

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

LCB File No. R118-09

November 4, 2009

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

AUTHORITY: §§1-6, and 8-10, NRS 289.510; §7, NRS 289.510 and 289.550.

A REGULATION relating to peace officers; revising certain standards and training for peace officers; revising the physical fitness test required for peace officers to provide varying standards for different categories of peace officers; providing that a peace officer who meets certain criteria and completes certain training may obtain a supervisor certificate; revising certain requirements for a background check that is conducted for persons applying to become a peace officer; revising continuing education requirements for certain peace officers to require demonstration of proficiency with certain weapons that are less than lethal; and providing other matters properly relating thereto.

Section 1. Chapter 289 of NAC is hereby amended by adding thereto the provisions set forth as sections 2, 3 and 4 of this regulation.

Sec. 2. *“Agility run” means a test of physical agility designated by the Commission.*

Sec. 3. *To pass the state physical fitness examination, a person must:*

1. For a basic certificate as a category I peace officer or as a reserve peace officer:

(a) Complete a vertical jump of not less than 14 inches.

(b) Complete not less than 30 sit-ups in 1 minute.

(c) Complete not less than 23 push-ups.

(d) Run 300 meters in not more than 1 minute and 8 seconds.

(e) Walk or run 1.5 miles in not more than 16 minutes and 57 seconds.

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

2. *For a basic certificate as a category II peace officer:*
 - (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 1 minute and 20 seconds.*
 - (e) *Walk or run 1.5 miles in not more than 20 minutes and 6 seconds.*
 - (f) *Complete an agility run in not more than 20.7 seconds.*

3. *For a basic certificate as a category III peace officer:*
 - (a) *Complete a vertical jump of not less than 15 inches.*
 - (b) *Complete not less than 20 push-ups.*
 - (c) *Run 300 meters in not more than 1 minute and 14 seconds.*
 - (d) *Walk or run 1.5 miles in not more than 17 minutes and 37 seconds.*
 - (e) *Complete an agility run in not more than 20.4 seconds.*

Sec. 4. 1. *The Executive Director shall grant a supervisor certificate to an officer upon submission of proof satisfactory to the Executive Director that the officer:*

- (a) *Currently is employed as a peace officer by an agency;*
- (b) *Has a current basic certificate;*
- (c) *Is employed full-time as the direct supervisor of at least one other peace officer; and*
- (d) *Has successfully completed an 80-hour course of training described in subsection 2.*

2. *The 80-hour course of training required pursuant to this subsection must include, without limitation, instruction in:*

- (a) *Principles of leadership, including the ethical responsibilities of leadership;*

(b) Group dynamics, including, without limitation, working with persons of different ages and learning styles and the study of multiple intelligences;

(c) Reviewing reports made by peace officers;

(d) Staffing and scheduling;

(e) Preparing performance evaluations;

(f) Legal issues for supervisors, including, without limitation, personnel law;

(g) Supervisory skills, including, without limitation, coaching, team-building, providing positive reinforcement, building trust and setting goals;

(h) Carrying out progressive discipline;

(i) Stress management;

(j) Preventing suicide by peace officers;

(k) Effective communication skills, including, without limitation, making public presentations and communicating with the media;

(l) Writing, reviewing and implementing policies;

(m) Managing conflict in the workplace; and

(n) Any other topics required by the Executive Director.

Sec. 5. NAC 289.010 is hereby amended to read as follows:

289.010 As used in this chapter, unless the context otherwise requires, the words and terms defined in NAC 289.015 to 289.085, inclusive, *and section 2 of this regulation* have the meanings ascribed to them in those sections.

Sec. 6. NAC 289.110 is hereby amended to read as follows:

289.110 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;

(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.

2. *The investigation of the background of a person required pursuant to subsection 1 may include the use of a lie detector as defined in NRS 613.440 and must include, without limitation:*

(a) An investigation of the current and past employment history of the person, including, without limitation, an examination of the duties that have been assigned to the person and any performance evaluations of the person;

(b) An inquiry into the criminal history of the person in the State of Nevada and in any other state where the person is known to have resided, which must include, without limitation, any warrants issued for the person and the submission of the person's fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report;

(c) An inquiry to the Department of Motor Vehicles and the appropriate entity in each other state in which the person is known to have resided regarding any driver's licenses the person has held and the driving record of the person;

(d) A financial history of the person;

(e) The educational background of the person;

(f) The history of any military service of the person;

(g) A history of each physical address where the person has resided;

(h) A drug screening test; and

(i) A psychological evaluation.

3. 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.

