

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

LCB File No. R188-12

Effective December 23, 2013

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

AUTHORITY: §§1-5, NRS 289.510.

A REGULATION relating to peace officers; revising provisions governing the training of peace officers; authorizing the Executive Director of the Peace Officers’ Standards and Training Commission to temporarily reinstate a basic or reserve certificate under certain circumstances; revising the requirements for obtaining intermediate and advanced certificates; revising provisions governing courses of training above the level of basic training; and providing other matters properly relating thereto.

Section 1. 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.~~ *by any means approved by the Executive Director.* 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 or she 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 or her 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 or she received the notice of noncompliance. *The Executive Director may temporarily reinstate the suspended certificate of an officer upon receiving documentation from the officer which demonstrates that he or she has complied with the continuing education requirement. The temporary reinstatement of the suspended certificate is effective upon the Executive Director's approval of the temporary reinstatement and expires on the date on which the Commission determines whether to reinstate the certificate.* The Commission will reinstate the suspended certificate *or temporarily reinstated certificate* of an officer upon receiving documentation from the officer which demonstrates that he or she has complied with the continuing education requirement.

4. Except as otherwise provided in subsections 6 and 7, 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 or she is authorized to use. An officer who does not demonstrate a minimum level of proficiency with the use of any firearm he or she is authorized to use may not carry or use the firearm until he or she participates in a remedial course established by the employing agency to ensure that the officer 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, at least annually demonstrate a minimum level of proficiency in the use of each such weapon or device he or she is authorized to use. An officer who does not demonstrate a minimum level of proficiency with the use of any such weapon may not carry or use that weapon until the officer participates in a remedial course established by the employing agency to ensure that the officer achieves and maintains a satisfactory level of proficiency.

(c) If the duties of an officer require him or her 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 annually 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 or her 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 or her 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 or she is authorized to use before resuming his or her duties as a peace officer.

7. An officer who instructs a course pursuant to subsection 4 is not required to comply with the continuing education requirements of subsection 4 to which the instruction applies if the officer:

(a) Instructs a course in the subject for which the officer is qualified and approved by the administrator of the officer's agency 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 or she instructs.

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. 2. NAC 289.240 is hereby amended to read as follows:

289.240 The Executive Director shall grant an intermediate certificate to an officer upon submission of proof satisfactory to the Executive Director that the officer ~~meets the following minimum requirements:~~

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

~~—(a) Firearms;~~

~~—(b) Self-defense; and~~

~~—(c) Use of equipment.~~

~~—2.— Forty hours of training concerning investigative skills, consisting of courses certified by the Executive Director covering various aspects and types of investigation, including, without limitation:~~

~~—(a) Homicide;~~

~~—(b) Interview and interrogation;~~

~~—(c) Arson;~~

~~—(d) Scientific methods; and~~

~~—(e) Other investigative studies.~~

~~—3. Forty hours of training concerning human development, consisting of courses certified by the Executive Director relating to the human aspects of the duties of a peace officer, including, without limitation:~~

~~—(a) Stress;~~

~~—(b) Leadership; and~~

~~—(c) Community relations and other related fields.~~

~~—4. Forty hours of courses certified by the Executive Director in legal subjects such as civil liability and criminal law.~~

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

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

~~—7. A} :~~

1. Has a valid basic certificate †

~~—8. Three} ;~~

2. Is currently employed as a peace officer by an agency; and

3. Meets the minimum requirements set forth in one of the following paragraphs:

(a) The officer:

(1) Has 2 years of experience as a peace officer employed by a Nevada agency †

~~—9. Current employment as a peace officer by an agency.} ;~~

(2) Holds a bachelor's degree or a higher degree from a college or university accredited by a national or regional accrediting body recognized by the United States Department of Education; and

(3) In addition to the training required by NAC 289.230, has successfully completed 20 hours of training in courses concerning the duties of peace officers, consisting of courses certified pursuant to NAC 289.310.

(b) The officer:

(1) Has 4 years of experience as a peace officer employed by a Nevada agency;

(2) Holds an associate's degree from a college or university accredited by a national or regional accrediting body recognized by the United States Department of Education; and

(3) In addition to the training required by NAC 289.230, has successfully completed 40 hours of training in courses concerning the duties of peace officers, consisting of courses certified pursuant to NAC 289.310.

(c) The officer:

(1) Has 6 years of experience as a peace officer employed by a Nevada agency;

(2) Has earned 45 units of credit from a college or university accredited by a national or regional accrediting body recognized by the United States Department of Education; and

(3) In addition to the training required by NAC 289.230, has successfully completed 80 hours of training in courses concerning the duties of peace officers, consisting of courses certified pursuant to NAC 289.310.

