

Occupational Board Reform Act Report
For
Law Enforcement

Submitted by the Judiciary Committee

December 2019

Committee Members:

Senator Steve Lathrop, District 12, Chair

Senator Patty Pansing Brooks, District 28, Vice Chair

Senator Ernie Chambers, District 11

Senator Adam Morfeld, District 46

Senator Justin Wayne, District 13

Senator Tom Brandt, District 32

Senator Wendy DeBoer, District 10

Senator Julie Slama, District 1

Committee Staff:

Neal Erickson and Josh Henningsen, Legal Counsels

Laurie Vollertsen, Committee Clerk

The Occupational Board Reform Act, passed by the Legislature in 2018, requires each standing committee to review and analyze the occupational regulations within the jurisdiction of the standing committee and submit a report to the Clerk of the Legislature. The report must address several items listed within the Act (Neb. Rev. Stat. §84-948) and are provided below.

(a) The title of the regulated occupation and the name of the occupational board responsible for enforcement of the occupational regulations

This report addresses Law Enforcement, one of the regulated occupations identified as being under the jurisdiction of the Judiciary Committee.

Since 1972, those appointed as a law enforcement officer must have a certificate or diploma indicating satisfactory completion of a training curriculum approved by the Nebraska Police Standards Advisory Council or an equivalent as determined by the council. (See Neb. Rev. Stat. §81-1414)

The Nebraska Police Standards Advisory Committee is a special standing committee of the Nebraska Commission on Law Enforcement and Criminal Justice, consisting of seven members appointed by the Governor from various law enforcement agencies and the Jail Standards Board or public at large. (See Neb. Rev. Stat. 81-1407)

(b) The statutory citation or other authorization for the creation of the occupational regulations and occupational board

Creation of Nebraska Police Standards Advisory Council: Neb. Rev. Stat. §81-1406

Regulatory Authority: Neb. Rev. Stat. §81-1403

Creation of Nebraska Commission on Law Enforcement and Criminal Justice: Neb. Rev. Stat. 81-1416

Regulatory Authority: Neb Rev. Stat §81-1423

(c) The number of members of the occupational board and how the members are appointed

Nebraska Police Standards Advisory Council: Seven members, appointed by the Governor

Nebraska Commission on Law Enforcement and Criminal Justice: Nineteen members (which may be increased). Six members are on the Commission by virtue of their position, others appointed by the Governor. (See Neb. Rev. Stat. §81-1417)

(d) The qualifications for membership on the occupational board

Nebraska Police Standards Advisory Council: Six members who are officers or employees of a law enforcement agency including chief of police (or designee) from a metropolitan or primary class city, chief of police (or designee) from a first class city, chief of police (or designee) from a second class city or village, county sheriff (or designee) from a county with population of 40,000 or more, county sheriff (or designee) from a county with a population under 40,000, and a member from the Nebraska State Patrol. In addition, a member from the Jail Standards Board or the public at large.

Nebraska Commission on Law Enforcement and Criminal Justice: Nineteen members including the Governor, the Attorney General, Superintendent of Law Enforcement and Public Safety, Director of Correctional Services, chief of police or public safety director of a city with a population of more than 200,000, chief of police or public safety director of a city with a population of 200,000 or less, chair of Police Standards Advisory Council, chair of the Nebraska Coalition for Juvenile Justice, a person with involved with juvenile delinquency. Also, six members from the public at large including at least one female.

(e) The number of time the occupational board is required to meet during the year and the number of times it actually met

For the past five fiscal years, the Nebraska Commission on Law Enforcement and Criminal Justice has been required to meet four times per year and has met four times per year.

(f) Annual Budget information for the past for the occupational board for the five most recent recently completed fiscal years

FY 19	\$29,827,219	FY 18	\$24,475,224	FY 17	\$22,041,881
FY 16	\$19,775,360	FY 15	\$16,389,742		

(g) For the immediately preceding five calendar years, or for the period of time less than five years for which the information is practically available, the number of government certifications, occupational licenses, and registrations the occupational board has issued, revoked, denied, or assessed penalties against, listed anonymously and separately per type of credential, and the reasons for such revocations, denials, and other penalties;

Number issued: 600 Number revoked: 24

Reasons for revocation: Law enforcement certification revocations are governed by Neb. Rev. Stat. 81-1403(6) and Title 79, Chapter 9, of the Nebraska Administrative Code. Certifications may be revoked for reasons which shall include, but not be limited to, incompetence, neglect

Number denied: 20 (estimate):

Reasons for denial: We have denied admission into the Nebraska Law Enforcement Training Center which then prohibits them from obtaining their certification (license). The above number is an estimate.

Penalties: 10 (estimate)

Reasons for penalty: An officer's certification can be suspended for failing to qualify with his or her handgun or obtaining his or her continuing education hours annually as required. The above number is an estimate.

(h) A review of the basic assumptions underlying the creation of the occupational regulations;

To provide certification that law enforcement officers have completed necessary training to perform their duties appropriately as well as establish penalties or revocations when those standards are not met.

(i) A statement from the occupational board on the effectiveness of the occupational regulations;

The occupational regulations overseeing the training, education, and certification of our law enforcement officers has been effective.

Our officers are taught the law that they are to enforce. They are taught the 4th, 5th, and 6th amendment rights provided in the U.S. Constitution. They are taught due process and probable cause. They are taught the necessary knowledge they need to have to be a knowledgeable, functional police officer. Our officers are additionally taught the physical skills they need to acquire to be an effective police officer. They are trained to drive police vehicles in a wide variety of circumstances on the training center driving course. They are taught how to safely clear residences and commercial buildings of dangerous situations. They are certified with firearms on the shooting range, and are required to requalify annually. They are also required to take continuing education to continue their learning to help them as they grow in their career as a police officer.

The certification is the license that provides evidence to the officer and to the public that they have passed the curriculum and training required by the Police Standards Advisory Council, and that they are worthy of the public trust. They are to act as guardians of the citizens of their jurisdiction. Their certification allows them to do this.

(j) A comparison of whether and how other states regulate the occupation.

At least 45 states provide for law enforcement certification.

(4) Subject to subsection (5) of this section, each committee shall also analyze, and include in its report, whether the occupational regulations meet the policies stated in section 84-946 considering the following recommended courses of action for meeting such policies:

As subsections (a) through (g) of this subsection do not apply to the certification of law enforcement officers, these subsections are not included.

Each report shall include the committee's recommendations regarding whether the occupational regulations should be terminated, continued, or modified.

The committee recommends that the certification and occupational regulation for law enforcement officers be continued.