

Notice of Rulemaking Hearing

NOTICE is hereby given that the Nebraska Commission on Law Enforcement and Criminal Justice will hold a rule-making hearing pursuant to Neb. Rev. Stat § 84-907 on the 28th day of October 2022 at 9:30 a.m. to be held in the public hearing room located at the Nebraska State Patrol Office Building, 4600 Innovation Drive, Lincoln, Nebraska.

The purpose of the hearing is to take testimony and evidence about revisions to existing chapters of Title 79 Law Enforcement-Police Standards Advisory Council. Chapter 1 contains revisions to the definitions which are necessary for the implementation of Title 79 and the changes made to Chapter 81, Article 14. Chapter 2 pertains to the necessary forms and records that are required for law enforcement certification. Chapter 3 deals with reciprocity certification and implements the changes to the reciprocity certification Chapter 4 addresses a law enforcement officer's certification status and includes the "Locked Status" when an officer has left his/her law enforcement agency due to alleged serious misconduct. Chapter 9 pertains to the revocation process used to revoke an officer's certification and includes the revocation process without a hearing for officers convicted of domestic assault and misdemeanors convictions that have a rational connection with the officer's fitness or capacity to serve as a law enforcement officer. Chapter 16 describes the certification of training academies and now includes the training academies established by interlocal agreements. Chapter 17 addresses the continuing education requirements for officers. The changes to the above-listed chapters are based upon the authority outlined in Neb. Rev. Stat. §81-1403 and its related statutes in Chapter 81, Article 14 of the Nebraska Revised Statutes.

Draft or working copies of the proposed rules are available at the offices of the Secretary of State, Regulations Division, Room 343, State Capitol, Lincoln, NE 68509. The description of the fiscal impact may be inspected and obtained at the Nebraska, 301 Centennial Mall South, P.O. Box 94946, Lincoln, Nebraska 68509.

All interested persons may attend and testify orally or by written submission at the hearing. Interested persons may also submit written comments prior to hearing, which will be made part of the hearing record at the time of hearing if received by the Nebraska Commission on Law Enforcement and Criminal Justice on or before October 14, 2022. If auxiliary aids or reasonable accommodations are needed to participate in the hearing, please call the Crime Commission, (402) 471-2194, by no later than October 14, 2022.



Signature of Dr. Don Arp, Jr.
Executive Director
Nebraska Crime Commission

DRAFT/FINAL FISCAL IMPACT STATEMENT

Agency: Nebraska Commission on Law Enforcement and Criminal Justice	
Title: 79	Prepared by: David A. Stolz
Chapter: 1, 2, 3, 4, 9, 16 & 17	Date prepared: August 22, 2022
Subject: Law Enforcement training and certification	Telephone: 308-385-6030

Type of Fiscal Impact:

	State Agency	Political Sub.	Regulated Public
No Fiscal Impact	(x)	(x)	(x)
Increased Costs	()	()	()
Decreased Costs	()	()	()
Increased Revenue	()	()	()
Decreased Revenue	()	()	()
Indeterminable	()	()	()

Provide an Estimated Cost & Description of Impact:

State Agency:

Political
Subdivision:

Regulated
Public:

If indeterminable, explain why:

TITLE 79 - LAW ENFORCEMENT - POLICE STANDARDS ADVISORY COUNCIL

CHAPTER 1 - DEFINITIONS

001 Purpose - To clarify the language and intent of the mandatory training statutes in terms contained in Rules and Regulations and Operating Instructions promulgated by the Commission

002 Scope - ~~Applicable to Training Center and training schools~~ Law Enforcement Certification Standards and Training

003 Reference - ~~State Statutes~~ Neb. Rev. Stat. §81-1401 through 81-1429, 81-1414.19, 81-1438 through 81-1446, ~~81-1456~~ and 23-1701.01

004 General - The following terms and definitions will be utilized to clearly define the intent and meaning of training statutes in which they are used.

004.01 Academy: A training academy as defined by ~~State Statute~~ Neb. Rev. Stat. §81-1401(7), that offers basic law enforcement certification training as approved by the Council.

~~004.02 Active Status: Active status refers to a person, possessing law enforcement certification and employed as a law enforcement officer in the State as defined by State Statute Neb. Rev. Stat. §81-1401(5)(a) or a person serving as a law enforcement officer under the provisions of State Statute Neb. Rev. Stat. §81-1414 prior to completing basic certification training.~~

004.02 Accreditation: ~~means~~ The process involving agency self-assessment, application and attestation, and oversight entity review and audit to determine if an agency meets certain defined law enforcement standards and best practices as established in 81-1414.18. Such status is valid for a set period of time and renewable upon an inspection and audit procedure established by the oversight entity.

004.03 Advanced Certificate: A document issued to an individual by the Council attesting that the person has met all of the requirements to practice law enforcement in the State at

supervisory and management levels when appointed as a law enforcement officer.

~~004.0304~~ Advanced Training: ~~Shall means the training~~ mandatory ~~training~~ for each law enforcement officer who is promoted to or appointed to a supervisory, mid-management or management position.

~~004.0405~~ Agency: ~~A~~An government agency within the State that employs and appoints persons to serve as law enforcement officers as defined in ~~State Statute~~ Neb. Rev. Stat. §81-1401.

~~004.056~~ 06 Agency Report of Officer Misconduct: ~~means a~~A report filed pursuant to Neb. Rev. Stat. §81-1456-1414.15. Also referred to as a 791 Report.

~~004.06-07~~ Appeal: ~~Shall mean~~ ~~T~~the process to be followed by an individual or agency asking reconsideration of action taken by the Training Center Director or Council.

~~004.07~~ 08 Appointment: ~~Shall means t~~The hiring of a law enforcement officer at any position within an agency, with a commensurate salary and title and the investing of authority to perform the law enforcement duties enumerated in ~~State Statute~~ Neb. Rev. Stat. §81-1401, R.R.S. Nebraska.

~~004.0809~~ Basic Training: ~~Shall means the training~~ ~~M~~mandatory ~~training~~ for newly appointed or elected law enforcement officers as required by ~~State Statute~~ Neb. Rev. Stat. §81-1414(2) and §23-1701.01, Sheriff's Certification Course. The length and extent of the course will be established by the Council.

~~004.0910~~ Center ~~See Training Center~~

~~004.10~~ ~~.1011~~ Certificate: A document issued to an individual by the Council attesting that the person has met all of the requirements to practice law enforcement in the State and is appointed as a law enforcement officer. This is also known as a license.

004.111112 Certificate of Attendance: A document awarded to a person for attending an academy training course that does not require standards and testing for completion.

004.121213 Certified Instructor: ~~Shall means A~~an instructor who is certified by the Council to instruct at the Center or at other certified academies in the state.

004.131314 Chairperson: ~~Shall means t~~The chairperson of the Nebraska Police Standards Advisory Council.

004.141415 Code of Ethics: A standardized code of conduct approved by the Council that all law enforcement officers must sign to receive certification.

