

# **AGENDA**

## **POLICE STANDARDS ADVISORY COUNCIL**

**DATE:** October 14, 2020

**TO:** Police Standards Advisory Council

**FROM:** Brenda L. Urbanek, Director

**SUBJECT:** Regular Meeting Wednesday, October 21, 2020, 9:00 A.M.  
Library, Nebraska Law Enforcement Training Center,  
3600 N. Academy Road, Grand Island, Nebraska 68801

**I. CALL TO ORDER**

**II. APPROVAL OF SEPTEMBER 16, 2020 P.S.A.C. MINUTES**

**III. ACADEMY REPORTS**

**A. Director – N.L.E.T.C.**

**B. Deputy Director of Training – N.L.E.T.C.**

**C. Nebraska State Patrol**

**D. S.L.D.E.A.**

**IV. CRIME COMMISSION REPORT**

**V. OLD BUSINESS**

**A. Comprehensive Licensing Exam**

**VI. NEW BUSINESS**

- A. State Curriculum Proposal, 2021** Attachment #1
- B. Projected Enrollments, 2021** Attachment #2
- C. Lincoln Police Department Basic Academy Inspection, 2020** Attachment #3
- D. NLETC Basic Academy Inspection, 2020** Attachment #4
- E. Academy Instructor Certifications** Attachment #5

**General Original**

Jason Bauer – NSP

**Professional Certification**

Jason Prante - NSP  
Christopher Ray – Omaha Police Department

**Professional Recertification**

Elizabeth Abramson – Omaha Police Department  
Tarvis Banks – Lincoln Police Department  
Andrew BenSalah – Omaha Police Department  
Leigh Culver – Omaha Police Department  
Jake Dilsaver – Lincoln Police Department  
Kenneth Fox – Omaha Police Department  
Jonathan Gorden – Omaha Police Department  
Kent “Tony” Kavan - NSP  
Matthew Kelly – Omaha Police Department  
Dennis Leonard - NLETC  
Nicholas Prescott – Omaha Police Department  
Mitchell Robinson – Omaha Police Department

- F. Waiver Management Requirement** Attachment #6  
Stacey Lewton, NE Game & Parks Commission
- G. SLDEA Seat Request, 2021**

**VII. OTHER BUSINESS**

- A. Date, Time & Location of Next Meeting**  
November 18, 2020, 9:00; Library, Nebraska Law Enforcement Training Center  
3600 North Academy Road, Grand Island, Nebraska 68801



**REGULAR MEETING OF THE  
POLICE STANDARDS ADVISORY COUNCIL  
September 16, 2020**

**I. CALL TO ORDER**

Chairman, Lieutenant Colonel Buck Duis called the regular monthly meeting of the Police Standards Advisory Council to order at 9:03 A.M. Legal notice of the meeting was published in the Lincoln Journal Star on Tuesday, August 4th, 2020.

Roll call of members; Lieutenant Colonel Buck Duis, Chief Deputy Greg London, Mr. Matthew McCarthy, and Sheriff Dan Osmond. Chief Jeffrey Bliemeister, Chief Timothy Larby and Chief Tracy Wolf were not present.

Others present: Brenda Urbanek, Don Arp, David Stolz, Jeff Roby, Kay Fielding, Sheriff Ladwig, Jason Fritz, and Chief Clary.

**II. APPROVAL OF AUGUST 19, 2020 P.S.A.C. MINUTES**

**MOTION**

Chief Deputy London motioned to approve. Sheriff Osmond seconded. Voting in favor; Lieutenant Colonel Duis, Chief Deputy London, Mr. McCarthy, Sheriff Osmond. Motion carried.

**III. ACADEMY REPORTS**

**A. Director – N.L.E.T.C.**

Director Urbanek reported she was tracking several criminal cases against officers across the state. A felony conviction results in an automatic revocation upon final conviction. Meaning we don't have to go through quite all the steps that we do of the typical informal complaint; notice and all those things. I keep track of those to see if they actually get convicted of a felony.



Final conviction is the tricky thing because they have to be able to exhaust all their appeals even though one of them is currently incarcerated in the Department of Corrections institutions. He is still appealing his conviction so I can't take his law enforcement certificate.

The staff has been working to modify the Change in Status form that will need to be approved by this body. Since 791 has been in effect for just over 2 years, some circumstances have caused us to review the form so we can best capture the information which helps keep an officer from bouncing from one agency to another, the whole intent of a 791. I plan on bringing the form to the Council for review in November and action in December.

We are in the process of implementing a new software system to include database, testing, curriculum, scheduling, etc. We have begun to use the testing software and with most rollouts there are technical difficulties. Primarily ours was the lack of Wi-Fi access in the classroom for the first test. We were able to rectify that with half the students on Ethernet reducing the demand of the Wi-Fi access point.

This summer we requested OCIO to come out and see what we needed to update. They came out last week and will be upgrading our routers and other hardware to help us conduct training more efficiently.

