

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

003 Reference - State Statutes 81-1401 through 81-1429, 81-1438 through 81-1446, 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 81-1401(7).

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 81-1401(5)(a) or a person serving as a law enforcement officer under the provisions of State Statute 81-1414 prior to completing basic certification training.

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.

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

004.05 Agency: A government agency within the State that employs and appoints persons to serve as law enforcement officers as defined in State Statute 81-1401.

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

004.07 Appointment: Shall mean 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 81-1401, R.R.S. Nebraska.

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

004.09 Center – See Training Center

004.10 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.

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

004.12 Certified Instructor: Shall mean an instructor who is certified by the Council to instruct at the Center or at other certified academies in the state.

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004.13 Chairperson: Shall mean the chairperson of the Nebraska Police Standards Advisory Council.

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

004.15 Commission: Shall mean the Nebraska Commission on Law Enforcement and Criminal Justice.

004.16 Continuing Education: Mandatory education or training hours established by the Council required of an individual law enforcement officer to maintain certification.

004.17 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 Council: Shall mean the Nebraska Police Standards Advisory Council.

004.19 Decertification: See Revocation.

004.20 Director: Shall mean the Director of the Nebraska Law Enforcement Training Center

004.21 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.

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004.23 Executive Director: Shall mean the Executive Director of the Nebraska Commission on Law Enforcement and Criminal Justice.

004.24 Extreme Hardship: Shall refer 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 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.

004.26 Grandfather Clause: Shall refer 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.

004.28 Reciprocity Certification: Law enforcement certification issued by the Council to an officer, from another state and or federal jurisdiction, who meets the necessary prerequisites as established by the Council in-lieu-of attending basic training. Previously referred to as In-Lieu-Of Certification.

004.29 Law Enforcement Officer: Shall refer to 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.

004.30 Law Enforcement Trainee: Shall mean a person who is employed by a law enforcement agency, but not yet appointed as a law enforcement officer.

004.31 Management Position: Shall mean the position occupied by the department or agency head (chief of police, 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.

004.32 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.

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004.33 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.

004.34 Promotion: Shall mean 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.

004.35 Reserve Officer: Shall mean any person appointed as a member of a reserve force organized pursuant to State Statutes 81-1438 through 81-1446, R.R.S. Nebraska.

004.36 Reserve Training: Shall mean the approved training as established by the Nebraska Police Standards Advisory Council pursuant to State Statute 81-1439(1), R.R.S. Nebraska.

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

004.38 Sheriff's Certification Course: Shall mean Basic Training as identified in State Statute 81-1414(2) for all sheriffs whether appointed or elected after July 19, 1980, and as specified in 004.08.

004.39 Sheriff's Continuing Education: Shall mean 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 23-1701.01.

004.40 Specialized Training: Shall mean training that is not mandatory but needed to develop specialized skills that will improve job performance.

004.41 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.

004.42 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 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.

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

004.44 Training Center or Center: Shall mean the Nebraska Law Enforcement Training Center.

004.45 Training School: A Training School as defined by State Statute 81-1401(9).

004.46 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.

004.47 Tribal Officer Certification Training: Shall mean the Tribal Officer Certification Course as established by the Nebraska Police Standards Advisory Council.

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004.48 Vice-Chairperson: Shall mean the Vice-Chair of the Council. The Vice-Chair shall fulfill the duties of the Chairperson in the absence of the Chairperson.

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