

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

LCB File No. R075-11

November 4, 2011

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

AUTHORITY: §1, NRS 289.510.

A REGULATION relating to peace officers; providing for the voluntary surrender of a basic certificate under certain circumstances; providing for reapplication for certification after a voluntary surrender; requiring certain reports from the Executive Director of the Peace Officers’ Standards and Training Commission; and providing other matters properly relating thereto.

Section 1. Chapter 289 of NAC is hereby amended by adding thereto a new section to read as follows:

1. A peace officer may, permanently or for a stated term, voluntarily surrender a basic certificate to the Commission:

(a) As part of a termination agreement between the peace officer and his or her employing agency;

(b) As part of a plea bargain in a criminal proceeding against the peace officer;

(c) As part of a settlement agreement between the Commission and the peace officer; or

(d) For any other reason.

2. A peace officer who wishes to voluntarily surrender his or her basic certificate must submit to the Executive Director a request for the voluntary surrender. The request must:

(a) Be in writing;

(b) State the date on which the voluntary surrender will become effective;

(c) State whether the voluntary surrender is permanent or for a stated term;

(d) If the voluntary surrender is for a stated term, include the date on which the voluntary surrender will end;

(e) Include a summary of the reason for the voluntary surrender;

(f) If the voluntary surrender is being requested as part of a termination agreement, plea bargain or settlement agreement described in paragraph (a), (b) or (c) of subsection 1, include an acknowledgment by the peace officer that the voluntary surrender shall be deemed to include the voluntary surrender of all other basic certificates held by the peace officer;

(g) Include a statement by the peace officer that he or she understands and has knowledge of the consequences of the voluntary surrender; and

(h) Be signed by the peace officer and be notarized.

3. The Executive Director shall accept or reject each request for the voluntary surrender of a basic certificate submitted pursuant to subsection 2 and shall notify the peace officer of the acceptance or rejection. If the Executive Director accepts the voluntary surrender of a basic certificate requested as part of a termination agreement, plea bargain or settlement agreement described in paragraph (a), (b) or (c) of subsection 1, the peace officer shall be deemed to have voluntarily surrendered all other basic certificates held by the peace officer, regardless of the training categories in which the basic certificates were awarded.

4. A peace officer who voluntarily surrenders a basic certificate may apply to reinstate the basic certificate:

(a) If the voluntary surrender was for a stated term, after the date specified for the end of the term of voluntary surrender or 60 months after the effective date of the voluntary surrender, whichever occurs earlier; or

(b) If the voluntary surrender was permanent, 60 months after the effective date of the voluntary surrender.

5. A peace officer who wishes to have a basic certificate reinstated must submit a written request to the Commission for authorization to apply for reinstatement of the basic certificate. The Commission will schedule a hearing to consider the request. The Commission will notify the agency that employed the peace officer at the time that the voluntary surrender became effective or the agency that employed the peace officer immediately preceding his or her voluntary surrender, whichever is applicable, of the date and time of the hearing. After the hearing, the Commission will determine whether to authorize the peace officer to apply for reinstatement of the basic certificate.

6. If a peace officer is authorized by the Commission to apply for reinstatement of a basic certificate after a voluntary surrender, the peace officer must meet the minimum standards for appointment established by NAC 289.010 to 289.380, inclusive, which are applicable at the time that the peace officer applies for reinstatement of the basic certificate. If the basic certificate is reinstated, the Commission may establish a probationary period during which any misconduct by the officer would result in the revocation of the basic certificate.

7. The Executive Director shall submit to the Commission at each meeting of the Commission a report concerning:

(a) Each voluntary surrender of a basic certificate that was accepted by the Executive Director since the last meeting of the Commission; and

(b) Each application for reinstatement of a basic certificate that was granted or denied since the last meeting of the Commission.