

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

LCB File No. R121-13

Effective March 28, 2014

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

AUTHORITY: §§1 and 2, NRS 289.510.

A REGULATION relating to peace officers; revising the requirements for continuing education to maintain a basic certificate or reserve certificate; revising the educational requirements for a management certificate; and providing other matters properly relating thereto.

Section 1. NAC 289.230 is hereby amended to read as follows:

289.230 1. ~~{Fe}~~ *Except as otherwise provided in subsections 7 and 8, to* maintain a basic certificate or reserve certificate, the officer must annually *satisfy the requirements of subsection 5 and* complete ~~{24}~~ *12* hours of additional *agency in-service* training prescribed by the administrator of the employing agency of the officer . ~~{and approved by the Executive Director.}~~ *Agency in-service training may include, without limitation, training related to legal issues, the policies and procedures of the employing agency of the officer, driving, first aid, cardiopulmonary resuscitation, blood-borne pathogens, sexual harassment or any other training prescribed by the administrator of the employing agency of the officer.*

2. The employing agency shall ensure that its officers ~~{receive the required training.}~~ *comply with the requirements of subsection 1.* The employing agency shall notify each officer of the requirements of this section and the penalties set forth in subsection ~~{3}~~ *4* for failure to comply with this section. After an officer completes ~~{such training.}~~ *the requirements of*

subsection 1, the employing agency shall submit ~~verification of completion of training~~ to the Executive Director by any means approved by the Executive Director ~~+~~ *verification that the officer has completed those requirements*. Verification must be submitted *on or* before ~~January~~ *December* 31 ~~following~~ *of* the year in which ~~training~~ *the officer* was required ~~+~~ ~~—2.~~ *to complete the requirements of subsection 1.*

3. If the Executive Director has not received verification ~~of completion of training pursuant to~~ *that an officer has completed the requirements of* subsection 1 *on or* before ~~January~~ *December* 31 ~~following~~ *of* the year in which ~~training~~ *the officer* was required ~~+~~ *to complete those requirements*, the Executive Director shall notify the administrator of the employing agency that he or she has not received the verification required by subsection ~~+~~ 2 and that if the verification is not received on or before March 1 ~~of that year,~~ *following the year in which the officer was required to complete the requirements*, 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~~ *that an officer has completed the requirements of* 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.~~ 4. 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.~~ *requirements of subsection 1*. 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~~ *complete*

the requirements of subsection 1 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.~~ *requirements of subsection 1*. 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.~~ *requirements of subsection 1.*

5. Except as otherwise provided in subsections ~~6 and 7, as part of the continuing education~~ *7 and 8, in addition to completing the agency in-service training* 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}~~ *arrest and control* tactics, demonstrate annually a minimum level of proficiency in the use of ~~{defensive}~~ *arrest and control* 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.}~~ **6.** Each employing agency shall establish and provide the courses set forth in subsection ~~{4}~~ **5** to its officers and establish the minimum level of proficiency that an officer must demonstrate in each course.

~~{6.}~~ **7.** An officer:

(a) Who voluntarily leaves his or her employment as a peace officer for at least ~~{12}~~ **4** 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}~~ **4** 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~~ 4 consecutive months,

↪ must satisfy the requirements of paragraphs (b) to (e), inclusive, of subsection ~~4~~ 5 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~~ 8. An officer who instructs a course pursuant to subsection ~~4~~ 5 is not required to comply with the ~~continuing education~~ requirements of subsection ~~4~~ 5 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~~ 9. Each agency shall maintain documentation of the courses provided pursuant to subsection ~~4~~ 5. 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 289.260 is hereby amended to read as follows:

289.260 The Executive Director shall grant a management certificate to an officer upon submission of proof satisfactory to the Executive Director that the officer meets the following minimum requirements:

1. A current basic certificate.
2. A current intermediate certificate.
3. A current advanced certificate.
4. A current supervisor certificate.
5. Six years of experience as a peace officer, including at least 1 year of experience in a management level position and a current assignment in a management level position. The applicant must present proof that the current assignment meets the criteria for a management level position as set forth in NAC 289.057 by submitting a letter with the application that is signed by the administrator of the agency. The letter must include an organizational chart which demonstrates the applicant's position within the agency and must describe the manner in which the applicant's current assignment meets the criteria for a management level position as set forth in NAC 289.057.
6. Six units of credit from an accredited college or university . ~~in addition to the units required for the intermediate and advanced certificates.~~
7. Successful completion of 200 hours of training in a management training program certified by the Commission which includes, without limitation, courses in the following subjects:
 - (a) Introduction to management;
 - (b) Public administration;
 - (c) Financial administration;
 - (d) Personnel administration;
 - (e) Management and labor relations; and
 - (f) Policy formulation.

