

## TITLE 79 – LAW ENFORCEMENT – POLICE STANDARDS ADVISORY COUNCIL

### CHAPTER 17– LAW ENFORCEMENT CONTINUING EDUCATION REQUIREMENTS

001 Purpose – To establish requirements and procedures for the implementation of continuing education for Nebraska law enforcement officers and the reporting procedures for law enforcement agencies.

002 Scope – Applicable to all Nebraska law enforcement officers, reserve officers and individuals exercising law enforcement duties under a special deputy status, who are on active status.

003 Reference – Nebraska Revised Statutes §§23-1701.01, 81-1401, 81-1403 and 81-1438.

004 General – The Council recognizes that law enforcement officers need to obtain continuing education in order to maintain their professional status and best serve their profession, the communities and the residents of Nebraska. In an effort to maintain the competency of this profession, the Council has promulgated this chapter as a means of establishing continuing education requirements (CE) for law enforcement officers, reserve officers and individuals exercising law enforcement duties under a special deputy status, who are on active status as defined by Title 79. Additionally, this chapter shall serve as outlining the procedures that sheriffs shall meet in order to satisfy the continuing education requirements of Neb. Rev. Stat. §23-1701.01, but this chapter shall not be construed as to otherwise override the continuing education requirements imposed upon sheriffs by Neb. Rev. Stat. §23-1701.01.

004.01 Law Enforcement Officers. Except as provided in section 004.02, all individuals who are on active status shall annually attend twenty (20) hours of continuing education in criminal justice and law enforcement courses. Individuals who become active after July 1<sup>st</sup> of that reporting period shall not be required to meet the CE requirements for that reporting period.

004.02 Sheriff. Each sheriff shall annually attend twenty (20) hours of continuing education in criminal justice and law enforcement courses, as outlined in Neb. Rev. Stat. §23-1701.01, each year following the first year of such sheriff's term of office.

004.03 Reporting of CE hours shall be made to the director of the Nebraska Law Enforcement Training Center or his/her designee as forth in this chapter and in a manner prescribed by the Council.

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005 Continuing Education Course – The Council recognizes that Nebraska law enforcement agencies and training academies may provide in-service training programs that meet the continuing education requirements of this chapter. Additionally, continuing educational requirements may be offered through numerous institutions and other organizations that provide seminars, conferences and continuing education programs. Any training program may gain Council-approved accreditation by following the procedures outlined in this section.

005.01 Sustained Accreditation Status.

005.01A Any law enforcement agency or training academy that provides annual in-service training is granted a sustained accreditation status for the hours of training that it conducts and/or sponsors provided that the training directly relates to law enforcement and criminal justice and complies with section 004 of this chapter. In order to maintain this status, the agency or training academy shall maintain the following records related to that training:

- (1) A summary of the course content, title and/or outline of the training course, location and time of the course, number of hours involved and a list of the instructional staff. If scores or testing scores are required as part of the offered-training, they shall be maintained for each officer attending training.
- (2) A record of attendance for each officer attending the course and the number of hours that each officer attended.

005.01B Any institution or organization, not specified in section 005.01A, that provides training to law enforcement officers may seek sustained accreditation status by seeking prior approval from the director of the Training Center or his/her designee sixty (60) days prior to the offering of the course of training. The director of the Training Center or his/her designee may grant an accreditation status to the institution or organization upon proof that the course of training is directly related to law enforcement and criminal justice and complies with section 004 of this chapter. In order to maintain this status, the organization or institution shall maintain the following records related to that training:

- (1) A summary of the course content, title and/or outline of the training course, location and time of the course, number of hours involved and a list of the instructional staff.
- (2) A record of attendance for each officer attending the course and the number of hours that each officer attended.

005.01C The Director of the Training Center or his/her designee will provide written acknowledgement of any sustained accreditation granted to an institution or organization not specified in section 005.01A. Accreditation is not approved until the sponsor is notified in writing by the Director or his or her designee.

005.01D The Director of the Training Center or his/her designee shall annually inspect a representative number of any agencies employing law enforcement officers throughout the State of Nebraska to insure compliance with this chapter. Such inspection will include a review of the records required by this section.

005.01E Notwithstanding any policies of the agency or institution, records required by this section shall be maintained by the agency or institution for a period of 5 years after the termination of employment for that officer.

005.01F The Director may, at any time, reevaluate the programs being presented by an accredited agency or institution. If, after such reevaluation, the director finds there is cause for revocation of the sustained accreditation, he or she shall provide written notice of such cause to the agency or institution and shall allow the agency or institution thirty (30) days to show cause to the Director why such accreditation should not be revoked. If the agency or institution fails to adequately show cause as to why the accreditation should not be revoked, the Director may revoke the accreditation and shall promptly notify the agency or institution of such action.

#### 005.02 Approval of Non-sustained Training Programs

005.02A An officer may receive credit for CE hours for attending seminars, conferences and training programs that are offered by organizations that have not received a sustained accreditation status provided that seminar, conference and/or training program meets the requirements of section 004 of this chapter. In order to receive this credit the officer shall provide the following to his/her agency:

- (1) A declaration of attendance (DA) that verifies that the officer attended the course for a specific number of hours.
- (2) Supporting documentation that includes the course title, content and/or outline of training, location and time of course, and a list of the instructional staff.

