

AGENDA POLICE STANDARDS ADVISORY COUNCIL

DATE: June 18, 2024

TO: Police Standards Advisory Council

FROM: Mark Stephenson, Director

SUBJECT: Meeting Wednesday, June 26, 2024, 9:00 A.M.
Library, Nebraska Law Enforcement Training Center
3600 North Academy Road, Grand Island, Nebraska 68803

I. CALL TO ORDER

II. APPROVAL OF MAY 15, 2024 P.S.A.C. MINUTES

III. 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

IV. OLD BUSINESS

- A. Academy Staffing / Class Size-Voting Item
- B. TABE Scoring-Voting Item

V. NEW BUSINESS

- A. Academy Instructor Applications

Attachment 1



Legal Original-Voting Item

Eric Fabian-Omaha Police Department

Legal Renewal-Voting Item

Amy Jacobsen-Omaha Police Department

Professional Original-Voting Item

Scott Warner-Omaha Police Department

Professional Renewal-Voting Item

Matthew Workman-NE State Patrol
Ruteena Alcantara-Omaha Police Department
Kenneth Fox-Omaha Police Department
Matthew Kelly-Omaha Police Department
Paul Milone-Omaha Police Department

B. Extension of 1-year Requirement to Attend Supervision

1. Brian Fernau-Dakota County Sheriff's Office-Voting Item **Attachment 2**
2. Drew Roalkvan-Scottsbluff Police Dept.-Voting Item **Attachment 3**

C. Extension of 1-Year Requirement to Attend Management

1. James Hetzler-Oakland Police Department-Voting Item **Attachment 4**
2. Jose Ruiz-Kimball Police Department-Voting Item **Attachment 5**
3. Phillip Ricker and Tyler Stricker
Omaha Police Department-Voting Item **Attachment 6**

D. Revocation-Voluntary Surrender-Voting Item

Wayne Wallage-LR-243-23

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

<u>Name</u>	<u>Agency</u>	<u>16 week deadline</u>
Clayton Malcom	Beatrice P.D.	9/6/2024
Michael Klee	Columbus P.D.	9/17/2024

F. Hiring Bonus Grant Approvals-Voting Item

<u>Name</u>	<u>Agency</u>
Mason Tvrs	Cheyenne County SO
Austin Forman	Colfax County SO

Justin Hespen	Colfax County SO
Jaco Henning	Kearney P.D.
Seth Kolm	Madison County SO
Joshua Briley	Nebraska City P.D.

G. Appeal Hearing-Denial of Application to Basic Training-Voting Item

Addison Hejl-Lincoln P.D.: 24-PSAC-101

Attachment 7

V. OTHER BUSINESS

A. Informational Items

1. Trainees-No action needed.

<u>Name</u>	<u>Agency</u>
Tyler Beaty	Greely County SO
Dillon Carmichael	Holdrege P.D.
Blake Edmonds	Keith County SO
Garrett Pedersen	Kimball County SO
Gage Zeigler	Lancaster County SO
Brandon Livingston	Lancaster County SO
Brady Klute	Merrick County SO
Hans Rohrbaugh	Pawnee County SO
Paul Wood	Red Willow County SO
Rachel Jones	Richardson County SO
Lucas Gnat	Stanton County SO

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

<u>Name</u>	<u>Agency</u>
Carlos Parra Loya	Grand Island P.D.
Walter Teepe	Grand Island P.D.
Bradley Clinesmith	North Platte P.D.
Addison Halverson	North Platte P.D.
Joseph Beeson	Schuyler P.D.

B. Date, Time & Location of Next Meeting

July 17, 2024, 9:00 a.m., Library, Nebraska Law Enforcement Training Center, 3600 North Academy Road, Grand Island, Nebraska 68801

REGULAR MEETING OF THE
POLICE STANDARDS ADVISORY COUNCIL
May 15, 2024

I. CALL TO ORDER

Chairman, Sgt. Drew Bolzer called the meeting to order at 9:00 A.M. Legal notice of the meeting was published in the Lincoln Journal Star on April 9, 2024. Roll call; Sgt. Drew Bolzer, Chief Paul Graham, Chief Deputy Greg London, Mr. Matt McCarthy, Sheriff Dan Osmond, Chief Steve Reeves, Asst. Chief Jason Stille, Deputy Chief Sherie Thomas. Lt. Col. Buck Duis was absent

II. APPROVAL OF APRIL 17, 2024 P.S.A.C. MINUTES

Sgt. Bolzer asked if there was a motion to approve the April 17, 2024 minutes.