LEGISLATIVE REVIEW OF ADOPTED REGULATIONS--NRS 233B.066
Informational Statement
LCB File No. R121-13

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

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.

Amending NAC 289.230 in the following areas will provide clarity in the regulation, allow for agency administrators to determine specific training needs, act on these needs within a more efficient time, and be fiscally efficient.

1. **Change the current 24 hour training requirement to 12 hours of agency in-service training, and provide examples of topic areas of training.** This will provide agencies with the latitude to provide specific in-service training tailored to meet the needs of the agency.
2. **Remove the requirement that the Executive Director must approve the 12 hours of training provided by a law enforcement agency.** Currently all courses need the approval of the Executive Director. By removing this requirement for only the annual in-service training requirement, agencies have more latitude in providing training that meets the needs of agency instead of only training that has been approved by the Executive Director.
3. **Change the due date for agency reporting of in-service training from before January 31st following the year in which training was required to on or before December 31st of the year in which the training was required.** Currently, the reporting of annual in-service training involved a single report that was generally compiled in the first month of the new year to allow extra time for reporting. With the implementation of electronic reporting throughout a reporting year as training requirements are met, the extension of one extra month is not needed.
4. **Change the course topic title of “defensive tactics” to “arrest and control tactics.”** The course topic title of defensive tactics is outdate terminology and does not correctly reflect the actual training conducted. This terminology needs to be replaced with the term arrest and control tactics which will properly align this training title.

Amending NAC 289.260 which contains the requirements for a management certificate, to remove the wording “in addition to the units required for the intermediate and advanced certificates”. The requirements of the Management Certificate need to be modified in order to remove a conflict with the standards for the Intermediate and Advanced Certificate. The new standards for the Intermediate and Advanced Certificates allow credit for longevity, training, and higher education. An officer could obtain these certificates with longevity and training with no higher education. Since the Management Certificate currently references to the Intermediate and Advanced Certificates higher education requirements, it creates a conflict with the new standards. Making this change will properly align the Management Certificate with the Intermediate and Advanced Certificates.

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.

Public comment was solicited as follows pursuant to NRS 233B.0603:

Notice of Workshop to Solicit Comment on Proposed Regulations May 2, 2013 1:30pm, Commission on Peace Officers' Standards and Training, 5587 Wa Pai Shone Avenue, Carson City, Nevada.

2nd Amended Notice of Workshop to Solicit Comment on Proposed Regulations, 9:30am, July 24, 2013, Prospector Hotel and Casino, 1501 E. Aultman, Ghost Train Room, Ely, Nevada

Notice of Public Meeting, Notice of Workshop to Solicit Comments on Proposed Regulations both scheduled for October 28, 2013 at 3:30 pm at the Palace Station Hotel and Casino, 2411 W. Sahara Avenue, Salon F, Las Vegas.

Amended Notice Of Intent To Act Upon A Regulation; Public Comment Hearing was held at 1:00 pm, on March 5, 2014, at the Carson City Sheriff's Office, Ormsby Room, 911 E. Musser St. Carson City, Nevada. In addition to the meeting locations listed below, the Public Comment Hearing was posted at all county library main branches.

Notices were sent to all listed meeting locations, all law enforcement agencies, law enforcement training academies, agency single points of contact, and posted on the POST web site, and the LCB web site.

POST Administrative Office, Carson City
Nevada State Capitol, Carson City
Blasdel State Building, Carson City
Nevada State Library and Archives, Carson City
Grant Sawyer Building, Las Vegas
White Pine County Sheriff's Office, Ely
Carson City Sheriff's Office
<http://www.post.state.nv.gov>
[www.http://leg.state.nv.us](http://leg.state.nv.us)

Public response consisted one written statement by Sheriff Ben Trotter, Churchill County Sheriff's Office extending his support for the regulation revision. This statement was read into the record at the July 24, 2013 Workshop.

At the May 2, 2013 Workshop:

Curtiss Kull, Undersheriff Humboldt County Sheriff's Office. State he was expressing the Sheriffs view by stating they would rather see the "current system stay". "He is in favor of more of a standardized level of training".

Jerry Antinoro, Sheriff Storey County He reiterate the concerns of Humboldt County Sheriff and said tht in order to have something that can truly be regulated, there should be hours attached to training.

