

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

LCB File No. R003-07

November 6, 2007

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

AUTHORITY: §§1-3, NRS 289.510 and 289.600; §4, NRS 259.510, 289.550 and 289.600; §5, NRS 289.510 and 289.590; §6, NRS 289.510.

A REGULATION relating to peace officers; revising certain provisions concerning minimum standards of training for peace officers; 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 hours of training in:

1. ~~Legal subjects;~~ *Law and legal procedures*, specifically:
 - (a) *Civil liability*;
 - (b) Constitutional law;
 - ~~(b) Probable cause;~~
 - ~~(c) Search and seizure;~~
 - ~~(d) Laws of arrest;~~
 - ~~(e)~~ (c) *Crimes against persons*;
 - (d) Crimes against property;
 - ~~(f) Crimes against persons;~~

- ~~—(g)] (e) Juvenile law;~~
- (f) 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)] (g) Laws relating to arrest;~~
- (h) *Laws relating to drugs, including, without limitation, current trends in drugs;*
- (i) Miscellaneous crimes; ~~and~~
- ~~—(r) Operation of emergency vehicles.~~
- ~~—2. Procedures for patrol,]~~
- (j) *Probable cause;*
- (k) *Rights of victims;*
- (l) *Search and seizure;*
- (m) *Traffic laws; and*
- (n) *Use of force.*
- 2. *Patrol operations and investigations, specifically [relating to:*
- ~~—(a) Basic patrol procedures;~~

~~—(b) Stopping and citing of drivers of vehicles;~~

~~—(c) Survival of officers;~~

~~—(d) Searching of buildings;]~~ :

(a) Abuse of elderly persons;

(b) Accident investigations;

(c) Basic patrol procedures;

(d) Child abuse and sexual abuse of a child;

(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;~~

~~—(k) Weapons of mass destruction; and~~

~~—(l) Counter terrorism.~~

~~—3. Skills of officers,] and stalking;~~

(f) Investigation of crime scenes, collection and preservation of evidence and fingerprinting;

(g) Principles of investigation;

(h) Techniques of interviewing and interrogation;

(i) The DWI Detection and Standardized Field Sobriety Testing course approved by the National Highway Traffic Safety Administration; and

(j) Unknown-risk and high-risk vehicle stops.

3. *Performance skills*, specifically:

~~(a) [Techniques of interviewing and interrogation;~~

~~—(b) Writing of reports;~~

~~—(c) Fingerprinting;~~

~~—(d) Methods of arrest;~~

~~—(e) Less] *Health, fitness and wellness;*~~

(b) Interpersonal communications;

(c) Tactics for the arrest and control of suspects, including, without limitation, methods for arrest and the use of less than lethal 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)] (d) Operation of emergency vehicles;~~
 - (e) Provision of emergency first aid and cardiopulmonary resuscitation;*
 - (f) Searching of buildings;*
 - (g) Training in the use of firearms; and*
 - (h) Writing of reports.*
- 4. The functions of a peace officer, specifically:*
 - (a) Care of persons in custody;*
 - (b) Community policing;*
 - (c) Counter-terrorism and weapons of mass destruction;*
 - (d) Courtroom demeanor, including, without limitation, the giving of testimony;*
 - (e) Crisis intervention;*
 - (f) Ethics in law enforcement;*
 - (g) Handling of persons who are mentally ill;*
 - (h) History and principles of law enforcement;*

(i) *Management of stress;*

(j) National Crime Information Center ~~procedure; and~~

~~(g) Physical conditioning;~~

~~7.] procedures;~~

(k) *Survival of peace officers;*

(l) *Systems of criminal justice; and*

(m) *The realities of law enforcement.*

5. 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 hours of training in:

1. ~~Legal subjects,]~~ *Law and legal procedures*, specifically:

(a) *Civil liability;*

(b) Constitutional law;

~~(b) Probable cause;~~

~~(c) Search and seizure;~~

~~(d) Laws of arrest;~~

~~(e) Crimes against property;~~

~~(f)] (c) Crimes against persons;~~

~~(g)] (d) Crimes against property;~~

(e) *Juvenile law;*

(f) *Laws relating to arrest;*

(g) Laws relating to ~~[narcotics;]~~ *drugs, including, without limitation, current trends in drugs;*

(h) Miscellaneous crimes;

(i) ~~[Civil liability;]~~ *Probable cause;*

(j) *Rights of victims;*

(k) *Search and seizure; and*

(l) 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)] 2. Operations and investigations, specifically:~~

~~(a) Abuse of elderly persons;~~

~~(b) Child abuse ~~;~~~~

~~—(e) Abuse of elderly persons;~~

~~—(f) Handling persons who are mentally ill;~~

~~—(g) Crisis intervention;~~

~~—(h) Care and custody of prisoners;~~

~~—(i) Weapons of mass destruction; and~~

~~—(j) Counter terrorism.~~

~~—3. Skills of officers, specifically:~~

~~—(a)] and sexual abuse of a child;~~

(c) Domestic violence and stalking;

(d) Investigation of crime scenes, collection and preservation of evidence and fingerprinting;