Along with the software we have secured a grant from the Crime Commission to purchase Chrome Books for the students. They will not be checked out every day, they will be used first for testing and then if we need to do any remote training with a student, due to quarantine, at home for 10 days, they can have access to a Chrome Book. I would like to give a special shout out to Mike Fargen and Kellie Rabenhorst at the Commission for their work on this. Without that grant we wouldn't have computers. They are not on site yet because it seems as though there is quite a demand for Chrome Books these days across the country.

The Training Center is attempting to update an aging vehicle fleet with serviceable police package vehicles. If you are aware of any agency's that trade in their patrol police vehicles, the training center is in the market to pay fair market value before they go to auction so we can have some updated police vehicles to include pickups, suvs, cruisers. If you have any information like that, please contact Deputy Director Keeling or even if you are aware of your agency trade ins with Bill Smith's Ford and that might be a contact point for us to reach out to.

Like most of the state here in Grand Island we are at phase 4 reopening. We are still locking down our basic students and continuing with the weekly and daily assessments of health however, we are able to be at 75% capacity for indoor events.

It's been a difficult week for law enforcement; not only nationwide but here in Nebraska as well and the staff here at the training center sends our condolences to the Lincoln Police Department and the Lancaster County Sheriff's Office for the following officers; Investigator Mario Herrera and Deputy Troy Bailey.

## **B. Deputy Director of Training – N.L.E.T.C.**

Due to a last minute schedule change, Deputy Director Keeling is teaching this morning. The 206<sup>th</sup> Basic is in its 3<sup>rd</sup> week. They started with 48 students and now have 46. 6 students failed to complete one or more of the physical tasks on training day one; they have till December 8<sup>th</sup> to complete that. Additionally we have 5 Reciprocity/Reactivation students who began training September 8<sup>th</sup>, 2 of the 5 were unable to complete the physical tasks and they have until the end of this month to get that done.

One of the two students is no longer a part of the class, he voluntarily left to return to his paramedic job. Another student withdrew; literally packed up and left in the middle of the night, we have no idea why.

Students are currently in the middle of Mr. Stolz's legal classes as well as Patrol Procedures and Vehicle Stops.

Firearms Instructor Certification is going on this week with 20 enrolled.

Patrol Rifle Instructor will be September, 21-25, 2020.

Silver State Consulting Group will be here September 28-29 and 30<sup>th</sup> conducting training to include: Crisis Response: De-Escalation Skills & Policing in Black & White: Implicit Bias  
We had some requests to see if we could Zoom this or put it out through some method, but it is a private vendor.

We are sending two instructors to a Fair and Impartial Policing Train-the-Trainer, this is the FIP offered by the Department of Justice. I have tasked Mr. Keeling with getting some people on staff trained so we can help agencies meet the mandate of LB924.

October 6<sup>th</sup> we will be doing a Firearms Instructor Recertification

October 7<sup>th</sup> Patrol Rifle Instructor Recertification

October 13-16 Management Course

## **C. Nebraska State Patrol**

Captain Roby reported in August they conducted 3 days of Physical Fitness testing for the Camp 64 that starts in January 2021.

Courses Conducted:

August 17-21 Level One Carrier RV Course

September 2<sup>nd</sup> VIN Inspection

September 8<sup>th</sup> the 10-Week Northwestern Command School. 28 Students - 22 NSP staff along with 6 other students

Currently Camp 63 completed coursework in Constitutional Law, PBT and Data Master Certification and concluded the DUI and DUID instruction with certifications in SFST. Fair and Impartial Policing including the instruction for our camp for the anti-biased and implicit training

was held. We also had a Search and Seizure course and our camp was given a week off during the Labor Day week and returned this Monday and was currently doing DT this week. In upcoming weeks Camp 63 will complete EVOC, Building Clearing and Active Shooter.

**D. S.L.D.E.A.**

Mr. Wagner was unable to attend.

Director Urbanek stated September 25th she would be at La Vista administering the final exam and the following week would be their graduation.

**IV. CRIME COMMISSION REPORT**

Mr. Arp stated he and Director Urbanek were working on a solution to fix the Firearms Range so it would not have the total replacement cost. We think it will be a bandage issue till the next biennium. We hope to have a plan by the end of the month. With some extra funding we have and some grant funding, we'll be able to replace the target system and fix some of the grading so it will work for everybody.

One item that has come up through the Sheriff's Association, the Nebraska Coalition to End Sexual and Domestic Violence has signed on to what's called the 'Moment of Truth' letter. 47 coalitions across the United States have signed on. Elements of it include; avoiding incarcerating abusers because they feel it just created a high concentration of promise survivors in prisons, remove police from schools, and fund caring and not cops such organizations sometimes reach out to law enforcement for mothers of support for their grant funding and their working relationships with you may change depending on how they decide to operationalize or not operationalize the contents of this letter. So if you see some different operational policies and procedures from them, get sourced from them, signing onto this national movement we are currently determining the implications that it will have for funding because our focus is that our funding should be used to cooperate with law enforcement to solve problems such as this and if the cooperation isn't there, what does that mean for the Commission Grant Funding for these entities?

Bill proposals were due from state agencies in September so I can see what survived first review from PRO. Probably will know a little later in the year what's going to make it and what's not. I've suggested a few things, I don't know if I'll get any of them but we'll see what will happen.

