

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

LCB File No. R066-12

Effective September 14, 2012

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

AUTHORITY: §§1-4, NRS 289.510.

A REGULATION relating to peace officers; revising provisions pertaining to the qualifications of a peace officer; revising the minimum standard of training for a category III peace officer; revising the minimum requirements necessary to obtain a management certificate; and providing other matters properly relating thereto.

Section 1. 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 or she:

(a) Has undergone a complete and documented investigation of his or her background which verifies that the person 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 the 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 or her 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 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;

(i) A psychological evaluation; and

(j) The use of a lie detector as defined in NRS 613.440 for a peace officer being appointed as a category I, category II or reserve peace officer.

3. 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 for a peace officer being appointed as a category III peace officer.

4. A person may not be appointed to perform the duties of a peace officer if he or she 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 ~~or~~; *or*

(d) Resigned in lieu of termination or been terminated from any civil service employment for substantiated misconduct involving dishonesty, and has not been reinstated as a result of a judicial action or any available appeal or remedy relating to the resignation or termination, including, without limitation, any civil service appeal, direct administrative appeal or collective bargaining remedy. For purposes of this paragraph, "dishonesty" includes untruthfulness, deception, misrepresentation, falsification, and dishonesty by admission or omission.

Sec. 2. NAC 289.160 is hereby amended to read as follows:

289.160 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.
 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;
 - (f) Physical conditioning; and
 - (g) Training concerning active assailants.
 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 ~~and~~; *and*

(e) Counter-terrorism and weapons of mass destruction.

7. Course administration and examination.

Sec. 3. NAC 289.260 is hereby amended to read as follows:

289.260 The Executive Director shall grant a management certificate to an officer upon submission of proof satisfactory to the Executive Director that the officer meets the following minimum requirements:

- 1. A current basic certificate.
- 2. A current intermediate certificate.
- 3. A current advanced certificate.
- 4. A current supervisor certificate.
- 5. Six years of experience as a peace officer, including at least 1 year of experience in a management level position and a current assignment in a management level position. The applicant must present proof that the current assignment meets the criteria for a management level position as set forth in NAC 289.057 by submitting a letter with the application that is

signed by the administrator of the agency. The letter must include an organizational chart which demonstrates the applicant's position within the agency and must describe the manner in which the applicant's current assignment meets the criteria for a management level position as set forth in NAC 289.057.

6. Six units of credit from an accredited college or university in addition to the units required for the intermediate and advanced certificates.

7. ~~Two hundred~~ *Successful completion of 200* hours of training *in a management training program certified by the Commission* which includes, *without limitation*, courses in the following subjects : ~~or their equivalent:~~

- (a) Introduction to management;
- (b) Public ~~administration or business~~ administration;
- (c) Financial administration;
- (d) Personnel administration;
- (e) Management and labor relations; *and*
- (f) ~~Supervision; and~~

~~(g)~~ Policy formulation.

Sec. 4. The amendatory provisions of section 3 of this regulation do not apply to any person who began the process of meeting the minimum requirements necessary to obtain a management certificate on or before September 14, 2012, if any such person meets the minimum requirements on or before September 14, 2015.

**NOTICE OF ADOPTION OF PROPOSED REGULATION
LCB File No. R066-12**

The Peace Officers' Standards and Training Commission adopted regulations assigned LCB File No. R066-12 which pertain to chapter 289 of the Nevada Administrative Code.

INFORMATIONAL STATEMENT

**State of Nevada
Commission on Peace Officers' Standards and Training
Informational Statement**

08-15-2012

- 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 two (2) public workshops. The first workshop was held at 1:30 p.m. on February 22, 2012, at the Henderson Police Department, North Command training Facility, Room 102, 225 East Sunset Road, Henderson, Nevada. The second public workshop was held at 9:30 a.m. on Thursday, July 25, 2012, at the Prospector Hotel and Casino, 1501 East Aultman, Ghost Train Room, Ely, Nevada. One (1) Public Comment Hearing held at 1:30 pm on Thursday July 26, 2012 at the Prospector Hotel and Casino, 1501 East Aultman, Ghost Train Room, Ely, 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 Comment 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; emailed to all Nevada criminal justice agency administrators, and posted on the Nevada POST website at www.post.state.nv.us pursuant to NRS 241.020(4).

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, 5587 Wa Pai Shone Avenue, Carson City, Nevada 89701.

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

2. The number of persons who:

(a) Attended each hearing:

February 23, 2012 (**9**)

July 26, 2012 (**9**)

(b) Testified at each hearing:

February 23, 2012 (**1**)

July 26, 2012 (**0**)

(c) Submitted to the Commission written comments: No written comments were submitted.

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 workshop and the public comment hearing. Persons wishing to obtain a copy of any written comments may request copies by calling (775) 687-7678 or by writing to the Commission on Peace Officers' Standards and Training, Executive Director, 5587 Wa Pai Shone Avenue, Carson City, Nevada 89701.

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 regulations were adopted at the POST Commission meeting on July 26, 2012 to be adopted as Permanent Regulations. The regulations were adopted without change to the Legislative Counsel Bureau version, but did add that people who had already started the eligibility process of obtaining the Management Certificate under the old regulation prior to July 26, 2012, would be eligible to receive a Management Certificate so long as they completed the requirement for the certificate within three years from July 26, 2012. The public comments did not suggest or recommend modifications to the Legislative Counsel Bureau language.

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;

Adverse effects:

There are no anticipated adverse effects.

Beneficial effects:

The amendments to the regulations should lead to an increased level of professionalism among peace officers in the State of Nevada. The amendments prohibit a person from being appointed as a peace officer who has been terminated, or resigned in lieu of termination, from previous civil service employment for substantiated misconduct involving dishonesty. Additionally, the amendments will standardize the minimum training requirements for all three categories of peace officers by adding counter-terrorism and weapons of mass destruction to the Category III minimum training requirements, and standardize the training requirements for a Management Certificate by requiring the 200 hours of training required for the certificate to be certified by the Commission.

(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 this regulation.

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 regulation neither establishes nor increases any existing fee.