

AGENDA POLICE STANDARDS ADVISORY COUNCIL

DATE: January 10, 2024

TO: Police Standards Advisory Council

FROM: Mark Stephenson, Director

SUBJECT: Meeting Wednesday, January 17, 2024, 9:00 A.M.
Library, Nebraska Law Enforcement Training Center
3600 North Academy Road, Grand Island, Nebraska 68803

- I. **CALL TO ORDER**
- II. **APPOINTMENT OF CHAIR**
- III. **NOMINATION AND ELECTION OF VICE-CHAIR**
- IV. **APPROVAL OF DECEMBER 20, 2023 P.S.A.C. MINUTES**
- V. **REPORTS**
 - A. **Director – N.L.E.T.C.**
 - B. **Deputy Director of Training – N.L.E.T.C.**
 - C. **Nebraska State Patrol Training Academy**
 - D. **Crime Commission Report**
- VI. **OLD BUSINESS**
 - A. **Nebraska Revised Statute 81-1462 Hiring Bonus Grant-Voting Item**
- VII. **NEW BUSINESS**
 - A. **Appointment of Hearing Officer-Voting Item**

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B. Agency Handgun Qualification Report-Information Item

C. Continuing Education

1. Agencies in violation of reporting compliance, both Continuing Ed and/or Firearms Qualification-Voting Item

Albion Police Department	Keith Co. Sheriff's Office
Antelope Co. Sheriff's Office	Lyons Police Department
Bayard Police Department	Merrick Co. Sheriff's Office
Beatrice Police Department	Metro Comm. College Police Dept.
Bennington Police Department	Nebraska Game & Parks Commission
Box Butte Co. Sheriff's Office	Nebraska State Patrol
Boyd Co. Sheriff's Office	Neligh Police Department
Broken Bow Police Department	Oakland Police Department
Ceresco Police Department	Omaha Airport Authority
Creighton Police Department	Otoe Co. Sheriff's Office
Dakota Co. Sheriff's Office	Pierce Co. Sheriff's Office
Dawes Co. Sheriff's Office	Randolph Police Department
Decatur Police Department	Saunders Co. Sheriff's Office
Deuel Co. Sheriff's Office	South Sioux City Police Department
Fairmont Police Department	St. Paul Police Department
Fillmore Co. Sheriff's Office	Thayer Co. Sheriff's Office
Franklin Co. Sheriff's Office	UNO Department of Public Safety
Gage Co. Sheriff's Office	Valley Police Department
Garden Co. Sheriff's Office	Washington Co. Sheriff's Office
Greeley Co. Sheriff's Office	Waterloo Police Department
Holdrege Police Department	York Co. Sheriff's Office
Jefferson Co. Sheriff's Office	

2. Officers Suspended for Failure to Report CE's Information Item

Attachment 1

Daniel Hejl-Ceresco Police Department
Phillip Lewis-Dawes Co. Shf's Office
Bryan Dunn-Decatur Police Department
Tyler Salmon-Fairmont Police Department
Tyler Kirchner-Keith Co. Sheriff's Office
William Findlay-Lyons Police Department
Christopher Carlsen-Merrick Co. Sheriff's Office
Daniel Torres Jr.-Omaha Police Department
Rick Eberhardt-Pierce Co. Sheriff's Office
Geoffrey Willmann-Valley Police Department
Dustin Cullen-York Co. Sheriff's Office
Jordan Dickson- York Co. Sheriff's Office
Joshua Gillespie- York Co. Sheriff's Office
Korey Goplin- York Co. Sheriff's Office
Charles Hildebrand- York Co. Sheriff's Office
Brendon Kegin- York Co. Sheriff's Office
Taylor Samek- York Co. Sheriff's Office

Nicholas Schleich Jr.- York Co. Sheriff's Office
Lucas Smejdir- York Co. Sheriff's Office
Paul Vrbka- York Co. Sheriff's Office

3. Continuing Education Waivers-Voting Item

Attachment 2

i. Medical (Not attached. Will be provided at meeting.)

David Saum-Bellevue Police Department
Cody Kruse-Fremont Police Department
Shane Alesch-Lincoln Police Department
Sheena Glover-Omaha Fire Department
Saul Hidalgo-Omaha Police Department
Patricia Pope-Omaha Police Department
Darien Scott-Omaha Police Department
Jeffrey Vaughn-Omaha Police Department
Kevin Housh-Plattsmouth Police Department

ii. Extended Leave of Absence

Donald Muller-Dodge Co. Sheriff's Office
James Lawson-Kimball Co. Sheriff's Office
T'Ronne Estwick-Nebraska State Patrol
Zachary Schmidt-Nebraska State Patrol

D. Academy Instructor Applications-Voting Item

Attachment 3

Professional Original-Voting Item

Amanda Gress-Lincoln Police Department Academy
Ryan Schmuecker-Lincoln Police Department Academy

Dale LaSonde-Sarpy Douglas Law Enforcement Academy

General Original-Voting Item

Kaleb Bruggeman-Nebraska State Patrol

E. NCO's Eligible for Automatic Extension-Voting Item

<u>Name</u>	<u>Agency</u>	<u>16 week deadline</u>
Joshua Briley	Nebraska City P.D.	3/25/2024
Treven Melroy	Holdrege P.D.	3/12/2024
Trey Mosby	Gering P.D.	4/24/2024
Bruno Flores	Morrill P.D.	4/30/2024

F. Extension of 1-Year Requirement for Management

Attachment 4

1. Kevin Denney-Grand Island Police Department-Voting Item

2. Ansley Griffin Jr.-Walthill Police Department-Voting Item
3. Matthew Holcomb-Mitchell Police Department-Voting Item
4. Jeremy Thorson-Nebraska State Patrol-Voting Item