004.151516 Commission: ~~Shall means t~~The Nebraska Commission on Law Enforcement and Criminal Justice.

004.161617 Continuing Education: Annual mandatory education or training hours established by Neb. Rev §81-1414.04 or by the Council, required of an individual law enforcement officer to maintain certification.

004.171718 Cooperative Certification Program: A cooperative program between schools and the Council in which students may attend an academy and complete basic training as a practicum and part of their degree program.

004.18 18 19 Council: ~~Shall means t~~The Nebraska Police Standards Advisory Council.

~~004.19 20 Decertification: See Revocation.~~

004.1921 De-escalation training: ~~De-escalation T~~training to provides officers with strategies to calmly deal with people who are experiencing crisis.

~~004.20-22~~ Director: Shall ~~means t~~Ihe Director of the Nebraska Law Enforcement Training Center

~~004.21-23~~ Direct Supervision: ~~means that a~~A fully certified officer is physically present at all times when a reserve officer performs law enforcement duties as outlined in Neb. Rev. Stat. §81-1438. For a noncertified conditional officer (NCO), direct supervision means that a field training officer is physically present when the NCO performs law enforcement duties as outlined in Neb. Rev. Stat §81-1414.

~~004.22-24~~ Diploma: A document awarded to a person by a director of the training academy for the successful completion of a law enforcement training course that incorporates standards and testing at that academy in the State.

~~004.22~~ Diploma Student: ~~A person who has successfully completed academy training in the State and received a diploma attesting to the same, but has not met the requirements for active status as defined in 004.02 in this chapter.~~

~~004.23-25~~ Executive Director: ~~Shall means~~ The Executive Director of the Nebraska Commission on Law Enforcement and Criminal Justice.

~~004.24-26~~ Extreme Hardship: Shall ~~r~~Refers to situations where the officer cannot complete the mandated training due to factors beyond the control of either the officer or his/her employing agency and/or governing body. Cases of extreme hardship may include, but are not limited to, situations where the officer has suffered a ~~physical~~-injury or ailment which prevents the officer from successfully completing the mandated training, and situations where the officer is called to active military service which prevents the officer from successfully completing the mandated training.

~~004.25-27~~ Federal Law Enforcement Agency: An agency of the

United States government that provides academy training courses for and appoints personnel as law enforcement officers at the federal government level.

004.2628 Field Training Officer: ~~a~~A fully certified, active law enforcement officer who provides training and evaluation of newly appointed officers.

004.2728-29 Good Cause: Justifiable grounds for the Council to provide an extension of employment as outlined in Neb. Rev. Stat. §81-1414.

004.282730 Good Standing: refers to leaving a previous law enforcement agency's employment not because of pending or final disciplinary actions or a documented performance issue(s).

004.292631 Grandfather Clause: Shall refers to State Statutes 81-1414(1) and 23-1701.01. State Statute 81-1414(1) applies to law enforcement officers who were serving under permanent appointment prior to January 1, 1972, and who have been continuously employed by the same agency since January 1, 1972. State Statute 23-1701.01 applies to sheriffs only who were in officer prior to July, 1980.

004.27 Inactive Status: ~~Inactive status refers to a person who possesses State law enforcement certification but is not employed as a full or part-time officer by an agency.~~

004.3029832 Law Enforcement Officer: has the same meaning as a law enforcement officer as specified in Neb. Rev. Stat. §81-1401.

~~State Statute 81-1401 (5) (a) and (5) (b) and shall mean any person who is responsible for the prevention or detection of a crime or the enforcement of the penal, traffic, or highway laws of the state or any political subdivision of the state for more than one hundred hours per year and is authorized by law to make arrests. This includes but is not limited to a full or part time member of the~~

~~Nebraska State Patrol, a county sheriff, a full or part-time employee of a county sheriff's office, or a full or part-time employee of a municipal or village police agency, or a full-time employee of an organized and paid fire department of any city of the metropolitan class who is an authorized arson investigator and whose duties consist of determining the cause, origin, and circumstances of fires or explosions while on duty in the course of an investigation, but law enforcement officer shall not include employees of the Department of Correctional Services, probation officers under the Nebraska Probation System, parole officers appointed by the Parole Administrator, employees of the Department of Property Assessment and Taxation under Section 77-704, or employees of the Department of Revenue under Section 77-366.~~

004.313033 Law Enforcement Trainee: Shall ~~means a~~ person who is employed by a law enforcement agency, but not yet appointed as a law enforcement officer and does not interact with the public in a law enforcement capacity.

004.323134 Management Position: ~~Shall means t~~The position occupied by the department or agency head (chief of police, sheriff, superintendent, director, etc.) or a person in charge of a division or unit of an agency which involves other employees and for which commensurate salary is authorized.

004.33313 5 Misdemeanor conviction with a rational connection: ~~Misdemeanor having a rational connection with the officer's fitness or capacity to serve as a law enforcement officer requires Nebraska officers be held to high standards. A misdemeanor criminal conviction, whether committed in this state or another jurisdiction, which occurred when the individual held a law enforcement officer certificate or license that involves dishonesty, lack of integrity or morals, sexual assault or contact, intimidation or harassment have a rational connection with the officer's fitness or capacity to serve.~~

004.343336 -Noncertified Conditional Officer: A person who has not been awarded a certificate or diploma but has been appointed by the agency as a law enforcement officer according to Neb. Rev. Stat. §81-1401.

004.353337 -Patrol Rifle: A rifle that is shoulder-mounted, magazine fed, semi-automatic, gas impingement or gas piston operated weapon.

004.363338 -Psychological Evaluation: ~~As outlined in Neb. Rev §81-1414. 12,~~ pPrior to being hired as a law enforcement officer, any non-Nebraska certified officer must undergo a psychological evaluation pursuant to Rev §81-1414. 12. A Trainee must undergo a psychological evaluation prior to admission to an academy. The psychological evaluation will be the responsibility of the agency.

004.37322-39 Pre-Certification Program: A cooperative program between schools and the Council in which a student completes a specific course of study through the school that makes the student eligible to attend an abbreviated basic training course at an academy.

004.3832403 Pre-Certification Test: A cognitive test administered by the Center to students who have attended a school and completed a course of study that covers specific learning objectives of the basic curriculum.

004.3934341 Promotion: ~~Shall Means the~~ The advancement of an officer up the chain of command with a commensurate salary adjustment and title, i.e., corporal, sergeant, lieutenant, captain, assistant chief, chief, etc.

004.4037-42 Reciprocity Certification: Law enforcement certification issued by the Council to an officer, who has met all requirements of the Reciprocity program as outlined in Neb. Rev. §81-1414. 13 and all applicable rules and regulations in Title 79, Chapter 3 of Nebraska Administrative law. ~~from another state and or federal jurisdiction, who meets the necessary prerequisites as established by the Council in-lieu of attending full basic training.~~ Previously referred to as In-Lieu-Of Certification:

004.413536-43 Reserve Officer: ~~Shall means a~~Any person appointed

as a member of a reserve force organized pursuant to State Statutes Neb. Rev. Stat. §81-1438 through 81-1446, R.R.S. Nebraska.