**V. OLD BUSINESS**

No Old Business

## VI. NEW BUSINESS

### A. Waiver/Extension of One-Year Basic Certification Timothy Anderson, Scribner Police Department

Director Urbanek laid out a timeline:

7/7/2018 Left employment with Dodge County Sheriff's Office  
3/29/1996 Nebraska Certified Officer  
2/5/1999 Nebraska Certified Supervisor  
7/27/2020 Hired with Scribner Police Department - 20 days beyond the 2-year inactive status requiring Anderson to attend the full Reactivation Course  
Chief Brainard intended to hire him June 22, 2020 but the Chief had a family emergency out-of-state and missed the Village Board meeting.  
Mr. Anderson was unable to be hired till July putting him beyond the 2 years.

This is kind of a unique situation because we need a request for two years rather than one. Rule and Regulations are somewhat silent on Reactivation rules. Reactivation students attend the same training as Reciprocity students, but the admission standards for Reactivation are different so this is being brought to the Council because there is really no guideline in the Rule and Regulation as how to treat it. If this is even a question that can be answered by the Council; if relief can or can't be provided by the Council. If they can grant the waiver, Mr. Anderson would only be required to firearms qualify and update his CPR and First Aid. If they don't grant the waiver, Mr. Anderson would need to attend the entire Reactivation course which is approximately 4 weeks in January.

Chief Brainard stated he knew he was close to his 2 years, but wasn't aware how close, otherwise he would have tried to get a stand in for the Scribner Council meeting. My son was in a Motocross accident in Missouri. Anderson works for Midland College as the weight lifting coach so it would be really tough for him to attend the training. We would make sure he would be up-to-date in his firearms, CPR and First Aid and continue his training into next year and any requirements. But we were looking to see if we could get a waiver on the 20 days to continue his career in law enforcement. He would be a part time law enforcement officer.

Mr. Stolz requested, with respect for Mr. Anderson, for a motion to go into Executive Session

### MOTION

Mr. McCarthy moved that the Council go into Executive Session based on the prevention for needless injury to the reputation of Timothy Anderson and for the purposes of Executive Session we will allow the following to remain in the room; all the council members, council secretary and legal advisor. Chief Deputy London seconded the motion. Voting in favor; Chief Deputy London, Mr. McCarthy, Sheriff Osmond, and Lieutenant Colonel Duis. Motion Carried.

The Council went into Executive Session at 9:24 A.M.

**MOTION**

Mr. McCarthy moved that the Council come out of Executive Session. Sheriff Osmond seconded the motion. Voting in favor; Mr. McCarthy, Sheriff Osmond, Lieutenant Colonel Duis, and Chief Deputy London. Motion Carried.

The Council came out of Executive Session at 9:36 A.M.

**MOTION**

Chief Deputy London motioned; based on the evidence presented to this body we grant a waiver of the two-year requirement, since it is only 20 days, this is based off State Statute §28-1411. So my motion would include that Mr. Timothy Anderson is not required to go through Reactivation. Mr. Stolz stated the correct statute is §81-1411. Mr. McCarthy seconded the motion. Voting in favor; Sheriff Osmond, Lieutenant Colonel Duis, Chief Deputy London, and Mr. McCarthy. Motion carried.

**B. Waiver of One Year Basic Certification  
Jason Thompson, Burwell Police Department**

Director Urbanek laid out a timeline:

4/1/2020	Jason Thompson was hired by the Burwell Police Department
4/6/2020	NLETC received Change of Status
5/17/2020	205 Basic began
8/11/2020	Failed PRET - scored 20% for the 206 <sup>th</sup> Basic
1/3/2021	207 <sup>th</sup> Basic will begin
4/1/2021	One year hire date
4/16/2021	207 <sup>th</sup> Graduation

Burwell is asking for a waiver of the one-year hire date. He would still need to pass the PRET in December to come in January but that is what they are requesting.

At graduation he will be two weeks over his one year hire date.

**MOTION**

Chief Deputy London motioned to grant the waiver for Jason Thompson and to not perform law enforcement duties from April 1<sup>st</sup>, 2021 through April 16<sup>th</sup>, 2021. After a short discussion he amended his motion to grant the waiver for Jason Thompson and to not perform law enforcement duties from April 1<sup>st</sup>, 2021 till the completion of the 207<sup>th</sup> Basic. Sheriff Osmond seconded the motion. Voting in favor; Lieutenant Colonel Duis, Chief Deputy London, Mr. McCarthy, and Sheriff Osmond. Motion carried.



**C. Requesting Extension for Statutory Requirement of Management Course Waiver of Northwestern School of Police Staff and Command In Lieu-of Management Training for Lt. Tyler Kroenke, NSP 400-hour course to be completed by November 20, 2020**

Captain Roby stated the State Patrol was requesting an extension of the one-year requirement of the Management Course. Currently Lieutenant Kroenke was attending the Northwestern School of Police Staff and Command and would graduate November 20<sup>th</sup>. In the past that had been a direct waiver of the NLETC Management Course. What we are requesting right now is to extend his one-year requirement while he is in the course and then we would request the waiver to the Management Course once he completes the Course.

