

AGENDA POLICE STANDARDS ADVISORY COUNCIL

DATE: June 10, 2026
TO: Police Standards Advisory Council
FROM: Mark Stephenson, Director
SUBJECT: Meeting Wednesday, June 17, 2026, 9:00 A.M.
Library, Nebraska Law Enforcement Training Center
3600 North Academy Road, Grand Island, Nebraska 68801

I. CALL TO ORDER

II. APPROVAL OF MAY 20, 2026 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

- C. Title 79 Chapter 18 Proposed Revision-Voting Item

Attachment 1

Jason Prante: Nebraska State Patrol

V. NEW BUSINESS

- A. Revocation Hearing-Voting Item

Scott Chaput: LR 312-25



B. PSD Policy and Title 79 Chapter 18 Proposed Revision -Voting Item Attachment 2

Pignotti, Randy: Omaha Police Department

C. Waiver of Supervision In-Lieu-Of NLETC Supervision-Voting Item Attachment 3

John Kolbe: Bellevue Police Department

D. Waiver of Management In-Lieu-Of NLETC Management-Voting Item Attachment 4

1. Ralph Cordova: Kearney Police Department
2. Jared Small: Kearney Police Department
3. James Estwick: Nebraska State Patrol

E. Academy Instructor Requests Attachment 5

Professional Original-Voting Item

Neal Klein: SDLEA

Professional Renewal-Voting Item

Benjamin Iversen: SDLEA

F. NCO's Eligible for 16 Week Extension-Voting Item

<u>Name</u>	<u>Agency</u>
Brycen Woodward	Broken Bow PD
Tobin Wingender	Cass Co SO
Davy Jones	Pawnee Co SO
William Bibb	Sioux Co SO

G. Hiring Bonus-Voting Item

<u>Name</u>	<u>Agency</u>
Alejandro Rendo	Bellevue PD
Stephen Donica	Butler Co SO
Samuel Adams	Cass Co SO
Michael Perkins	Cass Co SO
Shania Daugherty	Jefferson Co SO
Jason Klopping	McCook PD
Braxton Webber	Nuckolls Co SO
Leesia Christiansen	Otoe Co SO
Dalton Baumgart	Plattsmouth PD
Sean Williams	Sarpy Co SO

John Curry

Scottsbluff PD

H. Public Comments

VI. OTHER BUSINESS

A. Informational Items

1. Trainees

Name/Agency

Cody Chizek: Bellevue PD

Nolan Christianson: Bellevue PD

Ryan Schildhauer: Bellevue PD

Blake Urwin: Bellevue PD

Mariam Wahab: Bellevue PD

Jaden Dvorak: Box Butte Co SO

Brycen Woodward: Broken Bow PD

Hunter Gilmore: Douglas Co SO

Zachary Hodge: Douglas Co SO

Stacy Johnson: Douglas Co SO

James Lucero: Kimball PD

Logan DeCoste: Lancaster Co SO

Maxwell Sueper: Lancaster Co SO

Caleb Adkins: Lincoln PD

Matthew Collicott: Lincoln PD

Emmanuel Consbruck: Lincoln PD

Chase Eggleston: Lincoln PD

Kooper Howerter: Lincoln PD

Nikolai Jaramillo-Ramirez: Lincoln PD

Hunter Jones: Lincoln PD

Hayden Larson: Lincoln PD

Jaason Levine: Lincoln PD

Kassidy Lines: Lincoln PD

Aidan Lofgren: Lincoln PD

Nicholas Mitiplier: Lincoln PD

Cole Sorensen: Lincoln PD

Ana VeDepo: Lincoln PD

Preston Villamonte: Lincoln PD

Brayden Wenzl: Lincoln PD

Andrew Hallock: Madison Co SO

Liberty Baker: NE State Patrol

Austin Bass: NE State Patrol

Bobby Evans: NE State Patrol

Alexis Hackbart: NE State Patrol

Dylan Hall: NE State Patrol

Avery Hayward: NE State Patrol

Nathaniel Heins: NE State Patrol

Parker Bremer: Omaha PD

Charlie Casey: Omaha PD

Kyoung Chu: Omaha PD

Joseph Clark: Omaha PD

Ty Clement: Omaha PD

Trey Dethlefs: Omaha PD

William Dodge: Omaha PD

Jorden Dubas: Omaha PD

Zachary Eisold: Omaha PD

Nikki Fernandez: Omaha PD

Justin Forgrave: Omaha PD

Patrick Gallaher: Omaha PD

London Garzon: Omaha PD

Trevor Guyott: Omaha PD

Jacob Heath: Omaha PD

Aaron Hovey: Omaha PD

Joshua Howe: Omaha PD

Andru Jones: Omaha PD

Mitchell Kavalec: Omaha PD

Dajsha Mayo: Omaha PD

Joseph McGuire: Omaha PD

Jordan Neill: Omaha PD

Grace Nignan: Omaha PD

William Rath: Omaha PD

Corbin Rodriguez: Omaha PD

Kleh Say: Omaha PD

Sun Soe: Omaha PD

Jordan Stewart: Omaha PD

Jamie Stricker: Omaha PD

Christian Sutton: Omaha PD

Tyson Warner: Omaha PD

Jacob Welch: Omaha PD

Jordan Wiebers: Omaha PD

Matthew Woodburn: Omaha PD

Tyreece Wynne: Omaha PD

Carlos Zamarron: Omaha PD

Erica Ziska: Omaha PD

Conner Hendrickson: NE State Patrol
Ryen House: NE State Patrol
Ashton Koch: NE State Patrol
Jackson Lundgren: NE State Patrol
Austin Mott: NE State Patrol
Zachary Olson: NE State Patrol
Brendan Owings: NE State Patrol
Rafael Romo: NE State Patrol
Andy Salgado Rendon: NE State Patrol
Gage Schmidt: NE State Patrol
Jordan Soto-Stopak: NE State Patrol
Jackson Adrian: Omaha PD
Jonah Bremer: Omaha PD

Treyton Oliver: Papillion PD
Antonio Rodriguez: Papillion PD
Jessica Walker: Papillion PD
Gage Curry: South Sioux City PD
Brody Adkison: Sarpy Co SO
Dylan Dobbs: Sarpy Co SO
Matthew Hetrick: Sarpy Co SO
Alexander Stevens: Sarpy Co SO
Wyatt Swanson: Sarpy Co SO
Luis Villarreal: Sarpy Co SO
Cesar Alanis: Valentine PD
Cheyenne Red Fish: Valentine PD

2. NCO's Completing 80 Hours of Training

<u>Name</u>	<u>Agency</u>
Brycen Woodward	Broken Bow PD
Tobin Wingender	Cass Co SO

B. Date, Time & Location of Next Meeting

July 15, 2026, 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 20, 2026**

I. CALL TO ORDER

Chairman Chief Paul Graham called the meeting to order at 9:00 A.M. Legal notice of the meeting was published in the Lincoln Journal Star on May 13, 2026. Roll call; Sgt. Drew Bolzer, Chief Paul Graham, Sheriff Greg London, Mr. Matthew McCarthy, Sheriff Dan Osmond, Chief Steve Reeves, Asst. Chief Jason Stille, Deputy Chief Sherie Thomas. Absent from the meeting: Lt. Col. Jeff Roby.

II. APPROVAL OF APRIL 15, 2026 P.S.A.C. MINUTES

MOTION

Sheriff Osmond: I'll make a motion to approve the minutes. Asst. Chief Stille seconded the motion.

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

III. REPORTS

A. Director's Report

Director Mark Stephenson reported on the following:

- Regional Training: Staff Instructor Rachel Kohlman has conducted two courses in the Western part of the State on Mental Health and Stress Management. Additional courses are confirmed for June, September and October. The Milo system will be used for de-escalation training.



- Code of Ethics Audit: 1,040 certified officers did not have a signed code of ethics in their file. The requests went out on March 11th with a due date of May 1st. There are 11 officers that are out on medical or military leave who have agreed to sign when they return. There are 9 agencies employing 16 officers who have not complied. This might come back to the Council in June if there are still agencies out of compliance.
- NE Dept. of Corrections Meeting: May 14, 2026 Agency Counsel Sara Bockstadter and Director Stephenson met with the lead investigator and management team for the Nebraska Department of Corrections. New Legislation was passed that would allow their investigators to apply for State Special Deputy Sheriff credentials and become certified law enforcement. The process to obtain the credentials as well as the compliance requirements were discussed.
- Revocation Update: 22 new change in status form indicating 791 status have been received. 7 are up for dismissal, 10 recommended for revocation, 4 surrenders and 1 automatic decertification. They are in various stages of the process.

Sheriff London asked about the agency reluctance in signing the code of ethics. Director Stephenson replied that the arguments have been that when they came through training it was not required so why do they need to sign one now. Director Stephenson responded to them that when the rules and regulations and requirements change the agencies need to be in compliance with the changes.

