

LEGISLATURE OF NEBRASKA  
ONE HUNDRED SEVENTH LEGISLATURE  
FIRST SESSION

**LEGISLATIVE BILL 472**

Introduced by DeBoer, 10.

Read first time January 15, 2021

Committee: Judiciary

1 A BILL FOR AN ACT relating to law enforcement; to require a law  
2 enforcement officer to intervene when excessive force is used; to  
3 require law enforcement agencies to adopt policies on excessive  
4 force; to provide a duty for the Nebraska Commission on Law  
5 Enforcement and Criminal Justice; and to state intent.  
6 Be it enacted by the people of the State of Nebraska,

1           Section 1. For purposes of sections 1 to 4 of this act:

2           (1) Commission means the Nebraska Commission on Law Enforcement and  
3 Criminal Justice;

4           (2) Law enforcement agency has the same meaning as in section  
5 81-1401; and

6           (3) Law enforcement officer has the same meaning as in section  
7 81-1401.

8           Sec. 2. A law enforcement law enforcement officer shall intervene  
9 to prevent or stop another law enforcement officer from using what the  
10 first officer reasonably believes to be excessive force against a member  
11 of the public, without regard for the chain of command, if the first  
12 officer can reasonably do so.

13           Sec. 3. On or before December 1, 2021:

14           (1) Each law enforcement agency shall adopt and provide to the  
15 commission a written policy regarding a duty to intervene in the use of  
16 excessive force. The policy shall include, at a minimum:

17           (a) A requirement that a law enforcement officer intervene as  
18 required by section 2 of this act;

19           (b) Disciplinary consequences which shall be imposed on an officer  
20 for failing to intervene as required. Discipline shall vary in severity  
21 depending on the severity of the circumstances in the use-of-force  
22 incident;

23           (c) A requirement that a law enforcement officer who intervenes or  
24 attempts to intervene as required by section 2 of this act report the  
25 incident to the law enforcement officer's immediate supervisor; and

26           (d) A requirement that a law enforcement agency or any of its  
27 employees, officers, or agents shall not discipline or retaliate in any  
28 way against a law enforcement officer for intervening or reporting as  
29 required by this section or section 2 of this act; and

30           (2) The commission shall develop and distribute a suggested model  
31 written policy regarding a duty to intervene in the use of excessive

1 force for use by law enforcement agencies. The commission shall not  
2 mandate the adoption of the model policy except for any particular law  
3 enforcement agency which fails to timely create and provide to the  
4 commission a policy for the agency as required by this section.

5       Sec. 4. Nothing in sections 1 to 3 of this act shall be construed  
6 to prevent or discourage the prosecution of any criminal offense  
7 involving the unlawful use of force by a peace officer.