~~004.4236~~ 44 Reserve Training: ~~Shall means~~ ~~†~~The approved training as established by the Nebraska Police Standards Advisory Council pursuant to ~~State Statute~~ Neb. Rev. Stat. §81-1439(1), R.R.S. Nebraska.

~~004.4337~~ 45 Revocation: The permanent withdrawal of an individual's law enforcement certificate for violation of standards. Also referred to as decertification.

~~004.4438~~ 46 Sheriff's Certification Course: ~~Shall means~~ Basic Training as identified in ~~State Statute~~ Neb. Rev. Stat. §81-1414(2) for all sheriffs whether appointed or elected after July 19, 1980, and as specified in 004.098.

~~004.39~~ ~~48~~ Sheriff's Continuing Education: ~~Shall means~~ 20 hours of courses each year designed to meet the needs of sheriffs and can be obtained through seminars, advanced education or specialized courses in criminal justice or law enforcement approved by the Council in accordance with ~~State Statute~~ Neb. Rev. Stat. §23-1701.01.

~~004.4550~~ 47 Specialized Training: Shall ~~means~~ ~~†~~training that is not mandatory but needed to develop specialized skills that will improve job performance.

004.468 Status: A certified officer's current certification standing as outlined in Title 79, Chapter 4.

~~004.471~~ 49 Supervisory Position: A position occupied by a person with lesser responsibility than a management position and who in the chain of command directly supervises subordinate officers or employees in their work performance and for which commensurate salaries are authorized.

~~004.4252~~ Suspension: ~~The action of temporarily removing a~~

~~person's certification to practice as a law enforcement officer in the State for failure to meet standards of law enforcement certification. A person shall not be permitted to carry out the responsibilities enumerated in either State Statute Neb. Rev. Stat. §81-1401(5)(a) or §81-1443 and shall not be vested with arrest powers accorded to any peace officer in the State while under suspension.~~

~~004.48350~~ Termination Separation of Employment: The end of employment or service with an agency as a law enforcement officer either through removal, discharge, resignation, retirement, termination or otherwise

~~004.49451~~ Training Center or Center: Shall ~~means~~ the Nebraska Law Enforcement Training Center.

~~004.50452~~ Training School: A Training School as defined by State Statute Neb. Rev. Stat. §81-1401(9).

~~004.514653~~ Tribal Law Enforcement Officer: Any law enforcement officer employed by a tribal government with lands in Nebraska who is responsible for the prevention and detection of crime or the enforcement of penal, traffic, or highway laws of the State or of the tribal nation thereof and is authorized to make arrests. The tribal officer's authority to enforce the laws and make arrests is limited to the tribal boundaries of the employing tribal government.

~~004.5234754~~ Tribal Officer Certification Training: Shall ~~means~~ the Tribal Officer Certification Course as established by the Nebraska Police Standards Advisory Council.

~~004.5344855~~ Vice-Chairperson: Shall ~~means~~ the Vice-Chair of the Council. The Vice-Chair shall fulfill the duties of the Chairperson in the absence of the Chairperson.

~~004.5456~~ Voluntary Surrender: A certified law enforcement officer that chooses not to contest the administrative revocation process and permanently relinquishes his/her law enforcement certificate(s)/license.

Title 79
Chapter 1

Effective Date:
Revised from June 26, 2005

TITLE 79 – LAW ENFORCEMENT - POLICE STANDARDS ADVISORY COUNCIL

CHAPTER 2 – LAW ENFORCEMENT EMPLOYMENT and OTHER RECORDS

001 Purpose – To establish procedures for employing law enforcement officers and ~~to~~ to identify records that are required by statute or rule and regulation that are essential for the Council and Director to fulfill their responsibilities.

002 Scope – Applicable to all agencies, ~~and agency heads and individuals~~ responsible for employing, hiring, appointing, or promoting or the separation of employment of law enforcement officers in the State.

003 References – ~~Nebraska Revised Statutes~~ Neb. Rev. Stat. §81-1403, 81-1406, §81-1412, §81-1414, 81-1456 and Title 79, Chapters 8, and Chapter 11, and 17.

004 General - The chairperson of the village board, the mayor or city manager of a city, the chief of police, the county board or commission, the sheriff, state agency administrators, or any other person responsible for employing, hiring, appointing, or promoting or the separation of employment of a law enforcement officer shall will comply with this Rule and Regulation.

005 Procedure – The following records regarding law enforcement officers ~~shall~~ will be reported to the Center.

005.01 Personnel Change in Status Report

The Personnel Change in Status Report ~~shall~~ must be completed and submitted to the Director by mail within seven (7) calendar days of the change in employment status of a law enforcement officer. Failure to do so constitutes neglect of duty. Examples of employment changes requiring the submission of a change in status form include, but are not limited to: Hiring, Separation of employment, Change in rank and Name change.

~~It is the responsibility of the appropriate reporting person to complete sections A and I and all other appropriate sections of the Personnel Change in Status Report.~~

TITLE 79
CHAPTER 2

005.02 Application for Admission

Agencies hiring a person as a law enforcement officer, supervisor or manager, who has not received law enforcement certification in the State of Nebraska must immediately make application to obtain Nebraska certification. ~~for the person to attend certification training.~~ The appropriate employing or hiring authority must submit the application for training to the Director within 60 days of the person being employed and receiving appointment as a law enforcement officer. The application shall will be completed in accordance with Title 79, Chapter 8.

005.03 Nebraska Law Enforcement Code of Ethics

All persons receiving initial law enforcement certification in the State of Nebraska ~~on or after June 26, 2005~~ the date of promulgation of this rule shall be are required to sign and attest to the Law Enforcement Code of Ethics, as approved by the Council. The person shall will submit a signed and notarized Code of Ethics to the Director before being eligible to receive certification.

All certified law enforcement officers who have not previously signed a Code of Ethics must submit a signed and notarized Code of Ethics.

~~On or after June 26, 2005, in order to reactivate a law enforcement certification, all persons possessing law enforcement certification and whose certification status is inactive on or after the date of promulgation of this rule shall be are required to sign and attest to the Law Enforcement Code of Ethics to receive to receive reclassification of their certification to active status. the person shall will submit a signed and notarized Code of Ethics Applicant Attestation form Code of Ethics to the Director before being eligible to have their his or her certification status changed to active.~~

TITLE 79
CHAPTER 2

005.04 Firearms Handgun Qualification Report

All agency heads or administrators are required to submit to the Director a ~~Handgun~~ Firearms Qualification Report on all law enforcement officers ~~or reserve officers~~ employed by the agency on an annual basis.

Agency heads or administrators ~~shall~~ will submit the ~~Handgun~~ Firearms Qualification Report in accordance with Title 79, Chapter 11.