Sec. 7. NAC 289.200 is hereby amended to read as follows:

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;

(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.]~~ *for the appropriate category of peace officer as described in section 3 of this regulation.*

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 ~~[-. 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.]~~ *for the appropriate category of peace officer as described in section 3 of this regulation.*

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 ~~[. 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.]~~ *described in*

subsection 1 of section 3 of this regulation.

5. Except as otherwise provided in subsection 6 or 7, an officer must pass the state physical fitness examination:

(a) ~~[While enrolled in a]~~ *If the officer is not eligible for certification pursuant to subsection 2, not later than 16 weeks after the first day of the officer's* basic training course certified or approved pursuant to NAC 289.300; or

(b) ~~[Not earlier than 16 weeks before, or]~~ *If the officer is eligible for certification pursuant to subsection 2, 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.

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.

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.

11. Except as otherwise provided in this subsection, to satisfactorily complete a basic training course for the purposes of this section, the person must successfully complete all of the requirements in one course. If a person is discharged from a basic training course for any reason that is not disciplinary, the person may complete any remaining requirements in a later

course provided by the same entity if the person has not previously been discharged from a course and if:

(a) The administrator of the basic training course recommends that the person complete the requirements in a later course, the administrator of the employing agency of the person requests that the person be allowed to complete the requirements in a later course and the Executive Director gives approval;

(b) The subsequent course is provided in a manner which ensures that the person completes all of the requirements for a basic training course for which the course is certified; and

(c) The subsequent course begins not later than 120 days after the discharge.

Sec. 8. NAC 289.230 is hereby amended to read as follows:

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~~ *subsections 6 and 7*, 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, *at least annually* demonstrate 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 such weapon may not carry or use that weapon until the officer participates in a remedial course established by the employing agency to ensure that the officer 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 certified by the Executive Director to instruct courses in firearms, impact weapons or defensive tactics]~~ *instructs a course pursuant to subsection 4* is not required to comply with the continuing education requirements of subsection 4 *to which the instruction applies* if the officer:

(a) Instructs a course in the subject for which ~~[his certificate is issued]~~ *the officer is qualified and approved by the administrator of the officer's agency* 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.

Sec. 9. NAC 289.300 is hereby amended to read as follows:

289.300 1. The Executive Director shall certify basic training courses 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) *A person enrolling in the course must be required to pass a physical fitness examination not sooner than 30 days before the commencement of the course and not later than 14 days after the commencement of the course. To pass such a physical fitness examination, the person must:*

(1) For category I and reserve training:

(I) Complete a vertical jump of not less than 11.5 inches.

(II) Complete not less than 24 sit-ups in 1 minute.

(III) Complete not less than 18 push-ups.

(IV) Run 300 meters in not more than 1 minute and 22 seconds.

(V) Walk or run 1.5 miles in not more than 20 minutes and 20 seconds.

(VI) Complete an agility run in not more than 23.4 seconds.

(2) For category II training:

(I) Complete a vertical jump of not less than 12 inches.

(II) Complete not less than 23 sit-ups in 1 minute.

(III) Complete not less than 12 push-ups.

(IV) Run 300 meters in not more than 1 minute and 36 seconds.

(V) Walk or run 1.5 miles in not more than 24 minutes and 10 seconds.

(VI) Complete an agility run in not more than 24.9 seconds.

(3) For category III training:

(I) Complete a vertical jump of not less than 12 inches.

(II) Complete not less than 16 push-ups.

(III) Run 300 meters in not more than 1 minute and 29 seconds.

(IV) Walk or run 1.5 miles in not more than 21 minutes and 10 seconds.

(V) Complete an agility run in not more than 24.5 seconds.

(c) Each course submitted to the Executive Director for certification must have a curriculum that contains the following elements:

(1) Each topic of instruction for which the Commission has not established standardized performance objectives must have specifically defined objectives for the performance of the students which are based upon known work requirements;

(2) Each topic of instruction for which the Commission has established standardized performance objectives must include, at a minimum, the standardized performance objectives established by the Commission;

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

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

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

~~(d)~~ (e) 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)~~ (f) 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)~~ (g) If an agency authorizes the use of the carotid restraint or the lateral vascular neck restraint, the course must include at least 8 hours of instruction in 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.

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.

Sec. 10. 1. The amendatory provisions of sections 3 and 7 of this regulation apply only to a person who enrolls in any peace officer training course required pursuant to section 7 of this regulation on or after the effective date of this regulation.

2. The amendatory provisions of section 9 of this regulation apply only to a basic training course that begins on or after the effective date of this regulation.