

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 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 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.

005 Continuing Education Requirements

005.01 Law Enforcement Officers: 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 Firearm Qualification Course shall not be included in consideration of satisfying the continuing education requirements of this chapter.

005.02 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 office.

005.03 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.

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

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

006 Continuing Education Courses – Continuing Education (CE) hours as provided in Neb. Rev. Stat. §81-1414.07 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.

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

006.01A 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 will be maintained for each individual officer attending training.

006.01B A record of attendance for each officer attending the course and the number of hours that each officer attended.

006.01C 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.

006.02 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.

006.02A On-line training will be awarded based upon the actual time spent covering the designated material unless otherwise specified by the course or program.

006.02B College/University credits will be awarded on a 10 hour basis for each credit hour obtained during that reporting period.

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

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006.03A Committee or board meetings for a political subdivision or professional organization or similar meeting for policy making purposes,

006.03B Meetings or conventions of societies and associations where training is not a primary function,

006.03C Attendance at cultural, entertainment, recreational activities or programs and participation in travel groups,

006.04D Writing of articles or research reports of the presentation of reports outside of a planned, directed educational activity.

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

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

007.01 Agencies will report the CE status of all officers on the agency roster no later than December 31 of that reporting period. An agency will be deemed to be in a noncompliance if the CE report for all officers on the agency roster is not received by the Director by December 31. The agency will be subject to fines for each day that the agency is deemed to be in non-compliance. Fines will be established by the Council and acted upon in accordance with Neb. Rev. Stat. §81-1403. The Director will report to the Council at its next regular meeting all of the agencies that are in noncompliance.

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

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

008.01 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 will be submitted to the Council in a separate letter or waiver request form. Individuals

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may only receive a waiver when he/she is able to demonstrate good cause for noncompliance with this chapter.

008.01A 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.

008.01B The request for waiver must include the following information:

008.01B1 The conditions under which the waiver is being requested (e.g., military duty, medical, or extended leave of absence)

008.01B2 The type of illness and/or injury if the condition is medical.

008.01B3 The date the condition first became effective and the date the condition ended if it did end in that reporting period.

008.01C Waivers granted by the Council will apply to the requirements for only that reporting period. Continuing hardships will require a new request for a waiver for each reporting period.

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

007.03 In all waiver requests, the burden of proof shall be on the requesting party to establish good cause by a preponderance of the evidence.

008.04 If the waiver request is denied, the individual's certificate will be suspended.

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

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

009.01A . 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.

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009.01B The individual who has had 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.

009.01C The director will notify the agency of the officer's suspension. It will be the responsibility of the agency to notify the officer.

009.02 Decertification eligibility: Any individual who fails to fulfill CE requirements for two (2) consecutive reporting periods, where waivers have not been granted, evidences conduct which is indicative of violations of the officer's statutory duties and will constitute grounds for revocation of his/her law enforcement certificate(s) as addressed in Neb. Rev. Stat. §81-1403 and Title 79, Chapter 9.

009.03 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.

010 Survey of Agency Continuing Education Needs

010.01 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 will conduct surveys of law enforcement agencies in order to access the CE needs of law enforcement in the State of Nebraska.

Effective Date: