

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.

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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.

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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.

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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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Revised from: June 8, 1998

TITLE 79 – LAW ENFORCEMENT - POLICE STANDARDS ADVISORY COUNCIL

CHAPTER 2 – LAW ENFORCEMENT RECORDS

001 Purpose – 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 responsible for employing, hiring, appointing or promoting law enforcement officers in the State.

003 References – State Statutes; 81-1403, 81-1406 and Title 79, Chapter 8 and Chapter 11

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 a law enforcement officer shall comply with this Rule and Regulation.

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

005.01 Personnel Change in Status Report

The Personnel Change in Status Report shall 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.

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.

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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 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 be completed in accordance with Title 79, Chapter 8.

005.03 Nebraska Law Enforcement Code of Ethics

All persons receiving law enforcement certification in the State on or after the date of promulgation of this rule shall be required to sign and attest to the Law Enforcement Code of Ethics. The person shall submit a signed and notarized Code of Ethics to the Director before being eligible to receive 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 required to sign and attest to the Law Enforcement Code of Ethics to receive reclassification of their certification to active status. The person shall submit a signed and notarized Code of Ethics to the Director before being eligible to have their certification status changed to active.

005.04 Handgun Qualification Report

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

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

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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 the Council.

Effective Date: June 26, 2005

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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 - State Statutes 14-709, 23-1701.01, 81-1414, and Title 79, Chapter 8. Statute 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 submit to the Training Center such appropriate evidence, documentation, transcript, certificates and, curricula, for review and consideration by the Director. The Director shall review the submitted materials and determine whether the applicant's training and education meet the standards for reciprocity certification. The Director 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 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 by a recognized certifying agency as receiving formalized training by another state or federal law enforcement agency and who has after completion of training been directly employed as a law enforcement officer by a municipal, county, state or federal law enforcement agency for a period of not less than one hundred and eighty

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(180) consecutive days, within two (2) years of the date of application may apply to the Training Center for certification in lieu of attending the State basic certification course. 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. The applicant shall be required to present the existence of extenuating circumstances that justify the applicant not completing the minimum duration of employment. Extenuating circumstances include but are not limited to; family emergencies, emergency relocation, and reduction in force lay offs. The applicant 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 be assessed the non-refundable fees of \$50.00 records processing and \$100.00 written examination administration to be paid to the Center.

004.02 All applications for reciprocity certification must be submitted in writing to the Center and shall provide proof that:

004.02A The applicant meets standards as set out in State Statutes: 81-1410, 81-1414 and Title 79, Chapter 8 before being further processed for reciprocity.

004.02B 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.

004.03 The applicant shall provide the Director an official academy course transcript of his/her satisfactory completion of law enforcement certification training which identifies course titles and hours, along with a copy of the approved certificate(s)/license(s). The applicant must also

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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.

004.04 The applicant shall have all past law enforcement employer(s)/agency(s) submit written verification to the Director regarding his/her dates of employment, duty assignments, departmental/agency rank, and that the applicant left the agency in good standing.

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

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.

This written examination shall be based on 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. Upon failure to attain a minimum passing score on the second attempt, the applicant shall be required to complete the entire Basic course at the next available class.

004.05B 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

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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.

004.06 Following the successful completion of all standards set forth above and successful completion of a Council approved reciprocity training program, the applicant shall receive a diploma for completion of the reciprocity certification course. Upon employment and appointment as a law enforcement officer in the State, the applicant shall 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 sections 004.02A through 004.2D, the applicant may enroll in the next available basic training session.

004.07A In cases when the Director denies an applicant admission to Reciprocity Training based upon sections 004.01B through 004.01D the Director shall inform the applicant and/or his/her employing agency of his determination in writing. The Director shall document which standards the applicant did not meet for approval. Appeals based upon the applicant failing to meet the above standards shall be based upon the documentation of training, education and experience that was submitted to the Director for review. It shall be the responsibility of the applicant/petitioner to demonstrate 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 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 or more people.

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 review the documentation and make a recommendation to the Council to either grant or deny the request for a waiver. The Director shall 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 determine whether to grant or deny the waiver. The person must make immediate application to attend the next basic or reciprocity certification course 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 receive a certification that is limited to serving as an administrator/agency head of a law enforcement agency that serves a population of 5,000 or more. Such certification shall not be valid for other law enforcement positions in the State.

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Revised from June 25, 1995

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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; 81-1401, 81-1403, 81-1410, 81-1412, and 81-1414, Rule and Regulations; Title 79, Chapter 3, Chapter 8, and Chapter 9.

004 General - A law enforcement officer's certification is classified as one of four different status categories.

004.01 Active Status

004.01A Active status refers to persons who are employed and commissioned to exercise law enforcement powers full or part time as set forth in State Statute 81-1401 and:

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

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

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004.01A(3) Submitting 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 as a law enforcement officer under the provisions of State Statute 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) Maintain 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 complete the State annual handgun qualification as required by State Statute 81-1412.

004.01B(3) Successfully complete annual mandatory continuing education requirements as established by the Council.

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

004.02 Inactive Status

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

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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 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 days: no training standards required

004.02B(4)(b) 31 days to 2 years: completion of the State handgun qualification course, possession of a valid CPR card.

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

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

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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) is made for full-time State certified academy instructors 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 issued a diploma for completion of certification training but not employed as a law enforcement officer does not have certification status.

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 and Change in Status Report with any processing fees established by the Council.

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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 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. Some examples of violations that can result in suspended status are:

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

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

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

004.04B(1) The Director shall investigate violations he/she is aware of and suspend the certification of an officer who fails to meet the standards required to maintain certification.

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004.04B(2) The Director shall 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.

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 also provide the:

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

004.04B(3)(b) conditions that must be met to correct the violation.

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 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.

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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.

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

004.05 Revoked Status

004.05A 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.

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004.05B The procedures governing the revocation of certification are addressed in Title 79, Chapter 9.

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CHAPTER 5 - STANDARDS FOR CERTIFICATION TRAINING EVALUATION

001 Purpose - To set standards and prescribe procedures governing the evaluation of students attending certification training in the State of Nebraska.

002 Scope - Applicable to all academies providing certification training and to all students.

003 Reference – State Statute 81-1403(1)

004 Policy - The standards and procedures set forth in this rule provide for a consistent and fair evaluation of students attending a certification course at an academy. This rule establishes minimum standards and does not prohibit academies providing certification training for their own employees to establish higher standards than set forth herein.

005 General - The following standards must be met to qualify for certification as a law enforcement officer in Nebraska.

005.01 Testing

005.01A Definitions

005.01A(1) Unit Test – A cognitive test that is administered over one or more course subjects.

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005.01A(2) Performance Test – A test of a student’s ability to perform specific tasks or skills at an established level of competency.

005.01A(3) Comprehensive Test – A test that is comprehensive in nature and requires the student to recall knowledge and or perform tasks that were previously learned and upon which the student was previously tested or required to demonstrate proficiency.

005.01B Students are required to achieve a minimum of seventy percent (70%) on all unit and comprehensive tests and a passing score on all performance tests.

005.01C Students failing to achieve a passing score on a test shall retake a test covering the tested materials or skills.

005.01D A student shall be separated from training if the student fails to pass a retake test except as provided for in a Council approved training-recycling program. A student is allowed to participate in only one skill area training-recycling program.

005.01E A student shall retake no more than two failed unit tests and must pass the tests on such retakes. Any retake must occur within one training week. Exceptions to the one-week requirement can be made only for good cause. The failure of a third unit test regardless of successful retakes on the previous two unit tests shall result in a student being separated from training for failure to perform academically.

005.01F Students shall be permitted one opportunity to retake a comprehensive test. Failure to achieve a minimum score of 70% on a comprehensive retake test shall result in the student being separated from training.

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005.02 Separation from Training

005.02A Students shall be immediately notified of their failure of any test and the impact it has upon their status as a student. When applicable, the head of the hiring agency or his/her representative will be immediately notified of a student's failure of a unit test, performance test, or comprehensive test and informed of the impact upon the student's status.

005.02B A student shall be found to be in bad standing and not eligible for Law Enforcement Improvement Fund dollars to pay for training when separated from training for unsatisfactory performance as presented in this chapter.

005.03 Recycling Programs

005.03A Students have limited opportunity for remediation and practice skills of which they are required to pass performance tests due to limited practice facilities, limited instructors, and the liability involved with the skills training. The Council may establish a training-recycling program for law enforcement basic certification students in specific skills that are subject to performance tests. The Council may approve guidelines to permit a training-recycling program in the following skills areas:

1. Firearms
2. Defensive Tactics
3. Law Enforcement Driving Skills
4. Emergency Vehicle Operations Skills

005.03B Academies affiliated with an agency may choose whether or not to implement training-recycling programs when training their agency specific employees.

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005.04 Attendance

005.04A Attendance in scheduled classes and training is mandatory.

005.04B Unexcused absences may be grounds for dismissal from the training program.