(e) Principles of investigation; and

(f) Techniques of interviewing and interrogation . ~~⌘~~

~~⌘~~ *3. Performance skills, specifically:*

(a) Health, fitness and wellness;

(b) Interpersonal communications;

(c) Provision of emergency first aid and cardiopulmonary resuscitation;

(d) Tactics for the arrest and control of suspects, including, without limitation, methods for arrest and the use of less than lethal weapons;

(e) Training in the use of firearms; and

(f) Writing of reports . ~~⌘~~

~~(e) 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) 4. *The functions of a peace officer, specifically:*~~
 - (a) Care of persons in custody;*
 - (b) Counter-terrorism and weapons of mass destruction;*
 - (c) Courtroom demeanor, including, without limitation, the giving of testimony;*
 - (d) Crisis intervention;*
 - (e) Ethics in law enforcement;*
 - (f) Handling of persons who are mentally ill;*

(g) *History and principles of law enforcement;*

(h) *Management of stress;*

(i) National Crime Information Center ~~procedure.~~

~~7.]~~ *procedures;*

(j) *Survival of peace officers;*

(k) *Systems of criminal justice; and*

(l) *The realities of law enforcement.*

5. Course administration and examinations.

Sec. 3. NAC 289.170 is hereby amended to read as follows:

289.170 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:]~~ *Law and legal procedures, specifically:*

(a) *Civil liability;*

(b) Constitutional law;

~~(b) Probable cause;~~

~~(c) Search and seizure;~~

~~(d) Laws of arrest;~~

~~(e) Crimes against property;~~

~~(f)]~~ (c) 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)]~~ *(d) Crimes against property;*
- (e) Juvenile law;*
- (f) Laws relating to arrest;*
- (g) Laws relating to drugs, including, without limitation, current trends in drugs;*
- (h) Miscellaneous crimes [;*
- ~~—2. Procedures for patrol,];~~
- (i) Probable cause;*
- (j) Search and seizure;*
- (k) Traffic laws; and*
- (l) Use of force.*
- 2. Patrol operations and investigations, specifically : [relating to:]*
- (a) Abuse of elderly persons;*
- (b) 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;~~
- ~~—(h) Weapons of mass destruction; and~~
- ~~—(i) Counter terrorism.~~
- ~~—3. Skills of officers,]~~

(c) Child abuse and sexual abuse of a child;

(d) Domestic violence and stalking;

(e) Investigation of crime scenes, collection and preservation of evidence and fingerprinting;

(f) Principles of investigation; and

(g) Unknown-risk and high-risk vehicle stops.

3. *Performance skills*, specifically:

(a) Health, fitness and wellness;

(b) Provision of emergency first aid and cardiopulmonary resuscitation;

(c) Searching of buildings;

(d) Tactics for the arrest and control of suspects, including, without limitation, methods for arrest and the use of less than lethal weapons;

(e) Training in the use of firearms; and

(f) Writing of reports . f;

~~—(b) Fingerprinting;~~

~~—(c) Methods of arrest;~~

~~—(d) Less than lethal 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;~~
- ~~(e)]~~ 4. *The functions of a peace officer, specifically:*
 - (a) *Counter-terrorism and weapons of mass destruction;*
 - (b) *Courtroom demeanor* ~~];~~
 - ~~—(d) Emergency first aid;~~
 - ~~—(e) Cardiopulmonary resuscitation; and~~
 - ~~—(f) Physical conditioning.~~
- ~~6.]~~, *including, without limitation, the giving of testimony;*
 - (c) *Crisis intervention*
 - (d) *Ethics in law enforcement;*
 - (e) *Handling of persons who are mentally ill;*
 - (f) *History and principles of law enforcement;*
 - (g) *Management of stress;*
 - (h) *National Crime Information Center procedures;*
 - (i) *Survival of peace officers;*
 - (j) *Systems of criminal justice; and*

(k) The realities of law enforcement.

5. 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;
- (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 *that satisfies the requirements established by the Commission pursuant to subsection 1 of NAC 289.300* in:

- (1) *Abuse of elderly persons;*
- (2) *Civil liability;*
- (3) Constitutional law;
- ~~[(2) Probable cause;~~
- ~~— (3) Search and seizure;~~
- ~~— (4) Laws of arrest;~~
- ~~— (5) Crimes against property;~~
- ~~— (6)] (4) *Counter-terrorism and weapons of mass destruction;*~~
- (5) Crimes against persons;
- ~~[(7) Laws relating to narcotics;~~
- ~~— (8) Civil liability;]~~
- (6) *Crimes against property;*
- (7) *Cultural awareness;*
- (8) *Domestic violence and stalking;*
- (9) *Ethics in law enforcement or for correctional officers;*
- (10) *Juvenile law;*
- (11) *Laws relating to arrest;*
- (12) *Laws relating to drugs, including, without limitation, current trends in drugs;*
- (13) *Miscellaneous crimes;*
- (14) *Probable cause;*

(15) Rights of victims;

(16) Search and seizure;