VIII. OTHER BUSINESS

A. Informational Items

1. Trainees-No action needed.

Alan Bottjen-Bellevue P.D.	Jacob Eastman-Lincoln P.D.
Mark Mueller-Bellevue P.D.	Noah Franzen-Lincoln P.D.
Barbara Shapiro-Bellevue P.D.	Ethan Koenig-Lincoln P.D.
Claire Austell-Dodge Co. Shf's Office	Albier Macedo-Lincoln P.D.
Scott Timmerman-Dodge Co. Shf's Office	Connor MacNabb-Lincoln P.D.
Jacob Baker-Douglas Co. Shf's Office	Jesse Sutphin-North Platte P.D.
Stephen Friend-Douglas Co. Shf's Office	Mitchell in den Bosch-Omaha P.D.
Phillip Taber-Douglas Co. Shf's Office	Aaron Satterwhite-Omaha P.D.
Kevin Wallace-Kearney P.D.	Sierra Hodges-Sarpy Co. Shf's Office
Steven Morris-La Vista P.D.	Trevor Meyer-Sarpy Co. Shf's Office
Jameson Collier-Lincoln P.D.	Isaac Phillips-Sarpy Co. Shf's Office
Tyson Cook-Lincoln P.D.	Andrew Wilson-Sarpy Co. Shf's Office
Jacob Dennis-Lincoln P.D.	Rylie Mason-Scottsbluff P.D.

2. NCO Completed 80 hours of Training-No action needed.

Bruno Flores-Morrill P.D.
 Treven Melroy-Holdrege P.D.
 Brian Sibert-Norfolk P.D.

B. Date, Time & Location of Next Meeting

February 21, 2024, 9:00 a.m., Library, Nebraska Law Enforcement Training Center, 3600 North Academy Road, Grand Island, Nebraska 68803

REGULAR MEETING OF THE
POLICE STANDARDS ADVISORY COUNCIL
December 20, 2023

I. CALL TO ORDER

Chairman, Assistant Chief Brian Jackson called the meeting to order at 9:00 A.M. Legal notice of the meeting was published in the Lincoln Journal Star on December 13, 2023. Roll call; Asst. Chief Brian Jackson, Sgt. Drew Bolzer, Lt. Col. Buck Duis, Chief Paul Graham, Chief Deputy Greg London, Sheriff Dan Osmond, Chief Steve Reeves. Mr. Matt McCarthy and Deputy Chief Sherie Thomas were absent.

II. APPROVAL OF NOVEMBER 15, 2023, P.S.A.C. MINUTES

Asst. Chief Brian Jackson asked if there was a motion to approve the November 15, 2023 minutes.

MOTION

Sheriff Osmond: I'll make a motion that we approve the minutes. Chief Graham seconded the motion.

Voting in favor; Sgt. Bolzer, Lt. Col. Duis, Chief Graham, Chief Deputy London, Sheriff Osmond, Chief Reeves, Asst. Chief Jackson. Motion approved.

III. REPORTS

A. Director's Report

Director Stephenson reported that interviews for the Deputy Director of Training were conducted on December 18, 2023. Five candidates were interviewed. Randi Webb, Gene Boner, Wyatt Hoagland, Mark Hogue and Jim Davis were all interviewed. The interview panel consisted of Captain Jennifer Russell of the Omaha Police Department, Sgt. Dan Noonan of the Lincoln Police Department, Captain Andy Ecklund of the Nebraska State Patrol, Director Scott Wagner of the Sarpy/Douglas Law Enforcement Academy, Executive Director Brian Tuma, Agency Counsel Dave Stolz, and Director Stephenson. The panel chose a candidate, and an announcement will be made later this week once the process is complete. The deadline for the 216th Basic was December 2, 2023. As of that



date, 70 applications had been received. The statistics for the receipt of packets is outlined below:

- By September 2nd: 3 completed application packets were received.
- By October 2nd: 13 additional application packets were received. They were not complete.
- By November 2nd: 17 additional application packets were received. They were not complete.
- The week prior to the application deadline: 37 additional applications were received.

The deadline fell on a Saturday and Jessica Wagoner and Martha Hutchinson both worked that Saturday to insure all of the received packets were processed.

Of the 70 applications received, 3 were denied, 5 were incomplete at the time of the deadline of December 2nd. One of the denials is on the agenda for December 20th and one will potentially be on the January 2024 agenda. The third one was withdrawn due to the applicant no longer being employed by the agency.

Director Stephenson provided a draft of a handout that will be posted on the website as well as being sent to all of the agencies. The handout is a guideline for the application process. It will include the steps, dates, and items needed for completing the application process. Mr. Stephenson outlined the changes to procedures that did not require any changes in rules and regulations.

As of December 2, 2023 the LEAR program has processed 2,614 applications and paid out 2.8 million dollars.

The Training Center is in the process of filling the Compliance Coordinator position. Once the Deputy Director and Compliance Coordinator positions are filled the Training Center will be at full staff.

B. Deputy Director's Report

Interim Deputy Director Wyatt Hoagland reported that the 215th Basic graduated on December 15th with 44 students graduating. The 44 students represented 33 agencies.

The Training Center hosted the following courses:

- NCIC Training-November 6-8, 2023 with 23 students enrolled.
- Field Training Officer-November 13-17, 2023 with 24 students enrolled.
- Firearms Instructor Recertification-November 14, 2023 with 11 students enrolled.
- Patrol Rifle Instructor Recertification-November 15, 2023 with 1 student enrolled.

C. Nebraska State Patrol Training Academy

Captain Andy Ecklund reported that the recruit camp graduated on December 15, 2023 with 6 new troopers. The next camp will begin on January 2, 2024 with 17 recruits enrolled.

D. Crime Commission Report

Executive Director Tuma was not present. There was no Crime Commission report.

IV. Old Business

V. New Business

A. Academy Instructor Requests

1. Legal Renewal

Nicole Hutter-SDLEA
David Stolz-NLETC

After review by the NLETC staff, Interim Deputy Director Hoagland recommends approval of all of the Legal Renewal academy instructor applications as presented in the agenda.

Asst. Chief Jackson asked if there was a motion.

MOTION

Sheriff Osmond: I'll make a motion to approve the Legal Renewal Instructor Applications for Nicole Hutter of SDLEA and David Stolz of the Nebraska Law Enforcement Training Center for the subject areas that are marked approved on the instructor applications provided in the agenda packet. Chief Graham seconded the motion.

