

## **TITLE 79 - LAW ENFORCEMENT - POLICE STANDARDS ADVISORY COUNCIL**

### **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** - Neb. Rev. Stat. §81-1401, §81-1403, §81-1410, §81-1412, §81-1414, and Title 79, Chapters 3, 9, 11 and 17.

**004 General** - A law enforcement officer's certification is classified as one of the status categories listed in this section.

#### **004.01** Active Status

**004.01A** Persons who are employed as law enforcement officers and commissioned to exercise law enforcement powers as set forth in Neb. Rev. Stat. §81-1401 and:

**004.01A(1)** Maintain a valid law enforcement certificate for the position of appointment;

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

**004.01A(3)** Submit any processing fees established by the Council with the Code of Ethics and Change in Status Report. ; and

**004.01A(4)** Maintain employment as a law enforcement officer under the provisions of Neb. Rev. Stat. §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)** Maintains 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 or is a commissioned law enforcement instructor who is employed full time at a Council approved academy.

**004.01B(2)** Successfully completes the State annual handgun qualification as required by Neb. Rev. Stat. §81-1412.

**004.01B(3)** Successfully completes annual mandatory continuing education requirements as specified in Neb. Rev Stat. §81-1414.07 and 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 Persons who have previously been classified as being in active status but are no longer employed as law enforcement officers and cannot exercise law enforcement powers.

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 in the State as a law enforcement officer as defined in Neb. Rev. Stat. §811401;

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; and

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 4 years: completion of the State handgun qualification course, possession of a valid CPR card.

004.02B(4)(b) In excess of 4 years to 6 years: completion of the State handgun qualification course, possession of a valid CPR card and meets all requirements for reciprocity certification as outlined in Title 79, Ch. 3.

004.02B(4)(c) In excess of 6 years: completion of basic certification training.

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.

#### 004.03 Diploma Students

004.03A Persons who were issued a diploma for completion of certification training but are not employed as a law enforcement officer does not have certification status. This is also known as a non-law student.

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 or attestation form and Change in Status Report with any processing fees established by the Council and

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 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 Officers whose certificate is suspended when he/she fails to meet the standards established to maintain active status. A person whose certificate is suspended cannot exercise law enforcement powers while his/her certificate is suspended. However, the person can correct the standards violation in a reasonable amount of time. Some examples of situations that can result in a suspended status are:

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

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

004.04A(3) Separation from his or her agency due to physical, mental or emotional incapacity.

004.04B The following procedure will be used in processing suspension of certification

004.04B(1) The Director will investigate violations he/she is aware of and suspend the certification of an officer who fails to meet the standards required to maintain certification. For situations under section 004.04A(3), the Director will suspend the officer's certification upon receiving the Personnel Change in Status Report from the officer's last employing agency.

004.04B(2) The Director will 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 or last employing agency when the separation was due to incapacitation.

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 will also provide the:

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

004.04B(3)(b) conditions that must be met to correct the violation or reason(s) for suspension.

004.04B(3)(c) time restraints in which the violation must be corrected, if any.

004.04B(3)(d) requirement of payment of a reinstatement 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.

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. For situations involving incapacitation, providing documentation that the incapacitation no longer prevents the officer from performing the essential duties of a law enforcement officer.

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

#### 004.05 Locked Status

004.05A When an officer has separated employment from an agency based on grounds which could constitute grounds for revocation, as filed by his or her former agency, that officer cannot be hired as a law enforcement officer by any agency unless a designee of the commission has determined that the officer should retain his or her certification.

004.05B If the designee has determined that revocation proceedings should be commenced against the officer pursuant to Title 79, Chapter 9, the officer cannot be hired as a law enforcement officer by any agency unless the revocation action has been dismissed or there is a finding by the Council and commission that the officer's certification(s) should not be revoked.

#### 004.06 Retired Status

004.06A Retired status refers to a person who has previously been classified as being in active status, but enters an inactive status due to retirement.

004.06B A person who enters retired status is not required to qualify on the State's annual firearm qualification course or meet the State's mandatory continuing education requirements in the calendar year of his or her retirement.

#### 004.07 Revoked Status

004.07A 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.

004.07B The procedures governing the revocation of certification are addressed in Title 79, Chapter 9.

#### 004.08 Voluntary Surrender

004.08A A certified law enforcement officer that chooses not to contest the administrative revocation process and relinquishes his/her law enforcement certificate(s)/license. A voluntary surrender is a revocation of the law enforcement certificate.

