

TITLE 79 - LAW ENFORCEMENT - POLICE STANDARDS ADVISORY COUNCIL

CHAPTER 8 - TRAINING ACADEMY ADMISSION QUALIFICATIONS AND PROCEDURES

001 Purpose - To establish admission qualifications and procedures for applicants who want to attend certification training at training academies.

002 Scope - All applicants and law enforcement agencies requesting admission for the applicant to attend basic, reserve, or Reciprocity certification training or other mandated training at a Training Academy.

003 Reference – State Statutes 81-1410, 81-1411, 81-1412, 81-1414 and Title 79, Chapter 2

004 General Applicant(s) requesting admission to certification training and other mandated training programs at a Training Academy must meet the qualifications specified below. These qualifications are the minimum qualifications required for entrance into a Training Academy and for certification. Hiring agencies may set higher standards for entrance into a Training Academy and for certification. Hiring agencies may set higher standards for employment of their respective employees. Applicants must follow the procedures listed herein to be eligible to attend the mandated training as specified.

005 Basic Certification Training-

005.01 Minimum Qualifications For Basic and Reciprocity Certification Training. Prior to appointment or attending a Training Academy for certification training, an applicant shall meet the following qualifications:

005.01A The applicant is or will be a citizen of the United States prior to the completion of certification training;-

005.01B The applicant will reach the age of twenty-one years prior to the completion of training;

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005.01C The applicant has been fingerprinted and a search has been made of local, state, and national fingerprint files for disclosure of any criminal record and the results furnished to the Training Center;

005.01D The applicant has a valid motor vehicle operator's or chauffeur's license;

005.01E The applicant has vision correctable to 20/30 and has no evidence of an irreversible disease, which will affect the person's sight;

005.01F The applicant has been pardoned or has never been convicted by any state or the United States of a crime punishable by imprisonment in a penitentiary for a term of one year or more or by any foreign government of a crime which would be punishable by imprisonment for a term of one year or more if committed in Nebraska or has had a conviction for such an offense overturned or reversed by a court of competent jurisdiction;

005.01G The applicant possess good character as determined by a thorough background investigation;

005.01H The applicant (i) is a high school graduate or (ii) possess a general educational development certificate and (iii) is able to read, write, and understand the English language at the eleventh grade level;

005.01I The applicant has not been convicted of driving while intoxicated or under the influence in the two years immediately preceding admission; and

005.01J The applicant has been examined by a licensed physician one year or less prior to admission and has been certified by the physician to have met the physical requirements, as determined by the Council, necessary to fulfill the responsibilities of a law enforcement officer and successfully complete the requirements for training.

005.01K The applicant will not have worked as a law enforcement officer for the current law enforcement agency

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for more than one year including the time required for certification training, or has been granted a waiver based on extreme hardship by the Council.

005.01L The applicant has not received a punitive discharge from the United States Armed Forces. Punitive discharges are discharges classified as Dishonorable or Bad Conduct.

005.01M The applicant has not been denied certification status, had his/her certification revoked or currently suspended in this state or another jurisdiction.

005.01N The applicant has not been convicted of any crime involving the threat of or actual use of physical violence that would constitute a Class I misdemeanor in this state.

005.01O The applicant has not been convicted of any crime involving the threat of or actual sexual assault or abuse.

005.01P The applicant has not been convicted of any crime of physical violence or sexual abuse against a child or children.

005.01Q The applicant has not been adjudged or convicted of a crime of domestic violence as defined in the United States Code, 18 U.S.C. 922(g)(9), that would disqualify him/her from possessing a firearm.

005.02 Good Character

005.02A The Council finds that a person serving in the capacity of a Nebraska Law Enforcement Officer must be of good moral character. Besides the requirements imposed by sections 005.01A through 005.01Q, a person of good character is someone who generally can be defined as an individual who:

005.02A1 Does not have a past indicative of incompetence or neglect of duty;

005.02A2 Does not have a past indicative of physical, mental, or emotional incapacity;

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005.02A3 Has not been adjudged or convicted of criminal violations with such a frequency so as to indicate a disrespect for the law and rights of others.

005.02A4 Has not been adjudged or convicted of traffic violations of regulations governing the movement of vehicles with such a frequency so as to indicate a disrespect for traffic laws and a disregard for the safety of others on the highways within the past three years;

005.02A5 Can be characterized as being honest, truthful and trustworthy;

005.02A6 Does not have a pattern of substance abuse to include;

005.02A6a Has not illegally sold, produced, cultivated or transported marijuana or other controlled substance for sale;

005.02A6b Has not used marijuana for any purpose in the last two (2) years;

005.02A6c Has not used marijuana or other controlled substance, other than one prescribed by a physician, while employed or appointed as a peace officer or law enforcement officer;

005.02A6d Has not illegally used any dangerous drugs or narcotics, other than marijuana, for any purpose in the last five (5) years.

