



Nebraska Commission on Law Enforcement and Criminal Justice

**Report to the Executive Board  
of the  
Legislative Council**

**Crime Commission Project Compliance  
with the  
American Rescue Plan Act of 2021 (ARPA) and  
Coronavirus State Fiscal Recovery Funds (CSFRF)**

*LB 1014, Section 48, for \$47,700,000 Federal  
Funds in FY 2021-22*

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COMMISSION ON LAW ENFORCEMENT  
AND CRIMINAL JUSTICE



# AMERICAN RESCUE PLAN ACT (ARPA) ELIGIBILITY

## Summary

Treasury's Interim Final Rule for ARPA supports “communities working to reduce and respond to increased violence due to the pandemic” and “that recipients may use resources to rehire police officers and other public servants to restore law enforcement and courts to their pre-pandemic levels.”

| Perpetual Deficit in Trained Law Enforcement Personnel |          |  |          |                           |          |   |
|--|----------|--|----------|---------------------------|----------|---|
| <b>Perpetual Deficit</b>                               | <b>+</b> | <b>Officers Leave/Die Due to COVID</b> | <b>X</b> | <b>Increases in Crime</b> | <b>=</b> | <b>Need to Expand Capacity and Ability to Isolate</b> |
| <i>Open Positions vs. Trained</i>                      |          | <i>Increased Case Loads</i>            |          | <i>Violent Crime</i>      |          | <i>Facility Used to Respond or Isolate Training</i>   |

This project qualifies for ARPA per Treasury's Interim Final Rule which notes the American Rescue Plan Act can support communities working to reduce and respond to increased violence due to the pandemic. An accepted strategy to respond to increases in violence per the rule is the hiring of public safety personnel, which is further expanded by the rule to allow communities to “use resources to rehire police officers and other public servants to restore law enforcement and courts to their pre-pandemic levels.”

### Crime Rates

Comparing 2019 (pre-pandemic) to 2020 (pandemic) crime statistics found increases in criminal homicide (50%), aggravated assault (5.34%), and arson (5.84%), while related crimes such as burglary, larceny and motor vehicle theft went down as people were sheltering in place during the pandemic.

### ARPA Guidance Under SLFRF Final Rule II (A)(2)(d)-Preventing and Responding to Violence (PG. 69-72)

“The interim final rule highlighted that some types of violence had increased during the pandemic and that the ability of victims to access services had decreased, noting as an example the challenges that individuals affected by domestic violence face in accessing services. Accordingly, the interim final rule enumerated as an eligible use, in disproportionately impacted communities, evidence-based community violence intervention programs. Enumerated eligible uses that respond to an increase in gun violence may be pursued in communities experiencing an increase in gun violence associated with the pandemic, specifically: 1) hiring law enforcement officials – even above pre-pandemic levels or paying overtime where the funds are directly focused on advancing community policing strategies for gun violence.”

### ARPA Guidance Under SLFRF Final Rule Part II (A)(4)(b) -Capital Expenditures (PG. 190-200)

“The interim final rule expressly permitted use of funds for a limited number of capital expenditures that mostly pertained to COVID-19 prevention and mitigation...Because, in all cases, uses of SLFRF funds to respond to public health and negative economic impacts of the pandemic must be related and reasonably proportional to a harm caused or exacerbated by the pandemic, some capital expenditures may not be eligible.”

“For administrative convenience, the final rule provides presumptions on whether a Written Justification is required based on the type and size of the capital expenditure”. For projects that are greater than \$10 million, written justification would need to be submitted to the Department of the Treasury and recipients must submit regular reporting “including the requirement that a capital expenditure must be reasonably designed to benefit the individual or class that experienced the identified impact or harm and must be related and reasonably proportional to the extent and type of impact or harm”.

“The Written Justification should (1) describe the harm or need to be addressed; (2) explain why a capital expenditure is appropriate to address the harm or need; and (3) compare the proposed capital expenditure against alternative capital expenditures that could be made. The information required for the Written Justification reflects the framework applicable to all uses under the public health and negative economic impacts eligible use category, providing justification for the

reasonable design, relatedness, and reasonable proportionality of the capital expenditure in response to the harm or impact identified”.

## **Justification for Projects That Are Greater Than \$10 Million**

### *Expenditure Benefits the Impacted*

The Nebraska Law Enforcement Training Center (NLETC) is the state’s law enforcement training academy, providing basic training to most Nebraska law enforcement agencies in addition to continuing education and specialized instructor training. While there are academies at the Lincoln Police Department, Omaha Police Department, and the Sarpy-Douglas Law Enforcement Academy, NLETC facilities are used by the State Patrol and by NLETC staff who train officers from over 200 agencies in the state. Further, officers from agencies with their own academies often attend classes at NLETC facilities. Enhancements and expansion of NLETC facilities will impact almost every officer in Nebraska.

### *Describe the Harm or Need to be Addressed*

Nebraska law enforcement officers experienced a decline in staffing brought about by those leaving the profession during the COVID-19 pandemic, which exacerbated existing staffing issues and created a perpetual deficit of trained officers to fill an ever-expanding number of positions. Further, some violent crime rates rose, giving a decreased number of officers an increased caseload.

### *Capital Expenditure is Appropriate to Address the Harm or Need*

The expenditure provides for expanded and improved facilities that will better prepare law enforcement officers in Nebraska to respond to increased caseloads, calls for service, and aid in increasing and enhancing training opportunities for new and existing officers. These facilities will also draw in instructors and additional applicants.

### *Proposed Capital Expenditure Compared to Alternative Capital Expenditures*

No other expenditure can as efficiently and effectively impact the greatest number of officers as improvements to and expansion of NLETC. The facility has not been updated in over 20 years and cannot keep up with increased training loads and changes in content. The project will:

- Allow for the hiring of additional law enforcement officers and ensure continuity of services.
- Reduce the time to train and certify new officers.
- Enhance opportunities for specialized training and cross-training.
- Provide access to virtual training via technology-enabled classrooms.
- Compete with other states for top talent.
- Reduce the spread of disease among trainees and increase officer wellness and resiliency.

The funding had widespread support from state senators, law enforcement groups such as the Nebraska Sheriffs’ Association and the Police Chiefs’ Association of Nebraska, and agency leaders across the state. Further, the Nebraska League of Municipalities, which represents more than 394 member cities and villages that in turn account for 98% of all Nebraskans, are strong supporters of the project.