B. Deputy Director's Report

Deputy Director Gene Boner reported:

- The 223rd Basic Training Session: Started on May 4, 2026 with 49 students enrolled. One student has left due to a medical issue and one student left due to an academic failure. The class completed the physical task testing with one student unable to make it over the five foot wall. Retest will be in week 5.
- Specialized Courses:
 - Advanced Crash Investigation: May 11-15, 2026 with 10 students enrolled.
 - Firearms Instructor Recertification: May 6, 2026 with 12 students enrolled.
 - Patrol Rifle Instructor Recertification: May 7, 2026 with 10 students enrolled.

- Management: Scheduled for June 9-11, 2026 currently 29 students enrolled.

C. Nebraska State Patrol Training Academy

Lt. Noah McNeese reported on the following:

- Camp 73 is in the 18th week of training with 7 recruits remaining from the original 12 that started. Lt. McNeese reported on the recent and future courses scheduled to be completed. Graduation is scheduled for June 18th.
- Camp 74 starts in July. 31 personnel are still in the hiring process.
- Inservice instruction is continuing. Six sessions are left.

D. Crime Commission Report

Executive Director Bryan Tuma reported:

- LEAR Payment Updates: Any new applications that are coming in for the retention bonuses are being processed initially at NLETC and then to Lincoln where the accounting and budget staff will process them with State accounting. We are in the process of making payments. It is just a matter of getting them through State accounting system and getting the checks deposited. The legislature reappropriated the funding balance back to five million dollars a year. We believe we have sufficient funds with the current appropriations in the current fiscal year to make the remaining payments. Executive Director Tuma recommended paying out the hiring bonus grants for the two classes that are in line. Then there will be a need to look at whether or not the \$7500.00 is sustainable or if the amount needs to be changed. Any of the five million not used for this current fiscal year will carry over to the next fiscal year.
- Retirement: June 5, 2026 is the date set for Executive Director Tuma's retirement. Executive Director Tuma thanked the Council. The new Executive Director should be announced soon.

Sheriff London asked about the timeframe in adjusting the hiring bonus grant amount. Executive Director Tuma responded that the spending just needs to be monitored to determine if the current amount is sustainable or not. It will depend on the amount of the phase three LEAR payments and how much will be left over for the hiring bonus grants.

IV. OLD BUSINESS-No Old Business

V. NEW BUSINESS

The Council took a break from 9:12-9:19 a.m.

Chief Graham moved Item V-B up on the agenda

B. Revocation: Voluntary Surrender

1. Cody Albrecht: LR 342-26

Special Assistant Attorney General Jon Hendricks entered one exhibit. Exhibit 1 is the Consent to Revocation of Law Enforcement Certificate and Waiver of Notice and Hearing for Cody Albrecht. Chief Graham accepted the exhibit and it was entered into the record.

Mr. Hendricks provided the factual summary of the details leading up to the revocation. Mr. Hendricks requested that the Council accept the relinquishment and recommended that Mr. Albrecht's law enforcement certificates be revoked based upon his signed voluntary surrender.

MOTION

Sheriff Osmond: Based upon the fact that the respondent has a signed Consent to Revocation of Law Enforcement Certificates and Waiver of Notice and Hearing, and has voluntarily surrendered his certificates, I make a motion that the Council accept the surrender of Cody Albrecht's Nebraska Law Enforcement certificate and Supervision certificate based on the recommendation outlined by Jon Hendricks. Said revocation to be effective upon review and acceptance of the surrender by the Nebraska Commission on Law Enforcement and Criminal Justice. Sgt. Bolzer seconded the motion.

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

2. Gary Anderson: LR 325-25

Special Assistant Attorney General Jon Hendricks entered one exhibit. Exhibit 1 is the Consent to Revocation of Law Enforcement Certificate and Waiver of Notice and Hearing for Gary Anderson. Chief Graham accepted the exhibit and it was entered into the record.

Mr. Hendricks provided the factual summary of the details leading up to the revocation. Mr. Hendricks requested that the Council accept the relinquishment

and recommended that Mr. Anderson's law enforcement certificates be revoked based upon his signed voluntary surrender.

MOTION

Sheriff Osmond: Based upon the fact that the respondent has signed a Consent to Revocation of Law Enforcement Certificates and Waiver of Notice and Hearing, and has voluntarily surrendered his certificates, I make a motion that the Council accept the surrender of Gary Anderson's Nebraska Law Enforcement certificate, Management certificate and Supervision certificate based on the recommendation outlined by Jon Hendricks. 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.

DISCUSSION

Sgt. Bolzer inquired on how Mr. Anderson's date of management was before his date of supervision. Jessica Wagoner responded that that would happen if he was hired in a management position at one agency and then hired in a supervisory position at another agency.

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

3. Joshua Fullerton: LR 343-26

Special Assistant Attorney General Jon Hendricks entered one exhibit. Exhibit 1 is the Consent to Revocation of Law Enforcement Certificate and Waiver of Notice and Hearing for Joshua Fullerton. Chief Graham accepted the exhibit and it was entered into the record.

Mr. Hendricks provided the factual summary of the details leading up to the revocation. Mr. Hendricks requested that the Council accept the relinquishment and recommended that Mr. Fullerton's Law Enforcement Certificate be revoked based upon his signed voluntary surrender.

MOTION

Sheriff London: Based upon the fact that the respondent has signed a Consent to Revocation of Law Enforcement Certificate and Waiver of Notice and Hearing, and has voluntarily surrendered his certificate, I make a motion that the Council accept the surrender of Joshua Fullerton's Nebraska Law Enforcement certificate based on the recommendation outlined by Jon Hendricks. Said revocation to be effective upon review and acceptance of the surrender by the Nebraska

Commission on Law Enforcement and Criminal Justice. Sgt. Bolzer seconded the motion.

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

4. Justin King: LR 341-26

Special Assistant Attorney General Jon Hendricks entered one exhibit. Exhibit 1 is the Consent to Revocation of Law Enforcement Certificate and Waiver of Notice and Hearing for Justin King. Chief Graham accepted the exhibit and it was entered into the record.

Mr. Hendricks provided the factual summary of the details leading up to the revocation. Mr. Hendricks requested that the Council accept the relinquishment and recommended that Mr. King's Law Enforcement Certificate be revoked based upon his signed voluntary surrender.

MOTION

Sgt. Bolzer: Based upon the fact that the respondent has signed a Consent to Revocation of Law Enforcement Certificate and Waiver of Notice and Hearing, and has voluntarily surrendered his certificate, I make a motion that the Council accept the surrender of Justin King's Nebraska Law Enforcement certificate based on the recommendation outlined by Jon Hendricks. Said revocation to be effective upon review and acceptance of the surrender by the Nebraska Commission on Law Enforcement and Criminal Justice. Asst. Chief Stille seconded the motion.

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

The Council took a break from 9:37-9:50 a.m.

1 **A. Motion to Dismiss Revocation Complaint**

2 Matthew Sutter: LR 247-23

3 **CHAIR:** This hearing before the Police Standards Advisory Council in the matter
4 of the State of Nebraska v. Matthew M. Sutter, Case Number LR 247-23
5 is called to order. The date is May 20, 2026 and the time is 9:50 a.m.

6 **CHAIR:** I will note that the following Council members are present; myself, Chief
7 Paul Graham, Aurora Police Department, Sgt. Drew Bolzer, Lancaster
8 County Sheriff's Office, Sheriff Greg London, Sarpy County Sheriff's
9 Office, Mr. Matthew McCarthy, representing the public at large, Sheriff
10 Dan Osmond, Custer County Sheriff's Office, Chief Steve Reeves, North
11 Platte Police Department, Asst. Chief Stille, Lincoln Police Department,
12 Deputy Chief Sherie Thomas, Omaha Police Department. I will note that
13 the following Council members are not present; Lt. Col. Jeff Roby,
14 Nebraska State Patrol.

15 **CHAIR:** I will note that there is a quorum of the Council present so this hearing
16 may proceed. Attorney Sara Bockstadter is here as legal advisor to the
17 Council for today's hearing. The Council will hear this matter pursuant to
18 Nebraska Revised Statute 81-1403, and Title 79 of the Nebraska
19 Administrative Code, Chapter 9. In this case, the petitioner filed a formal
20 revocation complaint against Matthew M. Sutter, the respondent officer.
21 The respondent has since filed a Motion to Dismiss and requested that
22 the Council set this prehearing motion for a prehearing determination
23 before any merits hearing on the revocation.

24 **CHAIR:** Assistant Attorney General Liz Gau and Assistant Attorney General Jon
25 Hendricks appears on behalf of the State. Correct?

26 **GAU:** Yes.

