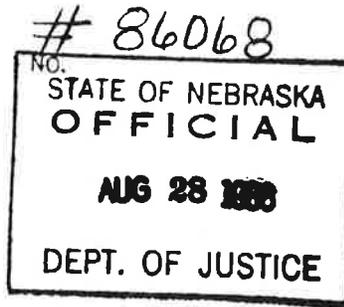


DEPARTMENT OF JUSTICE

STATE OF NEBRASKA

TELEPHONE 402/471-2682 • STATE CAPITOL • LINCOLN, NEBRASKA 68509



ROBERT M. SPIRE
Attorney General
A. EUGENE CRUMP
Deputy Attorney General

DATE: August 25, 1986

SUBJECT: Law Enforcement Improvement Fund

REQUESTED BY: Jim Joneson, Executive Director, Nebraska
Commission on Law Enforcement and Criminal
Justice

WRITTEN BY: Robert M. Spire, Attorney General; Linda L.
Willard, Assistant Attorney General

You have asked if persons employed to supervise inmates in local jails fall within the definition of law enforcement officers contained in Section 81-1401(3)(a) (Reissue 1981). Section 81-1401 states that law enforcement officer shall mean ". . . any person who is responsible for the prevention or detection of crime or the enforcement of the penal, traffic, or highway laws of the state or any political subdivision thereof for more than 100 hours per year and is authorized by law to make arrests, . . ." (Emphasis added.) Neb.Rev.Stat. §29-401 (Reissue 1985) states, "Every sheriff, deputy sheriff, constable, marshal or deputy marshal, watchman, police officer, or peace officers as defined in subdivision (15) of Section 49-801, shall arrest and detain any person found violating any law of this state, or any legal ordinance of any city or incorporated village, . . ."

A civilian jail employee whose sole duties involve supervision of inmates and who would not have the statutory authority to arrest, would not be a law enforcement officer pursuant to these statutes. However, if a person is in charge of the supervision of prisoners and also has the authority to arrest individuals, then that person could qualify as a law enforcement officer.

Your second question is, if these individuals fall within the statutory definition of law enforcement officers, can jail personnel receive mandated training paid for through the Law Enforcement Improvement Fund (LEIF). As stated above, it is

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our determination that civilian personnel hired solely to supervise inmates would not qualify as law enforcement officers.

The legislation creating the Law Enforcement Improvement Fund, Neb.Rev.Stat. §81-1428 et seq. (Reissue 1981) states that the funds are to be used for the improvement of law enforcement at the municipal and county levels. There is nothing in the statutory language which would limit use of the funds to only law enforcement officers. If training of civilian jail personnel would improve law enforcement in the municipality or county, there would be no statutory bar to the use of LEIF funds to provide for that training.

Sincerely,

ROBERT M. SPIRE
Attorney General



Linda L. Willard
Assistant Attorney General

LLW:bmh

cc: Patrick J. O'Donnell
Clerk of the Legislature

APPROVED BY:



Attorney General