MOTION

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

Voting in favor: Chief Graham, Chief Deputy London, Mr. McCarthy, Sheriff Osmond, Chief Reeves, Asst. Chief Stille, Deputy Chief Thomas. Abstained: Sgt. Bolzer. Motion approved.

III. REPORTS

A. Director's Report

Director Mark Stephenson reported on the following:

- TABE Scoring Update: In 2019 TABE moved from test versions 9 and 10 to test versions 11 and 12. TABE was hesitant to say what the 11th grade equivalency was. In 2021 TABE adjusted their scores to reflect the new educational standards. To maintain the 11th grade level, the reading score was increased by 40 points and the language score was increased by 37 points.



Before any changes in our current testing and scoring procedures were implemented, Director Stephenson was looking for discussion and input from the Council. Sgt. Bolzer reported that if the standards were raised to the new levels provided by TABE there would be a large increase in the number of people who do not pass the test. Director Stephenson concurred with that statement based on the numbers provided by Melody Pebley. After discussion with TABE, Sgt. Bolzer stated that the TABE test isn't really an equivalency test but a test of the curriculum. Director Stephenson stated that both the TABE test and the Cooper test are being used in a fashion in which neither were designed. TABE was hesitant to provide an equivalency partly because equivalencies are different in different areas of the country. Mr. McCarthy stated that the Council had looked at other tests and they were all problematic in one way or the other. Director Stephenson stated that if the Training Center needs to make accommodations for the TABE testing based on social or economic status, eventually the Training Center would need to make the same accommodations on the NLETC curriculum. Mr. McCarthy asked if accommodations were provided for testing currently. Director Stephenson stated that currently the only accommodation is level 1 for additional time to take the test if that accommodation is asked for. Sgt. Bolzer stated that this needed to be an agenda item. Also, TABE has raised their standards but have not changed the test. Director Stephenson clarified that they did change the test from versions 9 & 10 to versions 11 & 12 but hadn't completed the research necessary to adjust the numbers. Mr. Stolz clarified that it was administrative law that you had to read and write at an 11th grade level for entrance into the academy using a Council approved test. Director Stephenson clarified what the current retesting policy was for the TABE test. This will be brought to the June agenda as an item to be discussed further.

- Basic Academy Size Work Group Update: A meeting was held April 24, 2024. There is another meeting scheduled for May 15th. Staffing, resources and scheduling were discussed. The option to use outside resources presented a logistical challenge. The options for just using NLETC resources for training include; 24 additional days of training, 4 additional night classes, 112 additional guest instructors and 2 additional attorneys. This would cover skills courses to include; mock trials, patrol procedures, mental health scenarios, TAC med scenarios, domestic violence scenarios, defensive tactics, traffic stops, high risk building searches, and active shooter.

B. Deputy Director's Report

Deputy Director Gene Boner reported on the following:

- The 217th Basic class started on April 29, 2024 with 50 students enrolled. There are currently 47 enrolled. Two were removed for academic failures and one agency pulled their officer due to test failures.
- Firearms Instructor course was conducted with 19 students enrolled.
- Advanced Crash Investigation course with 12 students enrolled.
- EVOIC Instructor course with 13 students enrolled.

C. Nebraska State Patrol Training Academy

Captain Andy Ecklund reported on the following:

- Basic Recruit Camp 69 is in week 19. 13 recruits are enrolled.
- Current, past, and upcoming courses for the recruits were reported on.
- May 17th will be guest day where the recruits will receive their first duty station assignments. The recruits will have next week off.
- Graduation is scheduled for June 14, 2024.
- Camp 70 is estimated to begin with 10-15 recruits.
- The State Patrol submitted and received a grant for a VIRTRA simulator. It is being installed and both NSP and NLETC personnel are receiving training to operate the system.

D. Crime Commission Report

Executive Director Bryan Tuma reported on the following:

- The Crime Commission meeting is scheduled for May 17, 2024. The meeting conflicts with the Law Enforcement Memorial ceremony being held in Grand Island but a quorum will still be available.
- The Crime Commission participated in the Back to Blue event in conjunction with National Peace Officer week in Washington D.C. The mobile recruitment billboard was utilized at the RFK stadium venue. No feedback or photos were available.
- The Crime Commission had some realignment and restructuring. Primarily around the grants and juvenile services area. Amy Hoffman was named as the Justice and Youth Programs Director.
- Currently 12-14 misconduct cases for referral to the Attorney General's Office for formal complaints. There will be a contract for services to identify an attorney who will act on behalf of the Attorney General's Office to review the cases and get them ready for the formal review process to help catch up on the backlog.
- Welcome to Jason Stille who was appointed to the PSAC on the retirement date of Asst. Chief Jackson.
- There will be a vacancy on the Jail Standards Board in July 2024. Knox County Sheriff Don Henery will be appointed to the board on July 1, 2024.

