

ONE HUNDRED FIRST LEGISLATURE - FIRST SESSION - 2009
COMMITTEE STATEMENT
LB158

Hearing Date: Monday January 26, 2009
Committee On: Business and Labor
Introducer: White
One Liner: Adopt the Peace Officer Discipline Procedures Act

Roll Call Vote - Final Committee Action:
Advanced to General File with amendment(s)

Vote Results:
Aye: 5 Senators Council, Lathrop, McGill, Wallman, White
Nay: 2 Senators Carlson, Schilz
Absent:
Present Not Voting:

Proponents: Senator Tom White John Francavilla Steve Grabowski Chris Aboud	Representing: Introducer Nebraska Fraternal Order of Police Nebraska Fraternal Order of Police Omaha Police Officers Association
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Opponents: Jack Cheloha Lynn Rex	Representing: City of Omaha League of Nebraska Municipalities
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Neutral:	Representing:
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Summary of purpose and/or changes:

Section 1 titles the proposed law as the "Peace Officer Discipline Procedures Act."

Section 2 for purposes of the Act, defines, administrative hearing, formal statement and officer.

Section 3 explains which agencies the act applies and clarifies that the Act only applies to administrative, non-criminal, proceedings.

Sections 4-11 details the procedures to be used before a peace officer's formal statement is obtained.

Section 5 prescribes where the formal statement will be taken.

Section 6 requires a written complaint be filed and provided to the officer before obtaining a formal statement.

Section 7 describes procedures for both the investigating agency and officer to attain witness lists and statements.

Section 8 provides for accommodations to be given the officer, including reasonable duration, rest breaks and the preference to have the hearing during scheduled work hours.

Section 9 requires recording of the formal statement.

Section 10 provides the officer with a right to a representative before giving a formal statement.

Section 11 clarifies that any admissions made during the formal statement can be used in subsequent agency actions but cannot be used in criminal proceedings.

Section 12 prohibits the agency from requiring the production of personal financial records without a search warrant.

Section 13 describes the procedure for releasing a photograph of the officer.

Section 14 outlines how documents may be included in the officer's personnel file.

Section 15 proscribes agency retaliation against an officer who exercises his/her rights under the Act.

Section 16 clarifies that the Act supplements rights already provided under contract or other laws.

Section 17 provides for agency liability if the Act is violated.

Explanation of amendments:

Section 2: is amended to add language exempting from application, agencies accredited through the Commission on Accreditation for Law Enforcement Agencies.

Section 6: the committee amendment strikes language requiring that a written complaint be signed by the complainant stating the complainant's knowledge of the allegations.

Section 13: the committee amendment adds language prohibiting public release of a photograph of an officer who is the subject of an investigation, without the officer's permission.

Steve Lathrop, Chairperson