Wayne Carlson, Executive Director Public Agency Insurance Pool. Their concern would be to make clarity as to what's critical skill levels. The second statement was dealing with liability defense and adding that part of professional development could include policy reviews, legal updates.

At the October 28, 2013 Workshop:

Jim Pitts, Sheriff Elko County. He has reviewed the revisions and like the changes being done. It provides the departments with the latitude to train where we need to, where we think we are weak at. "So I am for this. I think it's a good move by this Board".

Richard Machado, Sheriff Pershing County. Stated he is in favor of the proposed changes. "I that what we're doing here allows us, as sheriffs, to regulate the training a little better, be able to financially budget for this."

Interested persons may obtain a copy of the summary at the POST Commission Administrative Offices, 5587 Wai Pai Shone Avenue, Carson City 89701 or by calling Scott Johnston, Bureau Chief at 775-687-3335.

3. The number of persons who:

- (a) **Attended each hearing:**
- | | |
|-----------------------------------|----|
| 05/02/2013 Workshop | 25 |
| 07/24/2013 Workshop | 4 |
| 10/28/2013 Workshop | 14 |
| 03/05/2014 Public Comment Hearing | 0 |
- (b) **Testified at each hearing:**
- | | |
|-----------------------------------|---|
| 05/02/2013 Workshop | 3 |
| 07/24/2013 Workshop | 0 |
| 10/28/2013 Workshop | 2 |
| 03/05/2014 Public Comment Hearing | 0 |
- (c) **Submitted written comments:**
- | | |
|-----------------------------------|---|
| 05/02/2013 Workshop | 0 |
| 07/24/2013 Workshop | 1 |
| 10/28/2013 Workshop | 0 |
| 03/05/2014 Public Comment Hearing | 0 |

There was one written statement by Sheriff Ben Trotter, Churchill County Sheriff's Office. This statement was read into the record at the July 24, 2013 Workshop.

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:

- (a) **Name;**
- | | |
|------------|--|
| 05/02/2013 | Curtiss Kull Sheriff's Humboldt County Sheriffs Office, Jerry Antinoro Sheriff Storey County Sheriff's Office, Wayne Carlson Executive Director Public Agency Insurance Pool |
| 10/29/2013 | Jim Pitts Sheriff Elko County Sheriff's Office, Richard Machado Sheriff Pershing County Sheriff's Office. |
- (b) **Telephone number;**
- | | |
|----------------------------------|--------------|
| Humboldt County Sheriff's Office | 775-623-6419 |
| Storey County Sheriff's Office | 775-847-0959 |

Public Agency Insurance Pool 775-885-7475
 Elko County Sheriff's Office 775-777-2501
 Pershing County Sheriff's Office 775-273-5111

(c) Business address;

Humboldt County Sheriff's Office 50 W. 5th St Winnemucca, Nv 89445
 Storey County Sheriff's Office PO Box 498 Virginia City, Nv 89440
 Public Agency Insurance Pool 201 S. Roop St Suite 102. Carson City, Nv 89701
 Elko County Sheriff's Office 775 West Silver St Elko, Nv 89801
 Pershing County Sheriff's Office PO Box 147 Lovelock, Nv 89149

(d) Business telephone number;

See "b"

(e) Electronic mail address; and

Humboldt County Sheriff's Office h102@hconnv.com
 Storey County Sheriff's Office gantinoro@storeycounty.org
 Public Agency Insurance Pool waynecarlson@poolpact.com
 Elko County Sheriff's Office jpitts@elkocountynv.net
 Pershing County Sheriff's Office rmachado@pershingcounty.net

(f) Name of entity or organization represented.

05/02/2013 Humboldt County Sheriff's Office, Storey County Sheriff's Office,
 Public Agency Insurance Pool
 10/29/2013 Elko County Sheriff's Office, Pershing County Sheriff's Office

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. N/A

This regulation has no application toward businesses and only applies to Nevada law enforcement agencies. See #2 notice.

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 Commission accepted and adopted the recommended language provided by the Legislative Counsel Bureau without revisions.

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.

Economic effect is going to be seen as more efficient fiscal responsibility by agencies by having the latitude to more effectively address agency and individual training needs.

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

N/A

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

There should be no extra costs. It is projected there would be a more efficient fiscal responsibility by allowing agencies the latitude to determine training which is of most value to the agency and the officers. This process will also streamline and make more efficient the compliance reporting to P.O.S.T.

- 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 regulations which overlap or duplicate the proposed regulations.

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

There are no 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.**

None