

**LCB FILE No. T023-00**

**PROPOSED TEMPORARY REGULATION OF THE  
PEACE OFFICERS' STANDARDS AND TRAINING COMMISSION**

**October 30, 2000**

**NOTICE OF INTENT TO ACT UPON A REGULATION OF  
THE COMMISSION ON PEACE OFFICERS'  
STANDARDS AND TRAINING**

The Commission on Peace Officers' Standards and Training will hold a public comment hearing on November 30, 2000, 1:00 to 2:00 p.m. at the CasaBlanca Resort & Casino, 950 West Mesquite Boulevard, Mesquite, Nevada.

The purpose of the hearing is to receive comments from all interested persons regarding the repealing and amendment of regulations pertaining to Nevada Administrative Code as they pertain to the Commission on Peace Officers' Standards and Training.

**THE FOLLOWING INFORMATION IS PROVIDED PURSUANT TO THE  
REQUIREMENTS OF NRS 233B.0603.**

1. The need and purpose of the proposed regulations or amendments.
  - a. To amend existing regulation Chapter 289.300(f)(1) of Nevada Administrative Code modifying the existing physical fitness standards for peace officer certification, with the purpose of updating those physical fitness standards and increasing defensibility.
  - b. To amend existing regulation Chapter 289.300 of Nevada Administrative Code to require POST certified academies to establish a requirement that background investigations of their students be completed prior to admitting them into any academy.
  - c. To amend existing regulation Chapter 289.230(2) of Nevada Administrative Code reducing the current time period allowed for officers who were deficient in their mandatory 24-hour annual continuing education requirement.
2. **Either the terms or the substance of the regulations to be adopted, amended or repealed, or a description of the subjects and issues involved.**

**ACTIONS**

**NAC REGULATION**

*Amend* – modify current regulation requiring physical fitness standards for peace officer certification.

**289.300(f)(1)**

*Amend* – modify current regulations to require background checks of students prior to their admittance to an academy.

**289.300**

*Amend* – modify current regulations to remove the six month time period in which officers can remedy deficiencies with their annual 24-hour continuing education training requirement.

**289.230(2)**

**3. The estimated economic effect of the regulation on the business which it is to regulate and on the public. These must be stated separate and in each case must include:**

**(a)Both adverse and beneficial effects.**

*Adverse effects:* **NAC 289.300(f)(1)** There are no anticipated adverse effects associated with updating the current Cooper Institute physical fitness standards.

*Beneficial effects:* **NAC 289.300(f)(1)** This modification would update the current State physical fitness standards, provide additional evidence of job relatedness and increase their defensibility.

*Adverse effects:* **NAC 289.300** There are no anticipated adverse effects associated with requiring students entering any basic course of training (academy), to provide such an academy with documented proof that a background investigation was conducted prior to them being admitted into the academy. There may however, be a cost to the student associated with conducting the background investigation. The cost of the investigation may vary with different vendors.

*Beneficial effects:* **NAC 289.300** The initial benefit is reduce the potential for unqualified individuals, who may not meet the minimum standards for certification as a peace officer, including the use of a firearm. The background check should also prevent unqualified individuals from receiving sensitive law enforcement training materials.

*Adverse effects:* **NAC 289.230(2)** There are no anticipated adverse effects associated with modification of the current six (6) month time period in which officers can cure deficiencies in their annual twenty-four (24) hour continuing

education training requirement. The modification will encourage agencies to provide training, and ensure their officers have received training, during the current training year, not during a cure period in the subsequent training year. By condensing, and/or removing, the cure period, some agencies may experience scheduling and manpower effects.

**Beneficial effects: NAC 289.230(2)** The modification will ensure peace officers receive important law enforcement training during the year in which the training is required. This will increase the level of training among all certified peace officers in the State of Nevada.