005.04C Students who experience excused absenteeism must make up the time missed from training by:

005.04C(1) Absence from classroom training – making up the classes through independent or group student and meeting the testing requirements in this chapter.

005.04C(2) Students who experience excused absenteeism in excess of forty (40) hours of classroom training will be separated from training for excessive absenteeism unless the training can be timely completed through NLETC web-based training programs.

005.04C(3) Absence from practical training – in instances where the student is unable to participate in a skills subject area because of injury or missing required classes identified in the course curriculum, the student will be required to attend classes previously missed in the next basic training session and meeting the testing requirements in this chapter.

Effective Date: June 26, 2005

Revised from June 25, 1995

TITLE 79 – LAW ENFORCEMENT – POLICE STANDARDS ADVISORY COUNCIL

CHAPTER 6 – ADMISSION PRIORITIES TO THE NEBRASKA LAW ENFORCEMENT TRAINING CENTER

001 Purpose – To establish admission priorities for admission to law enforcement basic certification training at the Center.

002 Scope – State Statute 81-1414, Title 79, Chapter 2, Chapter 8, and Chapter 14

003 General – The primary mission of the Center is to meet the basic certification needs of law enforcement agencies in the State.

003.01 Allocation of Basic Training Academy Seats

The Council shall annually determine how basic training academy seats are allocated at the Training Center.

003.02 Academy seats will be allocated to two separate categories of students.

003.02A Students not employed by an agency.

003.02B Students employed by an agency.

003.03 In October of each year, the Director and Center staff shall provide the Council information regarding projected enrollments and recommendations as to how seats should be allocated for the next calendar year.

003.04 The Council shall allocate academy seats on a percentage basis to the two categories of students.

003.05 The Council may vote to change the allocations for a calendar year. The Director may recommend changing the allocation percentages if he/she has information that changes the previous recommendation. The Council shall review such information and determine if a change is needed.

003.06 The Center may fill any unused seats in a basic class if a student category does not require the percentage of seats allocated.

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003.07 Individuals and law enforcement agencies that fail to enroll a student for certification training as required by State Statute 81-1414 and Title 79, Chapter 2 and Chapter 8 shall not have priority in their admission category. Such applicants or agencies shall receive a seat in the next class that has available seats based upon allocation of seats. The individual or agency shall not be provided a seat in a class if the applicant would be in violation of State Statute 81-1414, failure to complete training within one year of appointment.

003.08 The Training Center, with approval of the Council, may establish basic certification courses designed to meet the needs of special groups of students as provided for in Chapter 14, Section 005.06. The Council shall establish priority for admission to such specialized courses based upon recommendations from the Training Center.

Effective Date: June 26, 2005

TITLE 79 - LAW ENFORCEMENT - POLICE STANDARDS ADVISORY COUNCIL

CHAPTER 7 - RESERVE OFFICER CERTIFICATION STANDARDS

001 Purpose - To prescribe policies and procedures for certification of Reserve Officers

002 Scope - Applicable to the Council Center, Law Enforcement Agencies, and Reserve Officers

003 Reference - State Statutes 81-1410, 81-1439 and 81-1444, Title 79, Chapter 2, Chapter 5, Chapter 8, Chapter 9

004 General

004.01 The standards for admission to Reserve Officer Certification Training shall be the same standards as set forth for law enforcement officers in State Statute 81-1410, 81-1439, and Title 79, Chapter 8.

004.02 Agencies are required to report the appointment of Reserve Officers and make application for attending Reserve Officer Certification training under the same standards as set forth in Title 79, Chapter 2.

004.03 The Council may grant a waiver of the statutory requirement of the completion of Reserve Officer certification training within one year of appointment under the same conditions as set forth in Title 79, Chapter 8 for law enforcement officers.

004.04 Reserve Officer certification training shall be conducted by or under the supervision of the Center. Such training may be provided at the Center, at regional sites or through distance learning or a combination of the above as approved by the Council.

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004.05 The Reserve Officer certification curriculum shall be approved by the Council. Reserve Officer certification shall be provided at least biannually as determined by the Center.

004.06 Reserve Officer Certification shall be given by the Council when:

004.06A A person has met all standards for admission to an academy and successfully completed Reserve Officer certification training.

004.06B The person completes the Code of Ethics and submits it to the Center and the Center has received a Change in Status Report from the agency reflecting appointment as a Reserve Officer.

004.07 Reserve Officer Certification Status

004.07A Active Status – Active status for a person appointed as a reserve officer shall follow the same criteria as set forth for a law enforcement officer in Title 79, Chapter 4, Section 004.01B with the exception of having a valid reserve officer certificate.

004.07B A person with active Reserve Officer status maintains his/her status by meeting the same criteria for law enforcement officers set forth in Title 79, Chapter 4, Section 004.01B.

004.07C Inactive Status: Inactive status refers to persons who have previously been classified as being in active status but are no longer appointed as a Reserve Officer and is not exercising law enforcement powers.

004.07D A person with inactive status must meet the following standards to return to active status as a law enforcement officer:

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004.07D(1) Meet the minimum standards required for certification as a reserve 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.

004.07D(2) Be appointed as a Reserve Officer in accordance with State Statute within five calendar years of being classified on Inactive status.

004.07D(3) Submit a new Code of Ethics to the Center.

004.07D(4) Complete the State handgun qualification course and possess a valid CPR card.

004.07D(5) Complete the Reserve Officer certification training course if the length of inactive status is greater than five calendar years.

004.07D(6) Submit a certification activation fee that is set by the Council on an annual basis with the submittal of the agency Change in Status showing the person appointed as a Reserve Officer.

004.07E Suspended Status - A reserve officer's certification may be suspended under the same criteria as set forth in Title 79, Chapter 4, Section 004.04.

004.07F The procedures set forth in Title 79, Chapter 4, Section 004.04B shall be followed in processing violations involving the suspension and reactivation of suspended reserve officer certification.

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004.07G The Director shall activate a suspended certification upon receipt of documentation that the conditions for reactivation have been met. The Director shall notify the Council of the action at their next regular meeting. The Director shall also notify the same entities as listed in 004.04B(2) that the reserve officer's certification has been reactivated.

004.07H Revoked Status

004.07H(1) A reserve officer's 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.

004.07H(2) The procedures governing the revocation of certification are addressed in Title 79, Chapter 9.

Effective Date: June 26, 2005

Revised from June 25, 1995

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;

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

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

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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 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

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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;

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;

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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 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;

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- 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 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

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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 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)

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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;

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

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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

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.

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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, 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

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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.

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

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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 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

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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.

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4TITLE 79 - NEBRASKA LAW ENFORCEMENT TRAINING CENTER

CHAPTER 9 - REVOCATION OF LAW ENFORCEMENT OFFICER CERTIFICATION

001 Purpose - To prescribe procedures for revocation of certificates of training issued to law enforcement officers, reserve officers, and tribal law enforcement officers by the State of Nebraska.

002 Scope - This chapter is applicable to law enforcement officers as defined in Neb.Rev.Stat. 81-1401(3)(a)-(b); tribal law enforcement officers pursuant to Neb.Rev.Stat.'81-1414(2); and reserve officers pursuant to Neb.Rev.Stat.'81-1439 et.seq. and as defined in Title 79, Chapter 1, paragraph 004.18.

003 Authority - Neb.Rev.Stat. 81-1403

004 Subject to review and approval of the Nebraska Commission on Law Enforcement and Criminal Justice, the Council shall revoke certificates pursuant to its authority under Neb.Rev.Stat. 81-1403

005 Initiation of a Complaint Leading to Revocation of Certification

005.01 Notification by a law enforcement agency or the Law Enforcement Training Center. A report shall be filed with the Commission when an agency has reason to believe that it knows of an officer who falls within the purview of Neb.Rev.Stat. 81-1403(5).

005.02 Notification by the Public. When an individual has reason to believe that there is an officer who falls within the purview of Neb.Rev.Stat. 81-1403(5), that individual must file a written complaint with the Commission.

005.03 The complaint or report shall be in writing and signed by the complainant or authorized representative if complainant is a department or organization.

005.04 The complaint shall contain the following information:

- 1. Full name, address and telephone number of the complainant;**

2. Full name, address, and telephone number, if known, of the respondent;
3. A concise statement of the facts which the complainant believes brings the respondent within the purview of Neb.Rev.Stat.81-1403(5) together with supporting documentation, if any.

005.05 When completed, complaints shall be delivered personally or by mail to the Nebraska Commission on Law Enforcement and Criminal Justice, 301 Centennial Mall South, P.O. Box 94946, Lincoln, Nebraska 68509. Upon receipt, each complaint shall be assigned a number and reviewed by a designee of the Commission.

005.06 A summary of the allegations shall be sent to the respondent by United States mail, certified mail, return receipt requested.

005.07 The respondent is allowed fourteen (14) days from the date of mailing of the summary/complaint to informally respond to the allegations of the complaint. The response shall be in writing and shall be delivered to the Commission in person or by United States mail, certified mail, return receipt requested.

