

AGENDA POLICE STANDARDS ADVISORY COUNCIL

DATE: May 8, 2024

TO: Police Standards Advisory Council

FROM: Mark Stephenson, Director

SUBJECT: Meeting Wednesday, May 15, 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 APRIL 17, 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

V. NEW BUSINESS

- A. Supervision / Management Core Topics-Voting Item Attachment 1 (Mark will pass out at meeting.)**
Mark Stephenson, Director NLETC
- B. Amendment-Title 79, Chapter 18-Voting Item Attachment 2**
Mike Kerby-PSD Program Administrator



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

- 1. Robert Page-Bellevue Police Department-Voting Item **Attachment 3**
- 2. Jonathan Hardy-Plattsmouth Police Department-Voting Item **Attachment 4**

D. Extension of 1-Year Requirement to Attend Management

- 1. David Scheideler-Valley County Sheriff's Office-Voting Item **Attachment 5**
- 2. Jeremy Polacek-Norfolk Police Department-Voting Item **Attachment 6**

E. Academy Instructor Applications **Attachment 7**

Professional Original-Voting Item

Patrick Benson-NLETC
Todd Suchsland-NE State Patrol

General Renewal-Voting Item

Deb Hoffman-NE State Patrol

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

<u>Name</u>	<u>Agency</u>	<u>16 week deadline</u>
Joshua Bayly	Blair PD	7/31/2024
Justin Jorgensen	Blair PD	7/31/2024
Bryan Evans	Burt Co. SO	8/19/2024
Dexter Taft	Cass Co. SO	6/27/2024
Nathaniel Lousberg	Kimball Co. SO	8/5/2024

G. Hiring Bonus Grant Approvals

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

H. Revocation-Voluntary Surrender-Voting Item

Casey Hurlburt-LR-274-24

I. Public Comment

V. OTHER BUSINESS

A. Informational Items

1. Trainees-No action needed.

Claire Austell-Dodge Co. SO
Tucker Meyer-Sidney PD
Michael Stone-Sidney PD

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

Josh Bayly-Blair Police Department
Bryan Evans-Burt County Sheriff's Office
Dexter Taft-Cass County Sheriff's Office
Bruno Flores-Morrill Police Department

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

REGULAR MEETING OF THE
POLICE STANDARDS ADVISORY COUNCIL
April 17, 2024

I. CALL TO ORDER

Vice-Chairman, Chief Steve Reeves called the meeting to order at 9:00 A.M. Legal notice of the meeting was published in the Lincoln Journal Star on April 10, 2024. Roll call; Lt. Col. Buck Duis, Chief Paul Graham, Asst. Chief Brian Jackson, Mr. Matt McCarthy, Sheriff Dan Osmond, Chief Steve Reeves, Deputy Chief Sherie Thomas. Sgt. Drew Bolzer and Chief Deputy Greg London were absent.

II. APPROVAL OF MARCH 20, 2024 P.S.A.C. MINUTES

Chief Reeves asked if there was a motion to approve the March 20, 2024 minutes.

MOTION

Asst. Chief Jackson: I'll make a motion to approve the March 20, 2024 PSAC minutes. Chief Graham seconded the motion.

Voting in favor: Lt. Col. Duis, Chief Graham, Asst. Chief Jackson, Mr. McCarthy, Sheriff Osmond, Chief Reeves, Deputy Chief Thomas. Motion approved.

III. REPORTS

A. Director's Report

Director Mark Stephenson reported on the following:

- The 217th Basic class received 63 eligible applications by the due date. The first 7 enrolled were deferred from the 216th Basic. There were 55 approved applications. The 218th Basic class will already start with 9 students who were deferred from the 217th.
- The continuing education audit is complete. There were some issues with officers who work full time at one agency and part time at another. The part time agency was chosen for the audit and there was difficulty in getting the required documentation for the audit. The officers were not



replying to any communication from NLETC. NLETC contacted the full time agency to let them know their officer would be facing suspension for not completing the audit. That opened up the line of communication quickly. 30 agencies were contacted for the audit. 2 of the agencies had disbanded. 68 officers were audited. 61 completed the audit. 4 officers submitted change in status forms that removed them from the audited agency. 3 officers were suspended.

