

**LCB File No. R127-04**

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

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

**NOTICE OF INTENT TO ACT UPON A REGULATION  
and  
NOTICE OF HEARING**

**WORKSHOP NOTICE:** The Commission on Peace Officers' Standards and Training, 3476 Executive Pointe Way, Suite 12A, Carson City, Nevada, telephone number (775) 684-7678, is proposing the repeal, adoption and amendment of regulations pertaining to Chapter 289 of the Nevada Administrative Code.

**A workshop has been set for 1:00 p.m., on Wednesday, July 21, 2004,** at the Holiday Inn, 1501 East Aultman, Ghost Train Room, Ely, Nevada.

The purpose of the workshop is to solicit comments from interested persons on the proposed changes to the following sections of the Nevada Administrative Code.

<b>ACTION</b>	<b>REGULATION</b>
<b>Section 1.</b> <b>Amendment</b> – amends section to increase the minimum number of hours for successful completion of a Category I basic training course from 480 to 600 hours.	<b>NAC 289.140</b>
<b>Sec. 2.</b> <b>Amendment</b> – amends section increase the minimum number of hours for successful completion of a Category II basic training course from 200 to 300 hours.	<b>NAC 289.150</b>
<b>Sec. 3.</b> <b>Amendment</b> - amends section to increase the minimum number of hours for successful completion of a Category III basic training course from 160 to 200 hours	<b>NAC 289.160</b>
<b>Sec. 4.</b> <b>Amendment</b> – Establishes a 24 month time limit for the validity of successfully completed certification requirements for a person who is not employed by a Nevada Criminal Justice Agency at the time they complete their basic training course. If the person fails to become employed by a Nevada Criminal Justice Agency within 24 months of the date they completed the basic training academy, they	<b>NAC 289.200</b>

must repeat all of the requirements for basic certification contained in subsection 1 of this regulation. Additionally, the section is amended to give the executive director authority to approve a passing score, for certification purposes, on the State Physical Fitness Examination for which is completed outside the 16 week time period.

**Sec. 5.**

**NAC 289.230**

**Amendment** – Establishes a requirement that the agency administrator has the responsibility to inform his officers of the annual continuing education requirement and to inform them that suspension of the basic certificate will occur if they fail to meet the annual training requirement. Additionally, the regulation is amended to provide that if the agency administrator does not submit the approved continuing education form by January 15, he will be informed of his failure to comply with the regulation, and he will be informed that he will be placed on the commission's next meeting agenda to explain the failure to comply if the approved form is not received on or before February 15. Finally, the regulation is amended to require all officers within an agency annually to review the agency's use of force policies related to any activity which officers for the agency may become involved including, but not limited to, firearms, arrest and control tactics, impact weapons, less than lethal weapons, and emergency vehicle operations.

**PUBLIC HEARING NOTICE:** The Peace Officers' Standards and Training Commission will hold a public hearing at 1:30 p.m., on Wednesday, July 21, 2004, at the Holiday Inn Hotel, 1501 East Altman, in the Ghost Train Room, Ely, Nevada.

The purpose of the hearing is to receive comments from all interested persons regarding the repeal, adoption and amendment of regulations that pertain to Chapter 289 of the Nevada Administrative Code.

The following information is provided pursuant to the requirements of NRS 233B.0603:

- A statement of the need for and purpose of the proposed regulations can be found in the "Action" section above.
- For a description of the terms or substance of the regulations to be adopted, amended or repealed, or a description of the subjects issues involved, see "Action" section above.
- These regulations do not have a direct economic effect on any business or the public.
- Enforcement of these regulations should not result in any increased cost.
- To our knowledge, these regulations do not overlap or duplicate the regulations of other state or local governmental agencies.
- These regulations are not required pursuant to federal law.

- These regulations do not include provisions which are more stringent than federal regulations that regulate the same activity.
- These regulations do not establish any new fee or increase an existing fee.
- The estimated economic effect of the regulation on the business which it is to regulate and on the public. Both adverse and beneficial effects:

**Adverse effects:**

Sec. 1, 2 and 3, will increase the minimum number of hours academies must include in their basic training courses for Category I, II and III. However, the majority of Nevada POST certified academies already require a number of hours that exceeds the proposed standards.

Sec. 4, persons not employed by a Nevada Criminal Justice Agency when they complete a basic training course must become employed by such an agency within 24 months or they will have to repeat all of the requirements for basic certification.