006 Initial Inquiry. Any reports, allegations or complaints involving a respondent, together with any informal response by the respondent, shall be reviewed by a designee of the Commission for a decision as to the course of action regarding disposition of the complaint. Disposition may include one of the following: recommending rejection of the complaint, assigning the complaint for investigation, or setting the complaint for formal hearing.

006.01 Rejection of the Complaint. If the designee of the Commission, upon initial inquiry, makes a determination that the complaint should be rejected, a report shall be made to the Commission summarizing the facts and giving the basis for the rejection of the complaint. Unless the Commission votes by majority to order further inquiry, the matter shall be deemed closed and a letter summarizing the position of the Commission shall be sent to the complainant and the respondent.

006.02 Investigation. If the designee of the Commission deems it

necessary, the complaint, respondent's response and all other additional documentation and information shall be forwarded to the State Patrol or other designated law enforcement agency or qualified individual for investigation of the allegations.

006.03 Upon completion of its investigation, the State Patrol or other authorized investigative agency or person shall turn over all reports and relevant materials to the designee of the Commission for processing of the complaint.

006.04 If, after review of all documents, complaints, responses in the initial inquiry, and results of any investigation, the Commission designee makes the determination that the respondent falls within the purview of Neb.Rev.Stat. 81-1403(5), the designee shall cause a formal complaint to be filed with the Commission regarding revocation of the respondent's certification.

007 **Formal Complaint and Notice of Hearing.** A formal complaint and notice of hearing before the Council shall be served on the respondent by mailing a copy of same by certified mail, return receipt requested, to the respondent's last known address. The notice shall comport with the requirements of Neb.Rev.Stat.84-913. The hearing shall be had not more than sixty (60) days from the date of the filing of the formal complaint, unless continued for good cause by the Council.

007.01 There shall be a notice in large type or some other manner so as to be noticeably different from the type face of the rest of the complaint and hearing notice that failure to appear for a requested prehearing conference shall result in sanctions being levied against the party failing to appear. Such sanctions may include, but are not limited to, a levy of costs incurred up to that point in the case.

008 **Answer.** The respondent shall have not more than fifteen (15) days from the filing of the formal complaint to file an answer to the formal complaint.

008.01 The answer shall contain the following information:

1. Name and address of the respondent
2. Specific statements regarding any and all allegations in the

complaint and notice which shall be in the form of admissions, denials, explanatory remarks, or statements of mitigating circumstances and any additional facts or information the respondent deems relevant and which may be of assistance in the ultimate determination of the case.

008.02 The answer may contain the following:

1. A waiver of a contested hearing
2. Request for a closed hearing
3. Request for a continuance, along with a statement showing good cause for the continuance.
4. Request for a prehearing conference

009 Prehearing Conference. Not fewer than thirty (30) days before the date set for hearing, a prehearing conference may be held. The Council may allow such a conference upon the request of either party or may set one on its own motion and authority. The Council may allow the prehearing conference to be done telephonically. The Council chairperson or his or her designee shall act as presiding officer and may direct the parties to appear at a specified place and time to:

- a. Simplify the issues
- b. Amend the complaint and/or answer
- c. Exchange lists of witnesses
- d. List, number, and review exhibit
- e. Stipulate to agreed facts, if any
- f. Enter into other stipulations as may be necessary
- g. Request a continuance, upon a showing of good cause
- h. Make requests for witnesses to be subpoenaed
- i. Make such requests as deemed appropriate regarding discovery as allowed under Neb.Rev.Stat. 84-914 et.seq. to the Commission

The presiding officer shall act on the requests and forward to the Executive Director any and all requests for subpoenas. The presiding officer shall summarize the prehearing conference in an order. The order shall be mailed to petitioner and respondent and any counsel of record.

010 Hearing Procedure in a Contested Case

010.01 The Council shall act as the Hearing Board in the matter. The Council sitting as the Hearing Board shall have a representative of the Attorney General's Office to rule on all questions of law that may arise in the course of the

hearing and to assist in the preparation of the findings of fact and conclusions of law to be transmitted to the Commission.

010.02 The Commission shall designate an attorney to present the case for the revocation on behalf of the petitioner.

010.03 The petitioner and respondent shall have all rights and responsibilities afforded each party in a contested case under Neb.Rev.Stat. 84-901 et.seq., the Administrative Procedures Act.

010.04 The officer in question is entitled to be represented by counsel at his or her own expense at the hearing. Counsel for the respondent shall enter a written notice of appearance at the earliest opportunity. Retention of, or representation by, an attorney less than ten (10) days prior to the formal hearing shall not constitute good cause for a continuance without a showing of extenuating circumstances.

010.05 The proceedings of the formal hearing shall be recorded by mechanical or electronic means. The recordings of the proceedings shall be kept for at least (4) years from the date of the final decision of the Commission.

010.06 Default Procedure. A failure to appear at a formal hearing shall be deemed to be an admission of the facts alleged in the complaint. The Hearing Board upon submission of evidence by the petitioner, shall render its findings of fact, conclusions of law and recommendation upon the evidence submitted by the petitioner. Such evidence may include, but is not limited to, affidavits stating relevant information, investigative reports, and pleadings filed in the case.

010.07 A revocation of a certification by the Commission which is

based on a default shall be set aside only by a showing of good cause regarding the respondent's failure to appear at the scheduled formal hearing.

010.08 After receiving all evidence and hearing all testimony in the case, the hearing examiner shall make a written report of findings of fact and conclusions of law. Exhibits relied upon or referred to in the Findings of Fact and Conclusions of Law shall be forwarded to the Commission as part of the reported findings. This report shall be submitted to the Commission within thirty (30) days of the hearing, along with a recommendation to the Commission regarding the action to be taken on the revocation of respondent's certification.

010.09 At the quarterly meeting of the Commission following submission of the Council's findings, the Commission shall, concomitant with Neb.Rev.Stat. 81-1403, either dismiss the complaint to revoke the certification or revoke the certification upon a finding by a preponderance of the evidence submitted by the Council that the certificate should be revoked. The Commission shall be bound by its normal rules of operation as defined by Neb.Rev.Stat. 81-1415 et.seq.

011 The Commission shall reduce its decision to writing, to include its findings of fact and conclusions of law and send a copy of its decision to the respondent via certified or registered mail, return receipt requested, to the respondent's last known address. Copies of the decision shall be sent to the attorneys representing the petitioner and the respondent. The decision shall be sent within five (5) working days after it is filed by the Commission.

012 Appeal Process. Appeals shall be filed in accordance with Neb.Rev.Stat. 81-917 et.seq.

013 Non-Compliance with the Two-Year Provision of 81-1403(5)

013.01 All departments, agencies or political subdivisions shall cause the Law Enforcement Training Center, hereinafter known as Training Center, to be notified of the cessation of employment of any of their law enforcement officers. This shall be done in writing on a Change-in-Status form which may be obtained from the Training Center. This notification must be made within thirty (30) days from the date

of the cessation of employment.

013.02 All departments, agencies or political subdivisions shall cause the Training Center to be notified when any law enforcement officer is appointed or hired. This notification shall be done in writing on a Change-in-Status form which may be obtained from the Training Center. The notification must be made within thirty (30) days of the date of hire or appointment of the law enforcement officer.

013.03 The Training Center shall keep records of the employment status of all law enforcement officers in the state and shall forward to the Commission a list of those law enforcement officers who have not had full or part-time employment as law enforcement officers for at least two years. This reporting shall be made to the Commission on a biennial basis.

013.04 The information shall be given to the designee of the Crime Commission for informal inquiry into the employment status of the law enforcement officer. Upon request, the Training Center shall forward appropriate documentation to the designee with respect to the officer's employment status. The designee shall proceed with informal inquiry set forth in this chapter.

013.05 Notice of Non-Compliance: If the designee of the Commission has reason to believe that the law enforcement officer comes within the purview of Section 81-1403(5) as not having been employed as a law enforcement officer for at least two years, a notice shall be sent certified mail, return receipt requested, to the officer in question. The notice shall be sent to the last known address of the law enforcement officer. The notice shall advise the officer that his/her certification shall be revoked unless one or more of the following occurs within two years from the date of the notice.

1. The officer obtains continuous full-time or part-time employment as a law enforcement officer commencing during the two years
2. The officer at his/her own expense successfully completes a program or course of training prescribed by the

Commission which serves to update and keep current the officer's training.

013.06 The law enforcement officer shall provide proof of employment and/or successful completion of prescribed training to the Crime Commission in a form approved by the Commission.

013.07 A law enforcement officer who completes the training program as set forth herein will be deemed to have a conditional active certification, good for a period of two (2) years from the date of completion of training. This conditional status may be continued or renewed every two years by the successful completion of a training program prescribed by the Commission, if completed within the two-year period.

013.08 Full active certification may be obtained by a law enforcement officer by becoming employed as a full-time or part-time law enforcement officer within the two-year notice or any renewal period.