- Director Stephenson attended the IADLEST conference on April 8-9th. Hiring, retention and Academy trends were big topics discussed at the conference.

B. Deputy Director's Report

Deputy Director Gene Boner reported on the following:

- The 216th Basic training class graduated on April 12th with 45 students. The class started on January 2nd with 50 students. 1 student was removed for disciplinary issues and the other 4 were due to test failures. There will be 1 student recycling for the Firearms portion of the training during the 217th Basic.
- The annual Highway Safety grant has been approved. The grant covers a portion of salaries for instructors who teach the related classes, and it also pays to host the advanced crash investigation training.
- Intermediate Crash Investigation course was held March 25-29, 2024 with 19 students enrolled.
- Firearms Instructor Recertification course was held April 3, 2024 with 14 students enrolled.
- Patrol Rifle Instructor Recertification course was held April 4, 2024 with 10 students enrolled.
- Deputy Director Boner introduced the 2 new instructors. Jesse Parker is the new Defensive Tactics instructor and Chris Anderson is the new SFST coordinator instructor.

C. Nebraska State Patrol Training Academy

Captain Andy Ecklund reported on the following:

- Basic Recruit Camp 69 is in week 15. 13 recruits are enrolled.
- Current, past, and upcoming courses for the recruits were reported on.

D. Crime Commission Report

Executive Director Bryan Tuma reported on the following:

- May 11-18, 2024 will be National Peace Officer week in Washington D.C. There might be the opportunity to recruit some officers to Nebraska.
- Cody Thomas from the Nebraska State Patrol was contacted to help draft a generic recruitment message for Nebraska Law Enforcement. The Crime Commission is willing to cover the cost of a mobile billboard. A strategic time during that week would be decided on that wouldn't conflict with the Law Enforcement Memorial week.
- The probation offender data has been restored to the NCJIS platform.
- The Crime Commission meeting is scheduled for May 17, 2024.
- The Law Enforcement Memorial even is also scheduled for May 17, 2024 in Grand Island.
- LB-388: There was mention in the bill regarding a "strength of force" formula being developed by the Crime Commission that would be used by municipalities, local law enforcement, and local government to determine their staffing of law enforcement officers. There is not much information at this time. The creation of the formula would be a collaborative undertaking between the Crime Commission, PSAC and the State Auditors.
- There is speculation that a special session of the Legislature will be called on tax issues. No definite plan has come from the Governor's office at this time.

IV. Old Business

V. New Business

A. Academy Instructor Requests

1. Legal Original

Michael Wehling-Nebraska State Patrol

After review by the NLETC staff, Deputy Director Boner recommends approval of the Legal academy instructor application as presented in the agenda.

MOTION

Chief Graham: I make a motion to approve the Legal Original Instructor Application for Michael Wehling of the Nebraska State Patrol for the subject areas that are marked approved on the instructor application provided in the agenda packet. Asst. Chief Jackson seconded the motion.

Voting in favor: Chief Graham, Asst. Chief Jackson, Mr. McCarthy, Sheriff Osmond, Chief Reeves, Deputy Chief Thomas. Abstained: Lt. Col. Duis. Motion approved.

2. General Original

Ashley Green-Nebraska State Patrol
Jennifer Russell-Nebraska State Patrol

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

MOTION

Asst. Chief Jackson: I'll make a motion to approve the General Original Instructor Applications for Ashley Green and Jennifer Russell of the Nebraska State Patrol 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: Asst. Chief Jackson, Mr. McCarthy, Sheriff Osmond, Chief Reeves, Deputy Chief Thomas, Chief Graham. Abstained: Lt. Col. Duis. Motion approved.

