



# **Safety Shorts**

## **General Safety, Highway, & Law Enforcement**

October 2022 - Volume 10, Number 10

## **October Is Eye Injury Prevention Month**

According to the Department of Ophthalmology, College of Medicine, more than one million people per year are affected by an eye injury and 90% of these injuries could have been prevented had the individuals been wearing protective eye wear.

Some interesting facts and tips:

- Accidental eye injury is one of the leading causes of visual impairment in the United States.
- Men are more likely to suffer with an eye injury than women.
- Injuries such as cuts, chemical burns or foreign bodies stuck in the eye are emergencies. Don't try to treat these yourself – contact your eye doctor or emergency room for help immediately.
- Always wear appropriate protective eyewear. <https://eye.ufl.edu/>

### **LAW ENFORCEMENT AND CORRECTIONS**

#### **Todd Duncan, Law Enforcement and Safety Specialist**

#### **REVISITING LB51 – ONE YEAR LATER**

The passage of LB 51 in 2021 triggered numerous changes related to law enforcement training requirements, certification, and use of force. While some provisions took effect in 2021, others were set to take effect in 2022 and 2023. Key changes include, but are not limited to:

#### **Continuing Education**

- Annual continuing education requirements for sheriffs provided in [23-1701.01](#) now mirror annual continuing education requirements for all law enforcement officers as provided in [81-1414.07](#).
- The number of required annual continuing education hours described in [81-1414.07](#) increased to 28 hours in 2022 and 32 hours in 2023 and beyond.
  - The annual continuing education required by this section shall include:
    - Refresher courses on de-escalation, mental health, and substance abuse issues;
    - A minimum of two hours of anti-bias and implicit bias training;
    - Firearms;
    - Officer wellness;
    - Legal updates, including, but not limited to, legislative changes and First Amendment and Fourth Amendment issues;
    - Vehicular pursuit policy review; and
    - Any other training as determined by a law enforcement agency
  - Agency administrator decides if the training received by deputies meets the above requirements.
  - There is no longer a limit on the number of continuing education hours that may be

## **REVISITING LB51 – ONE YEAR LATER – *continued***

### **Certification**

- Pre-Employment psychological examinations are required for law enforcement applicants who are not Nebraska certified.
- New law enforcement applicants must testify under oath that their certification in another jurisdiction has not been revoked or suspended.
- Law enforcement certification must include de-escalation training that includes training related to mental health behaviors, substance abuse, anti-bias, implicit bias, and communicating with a person in a crisis.

### **Non-certified Conditional Officers**

- Must meet all requirements for admission to the training center and shall immediately apply for admission to the training center and enroll in the next available basic training class.
- Shall not interact with the public or carry a firearm until completion of the following training:
  - Twenty-four hours of use of force training, including defensive tactics, arrest control, handcuffing, pat down, and complete searches;
  - Sixteen hours of firearms training and passing the minimum requirements for the handgun qualification course as provided in section [81-1412.01](#);
  - Twelve hours of arrest and search and seizure training with Fourth Amendment and Fifth Amendment training;
  - Eight hours of de-escalation training;
  - Eight hours of mental health crisis training;
  - Eight hours of anti-bias and implicit bias training; and
  - Four hours of substance abuse training.
- The head of the law enforcement agency employing a non-certified conditional officer shall validate the completion of required training to the council and the director of the training center.
- The Training Center does not provide the above required training for non-conditional officers, but a [checklist](#) is available on the Crime Commission's website that identifies recommended job tasks to meet the above mandatory requirements.
- A non-certified conditional officer shall not interact with the public unless such officer is under the direct supervision of a field training officer approved by the law enforcement agency employing such non-certified conditional officer.
- A non-certified conditional officer shall not, without direct guidance and authorization from an approved field training officer:
  - Ride in a marked police cruiser;
  - Make arrests;
  - Interview suspects, victims, or witnesses; or
  - Carry out any other law enforcement function.
- A non-certified conditional officer may be employed for a period not to exceed sixteen consecutive weeks.
- See the Crime Commission's [non-certified conditional officer website](#) for additional information.

### **Restrictions on Chokeholds and Carotid Restraints Control Holds [81.1414.16](#)**

- Chokeholds shall only be used when deadly force is authorized.
- Carotid restraint control holds shall only be use when:
  - Deadly force is authorized; or
  - Subject is resisting arrest and poses a risk of bodily injury to any other person; and
  - The officer has been trained on the use of such hold.
- Report required after each use of a carotid restraint hold.

## **October 1, 2022 | Law Safety, Safety Shorts – *continued***

### **Policy**

- Agencies must adopt a duty to intervene policy approved by the commission. Model policies are available through NIRMA or the [Crime Commission website](#).
- Agencies must have a policy regarding accepting and investigating complaints of law enforcement officer misconduct.

### **Accreditation**

- On or before January 1, 2023, agencies must be accredited in a [manner approved by the commission](#). Unaccredited agencies will be ineligible to receive loans, grant funding or donations from the commission until accreditation is achieved.

The above summary is not all inclusive, therefore law enforcement officers are encouraged to read the full text of LB 51 ([Slip Law](#)) for more information.

Please contact Todd at 402-742-9255 or [tduncan@nirma.info](mailto:tduncan@nirma.info) if you have any questions.