005.05 Continuing Education Report

All agency heads or administrators are required to submit to the Director a Continuing Education Report on all law enforcement officers or reserve officers employed by the agency in accordance with Title 79, Chapter 17.

005.06 Agency Report of Officer Misconduct

All agency heads or administrators that receive complaints of officer misconduct which constitute grounds for revocation or suspension of their law enforcement license or certification according to Neb. Rev §81-1403, are required to submit to the Director an Agency Report of Officer Misconduct. This is applicable to all law enforcement officers or reserve officers employed by the agency as specified in Neb. Rev. Stat. §81-1414.14.

005.07 Locked Status Agency Report

All agency heads or administrators are required to submit a report to the commission designee within 30 days of ~~for~~ officers leaving employment based on the following reasons:

Resignation/Dismissal

005.07A Termination

005.07B Resignation or Retirement In-Lieu-of termination

Bbefore initiation or completion of an internal affairs investigation into allegations that, if founded, could result in revocation.

005.07C Basis for such actions are potential grounds for revocation as outlined in Neb. Rev §81-1403.

This report must be submitted to the Crime Commission designee within 30 days of action.

006 Failure to submit required records and/or falsification of records constitutes a violation of State Statute and neglect of duty. Violations are subject to prosecution of law or sanctions of by the Council.

007 Submission of employment documentation of law enforcement officers:

007.01 The person responsible for employing, hiring, or appointing a law enforcement officer will submit to the Director, verification that a thorough background investigation has been conducted according to Title 79 Ch. 8.

007.02 For each of the following hiring classifications, the following documentation will be submitted to the Director. All documentation must be submitted within seven (7) days unless otherwise specified.

007.02A Nebraska Certified officers: §81-1414

007.02A(1) Change in Status form

007.02A(2) Background verification

007.01A(3) Code of Ethics/Attestation Form

007.02B Law Enforcement Trainees: §81-1414

007.02B(1) Change in Status form

007.02B(2) Background verification

007.02B(3) Application Packet must be submitted within 45 days

TITLE 79
CHAPTER 2

007.02C Noncertified Conditional Officers: ~~§81-1414~~

007.02C(1) Change in Status form

007.02C(2) Background verification

007.02C(3) Application Packet must be submitted
within 21 days

007.02D Reciprocity Officers: ~~§81-1414~~

007.02D(1) Background verification

007.02D(2) Code of Ethics/Attestation Form

007.02E Other documentation, as determined by the Council
or ~~specified in~~ state law may be required.

Effective Date:

Revised from June 26, 2005

TITLE 79 - LAW ENFORCEMENT - POLICE STANDARDS ADVISORY COUNCIL

CHAPTER 3 – RECIPROCITY CERTIFICATION OF LAW ENFORCEMENT OFFICERS IN LIEU OF ATTENDING STATE CERTIFICATION TRAINING COURSES

001 Purpose - To prescribe policies and procedures for certification of officers who have received training other than the State certification curriculum.

002 Reference - [Neb. Rev. Stat.](#) 14-709, 23-1701.01, 81-1414, and Title 79, Chapter 8. ~~Statute~~-[Neb. Rev. Stat.](#) 81-1414(4) provides for the awarding of a certificate to a person who has completed a training program the Council finds equivalent to the State basic training curriculum.

The Council establishes the following standards whereby a person having received equivalent training may be granted reciprocity for law enforcement basic, supervision and management training that are required by State Statute.

003 Supervision and Management Certification - Applicants seeking reciprocity consideration for Supervision and/or Management certification ~~shall~~ will submit to the Training Center such appropriate evidence, documentation, transcript, certificates and, curricula, for review and consideration by the Director. The Director ~~shall~~ will review the submitted materials and determine whether the applicant's training and education meet the standards for reciprocity certification. The Director will ~~shall~~ inform the applicant and the applicant's agency of his decision. A Director's decision to deny reciprocity certification may be appealed to the Council. The decision of the Council to grant or deny the application ~~shall~~ will be final. Applicants not receiving Council approval, must attend the next available Training Center Supervision and/or Management course.

004 Basic Law Enforcement Certification - A person who has been certified or licensed as a law enforcement officer by a recognized certifying agency as receiving formalized training by another state ~~or federal law enforcement agency or a person who has been assigned as military police officer for one of the branches of the United States Armed Forces after receiving formalized training in order to be assigned to that military occupational specialty~~ may receive certification in lieu of attending the State basic certification course provided that the applicant meets the requirements of this chapter and the other requirements as set out in the Nebraska Revised Statutes and Title 79 of the Nebraska Administrative Code.

~~004.01~~ After completion of the formalized training, the person applying for basic law enforcement reciprocity certification must have been either directly employed as a law enforcement officer by a municipal, county, state or federal law enforcement agency or as a military police officer performing the duties of a law enforcement officer for a branch of the United States Armed Forces for a period of not less than one hundred and eighty (180) consecutive days, within two (2) years of the date of application to the Training Center for basic certification training.

~~004.01A~~ Upon request of the applicant, the Council may consider a waiver of an employment period of less than one hundred and eighty (180) consecutive days; however, no waiver shall be granted for the two year requirement.

~~004.01B~~ When requesting a waiver, the applicant shall be required to present the existence of extenuating circumstances that justify the applicant not completing the minimum one hundred and eighty (180) day duration of employment. Such extenuating circumstances include but are not limited to: family emergencies, emergency relocation, and reduction in force layoffs.

~~004.01C~~ A Persons requesting a waiver must still have verification from the previous law enforcement employer that he/she ended employment in good standing.

004.01 Applicants or their employing agencies shall will be assessed the non-refundable fees as established by the Council for records processing and written examination administration to be paid to the Training Center.

004.03 All applications for reciprocity certification must be submitted in writing to the Training Center the Director and shall will provide proof that:

004.03A -The applicant meets standards as set out in State Statutes:Neb. Rev. Stat. 81-1410, 81-1414 and Title 79, Chapter 8 before being further processed for reciprocity.

004.03B The applicant has received formalized training of equivalent course content from a state or federal recognized certifying agency. Formalized training of equivalent course content shall mean a basic course content that meets or exceeds the State's current Basic course; or a combination of a Basic Training course plus continuous in-service law enforcement training, which meets or exceeds the State's current

~~Basic Training course. Training hours may be granted for relevant college course work and or military training; however all cases will be evaluated by the Director on an individual basis. must provide proof that the applicant was awarded a certificate or diploma attesting to satisfactory completion of a training program determined by the council to be equivalent to the curriculum in subdivision (2)-(a) of section 81-1414.~~

~~004.03B(1) The applicant shall will provide the Director an official academy course transcript of his/her satisfactory completion of law enforcement certification training which identifies course titles and hours, job tasks and objectives, along with a copy of the approved certificate(s)/license(s). The applicant must also submit official college course transcripts and/or documentation or certificate(s) for any in-service/specialized training or military training or education for which credit is requested for consideration.~~