3. Professional Renewal

Dion Neumiller-Nebraska State Patrol

After review by the NLETC staff, Deputy Director Boner recommends approval of the Professional Renewal academy instructor application as presented in the agenda.

MOTION

Chief Graham: I make a motion to approve the Professional Renewal Instructor Application for Dion Neumiller of the Nebraska State Patrol for the subject areas that are marked approved on the instructor application provided in the agenda packet. Asst. Chief Jackson seconded the motion.

Voting in favor: Mr. McCarthy, Sheriff Osmond, Chief Reeves, Deputy Chief Thomas, Chief Graham, Asst. Chief Jackson. Abstained: Lt. Col. Duis. Motion approved.

B. Waiver of Management Training In-Lieu-Of NLETC Management

1. Cory Halverson-Nebraska State Patrol
2. Sean Wilson-Nebraska State Patrol

Director Mark Stephenson reported that Lt. Cory Halverson and Lt. Sean Wilson have completed the IACP Leadership in Police Organizations training. With an

additional 209 hours for Lt. Halverson and 161 hours for Lt. Wilson with topics to include media relations, background investigations, accounting and P.O.'s, performance appraisals and performance improvement. Director Stephenson recommends approval of their request to have their training accepted in-lieu-of the in-person NLETC Management course.

MOTION

Sheriff Osmond: I'll make a motion to approve the waiver of management training in-lieu-of NLETC management course for Cory Halverson of the Nebraska State Patrol provided that he complete the on-line portion of the course when scheduled. Mr. McCarthy seconded the motion.

Voting in favor: Sheriff Osmond, Chief Reeves, Deputy Chief Thomas, Chief Graham, Asst. Chief Jackson, Mr. McCarthy. Abstained: Lt. Col. Duis. Motion approved.

MOTION

Asst. Chief Jackson: I make a motion to approve the waiver of management training in-lieu-of the NLETC management course for Sean Wilson of the Nebraska State Patrol provided that he too completes the on-line portion of the course when scheduled. Chief Graham seconded the motion.

Voting in favor: Chief Reeves, Deputy Chief Thomas, Chief Graham, Asst. Chief Jackson, Mr. McCarthy, Sheriff Osmond. Abstained: Lt. Col. Duis. Motion approved

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

Justin Brase-Nebraska State Patrol

Director Mark Stephenson reported that Sgt. Justin Brase completed the NSP Supervision course and is requesting that training be in-lieu-of the NLETC Supervision course. The NSP course was 32 hours and consisted of courses such as ethics, performance reviews and conflict management, supervisor intervention, legal issues of supervisors and media relations. Director Stephenson recommends approval of Sgt. Brase's request.

MOTION

Chief Graham: I make a motion to approve the waiver of supervision training in-lieu-of the NLETC supervision course for Sgt. Brase of the Nebraska State Patrol. Sheriff Osmond seconded the motion.

DISCUSSION

Asst. Chief Jackson asked for clarification if the NSP course meets or exceeds the NLETC course. Director Stephenson responded that the NSP Supervision course curriculum had been previously approved by the Council

Voting in favor: Deputy Chief Thomas, Chief Graham, Asst. Chief Jackson, Mr. McCarthy, Sheriff Osmond, Chief Reeves. Abstained: Lt. Col. Duis. Motion approved.

D. NCO's Eligible for Automatic Extension

Justin Jorgensen-Blair Police Department
Matthew Garrelts-Gosper Co. Sheriff's Office
Wesley Throckmorton-Lincoln Co. Sheriff's Office
Nathaniel Hutton-Lincoln Co. Sheriff's Office
Justin Niewohner-Madison Police Department
Hannah Schoen-Nebraska City Police Department
Lucas Geyer-Richardson Co. Sheriff's Office
Louis Lamb II-Valentine Police Department

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

MOTION

Asst. Chief Jackson: I would make a motion to approve the automatic extension for the NCO's eligible for such listed under item D. Justin Jorgensen, Matthew Garrelts, Wesley Throckmorton, Nathaniel Hutton, Justin Niewohner, Hannah Schoen, Lucas Geyer, and Louis Lamb. Mr. McCarthy seconded the motion.

