

TITLE 79 - LAW ENFORCEMENT - POLICE STANDARDS ADVISORY COUNCIL

CHAPTER 13 - APPEALS PROCESS

001 Purpose - To establish a formal appeals process from decisions and actions of the Director.

002 Scope - Commission, Council, Agencies, Academies, Law Enforcement Officers, Training Schools, NLETC Students and Residents.

003 Reference – State Statute 81-1403

004 General - The following procedure shall be used to present an appeal.

004.01 Appeals of Academy Testing Failures

004.01A An aggrieved individual and or agency desiring to appeal the separation from training for academic failure shall give notice of intent to appeal to the Deputy Director of Training within seven (7) calendar days of the date the separation took effect.

004.01B The individual or agency shall provide the appeal in writing to the Deputy Director of Training within fourteen, (14) calendar days of the separation. The appeal shall present the specific reasons justifying the request for review and reconsideration. The individual or agency shall also submit a proposed resolution of the decision or action to the Deputy Director of Training for his/her consideration.

004.01C The Deputy Director of Training shall arrange to meet with or contact the individual and or agency by telephone to discuss the merits of the appeal within seven, (7) calendar days of the receipt of the appeal.

004.01D The Deputy Director of Training shall review the appeal and conduct such research as necessary to determine the merits of the appeal.

004.01E The Deputy Director of Training shall notify the aggrieved individual and or agency in writing of acceptance or denial of the appeal within fourteen, (14) calendar days of receipt of the appeal. The Deputy Director of Training shall specify in writing any conditions that are incumbent to acceptance of the appeal.

004.01F The individual and or agency may appeal the decision of the Deputy Director of Training to the Director. The individual and or agency must submit the appeal to the Director in writing within seven (7) calendar days of receipt of the Deputy Director's decision.

004.01G The Director shall review the appeal and conduct such research as necessary to determine the merits of the appeal.

004.01H The Director shall notify the individual and or agency of his decision to accept or deny the appeal in writing within fourteen, (14) calendar days from the date of receipt of the appeal. The Director shall specify in writing any conditions that are incumbent to acceptance of the appeal. The decision of the Director is final.

004.02 Appeals of the Director's Decisions

004.02A An aggrieved individual and or agency may appeal decisions of the Director related to admission to training, certification status, and discipline.

004.02B An aggrieved individual and or agency desiring to appeal a decision or action of the Director shall give notice of intent to appeal to the Director or his/her designee within seven (7) calendar days following the decision or action of the Director.

TITLE 79
CHAPTER 13

004.02C The individual or agency shall provide the appeal in writing to the Director within twenty-one, (21) calendar days of the Director's decision or action. The appeal shall present the specific reasons justifying the request for review and reconsideration. The individual or agency shall also submit a proposed resolution of the decision or action to the Director for his/her consideration.

004.02D The Director will investigate and consider the written request and proposed resolution and will provide a written decision to the individual or agency within twenty-one, (21) calendar days of receipt of the appeal.

004.02E The decision of the Director may be appealed to the Council by notifying the Secretary to the Council in writing within ten, (10) calendar days of the Director's final decision. The appeal to the Council shall be addressed to:

Police Standards Advisory Council
C/O Secretary to the Council
NLETC
3600 North Academy Road
Grand Island, NE 68801

004.02F The Secretary to the Council shall notify the individual/agency of receipt of the appeal and the date, time, and location of the Council meeting that the appeal will be heard.

004.02G The issues presented to the Council on appeal will be limited to those raised in the request for review and reconsideration as provided in section 004.02C and the Director's written decision in response.

TITLE 79
CHAPTER 13

004.02H The Council will conduct a hearing on the appeal within sixty, (60) calendar days of receipt of the request to the Council. The individual or agency may appear at the Council meeting and present oral arguments, submit written statements, or both, in support of the grievance. The Director or his/her designee shall respond to such arguments.

004.02I Members of the Council shall recuse themselves from participating in appeal hearings that directly involve their agency, institution or personnel.

004.02J The Council shall affirm, modify or deny the decision of the Director or his/her designee. The decision of the Council is final.

Effective Date: (Date Approved)