

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

**LCB File No. R079-14**

Effective October 24, 2014

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 provisions relating to the certification and training of peace officers; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

Existing law defines three categories of peace officer, with category I being defined as a peace officer who has unrestricted duties and who is not otherwise listed as a category II or category III peace officer. (NRS 289.460, 289.470, 289.480) The Peace Officers’ Standards and Training Commission is required to adopt regulations establishing minimum standards for the certification and decertification, recruitment, selection and training of peace officers. (NRS 289.510) The Executive Director of the Commission is authorized to certify peace officers who have satisfactorily completed courses of training for peace officers. (NRS 289.530) Existing regulations provide certain criteria for courses to meet the respective minimum standard of training for peace officers in categories I, II and III and for reserve officers. (NAC 289.140, 289.150, 289.160, 289.170)

Existing regulations authorize the Executive Director to 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 is currently employed as a peace officer by an agency and completes a training course approved by the Executive Director that consists of at least 280 hours of training in certain areas. (NAC 289.200) This regulation removes that authorization.

**Section 1.** 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 *of* at ~~for above the 70th percentile;~~ *least 70 percent;* and

(c) Passed the state physical fitness examination for the appropriate category of peace officer as described in NAC 289.205.

2. The Executive Director may award a basic certificate to any peace officer who has been certified by the certifying entity of another state or has successfully completed a Federal Law Enforcement Training ~~Center~~ *Centers of the United States Department of Homeland Security* 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) Active assailants;
- (3) Child abuse and sexual abuse of a child;
- (4) Civil liability;
- (5) Constitutional law;

- (6) Counter-terrorism and weapons of mass destruction;
- (7) Crimes against persons;
- (8) Crimes against property;
- (9) Cultural awareness;
- (10) Domestic violence and stalking;
- (11) Ethics in law enforcement or for correctional officers;
- (12) Juvenile law;
- (13) Laws relating to arrest;
- (14) Laws relating to drugs, including, without limitation, current trends in drugs;
- (15) Miscellaneous crimes;
- (16) Probable cause;
- (17) Rights of victims;
- (18) Search and seizure;
- (19) Sexual harassment; and
- (20) Use of force;

(e) The peace officer passes the state certification examination with a score *of* at ~~for above~~ ~~the 70th percentile;~~ *least 70 percent;* and

(f) The peace officer passes the state physical fitness examination for the appropriate category of peace officer as described in NAC 289.205.

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) Law and legal procedures, specifically:~~

~~—(I) Laws governing coroners; and~~

~~—(II) Traffic laws;~~

~~—(2) Patrol operations and investigations, specifically:~~

~~—(I) Accident investigations;~~

~~—(II) Basic patrol procedures;~~

~~—(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;~~

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

~~—(IV) Training concerning active assailants; and~~

~~—(4) 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 *of* at ~~for above the 70th percentile;~~  
*least 70 percent;* and

(c) Passed the state physical fitness examination described in subsection 1 of NAC 289.205.

~~15.1~~ 4. Except as otherwise provided in subsection ~~16.1~~ 5 or ~~17.1~~ 6, an officer must pass the state physical fitness examination:

(a) If the officer is not eligible for certification pursuant to subsection 2, not later than 16 weeks after the first day of the officer's basic training course certified or approved pursuant to NAC 289.300; or

(b) If the officer is eligible for certification pursuant to subsection 2, not later than 16 weeks after the date on which the officer was hired or, if the officer is a reserve officer, the date of activation of his or her reserve status.

~~16.1~~ 5. 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 or her 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 or her reserve status.

~~17.1~~ 6. 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 the officer was hired or, if the officer is a reserve officer, the date of activation of his or her reserve status,   
↳ the employing agency of the officer may submit a request to the Executive Director to waive the requirements of subsection ~~5-1~~ 4. 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 ~~5-1~~ 4. The Executive Director may, for good cause shown, grant a request submitted pursuant to this subsection.

~~18-1~~ 7. Upon satisfactory completion of the requirements listed in subsection 1, 2 ~~1-1~~ or 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 or her 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.

~~19-1~~ 8. 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 or her basic certificate by successfully completing the requirements set forth in subsection 1.

~~10.~~ **9.** 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 completing the course, the person must repeat all of the requirements for basic certification set forth in subsection 1.