Voting in favor: Lt. Col. Duis, Chief Graham, Chief Deputy London, Sheriff Osmond, Chief Reeves, Asst. Chief Jackson, Sgt. Bolzer. Motion approved.

2. Professional Original

Cody Axon-SDLEA
Justin Kennel-SDLEA
Joshua Kiser-SDLEA

Derek Schwartz-SDLEA

After review by the NLETC staff, Interim Deputy Director Hoagland recommends approval of all of the Professional Original academy instructor applications as presented in the agenda.

Asst. Chief Jackson asked if there was a motion.

MOTION

Sheriff Osmond: I'll make a motion to approve the Professional Original Instructor Applications for Cody Axon, Justin Kennel, Joshua Kiser, and Derek Schwartz of the SDLEA law enforcement academy for the subject areas that are marked approved on the instructor applications provided in the agenda packet. Sgt. Bolzer seconded the motion.

Voting in favor: Chief Graham, Sheriff Osmond, Chief Reeves, Asst. Chief Jackson, Sgt. Bolzer, Lt. Col. Duis. Abstained: Chief Deputy London. Motion approved.

3. Professional Renewal

Nicholas Plate-NE State Patrol
Gabe Skalka-NE State Patrol
David Staskiewicz-Omaha Police Department
Anthony White-Omaha Police Department

After review by the NLETC staff, Interim Deputy Director Hoagland recommends approval of all of the Professional Renewal academy instructor applications as presented in the agenda.

Asst. Chief Jackson asked if there was a motion.

MOTION

Chief Deputy London: I'll make a motion to approve the Professional Renewal Instructor Applications for Nicholas Plate and Gabriel Skalka of NSP, David Staskiewicz and Anthony White from OPD for the subject areas that are marked approved on the instructor applications provided in the agenda packet. However, David Staskiewicz from OPD shall not be able to instruct the Patrol Rifle and Anthony White from OPD is not authorized to teach the legal courses. Sheriff Osmond seconded the motion.

Voting in favor: Chief Deputy London, Sheriff Osmond, Chief Reeves, Asst. Chief Jackson, Sgt. Bolzer, Chief Graham. Abstained: Lt. Col. Duis. Motion approved.

4. General Original

Andrea Hurt-SDLEA

After review by the NLETC staff, Interim Deputy Director Hoagland recommends approval of all of the General Original academy instructor applications as presented in the agenda.

Asst. Chief Jackson asked if there was a motion.

MOTION

Sheriff Osmond: I'll make a motion to approve the General Original Instructor Application for Andrea Hurt of the SDLEA for the subject areas that are marked approved on the instructor application provided in the agenda packet. Chief Graham seconded the motion.

Voting in favor: Sheriff Osmond, Chief Reeves, Asst. Chief Jackson, Sgt. Bolzer, Lt. Col. Duis, Chief Graham. Abstained: Chief Deputy London. Motion approved.

B. NCO's Eligible for Automatic Extension

Easton Hanson-Cass County Sheriff's Office
Raymond Fuller-Columbus Police Department
Jared Meisinger-Columbus Police Department
Kolton Sliva-Hall County Sheriff's Office
Jared Wilson-Hall County Sheriff's Office
Tanner Krogman-Johnson County Sheriff's Office
Matthew Milby-Nancy County Sheriff's Office
William Barnes-Nebraska City Police Department
Raudel Perez-University of Nebraska Omaha Police Department

Director Stephenson reported that the NCO's listed above have completed all qualifications to be eligible for the automatic extension.

Asst. Chief Jackson asked if there was a motion.

MOTION

Chief Deputy London: I'll make a motion that we give an automatic extension for the NCO's listed on the agenda. Sheriff Osmond seconded the motion.

Asst. Chief Jackson asked for clarification on the motion that it only included the NCO's listed on item B of the agenda.

Voting in favor: Chief Reeves, Asst. Chief Jackson, Sgt. Bolzer, Lt. Col. Duis, Chief Graham, Chief Deputy London, Sheriff Osmond. Motion approved.

C. NCO's Not Eligible for Automatic Extension

David Baltz-Broken Bow Police Department
Mason Trvs-Cheyenne County Sheriff's Office
Hansel Veras-Johnson County Sheriff's Office
Alicia Downey-Kimball County Sheriff's Office
Hannah Schoen-Nebraska City Police Department

Director Stephenson reported those listed above are not eligible for the automatic extension. Mason Trvs will be in basic training in February. David Baltz and Alicia Downey failed the PRET test. Hansel Veras failed the TABE test. Hannah Schoen failed the PRET and is no longer with the agency.

Asst. Chief Jackson asked if there was a motion.

MOTION

Chief Deputy London: I'll make a motion that we not grant an automatic extension for the NCO's listed on the agenda section C. Sheriff Osmond seconded the motion.

Voting in favor: Asst. Chief Jackson, Sgt. Bolzer, Lt. Col. Duis, Chief Graham, Chief Deputy London, Sheriff Osmond, Chief Reeves. Motion approved.

D. Proposed Tuition / Fees

Director Stephenson presented the proposed tuition/fees that will take effect July 1, 2024. The only change from the current fee schedule is to increase the cost of the TABE testing to \$15.00 from \$10.00. The testing fee has not increased in 10 years. The Training Center is looking at providing the TABE tests electronically.

Asst. Chief Jackson asked if there was a motion.

MOTION

Chief Deputy London: I'll make the motion that we accept the proposed tuition/fee schedule that will take effect July 1st 2024. Sheriff Osmond seconded the motion.

Voting in favor: Sgt. Bolzer, Lt. Col. Duis, Chief Graham, Chief Deputy London, Sheriff Osmond, Chief Reeves, Asst. Chief Jackson. Motion approved.

E. SDLEA Recruit Class Approval for 2024

Director Stephenson reported that Director Scott Wagner has requested approval for two SDLEA recruit classes in 2024. One will begin on the 8th of January that will run through the 24th of May and one for the 1st of July running through the 15th of November. No more than 24 recruits are anticipated in either of the courses.