IV. Old Business

V. New Business

A. Supervision / Management Core Topics

Director Mark Stephenson presented the proposed Supervision and Management core topics to standardize the criteria for course comparison when an agency makes a request to conduct their own courses or when they are requesting an in-lieu-of waiver for the required course. The general requirements would include:

1. The Supervision or Management course would be required to be a minimum of 24 hours of training. Any subjects outside the core topics would be the choice by the agency.
2. The core topics are recommended but not required to be 2 hours in length.
3. The training course name may vary, but the focus of the topic must be the same or similar.
4. Agencies conducting their own Supervision or Management course should allow officers from outside agencies to attend when there is interest in, attendance and class size allows for outside officers to attend.
5. Agencies seeking to conduct their own Supervision or Management courses must have sufficient certified/experienced staff who routinely conduct department in-service training or conducts their own basic training academy.
6. The core topics may be amended as training needs change. Newly suggested topic(s) will be approved by the PSAC and will replace current topics to prevent monopolizing the entire mandated time for the courses to only core topics.

The Supervision Core Topics:

1. Standards of Performance / Supervision of Marginal Employees.
2. Ethics.
3. Followership / Mentorship.
4. Legal Issues for Supervisors.

The Management Core Topics:

1. Background Investigations.
2. Fiscal Resources.
3. Leadership.
4. Law Enforcement and the Media.

Grandfathered Exceptions: Previously approved by the PSAC.

1. Completion of the IACP's Leadership of Police Organizations Course (LPO) 3-week course meets the requirement for Supervision.
2. FBI's National Academy or Northwestern Command School meets the requirements for Management.
3. Completion of the LPO course along with additional hours to match the core topics would be considered for Management.

If this is approved, NLETC will create forms for the agencies to complete to make the comparison to bring to the PSAC for approval. Chief Deputy London asked for clarification on allowing other agencies to attend. Director Stephenson reiterated that if there is space available and other agencies are interested in attending, the host agency should allow them to attend. The idea was to relieve some of the pressure from the NLETC courses which are consistently full.

MOTION

Chief Deputy London: I make a motion that we approve the proposal on the Supervision/Management core topics. Chief Graham seconded the motion.

DISCUSSION

Mr. McCarthy asked for clarification on the legal issues that we have people attend who are asking for in-lieu-of training. Director Stephenson responded that the Supervision core topic covers legal issues. For Management they would still need the online Title 79 course from Dave Stolz.

Voting in favor: Chief Deputy London, Mr. McCarthy, Sheriff Osmond, Chief Reeves, Asst. Chief Stille, Deputy Chief Thomas, Sgt. Bolzer, Chief Graham. Motion approved.

B. Amendment to Title 79, Chapter 18.

PSD Program Administrator Mike Kerby reported that the states PSD Evaluators and Judges attended in-service training at NLETC to update them on the PSAC approved rules and regulations regarding the police dog certifications. During the discussions an issue with the basic patrol dog building search certification was identified. The problem arose that a dog in training may become fixated on the scent of the protective equipment worn by the concealed person and when the equipment was removed the dog had trouble locating the concealed person by human odor. The exercise ends with a frisk of the subject and escorting them to the Judge/Evaluator for remanding. With the removal of the protective equipment for the hidden subject that creates a potential safety issue. Mr. Kerby recommended removal of the frisk, arrest and transportation of the concealed person to the Judge/Evaluator for the Building Search (Detention) and Building Search (Handler Control) exercises to minimize the risk of injury to the concealed

person. There are 3-5 other exercises that do demand that the handler to take control of, frisk and to escort and remand to the Judge/Evaluator. So the removal does not lessen the certification standards. Mr. Kerby also asked that the word "hidden" be included as one of the suspect concealed/elevated locations to test the dog's ability to locate human scent. The word "hidden" was meant to be included in the original PSAC approved standards. These changes do not require any verbiage change to Title 79, Chapter 18. Sheriff Osmond asked if all of the Evaluators/Judges were in agreement with the changes. Mr. Kerby stated that they were in agreement.

