

# LB 51 RESERVES

The passage of LB 51 in the 107<sup>th</sup> legislative session will bring a number of changes to law enforcement agencies in the State of Nebraska. This document will provide an overview of changes to **Reserve Officers**.

Reserve officers are by definition a law enforcement officer. As such, anyone who is hired as a reserve officer and does not have Nebraska certification are considered the same as a Noncertified Conditional Officer for hiring and admission requirements.

There are several steps that must be met before the applicant can be hired and a change in status form submitted.

§81-1414 (10) (1) states, “Prior to hiring a person as a law enforcement officer, a law enforcement agency shall, if such person has not previously worked as a law enforcement officer in Nebraska, cause such person to undergo a psychological evaluation to determine fitness for duty. The cost of such evaluation shall be the responsibility of the agency.”

If the applicant has not previously worked as a law enforcement officer he/she must undergo a psychological evaluation before he/she can be employed as an officer.

Legally, medical examinations (which includes a psychological evaluation) cannot be conducted until after a conditional offer of employment with the agency has been extended to the applicant. Before they can be hired, the applicant must undergo a psychological evaluation administered by a mental health practitioner who is licensed to conduct such evaluations.

§81-1414 (6) (b) states, “A noncertified conditional officer shall meet all requirements for admission to the training center and shall immediately apply for admission to the training center and enroll in the next available basic training class.”

The applicant must meet all the admission standards which include passing the TABE and the PRET before they can be hired. It is recommended that the application packet found here [Basic megalink link](#) be included as part of an agency’s hiring process. By incorporating the application packet in the hiring process, an agency can ensure that the applicant has met all admission requirements and thus is eligible for hiring.

A demonstration of how to properly administer The Physical Readiness Entrance Test (PRET) to their applicant is located ([LINK](#)). Raw scores will be submitted to the NLETC who will calculate results and notify the agency.

## **Special Note:**

If an applicant does not meet all of the admissions requirements, that applicant cannot be employed as a law enforcement officer and does not have any authority to perform any law enforcement duties. The individual may be employed as a non-sworn

civilian (without law enforcement authority) until such time that he/she is able to meet all admission standards.

The **model hiring process work flow** below is provided so an agency has an example of what the new legislation requires for the hiring of a NCO.

If the Reserve Officer does not possess a Nebraska law enforcement certificate he/she is a noncertified conditional officer. In this article, NCO and Reserve are synonymous.

How that NCO (including one who is appointed as a Reserve) is used by the agency prior to attending the academy will dictate what steps an agency must follow when hiring the candidate.

The hiring of all NCO's will follow Steps 1-4 and Step 7. NCO's who will be exercising law enforcement duties and will be under direct supervision of a certified law enforcement officer will complete steps 1- 7.

## **1. Employment Application Stage:**

This stage should include any written testing (including the TABE), physical fitness testing (PRET), interviews, completion of the NLETC application packet, and conduct the background investigation. The NLETC application packet includes the medical examination and the psychological evaluation. These two items are not completed until step 2, the Conditional Offer Stage.

## **2. Conditional Offer Stage:**

Once a background investigation has been completed, the agency extends a conditional offer of employment. The agency can now require the applicant to take the medical and psychological examinations. Upon successful completion of these evaluations an agency extends a final offer of employment.

## **3. Hiring Stage:**

Within 7 days of hiring the individual, the agency administrator submits, to the NLETC, the Change in Status and other required employment forms such as background verification, employment verification, etc. Failure to do so may jeopardize the applicant's ability to gain admission to certification training and interact with the public in a law enforcement capacity.

## **4. Academy Application:**

Within 21 days of the applicant beginning employment, a completed packet will be submitted to the NLETC for review.

- a. If the NCO will be interacting with the public and carrying a firearm before they attend the academy, there are additional requirements that must be followed. These are known as Pre-academy Requirements.

- b. If the NCO does not work in a law enforcement capacity, steps 5 and 6 are not required. The next step would be step 7 which is to send the NCO to the academy for training.
- c. If an applicant does not meet all of the admission requirements, the process stops and the applicant cannot work as a law enforcement officer.

## **5. Pre-academy Requirements**

- a. Once the application packet has been approved by the NLETC for the NCO, the next step is the pre-academy training requirements. These are listed in §81-1414 (6)(c)(i)-(vii). Which includes the completion of 80 hours of training. The NLETC will provide job tasks and objectives for the required NCO training. It will be the responsibility of the agency to provide the training.
- b. Upon completion of the training requirement, the agency administrator must validate the completion of the training to the PSAC and the director of the NLETC, §81-1414 (6) (d). This is accomplished by submitting the NCO training verification form [link](#) to the NLETC Director. The Director will report the information to the Police Standards Advisory Council (PSAC). The noncertified conditional officer training must be completed prior to interacting with the public and carrying a firearm.

## **6. Interacting with the Public**

§81-1438 (2) requires that a reserve officer cannot make arrests, issue citations, detain members of the public or seize evidence without being under the direct supervision of a physically present certified law enforcement officer.

A reserve officer cannot perform any law enforcement functions without a certified officer.

## **7. Academy Attendance**

Because reserve officers take enforcement action the academy for a reserve officer is to complete full basic.

## **Post Certification Restrictions on Reserve Officers**

After a reserve has completed certification training there are restrictions placed upon the reserve. §81-1438 (2) a) A member of a law enforcement reserve force appointed under this section cannot make arrests, issue citations, detain members of the

public, or seize evidence without being under the direct supervision of a physically present certified law enforcement officer.

This does not allow for a reserve officer to be perform law enforcement functions without being in the presence of a fully certified officer. This clarifies that a reserve officer has to be with a certified officer in order to issue tickets, detain people, and make physical arrests and collect evidence.

(c) A reserve officer is not limited with respect to the amount of hours worked annually.

## **Length of Employment**

§81-1439 states that a Reserve Officer shall achieve the minimum training standards within one year after the date of appointment. This is the major difference between a fulltime NCO and a reserve NCO.

## **Summary:**

Reserves officers are noncertified conditional officers and must adhere to the same hiring/pre-academy training process as a full time officer if they are going to interact with the public.

Reserve officers cannot work alone and take law enforcement action.

Audits of agencies will be conducted to ensure compliance with this statute. Failure to follow the requirements and restrictions of this subsection shall be considered a violation of the law and neglect of duty.