005.02B For issues regarding good character, the Director and Council will consider the aggravating circumstances listed in paragraphs 005.02A(1)-(6). A record manifesting a history of one or more of the aggravating circumstances may constitute a finding that the applicant does not possess good character and may constitute a basis for denial of admission

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into certification training. These factors will be considered in conjunction with the mitigating and/or extenuating circumstances as set out in section 005.03.

005.03 Mitigating and Extenuating Circumstance Relevant to Good Character.

005.03A While the Council recognizes that there is no exact formula to determine whether an applicant possesses good character, the Council believes that mitigating factors should be considered in conjunction with the aggravating factors in order to determine a person has good character. In making this determination of good character, the following factors, although not exhaustive, should be considered in assigning weight and significance to prior conduct that does not automatically disqualify an applicant for consideration pursuant to State Statute 81-1410:

- A. the applicant's age at the time of the conduct;
- B. the recency of the conduct;
- C. the reliability of the information concerning the conduct;
- D. the seriousness of the conduct;
- E. the factors underlying the conduct;
- F. the cumulative effect of the conduct or information;
- G. the evidence of rehabilitation;
- H. the applicant's positive social contributions since the conduct;
- I. the applicant's candor in the admission process; and
- J. the materiality of any omissions or misrepresentations.

005.04 Character Affidavits and Background Investigation

All applicants shall complete the Council's Character Affidavit and a thorough background investigation must be completed for each applicant before the applicant is admitted into a Training Academy for Basic (or Reserve) Certification Training. The affidavit and the background investigation shall make inquiry into the qualifications

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of the applicant in order to determine if the applicant meets the qualifications as set out in State Statute 81-1410 and this Chapter.

005.04A The rules of the Council for admission into a Training Academy place on the applicant the burden of proving good character by producing documentation, reports, and witnesses in support of the application. Each investigation will be initiated by requiring the applicant to execute under oath a thorough application, and to sign an authorization and release form that extends to the Council, the Director or his/her designee and to any persons or institutions supplying information thereto. The applicant will be informed of the consequences of failing to produce information requested by the application and of making material omissions or misrepresentations.

005.04A1 The Character Affidavit will be in the form of a personal affidavit covering subject matter essential to the determination of whether the applicant meets the admission qualifications as provided by Neb. Rev. Stat. §81-1410 and this Chapter. Only the Character Affidavit, as approved by the Council, will be utilized by the applicant when applying for admission into a Training Academy for Certification Training.

005.04A2 Applicants are under a duty to disclose any and all information that may affect the applicant's qualifications for entrance into certification training. Any deliberate omissions, falsification, and/or misrepresentations made on the application or through the application process, including the background investigation, are grounds for denial of entrance into a Training Academy, suspension from training or termination of training.

005.04B Background Investigations

005.04B1 A thorough background investigation is to verify that the applicant meets both the statutory qualifications and the Council qualifications. The background investigation should include, but not be

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limited to:

005.04B1(a) Previous employment information;

005.04B1(b) Law enforcement records checks in area(s) of the applicant's residence;

005.04B1(c) Review, to include military records, of events and circumstances that resulted in discharges from the Armed Forces of the United States that are classified less than Honorable. The following discharge classifications require a thorough review during the background investigation.

General/Under Honorable Conditions
Under Other Than Honorable
Conditions
Uncharacterized

005.04B1(d) Verification of at least five (5) character references, three (3) of which are not family or close personal friends; and

005.04B1(e) Such other means as deemed necessary and proper by the Council through the Director.

005.04B2 The background investigation should be conducted in order to determine if the applicant meets minimum qualifications and should include, but does not have to be limited to:

005.04B2(a) citations, arrests or criminal charges on the applicant's records, regardless of the disposition;

005.04B2(b) any criminal convictions regardless of criminal classification or disposition;

005.04B2(c) misconduct in employment;

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005.04B2(d) acts involving dishonesty, fraud, deceit, or misrepresentation;

005.04B2(e) abuse of legal process, including the filing of vexatious lawsuits;

005.04B2(f) neglect of financial responsibilities;

005.04B2(g) neglect of professional responsibilities;

005.04B2(h) violation of a court order, including child supports;

005.04B2(i) evidence of mental or emotional instability; and

005.04B2(j) evidence of drug or alcohol dependence or abuse.

005.04B3 The revelation or discovery of any of the preceding should be treated as cause for further inquiry by the Director and may necessitate a finding before the Police Standards Advisory Council on the issue of whether the applicant possesses the good character and fitness to serve as a law enforcement officer in the State of Nebraska.

005.05 A Background investigation shall only be conducted by the following individuals or agencies:

005.05A The Director or his/her designee, when the applicant is not employed as a law enforcement officer/trainee or when the applicant is a newly elected or appointed Sheriff or newly appointed agency administrator who is not certified as a law enforcement officer at the time of election or appointment.