**(b) Immediate and Long-Term effects:**

Same as stated in section 3(a)

**4. The estimated economic effect of the regulation on the business which it is to regulate and on the public. These must be stated separately and in each case must include:**

There may be some minor economic effect on agencies related to the removal, or modification, of the six (6) month cure period, as changes in scheduling and manpower assignments are made to ensure compliance with the annual twenty-four (24) hour continuing education requirements. The amendment of the State Physical Fitness Examination should not have an economic impact on law enforcement agencies. The proposed physical fitness battery will not require additional equipment or manpower. The mandatory background check for entry into a basic training course will have an economic impact on the person or entity paying for the check. There is no anticipated increased cost on the public resulting from the amendments.

**5. A description of and citation to any regulation of other state or local governmental agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the proposed regulation overlaps or duplicates a federal regulation, the name of the regulating federal agency.**

The Commission on Peace Officers' Standards and Training has no knowledge of any regulations imposed by state, or federal agencies that overlap or duplicate these regulations.

**6. If the regulation is required pursuant to federal law, the citation and description of the federal law.**

The proposed regulations are not required by federal law.

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

The proposed regulations do not include provisions that are more stringent than federal regulations of the same activity.

**8. Whether the proposed regulation establishes a new fee or increases an existing fee.**

The proposed regulations do not establish a new fee or increase an existing fee.

Persons wishing to comment upon the proposed action of the Commission on Peace Officers' Standards and Training may appear at the scheduled public hearing or may address their comments, data, views, or arguments, in written form, to Executive Director, Richard P. Clark, Commission on Peace Officers' Standards and Training, 3476 Executive Pointe Way, Suite 12A, Carson City, Nevada 89706. Written submissions must be received by the Commission on or before November 20, 2000. If no person who is directly affected by the proposed action appears to request time to make an oral presentation, the Commission on Peace Officers' Standards and Training may proceed immediately to act upon any written submissions.

A copy of this notice and the proposed regulations to be amended will be on file at the State Library, 100 Stewart Street, Carson City, Nevada for inspection by members of the public during business hours. Additional copies of the Notice and the Regulations to be amended will be available at the executive offices of the Commission on Peace Officers' Standards and Training, 3476 Executive Pointe Way, Suite 12A, Carson City, Nevada, and in all counties in which an office of the agency is not maintained, at the main public library, for inspection and copying by members of the public during business hours. This notice and the text of the proposed regulations are also available in the State of Nevada Register of Administrative Regulations which is prepared and published monthly by the Legislative Counsel Bureau pursuant to NRS 233B.0653 and on the Internet at <http://www.leg.state.nv.us> Copies of this Notice and the proposed regulations will also be mailed to members of the public upon request. A reasonable fee may be charged for copies if it is deemed necessary.

Upon adoption of any regulation, the Commission, if requested to do so by an interested person, either before adoption or within 30 days thereafter, will issue a concise statement of the principle reasons for and against its adoption and incorporate therein its reasons for overruling the consideration urged against its adoption.

This notice of hearing has been posted at the following locations:

**County Libraries (Main Branches):**

Carson City  
900 N. Roop Street  
Carson City, Nevada

Churchill County  
553 South Maine Street  
Fallon, Nevada

Clark County  
883 Las Vegas Blvd.  
North Las Vegas, Nevada

Douglas County  
1625 Library Lane  
Minden, Nevada

Elko County  
720 Court Street  
Elko, Nevada

Esmeralda County  
Fourth & Crook Streets  
Goldfield, Nevada

Eureka County  
10190 Monroe Street  
Eureka, Nevada

Humboldt County  
85 East 5<sup>th</sup> Street  
Winnemucca, Nevada

Lander County  
625 Broad Street  
Battle Mountain, Nevada

Lincoln County  
93 Main Street  
Pioche, Nevada

Lyon County  
20 Nevin Way  
Yerington, Nevada

Mineral County  
First & A Streets  
Hawthorne, Nevada

Nye County  
171 Central Street  
Tonopah, Nevada

Pershing County  
1125 Central Avenue  
Lovelock, Nevada

Storey County  
95 South R Street  
Virginia City, Nevada

Washoe County  
301 South Center Street  
Reno, Nevada

White Pine County  
950 Campton Street  
Ely, Nevada

Nevada State Library  
Capitol Complex  
Carson City, Nevada

### **Other Postings:**

Department of Motor Vehicles & Public Safety  
555 Wright Way  
Carson City, Nevada