~~004.03B(2) In the event that the applicant's formalized training is not the equivalent to the State's Basic Certification Course due to a deficiency in only one subject matter area as reflected in the Council Approved Basic Curriculum, the Director may accept the training conditioned upon the applicant attending the corresponding training in that subject area in the next available basic certification course.~~

~~004.03B(2)(a) For the purposes of this section, subject matter areas shall be considered to be patrol procedures, officer survival, investigations, human understanding and traffic operations.~~

~~004.03B(2)(b) An applicant shall be considered deficient in a subject area when the applicant's training and basic certification curricula demonstrates that the applicant has not been previously trained in seventy (70) percent of the subject area's core content as determined by the Director.~~

004.04 The applicant shall will have all past law enforcement employer(s)/agencies submit written verification to the Director regarding his/her dates of employment, duty assignments, departmental/agency rank, and confirmation that they left the agency in good standing. ~~If the applicant was a military police officer, he/she shall will submit written verification to the Director his/her dates of assignment as a military police~~

~~officer, a description of official duties, rank and a letter of good standing from his/her last commanding officer.~~

004.04A The applicant will provide documentation that his/her law enforcement certificate/license is not under investigation, suspension or revoked.

004.05 The Director ~~shall~~ will make a determination as to whether an applicant meets the admission and training standards for reciprocity certification.

004.05A When the applicant's prior training has been approved and the applicant has met all basic certification admission standards, the applicant is eligible to take the written examination and physical fitness testing.

004.05A(1)~~This written examination shall will be approved by the Council. based on Nebraska specific laws and practices. Once developed and validated, the exam will be reviewed by the Council every two years. the Training Center's current objectives used for the State Basic curriculum excepting specific State Law. The topics to be tested on will be approved by the Council. Every applicant shall be required to pass the written examination with a minimum score of 70%. If an applicant fails to pass the written examination, he or she shall retake a different written examination based on the State basic curriculum. Upon meeting the above criteria, the applicant is eligible to attend the reciprocity course. Every applicant shall will be required to pass the written examination with a minimum score of 70%. If an applicant fails to pass the written examination, he or she shall will retake a different version of the written examination. Upon failure to attain a minimum passing score on the second attempt, the applicant shall be required to complete the entire Basic certification course at the next available class. will not be eligible to obtain reciprocity certification.~~

004.05A(2) When the applicant's prior training has been approved and the applicant has met all basic certification admission standards, the applicant is eligible to take the physical fitness test. The physical fitness test shall be approved by the Council. The Council will establish the passing score. If an applicant fails to pass the physical fitness

test, he or she shall will retake the physical fitness test. Upon failure to attain a minimum passing score on the second attempt, the applicant shall be required to complete the entire Basic certification course at the next available class. will not be eligible to obtain reciprocity certification.

~~After the applicant has met the training and admission standards for Reciprocity certification and the applicant has successfully passed the written test, the applicant shall be admitted to a Council approved reciprocity training course. All qualification requirements, rules and regulations, and procedures for successful completion of certification training at the Training Center shall apply to the reciprocity course.~~

~~004.05C If the applicant was deemed deficient in only one subject matter area as set out in subsection 004.03B(2) of this chapter, the applicant must successfully complete the reciprocity certification course, before the applicant is enrolled in the next available basic certification course in order to make up the deficient subject matter area.~~

~~004.05D Upon attending the deficient subject matter area course(s), the applicant must pass an examination over that subject area as established in Title 79 of the Nebraska Administrative Code, Chapter 5.~~

004.06 Following the successful completion of all of the standards set forth above and successful completion of a Council-approved reciprocity training program, including the completion of any required additional training, the applicant ~~shall~~ will receive a diploma for the completion of ~~to~~ the reciprocity course. Upon employment and appointment as a law enforcement officer in the State, the applicant shall will be eligible to receive certification as a law enforcement officer in the State.

004.07 If the applicant does not meet the criteria as described in this chapter, the applicant, if still desiring basic certification, ~~will be enrolled in the next available basic training session provided that the applicant is eligible to attend.~~ may apply for admission into basic certification training.

004.07A In cases when the Director denies an applicant admission to the Reciprocity Training, program, the Director shall will inform the applicant and/or his/her employing agency of his determination in writing. The Director shall will document which standards the applicant did not meet for approval. Appeals based upon the

applicant failing to meet the above standards shall ~~will be~~ will be based upon the documentation of training ~~and~~, education ~~and~~ experience that was submitted to the Director for review. It shall ~~will~~ be the responsibility of the applicant/petitioner to demonstrate ~~that~~ the applicant meets the prerequisite training ~~and~~ experience requirements to be eligible for admission. The decision of the Council in such appeals is final.

004.07B Any person granted an appeal under the above sections must complete and meet all other standards set forth in this rule to be eligible ~~for~~ reciprocity ~~for~~ certification.

005 Agency Heads – The Council may waive all requirements for sheriffs or for individuals entering a law enforcement agency as an administrator/agency head, which serves a population of 5,000, ~~9,000~~ or more people ~~and does not regularly perform the duties of a law enforcement officer as defined in Neb. Rev. 81-1401.~~

005.01 Persons requesting a waiver of certification training as an agency head must provide documentation to the Director of having held a supervisor or management rank as a law enforcement officer within the last two years for a law enforcement agency that serves a population of 5,000 or more.

005.02 Documentation of all law enforcement training, law enforcement experience, formal education, military training and experience or other relevant information must be included with the request for a waiver of certification training.

005.03 Persons requesting such a waiver must also complete the application for admission process set forth in Title 79, Chapter 8 and must meet all standards for certification training admission as set forth in State Statute and rule and regulation.

005.04 The Director shall ~~will~~ review the documentation and make a recommendation to the Council to either grant or deny the request for a waiver. The Director shall ~~will~~ notify the person making the request in writing of his or her findings and recommendation to the Council at least 14 days prior to the waiver being considered by the Council.

005.05 The Council shall ~~will~~ determine whether to grant or deny the waiver. The person must make immediate application to attend the next basic or reciprocity ~~certification course~~ program in cases where the Council denies the waiver. Decisions of the Council are final.

005.06 Persons receiving a waiver in accordance with Section 005 shall ~~shall~~ will receive a certification that is limited to serving only as an administrator or agency head of a law enforcement agency that serves a population of 5,000 9,000 or more. ~~Such certification shall not be valid for other law enforcement positions in the State.~~

Effective date:

~~Revised from December 26, 2016~~

~~Effective Date: December 26, 2016~~

~~Revised from June 26, 2005~~

TITLE 79 - LAW ENFORCEMENT - POLICE STANDARDS ADVISORY COUNCIL

CHAPTER 4 - LAW ENFORCEMENT CERTIFICATION STATUS

001 Purpose - To establish definitions and criteria for different statuses regarding law enforcement certification.

002 Scope - Applicable to all law enforcement officers, agencies, the Council and Center.

003 Reference - ~~State Statutes;~~ Neb. Rev. Stat. §81-1401, §81-1403, §81-1410, §81-1412, and §81-1414, 81-1456 and 81-1457, and Rule and Regulations; Title 79, Chapters 3, ~~Chapter 8, and Chapter 9, 11 and 17.~~

004 General - A law enforcement officer's certification is classified as one of ~~four different~~ the status categories listed in this section.