Voting in favor: Lt. Col. Duis, Chief Graham, Asst. Chief Jackson, Mr. McCarthy, Sheriff Osmond, Chief Reeves, Deputy Chief Thomas. Motion approved.

E. Basic Police Academy/Academy Staffing Discussion

Chief Kevin Denney of the Grand Island Police Department appeared before the Council to discuss his inability to get all of his agencies needed officers into the academy. With a class limit of 50 students in the academy, it presents a situation where the agency can't expand or even maintain the level of officers needed. There is currently a logjam. Chief Denney suggested a short term solution of contracting more instructors in order to have more people enrolled into a basic class. Chief Denney also suggested a needs assessment of all agencies to help determine the staffing needs of agencies and what short and long term solutions are available.

Director Stephenson reported on the number of students enrolled in the last 5 years. Director Stephenson also reported that the current curriculum was built around the current staff of 7 instructors for a maximum of 50 students.

Deputy Director Boner reiterated that there are currently not enough resources to increase the enrollment numbers. If the enrollment numbers are increased there would need to be an adjustment on the duration of the basic in order to get everyone through the skills portion of the training.

Director Stephenson was asked to explain the applicant screening process and how the priority list is chosen for the basic classes.

After much discussion the Council recommended creating a working group to explore the options and potential solutions to the enrollment issues.

The Council took a break from 10:15-10:25 a.m.

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

2 1. Dayton Bell-Dixon County Sheriff’s Office

3 **CHAIR:** The matter now before the Police Standards Advisory Council is the Dixon County
4 Sheriff’s Office on behalf of its applicant, Dayton Bell v. the Nebraska Law
5 Enforcement Training Center, Case number 24 PSAC 99.

6 **CHAIR:** I will now call the meeting to order at 10:25 a.m. I will note the following Council
7 members are present: Myself, Chief Reeves, Lt. Col. Duis, Chief Graham, Asst.
8 Chief Jackson, Sheriff Osmond, Mr. McCarthy, and Deputy Chief Thomas.

9 **CHAIR:** The Council has been asked by the Petitioner, Dixon County Sheriff’s Office to
10 consider reversing Director Stephenson’s denial of Mr. Bell’s entrance into the
11 Basic Law Enforcement Officer Certification Course.

12 **CHAIR:** The Council is here pursuant to its authority as stated in Nebraska Revised Statute
13 §81-1403, its related statutes and Title 79 of the Nebraska Administrative Code.

14 **CHAIR:** I will note that the petitioner, Sheriff Thomas Decker is present along with the
15 petitioner’s applicant Dayton Bell.

16 **CHAIR:** Sheriff Decker, are you represented by counsel?

17 **SHERIFF:** No.

18 **CHAIR:** Mr. Bell, are you represented by counsel?

19 **BELL:** No sir.

20 **CHAIR:** Sheriff Decker, since Dixon County has appealed the director’s decision, I will
21 direct the rest of the proceedings to you. However, since Mr. Bell hasn’t, has not
22 had an attorney present we’ll allow him to speak on his behalf at the end of these
23 proceedings.

24 **CHAIR:** The Nebraska Law Enforcement Training Center's Director Mark Stephenson is
25 present and will present the case on behalf of the Nebraska Law Enforcement
26 Training Center.

27 **CHAIR:** Is there an attorney present for the Nebraska Law Enforcement Training Center?

28 **DIRECTOR:** No sir.

29 **CHAIR:** Does either party contest the Council's authority to hear this type of case? Mr.
30 Stephenson?

31 **DIRECTOR:** No sir.

32 **CHAIR:** Sheriff?

33 **SHERIFF:** No sir.

34 **CHAIR:** Title 79 of the Nebraska Administrative Code, Chapter 8, specifies the
35 requirements that must be met by an applicant in order to be eligible for the Basic
36 Law Enforcement Officer Certification Course.

