

Notice of Rulemaking Hearing

NOTICE is hereby given that the Nebraska Commission on Law Enforcement and Criminal Justice will hold a rule-making hearing pursuant to Neb. Rev. Stat § 84-907 on the 18th day of August at 9:30 a.m. to be held in the public hearing room located at the Nebraska State Patrol Office Building, 4600 Innovation Drive, Lincoln, Nebraska.

The purpose of the hearing is to take testimony and evidence about revisions to the existing Chapter 10 of Title 79 Law Enforcement-Police Standards Advisory Council. Chapter 10 revisions prescribe policies and procedures for individuals who are federally certified as law enforcement officers in order to attain Nebraska limited certification which is necessary to gain State Deputy Sheriff Commissions pursuant to Neb. Rev. Stat. §84-106.

Draft or working copies of the proposed rules are available at the offices of the Secretary of State, Regulations Division, Room 343, State Capitol, Lincoln, NE 68509. The description of the fiscal impact may be inspected and obtained at the Nebraska, 301 Centennial Mall South, P.O. Box 94946, Lincoln, Nebraska 68509.

All interested persons may attend and testify orally or by written submission at the hearing. Interested persons may also submit written comments prior to hearing, which will be made part of the hearing record at the time of hearing if received by the Nebraska Commission on Law Enforcement and Criminal Justice on or before July 31 2023. If auxiliary aids or reasonable accommodations are needed to participate in the hearing, please call the Crime Commission, (402) 471-2194, by no later than July 31, 2023.



Signature of Dr. Don Arp, Jr.
Executive Director
Nebraska Crime Commission

DRAFT/FINAL FISCAL IMPACT STATEMENT

Agency: Nebraska Commission on Law Enforcement and Criminal Justice	
Title: 79	Prepared by: David A. Stolz
Chapter: 10	Date prepared: March 29, 2023
Subject: Nebraska Limited Certification for State Deputy Sheriff Commissions	Telephone: (308) 258-0218

Type of Fiscal Impact:

	State Agency	Political Sub.	Regulated Public
No Fiscal Impact	(x)	(x)	(x)
Increased Costs	()	()	()
Decreased Costs	()	()	()
Increased Revenue	()	()	()
Decreased Revenue	()	()	()
Indeterminable	()	()	()

Provide an Estimated Cost & Description of Impact:

State Agency:

Political
Subdivision:

Regulated
Public:

If indeterminable, explain why:

TITLE 79 –LAW ENFORCEMENT - POLICE STANDARDS ADVISORY COUNCIL

CHAPTER 10 – TRIBAL OFFICER NEBRASKA LIMITED CERTIFICATION FOR STATE DEPUTY SHERIFF COMMISSIONS.

001 Purpose – To prescribed policies and procedures for federally trained and certified criminal investigators to qualify to make application for and if deemed suitable attain a Nebraska Limited Law Enforcement Officer Certification for the purposes of being eligible to receive a State Deputy Sheriff commission pursuant to Neb. Rev. Stat. §84-106. Such commissions are also, as a matter of practice, commonly referred to as Special State Deputy Sheriff commissions. State Deputy Sheriff and Special State Deputy Sheriff are operationally interchangeable and shall be construed to refer to the same commission as granted by the Governor and issued by the Nebraska State Patrol. Tribal Officer Limited Certification as provided by NEB. REV. STAT. §81-1414(2).

002 Scope – Applicable to all tribal law enforcement agencies in Nebraska and to those state agencies which employ special state deputy sheriffs to staff agency investigative units. The state deputy sheriffs staffing these units investigate and make arrests for violations of the criminal statutes of the State of Nebraska to include but not limited to certain types and classifications of fraud and financial crimes, specialized and industry specific investigations in areas such as insurance, racing/gaming, livestock, arson, service regulations, any and all administrative, rules and regulations and civil issues affecting the aforementioned categories and types. State agency in this context means any division, department, board, bureau, commission, or agency of the State of Nebraska excluding the Nebraska State Patrol and any other agency employing state deputy sheriffs to serve in primarily uniformed Nebraska Law Enforcement Officer roles not associated with complex criminal and regulatory investigations in the fields as noted above. the Council and the Training Center.