27 **CHAIR:** The respondent, Matthew M. Sutter is not present. Correct?

28 **FREEMAN:** Correct.

29 **CHAIR:** Counsel is present representing the respondent. If the Counsel would
30 please state your name for the records.

31 **DELANEY:** Steve Delaney, co-counsel with Thomas Freeman.

32 **CHAIR:** Counsel for the respondent, is it your understanding that Mr. Sutter did
33 not wish to appear at this prehearing conference?

34 **DELANEY:** Yes.

35 **BOCKSTADTER:** Chief Graham, I believe we also have another co-counsel member here
36 representing Mr. Sutter to announce for the record.

37 **FREEMAN:** Mr. Delaney announced me.

38 **BOCKSTADTER:** Oh did he? Ok.

39 **FREEMAN:** I think we're good. Thank you.

40 **CHAIR:** There is no court reporter present for this prehearing and I don't think any
41 court reporter was expected due to this being a prehearing motion.
42 Counsel for the respondent, is it your intent to proceed today without a
43 court reporter?

44 **DELANEY:** It is.

45 **CHAIR:** The purpose of this prehearing conference is to address the matter raised
46 in the respondent's prehearing Motion to Dismiss filed with the Council
47 April 8, 2026. Did all the parties receive notice of today's hearing though
48 receipt of the prehearing conference Journal Entry and Order dated April
49 20, 2026?

50 **DELANEY:** Yes.

51 **FREEMAN:** Yes.

52 **GAU:** Yes.

53 **CHAIR:** Ok. At this hearing, the parties have a right to present evidence and
54 argument with respect to the prehearing Motion to Dismiss on file. The
55 Police Standards Advisory Council will hear the arguments and receive
56 any evidence as it pertains to the prehearing Motion to Dismiss. The
57 Council after consideration of any evidence and argument will make a
58 determination on the motion. I am not aware of any matter which I
59 believe, may be grounds for challenge by either side against me or the
60 Council members to hear today's matter. Does any Council member have
61 any personal knowledge of this case? If so, please explain. Sgt. Bolzer?

62 **BOLZER:** No.

63 **CHAIR:** Sheriff London?

64 **LONDON:** Yes.

65 **CHAIR:** Ok. Can you explain?

66 **LONDON:** Several years ago when I was out at Warner Park, I had a discussion with
67 Matt Sutter about the case. That was years ago. I can't really tell you
68 what the details were. I've known Matt Sutter since he was a Captain with
69 the State Patrol.

70 **CHAIR:** Ok. Mr. McCarthy?

71 **McCARTHY:** No.

72 **CHAIR:** Sheriff Osmond?

73 **OSMOND:** No.

74 **CHAIR:** Chief Reeves?

75 **REEVES:** No.

76 **CHAIR:** Asst. Chief Stille?

77 **STILLE:** Yes. A small amount. I worked with Matt Sutter when he was assigned to
78 executive protection at the Capitol detail and just the facts of this case,
79 whatever was printed in the Journal Star sometime ago and I don't
80 remember the content of that.

81 **CHAIR:** Ok.

82 **LONDON:** And I think it was also in the World Herald at one time I believe. So yes I
83 did read the article back in the day.

84 **CHAIR:** Ok. Deputy Chief Thomas?

85 **THOMAS:** No.

86 **CHAIR:** Ok. Does any side have any questions or challenge for cause against any
87 member of the Council for purposes of today's hearing? Counsel for the
88 respondent?

89 **DELANEY:** No.

90 **FREEMAN:** No.

91 **CHAIR:** Ms. Gau?

92 **GAU:** No.

93 **CHAIR:** Ok. Does any party have an objection to the Police Standards Advisory
94 Council presiding as the hearing board for purposes of today's prehearing
95 proceedings?

96 **DELANEY:** No.

97 **FREEMAN:** No.

98 **GAU:** No.

99 **CHAIR:** Counsel for the respondent, do you wish to present any argument or
100 evidence with regards to your Motion to Dismiss?

101 **DELANEY:** Yes.

102 **CHAIR:** Ok. How long will that take today?

103 **DELANEY:** I assume that our arguments will probably be somewhere in the
104 neighborhood about 15 minutes.

105 **CHAIR:** 15 minutes. Ok.

106 **DELANEY:** I plan on presenting a portion and Mr. Freeman will present a portion as
107 well.

108 **CHAIR:** Ok. All right. Do you want to present your exhibits that you have that you
109 want to present? Do you want to present them now?

110 **DELANEY:** I have given those out to all the members. I gave the members copies of
111 the motion to dismiss, a copy of the affidavit from Mr. Freeman in support
112 of the motion to dismiss, I submitted a copy of Nebraska Revised Statute
113 81-1414.14, and I also distributed the brief in support of the motion to
114 dismiss and I submitted, I distributed the brief of the State in competition
115 of the motion to dismiss.

116 **GOBEL:** Would they be marked as...

117 **BOCKSTADTER:** Are you asking that for those to be marked as exhibits?

118 **DELANEY:** Yes.

119 **GOBEL:** All as one?

120 **BOCKSTADTER:** I would mark them as separate.

121 **GOBEL:** Ok.

122 **CHAIR:** I have received five exhibits. Is that what you gave us was the five
123 exhibits. Everyone has the five exhibits with them?

124 **DELANEY:** I believe that's what I handed out.

125 **CHAIR:** Ok. Is there any objection to the receipt of the exhibits?

126 **GAU:** No.

127 **CHAIR:** Ok. The exhibits have been received.

128 **DELANEY:** Just for the record, which ones do you have marked as 1, 2, 3, 4?

129 **CHAIR:** Ok. Exhibit one is the summary of argument, the brief in support of motion
130 to dismiss. Number two is the Nebraska Revised Statute 81-1414.14.
131 Exhibit three is the motion to dismiss. Exhibit four is the affidavit of
132 Thomas Freeman, and exhibit five is the brief in opposition to
133 respondent's motion to dismiss.

134 **DELANEY:** Thank you.

135 **CHAIR:** Let the record reflect there are five exhibits that have been received and
136 is entered into the record. Ms. Gau, does the State have a position on the
137 respondent's motion to dismiss?

138 **GAU:** Yes.

139 **CHAIR:** Do you wish present any argument or evidence with regards the
140 respondent's motion to dismiss?

141 **GAU:** Argument. We don't have any exhibits.

142 **CHAIR:** Ok. No exhibits you said?

143 **GAU:** No.

144 **CHAIR:** Counsel for the respondent, do you have anything further you wish for us
145 to consider.

146 **DELANEY:** Nothing other than argument.

147 **CHAIR:** Ms. Gau, do you have anything further you wish for us to consider?

148 **GAU:** No.

149 **CHAIR:** Ok

150 **BOCKSTADTER:** Mr. Chair, it may be appropriate at this point to allow the respondent's
151 counsel to make any statements they wish in support of their motion and
152 then move on to Ms. Gau for her statement.

153 **CHAIR:** Ok. Go ahead and begin for the respondents.

154 **DELANEY:** Thank you. Members of the board my name is Steve Delaney,
155 representing Matthew Sutter, the respondent. First and foremost we are
156 here on a special issue. It is not an argument about the merits of the
157 case. It's not an argument about whether the allegations are accurate or
158 not accurate. This is brought in compliance with the legislature's
159 mandatory timeline that is set out in Nebraska Revised Statute 81-
160 1414.14. I've given you all a copy of that. In that statute, in paragraph
161 three on that second page, is really what controls what happens here
162 today. We have a provision that an agency shall investigate a matter. The
163 investigation shall be carried out by the law enforcement officer who is
164 experienced in investigating allegations of misconduct and then we have
165 section c, which talks about, the agency shall complete the investigation
166 in one hundred and eighty days. One hundred days after the complaint.
167 We then move to section three, which then says, if a law enforcement
168 agency determines a complaint investigated under subsection two of the
169 statute, may be grounds for revocation of law enforcement officer's
170 certification. The agency shall forward the matter to the Commission and
171 the Commission shall investigate such complaint. Any investigation by the
172 Commission shall be completed within one hundred and eighty days after
173 receipt of that complaint. If such investigation is not completed within one
174 hundred and eighty days the investigation shall be deemed closed and

