethal weapon*, demonstrate a minimum level of proficiency in the use of each ~~impact~~ *such* weapon *or device* 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.

(d) If the employing agency *of the officer* 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.

(e) *Review each policy of the employing agency which addresses the use of force in any situation in which the agency or the officer may become involved.*

~~4.~~ 5. Each employing agency shall establish and provide the courses set forth in subsection ~~3~~ 4 to its officers and establish the minimum level of proficiency that an officer must demonstrate in each course.

~~5.~~ 6. An officer who is certified by the 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~~ 4 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 Executive Director; and

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

~~6.]~~ 7. Each agency shall maintain documentation of the courses provided pursuant to subsection ~~[3.]~~ 4. 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 Executive Director of each officer who completes the training.