

LCB File No. R118-09

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

**NAC 289.110 Minimum standards for appointment.** (NRS 289.510)

1. No person may be appointed to perform the duties of a peace officer unless he:

(a) Has undergone a complete and documented investigation of his background which verifies that he has good moral character and meets the minimum standards established by the Commission; *to include but not limited to:*

*(1) A background investigation must include, but is not limited to:*

- a. Current and past employment history and job related duties and performance;*
- b. Warrants and criminal history inquiry in Nevada and all known states of residence and submission of finger prints for identification;*
- c. Drivers license and driving records inquiry in Nevada and all other known states of residence;*
- d. Financial history;*
- e. Educational history;*
- f. Military history;*
- g. Residential history;*
- h. Has undergone drug screening; and*
- i. Psychological*

*(2) A background investigation may also include truth verification.*

(b) Is a citizen of the United States;

(c) Is at least 21 years of age at the time of his appointment;

(d) Has successfully completed the 12th grade or has been certified by an appropriate authority as having an equivalent education; and

(e) Has undergone a medical examination performed by a licensed physician who confirms in writing that no physical condition exists which would adversely affect his performance of the duties of a peace officer. The employing agency shall inform the examining physician of the specific functions required by the position to be filled; *and*

2. A person may not be appointed to perform the duties of a peace officer if he has:

(a) Been convicted of a felony in this State or of any offense which would be a felony if committed in this State;

(b) Been convicted of an offense involving moral turpitude or the unlawful use, sale or possession of a controlled substance; or

(c) A documented history of physical violence.

**NAC 289.200** 1. The Executive Director shall award a basic certificate to any peace officer who meets the minimum standards for appointment established pursuant to NAC 289.110 and has:

(a) Satisfactorily completed the basic training course for basic certification; *except as provided in subsection (1), satisfactorily completed means the successful completion of all the requirements for an approved basic training course within the start date and finish date of a basic training course.*

*(1) An officer attending a basic training course who is discharged from the basic training course for any reason, other than a disciplinary action, may re-enter the same category of basic training course of the same academy program provider if:*

*a. Requested by the employing agency administrator, recommended by the basic training course administrator, and approved by the Executive Director;*

*b. The basic training course schedule is set and conducted in a manner so that the officer can re-enter the basic training course at a point prior to where they were previously discharged, and ensures the completion of all training requirements for which the basic training course is certified;*

*c. The re-entry occurs not later than 120 days from the date of being discharged from the basic training course; and*

*d. The student has not previously been permitted re-entry into a basic training course for that category.*

(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) For a Category I Basic Certificate or a Reserve Certificate:*

~~[(1)]~~ (a) Complete a vertical jump of not less than 14 inches;

~~[(2)]~~ (b) Complete not less than 30~~[(15)]~~ sit-ups in 1 minute;

~~[(3)]~~ (c) Complete not less than ~~[(8)]~~ 23 push-ups;

~~[(4)]~~ (d) Run 300 meters in not more than ~~[(77)]~~ 68 seconds; ~~and~~

~~— [(5)]~~ (e) Walk or run 1.5 miles in not more than ~~[(17)]~~ 16 minutes and ~~[(17)]~~ 57 seconds; *and*

*(f) Complete the agility run in not more than 19.5 seconds.*

*(2) For a Category II Basic Certificate:*

*(a) Complete a vertical jump of not less than 15 inches;*

*(b) Complete not less than 29 sit-ups in 1 minute;*

*(c) Complete not less than 15 push-ups;*

*(d) Run 300 meters in not more than 80 seconds;*

*(e) Walk or run 1.5 miles in not more than 20 minutes and 06 seconds; and*

*(f) Complete the agility run in not more than 20.7 seconds.*

*(3) For a Category III Basic Certificate:*

*(a) Complete a vertical jump of not less than 15 inches;*

*(b) Complete not less than 20 push-ups;*

*(d) Run 300 meters in not more than 74 seconds;*

*(e) Walk or run 1.5 miles in not more than 17 minutes and 37 seconds; and*

*(f) Complete the agility run in not more than 20.4 seconds.*

2. The Executive Director may award a basic certificate to any peace officer who has been certified by the certifying entity of another state or has successfully completed a Federal Law Enforcement Training Center training program approved by the Commission and who meets the minimum standards for appointment established pursuant to NAC 289.110 if:

(a) The Commission or its designee has determined that the course of training required for the certification was at least equivalent to the basic training course for basic certification;

(b) The certification of the peace officer in the other jurisdiction has not been revoked or suspended;

(c) Not more than 60 months have lapsed since the peace officer was employed in the other jurisdiction;

(d) The peace officer has satisfactorily completed a training course that is approved by the Executive Director which consists of a minimum of 80 hours of training that satisfies the requirements established by the Commission pursuant to subsection 1 of NAC 289.300 in:

- (1) Abuse of elderly persons;
- (2) Active assailants;
- (3) Child abuse and sexual abuse of a child;
- (4) Civil liability;
- (5) Constitutional law;
- (6) Counter-terrorism and weapons of mass destruction;
- (7) Crimes against persons;
- (8) Crimes against property;
- (9) Cultural awareness;
- (10) Domestic violence and stalking;
- (11) Ethics in law enforcement or for correctional officers;
- (12) Juvenile law;
- (13) Laws relating to arrest;
- (14) Laws relating to drugs, including, without limitation, current trends in drugs;
- (15) Miscellaneous crimes;
- (16) Probable cause;
- (17) Rights of victims;
- (18) Search and seizure;
- (19) Sexual harassment; and
- (20) Use of force.