175 the officer shall be notified. Lastly, the Commission may begin a new
176 investigation if new information not available during the previous
177 investigation is received and an investigation is warranted. That is the
178 bones of the motion to dismiss. So what we have here is a, the
179 Commission received the underlying report on December 2, 2022. The
180 one hundred and eighty days statutory deadline that expired May 31,
181 2023. No formal complaint was filed by that time. In fact the formal
182 complaint was not filed until June 18, 2025. Over two years past the
183 deadline set out in the statute. Under the statute, if the Commission does
184 not complete its investigation within one hundred and eighty days it is
185 deemed closed. So the question that this board needs to decide is what
186 the date that the statutory clock started ticking and whether the
187 investigation was done within the one hundred and eighty days and if not,
188 what does the statute require. These are kind of the core deadlines and
189 timelines of this case. November 14, 2022, Mr. Sutter's appointment
190 ended with the Nebraska State Patrol. On December 2, 2022, the agency
191 report was received by the Crime Commission. March 6, 2023, an
192 informal complaint dated received by the Executive Director. March 7,
193 2023 notice was sent to Mr. Sutter. On March 22, 2023 the response from
194 Counsel, from me, was sent to the Commission. May 31, 2023 was the
195 one hundred and eighty days from December 2, 2022. January 30, 2024
196 a follow up letter from the Executive Director stating that a full
197 investigation had been completed and reported the results. June 18, 2025
198 a formal complaint was filed and on June 23, 2025 an amended formal
199 complaint was filed. Even giving the State every benefit, the timeline

200 showed that the matter remained opened far beyond the one hundred
201 and eighty day statutory period. Just so that there's no mistake, even Col.
202 Bolduc from the Nebraska State Patrol in his letter of December 2, 2022
203 acknowledged the statutory limitation. It stated, I understand that
204 Nebraska Revised Statute, section 81-1414 only provides the
205 Commission one hundred and eighty days to investigate conduct of this
206 nature and the Patrol will fully cooperate with your investigation. Col.
207 Bolduc's letter acknowledged the one hundred and eighty day limitation.
208 The Legislature did two things in that statute under 81-1414.14. They
209 imposed a deadline, the Commission must complete an investigation
210 within one hundred and eighty days. It doesn't say may. It doesn't say
211 anything that is anything other than an absolute must be completed. It
212 also imposed a consequence for the failure to do (*unintelligible*). If the
213 investigation is not completed within that time period the investigation
214 shall be deemed closed. Statute does not say substantial compliance is
215 enough. It does not say that a delay is harmless. It does not say that the
216 matter will stay open indefinitely. It does not say that deadline had no
217 consequences unless prejudice is shown. The investigation is deemed
218 closed. It's mandatory language not directory language. The board must
219 enforce this deadline otherwise that deadline becomes meaningless and
220 the statute become meaningless. That statute was written for the purpose
221 of limiting how long an investigation could drag on for. The statute shows
222 a specific deadline and it shows a specific remedy. Both of which are
223 included within that statute. It's not a long statute. It is a page and a half
224 but it is directory as to what happens. The Legislature chose to remedy of

225 what happens if it not completed within one hundred and eighty days. It
226 chose a remedy of closing the investigation. So this board is not creating
227 an issue here. The Legislature chose what the remedy was and that
228 remedy was dismissal. We believe that, even if you, and I read through
229 the State's brief, if we are talking about different timelines, there are no
230 timelines here that comply with the one hundred and eighty days that is
231 set out under that statute. It must be dismissed because the statute says
232 that the investigation is deemed closed. It does not say may be deemed
233 closed. It is deemed closed. I will, at this point, turn over to my colleague
234 Mr. Freeman to go through the law with respect to jurisdiction and why
235 this motion is proper at this time.

236 **FREEMAN:** Thank you. My name is Tom Freeman. I am also here on behalf of
237 Matthew Sutter. As Mr. Delaney said, the law on this is clear. The
238 Nebraska Supreme Court has been clear on this many, many times. It
239 has consistently held that jurisdictional statutes must be strictly construed
240 and that compliance with their requirements is a condition proceeded to
241 the exercise of jurisdiction. Simply put, this board no longer has
242 jurisdiction over this matter. After one hundred and eighty days it was
243 deemed closed. The investigation ended. The proceeding ended. There is
244 no more jurisdiction. Subject matter jurisdiction can't be waived.
245 Administrative tribunals such as this one, possess only the authority
246 expressly confirmed upon them by statute or necessarily implied to
247 achieve a statutes purpose, that's Houser vs. Nebraska Police Standards
248 Advisory Council cited in our brief. Again, the Police Standards Advisory
249 Council is a creature of statute. It has no inherent or common law

250 jurisdiction. The procedural requirements that define its authority are
251 therefore mandatory not directory. When the investigation was deemed
252 closed by operation of law on May 17, 2023, the Commission's authority
253 to pursue certification revocation proceedings based on that investigation
254 ceased. The filing of the formal complaint after the investigation's
255 statutory closure cannot revive jurisdiction that has already lapsed. A
256 judicial or quasi-judicial act taken without subject matter jurisdiction is
257 void. Not merely voidable that may be challenged at any time and at any
258 proceeding, through Nebraska Supreme Court case Bradley vs. Hopkins,
259 1994. The formal complaint and the amended formal complaint in this
260 matter are therefore void. The principal subject matter jurisdiction cannot
261 be conferred by consent, waiver, estoppel, consent or conduct of the
262 parties reinforces this conclusion. That's from the Nebraska Supreme
263 Court case in 2017, J.S. vs. Grand Island Public Schools. Nothing the
264 respondents have done waives the lack of jurisdiction at this point. The
265 Commission currently has because the statute does not distinguish that
266 jurisdiction by operation of law. If the State contends that a new
267 investigation was authorized or initiated bears the burden of identifying
268 the genuinely new information that was unavailable during the prior
269 investigation and establishing when the new investigation commenced. I
270 haven't heard that argument from them yet. We may hear that today. But
271 as Mr. Delaney pointed out, there is no deadline by which, or timeframe
272 by which they can revive this and say we complied with the one hundred
273 and eighty days. This investigation, this proceeding is still valid and still
274 continuing. The State has is basically making three arguments in their

275 brief. And I know you haven't had time to read it, it was just passed out.
276 You may have had a chance to skim it. They are trying to separate the
277 investigation and the revocation somehow and that simply does not make
278 sense. The statutory closure of the investigation after one hundred and
279 eighty days divests this tribunal of subject matter jurisdiction over the
280 proceeding. It depends on the investigation for its factual (*unintelligible*).
281 Shall be deemed closed means shall be deemed closed. And once the
282 investigation shall be deemed closed and by statute, the officer has to be
283 notified of that closure, this Commission no longer has subject matter
284 jurisdiction over it. It can't then sit on it for a day, a month, a year, ten
285 years and then say, now we're going to proceed to this revocation. It's
286 simply out of time. The Council has no jurisdiction over this matter any
287 longer. So, deemed closed means not just the investigation, it means the
288 process itself, the revocation process itself. Those things have to be
289 deemed in tandem. Otherwise, the State's argument requires the Council
290 to accept a redo under which the deemed closed language has
291 essentially no practical consequence. Because the State could always
292 perceive the formal complaint regardless of whether the investigation was
293 time limited. That reading renders the closure provision toothless which
294 courts strongly disfavor. As Mr. Delaney touched on, the purpose of this
295 law is to present some finality, some closure to this process. Otherwise,
296 this Commission, and I don't think you would, you all seem like nice
297 people, but this Commission theoretically would have the ability to a day,
298 a month, a year, ten years where if I have a closed investigation and
299 pursue discipline against an officer, or pursue revocation against an

300 officer well out of time. The one hundred and eighty days is intended
301 really to protect the officer by ensuring that this process is conducted in a
302 timely fashion to give the officer some closure so they don't have this
303 hanging over their head for years maybe, damaging their career, affecting
304 their ability for promotions, providing uncertainty in their career that they
305 don't really know will stop. That's not fair to the officer and that's why the
306 Legislature included the one hundred and eighty days. Now the language
307 in the statute couldn't be clearer. Shall means must and deemed closed
308 creates a legal consequence. The second argument that the State makes
309 is that the one hundred and eighty day provision isn't really essential to
310 the State's main objective because other pathways exist to create or
311 initiate an informal complaint. And those don't create or carry a one
312 hundred and eighty day deadline. This is a very creative argument. It
313 essentially contends that because the one hundred and eighty day limit is
314 incomplete in its coverage it can't be essential to the statute's purpose
315 and therefore must be merely directorate. That's simply false. The
316 Legislature could have attached the one hundred and eighty day deadline
317 only to agency reported or triggered investigations because those
318 investigations arise from an employment action that itself created time
319 sensitive due process interest for the officer. And that's really what I
320 touched on. The purpose of the one hundred and eighty days was to
321 protect the officer. It provides some finality to the process so you don't
322 have this open ended thing that goes on for years and the officer has that
323 hanging over their head. That's simply unfair. The Legislature realized
324 that. They imposed the one hundred and eighty day requirement. What