MOTION

Mr. McCarthy: I'll make the motion to approve the amendment to Title 79, Chapter 18 as described by Mr. Kerby.

Mr. Stolz clarified that the PSAC was not amending Chapter 18, they would be amending the curriculum and standards that the PSD team needs to meet in order to gain certification.

Mr. McCarthy: That's what I meant. So moved. Chief Deputy London seconded the motion.

Voting in favor: Mr. McCarthy, Sheriff Osmond, Chief Reeves, Asst. Chief Stille, Deputy Chief Thomas, Sgt. Bolzer, Chief Graham, Chief Deputy London. Motion approved.

The Council took a break from 9:53 a.m.-10:00 a.m.

C. Waiver of Supervision Training In-Lieu-Of NLETC Supervision

1. Robert Page-Bellevue Police Department

Director Mark Stephenson reported that Sgt. Page requested a waiver based on his 750 hours of training which he obtained through his undergraduate certificate in leadership and workforce development, along with additional hours specifically; legal issues for supervisors. Upon review, the culmination of training meets the state standards for Supervision requirement. Director Stephenson recommended approval of the waiver.

MOTION

Sheriff Osmond: I'll make a motion that we waive the Supervision training for Sgt. Robert Page of the Bellevue Police Department. Chief Deputy London seconded the motion.

Voting in favor: Sheriff Osmond, Chief Reeves, Asst. Chief Stille, Deputy Chief Thomas, Sgt. Bolzer, Chief Graham, Chief Deputy London, Mr. McCarthy. Motion approved.

2. Jonathan Hardy-Plattsmouth Police Department

Director Mark Stephenson reported that Sgt. Hardy submitted a certificate of completion for the IACP LPO course. After reviewing the submitted certificate and schedule, Director Stephenson recommended approval of the waiver.

MOTION

Chief Deputy London: I will make a motion granting Jonathan Hardy of the Plattsmouth P.D. a waiver of Supervision training in-lieu-of NLETC's supervision. Chief Graham seconded the motion.

Voting in favor: Chief Reeves, Asst. Chief Stille, Deputy Chief Thomas, Sgt. Bolzer, Chief Graham, Chief Deputy London, Mr. McCarthy, Sheriff Osmond. Motion approved.

D. Extension of the 1-year Requirement to Attend Management

1. David Scheideler-Valley County Sheriff's Office

Director Mark Stephenson reported that Sheriff David Scheideler requested an extension of the 1-year requirement to attend Management. Sheriff Scheideler is enrolled into the October 2024 Management course. Director Stephenson recommended the approval of the extension.

MOTION

Sheriff Osmond: I'll make a motion that we grant the extension for David Scheideler of the Valley County Sheriff's Office of the 1-year requirement to attend Management. Mr. McCarthy seconded the motion.

Voting in favor: Asst. Chief Stille, Deputy Chief Thomas, Sgt. Bolzer, Chief Graham, Chief Deputy London, Mr. McCarthy, Sheriff Osmond, Chief Reeves. Motion approved.

2. Jeremy Polacek-Norfolk Police Department

Director Mark Stephenson reported that Lt. Polacek was promoted in July 2023 and is currently enrolled in the October 2024 Management course and has requested an extension of the 1-year requirement to attend Management. Director Stephenson recommended the approval of the extension.

MOTION

Mr. McCarthy: I'll make the motion to approve the extension of the 1-year requirement for Jeremy Polacek. Sheriff Osmond seconded the motion.

Voting in favor: Deputy Chief Thomas, Sgt. Bolzer, Chief Graham, Chief Deputy London, Mr. McCarthy, Sheriff Osmond, Chief Reeves, Asst. Chief Stille. Motion approved.

E. Academy Instructor Applications

1. Professional Original

Patrick Benson-NLETC
Todd Suchsland-NE State Patrol

After review by the NLETC staff, Deputy Director Gene Boner recommended approval of the professional academy instructor applications as presented in the agenda.

MOTION

Chief Deputy London: I make a motion to approve the Professional Original instructor applications for Patrick Benson of the Nebraska Law Enforcement Training Center and Todd Suchsland of the Nebraska State Patrol 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: Sgt. Bolzer, Chief Graham, Chief Deputy London, Mr. McCarthy, Sheriff Osmond, Chief Reeves, Asst. Chief Stille, Deputy Chief Thomas. Motion approved.

2. General Renewal

Deb Hoffman-NE State Patrol

After review by the NLETC staff, Deputy Director Gene Boner recommended approval of the general instructor application as presented in the agenda.