37 **CHAIR:** Pursuant to Title 79, Chapter 8, section 008.01, upon request of an applicant or
38 agency, the Council will conduct a hearing in order to determine whether the
39 applicant meets the minimum qualification for admission into a certification course.
40 The burden during this appeal hearing is on the applicant to demonstrate by clear
41 and convincing evidence that he meets admission qualifications.

42 **CHAIR:** Per Title 79, Chapter 13, section 004.02G, the issues of this appeal will be limited
43 to those raised in the request for review and reconsideration as provided in section
44 004.02C and the director's written decision in response.

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

46 **CHAIR:** Sheriff Decker, I want to go over your rights in this Administrative Hearing. You
47 have a right to be heard, either in person or by counsel who you have hired at your
48 own expense.

49 **CHAIR:** You also have a right to notice; that is to receive a statement from the State, the
50 Nebraska Law Enforcement Training Center, detailing or justifying its actions in this
51 matter.

52 **CHAIR:** Do you understand these rights?

53 **SHERIFF:** Yes sir.

54 **CHAIR:** Did you receive such notice via letters from Director Stephenson stating his
55 reasons for the denial of Dayton Bell's basic application?

56 **SHERIFF:** Yes sir.

57 **CHAIR:** Did you notice any defects in those letters that prejudiced your from presenting
58 your case?

59 **SHERIFF:** No sir.

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

63 **SHERIFF:** Yes sir.

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

68 **CHAIR:** As it pertains to you appeal of the director's decision to have your applicant's
69 entrance into the basic officer certification course I have not had any personal
70 information conveyed to me nor do I have any personal knowledge of this case.

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

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

74 **DUIS:** No.

75 **CHAIR:** Chief Graham?

76 **GRAHAM:** No.

77 **CHAIR:** Asst. Chief Jackson?

78 **JACKSON:** No.

79 **CHAIR:** Mr. McCarthy?

80 **McCARTHY:** No.

81 **CHAIR:** Sheriff Osmond?

82 **OSMOND:** No.

83 **CHAIR:** Deputy Chief Thomas?

84 **THOMAS:** No.

85 **CHAIR:** Does either side have any further questions or challenge for cause against any
86 member of the Council?

87 **DIRECTOR:** No sir.

88 **SHERIFF:** No sir.

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

91 **DIRECTOR:** Mr. Chair, there is two exhibits that I would ask to be accepted into evidence at this
92 time. Both are contained in this single binder. The first exhibit contains
93 documentation from the Nebraska Law Enforcement Training Center's file for Mr.
94 Bell. Personal identifying information has been redacted. Documents will include;
95 the change-in status form, application for training, employment verification form,
96 character affidavit, to include his law enforcement agency background verification
97 and authority to release information under Exhibit 1. Exhibit 2 is a copy of the
98 original denial letter dated March 18th 2024, the intent to appeal email from Sheriff

99 Decker dated March 19th 2024, the email requesting reconsideration dated March
100 22nd along with legal documentation, a police report, final denial letter dated March
101 22nd and a formal request to appeal dated March 19th. May I approach and present
102 these?

103 **CHAIR:** Yes, please.

104 **DIRECTOR:** They are separated this time in 1 and 2.

105 **CHAIR:** Sheriff Decker, do you have any objection to the receipt of these exhibits?

106 **SHERIFF:** No.

107 **CHAIR:** Let the record reflect that Exhibits 1 and 2 have been received and are entered into
108 the record. Does either side wish to address any further preliminary matters?

109 **SHERIFF:** No.

110 **DIRECTOR:** No.

111 **CHAIR:** Sheriff Decker, as the petitioner, you may make an opening statement at this time.