013.09 If the law enforcement officer has not successfully completed a prescribed course of instruction as provided for herein or has not obtained full or part-time employment as a law enforcement officer during the two-year period following the date of formal notice of non-compliance or during any subsequent renewal period, the designee of the Commission shall cause to be filed a formal complaint and notice of hearing requesting revocation of certification in the form and manner as set forth in Section 007 et.seq.

013.10 If the law enforcement officer signs an affidavit to the effect that he or she is permanently retired from active law enforcement service, then the Commission may revoke his or her active certification and if so, shall issue him or her an inactive certificate, along with a letter of explanation that the inactive certificate does not entitle the officer to act as or possess any authority as a law enforcement officer.

014 Miscellaneous Provisions: All terms used herein shall have their statutory definitions applied, if such definitions exist, except as follows:

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014.01 Complainant: shall mean any individual(s) or organization(s) or department(s) or agency or agencies filing a report, complaint, or other information with the Commission alleging that a law enforcement officer comes within the purview of Neb.Rev.Stat. 81-1403(5)

014.02 Respondent: shall mean any individual law enforcement officer who shall be alleged to be within the purview of Neb.Rev.Stat. 81-1403(5)

014.03 Petitioner: shall mean a party to the formal revocation proceeding representing the State of Nebraska in presenting the evidence against the respondent.

014.04 Formal Complaint: shall mean the written allegation(s) and charge(s) against the respondent alleging that the respondent comes within the purview of Neb.Rev.Stat. 81-1403(5).

014.05 Formal Hearing: refers to the proceedings before the Council.

015 All forms referred to herein may be obtained at the Nebraska Commission on Law Enforcement and Criminal Justice, 301 Centennial Mall South, P. O. Box 94946, Lincoln, Nebraska 68509.

016 If any section of this act or any part of any section shall be declared invalid or unconstitutional, such declaration shall not affect the validity or constitutionality of the remaining portions thereof.

017 Original sections of Title 79, Chapter 9 of the Rule and Regulations of the State of Nebraska are hereby repealed.

Effective Date: June 8, 1998

Revised from June 25, 1995

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TITLE 79 –LAW ENFORCEMENT - POLICE STANDARDS ADVISORY COUNCIL

CHAPTER 10 – TRIBAL OFFICER LIMITED CERTIFICATION.

001 Purpose – To prescribed policies and procedures for Tribal Officer Limited Certification as provided by NEB. REV. STAT. §81-1414(2).

002 Scope – Applicable to all tribal law enforcement agencies, the Council and the Training Center.

003 Reference – State Statute 81-1414(2)

004 General – Indian tribal governments whose lands are located within the boundaries of the State of Nebraska can make application to have their officers obtain limited law enforcement certification provided they are Bureau of Indian Affairs certified tribal law enforcement officers.

005 Application Procedure – The tribal governing body may make application by submitting the following documentation:

005.01 Documentation of successful completion of training and certification from the Federal Law Enforcement Training Center Bureau of Indian Affairs Basic Police Training Program:

005.02 Completed Training Center forms:

005.02A TC001 – Personnel Change-In-Status Report:

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005.02B TC003 – Application for Training,

005.02C TC006 – Authority to Release Information,

005.02D Four completed fingerprint cards,

005.02E A copy of the applicant’s birth certificate,

005.02F Character Affidavit, and

005.02G Code of Ethics.

005.03 Eligibility – Tribal Law Enforcement officers must meet the following admission requirements as set forth by State Statute and the Council.

005.03A Successful completion and certification from the Federal Law Enforcement Training Center Bureau of Indian Affairs Basic Police Training Program;

005.03B Meet the admission requirements addressed in Title 79, Chapter 8 paragraphs 005.01A through 005.01Q.

006 The curriculum for the Tribal Officer Certification Course shall be approved by the Council

006.01 Training for the Tribal Officer Certification Course shall be conducted by the Training Center or other certified academy.

007 Issuance of a Tribal Law Enforcement Certificate: The Council shall issue a certificate titled “Tribal Officer Limited Certification” attesting to the successful completion of the training course presented by the Training Center or other certified Training School. Successful completion is based upon certification training evaluation standards set forth in Title 79, Chapter 5.

008 Tribal Officer Certification Status – The certification issued by the Council shall be limited to tribal officers enforcing the laws of the State of Nebraska within the tribal boundaries and shall remain effective only as

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long as the individual officer remains employed as an officer by the tribal authority.

009 It shall be the responsibility of the chairperson of the governing tribal body or law enforcement administrator, or other person responsible for the employment, promotion or termination of a Tribal Law Enforcement Officer to comply with Title 79, Chapter 2, and Title 79, Chapter 4.

Effective Date: June 26, 2005
Revised from: June 8, 1998

TITLE 79 – LAW ENFORCEMENT – POLICE STANDARDS ADVISORY COUNCIL

CHAPTER 11 – FIREARMS CERTIFICATION STANDARDS

001 Purpose: (1) To establish annual firearms certification standards and procedures for all certified law enforcement officers in the state as required by State Statute 81-1412; & (2) to establish procedures governing the certification and recertification of firearms instructors in this state.

002 Scope: Applicable to all certified law enforcement officers and reserve officers actively working for Nebraska law enforcement agencies and to individuals exercising law enforcement powers under special deputy status and their respective agencies.

003 Reference: State Statutes; 81-1401, 81-1403, 81-1412 through 81-1412.02, 81-1443 and Title 79, Chapter 1, and Chapter 4.

004 General: The following rule and regulation is established to meet the requirements set forth in State Statute 81-1412 that all law enforcement and Reserve officers successfully qualify on a handgun qualification course established by the Council.

As part of this statutory mandate, the Council recognizes the need to insure that such firearms training and qualification is provided by instructors who are proficient in the use of firearms and knowledgeable in the areas of current training techniques and the legal issues surrounding the use of firearms in the performance of law enforcement duties. In order to insure that firearms training and qualification courses are conducted by qualified law enforcement instructors, the Council has established Firearm Certification and Re-certification Standards for Nebraska Firearms Instructors.

005 Procedure:

005.01 Annual Certification

005.01A Qualification Course:

(1) All appointed law enforcement officers and reserve officers employed by a law enforcement agency, and individuals exercising law enforcement duties under a special deputy status shall qualify at least once every calendar year on a fifty round handgun course as established by the Council. Only the Council-approved qualification course will be considered as the annual Handgun Course.

(2) The Council-approved course shall consist of a handgun course where the individual shoots fifty rounds of ammunition at a prescribed target which shall be the Federal Bureau of Investigation's "Q" target. The Council-approved course for annual certification is attached to this rule and regulation and is hereby incorporated into this chapter.

(3) In order for an individual to qualify on the Council-approved qualification course, the individual must receive a passing score of seventy percent or higher on the course. To calculate the qualification score, the certifying instructor shall take the number of shots fired that actually strike the "Q" portion or silhouette of the target and divide that number by the total number of shots fired during the course (i.e., 50) to derive the scoring percentage. If an individual's scoring percentage is less than seventy (70) percent, that individual has failed to qualify on the course.

(4) The status and/or limitation of an individual who fails to qualify in a calendar year shall be determined by the Council in accordance with section 008 of this chapter.

(5) The Council-approved qualification course shall only be administered and scored by qualified Nebraska Firearms Instructors who are employed by law enforcement agencies or agencies that exercise law enforcement duties conveyed upon them by state deputy sheriff status.

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- a. In order to be considered as a qualified firearms instructor, the individual must be certified as an instructor in accordance with this chapter.
- b. A certified firearms instructor may annually certify himself/herself on the Council-approved course provided the firing of the course is administered, witnessed and scored by another certified law enforcement officer who has already qualified for that calendar year on the Handgun Course.

005.01B Handguns:

- (1) Individuals shall qualify with a handgun of the same make and model as the handgun which is the primary duty handgun to be carried by the individual while he/she is on duty.
- (2) For those individuals who are not authorized to use a handgun in the performance of his/her duties, they shall qualify with only a handgun which meets Training Center standards which includes 38 caliber revolvers, 357 revolvers, 45 or 40 caliber pistols, or 9 mm or 10 mm pistols.

005.01C Agency Reporting:

- (1) The individual in charge of any agency employing law enforcement officers, regardless of whether that officer is considered full-time, part-time, or reserve, or an individual exercising law enforcement duties under a special deputy status, shall submit to the Council an Agency Handgun Qualification Report of those individuals employed by his/her agency and whether those individuals passed or failed to qualify the handgun qualification course.
 - a. Agency Handgun Qualification Reports shall be on file no later than December 31 of that calendar year. An agency will be deemed to be in a noncompliance status if the Agency Handgun Qualification Report is

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not received by the Training Center by January 7 of the next year and subject to fines for each day that the agency is deemed to be in such status. The Director shall report to the Council at its next regular meeting all of the agencies that are in a noncompliance status regardless of the reason.