Sec. 5, the agency administrator will be required to appear before the commission if he fails to submit the continuing education form by February 15. Additionally, the time to remedy a deficiency is reduced from 6 months to 2 months.

**Beneficial effects:**

Sec. 1, 2, 3 - The increase of minimum hours will better prepare officers for their duties and will better prepare academies to meet the impending standardized performance objectives.

Sec. 4 – The proposal establishes a 24 month time period during which a person, who is not employed by a Nevada Criminal Justice Agency when they complete their basic training academy, must become employed, or they must repeat all of the certification requirements. This requirement ensures that these individuals’ training and education does not become stale prior to them obtaining employment as a peace officer.

Sec. 5 – The amendment would provide for an improved tracking system for POST to identify and take action against officers who have not met the annual 24-hour continuing education requirement and shorten the administrative processing time for the commission to act upon deficient officers. The amendment increases the accountability of agency administrators to ensure they report continuing education in a timely manner. Additionally, the amendment would require the annual review of the employing agency’s use of force policies by all officers in areas such as firearms, defensive tactics, and impact weapons thereby affording the agency, officers and public with a greater level of understanding and potential legal protection.

Persons wishing to comment upon the proposed action of the Peace Officers’ Standards and Training Commission, may appear at the scheduled public hearing or may address their comments, data, views or arguments, in written form, to Richard Clark, POST Commission, 3476 Executive Pointe Way, Suite 12A, Carson City, Nevada 89706. **Written submissions must be received by the POST Commission on or before 5:00 pm on June 28, 2004.** If no person, who is directly affected by the proposed action, appears to request time to make an oral presentation, the Peace Officers’ Standards and Training Commission may proceed immediately to act upon any written submissions.

A copy of this notice and the regulations to be adopted and 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. 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, on the Internet at <http://www.leg.state.nv.us> and on the POST web site at <http://www.post.state.nv.us/update/currentagenda.htm>.

Additional copies of the notice and the regulations to be adopted and amended will be available at the POST Commission Administrative Offices, 3476 Executive Pointe Way, Suite 12A, Carson City, Nevada, 89706, 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. Copies of this notice and the proposed regulation 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 agency, if requested to do so by an interested person, either prior to adoption or within 30 days thereafter, will issue a concise statement of the principal reasons for and against its adoption and incorporate therein its reason for overruling the consideration urged against its adoption.

The notice of the Workshop and Hearing has been mailed to all criminal justice agencies in the State of Nevada and posted at the following locations:

**CARSON CITY**

Blasdel Building, 209 East Musser Street  
Nevada State Library, 100 Stewart Street  
Capitol Building, 101 N. Carson Street  
POST Administration, 3475 Executive Point Way, Suite 12A

**LAS VEGAS**

Grant Sawyer State Building, 555 Washington Avenue

**ELY**

White Pine County Sheriff's Office, 1785 Great Basin Blvd.

**COUNTY LIBRARIES (MAIN BRANCHES)**

CARSON CITY LIBRARY  
900 NORTH ROOP STREET  
CARSON CITY NEVADA 89702

CHURCHILL COUNTY LIBRARY  
553 SOUTH MAINE STREET  
FALLON NEVADA 89406

LAS VEGAS-CLARK COUNTY  
833 LAS VEGAS BLVD - NORTH  
LAS VEGAS NEVADA 89101

DOUGLAS COUNTY LIBRARY  
1625 LIBRARY LANE  
MINDEN NEVADA 89423

ELKO COUNTY LIBRARY  
720 COURT STREET  
ELKO NEVADA 89801

ESMERALDA COUNTY LIBRARY  
FOURTH AND CROOK STREETS  
GOLDFIELD NEVADA 89013

EUREKA COUNTY LIBRARY  
10190 MONROE STREET  
EUREKA NEVADA 89316

HUMBOLDT COUNTY LIBRARY  
85 EAST 5TH STREET  
WINNEMUCCA NEVADA 89445

LANDER COUNTY LIBRARY  
625 BROAD STREET  
BATTLE MOUNTAIN NEVADA 89820

LINCOLN COUNTY LIBRARY  
93 MAIN STREET  
PIOCHE NEVADA 89043

LYON COUNTY LIBRARY  
20 NEVIN WAY  
YERINGTON NEVADA 89447

MINERAL COUNTY LIBRARY  
FIRST AND A STREETS  
HAWTHORNE NEVADA 89415

NOTE: We are pleased to make reasonable accommodations for members of the public with disabilities who wish to attend the meeting. If special arrangements for the meeting are necessary, please notify the POST Commission, in writing, at 3476 Executive Pointe Way, Suite 12A, Carson City, Nevada 89706, or call Gordon Waldaias at (775) 684-7678, Extension 226, no later than five working days prior to the meeting.