004.01 Active Status

004.01A ~~Active status refers to p~~Persons who are employed as law enforcement officers and commissioned to exercise law enforcement powers ~~full or part time~~ as set forth in Neb. Rev. Stat. §81-1401 and:

004.01A(1) ~~Having Maintains~~ a valid law enforcement certificate for the position of appointment.

004.01A(2) ~~Completes ing~~ Completes ing a Code of Ethics and ~~submitting~~ ing it to the Center at the same time the employing agency submits a Change in Status Report reflecting employment as a law enforcement officer.

004.01A(3) ~~Submitting Submits~~ ing any processing fees established by the Council with the Code of Ethics and Change in Status Report. Officers employed and on active status prior to the effective date of this rule shall not be required to submit a Code of Ethics to maintain active status.

004.01A(4) ~~Or working~~ Maintain employment as a law enforcement officer under the provisions of State Statute Neb. Rev. Stat. §81-1414 prior to attending an academy.

004.01B A person with active status maintains his/her active status by meeting all of the following standards:

004.01B(1) Maintains full or part time employment in the State as a law enforcement officer or an officer exercising law enforcement powers under State Special Deputy Sheriff status.

004.01B(2) Successfully completes the State annual ~~handgun~~ handgun ~~firearm~~ qualification as required by State Statute Neb. Rev. Stat. §81-1412.

004.01B(3) Successfully completes annual mandatory continuing education requirements as specified in Neb. Rev Stat. §81-1414.07 and as established by the Council.

004.01B(4) Complies with all other requirements for law enforcement officers established by law or rule and regulation.

004.01B(5) Is a commissioned law enforcement instructor who is employed full time at a Council approved academy.

004.02 Inactive Status

004.02A ~~Inactive status refers to p~~Persons who have previously been classified as being in active status but are no longer employed as a law enforcement officer and is cannot exercising exercise law enforcement powers.

004.02B A person with inactive status must meet the following standards to return to active status as a law

enforcement officer:

004.02B(1) Meet the minimum standards required for certification as a law enforcement officer in the State and testify on a Council approved form that no acts or events have transpired in their life since the submission of their personal character affidavit that would affect their certification and agree to continue to abide by the Code of Ethics.

004.02B(2) Be employed ~~full or part time~~ in the State as a law enforcement officer as defined in State Statute Neb. Rev. Stat. §81-1401.

004.02B(3) Have the employing agency submit verification that the agency has conducted a thorough background investigation on the person in accordance with the provisions of Title 79 Chapter 8.

004.02B(4) Complete the following training standards to return to active status based upon the length of time spent on inactive status.

004.02B(4)(a) ~~1 day to 30 60 days~~ 4 years: ~~no training standards required; completion of the State handgun qualification course, and possession of a valid CPR card~~

004.02B(4)(b) ~~31 61 days to 2~~ In excess of 4 years: completion of the State handgun qualification course, possession of a valid CPR ~~card~~ and meets all requirements for reciprocity certification as outlined in Title 79, Ch. 3. ~~card and must complete any unfulfilled continuing education hours.~~

004.02B(4)(c) ~~2 4 years to 10 7 years:~~ Completion of the Council approved Reciprocity certification training course.

~~004.02B(4)(d) More than 10 7 years:
completion of full basic certification training.~~

004.02B(5) Submit a certification activation fee to be set by the Council on an annual basis with the submittal of the agency change in status showing the person employed as a full or part time officer.

~~004.02C An exception to the training requirements in Section 004.02B(4)(d) this section is made for full time state certified academy instructors who are employed full time at a Council approved academy, who also have State law enforcement certification but are on inactive status. Such instructors who are on inactive status for more than ten (10) years shall be permitted to reactivate their certification by meeting the training standards set forth in 004.02B(4)(c),~~

004.03 Diploma Students

004.03A ~~A person~~ **Persons who were** issued a diploma for completion of certification training but are not employed as a law enforcement officer does not have certification status. This is also known as a non-law student.

004.03A(1) Diploma students have two years from the date of their graduation from an academy to receive employment and appointment as a law enforcement officer.

004.03A(2) A diploma student who does not receive law enforcement employment and appointment within two calendar years shall be ineligible to receive active certification status.

004.03B Persons under this section may receive active status certification by meeting the following standards:

004.03B(1) Receive employment and appointment as a full or part time law enforcement officer within two calendar years of graduation from an academy.

004.03B(2) Have the employing agency submit a Code of Ethics or attestation form and Change in Status Report with any processing fees established by the Council.

004.03B(3) Have the employing agency submit verification that the agency has conducted a thorough background investigation on the person in accordance with the provisions of Title 79, Chapter 8.

004.03C A diploma student may request a waiver of the two year requirement established in 004.03A(1) under circumstances that constitute an extreme hardship. The student may appeal to the Council for a waiver. The Council may grant a waiver for conditions of extreme hardship. ~~The Council may grant a waiver~~ for no more than two additional calendar years and may require the student to complete additional training at his or her cost as a condition of the waiver.

004.04 Suspended Status

004.04A ~~An officer's~~Officers whose certificate is suspended when he/she fails to meet the standards established to maintain active status.; ~~however, the person can correct the standards violation in a reasonable amount of time.~~ A person whose certificate is suspended cannot exercise law enforcement powers while his/her certificate is suspended. However, the person can correct the standards violation in a reasonable amount of time. Some examples of ~~violations~~ situations that can result in a suspended status are:

004.04A(1) Failure to meet the annual ~~handgun~~ firearm qualification standards.

004.04A(2) Failure to meet annual continuing education standards as established by the Council.

004.04A(3) ~~Officers who are separated~~Separation from his or her agency due to physical, mental or emotional incapacity.

004.04B The following procedure ~~shall~~ will be used in processing ~~violations situations involving~~ suspension of certification

004.04B(1) The Director ~~shall~~ will investigate violations he/she is aware of and suspend the certification of an officer who fails to meet the standards required to maintain certification. For situations under section 004.04A(3), the Director will suspend the officer's certification upon receiving the Personnel Change in Status Report from the officer's last employing agency.

004.04B(2) The Director ~~shall~~ will provide written notice of any suspension of certification to the:

004.04B(2)(a) Council.

004.04B(2)(b) person whose certificate has been suspended.

004.04B(2)(c) employing agency or last employing agency when the separation was due to incapacitation.

004.04B(2)(d) governing body under which the agency serves.

004.04B(2)(e) prosecuting attorney(s) of the Jurisdictions where the person was serving at the time of suspension.

004.04B(3) The notice of suspension ~~shall~~ will also provide the:

004.04B(3)(a) violation(s) or reason(s) upon which the suspension is based.

004.04B(3)(b) conditions that must be met to correct the violation or reason(s) for suspension.