Mr. Stolz stated he and the next person had already completed the online Management Course.

**MOTION**

Sheriff Osmond motioned to give the extension for Lieutenant Tyler Kroenke to finish his course with Northwestern School. Mr. McCarthy seconded the motion. Voting in favor; Chief Deputy London, Mr. McCarthy, Sheriff Osmond. Lieutenant Colonel Duis abstained. Motion carried.

**D. Requesting Extension for Statutory Requirement of Management Course Waiver of Northwestern School of Police Staff and Command In Lieu-of Management Training for Lt. Michael Maytum, NSP 400-hour course to be completed by November 20, 2020**

Captain Roby stated essentially this was the same request on behalf of Lieutenant Michael Maytum. He will need an extension as he completes the course November 20<sup>th</sup>. He has already had the online portion. Upon completion we will ask for a waiver of the NLETC Management course, but the waiver right now is an extension for that time period.

**MOTION**

Mr. McCarthy motioned to grant the extension for the statutory requirement for the Management for Lieutenant Michael Maytum of the NSP. Chief Deputy London seconded the motion. Voting in favor; Mr. McCarthy, Sheriff Osmond, and Chief Deputy London. Lieutenant Colonel Duis abstained. Motion carried.

Chairman Duis took items out of order taking item F.

**F. Waiver of Training Requirement; Title 79, Chapter 3  
Chief Ken Clary, Bellevue Police Department**

Director Urbanek stated Title 79, Chapter 3, section 005; Agency Heads the Council may waive all requirements for Sheriff's or individuals entering a law enforcement agency as an administrator/agency head, which serves a population of 5,000 or more people. Chief Clary has been appointed Chief of Police for the Bellevue Police Department, population over 50,000.

005.01 you must provide documentation to the Director of having held a rank as a law enforcement supervisor or management rank as a law enforcement officer within the last two years for an enforcement agency that serves a population of 5,000 or more.

Since 2013 and until as recently as two weeks ago, Chief Clary was Captain with the Iowa State Patrol. His last duty assignment was Area C Commander responsible for 28 counties and oversight of 90 employees.

005.02 Documentation of all law enforcement training and formal education the information submitted in the waiver request is your agenda material so it's all attached.

005.03 Complete admission process, the background investigation on Chief Clary has been completed he still needs to submit an actual application for training form which is a one page form but other than that everything is good to go.

005.04 The Director is to make a recommendation to the Council for approval or denial of the request. Chief Clary has met all of the requirements for a waiver of the admissions and training outlined in Title 79, Chapter 3. I recommend Chief Clary be granted the waiver of admission and training requirement for Nebraska Certification as outlined in Title 79 Chapter 3, Section 005. I would also request a waiver of attending the State of Nebraska Management course be granted except that Chief Clary complete the online Title 79 Management Course.

Chairman Duis welcomed Chief Clary to Nebraska.

Chief Clary stated he was proud to be law enforcement in Nebraska. I am in a community that is very pro-law enforcement, military, fire. So I am very excited to be here as is my wife, and look forward to serving in Bellevue. Not knowing what I was coming into with Reciprocity, I would say that this was uplifting to see that there is a process as such for someone like myself coming from a very large agency like the Nebraska State Patrol known for their training coming in not having to dig through files from 1994 when I went through the academy, that are archived, not computerized, it makes sense to me, especially in the position I'm going to be holding, so kudos to you for having such a waiver process and sparingly using it I understand the need to ensure that you have highly trained law enforcement. So thank you for taking this up as a unique situation.

### **MOTION**

Chief Deputy London motioned that we grant Chief Clary a waiver for admission of training providing he complete the online Management portion. Mr. McCarthy seconded the motion. Voting in favor; Lieutenant Colonel Duis, Chief Deputy London, Mr. McCarthy, and Sheriff Osmond. Motion carried.

The meeting broke at 9:56 A.M. and resumed 10:03 A.M.

**E. Appeal – 20-PSAC-80; Denial to Basic Training**

Jason Fritz, Polk County Sheriff's Office

Chair: The matter now before the Police Standards Advisory Council is Polk County Sheriff's Office v. the Nebraska Law Enforcement Training Center, Case Number 20 PSAC 80.

I will now call this hearing to order at 10:04. I will note the following Council members are present:

Myself, Lieutenant Colonel Duis, Nebraska State Patrol.

Chief Deputy Greg London, Sarpy County Sheriff's Office.

Mr. Matthew McCarthy, Northeast Community College

Sheriff Dan Osmond, Custer County Sheriff's Office.

The Council has been asked by the Petitioner, the Polk County Sheriff's Office to consider reversing Director Urbanek's denial of its applicant's, Mr. Jason Fritz's entrance into the Basic Law Enforcement Officer Certification Course.

The Council is here pursuant to its authority as stated in Nebraska Revised Statute §81-1403, its related statutes and Title 79 of the Nebraska Administrative Code.

I will note that the petitioner is present and are you represented by counsel?

Ladwig: No

Chair: Thank you sir.