325 the State is essentially encouraging you to do is ignore the law and we
326 would encourage you not to. The language from the Legislature here is
327 clear. Shall be deemed closed means exactly what it says. The Supreme
328 Court's been clear. When there's language in the law it means what it
329 says. We will take the plain reading of the statute and we will apply it. The
330 law means what it says. And the remedy the Nebraska Supreme Court to
331 make clear, repeatedly is, if you don't like the law, go to the Legislature
332 and change it. You don't simply ignore the law. And I don't have to
333 explain this to you guys. You are all law enforcement officers who
334 dedicated your careers to upholding the law. The law is clear. We're
335 asking you to uphold it. The third argument the State makes is that, you
336 know, Sutter may not have been prejudiced by our failure to comply with
337 the law, maybe that should have benefitted him in some way. Number
338 one, that's irrelevant. The law says what the law says. It says that you
339 have to dismiss this. Second, I think he was prejudiced by this. This has
340 been hanging over his head for years. That is exactly the result the law
341 was intended to prevent. And I think he has been prejudiced by the
342 State's dilatory actions in this and hanging this over his head for years.
343 But the rules of this are clear. State law, which I've cited to in the brief
344 and that I just read to you is clear on what has to happen here. Mr.
345 Delaney is exactly right. The statute means what it says. The Supreme
346 Courts made clear that when the law says something we take it at its
347 word. As a matter of law this investigation concluded some time ago. Mr.
348 Sutter should have been notified it was closed and the process should
349 have then ended. The only course of action this Commission has

350 available for today is to dismiss this case. It lacks subject matter
351 jurisdiction. It no longer has authority to proceed. Now I'm a big fan of
352 John Wick movies, which some of you may have seen. One of my favorite
353 characters is Winston who runs New York. He famously reminds John
354 that rules matter. Saying, rules without them, we'd live with the animals.
355 Rules do matter. The Supreme Court said so. The Nebraska Legislature
356 said so. The US Supreme Court has said so. Steve and I are lawyers. So
357 are the State's lawyers, because we believe in the rule of law. You are all
358 law enforcement officers because you believe in the rule of law. We are
359 asking you to apply the law as it's written and we are asking you to
360 dismiss this case. Thank you.

361 **CHAIR:** Ms. Gau.

362 **GAU:** So the State is asking the Council to overrule the motion to dismiss for a
363 few reasons. The formal complaint against Mr. Sutter was properly filed
364 and the Council has jurisdiction to preside over the matter. The Council
365 gets its general authority to revoke law enforcement officer's certification
366 by statute as stated in 81-1403, subsection 6 and then you have
367 jurisdiction over this present matter through regulation by the filing of the
368 formal complaint, request for a formal hearing and those have been
369 served on Mr. Sutter. We'll start out with jurisdiction. It is not affected at
370 all by the timeline of the investigation or the timing of the formal complaint
371 and that's for a few reasons. So the statute we're discussing today that
372 Counsel read, 81-1414.14 has a one hundred and eighty day timeframe
373 but it describes that it applies only to the investigation and does not
374 modify or does it mention the Executive Director's authority to initiate a

375 formal proceeding and file a formal complaint for revocation. The second
376 point is that the one hundred and eighty day timeframe is directory and
377 not mandatory and in the brief I'll show you several examples of how
378 that's been case law in Nebraska for many other situations at the agency
379 level. So you have jurisdiction and that's not affected by this timeframe.
380 So 81-1414.14 is limited in scope. It only applies to the investigation.
381 Misconduct reports received by law enforcement agencies. So if you work
382 your way through the statute, it starts out in Section 1, all agencies must
383 have a process to intake these misconduct reports. Subsection 2, the
384 agencies must have a qualified investigator and that must be their
385 investigation must be conducted within one hundred days. Nowhere in
386 that section says nothing about what we're saying is outside the scope.
387 It's any kind of process to terminate or otherwise, any other consequence
388 for the officer. Any timeline for that we're seeing as outside the scope. So
389 we see the same thing for subsection three that talks about what happens
390 when that report, a substantiated report comes to the Commission, that
391 anything related to what happens after the investigation is simply outside
392 the scope. The purpose of the statute is to make sure that misconduct
393 reports are received and investigated in a timely manner and to protect
394 the integrity of Nebraska law enforcement. The statute is not a statute of
395 limitations. We have many instances in the law where it says you may not
396 file a complaint, you may not file a charge after such and such a date.
397 That's not what we have here. The Legislature has the ability to use that
398 language and that's not what they're doing in this instance. Their purpose
399 is to encourage a prompt investigation of these matters. The second point

400 is that the one hundred and eighty day timeframe is directory and not
401 mandatory. And so that the failure of, it did take more than a hundred and
402 eighty days, it took, I'll go over the timeframe in a little bit. It does not
403 deprive this Commission of jurisdiction unless Mr. Sutter can show that he
404 was prejudiced. Right now there is use of the word shall. However, courts
405 have been reluctant to interpret shall as mandatory unless it's necessary
406 to preserve the purpose of the statute. So generally the interpretation of
407 provisions are agency specified. The time in which something must be
408 done are interpreted as merely directory and there's many examples on
409 page seven of the brief. For instance, administrative license revocation
410 proceedings for certain courts it says, shall be filed by such and such a
411 date. If that's not followed strictly it still does not deprive the Department
412 of Motor Vehicles from their ability to revoke licenses. And there are
413 several other instances laid out. The test that the courts use to decide
414 whether something is directory or mandatory, they look at the duty as it is
415 designed is to ensure order and promptness in a proceeding. A statute
416 normally is directory and a violation will not invalidate subsequent
417 proceedings unless prejudice is shown. So the purpose of citing 81-
418 1414.14 is to protect the public and preserve the integrity of Nebraska law
419 enforcement by ensuring that reports of misconduct are properly
420 investigated. So while it says the investigation shall be completed by a
421 certain time length, the courts have said that timeliness, while it is
422 important, it's not necessary to accomplish the purpose, it is not
423 necessary to accomplish the purpose, they found that it does not deprive
424 the agency of jurisdiction so that's what we're arguing is the case here.

425 And as Counsel also discussed, one of the ways we know that strict
426 compliance of that timeline is not necessary to meet the purpose of
427 protecting the public and the integrity of Nebraska law enforcement is that
428 the consequence of deeming the investigation closed is basically
429 *(unintelligible)*. We could turn around, the regulations provide three
430 different ways that we can bring an informal complaint and initiate the
431 action. One is by receipt of a report from a law enforcement agency. An
432 investigation starts that way. The other a report from a member of the
433 public and an investigation can start that way. And the third way is being
434 initiated by the Director of the Training Center. So there's no statutory or
435 regulatory timelines on those investigations. If this motion is dismissed,
436 theoretically, a member of the public could come in with and provide a
437 complaint and pursuant to regulations an investigation would start up that
438 way. So it seems that the timeframe is not necessary to meet the purpose
439 of the statute and for that reason would be for the court to look at it as
440 directory instead of mandatory. So you maintain jurisdiction over this
441 matter. So the final point is that Mr. Sutter has not shown that he was
442 prejudiced by the timing of the investigation or the filing of the formal
443 complaint. It was the appeals process that was responsible for the lion's
444 share of that delay between the time that the Training Center was notified
445 of his termination and the reason for that termination and the timing of the
446 formal complaint. The timing that the Training Center received notice that
447 Mr. Sutter was terminated, it was seven hundred and seventy one days
448 until his appeals process was complete. With the, from the decision
449 upholding his termination of the District Court was final. And so it was just

450 one hundred and sixty days after that that the formal complaint was filed
451 against his certification. Even then the investigation was conducted over a
452 period of one month. It was not dragged out. If you look and decide that
453 the purpose of the statute is to prevent the officer from being dragged
454 through a long process, or gaining other employment, the investigation
455 conducted by the Commission occurred over one month and the reason
456 that he might not have been able to get other employment during that
457 time was his termination was being appealed. I think we could say that
458 Mr. Sutter has benefitted from the decision for the Executive Director to
459 wait to file the complaint until after his appeal was complete for many
460 reasons. First, he had the full ability to litigate his termination and all of
461 the issues that surround his termination are the same issues that we're
462 basing this complaint for revocation on. So he had at the administrative
463 level he had a four day hearing, was represented by Counsel, he had
464 both the rules of evidence and exhibits, he testified and other witnesses
465 testify. That all of the legal issues played out there and then they were
466 reviewed by the District Court. So when we come for a hearing on the
467 merits before this Council we have the benefit on relying on all the rulings
468 that they made on the issues. And that meant, that it reduces, I know it is
469 a long process but it reduces the overall process because had we come
470 and tried to have a hearing to revoke while his termination was being
471 appealed we could have then had two simultaneously processes and that
472 creates a problem of, you have different rules of evidence, different, the
473 possibility of, had the revocation proceeding concluded and revoked his
474 certification and then his employment case had gone on and had he been

475 reinstated, if things had gone differently, he would have been reinstated
476 but had a revocation of his certification would have caused all sorts of
477 issues and additional appeals. So generally the court that has jurisdiction
478 first maintains, in this case, the appeal through District Court and then
479 afterwards we can follow in their footsteps and get the benefit of having
480 litigated all of those issues in front of a judge instead of the Council. This
481 situation was more orderly and efficient. So we ask that this Council who
482 does have jurisdiction over the revocation matter and whose authority has
483 not been affected by the timeline of the investigation of the complaint that
484 you overrule the motion to dismiss.