Asst. Chief Jackson asked if there was a motion.

MOTION

Sheriff Osmond: I'll make a motion that we approve the two classes requested by Scott Wagner for SDLEA. Chief Graham seconded the motion.

Voting in favor: Lt. Col. Duis, Chief Graham, Chief Deputy London, Sheriff Osmond, Chief Reeves, Asst. Chief Jackson, Sgt. Bolzer. Motion approved.

F. Extension of the 1-year Requirement for Supervision

Jose Barboza-Kimball Police Department

Interim Deputy Director Hoagland reported that Mr. Barboza was promoted to the rank of Sergeant in June 2023. NLETC held a Supervision course in July of 2023, but it was full. Interim Deputy Director Hoagland recommends granting the extension.

Chief Deputy London asked if he would attend the next class in 2024. Interim Deputy Director Hoagland responded that the dates have not been set at this time but that was the plan from the Chief of Kimball.

Asst. Chief Jackson asked if there was a motion.

MOTION

Chief Deputy London: I'll make a motion that we give an extension of the 1-year requirement to Mr. Barboza of the Kimball P.D. as long as he takes the Supervision class in 2024. Sheriff Osmond seconded the motion.

Voting in favor: Chief Graham, Chief Deputy London, Sheriff Osmond, Chief Reeves, Asst. Chief Jackson, Sgt. Bolzer, Lt. Col. Duis. Motion approved.

G. Nebraska Revised Statute 81-1462

Director Stephenson reported that 81-1462 (hiring bonus grant). It is mentioned in the statute that the Council sets recommended staffing standards. The Council would need to decide what is a recommended staffing level and who is going to administer the program.

Asst. Chief Jackson agreed to create a committee that is representative of the Council to meet to develop the program. Sheriff Osmond asked if a motion was needed to table the item. Counsel recommended a motion for the record.

MOTION

Chief Deputy London: I'll make a motion that we table discussion on Nebraska Revised Statute 81-1462 hiring bonus grants. Chief Graham seconded the motion.

Voting in favor: Chief Deputy London, Sheriff Osmond, Chief Reeves, Asst. Chief Jackson, Sgt. Bolzer, Lt. Col. Duis, Chief Graham. Motion approved.

The Council took a break from 9:35-9:45 a.m. before the next item on the agenda.

1 **H. Appeal: Director’s Denial to Attend Basic Training**

2 Joshua Briley-Nebraska City Police Department

3 **CHAIR:** The matter now before the Police Standards Advisory Council is the Beatrice
4 Police Department on behalf of its applicant, Joshua Briley v. the Nebraska Law
5 Enforcement Training Center, Case Number 23-PSAC 97.

6 **CHAIR:** I will now call this hearing to order at 0934 hours. I will note the following
7 Council members are present: myself, Assistant Chief Brian Jackson, Lincoln
8 Police Department; Sgt. Drew Bolzer, Lancaster County Sheriff’s Office; Lt. Col.
9 Buck Duis, Nebraska State Patrol; Chief Paul Graham, Aurora Police Department;
10 Chief Deputy Greg London, Sarpy County Sheriff’s Office; Sheriff Dan Osmond,
11 Custer County Sheriff’s Office; and Chief Steve Reeves, North Platte Police
12 Department.

13 **CHAIR:** The Council has been asked by the petitioner, Nebraska City Police Department to
14 consider reversing Director Stephenson’s denial of Mr. Briley’s entrance into the
15 Basic Law Enforcement Officer Certification course.

16 **CHAIR:** The Council is here pursuant to its authority as stated in Nebraska Revised Statute
17 §81-1403, its related statutes and Title 79 of the Nebraska Administrative Code.

18 **CHAIR:** I will not that the petitioner, Captain Lonnie Neeman is present along with the
19 petitioner’s applicant Josh Briley, Joshua Briley, I apologize. Are you represented
20 by any counsel today?

21 **CAPTAIN:** No.

22 **CHAIR:** The Nebraska Law Enforcement Training Center Director Mark Stephenson is
23 present and will present the case on behalf of NLETC. Is there any attorney for
24 NLETC?

25 **DIRECTOR:** No.

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

27 **DIRECTOR:** No sir.

28 **CHAIR:** Captain?

29 **CAPTAIN:** No.

30 **CHAIR:** Thank you.

31 **CHAIR:** Title 79 of the Nebraska Administrative Code, Chapter 8, specifies the
32 requirements that must be met by an applicant in order to be eligible for the Basic
33 Law Enforcement Officer Certification Course. Pursuant to Title 79, Chapter 8,
34 section 009.02, upon request of an applicant or agency, the Council will conduct a
35 hearing in order to determine whether the applicant meets the qualifications for
36 admission into a certification course. The burden during the appeal hearing is on
37 the applicant to demonstrate by clear and convincing evidence that he meets
38 admission qualifications.

39 **CHAIR:** Per Title 79, Chapter 13, section 004.02G, the issues of this appeal will be limited
40 to those raised in the request for review and reconsideration as provided in section
41 004.02C and the director's written decision in response.

42 **CHAIR:** The decision of the Council is final.

43 **CHAIR:** Captain Neeman, I want to go over your rights in this Administrative Hearing.

44 **CHAIR:** You have a right to be heard, either in person by counsel who you would have
45 hired at your own expense. You also have a right to notice; that is to receive a
46 statement from the State, the Nebraska Law Enforcement Training Center,
47 detailing or justifying its actions in this matter.

48 **CHAIR:** Do you understand those rights?

49 **CAPTAIN:** Yes sir.

50 **CHAIR:** Did you receive such notice via letters from Director Stephenson stating his
51 reasons for denial of Joshua Briley's basic application?

52 **CAPTAIN:** Chief Lacy did, and he forwarded them on to me. Yes.

53 **CHAIR:** Ok. I'll except that. Did you notice any defects in those letters or were you notified
54 of any defects in those letters that prejudiced you from presenting your case?

55 **CAPTAIN:** No sir.