005.02B Upon receipt of the DA and supporting documentation, a designee of the employing agency will review them and make a determination of whether the attended event complies the CE requirements and the number of credit hours to be awarded.

005.02C An officer may seek approval for college or university credit hours obtained for courses that relate directly to law enforcement as determined by the designee of his/her employing agency. If it is determined that the course relates directly to law enforcement, ten (10) hours of CE credit will be given for each college credit hour earned for that reporting period. Officers seeking approval of college credit hours shall comply with the requirements of section 005.02 and shall also provide official documentation from the college or university from which the credit hours were earned.

005.02D The following course or training program will not be considered as meeting the CE requirements of this chapter:

- (1) Committee or board meetings for a political subdivision or professional organization or similar meeting for policy making purposes,
- (2) Meetings or conventions of societies and associations where training is not a primary function,
- (3) Attendance at cultural, entertainment, recreational activities or programs and participation in travel groups,
- (4) Writing of articles or research reports of the presentation of reports outside of a planned, directed educational activity.

006 REPORTING OF CE CREDIT HOURS - The continuing education status of individuals covered under this chapter shall be reported to the Council through the Training Center by the end of the specific reporting period. The agency administrator or his/her designee shall ensure that the CE status for all personnel covered under this chapter has been reported to the Training Center by the following deadline:

006.01 Agencies shall report the CE status of all of its officers no later than December 31<sup>st</sup> of that reporting period. An agency will be deemed to be in a noncompliance status if the CE status for all of its officers is not received by the Training Center by January 7 of the next reporting period and subject to fines for each day that the agency is deemed to be in such status. Failure to comply with the reporting requirements will result in a fine of one hundred dollars for each day of noncompliance and shall be acted upon in accordance with Neb. Rev. Stat. §81-1403. 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.

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

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

007.01 An individual officer or his or her employing agency on behalf of the officer may request that the Council grant a waiver of the CE requirements for that reporting period. Written justification supporting the waiver request shall be submitted to the Council in a separate letter or waiver request form (TC-\_\_\_). Individuals may only receive a waiver when he/she is able to demonstrate good cause for noncompliance with this chapter.

007.01A Good cause shall only include cases of extreme hardship as defined by Title 79 and for situations when the individual is on an extended leave of absence from his or her agency.

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

007.01B1 The conditions under which the waiver is being requested (e.g., military duty, medical, or extended leave of absence)

007.01B2 The type of illness and/or injury if the condition is medical.

007.01B3 The date the condition first became effective and the date the condition ended if it did end in that reporting period.

007.01C Waivers granted by the Council shall apply to the requirements for only that reporting period. Continuing hardships shall require a new request for a waiver for each reporting period.

007.02 All requests for waivers from the preceding reporting period must be received by the Council no later than the 7<sup>th</sup> day of January of the next reporting period for consideration of the waiver request. Any submitted request will be considered at the next scheduled Council meeting.

007.03 In all cases of requesting a waiver of the CE credit hour requirement, the burden of proof shall be on the requesting party to establish good cause by a preponderance of the evidence.

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

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

008.01 An individual who has not fulfilled the CE requirements of this chapter and has not been granted a waiver shall have his/her law enforcement certificate suspended.

008.01A The Director or his/her designee shall report to the Council all persons who failed to meet CE requirements and have not requested a waiver from the Council at the Council's next available meeting after the conclusion of the reporting period. The Director shall suspend the certificate of any individual who has not completed the CE requirements for that reporting period or has not requested a waiver.

008.01B The individual who fails to meet the CE requirements for that reporting period will have his/her certificate suspended until he/she successfully fulfills the CE requirements for that reporting period and provides supporting documentation that complies with this chapter. CE hours received by a suspended officer in a new reporting period will be credited to the previous reporting period (deficient

year) until the deficiency is made up. CE hours used to clear up an old deficiency cannot be credited to the new reporting period (e.g., the same training cannot be counted twice). This subsection will not apply to deficient hours incurred during the first year of the effective date of this chapter and will become operative during the second year.

008.01C Officers who fail to meet the CE requirements during the first year of the effective date of this chapter shall not be subject to the sanctions mentioned in this section. The sanctions will take effect after completion of the second reporting period.

008.02 Decertification eligibility: Any individual who fails to fulfill CE requirements for two (2) consecutive reporting periods, where waivers have not been granted for those periods, 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 certificate(s) as addressed in Neb. Rev. Stat. §81-1403 and Title 79, Nebraska Administrative Code, Chapter 9.

008.03 Sheriffs who fail to meet CE requirements of this chapter may also be subject to the actions outlined in Neb. Rev. Stat. §23-170.01.

## 009 Survey of Agency Continuing Education Needs

009.01 The Council finds that the CE needs of the law enforcement profession should be periodically reviewed in an effort to identify the areas of training that may benefit law enforcement officers. The director of the Training Center or his/her designee shall conduct surveys of law enforcement agencies in order to assess the CE needs of law enforcement in the State of Nebraska.

009.02 Every three years commencing in 2011, the Training Center director or his/her designee shall conduct a survey of a representative number of Nebraska law enforcement agencies in order to determine what subject matter areas would be beneficial to law enforcement officers.

009.03 The director of the Training Center or his/her designee shall report the findings of the survey to the Council for its review and possible recommendation of CE training programs that may assist law enforcement.

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