U. S. Post Office – Main Branch  
311 East Washington Street  
Carson City, Nevada

Commission On Peace Officers’ Standards  
3476 Executive Pointe Way, Suite 12A  
Carson City, Nevada

State of Nevada Personnel-Blasdel Bldg.  
209 East Musser Street  
Carson City, Nevada

Grant Sawyer Building  
555 East Washington Avenue  
Las Vegas, Nevada

Mesquite Police Department  
500 Hillside Drive  
Mesquite, Nevada

Department of Motor Vehicles & Public Safety  
330 North Sandhill, Suite “H”  
Mesquite, Nevada

Mesquite Municipal Court  
500 Hillside Drive  
Mesquite, Nevada

Legislative Counsel Bureau  
Capitol Complex  
Carson City, Nevada

**NOTE: We are pleased to make reasonable accommodations for members of the public who are disabled and wish to attend the meeting. If special arrangements for the meeting are necessary, please notify the Commission on Peace Officers’ Standards and Training, at 3476 Executive Pointe Way, Suite 12A, Carson City, Nevada 89706, or call Gordon Waldaias at (775) 684-7678, ext. 226, no later than five (5) working days prior to the meeting.**

October 30, 2000

## **NOTICE OF WORKSHOP TO SOLICIT COMMENTS ON PROPOSED REGULATIONS**

The Commission on Peace Officers' Standards and Training is proposing to amend regulations pertaining to Chapter 289 of Nevada Administrative Code. A workshop has been set for November 30, 2000, 12:30 to 1:00 p.m. at the CasaBlanca Resort & Casino, 950 West Mesquite Boulevard, Mesquite, Nevada.

The purpose of the workshop is to solicit comments from interested persons on the following general topics that may be addressed in the proposed regulations:

*The Commission on Peace Officers' Standards and Training is proposing that paragraph (f) of subsection 1 of Nevada Administrative Code 289.300 be amended to modify the existing physical fitness standards for peace officer certification.*

*The Commission on Peace Officers' Standards and Training is proposing that Nevada Administrative Code 289.300 be amended to require students attending academies certified by the Commission, to have had a background investigation completed prior to entering the academy.*

*The Commission on Peace Officers' Standards and Training is proposing that paragraph 2 of Nevada Administrative Code 289.230 be amended removing the current six-month time period for officers, not in compliance with the mandatory 24-hour continuing education training requirement, to remedy training deficiencies.*

A copy of all materials relating to the proposal may be obtained at the workshop or by contacting the Commission on Peace Officers' Standards and Training, 3476 Executive Pointe Way, Suite 12A, Carson City, Nevada 89706, (775) 684-7678, ext.228. A reasonable fee for copying may be charged.

This notice of Workshop to Solicit Comments on Proposed Regulations has been sent to all persons on the agency's mailing list for administrative regulations and posted at the following locations:

### **County Libraries (Main Branches):**

Carson City  
900 N. Roop Street  
Carson City, Nevada

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Fallon, Nevada

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North Las Vegas, Nevada

Douglas County  
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Minden, Nevada

Elko County  
720 Court Street  
Elko, Nevada

Esmeralda County  
Fourth & Crook Streets  
Goldfield, Nevada

Eureka County  
10190 Monroe Street  
Eureka, Nevada

Humboldt County  
85 East 5<sup>th</sup> Street  
Winnemucca, Nevada

Lander County  
625 Broad Street  
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Lincoln County  
93 Main Street  
Pioche, Nevada