Ms. Brenda Urbanek, Director of NLETC is here on behalf of the NLETC pursuant to her statutory duties as stated in Nebraska Revised Statute §81-1404 and related statutes and will present the reason or reason(s) for her denial of the petitioner's applicant for admission into the Basic Law Enforcement Officer Certification training.

Chair: Does either party contest the Council's authority to hear this type of case?

Urbanek: I do not.

Ladwig: Yes I do. What did you say again?

Chair: Do you contest the Council's authority to hear the case?

Ladwig: No, I'm sorry.

Chair: No that's fine. Thank you sir.

Title 79 of the Nebraska Administrative Code, Chapter 8, addresses the requirements that must be met by an applicant in order to be eligible for the Basic Law Enforcement Certification Program. Specifically sections 005.01 & 005.02 set out the eligibility requirements that any applicant must meet in order to be admitted into the Basic Law Enforcement Officer Certification Course.

Applicants for Basic certification must also meet the standards set out in State Statutes §81-1410 & §81-1414. In order to satisfy these requirements, applicants are required to complete a Personal Character Affidavit. Applicants are under a duty to disclose information as specified in the Personal Character Affidavit.

Failure to do so can result in a denial of admission into the Basic Officer Certification course as set out in Chapter 8, §005.04A2.

Pursuant to Title 79, Chapter 8, section 009.02 upon request of an applicant or agency, the Council will conduct a hearing in order to determine whether the applicant meets the minimum qualifications for admission into a certification course. The burden during the appeal hearing is on the applicant to demonstrate by clear and convincing evidence that he meets admission qualifications per Title 79, Chapter 13, section 004.02G, the issues of this appeal will be limited to those

raised in the request for review and reconsideration as provided in section 004.02C and the director's written decision in response.

The decision of the Council is final.

Sheriff Ladwig, I want to go over your agency's rights in this administrative hearing.

You have a right to be heard, either in person or by counsel who you have hired at your own expense.

You also have a right to notice; that is to receive a statement from the state, the Nebraska Law Enforcement Training Center, detailing or justifying its actions in this matter.

Do you understand these rights?

Ladwig: Yes sir

Chair: Sir if you would like to come up it would be easier, my apologies. (Sit at the table) Did you receive such notice via the letters from Director Urbanek stating her reasons for your denial into the Basic Law Enforcement Officer Certification Course?

Ladwig: Yes I did.

Chair: Okay. Did you notice any defects in these letters that prejudiced you from presenting your case?

Ladwig: No.

Chair: Additionally, you have a right to present evidence at this hearing, a right to the Council's findings, and the right to seek judicial review thereafter. Do you understand these rights?

Ladwig: Yes.

Chair: The Police Standards Advisory Council shall act as the Hearing Board for this appeal. Neither I, nor any other Council member, will be a witness for either side and I am not aware of any matter which I believe may be grounds for challenge by either side against me or the other members.

I have not had any personal information conveyed to me nor do I have any personal knowledge of the case.

Does any Council member have any personal knowledge of the case?

London: No

McCarthy: No

Osmond: No

Chair: Does either side have any further questions or challenge for cause against any member of the Council?

Urbanek: No

Ladwig: No

Chair: Director Urbanek, do you have any procedural documents for this case and if so, please present them to the Council.

Urbanek: Mr. Chair, I have two different packets of information. The first one is Mr. Fritz's initial application packet. I request that it be marked as exhibit #1. Included in this is his change in status form, his application for training, his employment verification form, character affidavit, his law enforcement agency background verification form, his medical history statement, his authority to release information, birth certificate, copy of his operator's license, background check waiver, criminal history dissemination and high school transcript.

Stolz: You would be amendable to redacting any date of birth or social security numbers on behalf of Mr. Fritz?

Urbanek: Yes, any personal information.

Stolz: Sheriff, you don't have any objections to the receipt of the application?

Ladwig: No.

Urbanek: The next exhibit I would offer into evidence is what is formally referred to as the denial packet. Which is a copy of my original denial letter dated July 30, 2020. Mr. Fritz's response letter, my final denial letter written by me on September 1, 2020 and a summary of the civil and small claims filings which show all records dating back to 1997 of Mr. Fritz.

Stolz: And that doesn't have any personal history, I mean date of birth or ...

Urbanek: No

Stolz: Okay

Urbanek: And that is all I have for foundational evidence.

Stolz: Sheriff, you don't have any objections do you?

Ladwig: No

Chair: Sheriff Ladwig, as the petitioner, you may make an opening statement at this time.

Ladwig: I would just like to say that I've know Mr. Fritz back years ago. He had a few problems and in fact I got to say I'm very, I got to apologize, I'm very sorry because I did not catch the Class I misdemeanor under the civil situation, it wasn't on the others. I couldn't find it, so I didn't touch it, and I'm going to apologize for that. Then I received a letter that he could not do it so I went back and looked and I did find it. But Mr. Fritz had his ups and downs back in 2000

clear back to 2015. We've had some claim cases, he's had civil cases. He did have a Class 1 misdemeanor on a bad check \$100.00-\$500.00 back in 2005 but he's 42 years old wants to be in law enforcement, he works at the Penitentiary and he has a Federal Firearms Dealers License and I just think he would be an asset to my department. He can speak Spanish, and that's why I would like to see if I can get him on my department.