56 **CHAIR:** Additionally, you have a right to present evidence at this hearing, a right to the
57 Council's findings and the right to seek judicial review thereafter. Do you
58 understand those rights?

59 **CAPTAIN:** Yes sir.

60 **CHAIR:** The Police Standards Advisory Council shall act as the Hearing Board for this
61 appeal. Neither I, nor any other Council member, will be witness for either sided
62 and I am not aware of any matter which I believe may be grounds for challenge by
63 either side against me or our other members. As it pertains to your appeal of the
64 director's decision to deny your applicant entrance into the Basic Officer
65 Certification course, I have not had any personal information conveyed to me nor
66 do I have personal knowledge of this case.

67 **CHAIR:** Does any Council member have any personal knowledge of the petitioner's appeal
68 for the entrance into the basic officer certification course?

69 **CHAIR:** Sgt. Bolzer?

70 **BOLZER:** No.

71 **CHAIR:** Lt. Col. Duis?

72 **DUIS:** No.

73 **CHAIR:** Chief Graham?

74 **GRAHAM:** No.

75 **CHAIR:** Chief Deputy London?

76 **LONDON:** No.

77 **CHAIR:** Sheriff Osmond?

78 **OSMOND:** No.

79 **CHAIR:** Chief Reeves?

80 **REEVES:** No.

81 **CHAIR:** Ok. Does either side have any further questions or challenges for cause against
82 any member of this Council?

83 **DIRECTOR:** No sir.

84 **CAPTAIN:** No sir.

85 **CHAIR:** Director Stephenson, do you have any procedural documents for this case, and if
86 so, please present them to the Council.

87 **DIRECTOR:** Yes sir. I have two exhibits. Both are contained in the binder. I did exhibit one and
88 two this time. The first exhibit contains documentation from the Nebraska Law
89 Enforcement Training Center for Mr. Briley. All of his personal identifying
90 information has been redacted. Documents include; his change in status form,
91 application for training, employment verification, law enforcement background or
92 agency background verification, his character affidavit and the authority to release
93 his information. The second exhibit is a denial packet which includes a copy of the
94 original letter of denial dated November 30th, the intent to appeal from Chief Lacy
95 dated December 1st, the email requesting reconsideration from Chief Lacy and
96 then my denial of the reconsideration dated December 1st. The final email denial
97 dated December 4th, the appeal letter, which was attached to his first intent to
98 appeal is also included and that is dated December 1st. If I could approach, I will
99 present these to you.

100 **CHAIR:** You may.

101 **CHAIR:** You present this as just exhibit one?

102 **DIRECTOR:** Two exhibits, just in the same binder, yes.

103 **CHAIR:** Ok.

104 **DIRECTOR:** Marked exhibit one and exhibit two.

105 **CHAIR:** Ok. And once again exhibit two is demonstrated by which tab?

106 **DIRECTOR:** There is a tab that should say exhibit two on there and everything behind that is
107 exhibit two.

108 **CHAIR:** Oh there it is. I've got it. This is the first time, that is why I was asking those
109 questions. My apologies.

110 **CHAIR:** Exhibit one and Exhibit two is accepted. Has been received and had been entered
111 into the record.

112 **CHAIR:** Does either side wish to address any further preliminary matters?

113 **CAPTAIN:** No sir.

114 **DIRECTOR:** No.

115 **CHAIR:** Captain Neeman, as the petitioner, you may make an opening statement at this
116 time.

117 **CAPTAIN:** Do I stand?

118 **CHAIR:** No, you can sit. Absolutely, thank you though.

119 **CAPTAIN:** Our department, Mr. Briley here applied for our department. He was denied and so
120 we are here to appeal the denial to try to get him into the basic. So, we think he's a
121 good candidate so that's why we're here.

122 **CHAIR:** Ok. Director Stephenson, do you wish to make an opening statement?

123 **DIRECTOR:** Yes sir. Members of the Council, Joshua Briley is currently employed with the
124 Nebraska City Police Department and has applied for the NLETC Basic policy

125 academy 216th class. I reviewed Mr. Briley's application packet. The review
126 consisted of comparing the information supplied by Mr. Briley and his agency as
127 well as additional background information against the standards set for in
128 Nebraska Administrative Law Title 79, Chapter 8. The basis for the initial denial of
129 Mr. Briley's application is found on the following grounds: Nebraska Administrative
130 Code, Title 79, Chapter 8, section 005.02A, which states, the Council finds that a
131 person serving in the capacity of a Nebraska law enforcement officer must be of
132 good moral character. Besides the requirements imposed by section 005.01A
133 through 005.01Q, a person of good character is someone who generally can be
134 defined as an individual who has not, under 005.02A6A has not illegally sold,
135 produced, cultivated, or transported marijuana or other controlled substances. Mr.
136 Briley disclosed on his personal character affidavit on page 4 that he had been
137 cited for possession of marijuana paraphernalia in 2016 and on page 7, number 1,
138 cited, and I quote, "Would sell to people/friends I knew while living in Lincoln
139 Nebraska 2016 to 2017." Citation for possession of marijuana paraphernalia from
140 2016 falls outside the two year window of Title 79, Chapter 8, grounds for a
141 mandatory denial considered on face value. However, with Mr. Briley's disclosure
142 of selling marijuana, or other controlled substance as no specifics were disclosed,
143 there is no timeline for this particular section. For these reasons, Mr. Briley's
144 application to basic police academy training was denied.

145 **CHAIR:** Can you just repeat for me, is 2017 is when this was reported?

146 **DIRECTOR:** The citation was in 2016.

147 **CHAIR:** Selling to his friends?

148 **DIRECTOR:** His quote was "Would sell to people/friends I knew while living in Lincoln
149 2016/2017.

150 **CHAIR:** Ok. Thank you. Any additional information?

151 **DIRECTOR:** No.

152 **CHAIR:** Ok. Now is the time for further evidence can be presented to the Council. This may
153 include written evidence, witness testimony and/or any unsworn statements by
154 yourself. Captain Neeman do you have any written evidence you want us to
155 consider on behalf of your agency?

