

PROPOSED REGULATION OF THE PEACE OFFICERS' STANDARDS AND TRAINING COMMISSION

LCB File No. R188-12

NAC REVISIONS

289.230 NAC Basic or reserve certificate: Requirements for continuing education and resuming duties. (NRS 289.510, 289.590)

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 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 they have complied with the continuing education requirements. The temporary reinstatement of the certificate is effective upon Executive Director's approval and expires when the Commission decides whether to reinstate the certificate at its next regularly scheduled Commission meeting.* 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. (e)

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.

NAC 289.240 Intermediate certificate. (NRS 289.510) The Executive Director shall grant an intermediate certificate to an officer upon submission of proof satisfactory to the Executive Director that the officer *has a valid basic certificate, current employment as a peace officer by an agency and* meets *all of the* ~~following~~ minimum requirements *contained in any one of the following numbered paragraphs:*

1. *Two years of experience as a peace officer employed by a Nevada agency.* ~~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;] Four year bachelors degree or higher from an accredited college or university recognized by the Nevada Department of Higher Education or US Department of Education.~~

~~[(b)Self-defense; and~~

~~—(c)Use of equipment.]~~

2. *Three years of experience as a peace officer employed by a Nevada agency.* ~~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) *Two year associates degree from an accredited college or university recognized by the Nevada Department of Higher Education or US Department of Education.* ~~[Homicide;]~~

(b) *One hundred hours of training consisting of courses certified in compliance with NAC 289.310 relating to the duties of peace officers in addition to the training requirements in NAC 289.230.* ~~[Interview and interrogation;~~

~~—(c) Arson;~~

~~—(d) Scientific methods; and~~

~~—(e) Other investigative studies.]~~

3. *Four years of experience as a peace officer employed by a Nevada agency.* ~~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) *Forty five credits from an accredited college or university recognized by the Nevada Department of Higher Education or US Department of Education.* ~~[Stress;]~~

(b) *Eighty hours of training consisting of courses certified in compliance with NAC 289.310 relating to the duties of peace officers in addition to the training requirements in NAC 289.230.* ~~[Leadership; and~~

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

4. *Six years of experience as a peace officer employed by a Nevada agency.* ~~Forty hours of courses certified by the Executive Director in legal subjects such as civil liability and criminal law.]~~

(a) *Thirty credits from an accredited college or university recognized by the Nevada Department of Higher Education or US Department of Education.*

(b) *Forty hours of training consisting of courses certified in compliance with NAC 289.310 relating to the duties of peace officers in addition to the training requirements in NAC 289.230.*

5. *Eight years of experience as a peace officer employed by a Nevada agency.* ~~[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.]~~

(a) *Fifteen credits from an accredited college or university recognized by the Nevada Department of Higher Education or US Department of Education.*

(b) *Forty hours of training consisting of courses certified in compliance with NAC 289.310 relating to the duties of peace officers in addition to the training requirements in NAC 289.230.*

6. *Ten years of experience as a peace officer employed by a Nevada agency* ~~[Six units of credit from an accredited college or university, including three units of English composition.]~~

(a) *Forty hours of training consisting of courses certified in compliance with NAC 289.310 relating to the duties of peace officers in addition to the training requirements in NAC 289.230.*

~~[7. A valid basic certificate.~~

~~—8. Three years of experience as a peace officer employed by a Nevada agency.~~

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

NAC 289.250 Advanced certificate. (NRS 289.510) The Executive Director shall grant an advanced certificate to an officer upon submission of proof satisfactory to the Executive Director that the officer *has valid basic and intermediate certificates, current employment as a peace officer by an agency and* meets *all of* the ~~[following]~~ minimum requirements *contained in any one of the following numbered paragraphs:*

1. *Five years of experience as a peace officer.* ~~[A current basic certificate]:~~

(a) *Four year bachelors degree or higher from an accredited college or university recognized by the Nevada Department of Higher Education or US Department of Education.*

2. *Six years of experience as a peace officer.* ~~[A current intermediate certificates:]~~

(a) *Two year associates degree from an accredited college or university recognized by the Nevada Department of Higher Education or US Department of Education.*

(b) *Two hundred hours of training consisting of courses certified in compliance with NAC 289.310 relating to the duties of peace officers in addition to the training requirements in NAC 289.230.*

3. *Seven years of experience as a peace officer.* ~~[Six years of experience as a peace officer.]~~

(a) *Forty five credits from an accredited college or university recognized by the Nevada Department of Higher Education or US Department of Education.*

(b) *One hundred hours of training consisting of courses certified in compliance with NAC 289.310 relating to the duties of peace officers in addition to the training requirements in NAC 289.230.*

4. *Eight years of experience as a peace officer.* ~~[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.]~~

(a) *Thirty credits from an accredited college or university recognized by the Nevada Department of Higher Education or US Department of Education.*

(b) Eighty hours of training consisting of courses certified in compliance with NAC 289.310 relating to the duties of peace officers in addition to the training requirements in NAC 289.230.

5. Ten years of experience as a peace officer. ~~[Two hundred hours of training in any courses relating to peace officers in addition to the training completed for the basic and intermediate certificates.]~~

(a) Fifteen credits from an accredited college or university recognized by the Nevada Department of Higher Education or US Department of Education.

(b) Eighty hours of training consisting of courses certified in compliance with NAC 289.310 relating to the duties of peace officers in addition to the training requirements in NAC 289.230.

6. Twelve years of experience as a peace officer.

(a) Eighty hours of training consisting of courses certified in compliance with NAC 289.310 relating to the duties of peace officers in addition to the training requirements in NAC 289.230.

289.310 NAC Courses above level of basic training; revocation of certification; duty to report certain information; exception to certification requirement. (NRS 289.510)

1. An agency *or training provider* may apply for certification above the level of basic training for a course by submitting, *by means approved by the* ~~[to the]~~ Executive Director~~[-]~~, *a certification request form 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 résumé 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 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 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 the administrator's designee. If the course offers training in legal issues and subjects relating to legal liability, the legal adviser of the agency 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 that provides such a course of any noncompliance.

5. The Executive Director shall revoke the certification of a course if the agency 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.]~~ **6.** An agency *or private vendor* 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 upon request of the Commission or its designee, make available for inspection:*

- (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.

~~[8.]~~ **7.** An agency 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 shall, ~~[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 a roster of the peace officers who attended the course and each officer's results on the examination.]~~ *maintain on file and make available upon 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 (c)*

8. *An Agency or training provider whose course has been certified shall issue a certificate of completion to all peace officer attendees who successfully complete the training. Certificates of completion for certified courses shall contain:*

- (a) POST Commission certification number*
- (b) Course name*
- (c) Course hours*
- (d) Date(s) course presented*

9. *Employing agency whose peace officer attends a certified course shall, upon receipt of certificate of completion from the officer;*

- (a) Report the attendance by means approved by the Executive.*