Chair: Okay, thank you sir.

Ms. Urbanek, do you wish to make an opening statement?

Urbanek: I do Mr. Chair.

In my capacity as the Director of the Nebraska Law Enforcement Training Center I reviewed Mr. Fritz's application packet. Review consisted of comparing of information supplied by Mr. Fritz and the Polk County Sheriff's Office, as well as, additional information background information against the standards as set forth in Nebraska Administrative Law Title 78 Chapter 8. The basis for my initial denial was founded upon Nebraska Administrative Code Title 79, Chapter 8 section 005.01 F, which provides that individuals with unpardoned convictions or currently not, that would be punishable by imprisonment by a term of one year or more are not eligible for admission. In my additional denial indicated that he was convicted of a bad check \$100.00 - \$500.00 Class I misdemeanor for an offense in 2000 in Hall County. Additionally applicants are under a duty to disclose any and all information that may affect the applicant's qualifications for entrance into certification training, any deliberate omissions falsifications or misrepresentations made on the application or through the application process including the background investigation are grounds for denial or entrance into the



training academy and suspension for training or termination of training. This is in Title 79, Chapter 8 section 005.04A(Adam)2. Mr. Fritz listed a 1998 civil small claims case and a divorce in 2000. According to a NCJIS check there were 22 small claims or civil cases involving Mr. Fritz from 1999 to 2016.

Finally Title 79, Chapter 8 section 005.04B2(f)(Frank) references neglect of financial responsibilities.

Mr. Fritz's numerous small claims and civil findings demonstrate his neglect at handling of the financial responsibilities.

Sheriff Ladwig, according to Title 79, Chapter 13, appealed my initial denial. I reviewed additional information supplied by Mr. Fritz on August 21<sup>st</sup> of 2020 and it was during this review that I discovered the Class I misdemeanor for the issuing bad checks was actually in Nance County in 2005 and not in Hall County in 2000. I additionally reviewed the information and found no mitigating or new information that was provided to warrant or overturning my original denial.

Sheriff Ladwig was notified of this on September 1, 2020 via letter. That was the basis for the denial.

Chair: Okay thank you.

Urbanek: I have nothing else.

Chair: Now is the time further evidence can be presented to the Council. This may include written evidence, witness testimony and/or any unsworn statements by yourself.

Sheriff Ladwig, do you have any written evidence for us to consider?

Ladwig: No sir.

Chair: Sheriff Ladwig, do you have any witnesses to testify today?

Ladwig: Mr. Fritz

Chair: Okay

Alright then, Mr. Fritz, I would like to have you state your name and where you are from.

Fritz: Jason Fritz, Clarks Nebraska.

Chair: Okay, thank you.

We are here to hear your testimony.

Fritz: I would like to first thank you for this opportunity to sit here. Next a little bit about my history that, of the reasons of why I'm here. I had a lot of issues with my ex-wife. It's been several years ago we were divorced in about 2000. There was probably about an eight to ten year window, around there, that was difficult for me. We had two kids, we just, it was really tough but made it through it.

There were things that were difficult to do at that time to make things work. It was, my divorce was particularly difficult because she told me I needed to leave the house one day because she had a boyfriend and that's how I found out about my divorce that was going to happen and she got temporary custody of the kids and most of them had been with him so when I had to pick up my kids for my every other visitations, it was at his house. There were just several things. You know, work was a little tough I did maintain employment though. Just multiple things that was difficult. Moving on, that's been a long time ago.

Now I guess moving to where I'm at today. I work for the State of Nebraska, Department of Corrections, I'm posted at the women's facility, there at York, I really enjoy that, I had a good time at the academy there. So that's currently where I'm at. I also own a business. I own a gun shop in Central City. I have

the highest level of license that any civilian can obtain and that's a type 7 manufacturer of weapons. I also have another license that is a Class 2, SOT license, which is a manufacturing of NFA items namely I have the ability to manufacture machine guns and such weapons for law enforcement and military. I have a lot of enjoyment in doing that as well. I really like it. I have not had any issues with any of that. My business I started it from basically nothing, just stuff I took from home and did research on it to see what it would take to start a business and didn't have any problems or any other backing, like I say, I just did it myself. I started out in 2016 and I still have it today, I still have a person working there full time and then I have one or two other part time people help. I'm 42 years old. I've had an interest in law enforcement and anything to do with that and military basically my whole life. I've applied at a few different places over the years with the hopes of being able to fulfill that but I guess you could call it a dream of mine or if you ask me where I would like to be in five years I would like to be a certified law enforcement officer for Polk County Sheriff's Department. So I guess what I would like to convey to everyone here is that yes, I had some rough things going on in my past, they were a little difficult to get through but all in all I made it through and I am who I am today and those things are always back in my history and here I am here today to ask that I can move forward.

London: I have a question. Mr. Fritz, you left off of your application about the Class I misdemeanor charge or conviction?