156 **CAPTAIN:** Yes sir I do.

157 **CHAIR:** Ok. Do you want to describe it and then you can bring it forth?

158 **CAPTAIN:** I have letters from the police chief. First off I want to apologize that the Chief is not
159 here. He's on vacation that was planned six months ago and he's in Texas, so I got
160 the honor to come here. So I, but I've got letters and some of it will probably be
161 repeats of what Mr. Stephenson has put in there, as far as, the emails back and
162 forth but also, I think the Chief outlined a few things as to why this should be
163 overturned. Including, I think, directions for the Police Council to I guess to
164 consider for when overturning the suspension I guess, or denial.

165 **CHAIR:** And you said that's in the written documentation?

166 **CAPTAIN:** Yes sir. And also too, there's about seven letters of recommendation from various
167 people that are also in here. They include the principal of our high school, used to
168 be a principal of our middle school, that are also member of our civil service board.
169 There are several law enforcement officers here, including one from, I realize it will
170 be a little biased, but it's from his dad who is a deputy sheriff down in Otoe County.
171 And we have several letters of recommendation from other law enforcement
172 officers.

173 **CHAIR:** Ok. As part of your written evidence, do you want to summarize the Chief's
174 reasoning why the Council should, I think there might be a benefit there for you to
175 maybe summarize it for us before you present it.

176 **CAPTAIN:** Can I read the Chief's letter?

177 **CHAIR:** You surely can.

178 **CAPTAIN:** Perhaps today, we are here today because of the administrative direction. When
179 preparing the documents I always tell these guys to be honest, to be truthful, don't
180 ever leave anything out. In this case, you know, he put on there that he was, you
181 know, when he was sixteen/seventeen years old, he did sell some marijuana to
182 some people. He was a juvenile. He was never cited. Never arrested. Never
183 charged with it but he admitted to it. We are not denying that he did that but
184 anyway, considering on, that was disclosed on his personal character affidavit. You
185 know, like I said, he was a basically a juvenile at the time. Also too, you know, the
186 applicants had the duty to disclose any information about illegal things in the past
187 which he did. And also to, I think, the Chief would like you to take under
188 consideration his age at the time and what he's done since then. You know, as far
189 as change. He's not a sixteen / seventeen year old kid anymore.

190 **CHAIR:** Ok.

191 **CAPTAIN:** I don't know if that helps.

192 **CHAIR:** Would you like to present that, you present that as one item of evidence?

193 **CAPTAIN:** Yah, he just put it all together and like I said, the letters of recommendation are
194 also here.

195 **CHAIR:** If you would like to bring them forward. Thank you.

196 **CAPTAIN:** Thank you.

197 **CHAIR:** These have been received as Exhibit 3 and are entered into the record.

198 **CHAIR:** Captain Neeman do you have any additional evidence or testimony to offer, which
199 would include any witness testimony that you may have?

200 **CAPTAIN:** Written testimony, no. Just I think he would like to, I think he wants to speak.

201 **CHAIR:** He would be a witness.

202 **CAPTAIN:** But other than that, just kind of outline what the Chief (unintelligible).

203 **CHAIR:** Ok. If you are presenting him as a witness then certainly this is his opportunity to
204 speak.

205 **BRILEY:** I would like to thank everybody for taking the time to hear this matter. Looking
206 back, if you saw me from when I was that age, you know seventeen, to now, you
207 wouldn't even recognize the same person. I know that I messed up. I know that I
208 have done some things that I'm not proud of. I have to deal with it every day. I just
209 want to, please take into consideration, that I do have a passion for law
210 enforcement. I've tried to make changes in my life. I've worked in the corrections at
211 the Nebraska Department of Corrections with Tecumseh State Correctional
212 Institution. I worked there for nearly two years. Then following that I was hired on at
213 the Madison County Sheriff's office as a correctional officer. I worked there for
214 about two years as well. I do have a family now. I've got three kids, a fiancée that
215 I'm going to marry next June. I feel that I've come a long way. I guess its up to your
216 guy's discretion to take that into consideration.

217 **CHAIR:** Can you just give your name?

218 **BRILEY:** My name is Joshua Briley.

219 **CHAIR:** And you're living in Nebraska City?

220 **BRILEY:** Yes.

221 **CHAIR:** Ok. Do you have any questions of the witness?

222 **DIRECTOR:** No sir.

223 **CHAIR:** Does anyone on the Council have any questions of the witness?

224 **LONDON:** Joshua, you were in high school when this happened?

225 **BRILEY:** I had just graduated, so I was, I guess eighteen. I had just moved out. I moved up
226 to Lincoln and during that time I, you know, I considered Lincoln my hometown. I
227 was around the college, you know, college age kids doing some dumb stuff.

228 **LONDON:** Were you working or were you a student?

229 **BRILEY:** I was not a student. I was working. At that time I was working for a landscaping
230 company. I can't tell you the name of it as its been so many years since I worked
231 for them.

232 **LONDON:** How many times did you sell?

233 **BRILEY:** I could count a handful of times. I can't tell you the exact number, but it was five or
234 less.

235 **LONDON:** And how much would you sell?

236 **BRILEY:** It was minimal amounts. It was basically just sharing. Friends would ask me, you
237 know, hey you mind if I buy some from you? I will share it with you, it was basically
238 enough to just share between one or two people.

239 **LONDON:** So it wasn't a pound or even an ounce?

240 **BRILEY:** No.

241 **LONDON:** And it was just marijuana?

242 **BRILEY:** Correct.

243 **LONDON:** Did you always know the people you sold it to?

244 **BRILEY:** Yes.

245 **LONDON:** And you considered them friends or just people...

246 **BRILEY:** Friends. I don't even have communication with those people anymore.

247 **LONDON:** So it was five or less times?

248 **CHAIR:** Josh by math, that puts you at about 25?

249 **BRILEY:** Correct.

250 **CHAIR:** So just run me through a timeline. You moved to Lincoln in 2018?

251 **BRILEY:** Yes correct.

252 **CHAIR:** Worked for some business on (unintelligible) road?