## **HIGHWAY DEPARTMENT**

**By K C Pawling, Road Safety and Loss Prevention Specialist**

### **IT'S A GROWING CONCERN**

These last few weeks I have had the privilege of driving parts of the state doing sign audits. While I know some of you reading this article don't necessarily enjoy the fact that I am doing sign audits, I do enjoy seeing parts of the state that I normally don't get to see. Once a person leaves the pavement it really takes on a whole new character really. I see things like repurposed corn cribs and small grain bins converted into either small bar type outdoor structures or, believe it or not, a grain bin converted into a two-story residential type of structure complete with outside deck. I'm sure the owner probably rents it out for someone to have an "experience". One other thing I get to see, is really a growing concern for all of us involved in county government.

The concern that I am speaking of is the trees and brush growing rampant in the county right-of-way. I understand that some of you are thinking that according to state statute, that is landowner responsibility not county. Yes, you are correct according to Nebraska Revised Statutes §39-1811 and 39-1812, mowing and tree trimming are responsibility of the landowners BUT if they don't do it then who does?

Well, according to Nebraska Revised Statutes §39-1813, 39-301, and 13-912 the burden then falls on the county. It becomes a county responsibility or burden if the trees or shrubs block the line of sight of a sign, intersection, driveway, or if a vehicle leaves the driving surface and contacts a tree in the right-of-way. This is made very clear when a tort claim is filed against a county usually resulting from a vehicular incident. For those of you thinking that we can use the defense "we weren't aware," it's hard to believe that when your motor grader drives past it every time the road gets bladed and has tree scratches down the side of it.

Here are a couple of past NIRMA claims that illustrate the result of failure to maintain obstructions in the right-of-way:

## **IT'S A GROWING CONCERN – *continued***

**Case #1:** Mature unharvested corn crop obstructed intersection of two rural county gravel roads, it was planted right up to the roadside. Female driver with right of way attempted a left turn and at the same time a northbound driver driven by another party struck her vehicle, spinning her out across the intersection. She was life flighted to Kearney and later transported to UNMC with a traumatic brain injury. She lost her job as a nurse because she was no longer able to function in that role and had a complete loss of earning capacity.

**Case #2:** Vegetation obstructed view of motorists at rural intersection. There was a head-on collision between two pickups. The 26 year old male driver, a self-employed carpenter who sued the county and the landowner, had \$1.6 million in medical bills.

Now there are a few different ways these situations can be handled, but they are going to be unpopular among all parties involved. I cannot stress enough that we need to start handling these problems instead of kicking them down the road and letting the situations continue to grow out of control. We need to understand that these are someone's families and friends. I know I wouldn't want it to be mine. Something for you to ponder, **once you know, you know!** Question is what are you going to do with it?

Remember, there are specific statutory procedures for the method and timing of notifying landowners of road right-of-way obstructions, and how action can be taken to remove them and potentially even recover the costs of doing so. Check with your County Attorney or call me for assistance with this process. Let's make sure everyone makes it home safe tonight!

If you have any questions or comments, I can be reached at [kcpawling@nirma.info](mailto:kcpawling@nirma.info) or 402-310-4417.

**By Chad Engle, Loss Prevention and Safety Specialist**

### **ASSIST Grant Program Deadline Reminder**

A friendly reminder that the November 1<sup>st</sup>, 2022, ASSIST deadline is fast approaching. November 1<sup>st</sup> is the deadline for new applications as well as the deadline for reimbursement requests from the previous year's program.

To be considered, new ASSIST applications and reimbursement requests must be received at the NIRMA office by 5:00 pm central time on Tuesday, November 1<sup>st</sup>.

### **October 9 – 15<sup>th</sup> is Fire Prevention Week!**

The National Fire Prevention Association (NFPA) is celebrating the 100<sup>th</sup> anniversary of Fire Prevention Week (FPW). The campaign chosen for this year is, "Fire won't wait. Plan your escape." The goal is to educate everyone about simple actions we can take to stay safe from home fires. I cannot think of any reasons not to apply this to our work environment as well.

Have you held a fire evacuation drill lately? Every home and workplace is different and should have a specific fire evacuation plan that everyone has been trained on and practiced. What is your plan if a fire occurs while court is in session? What if the courthouse is full of folks paying taxes or renewing licenses? Does the plan cover how to ensure that they all can get out safely as well?

Have you developed an emergency evacuation floor plan that outlines the possible evacuation routes in your building? Your evacuation plan should also include a gathering or relocation area and a method of accounting for all employees. [OSHA 1910.38](#) – Emergency action plans, provides further guidance regarding what an employer's emergency action plan should include.

## **October 9 – 15<sup>th</sup> is Fire Prevention Week! – *continued***

Emergency action plans help to reduce losses caused by injury, equipment, and premises damage. An emergency action plan will help guide everyone out of the building quickly and safely.

Is your workplace/home equipped with smoke detectors? Modern smoke detectors can sense smoke before you can, alerting you to danger and providing you with valuable time to exit safely. The NFPA recommends that combination smoke and carbon monoxide detectors are used for the highest amount of protection. They also recommend that the detectors are interconnected throughout the building so that if one alarm sounds, they will all sound. This allows you to hear the alarm no matter where you are in the building.

Fire is just one of the events that a workplace or home emergency action plan should cover. For more information on emergency action plans, you can visit [www.ready.gov](http://www.ready.gov) or [www.osha.gov](http://www.osha.gov).

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