Lyon County  
20 Nevin Way  
Yerington, Nevada

Mineral County  
First & A Streets  
Hawthorne, Nevada

Nye County  
171 Central Street  
Tonopah, Nevada

Pershing County  
1125 Central Avenue  
Lovelock, Nevada

Storey County  
95 South R Street  
Virginia City, Nevada

Washoe County  
301 South Center Street  
Reno, Nevada

White Pine County  
950 Campton Street  
Ely, Nevada

Nevada State Library  
Capitol Complex  
Carson City, Nevada

### **County Courthouses:**

Carson City  
2621 Northgate Lane #2  
Carson City

Churchill County  
190 West First Street  
Fallon, Nevada

Clark County  
500 South Grand Central  
Las Vegas, Nevada

Douglas County  
P.O. Box 218  
Minden, Nevada

Elko County  
569 Court Street  
Elko, Nevada

Esmeralda County  
P.O. Box 517  
Goldfield, Nevada

Eureka County  
P.O. Box 677  
Eureka, Nevada

Humboldt County  
50 West 5<sup>th</sup> Street  
Winnemucca, Nevada

Lander County  
315 South Humble  
Battle Mountain, Nevada

Lincoln County  
P.O. Box 90  
Pioche, Nevada

Lyon County  
31 South Main Street  
Yerington, Nevada

Mineral County  
P.O. Box 1450  
Hawthorne, Nevada

Nye County  
P.O. Box 153  
Tonopah, Nevada

Pershing County  
P.O. Box 1450  
Lovelock, Nevada

Storey County  
P.O. Drawer D  
Virginia City, Nevada

Washoe County  
P.O. Box 11130  
Reno, Nevada

White Pine County  
P.O. Box 659  
Ely, Nevada

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Commission On Peace Officers' Standards  
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209 East Musser Street  
Carson City, Nevada

Grant Sawyer Building  
555 East Washington Avenue  
Las Vegas, Nevada

Mesquite Police Department  
500 Hillside Drive  
Mesquite, Nevada

Department of Motor Vehicles & Public Safety  
330 North Sandhill, Suite "H"  
Mesquite, Nevada

Mesquite Municipal Court  
500 Hillside Drive  
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Legislative Counsel Bureau  
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# PROPOSED REGULATION OF THE PEACE OFFICERS’ STANDARDS AND TRAINING COMMISSION

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

**AUTHORITY: NRS 289.510.**

**Section 1.** Chapter 289 of NAC is hereby amended to read as follows:

**NAC 289.200 Basic certificate: Requirements; request for certification; placement on inactive status. (NRS 289.510)**

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 or a course of training which the commission or its designee determines to be at least equivalent to the basic training course for basic certification;

(b) Passed the state certification examination with a score at or above the 70th percentile; and

(c) Passed the state physical fitness examination ~~[with a score at or above the 60th percentile of the fitness norm for the single standard of the general population].~~

2. A peace officer is deemed to have completed a course of training that is at least equivalent to the basic training course for basic certification if:

(a) The peace officer has been certified by a certifying entity of another state or by the Federal Government to perform the duties of a peace officer and 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 24 months have lapsed since the peace officer was employed in the other jurisdiction; and

(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 in:

- (1) Constitutional law;
- (2) Probable cause;
- (3) Search and seizure;
- (4) Laws of arrest;
- (5) Crimes against property;
- (6) Crimes against persons;
- (7) Laws relating to narcotics;
- (8) Civil liability;
- (9) Use of force;
- (10) Laws relating to child abuse;
- (11) Laws relating to domestic violence;
- (12) Laws relating to juveniles;
- (13) Miscellaneous crimes;
- (14) Rights of victims;

- (15) Ethics in law enforcement or for correctional officers;
- (16) Sexual harassment; and
- (17) Cultural awareness.

3. Except as otherwise provided in subsection 4, an officer must pass the state physical fitness examination to complete a course successfully.

(a) Within 16 weeks after the date on which he enters a basic training course certified pursuant to NAC 289.300 if he is in training category II or III; or

(b) Within 16 weeks after the date on which he was hired if he has completed a course of training which the commission or its designee determines to be at least equivalent to the basic training course for basic certification.

4. If a student enrolled in a basic training course certified pursuant to NAC 289.300 sustains a bona fide physical injury rendering him incapable of performing the physical requirements to complete the course successfully, an agency may submit a request for an extension of time for the student to complete the requirement. 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 performing the physical requirements of the course. If the executive director determines that an extension of time is warranted, he shall authorize an extension of time for a period not to exceed 12 months after the date on which he received the request.