003 Reference – State Statute Neb. Rev. Stat. §81-1401, §81-1414(2) and §84-106

004 General – The Commission and Council recognize that an individual with federal training in criminal investigations and certification in a criminal investigations-related position has the necessary training in particular areas of the Nebraska Law Enforcement Curriculum, which would make them eligible to apply for a Nebraska Limited Law Enforcement Officer Certification so that the individual may carry out the functions of their employment with a state agency that requires appointment as a special state deputy sheriff. Indian tribal governments whose lands are located within the boundaries of the State of Nebraska and state agencies which seek appointment as state deputy sheriff for certain qualified employees can make application to have their officers obtain a Nebraska Limited Law Enforcement Officer Certification provided:

004.01 The individual is they are Bureau of Indian Affairs certified as a law enforcement officer, tribal law enforcement officers or

004.02 The individual has received training and graduated from a federal training program in criminal investigations, held a certification attesting to said status, and was employed in a criminal investigations-related position. Federal criminal investigations training programs considered suitable are associated with the following employing agencies and include but are not limited to: Federal Bureau of Investigation; U.S. Secret Service; Bureau of Alcohol, Tobacco, Firearms and Explosives; Drug Enforcement Administration; U.S. Marshals Service; U.S. Postal Inspection Service; U.S. Air Force Office of Special Investigations; Naval Criminal Investigative Service; Department of the Army Criminal Investigation Division; Coast Guard Investigative Service; Internal Revenue Service Criminal Investigation Division; and Homeland Security Investigations.

005 Application Procedure – The tribal governing body or state agency may make application by submitting the following documentation:

005.01 Documentation of successful completion of training and certification from the Federal Law Enforcement Training Center Bureau of Indian Affairs Basic Police Training Program or :

005.02 Documentation of successful completion of training and certification from a federal law enforcement program from one of the designated federal agencies identified in section 004.02.

005.03 Completed Training Center forms:

005.023A TC001 – Personnel Change-In- Status Report;;

005.023B TC003—Application for Training,

005.023B C TC006 – Authority to Release Information;;

005.023D Four completed fingerprint cards,

005.023C E A copy of the applicant’s birth certificate;;

005.023D F Character Affidavit;;

005.023E G Code of Ethics; and

005.03F Letter of Status from employing tribal authority or the state agency noting applicant has a position with said agency upon attainment of the Nebraska Limited Law Enforcement Officer Certification.

005.04 Eligibility – In order to be eligible for the Nebraska Limited Officer Certification ~~Tribal Law Enforcement officers~~ the individual must meet the following admission requirements as set forth by State Statute and the Council.

005.043A Successful completion and certification from either the Federal Law Enforcement Training Center Bureau of Indian Affairs Basic Police Training Program or a federal law enforcement program identified in 004.02; and

005.043B Meet the admission requirements addressed in Title 79, Chapter 8 ~~paragraphs section 005.01 A through 005.01Q~~ excluding subsections 005.01H(while still requiring a high school diploma or its equivalent), 005.01J, 005.01K and 005.01R.

006 Consideration of the Application for the Nebraska Limited Law Enforcement Officer Certification - Once the entire application packet consisting of the materials required under 005.01, 005.02, and 005.03 A-F has been reviewed and deemed complete by the Director of the Nebraska Law Enforcement Training Center, consideration of the application shall be scheduled for the next available meeting of the Council. The Council shall consider the totality of the application, relevance of the applicant's training and experience to fulfilling the functions as noted in 002 and take a vote on whether to approve issuance of the Nebraska Limited Law Enforcement Officer Certification to the applicant. The employing agency shall be notified in writing by the Council of its determination.

007 Issuance of the Nebraska Limited ~~a Tribal~~ Law Enforcement Certificate: Upon an affirmative vote, tThe Council shall issue a certificate titled “Nebraska Limited Law Enforcement Officer ~~Tribal Officer Limited~~ Certification “attesting to the Council’s finding that the individual as having graduated from a federal training program in criminal investigations, held a certification attesting to said status, and was employed in a criminal investigations-related position, attained the necessary training in particular areas of the Nebraska Law Enforcement Curriculum to fulfill the duties under 002. ~~successful completion of a federal training program that the training course presented by the Training Center or other certified Training School. Successful completion is based upon certification training evaluation standards set forth in Title 79, Chapter 5.~~

The curriculum for the ~~Tribal Officer Certification Course~~ shall be approved by the Council

006.01 Training for the ~~Tribal Officer Certification Course~~ shall be conducted by the Training Center or other certified academy.

008 Nebraska Limited Law Enforcement ~~Tribal~~ Officer Certification Status – The certification issued by the Council shall be ~~limited~~ restricted to the individual’s

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employment with the specific tribal authority or state agency noted in the letter required by section 005.03F. ~~Said certification shall remain effective only as long as the individual officer is employed in the capacity as a criminal investigator with that agency or tribal authority. tribal officers enforcing the laws of the State of Nebraska within the tribal boundaries and shall remain effective only as long as the individual officer remains employed with that agency or as an officer by the tribal authority.~~

009 It shall be the responsibility of the chairperson of the governing tribal body or law enforcement administrator, or other person responsible for the employment, promotion or termination of a ~~Tribal Law Enforcement Officer~~ the individual who holds such limited certification to comply with Title 79 and state statutes Chapter 2, and Title 79, Chapter 4.

Effective Date:

~~Revised from June 26, 2005~~