(2) The Agency Handgun Qualification Report form (TC-045) shall include the following: the agency's name, the name of each appointed law enforcement officer or individual exercising law enforcement duties under a special deputy status, whether the individual passed or failed the qualification course, the name and agency of the certified instructor who administered the course, the date the qualification course was conducted, and the type of handgun the individual used for qualification, the certifying signature of the individual in charge of submitting the form and in the case of a firearms instructor's qualification, the name of the officer who witnessed and administered the course.

(3) Failure to comply with the reporting requirements will result in a fine of one hundred dollars for each day of noncompliance.

(4) The Nebraska Law Enforcement Training Center shall maintain all Agency Handgun Qualification Report forms for that calendar year. However, each law enforcement agency is responsible for the maintenance of its own handgun qualification records.

006 Instructor Certification and Recertification

006.01 The Council shall establish a training course for firearms instructors in the state of Nebraska which will be offered by the Nebraska Law Enforcement Training Center as needed. The Council-approved Firearms Instructor Course shall include, but not be limited to, the following subjects:

A. Course objectives

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- B. Range safety and commands
- C. Handgun training
- D. Basic marksmanship
- E. Techniques of instruction (students will be expected to write and present a lesson plan)
- F. Sight in
- G. Shot analysis
- H. Shooting problems
- I. Review of weapon nomenclature for revolver's, semi-automatic pistols & shotguns
- J. Care, maintenance and handgun inspection
- K. Ballistics
- L. Shooting positions
- M. Handgun shooting courses, including the Council-approved Annual Handgun Qualification Course
- N. Long gun training
- O. Night firing
- P. Practical line exercises
- Q. Exertion courses
- R. Ammunition selection
- S. Completion of written examinations and
- T. Successfully completing the Council-approved Handgun Qualification Course

006.02 A student who satisfactorily completes the Firearms Instructor's Course will be issued a certificate, which will be valid to the end of the third calendar year from the date of certification. An instructor who possesses a valid certificate can conduct and administer the State's annual Handgun Qualification Course as well as other firearms training.

006.02A Nebraska Firearms Instructor Certification may also be awarded to law enforcement officers or individuals exercising law enforcement duties under a special deputy status who have attended and successfully completed other recognized law enforcement training programs including but not limited to programs offered by the Federal Law Enforcement Training Center, or the Federal Bureau of Investigations other government training programs and

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some private training programs. Applications for this certification process are submitted to the Center. The Center shall review the application in comparison to the current certification curriculum. The application shall be placed on the Council's agenda with a recommendation for or against approval by the Director.

006.02B To be considered by the Council, the outside instructor's course must meet or exceed the Council-approved instructor's course as conducted by the Training Center. Applicants will be required to submit supporting documentation along with the request for certification. All applications will be considered on a case-by-case, individual basis.

006.03 Before the end of the third calendar year after the initial firearms instructor's certification and within every three full-calendar years thereafter, the individual instructor shall attend and successfully complete a firearms instructor's recertification course that is approved by the Council. Such recertification training is necessary in order to be continued to be recognized as a Nebraska Certified Firearms Instructor.

006.03A The Nebraska Law Enforcement Training Center will conduct the recertification course on an annual basis. The Firearms Instructor Recertification Course shall be at least twelve (12) hours in length and include, but not be limited to the following topics: course orientation, current legal issues, teaching strategies, safety and maintenance updates and open forum discussion on firearms topics.

006.03B Recertification training that is provided by an agency not affiliated with the Nebraska Law Enforcement Training Center may be considered in determining whether the individual instructor has met the recertification standard. Attendance and successful completion of training programs including, but not limited to, programs offered and conducted by Smith and Wesson Company, Glock, Inc., Federal Law Enforcement Training Center, Glynco, Georgia,

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or the Federal Bureau of Investigations may be reviewed by the Council in order to determine whether the course meets or exceeds the recertification requirements. Applications for this recertification process should be made to the Council, through the Training Center; applicants must submit supporting documentation along with the request. Each application will be considered on a case-by-case, individual basis.

006.03C If the Council determines that the recertification course offered by an outside agency meets or exceeds the Council's approved course, the instructor shall have his/her Firearms Instructor Certificate renewed for three years.

006.04 Students in either the Firearms Instructor Course or the Firearms Instructor Recertification Course must successfully complete all course assignments including scoring a seventy (70) percent on both a written examination and the prescribed handgun qualification course.

006.05 Instructors who do not successfully complete the recertification course within the prescribed time shall no longer be recognized as a firearms instructor in the state of Nebraska unless an extension has been granted by the Council pursuant to section 007. In situations where a firearms instructor's certification has lapsed and/or no extension has been granted, the individual's original Firearms Instructor's Certification becomes void and the individual must again attend and successfully complete the Firearms Instructor Course.

006.06 Every three years commencing in 1990, the Training Center, after consultation with firearms instructors in the State of Nebraska, shall make recommendations to the Council regarding curriculum revisions on the Firearms Instructor and Recertification Courses.

007 Waivers of Annual Qualification and Extensions of Instructor Recertification

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007.01 Waiver of Annual Handgun Qualification: Agency administrators or the individual officer may request that the Council grant a waiver of the annual handgun qualification requirement. The request for a waiver may be submitted on the agency qualification report to the Training Center or by letter to the Council. Persons may receive a waiver of the annual handgun qualification for an extreme hardship and/or when officers are on an extended leave of absence from the agency.

007.01A The request for waiver must include the following information:

007.01A(1) The conditions under which the waiver is being requested, for example, military duty, medical, extended leave of absence.

007.01A(2) The type of illness and or injury if the condition is medical.

007.01A(3) The date the condition first became effective and the date the condition ended if it did end in the same calendar year.

007.01B Officers who are hired on or after November 1, of the current qualification year shall not have to qualify for that calendar year, but will be required to qualify during the next calendar year.

007.01C Waivers granted by the Council shall apply to the qualification requirements for that calendar year. Continuing hardships shall require a new request for a waiver for each year.

007.01D All requests for waivers from the preceding year must be received by the Council no later than the 1st day of February of the next calendar year for consideration of the waiver request. Any submitted request will be considered at the next scheduled Council meeting.

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007.01E In all cases of requesting a waiver of the annual handgun qualification requirement or requesting an extension of the recertification deadline, the burden of proof shall be on the requesting party to establish by a preponderance of the evidence that the individual falls within the purview of the enumerated exceptions.

007.02 Extension of Recertification Qualification: An individual instructor may request an extension of the three year recertification requirement when he/she was unable to attend the Recertification Course due to active duty commitment with the armed forces, has a documented medical condition that prohibits recertification, when the agency has a demonstrated agency emergency or when the individual has an agency-approved leave of absence that prevents the instructor from attending the Recertification Course. In cases where an extension is granted, the instructor must attend the next available Recertification Course or must complete the Recertification Course or its equivalent within one year from the date of the extension. If such recertification training is not completed in that time, the individual's Firearms Instructor Certificate shall become void and no other extensions shall be granted by the Council.

008 Law Enforcement Status

008.01 An individual who does not qualify on the Council-approved Handgun Qualification Course within the calendar year or has not been granted a waiver shall have his/her law enforcement certificate or reserve certificate suspended.

008.01A The Director or designee shall report to the Council all persons who failed to qualify on the annual Handgun Qualification Course and have not requested a waiver from the Council at the Council's January meeting of that next calendar year. The Director shall suspend the certificate of any officer who has not completed the qualification course or requested a waiver after February 1st.

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008.01B The individual who fails to qualify shall continue to have his/her certification suspended until he/she successfully passes the State Handgun Qualification Course and provides supporting documentation that contains the information specified in section 005.01C(2) of this Chapter, and meets the conditions set forth in Title 79, Chapter 4, Section 004.04B(4)(a)-(d).

008.01C Makeup handgun qualifications where an officer is suspended for not completing requirements in a calendar year shall be credited to that calendar year's qualification requirements. An officer completing a makeup handgun qualification for the previous calendar year shall be required to complete an additional handgun qualification for the existing calendar year.

008.02 Decertification eligibility: Any individual who fails to qualify on the Council-approved Handgun Qualification Course for two (2) consecutive calendar years, where waivers have not been granted for those years, evidences conduct which is indicative of incompetence, neglect of duty and physical, mental and emotional 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 certificates as addressed in either Neb. Rev. Stat. §81-1403 and Title 79, Nebraska Administrative Code, Chapter 9.