**LCB File No. R127-04**

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

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

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

**NAC 289.140 Minimum standard of training: Training category I.** (NRS 289.510, 289.600) The minimum standard of training for officers in training category I is successful completion of a basic course that includes ~~480~~ 600 hours of training in:

1. Legal subjects, specifically:
  - (a) Constitutional law;
  - (b) Probable cause;
  - (c) Search and seizure;
  - (d) Laws of arrest;
  - (e) Crimes against property;
  - (f) Crimes against persons;
  - (g) Laws governing coroners;
  - (h) Traffic laws;
  - (i) Laws relating to narcotics;
  - (j) Civil liability;
  - (k) Use of force;
  - (l) Laws relating to child abuse;
  - (m) Laws relating to the abuse of elderly persons;
  - (n) Laws relating to domestic violence;
  - (o) Laws relating to stalking and aggravated stalking;
  - (p) Laws relating to juveniles;
  - (q) Miscellaneous crimes; and
  - (r) Operation of emergency vehicles.
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) Stalking and aggravated stalking;
  - (g) Child abuse;
  - (h) Abuse of elderly persons;
  - (i) Handling persons who are mentally ill;
  - (j) Crisis intervention; and
  - (k) Weapons of mass destruction.
3. Skills of officers, specifically:

- (a) Techniques of interviewing and interrogation;
  - (b) Writing of reports;
  - (c) Fingerprinting;
  - (d) Methods of arrest;
  - (e) Nonlethal weapons;
  - (f) Retention of weapons;
  - (g) Qualification for use of firearms;
  - (h) Defensive tactics; and
  - (i) Operation of emergency vehicles.
4. Investigation, specifically:
- (a) Principles of investigation;
  - (b) Investigation of crime scenes;
  - (c) Collection and preservation of evidence;
  - (d) Investigation of drivers who are under the influence of alcohol or a controlled substance;
  - (e) Investigation of accidents;
  - (f) Investigation of allegations of the abuse of elderly persons; and
  - (g) Investigation of allegations of stalking and aggravated stalking.
5. Community relations, specifically:
- (a) Ethics in law enforcement;
  - (b) Victim's rights;
  - (c) History and principles of law enforcement; and
  - (d) Interpersonal communication.
6. Miscellaneous subjects, specifically:
- (a) Stress;
  - (b) Criminal justice process;
  - (c) Courtroom demeanor;
  - (d) Emergency first aid;
  - (e) Cardiopulmonary resuscitation;
  - (f) National Crime Information Center procedure; and
  - (g) Physical conditioning.
7. Course administration and examinations.

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

**NAC 289.150 Minimum standard of training: Training category II.** (NRS 289.510, 289.600) The minimum standard of training for officers in training category II is successful completion of a basic course that includes ~~200~~ 300 hours of training in:

- 1. Legal subjects, specifically:
  - (a) Constitutional law;
  - (b) Probable cause;
  - (c) Search and seizure;
  - (d) Laws of arrest;
  - (e) Crimes against property;
  - (f) Crimes against persons;
  - (g) Laws relating to narcotics;
  - (h) Miscellaneous crimes;

- (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; and
  - (o) Laws relating to juveniles.
2. Procedures in the field, specifically:
    - (a) Survival of officers;
    - (b) Domestic violence;
    - (c) Stalking and aggravated stalking;
    - (d) Child abuse;
    - (e) Abuse of elderly persons;
    - (f) Handling persons who are mentally ill;
    - (g) Crisis intervention; and
    - (h) Care and custody of prisoners.
  3. Skills of officers, specifically:
    - (a) Techniques of interviewing and interrogation;
    - (b) Writing of reports;
    - (c) Fingerprinting;
    - (d) Physical methods of arrest and defensive tactics;
    - (e) Retention of weapons;
    - (f) Qualification for use of firearms; and
    - (g) Physical conditioning.
  4. Investigations, specifically:
    - (a) Principles of investigation;
    - (b) Investigation of crime scenes;
    - (c) Investigation of allegations of the abuse of elderly persons;
    - (d) Investigation of allegations of stalking and aggravated stalking; and
    - (e) Collection and preservation of evidence.
  5. Community relations, specifically:
    - (a) Ethics in law enforcement;
    - (b) Victim's rights;
    - (c) History and principles of law enforcement; and
    - (d) Communication skills.
  6. Miscellaneous subjects, specifically:
    - (a) Stress;
    - (b) Criminal justice process;
    - (c) Courtroom demeanor;
    - (d) Emergency first aid;
    - (e) Cardiopulmonary resuscitation; and
    - (f) National Crime Information Center procedure.
  7. Course administration and examinations.