253 **BRILEY:** It was a landscaping company.

254 **CHAIR:** Corrections started when?

255 **BRILEY:** I just turned 21.

256 **CHAIR:** So basically in the last four years you have worked corrections, whether county or
257 state?

258 **BRILEY:** County or state, yes.

259 **CHAIR:** Ever terminated from any of those jobs?

260 **BRILEY:** No.

261 **CHAIR:** In your process with the Nebraska City, how do they determine your truthfulness?
262 Did you take a polygraph?

263 **BRILEY:** What's that?

264 **CHAIR:** Do they administer a polygraph?

265 **CAPTAIN:** No.

266 **CHAIR:** Any other questions from the Council?

267 **LONDON:** When was the last time you smoked marijuana?

268 **BRILEY:** Seven years ago.

269 **BOLZER:** Why haven't you smoked since?

270 **BRILEY:** I have kids, I've growed up. Obviously, I realized that if I want to be in law
271 enforcement that's not an option. When I met my fiancée eight years ago, I knew

272 that if wanted to have a relationship with her and build a family, I would have to
273 grow up.

274 **OSMOND:** Was your dad in law enforcement at the time?

275 **BRILEY:** Yes sir.

276 **OSMOND:** So you said you've got a fiancée, you have some kids, is there anything else that
277 you've done to make yourself better from that situation?

278 **BRILEY:** I participate in local events. Stuff like that. I volunteer with different events. I just try
279 to do the best I can.

280 **BOLZER:** Do you still associate with those people you sold marijuana to?

281 **BRILEY:** No.

282 **BOLZER:** Were they co-workers or...

283 **BRILEY:** They were just people. I lived in an apartment complex everybody in the apartment
284 complex knew each other. I knew a handful of people at that time that lived there
285 and occasionally they would ask me, hey do you mind if I buy some from you. So
286 that was kind of the guidelines to where it started and how it happened?

287 **BOLZER:** And how much would you have in your possession at any given time?

288 **BRILEY:** An eighth maybe at most. Usually just a couple of grams.

289 **CHAIR:** So Joshua, just to follow up on Sheriff Osmond's line of questioning, now is the
290 time to share your growth and mitigating factors from what you did when you were
291 eighteen years old. So, I would be interested in, so if you volunteer, you do other
292 things, that you kind of indicated, now is the time to share that with us. So, we don't
293 know if you don't tell us.

294 **BRILEY:** I had that written down, I didn't bring it with me. I volunteer at like the Fly-Ins and
295 stuff like that, which is an event put on by the airport. It's like a pancake feed,
296 breakfast feed, I'll help out every year with that. I have been in corrections. I

297 participate in local sporting events and stuff like that with the community. I've
298 distanced myself from the people I knew back then to kind of like break away from
299 that old me if you would say. I go to church occasionally when I can. With three
300 kids its kind of hard sometimes. I go to church.

301 **CHAIR:** Ok. Is there any other questions from the Council?

302 **STOLZ:** Mr. Chairman may I pose a few questions?

303 **CHAIR:** Sure.

304 **STOLZ:** Mr. Briley, when did you first start using marijuana?

305 **BRILEY:** It would have been my senior year in high school, 2016.

306 **STOLZ:** How were you able to acquire?

307 **BRILEY:** Through people I knew in school.

308 **STOLZ:** And these were other people who were using marijuana as well?

309 **BRILEY:** Correct.

310 **STOLZ:** When you came to Lincoln, how were you able to acquire?

311 **BRILEY:** It started out, my cousin had lived up there and he knew some people, so that's
312 how I got to know these people.

313 **STOLZ:** So did you buy it from your cousin or your cousin's associates?

314 **BRILEY:** My cousins associates.

315 **STOLZ:** And you didn't know them personally?

316 **BRILEY:** Personally at the beginning I didn't. I came to know them over time.

317 **STOLZ:** And I think you mentioned, to just be clear, how much would you buy from these
318 individuals?

319 **BRILEY:** An eighth at most.

320 **STOLZ:** And in time, how often would you do that?

321 **BRILEY:** I would say every couple of weeks.

322 **STOLZ:** And you said you, according to you, you sold to your friends maybe five times or
323 less?

324 **BRILEY:** Correct.

325 **STOLZ:** How much did you charge them for what you were selling?

326 **BRILEY:** Ten bucks, twenty bucks.

327 **STOLZ:** You said you've known your fiancée for eight years?

328 **BRILEY:** Yes. I met her in Lincoln. She was going to UNL to become a nurse.

329 **STOLZ:** And your last marijuana use was seven years ago?

330 **BRILEY:** Correct.

331 **STOLZ:** That's all I have.

332 **CHAIR:** Ok. Any other questions before I move on? Captain Neeman do you have any
333 additional evidence or testimony you would like to offer?

334 **CAPTAIN:** No, I think Mr. Briley, he was a juvenile through a lot, if not all of this, and we all
335 make mistakes when we were young and made poor decisions. And there are
336 those that make poor decisions today. You know, that no, I think people can
337 change. I think Mr. Briley obviously has. He rose to the position of Corporal in the
338 Nebraska Department of Corrections when he was there. Which granted, probably
339 isn't very high but, you know, he was there. You know, over the years I've known
340 people that, not messed with, you know, I know a gentleman who used to be on
341 our police department, and granted, that's been a long time ago, but he, he did
342 every drug before he was hired that came along. Meth wasn't around then but you
343 know, and now he turned his life around, became a certified officer, put himself
344 through law school, now he's a district judge here in the State of Nebraska. And I
345 am very proud of him. People can change and I think Mr. Briley has.

346 **CHAIR:** Ok. Director Stephenson, do you have any additional evidence or testimony to
347 offer?

348 **DIRECTOR:** Only my closing sir.

349 **CHAIR:** Ok. Captain Neeman, do you have anything additional to offer in light of the
350 training...well they didn't provide anything, but you'll get a closing statement in just
351 a moment, but do you have anything else you would like to add?

352 **CAPTAIN:** Not right now.

353 **CHAIR:** Ok. If you would like to make a closing argument, you can. You kind of just did but
354 if you'd...

