

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

LCB File No. R079-14

June 10, 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.