



Hundredth Legislature - First Session - 2007
Committee Statement
LB 428

Hearing Date: February 8, 2007
Committee On: Judiciary

Introducer(s): (Synowiecki)
Title: Adopt the Peace Officer Employer - Employee Relations Act

Roll Call Vote – Final Committee Action:

- X Advanced to General File
 - Advanced to General File with Amendments
 - Indefinitely Postponed
-

Vote Results:

7	Yes	Sen. Lathrop, Sen. Ashford, Sen. McDonald, Sen. McGill, Sen. Pedersen, Sen. Pirsch, Sen. Schimek
	No	
	Present, not voting	
1	Absent	Sen. Chambers

Proponents:

Sen. Synowiecki
Jim Maguire
Jane Burke
Steven Grabowski

Representing:

Introducer
President of the Douglas County Deputies Union
Fraternal Order of Police
Past President of NE Fraternal Order of Police

Opponents:

Larry Thoren
Terry Wagner
Lynn Rex

Representing:

Chief of Police, Hastings, Police Chief's Assoc.
Sheriff of Lancaster County
League of Nebraska Municipalities

Neutral:

Representing:

Summary of purpose and/or changes:

Legislative Bill 428 adopts the Peace Officer Employer-Employee Relations Act (Act). The act provides specific statutory rights for peace officers when they are under administrative investigation by their employers.

“Peace officer” for purposes of the Act is defined as any employee of a police agency or sheriff’s department who is responsible for the prevention and detection of crime and the enforcement of laws of the state, but does not include officers of the Nebraska State Patrol or the Game and Parks Commission.

LB 428 requires that any formal administrative investigation of a peace officer shall meet the following conditions:

- The interrogation shall occur while the officer is on duty or during normal waking hours and shall occur at the employer’s facility, unless the urgency of the investigation requires otherwise;
- Requires written notice be provided to the officer if an interrogation of the officer or any other party affiliated with the investigation will be recorded
- Requires written notice of the nature of any formal investigation, including the names of all known complainants, be provided 24 hours in advance of an interrogation unless the chief administrator determines that identification of a complainant would jeopardize the investigation or the safety of an informant. The 24 hour notice period can only be waived if the complaint alleges intoxication or drug incapacitation while on duty.
- Officers must be allowed to have representation present during an interrogation and must be informed that any statements made may be used by the employer as part of the investigation;
- Requires that the combined duration of an officer’s work shift and any interrogation session shall not exceed 14 hours within any 24 hour period; and
- Imposes a limitation on the number of interrogators to two at any given time;
- Provides a peace officer under formal investigation for an administrative matter the right to produce any relevant documents, witnesses or other evidence to support his or her case and to cross-examine any adverse witnesses.
- Requires immediate notice to be given to an officer under administrative investigation if a determination is made to commence a criminal investigation, unless such notice would jeopardize the safety of an informant or the security of the investigation.
-

LB 428 also contains language giving peace officers a right to review and approve any materials prior to being entered into his or her personal file and to require a notation be made on any such documentation that the officer refuses to sign. An officer has the right to respond to any investigation and have his or her response be made part of his or her permanent employee file.

Lastly, the bill provides that a peace officer shall not be subject to retaliation by an employer for lawfully exercising his or her rights under the Act.

Explanation of amendments, if any:

Senator Brad Ashford, Chairperson