

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

LCB File No. R025-20

March 11, 2020

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

AUTHORITY: §§1-3, NRS 289.510.

A REGULATION relating to peace officers; revising certain annual requirements for maintenance of a basic certificate or reserve certificate by a peace officer; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law requires the Peace Officers’ Standards and Training Commission to adopt regulations establishing minimum standards for the certification and decertification, recruitment, selection and training of peace officers. (NRS 289.510)

Existing regulations require a peace officer to satisfy certain requirements annually in order to maintain a basic certificate or reserve certificate, including completion of 12 hours of in-service training prescribed by the administrator of the employing agency of the peace officer. Existing regulations authorize this in-service training to include, without limitation, training related to: (1) legal issues; (2) the policies and procedures of the employing agency of the peace officer; (3) driving; (4) first aid; (5) cardiopulmonary resuscitation; (6) blood-borne pathogens; (7) sexual harassment; and (8) any other training prescribed by the administrator of the employing agency of the peace officer. (NAC 289.230) **Section 1** of this regulation removes the existing in-service training requirements and instead provides that the peace officer must complete not less than 12 hours of continuing education in courses that address: (1) racial profiling; (2) mental health; (3) the well-being of officers; (4) implicit bias recognition; (5) de-escalation; (6) human trafficking; and (7) firearms. **Sections 2 and 3** of this regulation make conforming changes.

Section 1. NAC 289.230 is hereby amended to read as follows:

289.230 1. Except as otherwise provided in subsections 7 and 8, to maintain a basic certificate or reserve certificate, the officer must annually ~~satisfy~~ :

(a) *Satisfy* the requirements of subsection 5 ; and ~~complete~~

(b) Complete not less than 12 hours of ~~additional agency in-service training prescribed by the administrator of the employing agency of the officer. Agency in-service training may include, without limitation, training related to legal issues, the policies and procedures of the employing agency of the officer, driving, first aid, cardiopulmonary resuscitation, blood-borne pathogens, sexual harassment or any other training prescribed by the administrator of the employing agency of the officer.~~ *continuing education in courses that address:*

- (1) Racial profiling;*
- (2) Mental health;*
- (3) The well-being of officers;*
- (4) Implicit bias recognition;*
- (5) De-escalation;*
- (6) Human trafficking; and*
- (7) Firearms.*

2. The employing agency shall ensure that its officers comply with the requirements of subsection 1. The employing agency shall notify each officer of the requirements of this section and the penalties set forth in subsection 4 for failure to comply with this section. After an officer completes the requirements of subsection 1, the employing agency shall submit to the Executive Director by any means approved by the Executive Director verification that the officer has completed those requirements. Verification must be submitted on or before December 31 of the year in which the officer was required to complete the requirements of subsection 1.

3. If the Executive Director has not received verification that an officer has completed the requirements of subsection 1 on or before December 31 of the year in which the officer was required to complete those requirements, the Executive Director shall notify the administrator of

the employing agency that he or she has not received the verification required by subsection 2 and that if the verification is not received on or before March 1 following the year in which the officer was required to complete the requirements, 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 that an officer has completed the requirements of subsection 1 on or before March 1 following the year in which ~~training~~ *the officer* was required ~~to~~ *to complete the requirements*, the Executive Director shall place the administrator of the employing agency on the agenda for the next scheduled meeting of the Commission.

4. 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 requirements of subsection 1. The Commission will notify each officer and his or her employing agency of any noncompliance. The Commission will suspend the certificate of any officer who does not complete the requirements of subsection 1 within 60 days after the date on which he or she received the notice of noncompliance. The Executive Director may temporarily reinstate the suspended certificate of an officer upon receiving documentation from the officer which demonstrates that he or she has complied with the requirements of subsection 1. The temporary reinstatement of the suspended certificate is effective upon the Executive Director's approval of the temporary reinstatement and expires on the date on which the Commission determines whether to reinstate the certificate. The Commission will reinstate the suspended certificate or temporarily reinstated certificate of an officer upon receiving documentation from the officer which demonstrates that he or she has complied with the requirements of subsection 1.

5. Except as otherwise provided in subsections 7 and 8, in addition to completing the ~~agency in-service training~~ *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 type of firearm he or she is authorized to use. An officer who does not demonstrate a minimum level of proficiency with the use of any type of firearm he or she is authorized to use may not carry or use that type of firearm until he or she participates in a remedial course established by the employing agency to ensure that the officer 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 or she 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 or her to use arrest and control tactics, demonstrate annually a minimum level of proficiency in the use of arrest and control 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.

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

7. An officer:

(a) Who voluntarily leaves his or her employment as a peace officer for at least 4 consecutive months but not more than 60 consecutive months;

(b) Whose employment as a peace officer is terminated for any reason for at least 4 consecutive months but not more than 60 consecutive months;

(c) Who, during a period of continuous employment as a peace officer, is absent from his or her duties as a peace officer because of medical leave, military leave or other approved leave for at least 4 consecutive months; or

(d) Who is hired, rehired or reinstated on or after July 1 of a reporting year,

↳ must satisfy the requirements of paragraphs (b) to (e), inclusive, of subsection 5 and demonstrate a minimum level of proficiency in the use of each type of firearm he or she is authorized to use before commencing or resuming his or her duties as a peace officer.

8. An officer who instructs a course pursuant to subsection 5 is not required to comply with the requirements of subsection 5 to which the instruction applies if the officer:

(a) Instructs a course in the subject for which 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 or she instructs.