(d) The officer:

(1) Has 8 years of experience as a peace officer employed by a Nevada agency;

(2) Has earned 30 units of credit from a college or university accredited by a national or regional accrediting body recognized by the United States Department of Education; and

(3) In addition to the training required by NAC 289.230, has successfully completed 120 hours of training in courses concerning the duties of peace officers, consisting of courses certified pursuant to NAC 289.310.

(e) The officer:

(1) Has 10 years of experience as a peace officer employed by a Nevada agency;

(2) Has earned 15 units of credit from a college or university accredited by a national or regional accrediting body recognized by the United States Department of Education; and

(3) In addition to the training required by NAC 289.230, has successfully completed 160 hours of training in courses concerning the duties of peace officers, consisting of courses certified pursuant to NAC 289.310.

(f) The officer:

(1) Has 12 years of experience as a peace officer employed by a Nevada agency; and

(2) In addition to the training required by NAC 289.230, has successfully completed 200 hours of training in courses concerning the duties of peace officers, consisting of courses certified pursuant to NAC 289.310.

Sec. 3. NAC 289.250 is hereby amended to read as follows:

289.250 The Executive Director shall grant an advanced certificate to an officer upon submission of proof satisfactory to the Executive Director that the officer : ~~meets the following minimum requirements:~~

1. ~~{A}~~ *Has a* current basic certificate ; ~~{}~~
2. ~~{A}~~ *Has a* current intermediate certificate ; ~~{}~~

3. ~~{Six}~~ *Is currently employed as a peace officer by an agency; and*

4. *Meets the minimum requirements set forth in one of the following paragraphs:*

(a) The officer:

(1) Has 4 years of experience as a peace officer †

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

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

(2) Holds a bachelor's degree or a higher degree from a college or university accredited by a national or regional accrediting body recognized by the United States Department of Education; and

(3) In addition to the training required by NAC 289.230, has successfully completed 40 hours of training in courses concerning the duties of peace officers, consisting of courses certified pursuant to NAC 289.310.

(b) The officer:

(1) Has 6 years of experience as a peace officer;

(2) Holds an associate's degree from a college or university accredited by a national or regional accrediting body recognized by the United States Department of Education; and

(3) In addition to the training required by NAC 289.230, has successfully completed 80 hours of training in courses concerning the duties of peace officers, consisting of courses certified pursuant to NAC 289.310.

(c) The officer:

(1) Has 8 years of experience as a peace officer;

(2) Has earned 45 units of credit from a college or university accredited by a national or regional accrediting body recognized by the United States Department of Education; and

(3) In addition to the training required by NAC 289.230, has successfully completed 160 hours of training in courses concerning the duties of peace officers, consisting of courses certified pursuant to NAC 289.310.

(d) The officer:

(1) Has 10 years of experience as a peace officer;

(2) Has earned 30 units of credit from a college or university accredited by a national or regional accrediting body recognized by the United States Department of Education; and

(3) In addition to the training required by NAC 289.230, has successfully completed 240 hours of training in courses concerning the duties of peace officers, consisting of courses certified pursuant to NAC 289.310.

(e) The officer:

(1) Has 12 years of experience as a peace officer;

(2) Has earned 15 units of credit from a college or university accredited by a national or regional accrediting body recognized by the United States Department of Education; and

(3) In addition to the training required by NAC 289.230, has successfully completed 320 hours of training in courses concerning the duties of peace officers, consisting of courses certified pursuant to NAC 289.310.

(f) The officer:

(1) Has 14 years of experience as a peace officer; and

(2) In addition to the training required by NAC 289.230, has successfully completed 400 hours of training in courses concerning the duties of peace officers, consisting of courses certified pursuant to NAC 289.310.

Sec. 4. NAC 289.310 is hereby amended to read as follows:

289.310 1. An agency *or other provider of training* may apply for certification above the level of basic training for a course by submitting to the Executive Director ~~†~~, *by any means approved by the Executive Director, a request to certify the course on a form approved by the Executive Director and:*

(a) A concise synopsis of the course, including, without limitation, the title of the course, the intended goals of the course and specific objectives for the students in the course;

(b) A detailed lesson plan, including, without limitation, a chronological list of the major subject headings;

(c) A list of the intended instructors, including, without limitation, a brief resume of experience in the subject area and experience in instructing for each instructor;

(d) The total amount of hours of instruction;

(e) A description of the written or practical examinations on the material covered by the course which is to be graded on a pass or fail basis and which measures accomplishment of the objectives by the students, including, without limitation, an examination at the beginning and end of the course; and

(f) A bibliography of all resource materials used to prepare the course.