(17) Sexual harassment; and

(18) 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;~~

~~—(20) Weapons of mass destruction; and~~

~~—(21) Counter terrorism;}~~

(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 basic certificate in training category I to a peace officer who holds a basic certificate in training category II issued by the Commission if the peace officer:

(a) Is currently employed as a peace officer by an agency;

(b) Has satisfactorily completed a training course approved by the Executive Director that consists of a minimum of 280 hours of training in:

(1) ~~Legal subjects;~~ *Law and legal procedures*, specifically:

(I) Laws governing coroners; *and*

(II) Traffic laws; ~~and~~

~~(III) Operation of emergency vehicles;~~

~~(2) Procedures for patrol, specifically relating to;~~

(2) *Patrol operations and investigations, specifically:*

(I) *Accident investigations;*

(II) Basic patrol procedures;

~~(II) Stopping and citing of drivers of vehicles;~~

~~(III) Searching of buildings;~~

~~(IV) Weapons of mass destruction; and~~

~~(V) Counter terrorism;~~

~~(3) Skills of officers, specifically:~~

~~(I) Less than lethal weapons; and~~

~~(H)~~ (III) *The DWI Detection and Standardized Field Sobriety Testing course approved by the National Highway Traffic Safety Administration; and*

(IV) *Unknown-risk and high-risk vehicle stops;*

(3) *Performance skills, specifically:*

(I) *Operation of emergency vehicles;*

(II) *Searching of buildings; and*

(III) *Tactics for the arrest and control of suspects, including, without limitation, methods for arrest and the use of less than lethal weapons; and*

(4) ~~Investigations, specifically:~~

~~(I) Investigation of drivers who are under the influence of alcohol or a controlled substance; and~~

~~(II) Investigation of accidents;] The functions of a peace officer, specifically relating to counter-terrorism and weapons of mass destruction; and~~

(c) Passes the state certification examination for training category I with a score at or above the 70th percentile.

4. 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.

5. Except as otherwise provided in subsection 6 or 7, 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.

6. 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.

7. 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 5. 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 5. The Executive Director may, for good cause shown, grant a request submitted pursuant to this subsection.

8. Upon satisfactory completion of the requirements listed in subsection 1, 2, 3 or 4, 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 Division of Welfare and Supportive Services of the Department of Health and Human Services pursuant to NRS 425.520.

9. 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.

10. If a person who successfully completes a basic training course for the purpose of obtaining a basic certificate is not employed by an agency within 24 months after he completes the course, the person must repeat all of the requirements for basic certification 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. 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 31 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 31 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 March 1 of that year, the Executive Director will place the administrator on the agenda for the next scheduled 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 March 1 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 scheduled 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. The Commission will suspend the certificate of any officer who does not obtain the required training within 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.

4. ~~As~~ *Except as otherwise provided in subsection 6, 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 demonstrate a minimum level of proficiency in the use of each firearm he is authorized to use. An officer who 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, chemical weapon, electronic incapacitating device or other less *than* lethal weapon, demonstrate a minimum level of proficiency in the use of each 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, 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.

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

6. *An officer:*

(a) Who voluntarily leaves his employment as a peace officer for at least 12 consecutive months but not more than 60 consecutive months;

(b) Whose employment as a peace officer is terminated for any reason for at least 12 consecutive months but not more than 60 consecutive months; or

(c) Who, during a period of continuous employment as a peace officer, is absent from his duties as a peace officer because of medical leave, military leave or other approved leave for at least 12 consecutive months,

↪ must satisfy the requirements of paragraphs (b) to (e), inclusive, of subsection 4 and demonstrate a minimum level of proficiency in the use of each firearm he is authorized to use before he resumes his duties as a peace officer.

7. 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 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 in the subject that he instructs.

~~[7.]~~ 8. Each agency shall maintain documentation of the courses provided pursuant to subsection 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.

Sec. 6. NAC 289.290 is hereby amended to read as follows:

289.290 1. Each of the following constitutes cause for the 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.

(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 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 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 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 Commission will determine whether to pursue revocation or suspension of the certificate of the officer.

4. The 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 the officer's right to appear and answer the charges. The officer shall, within 15 days after the date on the certified mail receipt, respond in writing, notifying the Commission of his intended action with reference to the charges.

5. If the officer fails to notify the Commission within the specified time of his intention to appear in answer to the pending action, the 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.

↳ The Commission's decision will be determined by a majority vote of the members of the Commission present.

6. When an officer notifies the Commission of his intention to appear and answer the charges pending against him, the 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 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 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 Commission will suspend the officer's certificate.

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

~~11.~~ The 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.~~ **11.** 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 Commission.

~~13.~~ **12.** Five years after the revocation of a certificate, an officer may submit a written request to the Commission to allow him to reinstate his certificate. The Commission will schedule a hearing to consider whether to reinstate the officer's certificate. The Commission will notify the agency that requested the revocation of the date and time of the hearing. After the hearing, the Commission will determine whether to reinstate the certificate. If the certificate is reinstated, the Commission may establish a probationary period during which any misconduct by the officer would result in revocation.