5. Upon satisfactory completion of the requirements listed in subsection 1, 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;

(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 NAC 289.010 to 289.380, inclusive; and

(d) The statement concerning child support prescribed by the welfare division of the department of human resources pursuant to NRS 425.520.

6. 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 2 consecutive years, the person must renew his basic certificate by successfully completing the state certification examination, an 80-hour course of training that is approved by the executive director and the state physical fitness examination.

[Peace Officers' Standards & Training Com., § VI, eff. 5-7-82]—(NAC A 12-17-87; 8-24-90; 4-28-94; R024-97, 10-1-97; R169-97, 1-30-98; R170-97, 1-30-98; A by Peace Officers' Standards & Training Comm'n by R102-99, 11-2-99)

**Section 2.** NAC 289.230 is hereby amended to read as follows:

**NAC 289.230 Continuing education for maintenance of basic or reserve certificate; Requirements; verification of compliance; suspension of certificate for noncompliance; reinstatement; demonstration of minimum level of proficiency in use of force; exception. (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. 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. Verification must be submitted before January 15 following the year in which training was required. *If the commission does not receive an agency's verification on or before January 15, all peace officers within the agency will be deemed to be in noncompliance with the 24 hour training requirement.*

2. 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 employing agency of any noncompliance. The commission will suspend the certificate of any officer who does not obtain the required training *pursuant to the provisions of NAC 289.290 [within 6 months after the date on which he 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 has complied with the continuing education requirement.

3. 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 review the policy of his agency on the use of force and demonstrate a minimum level of proficiency in the use of each firearm he is authorized to use. An officer who is not able to demonstrate a minimum level of proficiency with the use of any firearm he is authorized to use may not carry or use the firearm until he participates in a remedial course established by the employing agency to ensure that he achieves and maintains a satisfactory level of proficiency.

(b) If the officer is authorized to use an impact weapon, annually review the policy of his agency on the use of force and demonstrate a minimum level of proficiency in the use of each impact weapon he is authorized to use.

(c) If the duties of an officer require him 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. If the employing agency authorizes the use of a carotid restraint or lateral vascular neck restraint, each officer in the agency must demonstrate annually a minimum level of proficiency in those techniques.

4. Each employing agency shall establish and provide the courses set forth in subsection 3 to its officers and establish the minimum level of proficiency that an officer must demonstrate in each course.

5. An officer who is certified by the executive director to instruct courses in firearms, impact weapons or defensive tactics is not required to comply with the continuing education requirements of subsection 3 if the officer:

- (a) Instructs a course in the subject for which his certificate is issued 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 at the level of an instructor in the subject that he instructs. The commission will establish for each subject the minimum level of proficiency that an instructor must demonstrate.

6. Each agency shall maintain documentation of the courses provided pursuant to subsection 3. 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.

(Added to NAC by Peace Officers' Standards & Training Com., eff. 12-17-87; A 8-24-90; 4-28-94; R171-97, 1-30-98; A by Peace Officers' Standards & Training Comm'n by R102-99, 11-2-99)

**Section 3.** NAC 289.290 is hereby amended to read as follows:

**NAC 289.290 Denial, revocation, suspension and reinstatement of certificate. (NRS 289.510)**

1. Each of the following constitutes cause for the commission to revoke, refuse or suspend the certificate of a peace officer:

- (a) Willful falsification of any information provided to obtain the certificate.
- (b) A permanent or chronic physical or mental disability affecting the officer's ability to perform his full range of duties.
- (c) Chronic drinking or drunkenness on duty.
- (d) Addiction to or the unlawful use or possession of narcotics or other drugs.
- (e) Conviction of a gross misdemeanor. Upon criminal indictment or filing of a criminal complaint, suspension may be imposed.
- (f) Failure to comply with the standards established in NAC 289.010 to 289.380, inclusive.
- (g) Conviction of a felony. Upon criminal indictment or filing of a criminal complaint, suspension may be imposed. Upon conviction, the certificate will be revoked.
- (h) Conviction of a misdemeanor. If the employing agency recommends suspension or revocation following conviction of the employee for a misdemeanor, suspension or revocation may be imposed. In determining whether to suspend or revoke the certificate, the commission will consider the type of conviction and other information provided by the agency indicating unprofessional conduct or similar undesirable activity by the officer that resulted in disciplinary action.