485 **CHAIR:** Does any member of the Council have any questions for either party?

486 **DELANEY:** Will I be allowed to do a few minute rebuttal please?

487 **CHAIR:** Yes.

488 **DELANEY:** Thank you.

489 **FREEMAN:** I'd like to speak for a few minutes after Mr. Delaney.

490 **CHAIR:** Ok.

491 **DELANEY:** As I listened to the State's argument the problem that we have is that
492 you're being asked to ignore the plain reading of the statute that was
493 created by the Legislature, signed into law and is the governing law as it
494 relates to these proceedings. You've been asked to ignore the one
495 hundred and eighty day limitation. I want to think that it was not brought
496 by the State was that they said there are three ways that the complaint
497 could be brought. You can have an agency do it, you can have the Crime
498 Commission do it or you can have a citizen do make the complaint. The
499 statute as written has a saving clause in there when you miss that one

500 hundred and eighty days, and that saving clause is the last sentence in
501 that statute that says, the Commission may begin a new investigation if
502 new information, not available during the previous investigation, is
503 received and an investigation is warranted. So this takes into account, ok,
504 if you've blown your one hundred and eighty days what can we do? Well,
505 if there is new information we can then start a new investigation but it has
506 to be based on new information and you have to notify just like the
507 statute, you have to notify Mr. Sutter that we're going to start an
508 investigation. So that wasn't done. And so it's a little bit, I don't want to
509 say disingenuous but it flies in the reasoning and the plain reading of the
510 statute as to what happens. This is not merely a recommendation. This is
511 the law that says this shall be done. And just make sure that, everyone
512 understands, even Colonel Bolduc, in his initial letter from December 2nd
513 of 2022 recognizes that there is a one hundred and eighty day limitation.
514 And he said, we will cooperate however we have to for your one hundred
515 and eighty day limitation is set out, and even gives them the statute
516 number. There is no stay in this statute that says, oh by the way, if there's
517 an appeal, because an appeal is entirely different from a revocation of
518 certification. You can be fired for a myriad of reasons that have nothing to
519 do with whether you are going to remain a law officer in the State of
520 Nebraska. There is that initial lock on your, the 791 gets in there, you've
521 got that initial lock and this task group will decide we're not just going to
522 hold up a person here because one of the things was that he wasn't
523 prejudiced because he could apply for a new job. Well he could. And it
524 remains that way for the last two and a half years. More than that. Three

525 and a half years. 2022, December 2022 is when that letter was written
526 outlining that statute. To say that, well he's not prejudiced, well he is
527 because he can't get a, he has to get a job that's not law enforcement. If
528 that's not prejudicial I don't know what is. The judicially (*unintelligible*)
529 argument, the two, the appeal from the District Court and the appeal
530 under various procedures of the State Patrol or any other agency are
531 completely different from the procedure here. You can actually bring a
532 certification revocation proceeding here while a person is still employed.
533 So they don't have to be fired. They don't have to have an appeal. They
534 don't have to do any of that stuff. If grounds exist under the statute you
535 have the ability to take someone's certification. So once again, the statute
536 is clear and there's no dancing around the statute. There's no dancing
537 around the language that says this must be done. This has to be done. It
538 was deemed closed and the statute says, if you've blown that deadline
539 you can start a new one with new information not available to you during
540 the previous investigation received and an investigation is warranted.
541 That is very, very important as they anticipated that there may be people
542 that don't get things done in that one hundred and eighty day period so
543 we're going to give them a second chance. And that second chance
544 would have to be based on new information. Thank you.

545 **FREEMAN:** Just a couple of things I would like to add. First, I concur with Mr.
546 Delaney. It would be easy enough for the Legislature to put an exception
547 in there for the appeals process. They didn't do it. They're claiming now
548 that somehow he benefited from these delays so it doesn't really matter
549 that they didn't comply with the law. First of all, it's irrelevant whether he

550 benefited or not. It doesn't matter. They didn't comply with the law. Shall
551 means shall. We've already covered that. Second, we dispute whether he
552 benefited from it. Mr. Delaney talked about it. His law enforcement status
553 was locked. He was prevented from seeking new jobs and maybe even
554 more importantly than that, he's had this hanging over his head now for
555 years. And that is precisely the result that the law was intended to avoid.
556 The one hundred and eighty day time period in here, contrary to what the
557 State just told you, isn't vital to accomplish the purpose of the statute.
558 Because the one hundred and eighty day deadline and the statute itself
559 had a purpose of protecting this officer by providing some finality to this
560 process. So then you don't have somebody for months or years or
561 decades having charges hanging over their head without any finality. And
562 that's why it says you have one hundred and eighty days that it shall be
563 deemed closed and that you notify the officer that it's closed to provide
564 that officer with the reassurance that the process is done. You don't have
565 this hanging over your head anymore. These charges are now behind
566 you. You can proceed with your career. You don't have to deal with this
567 anymore. That's the purpose of the statute. It's vital to the purpose of the
568 statute that it be interpreted strictly. The Supreme Courts made
569 abundantly clear how statutes like this are to be interpreted. And we are
570 in a lot of grey areas when we practice law. Some close calls on the law.
571 Arguments you make to a judge or tribunal could go either way. I'm just
572 going to present to you right now, this isn't one of those. This is black and
573 white. The law is abundantly clear. They blew their deadline.
574 *(Unintelligible)* As it's provided by the State Legislature. As interpreted by

575 the Nebraska Supreme Court and we think the path forward for the
576 Council here is clear. The Council actually lost jurisdiction of this a couple
577 of years ago when the one hundred and eighty days ran out. What we are
578 really here today for is to have the Council recognize that it doesn't have
579 subject matter jurisdiction of this and the revocation proceeding against
580 Mr. Sutter has to be dismissed. Thank you.

581 **CHAIR:** Ms. Gau?

582 **GAU:** I think that definitely this process would not have been any shorter if we
583 had filed this complaint day two after we got the notice because of the
584 appeals process and that is the reason that this process has been spread
585 out. The decision was made to wait, to allow him to fully litigate all of the
586 issues which was to his benefit because he could still argue those before
587 a judge and get a ruling on that before he comes here to argue the
588 revocation. (*Unintelligible*) important issue here because pursuant to law
589 as per the examples in our brief, when there is a provision about
590 timeliness that applies to an agency is directory unless they can show
591 prejudice. I think that it's clear that is directory here. Additionally, a statute
592 does not make any mention about, it does say that the investigation is
593 deemed closed. It does not say anything about what happens after that. It
594 does not say anything about what happens after the agency investigates.
595 What the need to, when they need to determine, when they need to
596 forward to us for these proceedings and it does not at all modify the
597 Executive Director's ability to move forward with the complaint of
598 revocation as it did here. And so I encourage you to take a moment to
599 kind of look over those examples in the brief.

600 **CHAIR:** Does any Council member have any questions for either party?

601 **REEVES:** I just want to understand your position. You have no delineation between
602 the investigation and the entire process. The investigation and the
603 complaint. Is that what I hear?

604 **FREEMAN:** Yes. One hundred and eighty days means one hundred and eighty days.
605 There is no delineation between the investigation and the revocation
606 proceeding.

607 **REEVES:** Ok.

608 **DELANEY:** And that's anticipated by the statute that gives you, if you missed this, you
609 would do another investigation. You get another one hundred and eighty
610 days to do that other investigation. If you look at that last sentence of 81-
611 1414.14 and it has your remedy if you miss that one hundred and eighty
612 day deadline. So the Legislature anticipated that if there was missing of
613 that deadline, what you could do. And that was not done.

614 **THOMAS:** I have a question. In your professional opinion would his termination
615 being upheld be considered like new information?

616 **DELANEY:** No. The information as it related to his termination was given in that letter
617 of December 2nd of 2022. Where the State Patrol indicates this conduct,
618 they reported the conduct that is then given to the Crime Commission, the
619 Director, for investigation so if there is something new that came up after
620 that time then that could certainly apply to that last sentence of 81-
621 1414.14. Once that one hundred and eighty days initially passed. So all
622 that information was given prior to the, whether there's an appeal of that
623 termination or not it doesn't stay. The statute in this case.

624 **FREEMAN:** Can I just add a little. If there was new information that prompted a new
625 investigation, which isn't their argument. They are not contending that.
626 They would have had to notify Mr. Sutter. There would have been
627 processes that would have to be followed to start that new investigation.
628 That's never been done. So they are not arguing that there was an
629 investigation and that it somehow started up again.