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

(f) The peace officer passes the state physical fitness examination *for the category of basic certificate for which application is made as outlined in section 1(c)* . ~~[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 basic certificate in training category I to a peace officer who holds a basic certificate in training category II issued by the Commission if the peace officer:

- (a) Is currently employed as a peace officer by an agency;
- (b) Has satisfactorily completed a training course approved by the Executive Director that consists of a minimum of 280 hours of training in:
  - (1) Law and legal procedures, specifically:
    - (I) Laws governing coroners; and
    - (II) Traffic laws;
  - (2) Patrol operations and investigations, specifically:
    - (I) Accident investigations;
    - (II) Basic patrol procedures;

- (III) The DWI Detection and Standardized Field Sobriety Testing course approved by the National Highway Traffic Safety Administration; and
- (IV) Unknown-risk and high-risk vehicle stops;
- (3) Performance skills, specifically:
  - (I) Operation of emergency vehicles;
  - (II) Searching of buildings;
  - (III) Tactics for the arrest and control of suspects, including, without limitation, methods for arrest and the use of less than lethal weapons; and
  - (IV) Training concerning active assailants; and
- (4) The functions of a peace officer, specifically relating to counter-terrorism and weapons of mass destruction; and
- (c) Passes the state certification examination for training category I with a score at or above the 70th percentile.

4. The Executive Director may award a reserve basic certificate to any reserve officer who meets the minimum standards for appointment pursuant to NAC 289.110 and has:
- (a) Satisfactorily completed the basic training course for a reserve certificate;
  - (b) Passed the state certification examination with a score at or above the 70th percentile; and
  - (c) Passed the state physical fitness examination *for a reserve basic certificate as outlined in section 1(c)(1).*

- ~~[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.]~~

5. Except as otherwise provided in subsection 6 or 7, an officer must pass the state physical fitness examination:
- (a) *Within 16 weeks from the start date of the officer's* ~~[While enrolled in a]~~ basic training course certified or approved pursuant to NAC 289.300; or
  - (b) ~~[Not earlier than 16 weeks before, or]~~ *For officers who are eligible for certification under NAC 289.200(2), must pass the physical fitness examination* ~~[not]~~ *no* 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.

6. 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.

7. 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 5. The request must include, without limitation, the reason the officer was unable to pass the state physical fitness examination within the periods described in subsection 5. The Executive Director may, for good cause shown, grant a request submitted pursuant to this subsection.

8. Upon satisfactory completion of the requirements listed in subsection 1, 2, 3 or 4, the employing agency shall submit a request for certification to the Executive Director. The request must include:

(a) The name, social security number and date of hire of the officer or, if the officer is a reserve officer, the date of activation of his reserve status;

(b) Documentary evidence that the officer has successfully completed an approved basic training course;

(c) Verification by the administrator of the agency that the officer meets the minimum standards established by this chapter; and

(d) The statement concerning child support prescribed by the Division of Welfare and Supportive Services of the Department of Health and Human Services pursuant to NRS 425.520.

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.

**NAC 289.230** 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. The employing agency shall notify each officer of the requirements of this section and the penalties set forth in subsection 3 for failure to comply with this section. 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 31 following the year in which training was required.

2. If the Executive Director has not received verification of completion of training pursuant to subsection 1 before January 31 following the year in which training was required, the Executive Director shall notify the administrator of the employing agency that he has not received the verification required by subsection 1 and that if the verification is not received on or before March 1 of that year, the Executive Director will place the administrator on the agenda for the next scheduled meeting of the Commission to explain the delay in the submission of the verification. If the Executive Director has not received verification of completion of training pursuant to subsection 1 on or before March 1 following the year in which training was required, the Executive Director shall place the administrator of the employing agency on the agenda for the next scheduled meeting of the Commission.

3. 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 within 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.

4. Except as otherwise provided in subsection 6, 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 demonstrate a minimum level of proficiency in the use of each firearm he is authorized to use. An officer who 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, demonstrate *annually* a minimum level of proficiency in the use of each such weapon or device he is authorized to use. *An officer who does not demonstrate a minimum level of proficiency with the use of any of these weapons may not carry or use weapons described in this section until he participates in a remedial course established by the employing agency to ensure that he achieves and maintains a satisfactory level of proficiency.*

(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.

