

Chapter 289 of NAC

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

LCB File No. T011-05

Filed with the Secretary of State on February 1, 2005.

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 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 *and counter-terrorism*.
- 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 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 ~~[-.];~~ *and*
 - (i) Weapons of mass destruction and counter-terrorism.*
 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 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 ~~[-.]~~; *and*
 - (h) Weapons of mass destruction and counter-terrorism.*
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 289.170 Minimum standard of training: Reserve officers. (NRS 289.510, 289.600)

The minimum standard of training for reserve officers is successful completion of a basic course that includes 120 hours of training in:


1. Legal subjects, including 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 *and counter-terrorism*.
3. Skills of officers, specifically:
 - (a) Writing of reports;
 - (b) Fingerprinting;
 - (c) Methods of arrest;
 - (d) Nonlethal 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.

Section 5. 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 *and counter-terrorism* .
- (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 or 6, 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.
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. 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 he was hired or, if the officer is a reserve officer, the date of activation of his reserve status, the employing agency of the officer may submit a request to the Executive Director to waive the requirements of subsection 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 4. The Executive Director may, for good cause shown, grant a request submitted pursuant to this subsection.

7. 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.

8. The Executive Director may issue a category I basic certificate to a peace officer that holds a current category II basic certificate issued by the Commission if:

(a) He is currently employed by a Nevada agency;

(b) The Peace officer has satisfactorily completed a training course that is approved by the Executive Director which consists of a minimum of 280 hours of training in:

Legal subjects:

1. Laws governing coroners;

2. Traffic laws; and

3. Operation of emergency vehicles.

Procedures for patrol, specifically relating to:

1. Basic patrol procedures;

2. Stopping and citing of drivers of vehicles;

3. Searching of building; and

4. Weapons of mass destruction and counter-terrorism.

Skills of officers, specifically:

1. Less lethal weapons; and

2. Operation of emergency vehicles.

Investigations, specifically:

1. Investigation of drivers who are under the influence of alcohol or a controlled substance; and

2. Investigation of accidents.

(c) The peace officer passes the category I state certification examination with a score at or above the 70th percentile.

[8] 9. 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.

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

NOTICE OF ADOPTION OF TEMPORARY REGULATION
LCB File No. T011-05

The Peace Officers' Standards and Training Commission adopted regulations assigned LCB File No. T011-05 which pertain to chapter 289 of the Nevada Administrative Code on February 1, 2005.

INFORMATIONAL STATEMENT

1. A description of how public comment was solicited, a summary of public response, and an explanation how persons may obtain a copy of the summary.

The Commission on Peace Officer' Standards and Training noticed its intent to amend certain regulations through notices of one (1) public workshop held at 1:00 p.m. and one (1) Public Comment Hearing held at 1:30 p.m. on December 02, 2004, at the CasaBlanca Resort and Casino, 950 West Mesquite Boulevard, North Shore Room, Mesquite, Nevada, all in compliance with NRS 233B.0603.

Notice of the Public Comment hearings were sent via U.S., inter-departmental mail or faxed to all identified law enforcement agencies.

Notice for the Public Hearing was posted at all Nevada county libraries, POST Administrative Offices, Carson City; Nevada State Capitol Building, Carson City; State Personnel-Blasdel Building, Carson City; Nevada State Library, Carson City; Grant Sawyer Building, Las Vegas; Mesquite Police Department, Mesquite, Nevada; and posted on the Nevada POST website at www.post.state.nv.us.

Persons who wished to comment on the proposed action of the Commission on Peace Officers' Standards and Training were invited to appear at the scheduled public hearings or were invited to address their comments, data, views or arguments, in written form, to Richard P. Clark c/o POST Commission, 3476 Executive Pointe Way, Suite 12A, Carson City, Nevada 89706. Comments from interested persons included, Paul Pabon – Department of Public Safety, Carl Maculuso - High Sierra Regional Law Enforcement Academy, Julie Pahoke – Washoe County Human Resources, Chris Collins – Las Vegas Police Protective Assn, George Brazzale – Taxicab Authority, Jared Pace – N. Las Vegas Justice Court, Gene Carmean – Med-Tox, Wayne Carlson – Nevada Insurance Pool.

The comments from interested persons focused on the support for the inclusion of anti-terrorism to basic training; support for the category II to category I upgrade process, with the exception of two persons who were opposed to the placing a 60-month time limit on those who would be eligible to use the category II to category I upgrade process.

No written comments were received by the Commission prior to the hearing.