630 **OSMOND:** I have a question. Just so, I think Chief Reeves alliterated this but, so
631 you're saying that if I'm going to use these dates that are in front of me,
632 you're saying that if we received a 791 on November 18th we would have
633 to made a final decision on what we're doing with this person by May 17th
634 2023. That's all we have is one hundred and eighty days to complete an
635 entire process. That's what you're trying to say the statute says?

636 **DELANEY:** That's what the statute does say.

637 **OSMOND:** If you interpret it as the investigation being the whole complete process?
638 You're trying to say that this, it says a hundred and eighty days for an
639 investigation, you're saying an investigation means a complete process.

640 **FREEMAN:** That's correct.

641 **DELANEY:** And just to kind of lay it in context. The Executive Director stated on
642 January 3rd of 2024 that a full investigation had been done and
643 completed. This matter wasn't filed until June 18th of 2025. You had a
644 year and a half after he said the investigation was closed or done before
645 there was any action taken. We've had violation of that one hundred and
646 eighty days...

647 **OSMOND:** But that's not what I'm asking. I just want to understand that that is what
648 you mean. One hundred and eighty days for...

649 **DELANEY:** That's what the statute provides. We didn't write the statute.

650 **OSMOND:** I understand. But I think that's a pretty broad interpretation.

651 **DELANEY:** Except when it shall be deemed closed. There is language in there that

652 has consequences for not following.

653 **FREEMAN:** *(Unintelligible)*

654 **OSMOND:** I understand...

655 **STILLE:** Where's the conclusion of the process? So the recommendation by PSAC

656 and the acceptance by the Commission. What's the conclusion of the

657 process for the investigation as you see it? Because I'm wondering with

658 my two colleagues can it get set for a hearing at PSAC, the can gets

659 kicked because this date doesn't work for my client. This date doesn't

660 work for this attorney. And ultimately we arbitrarily can push that outside

661 of the one hundred and eighty days. Do you understand what I am

662 saying?

663 **DELANEY:** I think there is ways that, let's say that they had filed the process and then

664 that date didn't work for us. That doesn't go to that, a hundred and eighty

665 days is for the investigation to be completed and in this case we have the

666 letter from the Director saying it's completed. Which is not quite two years

667 after this was given. I think that once we get that process and the case

668 gets continued all the time there is an agreement that hey we are going to

669 remove this. Is everyone in agreement. I think that stays any revocation

670 hearing. In this case, none of that, no notification, there was no request

671 for additional time. None of those things happened. All we have is that we

672 have December 2nd of 2022 all of the information had been given and

673 we've got January 3rd of 2024 saying we're done with our investigation
674 and then a year and a half later the complaint was filed.

675 **FREEMAN:** I would think it would function like you have the speedy trial deadlines. I
676 used to do it all the time. And as long as the parties agree with those
677 deadlines, they bump those deadlines out months, out years. As long as
678 the parties agree. As Mr. Delaney said, that never happened here.

679 **CHAIR:** Anybody else? Does any Council member wish to make a motion in this
680 matter?

681 **LONDON:** I would move that the Council got into executive session based on the
682 prevention of needless injury to the reputation of Matthew Sutter and for
683 the purpose of executive session we will allow the following to remain in
684 the room; all Council members and our legal advisor Sara Bockstadter.

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

686 **THOMAS:** Second.

687 **CHAIR:** Any discussion? Call the role please.

688 **GOBEL:** Asst. Chief Stille?

689 **STILLE:** Yes.

690 **GOBEL:** Deputy Chief Thomas?

691 **THOMAS:** Yes.

692 **GOBEL:** Sgt. Bolzer?

693 **BOLZER:** Yes.

694 **GOBEL:** Chief Graham?

695 **CHAIR:** Yes.

696 **GOBEL:** Sheriff London?

697 **LONDON:** Yes.

698 **GOBEL:** Mr. McCarthy?

699 **McCARTHY:** Yes.

700 **GOBEL:** Sheriff Osmond?

701 **OSMOND:** Yes.

702 **GOBEL:** Chief Reeves?

703 **REEVES:** Yes.

704 **GOBEL:** Motion approved. We are in executive session at 10:43 a.m.

705 **CHAIR:** At this time I would remind those present in executive session that they

706 must restrict their discussion in closed session to the issues currently

707 before the Council.

708 **CHAIR:** All right. The meeting of the Police Standards Advisory Council will come

709 to order. Is there a motion to come out of executive session?

710 **McCARTHY:** I'll make the motion to come out of executive session.

711 **CHAIR:** Matt. Is there a second?

712 **THOMAS:** Second.

713 **CHAIR:** Sherie. It's been moved and seconded to come out of executive session.

714 Call the role.

715 **GOBEL:** Deputy Chief Thomas?

716 **THOMAS:** Yes.

717 **GOBEL:** Sgt. Bolzer?

718 **BOLZER:** Yes.

719 **GOBEL:** Chief Graham?

720 **CHAIR:** Yes.

721 **GOBEL:** Sheriff London?

722 **LONDON:** Yes.

723 **GOBEL:** Mr. McCarthy?

724 **McCARTHY:** Yes.

725 **GOBEL:** Sheriff Osmond?

726 **OSMOND:** Yes.

727 **GOBEL:** Chief Reeves?

728 **REEVES:** Yes.

729 **GOBEL:** Asst. Chief Stille?

730 **STILLE:** Yes.

731 **GOBEL:** Motion approved. We are out of executive session at 11:34 a.m.

732 **CHAIR:** All parties are present when the Council went into executive session are
733 now again present. Is there a motion?

734 **OSMOND:** I'll make a motion to deny the motion to dismiss the revocation complaint
735 against Matthew Sutter. Looking at a strict interpretation of the statute 81-
736 1414.14 and applying it's plain meaning, the statute does not apply to the
737 filing of the revocation process and everything that followed. It simply only
738 applies to the investigation.

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

740 **REEVES:** Second.

741 **CHAIR:** Any discussion? Call the role.

742 **GOBEL:** Sgt. Bolzer?

743 **BOLZER:** Yes.

744 **GOBEL:** Chief Graham?

745 **CHAIR:** Yes.

746 **GOBEL:** Sheriff London?

747 **LONDON:** Yes.

748 **GOBEL:** Mr. McCarthy?

749 **McCARTHY:** Yes.

750 **GOBEL:** Sheriff Osmond?

751 **OSMOND:** Yes.

752 **GOBEL:** Chief Reeves?

753 **REEVES:** Yes.

754 **GOBEL:** Asst. Chief Stille?

755 **STILLE:** Yes.

756 **GOBEL:** Deputy Chief Thomas?

757 **THOMAS:** Yes.

758 **GOBEL:** Motion approved.

759 **CHAIR:** The motion to dismiss has been denied. A written order will be prepared

760 and distributed to the parties. The need to schedule a formal revocation

761 hearing will need to be addressed. All parties need to provide the Council

762 Secretary Mr. Gobel with a list of potential dates that the parties will be

763 available for a three day formal hearing on the revocation. You can get

764 those to Mr. Gobel within seven days to determine thereafter upon the

765 determination of a quorum. An order finalizing the final hearing date will

766 follow. Is there anything else from either side that needs to addressed

767 today?

768 **DELANEY:** No.

769 **GAU:** No.

770 **CHAIR:** This hearing is concluded. The time is 11:36 a.m.

Lt. Col. Roby arrived at the meeting at 11:39 a.m.

C. Title 79, Chapter 18: Proposed Revisions

Director Mark Stephenson reported that Mr. Kerby, who was appointed to serve as the Police Service Dog Program Administrator by the Crime Commission's Executive Director had come to the Council for approval to find common ground for the PSD judges in the State to solidify a Teaching Judge position in Chapter 18. Mr. Kerby was unsuccessful and was unable to find common ground and removed himself from the process. The proposal is being presented by Lieutenant Jason Prante of the Nebraska State Patrol.

Lieutenant Jason Prante reported that the proposal before the Council was to formalize the position of Teaching Judge in Title 79, Chapter 18. The position of Teaching Judge in Nebraska has been voluntarily complied with since 1997. PSAC approved the formal standards for roles and certification for Police Service Dog certification in 2015. The Teaching Judge position was not formally defined at that time. Lt. Prante presented the objectives and proposed changes to Chapter 18. Lt. Prante emphasized that it was not a Nebraska State Patrol proposal but a proposal based on meetings with PSD Judges and Evaluators and Handlers.

Mr. McCarthy asked for clarification on 005.07, whether the language meant the NLETC Director. Lt. Prante answered the question in the affirmative and that the language would be clarified.