004.04B(3)(c) time restraints in which the violation must be corrected, if any.

004.04B(3)(d) requirement of payment of a ~~reactivation~~ reinstatement fee that is set by the Council on an annual basis.

004.04B(3)(e) officer's or agency's right to appeal the action to the Council.

004.04B(4) The person whose certification is suspended may reactivate his/her certification by:

004.04B(4)(a) Meeting the conditions set forth by the Council for reactivation.

004.04B(4)(b) Providing documentation to the Director that the conditions have been met. For situations involving incapacitation, providing documentation that the incapacitation no longer prevents the officer from performing the essential duties of a law enforcement officer.

004.04B(4)(c) Not being found in violation of any other law or standard that would be cause for suspension or revocation of certification.

004.04B(4)(d) Submitting a certification activation fee to the Center.

004.04B(5) The Director ~~shall~~ will activate a suspended certification upon receipt of documentation that the conditions for reactivation have been met. The Director ~~shall~~ will notify the Council of the action at ~~their~~ its next regular meeting. The Director ~~shall~~ will also notify the same entities as listed in 004.04B(2) ~~that~~ the officer's certification has been reactivated and the officer can exercise law enforcement powers.

004.05 Locked Status

004.05A When an officer has separated employment from an agency based on grounds which could constitute grounds for revocation, as filed by his or her former agency, that officer cannot be hired as a law enforcement officer by any agency unless a designee of the ~~Crime C~~commission has determined that the officer should retain his or her certification.

004.05B If the designee has determined that revocation proceedings should be commenced against the officer pursuant to Title 79, Chapter 9, the officer cannot be hired as a law enforcement officer by any agency unless the revocation action has been dismissed or there is a finding by the Council and ~~Crime C~~commission that the officer's certification(s) should not be revoked.

004.06 Retired Status

004.06A Retired status refers to a person who has previously been classified as being in active status, but enters an inactive status due to retirement.

004.06B A person who enters retired status is not required to qualify on the State's annual ~~handgun-firearm~~ qualification course or meet the State's mandatory continuing education requirements in the calendar year of his or her retirement.

004.057 Revoked Status

~~004.057A A person's law enforcement certification may be permanently revoked.~~ A person whose certification has been revoked cannot exercise law enforcement powers in the State and is not eligible for reinstatement of his/her certification.

004.057B The procedures governing the revocation of certification are addressed in Title 79, Chapter 9.

~~004.07C Officers who have had certifications revoked will be entered into national database(s) tracking such information.~~

~~004.7D-C~~

004.08 Voluntary Surrender:

004.08A A certified law enforcement officer that chooses not to contest the administrative revocation process and relinquishes his/her law enforcement certificate(s)/license. A voluntary surrender is a revocation of the law enforcement certificate.

Effective Date:

~~Effective Date:~~

~~Revised from June 25, 1995 June 26, 2005~~

~~Revised June 6, 2022~~

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TITLE 79 – LAW ENFORCEMENT – POLICE STANDARDS ADVISORY COUNCIL

CHAPTER 17 – LAW ENFORCEMENT CONTINUING EDUCATION REQUIREMENTS

001 Purpose – To establish requirements and procedures for the implementation of continuing education for Nebraska law enforcement officers and the reporting procedures for law enforcement agencies.

002 Scope – Applicable to all Nebraska law enforcement officers, ~~reserve officers and individuals exercising law enforcement duties under a special deputy status, as defined in statute,~~ who are on active status.

003 Reference – Nebraska Revised Statutes §§23-1701.01, 81-1401, 81-1403, 81-1404, 81-1414.07~~5~~ and 81-1439.

004 General – The Council recognizes that law enforcement officers need to obtain continuing education in order to maintain their professional status and best serve their profession, the communities and the residents of Nebraska. In compliance with the referenced statutes, the Council has promulgated this chapter as a means of establishing how continuing education requirements (CE) are attained, reported, monitored and the consequences for failure to comply with this chapter and state statutes. ~~This chapter will apply to all law enforcement officers, reserve officers and individuals exercising law enforcement duties under a special deputy status, who are on active status as defined by Title 79. Additionally, this chapter shall serve as outlining the procedures that sheriffs shall meet in order to satisfy the continuing education requirements of Neb. Rev. Stat. §23-1701.01, but this chapter shall not be construed as to otherwise override the continuing education requirements imposed upon sheriffs by Neb. Rev. Stat. §23-1701.01.~~

005 Continuing Education Requirements

0045.01 Law Enforcement Officers: ~~Except as provided in section 004.02, all individuals who are on active status shall annually attend twenty (20) hours of continuing education in criminal justice and law enforcement courses. Only ten of those hours can be obtained over the Internet. Law enforcement officers has the same meaning as in Neb. Rev. Stat. §81-1401. The~~ Law enforcement officers will complete the statutory requirements for annual continuing education as provided in Neb. Rev. Stat. §81-1414.07. Completion of the State Handgun-Firearm Qualification Course shall not be included in consideration of satisfying the continuing education requirements of this chapter.

0054.02 Sheriff: Each sheriff will attend annual continuing education as provided in Neb. Rev. Stat. 81-1414.07 following the first year of such sheriff's term of

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~~office.~~ – Each sheriff shall annually attend twenty (20) hours of continuing education in criminal justice and law enforcement courses, as outlined in Neb. Rev. Stat. §23-1701.01, each year following the first year of such sheriff's term of office. Only ten of those hours can be obtained over the Internet.

0054.032 Retiring law enforcement officers: – Law enforcement officers retiring are not required to meet CE in the calendar year of their retirement unless they gain new employment as a law enforcement officer.

0054.043 Officers leaving employment: ~~CE requirements.~~ If an officer leaves employment before February 1, the officer will not be required to obtain CE for that calendar year.

0054.054 Officer starting employment: ~~CE requirements.~~ If an officer begins employment after November 30, he/she is not required to meet CE requirements for that calendar year.

~~004.03-05 Reporting of CE hours shall will be made to the director of the Nebraska Law Enforcement Training Center or his/her designee as set forth in this chapter and in a manner prescribed by the Council.~~

~~004.06 Reporting Period covers January 1, to December 31 of each calendar year.~~

0065 Continuing Education Courses – Continuing Education (CE) hours ~~as outlined by statute as provided in Neb. Rev. Stat. §81-1414.07, in related to Criminal Justice and Law Enforcement~~ may be obtained through in-service training programs by agencies employing the officer or through training academies. Continuing education requirements may also be obtained on-line or by attending training offered by other institutions and other organizations that provide seminars, conferences and education programs that meet the requirements of this chapter.

0065.01 Regardless of the source of the continuing education, the agency employing the officer ~~shall~~ will maintain records for the individual officer ~~that shall~~ and include the following information:

0065.01A A summary of the course content, title and/or outline of the training course, location and time of the course, number of hours involved and a list of the instructional staff. If scores or testing scores are required as part of the offered training, they ~~shall~~ will be maintained for each individual officer attending training.