Effective: June 26, 2005

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STATE OF NEBRASKA
REVOLVER AND SEMIAUTO QUALIFICATION COURSE

TARGET: Two FBI Q
AMMO: 50 rounds of handgun ammunition

Stage 1 3 yard line - Standing
12 shots fired - two 6 round magazines

Draw and fire 1 round on first target, 2 rounds on second target and 1 round on first target in 5 seconds, holster;

Draw and fire 1 round on each target, reload and fire 1 round on each target in 15 seconds (10 for SA), holster;

Draw and fire 1 round on first target, 2 rounds on second target and 1 round on first target in 5 seconds, holster;

Stage 2 5 yard line - Standing
12 shots fired - two 6 round magazines

Draw and fire 2 rounds on each target in 5 seconds, holster;

Draw and fire 1 round on each target, reload, and fire 1 round on each target in 15 seconds (10 for SA), holster;

Draw and fire 1 round on first target, 2 rounds on second target and 1 round on first target in 5 seconds, holster;

Stage 3 7 yard line - Standing
12 shots fired - two 6 round magazines

Draw and fire 3 rounds on each target in 8 seconds, holster;

Draw and fire 3 rounds on each target in 8 seconds, holster;

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Stage 4 10 yard line - Standing
 8 shots fired - two 4 round magazines

Draw and fire 2 rounds on each target in 6 seconds, holster; repeat

Stage 5 15 yard line - Kneeling
 6 shots fired - one 6 round magazine

Draw and fire 2 rounds on each target in 8 seconds, holster;

Draw and fire 1 round on each target in 5 seconds, holster

Effective: July 3, 2000

TITLE 79 – LAW ENFORCEMENT - POLICE STANDARDS ADVISORY COUNCIL

CHAPTER 12 – ADMINISTRATION OF HIGHER EDUCATION COOPERATIVE CERTIFICATION/ PRE-CERTIFICATION PROGRAMS

001 Purpose – To establish rules and procedures for the administration of cooperative certification/pre-certification programs.

002 Scope – All higher education schools participating in a law enforcement cooperative certification/pre-certification program, the Council, the Director, the Training Center, training academies

003 References – State Statutes 81-1401, 81-1403, 81-1404, 81-1406, Title 79, Chapter 1, Chapter 5, Chapter 8

004 General – This program is to provide a system where higher education students interested in a career in law enforcement can complete a course of study towards a degree and complete academy training as part of a cooperative certification program, pre-certification program, or combination of both. The Council may direct that such programs be established based upon the capability of the Center to administer the programs. The following procedures shall be followed for the administration of law enforcement cooperative certification/pre-certification programs in the State:

004.01 Police Standards Advisory Council

The Council shall:

004.01A Establish standards for schools and academies for participation in cooperative certification/pre-certification programs.

004.01B Approve application processes for training schools and academies.

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004.01C Approve all training schools and academies for participation in such programs on an annual basis

004.01D Establish enrollment allocations, tuition and fee rates for all academy cooperative certification/pre-certification programs.

004.01E Approve all additions, changes, and deletions of learning and performance objectives to the State basic curriculum.

004.01F Approve the learning objectives to be incorporated into pre-certification programs by training schools.

004.01G Approve academy pre-certification basic training curriculum.

004.02 Director

The Director shall:

004.02A Recommend learning objectives to be taught by the training schools in pre-certification programs to the Council.

004.02B Present the pre-certification curriculum to the Council for approval.

004.02C Serve as the academy registrar for all cooperative certification students.

004.02D Develop cooperative certification/pre-certification application processes for schools and academies and submit them to the Council for approval.

004.02E Make recommendations regarding enrollment allocations to academies for students.

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004.02F On an annual basis review school and academy performances, prepare reports, and make recommendations to the Council regarding continued participation in programs set out in this chapter.

004.02G Provide for a staff member to serve as a liaison to schools and academies participating in programs established as provided in this chapter.

004.02H Provide for the development and administration of an academy admission pretest for pre-certification students.

004.02H(1) The pretest shall be comprised of questions that are related to the State curriculum learning objectives taught in the pre-certification course. The pretest shall be developed from questions from the State curriculum test banks of the Center. The pretest shall be constructed to ensure that questions relevant to learning objectives from each topic area taught in the pre-certification course are included in the test.

004.02H(2) The Director shall have at least two separate forms of the pretest developed for pre-certification testing.

004.02H(3) A score of seventy percent (70%) or higher shall be a passing score for the pretest.

004.02H(4) A person participating in a pre-certification program may take a pretest two times within twelve months. A person failing to obtain a passing score after two attempts shall not be eligible

for admission to the pre-certification course. Such persons may make or continue to make application to attend the complete academy course.

004.02H(5) The Director shall provide for:

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004.02H(5)(a) Security to attempt to avoid compromise of the pretest.

004.02H(5)(b) Testing dates and sites to reasonably accommodate pre-certification students.

004.02H(5)(c) Notification to students and training schools of the student's test results.

004.02I Report the status of programs established as provided in this section to the Council on an annual basis to include:

004.02I(1) Number of students enrolled in and completing programs.

004.02I(2) An evaluation of each participating school and or academy that includes:

004.02I(2)(a) Conformance to standards, rules and policies.

004.02I(2)(b) Any identified deficiencies and specific plans to correct the deficiencies.

004.02I(2)(c) Percentage of students completing the degree/certification program by individual school.

004.02I(2)(d) When relevant, numbers of students passing and failing the pre-certification test and or academy training by individual school or academy.

004.02I(2)(e) A recommendation to approve each school or academy for participation in the cooperative-certification/pre-certification program for the continuing year.

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004.02J Make recommendations to the Council regarding tuition rates, testing fees, and application fees for cooperative certification/pre-certification applicants on an annual basis.

004.02K Approve or deny all student admissions based upon minimum standards to become a certified law enforcement officer.

004.02L Issue diplomas for the completion of training to students who have successfully completed a cooperative certification/pre-certification training program and are eligible for certification in the State.

004.03 Training Schools

Schools participating in a cooperative certification program shall:

004.03A Submit annually to the director or his/her designee an application as approved by the Council for the establishment of a cooperative certification program. Such application will require:

004.03A(1) A description of the general program of study and how academy attendance relates to the general program, to include the number of college credit hours assigned to successful completion of academy certification training and any degree awarded.

004.03A(2) Submission with application and update as changes occur of the name and means of contact of liaison personnel.

004.03A(3) Agreement to cooperate fully in admission requirements for certification program students.

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004.03A(4) Agreement that cooperative certification program student must abide by the rules and regulations pertaining to admission requirements, attendance priorities, academic evaluations, and conduct/discipline while attending an academy.

004.03B Submit annually to the director or his/her designee an application as approved by the Council for the establishment of a pre-certification program. Such application shall require:

004.03B(1) A description of the general program of study which incorporates learning objectives required by the Council, and disclosing the number of college credit hours assigned to successful completion of such program of study and any degree obtained.

004.03B(2) A list of all courses containing Council required learning objectives listing the learning objectives covered in each course.

004.03B(3) Submission with application and updated as changes occur of the name and means of contact of liaison personnel.

004.03B(4) Agreement to cooperate fully with the academy in preparing students in pre-certification programs for admission to the academy.

004.03C Incorporate Council required training objectives into a course of pre-certification study.

004.03D Provide student counseling in relation to the degree/certification program and law enforcement as a career. The counseling program shall address the following:

004.03D(1) The essential job task functions of a law enforcement officer.

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004.03D(2) The minimum standards for law enforcement certification and admission to a training academy.

004.03D(3) The standards and rigors of law enforcement certification academy training.

004.03D(4) The academy standards for academic and skills testing which the student must meet.

004.03D(5) The pre-certification test requirements for admission to an academy under the school's pre-certification program.

004.03D(6) The academic standards of an equivalent grade of C or better in course work related to the pre-certification learning objectives.

004.03D(7) The completion of the application process to attend the academy.

004.03D(8) The costs, equipment and materials needed to attend the academy.

004.03E Provide verification to the Center of a student/applicant's academic completion and grades in all courses where learning objectives are taught. (Only schools in 004.04A(1))

004.03F Enter into an agreement with all participating academies dealing with administrative aspects of the cooperative certification program not covered in this chapter.

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004.04 Academies

Academies other than the Center may participate in a cooperative certification/pre-certification program where the academy provides basic certification training to students who are not employed by a law enforcement agency or an agency where employees exercise law enforcement powers. Academies participating in a cooperative certification/pre-certification program shall:

004.04A Meet the standards established by the Council in Chapter (16), Certification of Law Enforcement Academies.

004.04B Enter into a contract with the training school dealing with administrative aspects of cooperative certification students not covered in this chapter.

004.04C Council approved training academies shall submit a request to conduct a cooperative certification or pre-certification basic training class to the Council. The request shall identify the proposed dates of and number of students the academy wants to enroll in the class. The Council shall approve or deny the request on a case-by-case basis and set the enrollment size of the class and tuition.

004.04D Academies can contact training schools to enroll students for the Council approved pre-certification class. Pre-certification students must complete their application to attend an academy through the Training Center. Academies can only enroll students who have completed their application process and have been approved by the Center.

004.04E Academies shall provide the Center a report of student performance during the training program to include academic and performance failures. Academies shall provide the Center a report of all students successfully completing the training course so the Director can issue students diplomas.

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004.05 Students

004.05A Pre-certification students must:

004.05A(1) Have been enrolled in a training school approved by the council for conducting a pre-certification course.

004.05A(2) Have maintained a "C" average in all pre-certification courses in which Council required training objectives are taught.