2. Denial, suspension or revocation procedures will not be considered by the commission in cases where the employment of an officer is terminated for violations of the policies, general orders or similar guidelines of operation of the employing agency which do not constitute any of the causes for denial, suspension or revocation specified in subsection 1.

3. The employing agency shall notify the commission any time that it becomes aware that one of its officers has been charged with a crime that could result in denial, suspension or revocation procedures. Upon receipt of information alleging any of the causes enumerated in

subsection 1, the commission will determine whether to pursue revocation or suspension of the certificate of the officer.

4. The commission will notify the officer by certified mail at the officer's last known address of any pending revocation or suspension action and of the nature of the charges and the officer's right to appear and answer the charges. The officer shall, within 15 days after the date on the certified mail receipt, respond in writing, notifying the commission of his intended action with reference to the charges.

5. If the officer fails to notify the commission within the specified time of his intention to appear in answer to the pending action, the commission will:

(a) Consider the case on its own merits, using the statement from the head of the employing agency or the substantiated information derived from any independent investigation it deems necessary;

(b) Take no action pending the outcome of possible criminal action which may be filed against the officer; and

(c) Take no action pending the outcome of an appeal.

The commission's decision will be determined by a majority vote of the members of the commission present.

6. When an officer notifies the commission of his intention to appear and answer the charges pending against him, the commission will elect to sit as a whole at a hearing or designate an independent hearing officer to hear the matter and make recommendations in writing to the commission. The commission will review the recommendations of any such hearing officer and arrive at a decision by majority vote of the members present.

7. The commission will notify the officer of its decision within 15 days after the hearing.

8. An applicant for a certificate who has not been previously certified, but who would be subject to revocation for any cause set out in subsection 1, will not be granted a certificate.

9. If, upon receiving a written allegation that a peace officer is in violation of any provision of subsection 1 and that the facts and circumstances indicate that suspension rather than revocation would be in the best interests of the agency and law enforcement in general, the commission will suspend the officer's certificate.

10. ~~[Any]~~ A suspension pursuant to this section, *except a suspension for failure to obtain annual continuing education pursuant to NAC 289.230*, will be for no longer than 60 days.

11. The commission will provide each peace officer whose certificate is suspended with written notice of the suspension by certified registered mail. The suspension becomes effective 24 hours after receipt of the certified notice. *If the officer was not given the right to a hearing prior to suspension, [X]* the notice will contain a statement advising the officer of his right to a hearing.

12. Suspension of a certificate is not a bar to future revocation of the certificate and any prior suspensions may be considered as a factor if revocation is being considered by the commission.

13. Five years after the revocation of a certificate, an officer may submit a written request to the commission to allow him to reinstate his certificate. The commission will schedule a hearing to consider whether to reinstate the officer's certificate. The commission will notify the agency that requested the revocation of the date and time of the hearing. After the hearing, the commission will determine whether to reinstate the certificate. If the certificate is reinstated, the commission may establish a probationary period during which any misconduct by the officer would result in revocation.

(Added to NAC by Peace Officers' Standards & Training Com., eff. 12-17-87; A 8-24-90; 4-28-94; A by Peace Officers' Standards & Training Comm'n by R102-99, 11-2-99)

**Section 4.** NAC 289.300 is hereby amended to read as follows:

**NAC 289.300 Courses of basic training. (NRS 289.510)**

1. The executive director shall certify courses of basic training presented by agencies which meet the following requirements:

(a) The length of the course must meet the minimum standards for training established by the commission.

(b) Each course submitted to the executive director for certification must have a curriculum that contains the following elements:

(1) Each topic of instruction must have specifically defined objectives for the performance of the students which are based upon known work requirements;

(2) Each topic of instruction must have a detailed lesson plan that specifically describes what the student is taught; and

(3) Each topic of instruction must be assigned a specific amount of time.