2. The Executive Director shall award certification of a course to an agency *or other provider of training* which did not comply with the provisions of subsection 1 for a course which has been certified by another state or other comparable agency if the submitting agency *or other*

provider of training presents the supporting documents concerning the subject matter and instructors.

3. A request to certify a course must be approved ~~{and signed}~~ by the administrator of the agency *or other provider of training* or the administrator's designee. If the course offers training in legal issues and subjects relating to legal liability, the legal adviser of the agency *or other provider of training* must approve the course . ~~{and sign the request for certification.}~~

4. The Executive Director shall review courses certified pursuant to this section periodically for compliance with the provisions of this section. The Executive Director shall notify an agency *or other provider of training* that provides such a course of any noncompliance.

5. The Executive Director shall revoke the certification of a course if the agency *or other provider of training* that provides the course:

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

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

~~—7.}~~ An agency *or other provider of training* whose course has been certified shall ~~{, within 15 working days after the completion of the course and on a form that has been approved by the Executive Director, submit to the Executive Director.}~~ *maintain on file, and make available for inspection upon the request of the Commission or its designee:*

- (a) A roster of the peace officers who attended the course;
- (b) Each officer's results on the examination; and
- (c) An evaluation of the course by each peace officer who attended the course.

~~18.1~~ 7. An agency *or other provider of training* whose course is currently accredited by an organization, such as the National Accreditation Committee or the American Correctional Association, which:

- (a) Is nationally recognized; and
- (b) Gives accreditation to courses for peace officers,

↪ is not required to apply to the Executive Director for accreditation of the course. Such an agency *or other provider of training* shall ~~15~~ ~~within 15 working days after the completion of a course and on a form that has been approved by the Commission, submit to the Executive Director~~ *maintain on file, and make available for inspection upon the request of the Commission or its designee*, a roster of the peace officers who attended the course , ~~and~~ each officer's results on the examination ~~15~~ *and an evaluation of the course by each peace officer who attended the course.*

8. *An agency or other provider of training whose course has been certified shall issue a certificate of completion to all peace officers who successfully complete the course of training.*

The certificate must contain:

- (a) The certification number assigned to the course by the Commission;*
- (b) The name of the course;*
- (c) The hours of training earned for the course; and*
- (d) The date on which the course was presented.*

9. *The employing agency of a peace officer who attends a course certified pursuant to this section shall, upon receipt of the certificate of completion issued to the peace officer pursuant to subsection 8, report the peace officer's successful completion of the course to the Executive Director by any means approved by the Executive Director.*

Sec. 5. NAC 289.320 is hereby amended to read as follows:

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

LEGISLATIVE REVIEW OF ADOPTED REGULATIONS--NRS 233B.066
Informational Statement
LCB File No. R188-12

1. A clear and concise explanation of the need for the adopted regulation.

AMENDED: The NRS and NAC provide for the authority and responsibility of POST which includes, adopt regulations establishing minimum standards for the certification of peace officers. Nevada POST and law enforcement leaders are making every attempt to increase professionalism amongst law enforcement officers. POST has long realized that professional career development is dependent on factors such as longevity, advanced peace officer training.

The requirements in the current regulation for the Intermediate and Advanced certificates do not recognize higher education for Nevada peace officers as advantageous to the citizens of Nevada. The revisions to these regulations allow for recognition of higher education, longevity and advanced law enforcement training as viable towards the professional development of Nevada peace officers.

Currently an officer who has come into compliance with annual continuing education requirements is not authorized to perform the duties of a peace officer until re-instated by the Commission. This creates a delay of several months before the Commission can re-instate the officer. Amendment will authorize the Executive Director to temporarily reinstate an officer's certificate who has come into compliance with the continuing education requirements so they can return to work pending final reinstatement by the Commission.

Currently only law enforcement agencies and institutions of higher education can have courses certified by the Commission. The amendment would allow for private training vendors to meet the same standards and requiring training providers to maintain and make available for inspection upon request of the Commission certain training records. The amendment should increase the efficiency of agencies and the Commission by permitting electronic submission of training records and eliminating paper forms for submission.

