

LEGISLATURE OF NEBRASKA
NINETY-SIXTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 192

Introduced by Brown, 6; Hilgert, 7; Dw. Pedersen, 39; Preister, 5;
Schmitt, 41; Thompson, 14

Read first time January 8, 1999

Committee: Judiciary

A BILL

- 1 FOR AN ACT relating to peace officers; to adopt the Peace Officer
- 2 Employer-Employee Relations Act.
- 3 Be it enacted by the people of the State of Nebraska,

1 Section 1. Sections 1 to 10 of this act shall be known
2 and may be cited as the Peace Officer Employer-Employee Relations
3 Act.

4 Sec. 2. (1) The Legislature finds and declares that
5 effective law enforcement is dependent upon the maintenance of
6 stable relations between peace officers and their employers.
7 Moreover, the existence of stable relations between peace officers
8 and their employers will enhance law enforcement services provided
9 to the citizens of Nebraska.

10 (2) The purpose of the Peace Officer Employer-Employee
11 Relations Act is to prescribe certain rights for peace officers,
12 particularly when they are placed under investigation by their
13 employer.

14 (3) The act only applies to administrative actions and
15 does not apply to criminal investigations of a peace officer except
16 as provided in section 8 of this act.

17 Sec. 3. For purposes of the Peace Officer
18 Employer-Employee Relations Act, peace officer means any employee
19 of a patrol, police, or sheriff's department that is part of or
20 administered by the state or any political subdivision of the state
21 who is responsible for the prevention and detection of crime and
22 the enforcement of the laws of the state.

23 Sec. 4. When any peace officer is under investigation by
24 his or her employer for alleged actions that could result in
25 administrative sanctions being levied against the peace officer,
26 the following requirements shall be adhered to:

27 (1) Any interrogation of a peace officer shall be
28 conducted when the peace officer is on duty or during his or her

1 normal waking hours unless the urgency of the investigation
2 requires otherwise;

3 (2) Any interrogation of a peace officer shall be
4 conducted at the employer's facility unless the urgency of the
5 investigation requires otherwise;

6 (3) Prior to commencement of any interrogation session:

7 (a) A peace officer shall be informed of the name and
8 rank of the person in charge of the interrogation and all other
9 persons who will be present during the interrogation;

10 (b) A peace officer shall be informed of the nature of
11 the investigation and the names of all known complainants shall be
12 disclosed to the peace officer unless the chief administrator of
13 the peace officer's employer determines that the identification of
14 the complainant should not be disclosed because it is necessary for
15 the protection of an informant or because disclosure would
16 jeopardize or compromise the integrity or security of the
17 investigation; and

18 (c) A reasonable attempt shall be made to notify the
19 peace officer's commanding officer of the pending interrogation;

20 (4) With respect to interrogations, the following
21 requirements shall be adhered to:

22 (a) Each interrogation session shall not exceed two hours
23 unless the parties mutually consent to continuation of the session;

24 (b) There shall not be more than two interrogation
25 sessions within a twenty-four-hour period unless the parties
26 mutually consent to additional sessions and there shall be at least
27 a one-hour rest period between the sessions;

28 (c) The combined duration of a peace officer's work shift

1 and any interrogation session shall not exceed fourteen hours
2 within a twenty-four-hour period unless the urgency of the
3 investigation requires otherwise;

4 (d) There shall not be more than two interrogators at any
5 given time;

6 (e) A peace officer shall be allowed time to attend to
7 physical necessities as they occur in the course of an
8 interrogation session; and

9 (f) A peace officer shall not be subjected to offensive
10 language or illegal coercion by his or her interrogator in the
11 course of an interrogation session;

12 (5) Any interrogation of a peace officer shall be
13 recorded, either mechanically or by a stenographer, and the
14 complete interrogation shall be published as a transcript and any
15 recesses called during the interrogation shall be noted in the
16 transcript; and

17 (6) An accurate copy of the recorded interrogation or the
18 transcript shall be provided to the peace officer upon his or her
19 written request no later than fifteen working days after the
20 investigation has been completed.

21 Sec. 5. After reviewing all the information collected in
22 the course of an investigation of a peace officer, the chief
23 administrator of the peace officer's employer may order the peace
24 officer to submit to a polygraph examination administered by a
25 licensed polygraph examiner if:

26 (1) All other reasonable investigative means have been
27 exhausted; and

28 (2) The peace officer has been advised of the chief

1 administrator's reasons for ordering the polygraph examination.

2 Sec. 6. When any peace officer is under investigation
3 for an administrative matter, the peace officer shall be permitted
4 to produce any relevant documents, witnesses, or other evidence to
5 support his or her case and he or she may cross-examine any adverse
6 witnesses during any grievance process or appeal involving
7 disciplinary action.

8 Sec. 7. (1) No document containing comments adverse to a
9 peace officer shall be entered into his or her personnel file
10 unless the peace officer has read and signed the document. When a
11 peace officer refuses to sign a document containing such adverse
12 comments, the document may be entered into the peace officer's
13 personnel file if:

14 (a) The peace officer's refusal to sign the document is
15 noted on the document by the chief administrator of the peace
16 officer's employer; and

17 (b) The notation is witnessed by a third party.

18 (2) A peace officer may file a written response to any
19 document containing adverse comments entered into his or her
20 personnel file and the response shall be filed with the peace
21 officer's employer within thirty days after the document was
22 entered into the personnel file. A peace officer's written
23 response shall be attached to the document.

24 Sec. 8. When any peace officer is under administrative
25 investigation and a determination is made to commence a criminal
26 investigation, the peace officer shall be immediately notified of
27 the investigation and shall be afforded all the protections set
28 forth in the Constitution of the United States and the Constitution

1 of Nebraska.

2 Sec. 9. A peace officer shall not be required by his or
3 her employer to disclose information regarding his or her financial
4 status unless all other reasonable investigative means have been
5 exhausted or except as otherwise required by law.

6 Sec. 10. A peace officer shall not be subjected to any
7 retaliation by his or her employer due to his or her lawful
8 exercise of his or her rights under the Peace Officer
9 Employer-Employee Relations Act.