(d) If the employing agency of the officer authorizes the use of a carotid restraint or lateral vascular neck restraint, demonstrate annually a minimum level of proficiency in those techniques.

(e) Review *annually* each policy of the employing agency which addresses the use of force in any situation in which the agency or the officer may become involved.

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

6. An officer:

(a) Who voluntarily leaves his employment as a peace officer for at least 12 consecutive months but not more than 60 consecutive months;

(b) Whose employment as a peace officer is terminated for any reason for at least 12 consecutive months but not more than 60 consecutive months; or

(c) Who, during a period of continuous employment as a peace officer, is absent from his duties as a peace officer because of medical leave, military leave or other approved leave for at least 12 consecutive months,

↳ must satisfy the requirements of paragraphs (b) to (e), inclusive, of subsection 4 and demonstrate a minimum level of proficiency in the use of each firearm he is authorized to use before he resumes his duties as a peace officer.

7. An officer who is *approved by the agency administrator and qualified* [~~certified by the Executive Director~~] to instruct courses in [~~firearms, impact weapons or defensive tactics~~]

*subsection 4* is not required to comply with the continuing education requirements of subsection 4 if the officer:

- (a) Instructs a course in the subject for which *he is qualified and approved to instruct, [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 in the subject that he instructs.

8. Each agency shall maintain documentation of the courses provided pursuant to subsection 4. 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.

**NAC 289.300 Courses of basic training. (Effective through December 31, 2006.)** (NRS 289.510, 289.590)

1. The Executive Director shall certify courses of basic training presented by agencies or approved by the Commission 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) 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 that restraint and include presentations on the use of force, the rules of the agency relating 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.

*(g) Require each person, prior to beginning the basic training course, pass a entrance physical fitness examination. To pass the entrance physical fitness examination, the person must:*

*(1) For Category I and Reserves:*

- (a) Complete a vertical jump of not less than 11.5 inches;*
- (b) Complete not less than 24 sit-ups in 1 minute;*
- (c) Complete not less than 18 push-ups;*
- (d) Run 300 meters in not more than 82 seconds;*
- (e) Walk or run 1.5 miles in not more than 20 minutes and 20 seconds; and*
- (f) Complete the agility run in not more than 23.4 seconds.*

*(2) For Category II:*

- (a) Complete a vertical jump of not less than 12 inches;*
- (b) Complete not less than 23 sit-ups in 1 minute;*
- (c) Complete not less than 12 push-ups;*
- (d) Run 300 meters in not more than 96 seconds;*
- (e) Walk or run 1.5 miles in not more than 24 minutes and 10 seconds; and*
- (f) Complete the agility run in not more than 24.9 seconds.*

*(3) For Category III:*

- (a) Complete a vertical jump of not less than 12 inches;*
- (b) Complete not less than 16 push-ups;*
- (d) Run 300 meters in not more than 89 seconds;*
- (e) Walk or run 1.5 miles in not more than 21 minutes and 10 seconds; and*
- (f) Complete the agility run in not more than 24.5 seconds.*

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 the discretion of the Executive Director. The agency shall notify the Executive Director of any proposed changes regarding courses, instructors and facilities.

3. 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.

4. 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.

**Amend to add a new section to NAC as follows:**

*Supervisor Certificate: (NRS 289.510) The Executive Director shall grant a Supervisor Certificate to an officer upon submission of proof satisfactory to the Executive Director that the officer meets the following minimum requirements:*

- 1. Current employment as a peace officer by an agency;*
- 2. A valid basic certificate;*

*3. A current full time assignment as a first line supervisor as designated by the employing agency administrator;*

*4. Successful completion of an 80 hour course of training which must include, but is not limited to, instruction in:*

- a. Principles of Leadership;*
- b. Seven Dynamics (Habits for highly effective people);*
- c. Group Dynamics (generational diversity and multiple intelligences);*
- d. Reviewing Reports;*
- e. Staffing and Scheduling;*
- f. Performance Evaluation;*
- g. Personnel Law;*
- h. Legal Issues for Supervisors;*
- i. Essential Skills inclusive of Coaching Skills, Team Building Skills, Positive Reinforcement Skills, and Goal Writing Skills;*
- j. Progressive Discipline;*
- k. Stress Management;*
- l. Preventing Law Enforcement Suicide;*
- m. Media Relations;*
- n. Effective Communication;*
- o. Public Presentations;*
- p. Policy for Supervisors;*
- q. Building Trust;*
- r. Leadership Ethics; and*
- s. Conflict Management.*

*5. Must complete all training requirements for the certificate within one year of the effective date of his assignment as a full-time first line supervisor.*

*6. This regulation goes into effect on July 1, 2010. Peace Officers who are in supervisory positions as outlined in section 3 prior to the effective date are not required to comply with this regulation.*