112 **SHERIFF:** My name is Tom Decker. I am the Sheriff at Dixon County. I want to thank the Police
113 Standards Advisory Council for having us today. For taking the time to hear this
114 case. This case comes back that Dayton was honest on his applicant. When Rich
115 Lamprecht did the triple I nothing came back so we looked a little bit farther into it.
116 It was from a fight when he was 21 years old. On his 21st birthday, 18 plus years
117 ago, at a bar in Wayne at Riley's. So while we're looking at it, the Chief Deputy
118 called over to Chief Marlin Chinn from Wayne Police Department and received the
119 statement, the police report. So I then talked to the County Attorney, it's Amy Miller
120 now, she wasn't there at the time, so they don't have anything on record. So I went
121 to the County Courts, they don't have anything on record. They purged everything.
122 So I think the standard is 15 years and they go and purge everything. So I don't
123 have a whole lot to go off of. We have what Marlin Chinn said is that Dayton paid a

124 \$150 dollar fine for the fight. When I have time to present everything in my folder I
125 will, you will kind of see, I'll kind of go through, the night of the bar fight, it wasn't
126 really a bar fight. He was 21 years old and had too much to drink and the bouncers
127 were going to take him out. The police department, the police officer, Ed Foote,
128 drove by seeing there was a scuffle out front of the establishment. The bartenders
129 nor the bouncers or security officer called 911. I think it was going to be handled
130 outside by them. Luckily Ed Foote drove by, stopped and detained and got the
131 information. So, again it was all brought forward by Dayton, you know, I mean, so,
132 he's kind of changed his life around from 18 years ago. He joined the military. He
133 stuck around and was honorably discharged. He stuck around the area. Worked for
134 a couple of different businesses. Seemed like he was in good standing with those
135 companies. So, his (unintelligible) reinstatement I guess. So thank you very much.

136 **CHAIR:** Thank you. Director Stephenson do you wish to make an opening statement?

137 **DIRECTOR:** Yes sir. Members of the Council, Dayton Bell is currently employed with the Dixon
138 County Sheriff's Office and has applied for the NLETC Basic Police Academy in
139 the 217th class. I reviewed Mr. Bell's application packet. The review consisted of
140 comparing the information supplied by Mr. Bell and his agency as well as additional
141 background information against the standards set forth in Nebraska Administrative
142 Law Title 79, Chapter 8. The basis for denial of Mr. Bell's application is founded on
143 the following grounds; Nebraska Administrative Code Title 79, Chapter 8 section
144 005.01F states, the applicant has never been convicted by a state, the United
145 States, or any foreign government of a crime punishable by imprisonment for a
146 term of 1 year or more. The applicant will not be disqualified if such convictions
147 have been overturned or reversed by the court of jurisdiction or a pardon has been
148 obtained. On page 3, question number 7 of Mr. Bell's Character Affidavit, he

149 answered unknown to the question, I have not been convicted of any crime
150 involving the threat or the actual use of physical violence that would constitute a
151 Class 1 Misdemeanor in this state. On page 4 under section 3, criminal violations,
152 number 1, Mr. Bell reported that he was charged with assault in the 3rd degree
153 where he plead guilty in 2005. Mr. Bell paid a fine. This crime is still punishable by
154 imprisonment for a term of one year or more. Mr. Bell disclosure of a conviction of
155 a Class 1 Misdemeanor conflicts with Nebraska Administrative Law Title 79,
156 Chapter 8, Section 005.01F. For this reason, Mr. Bell's application to the basic
157 police academy training was denied.

158 **CHAIR:** Thank you. Now is the time further evidence can be presented to the Council. This
159 may include written evidence, witness testimony and/or unsworn statements by
160 yourself or any other person. Sheriff Decker, do you have any written evidence for
161 us to consider on behalf of your agency or Mr. Bell?

162 **SHERIFF:** Yes I do. I have one for everybody.

163 **STOLZ:** You will need to take just one of the folders, there is actually two sets of documents
164 Mr. Chair. One is a Wayne Police report. I ask that be marked as one exhibit.
165 There are character references letters in that packet as well, I ask that be marked
166 as a separate exhibit. And I would also, for the record, that we would redact any
167 personal information contained in these documents.