0065.01B – A record of attendance for each officer attending the course and the number of hours that each officer attended.

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0065.01C Notwithstanding any policies of the agency or institution, records required by this section shall be maintained by the agency or institution for a period of 5 years after the termination of employment for that officer.

0065.02 Continuing Education hours will be awarded on an hour for hour basis (i.e., one hour of training constitutes one hour of CE) except as otherwise provided in this section.

0065.02A ~~Internet/Web-based~~ On-line training ~~shall~~ will be awarded based upon the actual time spent covering the designated material unless otherwise specified by the course or program.

0065.02B College/University ~~credits will~~ shall be awarded on a 10 hour basis for each credit hour obtained during that reporting period.

0065.03 The following course or training program will not be considered as meeting the CE requirements of this chapter:

0065.03A Committee or board meetings for a political subdivision or professional organization or similar meeting for policy making purposes,

0065.03B Meetings or conventions of societies and associations where training is not a primary function,

0065.03C Attendance at cultural, entertainment, recreational activities or programs and participation in travel groups,

0065.04D Writing of articles or research reports or the presentation of reports outside of a planned, directed educational activity.

0065.04 The Director of the Training Center or his/her designee ~~shall~~ will annually inspect a representative number of any agencies employing law enforcement officers throughout the State of Nebraska to ~~ie~~ ensure compliance with this chapter. Such inspection will include a review of the records required by this chapter and state law.

0076 Reporting of CE Credit Hours - The continuing education status of individuals ~~covering January 1 to December 31 of each calendar year covered under this chapter shall~~ will be reported to the Council through the ~~Training Center~~ ~~Director~~ by the end of the specific reporting period. The agency administrator or his/her designee ~~shall~~ will ensure that the CE status for all personnel covered under this chapter has been reported to the Training Center by the following deadline:

0076.01 Agencies ~~shall~~ will report the CE status of all officers on the agency roster ~~of its officers~~ no later than December 31st of that reporting period. An

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agency will be deemed to be in a noncompliance status if the CE report status for all of its officers on the agency roster is not received by the Training Center ~~Director~~ by December 31st, ~~January 7~~ of the next reporting period and The agency will be subject to fines for each day that the agency is deemed to be in such status non-compliance. Failure to comply with the reporting requirements will result in a fine of one hundred dollars for each day of noncompliance and Fines shall will be established by the Council and acted upon in accordance with Neb. Rev. Stat. §81-1403. The Director ~~shall~~ will report to the Council at its next regular meeting all of the agencies that are in a noncompliance status regardless of the reason.

0076.02 When an individual fails to meet the CE requirements, the director or his/her designee ~~shall~~ will notify the agency in writing or electronically that the individual has failed to fulfill the CE requirements.

0087 Waivers for Failure to meet CE credit hours for the Reporting period

0087.01 An individual officer or his or her employing agency on behalf of the officer may request that the Council grant a waiver of the CE requirements for that reporting period. Written justification supporting the waiver request ~~shall~~ will be submitted to the Council in a separate letter or waiver request form. Individuals may only receive a waiver when he/she is able to demonstrate good cause for noncompliance with this chapter.

0087.01A Good cause shall only include cases of extreme hardship as defined by Title 79, Chapter 1 and for situations when the individual is on an extended leave of absence from his or her agency.

0087.01B The request for waiver must include the following information:

0087.01B1 The conditions under which the waiver is being requested (e.g., military duty, medical, or extended leave of absence)

0087.01B2 The type of illness and/or injury if the condition is medical.

0087.01B3 The date the condition first became effective and the date the condition ended if it did end in that reporting period.

0087.01C Waivers granted by the Council ~~shall~~ will apply to the requirements for only that reporting period. Continuing hardships ~~shall~~ will require a new request for a waiver for each reporting period.

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~~0087.02~~ All requests for waivers from the preceding reporting period must be received by the Council Director no later than the ~~7th day of January~~ January 7 of the next reporting period ~~or the officer's certification will be suspended on January 8.~~ for consideration of the waiver request. Any submitted request will be considered at the next scheduled Council meeting.

~~007.03 The request for a waiver must be received by January 7th, or the officer's certification will be suspended on January 8.~~

~~007.0334~~ In all ~~waiver requests, cases of requesting a waiver of the CE credit hour requirement,~~ the burden of proof shall be on the requesting party to establish good cause by a preponderance of the evidence.

~~0087.04-045~~ If the waiver request is denied, the individual's certificate will be suspended.

0098 Officer Status for Failure to meet CE credit hours for the reporting period

~~0098.01~~ An individual who has not fulfilled the CE requirements of this chapter, ~~has not requested a waiver and or has not been granted a waiver shall~~ will have his/her law enforcement certificate suspended by the director.

~~0098.01A .~~ The Director or his/her designee shall report to the Council all persons who failed to meet CE requirements and have not requested a waiver from the Council at the Council's next available meeting after the conclusion of the reporting period. ~~The Director shall suspend the certificate of any individual who has not completed the CE requirements for that reporting period or has not requested a waiver.~~

~~0098.01B~~ The individual who has had his/her certificate suspended ~~fails to meet the CE requirements for that reporting period will have his/her certificate suspended~~ remains suspended until he/she successfully fulfills the CE requirements for that reporting period, ~~and~~ provides supporting documentation that complies with this chapter and submits the reinstatement fee.

~~0098.01C~~ The director will notify the agency of the officer's suspension. It will be the responsibility of the agency to notify the officer.

~~0098.02~~ Decertification eligibility: Any individual who fails to fulfill CE requirements for two (2) consecutive reporting periods, where waivers have not been granted, ~~for those periods, evidences conduct which is indicative of incompetence, neglect of duty and physical, mental and emotional or incapacity to perform the duties of a law enforcement officer or reserve officer in this state and will constitute grounds for revocation of his/her law enforcement~~

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certificate(s) as addressed in Neb. Rev. Stat. §81-1403 and Title 79, ~~Nebraska Administrative Code~~, Chapter 9.

~~0098.03~~ Sheriffs who fail to meet CE requirements of this chapter may also be subject to the actions outlined in Neb. Rev. Stat. §23-1701.01.

01009 Survey of Agency Continuing Education Needs

01009.01 The Council finds that the CE needs of the law enforcement profession should be periodically reviewed in an effort to identify the areas of training that may benefit law enforcement officers. The director of the Training Center or his/her designee shall will conduct surveys of law enforcement agencies in order to access the CE needs of law enforcement in the State of Nebraska.

~~009.02~~ Every three years commencing in 2014, the Training Center director or his/her designee shall conduct a survey of a representative number of Nebraska law enforcement agencies in order to determine what subject matter areas would be beneficial to law enforcement officers.

~~009.03~~ The director of the Training Center or his/her designee shall report the findings of the survey to the Council for its review and possible recommendation of CE training programs that may assist law enforcement.

~~Effective Date:~~
~~Revised from: June 29, 2013~~