Fritz: I did, I forgot completely about it. When I was filling it out, I went through and listed what I remembered and upon this further research of finding it and looking

it up to see what it was, I remembered it, I remembered what it was for. It was for a check I wrote for an engine. I didn't have a car at that time, the one that I had was bad. A friend of mine gave me a vehicle but I had to do some engine work to it. I have the mechanical ability to do the work, I just didn't have the machining thing to machine the block out, so I had somebody do that machine work and when I did that to get the engine picked up the check that I wrote for it went through the bank right away. I rectified it almost right away but still they, I had to go to court and show that I paid it and I was charged and I didn't hire an attorney or anything I just went with what I thought I should do at that time but I did pay for it right away I was working and I had forgotten about that when I was filling out that application had I remembered it I would have most definitely put it on there. I'm sure there are probably things that during that time period that I've forgotten or that you know with it being difficult at that time you know you just, it's not something that I'm trying to relive I guess so to speak, so it was not my intent to not have it on there.

London: On the application you listed one small claims court case. Did I hear that right?

Fritz: I don't remember what I listed on that.

London: And there weren't 1 but 22 different entries.

Fritz: I think what those entries are, every time I had to make an appearance for different things, and I guess I don't remember, you know I don't remember all of them, I don't remember exactly what they were. I do know, I remember a few of them and the ones I did I listed. I did my, when I was filling that application out, I remembered having to go to court but I remembered it being taken care of or I

paid for whatever it was I did. I didn't realize that I needed to list every time I went to court.

London: Well how many people sued you in small claims court? Do you know?

Fritz: In small claims, I had one. There was a landlord we were renting a house and, this was when I was married, my wife she was pregnant with my daughter and when you would flush the toilet the sewage would come up in the basement, long story short, we moved and we broke our lease so we went, he sued us to pay that and initially we won that. However, he took it back to court and I was out, I was working somewhere, I don't remember if I got the proper notification, there was, something that happened where I didn't make it back to that second court date and because I was not there, the judge ruled in favor of the plaintiff.

London: All 22 cases just stem from this one landlord?

Fritz: No, those are each time, like I had, so when we were going through our divorce and for an amount of time after that I don't remember exactly how long, we shared a checking account. We tried to keep things together financially. She was writing checks, I was writing checks and we had several of them, I mean, they were like for gas, you know, twenty some dollars, there was fifty dollars at a grocery store, there were several little ones that I think there are probably, the majority of those are from that. I ended up being responsible for everything when we were going through the divorce. At the end we had a real tough time deciding what to do with the kids for custody and stuff. I wanted joint custody, she said no and anyway what we ended up doing was, with our marital debt that we had the attorney said maybe you should offer to take the marital debt and in return she would take the joint custody so when I did that she did, well then after

the divorce then we had joint custody so I would have them a week and she would have them a week and that was great but I had all the debt. So everything that was coming back, the checks and everything was one hundred percent my responsibility to make sure that it was taken care of. So it took a few years to get through all of that. So I think that that's probably why it has a big number listed on there.

London: Okay thank you.

Urbanek: May I ask a question?

Chair: Absolutely

Urbanek: How long have you been with the Department of Corrections?

Fritz: I was hired there on March 9<sup>th</sup> of 2020.

Urbanek: And do you hold a rank?

Fritz: Corporal

Urbanek: Corporal, and just so I'm clear in my head, you assumed all of the marital debt in exchange for getting joint custody of your children?

Fritz: Correct

Urbanek: So your ex-wife's name doesn't appear on any of those entries, it's you.

Fritz: It's me, I'm responsible for everything. I was responsible for everything.

Urbanek: Even though she contributed to that marital debt?

Fritz: Correct.

London: Are all those claims satisfied?

Fritz: Yes, to the best of my knowledge, I don't have anything left open. If I do, I most certainly don't know about it.

Chair: How long has that been the case?

Fritz: This stuff was back in from about 2000 till about 2005, 2006, um there was a couple of them that I didn't even know about until they were presented to me by, when I checked. I had an attorney do some work for me when I was trying to make sure that I had everything together for my Federal Firearms License stuff and there was I think one thing left open but it was a minor thing it wasn't a check, it was some bill that I had, that I paid. And then in the end of all that it's my understanding that there is nothing left, it's all been quite some time ago, everything should be satisfied.

Chair: So when was the last thing satisfied?

Fritz: Um probably maybe 2008, 2010 I believe, I don't recall exactly the year, it's been quite some time ago.

Osmond: One of the records that shows there was three small claims civil actions between 2013 to present the most recent 2016. Do you know what those three things are?

Fritz: Civil case in 2016 ...

Osmond: No, I just said between, it says between 2013 to present three (3) civil or small claims cases most recent 2016.

Fritz: I don't, okay, it's possible that my sixteen year old son passed away at that time, in 2016, in January and there was, that was about the time when I was beginning to come up with this opening a business and with the attorney that I hired, I did a process to, it's called a Chapter, it's where they stop your bills and you can repay them, it's not a, something where you eliminate everything through bankruptcy, it's a re, I can't think of the words for it, but it's where you repay back what you owe under an attorney and it's filed through,

Stolz: III A/R Solutions, does that ring any bells?

