

LCB File No. R066-03

PROPOSED REGULATION OF THE PEACE OFFICERS' STANDARDS AND TRAINING COMMISSION

(This proposed regulation was previously adopted as LCB File No. T051-03)

EXPLANATION – Matter in *italics* is new; matter 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 289.025 “Basic training course” defined. “Basic training course” means a curriculum of basic training for peace officers that ~~[is equivalent to]~~ *meets* the minimum standards established by NAC 289.010 to 289.380 inclusive.

SECTION 2. Chapter 289 of NAC is hereby amended to read as follows:

NAC 289.060 “Peace officer” defined. “Peace officer” means an employee of an agency who is required to be certified by the commission pursuant to NRS 289.550. The term includes sworn full-time, part-time~~[,]~~ *and* reserve ~~[and volunteer]~~ officers who perform the duties of a peace officer ~~[without immediate supervision]~~ .

SECTION 3. Chapter 289 of NAC is hereby amended to read as follows:

NAC 289.065 “Reserve officer” defined. “Reserve officer” means any peace officer who performs *some of* the duties of a peace officer ~~[without]~~ *with* the immediate supervision of a certified officer and is not employed *by the agency* ~~[as a peace officer]~~ on a full-time basis.

SECTION 4. Chapter 289 of NAC is hereby amended to read as follows:

NAC 289.120 Completion and attendance of basic course of training.

1. Each peace officer who is required by NRS 289.550 to be certified must satisfactorily complete a basic course of training approved by the executive director.

2. ~~[Any peace officer who is in a reserve status may attend the basic course of training at the request of the administrator of the officer's agency.]~~ A reserve officer must be in full duty status and fully covered by industrial insurance through the employing agency while attending the training.

SECTION 5. Chapter 289 of NAC is hereby amended to read as follows:

NAC 289.130 Training categories. For purposes of determining minimum training standards, peace officers required by NRS 289.550 to be certified by the commission will be divided into ~~[three]~~ *four* training categories:

1. Training category I includes peace officers who are empowered by law to perform a broad spectrum of law enforcement duties and whose primary functions specifically include:

- (a) Routine patrol;
- (b) Criminal investigations;
- (c) Enforcement of traffic laws; and
- (d) Investigation of motor vehicle accidents.

2. Training category II includes peace officers whose authority or primary duties are limited to a specific or specialized area of law enforcement.

3. Training category III includes peace officers whose legal authority and primary duties are limited to the care and custody of adults and juveniles in a correctional or detention facility of the State of Nevada or its political subdivisions.

4. Reserve officer includes reserve officers assigned to a category I, II, or III agency.

The administrator of each agency shall determine the appropriate training ~~[category]~~ for the officers employed by his agency.

SECTION 6. Chapter 289 of NAC is hereby amended to read as follows:

NAC 289.200 Basic certificate: Requirements; extension of time to complete certain requirements; request for certification; placement on inactive status.

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 ~~[for 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. To pass the examination, a person must:

- (1) Complete a vertical jump of not less than 14 inches;
- (2) Complete not less than 15 sit-ups in 1 minute;
- (3) Complete not less than 18 push-ups;
- (4) Run 300 meters in not more than 77 seconds; and
- (5) Walk or run 1.5 miles in not more than 17 minutes and 17 seconds.

2. The executive director may award a basic certificate to any peace officer who has been previously certified by the certifying entity of another state or ~~[by the federal government]~~ who has successfully completed a Federal Law Enforcement Training Center training program approved by the commission and who meets the minimum standards for appointment established pursuant to NAC 289.110 if ~~[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 t]~~ 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; ~~[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;
- (17) Cultural awareness;
- (18) Laws relating to abuse of elderly persons;
- (19) Laws relating to stalking and aggravated stalking; and
- (20) Weapons of mass destruction.

(e) The peace officer passes the state certification examination with a score at or above the 70th percentile; and

(f) The peace officer passes the state physical fitness examination as set forth in section 1 (c).

3. The executive director may award a reserve basic certificate to any reserve officer who meets the minimum standards for appointment established 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 at or above the 70th percentile; and

(c) Passed the State Physical Fitness Examination.

A person whose reserve officer status was activated and had not been certified by the POST commission, prior to June 03, 2003, will have until June 03, 2004, to become certified. Reserve officers who fail to become certified by June 03, 2004, plus any extension granted by the POST commission, are prohibited from exercising any of the powers of a peace officer.