004.05A(3) Arrange with the training school for a transcript of grades to be forwarded to the academy.

004.05A(4) Meet all academy admission requirements.

004.05A(5) Take and pass with a score of 70% or higher the academy pretest for pre-certification students.

004.05A(6) Upon admission to an academy, comply with all rules and regulations pertaining to academic and discipline standards.

004.05B Cooperative Certification Students must:

004.05B(1) Be enrolled in a training school approved by the Council for conducting a cooperative certification course.

004.05B(2) Be in good standing with the training school at the time of application to the academy.

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004.05B(3) Meet all academy admission requirements.

004.05B(4) Upon admission to the academy, comply with all rules and regulations pertaining to academic and discipline standards.

Effective Date: June 26, 2005

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.

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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.

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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.

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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: June 26, 2005

TITLE 79 - LAW ENFORCEMENT - POLICE STANDARDS ADVISORY COUNCIL

CHAPTER 14 - NEBRASKA LAW ENFORCEMENT CERTIFICATION CURRICULUM

001 Purpose – To establish minimum curriculum requirements for law enforcement certification in the State.

002 Scope – Council, Director, Training Center, and Academies

003 References – State Statutes 81-1401, 81-1402, 81-1403, 81-1404, 81-1414, Title 79, Chapter 5

004 General – The Council is responsible for establishing and ensuring compliance to law enforcement training standards for certification. The following provides for the establishment of a minimum State curriculum for law enforcement certification and procedures for updating the curriculum.

005 The basic certification curriculum for law enforcement officers shall be established by the use of periodic statewide job task analyses and subject matter expert reviews.

005.01 Statewide job task analysis should be conducted at intervals not longer than eight (8) years apart.

005.02 The Director shall conduct the statewide job task analysis under the direction of the Council. The Council may use a contract vendor to perform the analysis in cooperation with the Director.

005.03 The job task analysis shall be conducted using accepted practices that ensures law enforcement agencies throughout the State are represented in the analysis.

005.04 The Director shall have prepared a curriculum that addresses the minimum training standards for law enforcement certification in the State. The Director shall prepare the curriculum

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using the information from the job task analysis, consulting with representatives of law enforcement from around the State and consulting with subject matter experts. The Director shall present the curriculum to the Council. The Director shall also provide a copy of the curriculum to all academy directors in the State. The curriculum shall consist of:

005.04A The identification of major topic areas in the curriculum

005.04B All classes and their titles within each of the major topic areas

005.04C The essential tasks that are required to be covered in each class.

005.04D The learning and performance objectives that are required to be covered in each class.

005.04E The criteria and standards used for evaluating non-tested performance objectives.

005.04F The amount of time the Training Center requires to present each class and the total hours required to present the curriculum.

005.04G The performance objectives that are incorporated into testing in which a student must demonstrate minimum performance to pass and receive certification.

005.04H The criteria and standards used in comprehensive testing.

005.05 The Council shall review the curriculum, request additional work from the Director if needed, and adopt the curriculum. The adopted curriculum is the basic certification curriculum for law enforcement officers. The State basic curriculum shall be the curriculum of the Training Center.

005.06 The Training Center may establish basic certification training courses that use alternative delivery methods with the approval of the Council. Such courses may vary in class time

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length and total hours of the State basic curriculum as set forth in 005.04G.

006 The Council adopted curriculum is the basic certification curriculum of the state.

006.01 The Director shall distribute the adopted curriculum to each academy director in the State.

006.02 Law enforcement academies are required to incorporate all essential tasks adopted in the State curriculum into their basic training curriculums. Law enforcement academies that provide basic certification training only for their agency specific employees will be allowed to incorporate the tasks into their academy basic curriculum in such manner as they deem appropriate.

006.03 Law enforcement academies are required to develop and have learning and performance objectives, as well as, lesson plans that address each essential task in the State curriculum.

006.04 Law enforcement academies are required to test on all learning objectives. The State curriculum requires performance objective testing on handgun qualification, law enforcement driving skills, emergency vehicle operations course, and defensive tactics. All academies must conduct testing in the above skills areas.

006.05 Law enforcement academies are required to develop criteria and standards used in performance objective testing other than the State mandated handgun qualification course, which shall be standardized for all students in all academies.

006.06 Law enforcement academies are required to develop evaluation criteria for all performance objectives that are not tested.

006.07 Law enforcement academies that provide basic certification training for persons other than their agency employees shall be

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required to use and follow the State curriculum that is presented at the Training Center. Academies under this section shall:

006.07A Incorporate the same class subjects and class titles as used at the Training Center.

006.07B Incorporate all essential tasks, learning and performance objectives in each class subject as provided at the Training Center.

006.07C Provide to the Director, lesson plans for each course of the basic curriculum that identifies where each learning and performance objective is taught and or practiced and demonstrated.

006.07D Incorporate and follow all testing standards as set forth in Title 79, Chapter 5.

006.07D(1) Provide for the testing of all learning objectives, performance objectives and comprehensive tests that require testing. Provide test banks that provide for multiple questions over the same objective.

006.07D(2) Provide to the Director the test banks that are to be used in the basic curriculum and show where each learning objective are addressed in the testing. Provide to the Director the testing criteria for performance objectives that are tested and the evaluation criteria for all performance objectives that are not tested.

007 The Council recognizes that there are frequent changes in the law and technology that have a direct influence on the duties of a law enforcement officer. It is not practical to expect the basic certification curriculum to remain static for a period of several years between job task

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analyses. The following system will be used to make changes to the basic certification curriculum.

007.01 The addition or deletion of essential tasks in the basic certification curriculum shall be approved by the Council.

007.01A The Director shall receive requests for changes to the essential tasks to the State curriculum from the Center staff or other academy staff.

007.01B The Director shall have the request for changes to the essential tasks researched. Such research shall include:

007.01B(1) documentation of changes in the law, body of knowledge, or technology prompting the need for a change;

007.01B(2) a review of the proposed change by content experts at the Center and other State academies, and if appropriate, what other states have in their curriculums.

007.01C The Director shall prepare a recommendation to the Council for their action. The Director shall provide to all basic certification academies in the State, in writing, notice of the proposed recommendation and the date and time of the Council meeting. Such notice shall be provided at least ten, (10) days in advance of the Council meeting.

007.02 The addition or deletion of curriculum and or hours of training to the State basic certification curriculum shall be approved by the Council. Sections 007.01A through 007.01C shall be used for any recommendation of changes in hours to the State curriculum.

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007.03 The Director shall incorporate Council approved changes into the Training Center's curriculum and shall notify all State academies of changes the Council approves to the State curriculum. Academies will be required to incorporate the Council approved changes.

Effective Date: June 26, 2005

TITLE 79 LAW ENFORCEMENT - POLICE STANDARDS ADVISORY COUNCIL

CHAPTER 15 - LAW ENFORCEMENT ACADEMY INSTRUCTOR
CERTIFICATION

001 Purpose: To establish standards for certification of academy instructors.

002 Scope: Applicable to the Council, Director, and Training Academies.

003 Reference: State Statute 81-1403 and Title 79, Chapter 1

004 General: It is a goal of the Council that law enforcement academy certification training meet acceptable standards. Officers and other persons providing academy training that is prerequisite to receiving a State certification shall be certified by the Council.

005 Instructors who teach basic academy training courses that are part of the State basic curriculum shall be certified in accordance with this chapter. There are three levels of instructor certification: general, professional, and legal.

005.01 General Instructor Certification – A general instructor certification pertains to those individuals who have received instructor level training in a specific skill area as approved by the Council. The general certificate will be applicable in only those areas where the instructor has received such training.

005.02 General Instructor Minimum Qualifications

005.02A Experience: A minimum of three years law enforcement experience is required for general instructor certification. This requirement may be modified by request of an academy director or agency administrator with approval of the Council.

005.02B Education: High school graduation with a diploma or an equivalency certificate that meets the minimum score required by the State of Nebraska Department of Education.

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005.02C Other Qualifications: Must have successfully completed instructor level training in the applicable skill area(s) from a training course approved by the State. Must have successfully completed any apprenticeship hours required by the State.

005.03 Professional Instructor Certification – A professional instructor certification pertains to those who instruct in areas that are more cognitive in nature and require some level of experience to be able to instruct, i.e., criminal investigations, patrol techniques, and human understanding. A professional certification will require the applicant to demonstrate experience in the subject area and to have taken and completed an instructor development course of at least 24 hours. An officer may request a waiver of the instructor development course if he or she can exhibit experience in training and or higher education equivalent to having completed an instructor development course.

005.04 Professional Instructor Minimum Qualifications

005.04A Experience: Must have at least five years of experience in the subject area to be instructed.

005.04B Education: High school graduation with a diploma or an equivalency certificate that meets the minimum score required by the State of Nebraska Department of Education.

005.04C Other Qualifications: Must have successfully completed an approved instructor development course prior to certification or received a waiver from the Council. Must have received advanced or specialized education or training in subject areas as delineated in the application.