Fritz: Um, no it's through Omaha there's a lady she's a trustee that's in charge of the whole thing it's a, I went to a court hearing for that to present my case as to why I was doing that and I think that's what those are because that's the time frame. It was finalized in 2016 so that's probably why I have those things on there. What that was, was a way to stop everything, if there was anything open or any kind of a collection or anything, it gave me a chance to find all that stuff and then pay it back. I have just a few payments left on that and it will be completely closed out process.

McCarthy: Is that your Chapter 11, is that what you're talking about?

Fritz: I think that's what it's called.

McCarthy: Okay.

Chair: That happened somewhere between 2013 and 2016?

Fritz: Okay because earlier I asked if everything, my question that you, I thought you completed, everything was taken care of and caught up, somewhere around 2008, 2010.

Fritz: Okay, I, maybe I didn't answer that the way I should have. I was answering it in the form of if I had any checks. Like any checks that I had wrote that might be unsatisfied.

Chair: Okay.

London: I have nothing.

Urbanek: I have no other questions.

Chair: Sir, do you have anything else?

Fritz: I don't believe so.

Chair: Sheriff Ladwig, do you have any further evidence to offer?



Ladwig: No sir.

Chair: Director Urbanek, do you have any written evidence for us to consider?

Urbanek: No.

Chair: Do you have any witnesses to testify?

Urbanek: No.

Chair: Director Urbanek, do you have any further statements at this time?

Urbanek: Closing, or is that coming up?

Chair: Coming up.

Chair: Sheriff Ladwig, do you have anything additional to offer in light of the training center's evidence?

Ladwig: No sir.

Chair: Sheriff Ladwig, you may make a closing argument at this time.

Ladwig: I know that there are several people that have money situations like this and problems and he did get charged with a Class I misdemeanor but I seriously think he would be an asset to my department if you would possibly let him go through the academy. That's all I have.

Chair: Okay, thank you sir.

Director Urbanek, you may make your closing argument.

Urbanek: Members of the Council in my role as the Director of Training it is my duty to ensure the individuals who apply for law enforcement certification in the State of Nebraska meet all of the statutory requirements in the Council's rules and regulations necessary for admission and subsequent certification. In the appeal hearing before you I gave you Mr. Fritz's criminal and civil court history and any valued information that would help me determine his suitability to receive

Nebraska Law Enforcement Certification. At the conclusion of this vetting process I determined that Mr. Fritz had a Class I misdemeanor which would not allow him admission into the training center for basic certification. I believe the evidence that has been introduced supports the denial of Mr. Fritz

Chair: Okay, any questions from the Council?

Council: (No questions)

Chair: Is there a motion to go into Execution Session?

London: I would move that Council go into Executive Session based on the prevention of needless injury to the reputation of Jason Fritz and for the purposes of executive session we will allow the following to remain in the room. All Council members, the executive director, council secretary and legal advisory.

Fielding: Lieutenant Colonel Duis

Duis: Yes

Fielding: Chief Deputy London

London: Yes

Fielding: Mr. McCarthy

McCarthy: Yes

Fielding: Sheriff Osmond

Osmond: Yes

Duis: At this time I would remind those present in executive session that they restrict their discussion in closed session to the issues currently before the Council. We are now in Executive Session. The time is 10:39 A.M.

Duis: The Police Standards Advisory Council will come to order. Is there a motion to come out of Executive Session?

McCarthy: I'll motion to come out of Executive Session.

Osmond: Second

Chair: It has been seconded to come out of Executive Session. Kay can you please call the roll.

Fielding Chief Deputy London

London: Yes

Fielding: Mr. McCarthy

McCarthy: Yes

Fielding: Sheriff Osmond

Osmond Yes

Fielding: Lieutenant Colonel Duis

Duis: Yes

Fielding: Motion Carried

Chair: Okay, all parties present when the Council went into Executive Session are again present. The time is 10:58.

Is there a motion?

London: Yes, based upon the evidence presented for this body I will make a motion to uphold the director's decision to deny Jason Fritz's entry into basic training.

Duis: Do I have a second?

McCarthy: Second

Fielding: Mr. McCarthy

McCarthy: Yes

Fielding: Sheriff Osmond

Osmond Yes

Fielding: Lieutenant Colonel Duis

Duis: Yes

Fielding: Chief Deputy London

London: Yes

Fielding: Motion Carried

Duis: Sheriff Ladwig, as you have heard the Council has voted to uphold the Director's decision. The Council will prepare written findings and fact and conclusions of law pertaining to today's hearing and the Council decision. Where do you want those findings sent?

Ladwig: Polk County Sheriff's Office

Chair: Okay. Thank you sir.

Ladwig: Thank you very much.

Chair: Okay, this hearing is concluded. Ended at 11:01 AM.


**VII. OTHER BUSINESS**

**A. Date, Time & Location of Next Meeting**

October 21, 2020, 9:00; Library, Nebraska Law Enforcement Training Center  
3600 North Academy Road, Grand Island, Nebraska 68801

Hearing no further business the meeting adjourned at 11:03 AM.

Respectfully submitted,

  
Kay Fielding,  
Secretary to the Council