355 **CAPTAIN:** Yah. No, I think what I just said was, pretty much says it all.

356 **CHAIR:** Director Stephenson, do you have anything in closing?

357 **DIRECTOR:** Yes sir. Mr. Briley disclosed all the necessary information. The facts presented to
358 you were discovered upon review of his application packet. This case is being
359 presented to you today based upon that information that was disclosed in the
360 application packet.

361 **CHAIR:** Ok. Thank you. Does the Council have any additional questions for either the
362 respondent or Captain Neeman?

363 **CHAIR:** Ok. Is there a motion to go into executive session?

364 **LONDON:** I would move that the Council go into executive session based on the prevention of
365 needless injury to the reputation of Joshua Briley and for the purpose of executive
366 session we will allow the following to remain in the room; all Council members,
367 Council secretary and the legal advisor.

368 **CHAIR:** Is there a second?

369 **GRAHAM:** Second.

370 **CHAIR:** Ok. Chief Graham. Call the role.

371 **SECRETARY:** Sheriff Osmond?

372 **OSMOND:** Yes.

373 **SECRETARY:** Chief Reeves?

374 **REEVES:** Yes.

375 **SECRETARY:** Assistant Chief Jackson?

376 **CHAIR:** Yes.

377 **SECRETARY:** Sgt. Bolzer?

378 **BOLZER:** Yes.

379 **SECRETARY:** Lt. Col. Duis?

380 **DUIS:** Yes.

381 **SECRETARY:** Chief Graham?

382 **GRAHAM:** Yes.

383 **SECRETARY:** Chief Deputy London?

384 **LONDON:** Yes.

385 **SECRETARY:** Motion approved.

386 **CHAIR:** At this time I would remind those present in executive session that they must
387 restrict their discussion in closed session to the issues currently before the Council.
388 We are now in executive session. The time is 10:12.

389 **CHAIR:** The meeting of the Police Standards Advisory Council will come to order. Is there a
390 motion to come out of executive session?

391 **GRAHAM:** I make a motion that we come out of executive session.

392 **CHAIR:** There's a motion. Is there a second?

393 **OSMOND:** I'll second it.

394 **CHAIR:** Sheriff Osmond. There is a motion and a second, call the role.

395 **SECRETARY:** Chief Reeves?

396 REEVES: Yes.

397 SECRETARY:Assistant Chief Jackson?

398 CHAIR: Yes.

399 SECRETARY:Sgt. Bolzer?

400 BOLZER: Yes.

401 SECRETARY:Lt. Col. Duis?

402 DUIS: Yes.

403 SECRETARY:Chief Graham?

404 GRAHAM: Yes.

405 SECRETARY:Chief Deputy London?

406 LONDON: Yes.

407 SECRETARY:Sheriff Osmond?

408 OSMOND: Yes.

409 SECRETARY:Motion approved.

410 CHAIR: Ok, all parties present when the Council went into executive session are again
411 present. The time is 1034 hours. Is there a motion?

412 LONDON: I'll make a motion that we overturn Director Stephenson's denial and that Joshua
413 Briley's application should be accepted.

414 CHAIR: Is there a second?

415 OSMOND: I'll second it.

416 CHAIR: Sheriff Osmond. Any discussion? Ok, call the role.

417 SECRETARY:Assistant Chief Jackson?

418 CHAIR: Yes.

419 SECRETARY:Sgt. Bolzer?

420 BOLZER: No.

421 **SECRETARY:**Lt. Col. Duis?

422 **DUIS:** Yes.

423 **SECRETARY:**Chief Graham?

424 **GRAHAM:** Yes.

425 **SECRETARY:**Chief Deputy London?

426 **LONDON:** Yes.

427 **SECRETARY:**Sheriff Osmond?

428 **OSMOND:** Yes.

429 **SECRETARY:**Chief Reeves?

430 **REEVES:** Yes.

431 **SECRETARY:**Motion approved.

432 **CHAIR:** Ok. Captain Neeman, as you have heard, the Council has granted your appeal. We

433 do prepare, the Council will prepare written findings of fact and conclusions of law

434 pertaining to today's hearing and the Council's decision. Where do you want that to

435 be sent?

436 **CAPTAIN:** You can send it to Chief Lacy at the Nebraska City Police Department.

437 **CHAIR:** Ok.

438 **CAPTAIN:** He's in the office this week.

439 **CHAIR:** It takes a little bit of time.

440 **CAPTAIN:** Oh, ok.

441 **STOLZ:** Will email work?

442 **CAPTAIN:** Yes. You guys have his email. I don't know if the chief is even answering his email.

443 **CHAIR:** So this may help. According to Title 79 of the Nebraska Administrative Code,

444 Chapter 8, section 009.02, the Council will render a decision and reduce its

445 decision in writing within two weeks of the hearing; however, I am going to extend
446 that deadline to 60 days. Is that acceptable to you?

447 **CAPTAIN:** Sure.

448 **CHAIR:** It is effective today, but you won't get the official written notification for 60 days.

449 **CAPTAIN:** Yes sir.

450 **BRILEY:** Yes sir.

451 **CHAIR:** Ok. Is there anything else from either side that needs to be addressed?

452 **DIRECTOR:** No sir.

453 **CAPTAIN:** No sir.

454 **CHAIR:** Ok. This hearing is concluded. The time is 10:36 in the morning. You're done.

455 **CAPTAIN:** Thank you.

VI. OTHER BUSINESS

A. Informational Items

1. Trainees: The trainees were listed on the agenda for the Council's information. No action needed.

2. NCO's Completed 80 hours of training: Those who had completed the 80 hours of training were listed on the agenda for the Council's information. No action needed.

B. Date, Time & Location of Next Meeting

January 17, 2024, 9:00 A.M., Library, Nebraska Law Enforcement Training Center, 3600 North Academy Road, Grand Island, Nebraska 68801.

Hearing no further business, Chairman Jackson adjourned the meeting at 10:40 a.m.

Respectfully submitted,



Steven Gobel, Office Specialist