Chief Graham asked for clarification on 005.07 regarding the selection of the PSD Advisory Board members. Lt. Prante clarified that the selection criteria would be the same as when selecting PSAC members with regards to agency size representation and population etc.

Sheriff London asked how often the Advisory Board would meet. Lt. Prante answered that typically the board has met annually. That language could be added to the proposal.

Deputy Chief Thomas asked how many teaching judges were currently identified. Lt. Prante answered that currently Mike Kerby was the only person serving as a teaching judge.

Lt. Prante clarified that the proposal was to formalize the practices and procedures that the PSD program is currently following.

Deputy Chief Thomas asked if the other handlers were in support of the proposal. Lt. Prante responded that the proposal was taken from meetings with handlers, evaluators and judges in the past couple of years. Deputy Chief

Thomas asked whether individual handlers would be able to speak on their concerns. Lt. Prante said that concerns could still be addressed.

Asst. Chief Stille asked for clarification of 006.04E as it pertains to the thought process behind the timeframe for recertification of the teaching judge. Lt. Prante responded by saying that it mirrors the teaching judge practices in surrounding jurisdictions and states who follow a similar protocol.

Sgt. Bolzer asked if everyone was on the same page with the proposal and if there were any other proposals submitted for consideration. Lt. Prante stated that he did not have any other submitted proposal. Director Stephenson responded that he had received a proposal from the Omaha Police Department. The initial discussion for this was to be on the June agenda but due to a clerical error it was added to the May agenda. It is Director Stephenson's understanding that OPD will be presenting their proposal at the June meeting.

Deputy Chief Thomas asked if the other proposal was different from the one being discussed. Director Stephenson responded that it was and that he would recommend tabling the vote on this proposal to give the Council the chance to compare the two proposals.

Deputy Chief Thomas asked if Sgt. Randy Pignotti would be able to make a statement even though he was not on the agenda for his proposal. Director Stephenson replied that it was up to the Council.

Sgt. Randy Pignotti from Omaha Police Department stated, "If I may, I do not have a presentation prepared today. I have speech in opposition of the proposal before you right now."

MOTION

Chief Reeves: I make a motion that we table item V C. Deputy Chief Thomas seconded the motion.

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

D. Extension of 1-Year Requirement to Attend Supervision

Quenton Smith: Lincoln County Sheriff's Office

Director Mark Stephenson reported that Sgt. Quenton Smith of the Lincoln County Sheriff's Office is scheduled for the October 2026 NLETC Supervision

course. He was promoted in August 2025. Director Stephenson recommended that the extension be granted.

MOTION

Sheriff London: I make a motion to approve the extension of the 1-year requirement for attending supervision training for Quenton Smith of the Lincoln County Sheriff’s Office. Sgt. Bolzer seconded the motion.

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

E. Waiver of Supervision In-Lieu-Of NLETC Supervision Course

1. Austin Donner: Nebraska State Patrol
2. Raymond Johnson: Nebraska State Patrol
3. Eric Kloster: Nebraska State Patrol
4. John Lukesh: Nebraska State Patrol

Director Mark Stephenson reported Sgt. Austin Donner and Sgt. John Lukesh completed the NSP Supervision course in 2020. That course meets all of the core topics for Supervision. Sgt. Raymond Johnson and Eric Kloster completed the IACP LPO course in 2023 and 2024 respectively. That course has been approved by the Council as meeting State standards for Supervision training. Director Stephenson, “I would recommend that we approve those in-lieu-of waivers.”

MOTION

Sheriff London: So moved. Chief Reeves seconded the motion.

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

F. Academy Instructor Requests

Professional Original
Justin Roach

Lincoln PD

After review by the NLETC staff, Deputy Director Gene Boner recommended that the Council approve the professional original academy instructor application for Justin Roach of the Lincoln Police Department.

MOTION

Sgt. Bolzer: I make a motion to approve the Professional Original instructor application for Justin Roach of the Lincoln Police Department Academy for the subject areas marked approved on the instructor application provided in the agenda packet. Mr. McCarthy seconded the motion.

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

Professional Renewal

Michelle Herweh

David Coombs

Stuart Nadgwick

Lincoln PD

SDLEA

SDLEA

After review by the NLETC staff, Deputy Director Gene Boner recommended that the Council approve the professional renewal academy instructor applications for those listed above.

MOTION

Sgt. Bolzer: I make a motion to approve the Professional Renewal instructor application for Michelle Herweh of the Lincoln Police Department Academy, David Coombs and Stuart Nadgwick of the SDLEA for the subject areas that are marked approved on the instructor application provided in the agenda packet. Deputy Chief Thomas seconded the motion.

Voting in favor: Chief Reeves, Lt. Col. Roby, Asst. Chief Stille (abstained for Michelle Herweh), Deputy Chief Thomas, Sgt. Bolzer, Chief Graham, Sheriff London (abstained for David Coombs and Stuart Nadgwick), Mr. McCarthy, Sheriff Osmond. Motion approved.

General Original

Lindsay Varona

SDLEA

After review by the NLETC staff, Deputy Director Boner recommended that the Council approve the general original instructor application for Lindsay Varona of SDLEA.

MOTION

41

5/20/2026

PSAC

Sgt. Bolzer: I make a motion to approve the General Original instructor application for Lindsay Varona from SDLEA for the subject areas that are marked approved on the instructor application provided in the agenda packet. Sheriff Osmond seconded the motion.

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

G. NCO's Eligible for 16 Week Extension

<u>Name</u>	<u>Agency</u>
Andrew Leishman	Scottsbluff PD

Jessica Wagoner, "The Non-Certified Conditional Officer listed under item G has met all of the requirements for the 16-week extension and I would recommend that the Council approve this extension."

MOTION

Sheriff London: So moved. Sheriff Osmond seconded the motion.

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

H. Hiring Bonus Grants

<u>Name</u>	<u>Agency</u>
Colan Freisinger	Bellevue PD
Eathen Sanchez	Box Butte Co SO
Alexander Stanek	Boys Town PD
Cody Neville	Broken Bow PD
Hunter Kraus	Buffalo Co SO
Martavius Pennington	Columbus PD
Kelsey O'Neill	Dakota Co SO
Brittney Bristol	Dawson Co SO
Marcos Garcia	Fremont PD
Donavan Schutkowski	Garfield Co SO
Justin Schwisow	Garfield Co SO
Tyler Gunderson	Hall Co SO
Tyler Moll	Harlan Co SO
DeAnthony Moretti	Harlan Co SO
Josiah Young	Hastings PD

Haley Walker	Hitchcock Co SO
Heath Colby	Holdrege PD
Samuel Steffens	Kearney PD
Alexander Buffington	Keith Co SO
Donaven Nolze	Kimball Co SO
Joseph Leitz	Kimball PD
Easton Albrecht	NE Game & Parks
Grant Albrecht	NE Game & Parks
Hannah Holtmeier	NE Game & Parks
Logan Sanders	NE Game & Parks
Logan Smith	NE Game & Parks
Seth Bargell	North Platte PD
Preston Beller	North Platte PD
Kaleb Bomberger	North Platte PD
Isaiah Estrada	North Platte PD
Kyle Norman	North Platte PD
Tyson Kotinek	Nuckolls Co SO
Zerron Schroder	Nuckolls Co SO
Samantha Welch	Otoe Co SO
Benjamin Toliver	Perkins Co SO
Jaxon Holler	Sarpy Co SO
Austin Kouba	Sarpy Co SO
Abigail Fraas	Sidney PD
Steven Parker	Sidney PD
Clinton Stenka	Webster Co SO

Jessica Wagoner reported that those listed are the hiring bonuses that have been on hold since November meeting. The compliance team vetted and approved the applications. All of those listed under item H have met the criteria for the hiring bonus and she recommended that the Council approve the applications.

MOTION

Sgt. Bolzer: I make a motion to approve the hiring bonus grants for those listed on the agenda as presented by Jessica Wagoner. Deputy Chief Thomas seconded the motion.

Voting in favor: Deputy Chief Thomas, Sgt. Bolzer, Chief Graham, Sheriff London (abstained for Jaxon Holler and Austin Kouba), Mr. McCarthy, Sheriff Osmond, Lt. Col. Roby, Asst. Chief Stille. Abstained: Chief Reeves. Motion approved.

I. Public Comments

There were no public comments.

VIII. 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 Completing 80 Hours of Training

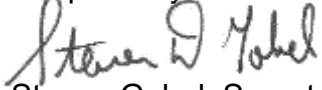
There were no officers listed on the agenda.

B. Date, Time & Location of Next Meeting

June 17, 2026, 9:00 A.M., Library, Nebraska Law Enforcement Training Center, 3600 North Academy Road, Grand Island, Nebraska 68801

The Council meeting was adjourned at 12:06 p.m.

Respectfully submitted,



Steven Gobel, Secretary to the Police Standards Advisory Council