MOTION

Sheriff Osmond: I'll make a motion to approve the General Renewal instructor application for Deb Hoffman of the Nebraska State Patrol for the subject areas

that are marked approved on the instructor application provided in the agenda packet. Chief Deputy London seconded the motion.

Voting in favor: Chief Graham, Chief Deputy London, Mr. McCarthy, Sheriff Osmond, Chief Reeves, Asst. Chief Stille, Deputy Chief Thomas, Sgt. Bolzer. Motion approved.

F. NCO's Eligible for Automatic Extension

Joshua Bayly-Blair Police Department
Justin Jorgensen-Blair Police Department
Bryan Evans-Burt County Sheriff's Office
Dexter Taft-Cass County Sheriff's Office
Nathaniel Lousberg-Kimball County Sheriff's Office

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

MOTION

Chief Deputy London: I'll make a motion for the NCO's, the five NCO's listed on the agenda for automatic extension. Mr. McCarthy seconded the motion.

Voting in favor: Chief Deputy London, Mr. McCarthy, Sheriff Osmond, Chief Reeves, Asst. Chief Stille, Deputy Chief Thomas, Sgt. Bolzer, Chief Graham. Motion approved.

G. Hiring Bonus Grant Approvals

1. Derek Bosler-Stanton County Sheriff's Office
2. Aaron Kolm-Madison County Sheriff's Office

The applications were distributed to the Council for review. Jessica Wagoner reported that these are the only two hiring bonus grants that have been received. The applications were vetted to make sure they met the requirements. Sgt. Bolzer asked if it was Jessica's recommendation that they be approved. Jessica Wagoner stated that she recommended approval. Sgt. Bolzer stated that it looked like they met all of the requirements.

MOTION

Chief Deputy London: I'll make a motion to approve the hiring bonus grants for Derek Bosler from Stanton County Sheriff's Office and Aaron Kolm of Madison County Sheriff's Office. Mr. McCarthy seconded the motion.

Voting in favor: Mr. McCarthy, Sheriff Osmond, Chief Reeves, Asst. Chief Stille, Deputy Chief Thomas, Sgt. Bolzer, Chief Graham, Chief Deputy London. Motion approved.

H. Revocation-Voluntary Surrender

Casey Hurlburt-LR-274-24

Mr. Stolz entered the Consent to Revocation of Law Enforcement Certificate and waiver of notice of hearing for Casey Hurlburt as Exhibit 1. Sgt. Bolzer accepted the exhibit and entered it in the record.

Mr. Stolz gave the factual summary of the details leading up to the revocation. Mr. Stolz asked that the Council accept the relinquishment and recommended that Mr. Hurlburt's Law Enforcement and Management certificates be revoked as his conduct falls under Nebraska Revised Statute 81-1406(A)(3), a misdemeanor conviction having a rational connection with his fitness or capacity to serve as a law enforcement officer. This is outlined in Chapter 1 of the Nebraska Administrative Code, Section 004.33, since it involves an element of dishonesty. It is also a violation of his statutory duties and code of ethics per Nebraska Revised Statute 81-1403(6)(c).

MOTION

Chief Deputy London: Based upon the fact that the responded has signed a Consent to Revocation of Law Enforcement Certificate and waiver of notice and hearing and has voluntarily surrendered his certificates, I make a motion that the Council accept the surrender of Casey Hurlburt's Nebraska Law Enforcement certificate and Management certificate based on the recommendation outlined by Counsel Dave Stolz. Said revocation to be effective upon review and acceptance of the surrender by the Nebraska Commission on Law Enforcement and Criminal Justice. Deputy Chief Thomas seconded the motion.

Voting in favor: Sheriff Osmond, Chief Reeves, Asst. Chief Stille, Deputy Chief Thomas, Sgt. Bolzer, Chief Graham, Chief Deputy London, Mr. McCarthy. Motion approved.

I. Public Comment

Sgt. Bolzer asked if there was anyone at the meeting wishing to make a public comment. There was no one wishing to make a comment.

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

June 19, 2024, 9:00 A.M., Library, Nebraska Law Enforcement Training Center, 3600 North Academy Road, Grand Island, Nebraska 68801.

Hearing no further business, Chairman Bolzer adjourned the meeting at 10:20 a.m.

Respectfully submitted,

A handwritten signature in cursive script that reads "Steven D. Gobel".

Steven Gobel, Secretary to the Police Standards Advisory Council