9. Each agency shall maintain documentation of the courses provided pursuant to subsection 5. 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. 2. NAC 289.240 is hereby amended to read as follows:

289.240 The Executive Director shall grant an intermediate certificate to an officer upon submission of proof satisfactory to the Executive Director that the officer:

1. Has a valid basic certificate;
2. Is currently employed as a peace officer by an agency; and
3. Meets the minimum requirements set forth in one of the following paragraphs:

(a) The officer:

(1) Has 2 years of experience as a peace officer employed by a Nevada agency;

(2) Holds a bachelor's degree or a higher degree from a college or university accredited by a national or regional accrediting body recognized by the United States Department of Education; and

(3) In addition to the ~~training~~ *continuing education* required by NAC 289.230, has successfully completed 20 hours of training in courses concerning the duties of peace officers, consisting of courses certified pursuant to NAC 289.310.

(b) The officer:

(1) Has 4 years of experience as a peace officer employed by a Nevada agency;

(2) Holds an associate's degree from a college or university accredited by a national or regional accrediting body recognized by the United States Department of Education; and

(3) In addition to the ~~training~~ *continuing education* required by NAC 289.230, has successfully completed 40 hours of training in courses concerning the duties of peace officers, consisting of courses certified pursuant to NAC 289.310.

(c) The officer:

(1) Has 6 years of experience as a peace officer employed by a Nevada agency;

(2) Has earned 45 units of credit from a college or university accredited by a national or regional accrediting body recognized by the United States Department of Education; and

(3) In addition to the ~~training~~ *continuing education* required by NAC 289.230, has successfully completed 80 hours of training in courses concerning the duties of peace officers, consisting of courses certified pursuant to NAC 289.310.

(d) The officer:

(1) Has 8 years of experience as a peace officer employed by a Nevada agency;

(2) Has earned 30 units of credit from a college or university accredited by a national or regional accrediting body recognized by the United States Department of Education; and

(3) In addition to the ~~training~~ *continuing education* required by NAC 289.230, has successfully completed 120 hours of training in courses concerning the duties of peace officers, consisting of courses certified pursuant to NAC 289.310.

(e) The officer:

(1) Has 10 years of experience as a peace officer employed by a Nevada agency;

(2) Has earned 15 units of credit from a college or university accredited by a national or regional accrediting body recognized by the United States Department of Education; and

(3) In addition to the ~~{training}~~ *continuing education* required by NAC 289.230, has successfully completed 160 hours of training in courses concerning the duties of peace officers, consisting of courses certified pursuant to NAC 289.310.

(f) The officer:

(1) Has 12 years of experience as a peace officer employed by a Nevada agency; and

(2) In addition to the ~~{training}~~ *continuing education* required by NAC 289.230, has successfully completed 200 hours of training in courses concerning the duties of peace officers, consisting of courses certified pursuant to NAC 289.310.

Sec. 3. NAC 289.250 is hereby amended to read as follows:

289.250 The Executive Director shall grant an advanced certificate to an officer upon submission of proof satisfactory to the Executive Director that the officer:

1. Has a current basic certificate;
2. Has a current intermediate certificate;
3. Is currently employed as a peace officer by an agency; and
4. Meets the minimum requirements set forth in one of the following paragraphs:

(a) The officer:

(1) Has 4 years of experience as a peace officer;

(2) Holds a bachelor's degree or a higher degree from a college or university accredited by a national or regional accrediting body recognized by the United States Department of Education; and

(3) In addition to the ~~{training}~~ *continuing education* required by NAC 289.230, has successfully completed 40 hours of training in courses concerning the duties of peace officers, consisting of courses certified pursuant to NAC 289.310.

(b) The officer:

- (1) Has 6 years of experience as a peace officer;
- (2) Holds an associate's degree from a college or university accredited by a national or regional accrediting body recognized by the United States Department of Education; and
- (3) In addition to the ~~training~~ *continuing education* required by NAC 289.230, has successfully completed 80 hours of training in courses concerning the duties of peace officers, consisting of courses certified pursuant to NAC 289.310.

(c) The officer:

- (1) Has 8 years of experience as a peace officer;
- (2) Has earned 45 units of credit from a college or university accredited by a national or regional accrediting body recognized by the United States Department of Education; and
- (3) In addition to the ~~training~~ *continuing education* required by NAC 289.230, has successfully completed 160 hours of training in courses concerning the duties of peace officers, consisting of courses certified pursuant to NAC 289.310.

(d) The officer:

- (1) Has 10 years of experience as a peace officer;
- (2) Has earned 30 units of credit from a college or university accredited by a national or regional accrediting body recognized by the United States Department of Education; and
- (3) In addition to the ~~training~~ *continuing education* required by NAC 289.230, has successfully completed 240 hours of training in courses concerning the duties of peace officers, consisting of courses certified pursuant to NAC 289.310.

(e) The officer:

- (1) Has 12 years of experience as a peace officer;

(2) Has earned 15 units of credit from a college or university accredited by a national or regional accrediting body recognized by the United States Department of Education; and

(3) In addition to the ~~training~~ *continuing education* required by NAC 289.230, has successfully completed 320 hours of training in courses concerning the duties of peace officers, consisting of courses certified pursuant to NAC 289.310.

(f) The officer:

(1) Has 14 years of experience as a peace officer; and

(2) In addition to the ~~training~~ *continuing education* required by NAC 289.230, has successfully completed 400 hours of training in courses concerning the duties of peace officers, consisting of courses certified pursuant to NAC 289.310.