005.05B The head of the agency or his/her designee that has appointed the applicant as a law enforcement officer; or

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005.05C The head of the agency or his/her designee that has hired the applicant as a trainee.

005.06 Documentation of background investigation and results of investigation

005.06A Results of Investigation. The individual conducting the background investigation shall submit to the Council a certification that the applicant meets the admission qualifications under State Statute 81-1410 and this Chapter, and that a background investigation has been conducted and documented in the agency files along with the name(s) of the investigator(s) and dates of the investigation.

006 In order to determine if the applicant can read, write and understand the English language at the eleventh grade level, the applicant shall be required to complete a test approved by the State Department of Education and administered by the Training Center.

006.01 The Training Center may administer the Reading, Writing and Understanding the English Language Test (Test of Adult Basic Education) through any of the following methods: training academies of the Nebraska State Patrol, Lincoln and Omaha Police Departments, Civil Service and/or Merit Commission's of other law enforcement agencies; State of Nebraska approved GED Examiners; Training Center staff; or as directed by the Council.

006.02 The Nebraska State Patrol, Lincoln and Omaha Law Enforcement Academies, and Civil Service and/or Merit Commissions of other law enforcement agencies may grade the TABE Tests and will furnish the written results to the Director.

006.03 The costs of the TABE Testing process will be charged to the applicant or the hiring agency. Applicants failing the TABE Test may retake a different version of the test as soon as they elect, however, 90 days must elapse between the taking of the same version of the test unless permitted upon petition to the Council.

007 Be examined by a licensed physician within one year or less prior to admission and have been certified to have met the physical requirements,

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as determined by the Council, necessary to fulfill the responsibilities of a law enforcement officer

008 Application Documentation

008.01 All application packets must be received by the Director at least thirty (30) days prior to the first day of the Basic, Reciprocity or Reserve Certification course.

008.01A For application for admission into the Training Center or into another Training Academy where the applicant is not directly employed by the academy's agency, the application packet must include the following:

1. TC-001, Personnel Change-In-Status Report, if employed by an agency.
2. Application for Training
3. Personal Character Affidavit
4. Results of Background Investigation
5. TC-005, Medical Examination and Health Questionnaire
6. TC-006, Authority to Release Information
7. TC-084 Employment Verification Form
8. Copy of Birth Certificate or recognized substitute
9. Copy of Valid Operator's License
10. Four Fingerprint Cards
11. TABE Results
12. DD-214 or equivalent (Applicable only to Veterans)
13. Copy of high school diploma or GED certificate

008.01B For application for admission into the applicant's employing Training Academy, the application packet must include the following:

1. TC-001, Personnel Change-In-Status Report, if employed by an agency
2. Application for Training
3. Personal Character Affidavit
4. AFIS searched fingerprint cards.

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008.02 An applicant shall be scheduled for Basic Training no later than two (2) months from the date of hire as a law enforcement officer or trainee.

008.03 The thirty (30) day provision in section 008.01 may be waived by the Director based upon a determination that the application can be processed and accepted as meeting the admission qualifications, without the need for further review by the Council before the start of the certification course. However, the thirty-day provision will not be waived if it will result in a hardship upon the requested Training Academy.

008.03A A hardship may be found when:

1. The applicant's admittance is beyond the budget for conducting that requested certification course;
or
2. The applicant's admittance is beyond the resources of an Academy for that requested certification course.

008.04 In all cases in which it is necessary for the Council to acquire documents or other information to determine whether or not an applicant meets the admission requirements of this section, the Council through the Director, may require such copies or other information be supplied by the applicant at his or her expense.

008.05 Failure to comply with this section may result in the denial of the applicant's admission into that registered course.

009 Review by Director and Council Review

All documentation as specified in section 008 must be received by the Director no less than 30 days prior to the start of that applicant's requested certification course at the designated Training Academy or 90 days prior in the case of a diploma student.

009.01 The Director or his/her designee shall review the documentation within 30 days of receipt. The Director shall make an initial determination of whether the applicant meets the qualifications for admission into a Training Academy for basic or

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reserve certification training. The Director shall notify the applicant and/or agency in writing of the applicant's acceptance or denial. The denial shall specify the reasons for denial/disqualification. Upon request of the applicant or agency, the determination by the Director may be reviewed at the next available Council Hearing.

009.02 Upon request by the applicant or agency, the Council will conduct a hearing in order to determine whether the applicant meets minimum qualifications for admission into a certification course at a Training Academy. The Council will render a decision and reduce its decision in writing within two weeks of the hearing. The burden is on the applicant to demonstrate by clear and convincing evidence that he/she meets the admission qualifications. The decision of the Council is final.

Effective Date: _____

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