The Commission on Peace Officer' Standards and Training noticed its intent to amend certain regulations through notice of one (1) public workshop. The workshop was held at 1:30 p.m. on November 16, 2012, at the Commission on Peace Officers' Standards and Training, 5587 Wa Pai shone Avenue, Carson City, Nevada. One (1) Public Comment Hearing held at 5:00 pm on Tuesday October 29, 2013 at the Palace Station Hotel and Casino, at 2411 W. Sahara, Salon room F and G, Las Vegas, Nevada, all in compliance with NRS 233B.0603.

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

Notice for the Public Comment Hearing was posted at all Nevada county libraries, POST Administrative Offices, Carson City; Nevada State Capitol Building, Carson City; State

Blasdel Building, Carson City; Nevada State Library, Carson City; Grant Sawyer Building, Las Vegas, White Pine County Sheriff's Office, Ely; emailed to all Nevada criminal justice agency administrators, and posted pursuant to NRS 233B.0653 on the Nevada POST website at www.post.state.nv.us and on the Internet at the Legislative web site at www.leg.state.nv.us.

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, 5587 Wa Pai Shone Avenue, Carson City, Nevada 89701.

No written comments were received by the Commission prior to the hearing.

2. Description of how public comment was solicited, a summary of public response, and an explanation of 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 workshop and the public comment hearing. Persons wishing to obtain a copy of any written comments may request copies by calling (775) 687-7678 or by writing to the Commission on Peace Officers' Standards and Training, Executive Director, 5587 Wa Pai Shone Avenue, Carson City, Nevada 89701.

3. The number of persons who:

(a) Attended each hearing:

Workshop	11/16/2012	7 attendance
Public Comment Hearing	10/29/2013	9 attendance

(b) Testified at each hearing:

Workshop	11/16/2012	0 testified
Public Comment Hearing	10/29/2013	0 testified

(c) Submitted written comments:

Workshop	11/16/2012	0 written comments
Public Comment Hearing	10/29/2013	0 written comments

4. For each person identified in paragraphs (b) and (c) of number 3 above, the following information if provided to the agency conducting the hearing:

NOTATION: Not Applicable; for (b) and (c) of number 3 above.

- (a) Name;** NA
- (b) Telephone number;** NA
- (c) Business address;** NA
- (d) Business telephone number;** NA
- (e) Electronic mail address; and** NA
- (f) Name of entity or organization represented.** NA

5. **A description of how comment was solicited from affected businesses, a summary of their response and an explanation of how other interested persons may obtain a copy of the summary.**

Comment was solicited as provided in section one.

6. **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 Legislative Counsel Bureau version of the regulations was adopted at the POST Commission meeting on October 29, 2013 without change. There were no public comments to suggest or recommend modifications to the Legislative Counsel Bureau language therefore the Commission adopted the change as provided.

7. **The estimated economic effect of the regulation on the business which it is to regulate and on the public.**

(a) Estimated economic effect on the businesses which they are to regulate.

There is no anticipated adverse effect. There is a positive effect allowing for electronic submission of forms for certification and compliance to the Commission verses mailing paper form. This creates a fiscal saving and efficiency for the reporting agencies.

The amendment to the regulations should lead to an increased level of professionalism among peace officers employed by law enforcement agencies. The amendment will authorize the Executive Director to temporarily reinstate an officer's certificate who has come into compliance with the continuing education requirements so they can return to work prior to the next Commission meeting. The Amendment restructures the training, education and time of service requirements to qualify for the Intermediate and Advanced Certificates providing merit for education and time of service. The amendment requires training providers to maintain and make available for inspection upon request of the Commission certain training records. The amendment should increase the efficiency of agencies and the Commission by permitting electronic submission of training records.

(b) Estimated economic effect on the public which they are to regulate.

Same as 7(a).

8. **The estimated cost to the agency for enforcement of the proposed regulation:**

There should be no additional cost for agencies or training providers. This incorporates a more efficient process for the agencies when submitting training and certification information to the Commission and eliminates the fiscal component of mailing paper versions to the Commission.

9. **A description of any regulations of other State or governmental agencies which the regulation overlaps or duplicates and a statement explaining why the duplication or**

overlap is necessary. If the regulation overlaps or duplicates a federal regulation, the name of the regulating federal agency.

There are no other agencies or organizations whose functions overlap or duplicate the Commissions.

- 10. If the regulation includes provisions that are more stringent than a federal regulation that regulates the same activity, a summary of such provisions.**

These regulations do not include provisions which are more stringent than federal regulations that regulate the same activity.

- 11. 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.**

There are no fees associated with these changes.