

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

LCB File No. R121-13

December 3, 2013

EXPLANATION – Matter in *italics* is new; matter in brackets ~~omitted material~~ 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 on a form approved by the Commission ~~+~~ *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 Commission will 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.~~

~~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.

~~15.1~~ 6. Each employing agency shall establish and provide the courses set forth in subsection ~~14.1~~ 5 to its officers and establish the minimum level of proficiency that an officer must demonstrate in each course.

~~16.1~~ 7. An officer:

(a) Who voluntarily leaves his or her employment as a peace officer for at least ~~12.1~~ 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 ~~12.1~~ 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 ~~12.1~~ 4 consecutive months,

↪ must satisfy the requirements of paragraphs (b) to (e), inclusive, of subsection ~~14.1~~ 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.