~~[3]~~ **4.** Except as otherwise provided in subsection ~~[4]~~ **5**, an officer must pass the state physical fitness examination:

(a) While enrolled in a basic training course certified or approved pursuant to NAC 289.300; or

(b) Not earlier than 16 weeks before, or not later than 16 weeks after, the date on which he was hired *or the date of activation of the reserve status of a reserve officer.*

~~[4]~~ **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 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 the date of activation of the reserve status of a reserve officer*.

~~5~~ 6. Upon satisfactory completion of the requirements listed in subsection 1, *2 or 3*, 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 the date of activation of the reserve status of a reserve 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 this chapter; and

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

~~6~~ 7. 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 basic certificate by successfully completing the requirements set forth in subsection 1.

SECTION 7. Chapter 289 of NAC is hereby amended to read as follows:

NAC 289.210 Basic certificate: Nature.

1. The basic certificate authorizes the holder to perform the duties of a peace officer.

2. The reserve basic certificate is only effective during those periods when the reserve officer is formally assigned by the agency to perform the duties of a peace officer.

~~2~~ 3. Each basic certificate is issued by the State of Nevada as a revocable privilege and may be denied, suspended or revoked in accordance with the provisions of NAC 289.010 to 289.380, inclusive.

SECTION 8. Chapter 289 of NAC is hereby amended to read as follows:

NAC 289.350 Reports.

1. Upon employment or termination of a peace officer *or the activation or termination of the reserve status of a reserve officer*, an agency shall notify the executive director on a personnel action report form provided by the commission or its designee.

2. An agency shall submit the personnel action report form within 15 days after the date of employment or termination of a peace officer or the activation or termination of the reserve status of a reserve officer.

~~2~~ 3. An agency shall submit, upon the request of the commission or its designee, such documentation or information as the commission or its designee deems necessary to determine

whether the standards and provisions of NAC 289.010 to 289.380, inclusive, have been complied with.

SECTION 9. Chapter 289 of NAC is hereby amended by adding thereto a new section to read as follows:

New Section Minimum standard of training: Training category reserve officer
The minimum standard of training for reserve officers is successful completion of a basic course that includes 120 hour of training in:

1. *Legal subjects, an overview of:*
 - (a) *Constitutional law;*
 - (b) *Probable cause;*
 - (c) *Search and seizure;*
 - (d) *Laws of arrest;*
 - (e) *Crimes against property;*
 - (f) *Crimes against persons;*
 - (g) *Traffic laws;*
 - (h) *Laws relating to narcotics;*
 - (i) *Civil liability;*
 - (j) *Use of force;*
 - (k) *Laws relating to child abuse;*
 - (l) *Laws relating to the abuse of elderly persons;*
 - (m) *Laws relating to domestic violence;*
 - (n) *Laws relating to stalking and aggravated stalking;*
 - (o) *Laws relating to juveniles; and*
 - (p) *Miscellaneous crimes.*
2. *Procedures for patrol, specifically relating to:*
 - (a) *Basic patrol procedures;*
 - (b) *Stopping and citing of drivers of vehicles;*
 - (c) *Survival of officers;*
 - (d) *Searching of buildings;*
 - (e) *Domestic violence;*
 - (f) *Handling persons who are mentally ill;*
 - (g) *Crisis intervention; and*
 - (h) *Weapons of mass destruction.*
3. *Skills of officers, specifically:*
 - (a) *Writing of reports;*
 - (b) *Fingerprinting;*
 - (c) *Methods of arrest;*
 - (d) *Non-lethal weapons;*
 - (e) *Retention of weapons;*
 - (f) *Qualification for use of firearms; and*
 - (g) *Defensive tactics.*
4. *Investigation, specifically:*
 - (a) *Principles of investigation;*

- (b) Investigation of crime scenes; and*
- (c) Collection and preservation of evidence.*
- 5. Community relations, specifically:*
 - (a) Ethics in law enforcement;*
 - (b) History and principles of law enforcement;*
 - (c) Courtroom demeanor;*
 - (d) Emergency first aid;*
 - (e) Cardiopulmonary resuscitation; and*
 - (f) Physical conditioning.*
- 6. Course administration and examinations.*

TEXT OF SECTIONS TO BE REPEALED

NAC 289.220 Reserve basic certificate. The executive director shall award a reserve basic certificate to a reserve officer who meets the same requirements as those established for a basic certificate. A reserve certificate is effective only during those periods when the reserve officer is formally assigned by the employing agency to perform the duties of a peace officer.

NAC 289.360 Notice to executive director when employment as peace officer terminated. Upon termination of employment as a peace officer for any reason, the head of the employing agency or his designee shall, within 15 days after the termination, notify the executive director of the termination. The notification must be made on the personnel action report form provided by the commission or its designee.