~~11.~~ **10.** Except as otherwise provided in this subsection, to satisfactorily complete a basic training course for the purposes of this section, the person must successfully complete all of the requirements in one course. If a person is discharged from a basic training course for any reason that is not disciplinary, the person may complete any remaining requirements in a later course provided by the same entity if the person has not previously been discharged from a course and if:

(a) The administrator of the basic training course recommends that the person complete the requirements in a later course, the administrator of the employing agency of the person requests that the person be allowed to complete the requirements in a later course and the Executive Director gives approval;

(b) The subsequent course is provided in a manner which ensures that the person completes all of the requirements for a basic training course for which the course is certified; and

(c) The subsequent course begins not later than 120 days after the discharge.

**Sec. 2.** The amendatory provisions of section 1 of this regulation do not apply to a person who was:

1. Eligible to be awarded a basic certificate in training category I pursuant to subsection 3 of NAC 289.200 before the effective date of this regulation; or
2. Employed as a peace officer by an agency before the effective date of this regulation and:
  - (a) Enrolled in a peace officer training course that:
    - (1) Met the qualifications of paragraph (b) of subsection 3 of NAC 289.200; and
    - (2) Began before the effective date of this regulation;
  - (b) Successfully completed the training course; and
  - (c) Passed the state certification examination for training category I with a score of at least a 70 percent.



**LEGISLATIVE REVIEW OF ADOPTED REGULATIONS--NRS 233B.066**  
**Informational Statement**  
**LCB File No. R079-14**

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

The NRS and NAC establish the authority of POST which includes, adopting regulations establishing minimum standards for the certification of peace officers. Pursuant to that authority, Nevada POST and law enforcement leaders are making every attempt to increase professionalism amongst law enforcement officers.

NRS Chapter 289 authorizes the Commission to adopt regulations setting the minimum standards for the certification, decertification and selection of peace officers. See, NRS 289.510.

The Commission has adopted a regulation establishing the minimum passing standard for the written State Certification Examination. See, NAC 289.200(1). The amendment to the regulation clarifies the language establishing the passing score from “a score at or above the 70<sup>th</sup> percentile” to “a score of at least 70 percent.”

The proposed regulation would update the name of an approved training provider from the Federal Law Enforcement Training Center to its current name of the Federal Law Enforcement Training Centers of the United States Department of Homeland Security. See, NAC 289.200(2).

Finally, the Commission has repealed the regulation establishing an expedited process for the holder of a category II basic certificate to upgrade to a category I basic certificate. With the repeal of this regulation, a person holding a category II basic certificate will be required to attend a category I basic training course in order to obtain a category I basic certificate. The Commission believes the peace officer, agency and the public are best served when the peace officer is able to attend a full category I basic training academy to obtain a category I basic certificate. See, NAC 289.200(3)

The need for the proposed regulation changes is to update regulations and ensure regulations are current. Additionally, through this proposed regulation, the Commission and law enforcement leaders are attempting to increase professionalism amongst law enforcement officers, and provide clarity and consistency in those regulations.

The amended and repealed regulations, referenced as LCB File No. R079-14, contain the following sections:

**Section 1.** NAC 289.200(1) establishes the passing score on the State Certification Examination. The amendment to the regulation clarifies the language establishing the passing score on the State Certification Examination from “a score at or above the 70<sup>th</sup> percentile” to “a score of at least 70 percent.”

**Section 2.** NAC 289.200(2) lists the Federal Law Enforcement Training Center as one of the approved training programs that can be used for the issuance of the basic certificate. The amended regulation updates to the current organization name the Federal Law Enforcement Training Centers of the United States Department of Homeland Security.

**Section 3.** NAC 289.200(3) establishes an expedited process for a peace officer to upgrade their category II basic certificate to a category I basic certificate. The Commission has repealed this regulation. A peace officer who wants to upgrade their category II basic certificate to a category I basic certificate will be required to attend a full category I basic training course. The repeal of this regulation will provide the peace officer and their agency with the benefits of a full category I basic training course experience.

**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:

Amended Notice of Workshop to Solicit Comment on Proposed Regulations was held 1:00 pm March 5, 2014, at the Carson City Sheriff's Office, Ormsby Room, 911 E. Musser Street, Carson City, Nevada. This Workshop covered section 3 of LCB File No. R079-14.

*Public Comments:*

Rick Henry & John Kern, Silver State Law Enforcement Academy, commented on how their Category II to I upgrade program was providing a way that these officers could move forward with their career. Many of the agencies are Category II agencies such as Boulder City, Nye County, Department of Motor Vehicles, District Attorney's Office, Constables Offices, Dept of Corrections Inspector General, Henderson City Attorney's Office, Clark County Marshals and Las Vegas Marshals.