005.05 Legal Instructor Certification – A legal instructor certificate requires that the instructor has received his/her Juris Doctor Degree and instructs legal courses such as criminal elements, arrest, search, and seizure, and use of force.

005.06 Legal Instructor Minimum Qualifications

005.06A Experience: Recommend a minimum of three years of practice in the area the instructor is going to teach.

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005.06B Education: Must have a Juris Doctor Degree from an A.B.A. accredited college of law.

005.06C Other Qualifications: BAR certified to practice law.

005.07 Background: While no background investigation is required, an instructor must be recommended by the academy director and in making such recommendations, the academy director shall consider the reputation, conduct, stability and ability of the person being recommended.

006 Procedures

006.01 It is the responsibility of the academy director to insure that instructors are assigned only topics they are qualified to teach and are supervised on a regular basis to insure that instructional excellence is maintained. The evaluation and selection of persons to serve as academy instructors is the responsibility of the academy director or agency administrator.

006.02 Instructor applications shall be submitted on the approved instructor application form that can be obtained from the Training Center. Applications shall be submitted to the Director or designee for review and recommendation to the Council. Applications for instructor certification will be endorsed by the academy director and, where applicable, by the applicant's agency head.

006.03 The Director shall establish a system of review for instructor certification requests. The review shall be conducted to ensure the applicant meets minimum qualifications in the areas of education, training, experience, and background. The Director may recommend approval or denial of an application. The Director may recommend denial of the whole application or specific topic areas based upon qualifications presented in the application.

006.04 The Director shall make a recommendation on the application to the Council. The Director shall notify the academy director of any recommendation to deny a request at least 10 days prior to the Council meeting at which the application will be acted upon.

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006.05 The academy and or agency may submit additional documentation to support the application and or appear at the Council meeting to request the Council approve the application.

006.06 The Council shall approve or deny the application, in full or in part, based upon the information provided them.

006.07 The Director shall issue instructor certifications upon approval of he Council.

006.08 Instructor certifications shall be issued for a period of four years. A certificate may be renewed after four years if the instructor has instructed in an academy program during the period of certification and if the renewal is endorsed by the academy director under whose supervision he/she has instructed.

007 An instructor certification may be revoked when an instructor:

fails to meet minimum standards,

displays a lack of good moral character or behavior that adversely affects their credibility as an instructor,

displays a lack of good moral character or behavior that adversely affects the academy's reputation,

lacks the ability to effectively communicate or instruct in the academy setting,

has his/her professional certification suspended or revoked.

007.01 The employing agency or academy director may request the revocation of an instructor certification by submitting the request to the Director in writing and including all supporting documentation.

007.02 The Director shall review the request for revocation. The Director shall inform the effected instructor in writing that his/her instructor certification has been revoked and the reasons for the revocation and their right to appeal.

007.03 A person whose instructor certification has been revoked may appeal the action before the Council.

Effective Date: June 26, 2005

TITLE 79 - LAW ENFORCEMENT - POLICE STANDARDS ADVISORY COUNCIL

CHAPTER 16 - CERTIFICATION OF LAW ENFORCEMENT ACADEMIES

001 Purpose - To prescribe procedures governing the certification of law enforcement training academies

002 Scope - Applicable to the Council, Academies, and Director

003 Reference - State Statutes; 81-1401(7), 81-1403(8), 81-1404(5)

004 General - The Council is responsible to review and certify State-training academies on an annual basis. To accomplish this, the Council shall have the Director annually review and inspect the operations of each academy in the State and provide a report and recommendation regarding certification to the Council.

005 Agency Training Only Agency Employees

005.01 The agency head shall appoint an employee as the Academy Director. The Academy Director shall serve as the point of contact with the Center and Director or designee and should be the individual responsible for managing the academy and be knowledgeable of academy operations.

005.02 The Director or designee shall arrange dates for inspection with the academy directors and provide fifteen days notice of the annual inspection to allow for the preparation of documents and reports.

005.03 The Director or representative(s) shall conduct unannounced on-site inspections of the academy while basic training is in progress during each basic training session. These sessions may be audio recorded or videotaped for future review. The Director or representative(s) shall inform the specific academy director of the audio or video recording of any training session prior to attending the training. The academy director will provide the Director or representative(s) copies of the lesson plans being taught during the time of the inspection to review in context with the

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classes being taught. The Director may require additional inspections if deficiencies are identified during the inspections.

005.04 The Director shall inspect and/or review the following elements during the annual inspection to ensure compliance with State Statutes and administrative rules and regulations.

005.04A The rules and regulations governing the academy

005.04B The certification-training schedule

005.04C The curriculum of the academy

005.04D The instructional staff of the academy

005.04E The facilities of the academy

005.04F The academy standards and sites for conducting physical skills testing

005.04G Samples of test question banks

005.04H Samples of lesson plans

005.04I Other operations and or documents relevant to basic certification training.

005.05 The Director will prepare a report to be placed on the Council agenda regarding certification of each academy. The Director will mail a copy of his/her report and recommendation to each academy director and agency administrator at least fourteen days prior to Council action.

006 Academies training students not employed by the academy agency.

006.01 The agency head shall appoint an employee as the Academy Director. The Academy Director shall serve as the point of contact with the Center and Director or designee and should be the individual responsible for managing the academy.

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006.02 The Director shall arrange dates for an annual inspection with the academy directors and provide fifteen days notice of the inspection to allow for the preparation of documents and reports.

006.03 The Director or representative(s) shall conduct unannounced on-site inspections of the academy while basic training is in progress during each basic training session. These sessions may be audio recorded or videotaped for future review. The academy director will provide the Director or representative(s) copies of the lesson plans being taught during the time of the inspection to review in context with the classes being taught. The Director may require additional inspections if deficiencies are identified during the inspections.

006.04 The Director or representative(s) shall monitor the comprehensive practical testing as defined in Chapter 5 at the academy to ensure that testing standards are being followed.

006.05 The Director shall inspect and/or review all of the academy elements listed above in accordance with this chapter during the annual inspection. In addition, the Director shall ensure the academy's basic certification training program is the same as the State curriculum and training program of the NLETC in the following areas:

006.05A All class topics in the State curriculum are being taught under the same titles in the academy curriculum in each course are being provided at the Center. Practical application hours shall be adequate to conduct all scenario based and skills development training as provided in the State curriculum.

006.05B All learning and performance objectives in the State curriculum are being taught in each class topic and are readily identified in lesson plans.

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006.05C All learning objectives, performance objectives and comprehensive practicals tested in the State curriculum provided at the NLETC are tested in the academy under the same standards set forth in Title 79, Chapter 5.

006.05D The academy has test banks for each course that provide for test construction from multiple questions over each learning objective.

006.05E The academy has documentation demonstrating learning objectives are linked to test questions.

006.05F The academy keep records on each student documenting academic and skills performance in addition to any incidents of violation of standards or rules.

006.05G The academy has rules and regulations that govern student academic performance and discipline that are consistent with the rules and regulations governing students at the NLETC.

006.05H The academy has formalized procedures to notify the NLETC Director or representative of all unacceptable non-employee student performance, academic and discipline within two days of such an event.

006.05I The academy has identified all instructors who will teach at the academy and has submitted instructor certification applications for each instructor.

006.06 Any agency seeking to establish a new academy, either only for their employees or for persons outside of their agency, shall submit an application to the Director with documentation of all elements listed in Section 005.03 of this rule. The application shall be received by the Director not less than one hundred and eighty, 180, days prior to the proposed starting date of academy training. The Director or designee shall review the submitted application and conduct on-site inspections to ensure that the standards are being met and the academy has adequate facilities and skills areas for training. The Director shall submit a recommendation to the

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Council at least ninety, 90, days prior to the proposed starting date of academy training.

006.07 The sponsoring agency shall pay an initial fee of one thousand dollars, \$1,000, to the Center for the assessment of the academy. An agency that does not conduct basic training sessions for a period of more than two calendar years shall be required to resubmit an initial application and pay the fee of one thousand dollars for reassessment by the Director.

006.08 The Director will prepare a report to be placed on the Council agenda with his/her recommendation for certification of each academy. The Director will mail a copy of his/her report and recommendation to each academy director and agency administrator at least fourteen days prior to Council action.

006.09 Council certification of training academies shall be for the calendar year.

006.10 An academy that does not receive Council certification shall not be authorized to conduct basic certification training or issue diplomas until receiving certification.

006.11 Academies receiving certification to train students who are not employees of the agency shall be required to submit to the Council in writing a request to conduct a basic training session that includes:

006.11A the number of non-employee students requested for enrollment,

006.11B the tuition being requested from each student, and

006.11C all other costs being charged to the student for training.

006.12 The request must be submitted to the Council a minimum of (90) ninety-days prior to the proposed start of the basic session.

006.13 The Council shall determine the number of non-employee students to be admitted to the academy and set the tuition rate per

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student. The Council shall use the Center's tuition rate in determining the reasonableness of the academy's requested tuition.

Effective Date: June 26, 2005