2. The number of persons who:

- (a) Attended the hearing;**
December 02, 2004, (22)
- (b) Testified at the hearing;**
December 02, 2004 (07)

CARL MACALUSO - HIGH SIERRA REGIONAL LAW ENFORCEMENT ACADEMY
PAUL PABONE - DEPARTMENT OF PUBLIC SAFETY - TRAINING DIVISION
JULIE PAHOKE – WASHOE COUNTY SHERIFFS OFFICE - HUMAN RESOURCES
CHRIS COLLINS - LAS VEGAS POLICE PROTECTIVE ASSOCIATION METRO, INC.
GEORGE BRAZZALE - STATE OF NEVADA - TAXICAB AUTHORITY
JERED PACE - NORTH LAS VEGAS JUSTICE COURT
GENE CARMEAN - MED-TOX
WAYNE CARLSON – NEVADA INSURANCE POOL

3. A description of how comment was solicited from affected businesses, a summary of their response, and an explanation how other interested persons may obtain a copy of the summary;

Comment was solicited as provided in section one.

Interested agencies or persons employed by law enforcement agencies had an opportunity to submit written comments or testify at the public hearing workshop and the public comment hearing.

Persons wishing to obtain a copy of any written comments, may request copies by calling (775 684-7678 or by writing to the Commission on Peace Officers' Standards and Training, Executive Director, 3476 Executive Pointe Way, Suite 12A, Carson City, Nevada 89706.

4. If the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation without change.

The temporary regulations were adopted at the POST Commission meeting on December 02, 2004. Based on public comments and commission deliberations, the proposed regulations included the following changes:

Section:

1. Amended NAC 289.140 to add counter-terrorism to the list of subjects required for a category I basic training course.

The Commission voted to add Counter-Terrorism to the list of subjects required for a Category I basic training course.

2. Amended NAC 289.150 to add weapons of mass destruction and counter-terrorism to the list of subjects required for a category II basic training course.
The Commission voted to add Weapons of Mass Destruction and Counter-Terrorism to the list of subjects required for a Category II basic training course.

3. Amended NAC 289.160 to add weapons of mass destruction and counter-terrorism to the list of subjects required for a category III basic training course.
The Commission voted to add Weapons of Mass Destruction and Counter-Terrorism to the list of subjects required for a Category III basic training course.

4. Amended NAC 289.200 to add counter-terrorism to the list of subjects required for an in-lieu training requirement.
The Commission voted to add Counter-Terrorism to the list of subjects required for the In-Lieu training requirement.

5. Amended NAC 289.170 to add counter-terrorism to the list of subjects required for a reserve basic training requirement.
The Commission voted to add Counter-Terrorism to the list of subjects required for the Reserve basic training requirement.

6. The proposed amendment to NAC 289.270 to clarify the requirements for issuance of the executive certificate including requiring the person to be in the third level of command and to be involved in developing policy for the agency was not adopted by the Commission

7. Amended NAC 289.200 to add language providing a method for eligible category II peace officers to upgrade their certification to category I through successfully completing certain requirements including passing the category I state certification examination and successfully completing a category II to category I training course.
The Commission voted to accept the proposed language with the exception of the requirements that a peace officer could not engage in the upgrade process if it had been more than sixty (60) months since they completed their category II basic training course.

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

a. Both adverse and beneficial effects;

(a) Both adverse and beneficial effects.

Adverse effects:

Sec. 1, 2, 3, 4 and 5 may require basic training courses to be expanded to accommodate the adding of counter-terrorism and/or weapons of mass destruction to their training curricula.

Sec. 7, a person may not seek a basic certification upgrade from category II to category I unless they successfully complete a POST certified category II to I upgrade academy.

Beneficial effects:

Sec. 1, 2, 3, 4 and 5 establish new standards by providing an overview of counter-terrorism in basic training for all categories of peace officers.

Sec. 7, the amendment will provide a method for category II peace officers to upgrade their training certification to category I without having to complete a full category I basic training course.

Sec. 2, 3, the amendment provides that weapons of mass destruction to be added to the category II and category III basic training requirement.

b. Both immediate and long-term effects.

Same as stated above.

6. The estimated cost to the agency for enforcement of the proposed adopted regulations.

There is no anticipated cost associated with change to these regulations.

7. A description of any regulation of other state or government agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the regulation overlaps or duplicates a federal regulation, the name of the regulating federal agency.

The Commission has no knowledge of any regulations imposed by other state, government or federal agencies, which overlap or duplicate these regulations.

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

The Commission is not aware of any Federal regulation that may be associated with this same activity.

9. If the regulation provides a new fee or increases an existing fee, the total annual amount the agency expects to collect and the manner in which the money will be used.

The adopted regulations neither establish nor increase any existing fee.