Steve Silva, Nevada Division of State Parks, commented on one situation where they had an officer in the academy who had to leave at the end of the Category II training due to a medical issue so he could not complete the Category I. He completed Category II and after he was cleared to attend the academy he completed the Category II to I program to obtain his Category I. In 34 years, this is the only time that this issue has come up with State Parks where an employee upgraded from Category II to Category I.

Notice of Workshop to Solicit Comment on Proposed Regulations was held at 8 am, on May 1, 2014, at the Commission on Peace Officers' Standards and Training, classroom 2, at 5587 Wa Pai Shone Avenue, Carson City, Nevada. This Workshop covered section 3 of LCB File No. R079-14.

*Public Comments:*

Troy Tanner, Commissioner (Absent) written statement read into record. The written statement was read, and was in support of repealing section 3 dealing with Category II to Category I upgrade. He commented on the benefits gained by an officer and his agency from attendance at a full category I training academy.

Notice of Workshop to Solicit Comment on Proposed Regulations was held at 1 pm, on July 24, 2014, at the Prospector Hotel and Casino, Ghost Train Room, 1501 E. Aultman, Ely, Nevada. This Workshop covered sections 1 and 2 of LCB File No. R079-14.

*Public Comments:*  
NONE

Notice Of Intent To Act Upon A Regulation; Public Comment Hearing was held at 9:00 am, on September 17, 2014 at the Carson City Sheriff's Office, Ormsby Room, 911 E. Musser Street, Carson City, Nevada. This Public Comment Hearing covered all three sections of LCB File No. R079-14. In addition to the meeting locations listed below, the Public Comment Hearing was posted at all county library main branches.

*Public Comments:*

David Laity, Nevada Youth Parole Board, spoke opposing the repeal of the Category II to Category I training program. Mr. Laity stated that if he or any other category II officers wanted to obtain a category I basic certificate, they would have to go through an entire category I basic academy which would require a lot more time than if they were able to attend the category II to category I upgrade training.

Notices were sent to all listed meeting locations, all law enforcement agencies, law enforcement training academies, all county library main branches, and posted on the POST web site, Public Notice 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://post.state.nv.gov>  
<http://leg.state.nv.us>  
<https://notice.nv.gov>

Pursuant to NRS 241.020 (2)(c), a copy of supporting materials for the meeting may be obtained by contacting Scott Johnston at (775) 687-7678, Ext. 3335 Commission on Peace Officers' Standards and Training at 5587 Wa Pai Shone Avenue, Carson City, Nevada 89701.

**3. The number of persons who:**

<b>(a) Attended each hearing:</b>	
03/05/2014 Workshop	14
05/01/2014 Workshop	11
07/24/2014 Workshop	5

09/17/2014 Public Comment Hearing 6

**(b) Testified at each hearing:**

03/05/2014 Workshop 3  
05/01/2014 Workshop 0  
07/24/2014 Workshop 0  
09/17/2014 Public Comment Hearing 1

**(c) Submitted written comments:**

03/05/2014 Workshop 0  
05/01/2014 Workshop 1  
07/24/2014 Workshop 0  
09/17/2014 Public Comment Hearing 0

**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: N/A**

**(a) Name;**

Rick Henry  
John Kern  
Steve Silva (now retired)  
Troy Tanner  
David Laity

**(b) Telephone number;**

702-810-9002  
702-789-0706 x808  
775-684-2770 Cell: 775-230-1717  
702-346-2840  
775-688-1421 x 224

**(c) Business address;**

840 S. Rancho Drive Suite 4-223 Las Vegas, NV 89106  
840 S. Rancho Drive Suite 4-223 Las Vegas, NV 89106  
901 S. Stewart, Suite 5005, Carson City, NV 89701  
560 Mill Street Ste 250 Reno, Nevada 89502

**(d) Business telephone number;**

See (b)

**(e) Electronic mail address; and**

richard.henry@silverstatelawenforcement.org  
john.kern@silverstatelawenforcement.org  
murphyelite@gmail.com  
ttanner@mesquitenv.gov  
dlaity@dcfs.nv.gov

**(f) Name of entity or organization represented.**

Silver State Law Enforcement Academy  
Silver State Law Enforcement Academy  
Nv Division of State Parks (retired)  
Mesquite Police Department  
Nv Youth Parole

- 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.**  
N/A
- (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.
- 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.