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

**NAC 289.160 Minimum standard of training: Training category III.** (NRS 289.510, 289.600) The minimum standard of training for officers in training category III is successful completion of a basic course that includes ~~160~~ 200 hours of training in:

1. Legal subjects, specifically:
  - (a) Civil rights of offenders;
  - (b) Searches of offender institutions;
  - (c) Laws relating to correctional institutions;
  - (d) Laws relating to stalking and aggravated stalking; and
  - (e) Use of force.
2. Procedures in the field, specifically:
  - (a) Gangs and cults;
  - (b) Supervision of offenders;
  - (c) Classification and receiving of offenders;
  - (d) Transportation of offenders;
  - (e) Crisis intervention;
  - (f) Records of offenders in institutions; and
  - (g) Games offenders play.
3. Skills of officers, specifically:
  - (a) Writing of reports for correctional institutions;
  - (b) Fire safety and use of emergency equipment;
  - (c) Fingerprinting;
  - (d) Defensive tactics;
  - (e) Introduction of restraints; and
  - (f) Physical conditioning.
4. Investigation, specifically:
  - (a) Crime scene and evidence;
  - (b) Investigation of narcotics and abuse of controlled substances;
  - (c) Investigation of allegations of stalking and aggravated stalking; and
  - (d) Personality disorders and prevention of suicide.
5. Community relations, specifically:
  - (a) Ethics for correctional officers;
  - (b) Cultural awareness;
  - (c) Interpersonal communications; and
  - (d) Public and media relations.
6. Miscellaneous subjects, specifically:
  - (a) Modern correctional philosophy;
  - (b) First aid;
  - (c) Cardiopulmonary resuscitation; and
  - (d) Criminal justice system.
7. Course administration and examination.



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

**NAC 289.200 Basic and reserve basic certificates: Requirements; extension of time to complete certain requirements; request for certification; placement of basic certificate on inactive status. (NRS 289.510, 289.550, 289.600)**

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 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 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) 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 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. 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.

3. 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 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.

4. Except as otherwise provided in subsection 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, if the officer is a reserve officer, the date of activation of his reserve status. *If an officer passes the state physical fitness examination outside the 16 week time period, for reasons other than those set out in subsection 5, the agency administrator may submit a request to the executive director to permit the officer to use the passing score for purpose of basic certification. The request must include, without limitation, the reasons the officer was unable to complete the state physical fitness examination within the 16 week time period. The executive director has the authority to approve the use of a passing score for purpose of basic certification so long as the state physical fitness examination was successfully completed within 12 months after the date on which the officer was hired, or if the officer is a reserve officer within 12 months of the date of activation of his reserve status.*

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, if the student is a reserve officer, the date of activation of his reserve status.

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, if the officer is a reserve officer, the date of activation of his 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 Welfare Division of the Department of Human Resources pursuant to NRS 425.520.

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.

*8. A person who is not employed by an agency at the time they successfully complete a basic training course must become employed by an agency within 24 month of the date they completed the basic training course. If a person is not employed within 24 month time period, the person must repeat all of the requirements for basic certification set out in subsection 1.*

**Section 5. Chapter 289 of NAC 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 *prior to December 31 annually. The employing agency shall inform each peace officer of the annual training requirement and the suspension penalties for failure to obtain the annual 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 has not received the approved form from an agency administrator prior to January 15 of the year following the reporting period, the executive director will inform the agency administrator of his failure to submit the required form, and that he will be placed on the commission's next meeting agenda if the form is not received on or before February 15 of that year. If the executive director has not received the approved form on or before February 15 of that year, the executive director will place the agency administrator on the commission's next meeting agenda for the agency administrator to explain to the commission why the approved form has not been timely submitted.*

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 agency must provide the current residence address of each officer listed on the approved form.* The commission will suspend the certificate of any officer who does not obtain the required training within ~~[6 months]~~ *sixty (60) days* 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]~~ *does not* 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, *chemical weapon, electronic incapacitating device, or other less than lethal 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.]~~

*(d) 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.*

*(e) Review each of the employing agency's use of force policies that cover any aspect of use of force in which the agency may become involved.*

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;

(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.