(c) Each course must employ performance-oriented instructional methods that provide opportunities for each student to demonstrate achievement of the objectives.

(d) For each course there must be a system of written or practical examinations, or both, that will measure on a pass or fail basis the success of each student in achieving the objectives, including an examination at the beginning and end of each course.

(e) Each agency submitting a course for certification shall provide an instructional facility that meets the following requirements:

(1) A classroom with adequate heating, cooling, ventilation, lighting and space and an environment conducive to learning;

(2) Comfortable chairs with tables or arms for writing;

(3) Audiovisual equipment necessary to support the course;

(4) Instructional films and videotapes necessary to support the course; and

(5) A firing range adequate to train officers safely in the use of firearms.

(f) Each course must include the state physical fitness examination. ~~[This examination is based upon the standards established by the Cooper Institute for Aerobics Research which are set forth in the "Physical Fitness Specialist Course" manual (1996 edition), which is hereby adopted by reference. That publication may be purchased from the Cooper Institute for Aerobics Research, 12330 Preston Road, Dallas, Texas 75230, for the price of \$35.]~~ The minimum standard required of a student to enter a basic training course, *and* ~~[must be that which is referred to as the 40th percentile of the fitness norm for the single standard of the general population.]~~ ~~[T]~~ the minimum standard required of a student to complete a course successfully ~~[must be that which is referred to as the 60th percentile of the fitness norm for the single standard of the general population.]~~ *are as follows:*

~~[The test must include as a minimum the following events performed in the manner set forth in the manual:~~

~~(1) Aerobic power test: 1 1/2-mile run.~~

~~(2) Sit and reach: flexibility test.~~

~~—— (3) Muscular endurance: maximum number of sit-ups in 1 minute.~~

~~—— (4) Absolute strength: maximum weight for one repetition of the bench press or maximum number of push-ups in 1 minute.]~~

	Entry Level Standard	Graduation and/or Certification Standard
Maximum Height by vertical jump	16 inches	17 inches
Bench Press (as % of body weight)	.64	.73
Number of Sit ups in one (1) minute	18	18
300 Meter Run	65 seconds	65 seconds
Maximum number of Push Ups	20	25
1.5 Mile Run	17:12 m/s	16:40 m/s

(g) If an agency authorizes the use of the carotid restraint or the lateral vascular neck restraint, the course must include at least 8 hours of instruction in such restraint and include presentations on the use of force, the rules of the agency related to safety, medical implications, approved techniques, and instruction on care and control measures. The course provided by such an agency must also include a written test of at least 10 questions requiring a minimum score of 70 percent and a proficiency test requiring a minimum score of 85 percent. The agency shall maintain records of each student's performance in the course.

2. Certification of courses will be made and maintained on the basis of on-site inspections conducted by the executive director or his staff. Inspections will be conducted at least annually and at other times at the discretion of the executive director. The agency shall notify the executive director of any proposed changes regarding courses, instructors and facilities.

**3. *No school shall allow a student to enter a basic training course until the school has received proof that the student has undergone a background investigation verifying they meet the minimum standards for appointment as a peace officer.***

**4.** The executive director shall deny, suspend or revoke the certification of any course for failure of the agency to maintain the minimum curriculum, qualified instructors or requirements for the facility established by the commission. The executive director shall automatically suspend the certification of a course that ceases operation for 24 consecutive months.

**5.** An agency requesting certification of a course shall make the request in writing to the executive director at least 60 days before the course is scheduled to begin. The training course must be reviewed and the request signed by the administrator of the agency and the legal adviser. The executive director shall acknowledge receipt of the request within 5 working days. The executive director shall respond with a detailed review of the course within 30 days and rule on the request within 45 days after his receipt of the request.

[Peace Officers' Standards & Training Com., § VII, eff. 5-7-82]—(NAC A 12-17-87; 8-24-90; 4-28-94; R024-97, 10-1-97; R169-97, 1-30-98; A by Peace Officers' Standards & Training Comm'n by R102-99, 11-2-99)