168 **SHERIFF:** I did not do that. I apologize if I was supposed to do that. It's pretty much what the
169 Training Center had. Dayton had some character references on the inside of this
170 packet. I've never done this before, so I apologize.

171 **STOLZ:** You are asking for them to be accepted, to be marked and accepted as exhibits.

172 **CHAIR:** Mr. Stephenson, any objections?

173 **DIRECTOR:** No sir.

174 **CHAIR:** So we've marked the police report as Exhibit 1, we've marked the letters as Exhibit
175 2.

176 **STOLZ:** It should be 3 and 4 sir.

177 **GOBEL:** Oh, sorry.

178 **STOLZ:** You already have 1 and 2.

179 **CHAIR:** Ok. We changed the police report to Exhibit number 3. The reference letters to
180 Exhibit number 4. Let the record reflect that Exhibits 3 and 4 have entered into the
181 record. Sheriff Decker, do you have any additional evidence or testimony to offer?

182 **SHERIFF:** My Chief Deputy would like to.

183 **CHAIR:** Would you state your name please?

184 **CHF DEP:** Richard Lamprecht.

185 **CHAIR:** Go ahead sir.

186 **CHF DEP:** I just want, so Dayton applied with us 3 years ago and that's when he originally
187 disclosed this assault charge. At that time we ended up hiring a certified officer.
188 After Dayton was not selected in that process, he continued to reach out to one of
189 our deputies a time or two just to see if we had any openings or if we foresee
190 anything opening up. And I think that carries a lot of weight for our agency to have
191 somebody that lives in the area, that wants to be in law enforcement and
192 specifically wants to work for your agency. We don't get a lot of applicants. So then
193 also the officer that was hired three years ago left in November and Dayton applied
194 right away. I think we had 8 applicants. Six interviewed. He scored the best. He
195 interviewed the best. He did a great job. So then, again, he discloses the assault
196 charge. So that's when I started the background investigation and couldn't find it
197 anywhere. You can call Wayne court, they didn't have anything. So then I
198 contacted Chief Chinn in Wayne, and he was able to send me the police report.

199 And I guess when I read the report, from what happened it gave me a little bit of
200 relief because I feel it was just, it was a poor choice with alcohol on his 21st
201 birthday you know, as opposed to a malevolent act of violence. He's had nothing of
202 the sort since then. All the other deputies that were involved in the hiring process,
203 they were made aware of it. They were comfortable with happened. It was 18 years
204 ago. Nobody wants to be involved in or being with him didn't feel he was that type
205 of person. So we're all in agreement to give him a shot. Thank you.

206 **CHAIR:** Thank you. Mr. Stephenson, do you have any questions of Deputy Chief
207 Lamprecht?

208 **DIRECTOR:** No sir.

209 **CHAIR:** Sheriff Decker, do you have any additional evidence or testimony to offer?

210 **SHERIFF:** Does Dayton get a chance to speak later?

211 **CHAIR:** This would be the time for him to do so.

212 **SHERIFF:** Ok.

213 **BELL:** Uh, it was on my 21st birthday. There was a lot of (unintelligible) alcohol. I went to
214 the bar, ran into a lot of people I knew, kept feeding me shots and stuff and I didn't
215 know when to stop. It was a long time ago. I don't feel like I'm that person at all. So
216 I appreciate you guys hearing my case. Thank you.

217 **CHAIR:** Mr. Stephenson, any questions for Mr. Bell?

218 **DIRECTOR:** No sir.

219 **CHAIR:** Sheriff Decker, do you have any additional evidence or testimony?

220 **SHERIFF:** No sir.

221 **CHAIR:** Director Stephenson, do you have any additional evidence or testimony?

222 **DIRECTOR:** No sir.

223 **CHAIR:** Sheriff Decker, you may make the closing argument at this time.

224 **SHERIFF:** Well, I would like to say is thank you for hearing us out and giving us a chance to
225 get a reversal of Director's denial. It was 18 years ago. We've all made mistakes.
226 Alcohol was involved. It was his 21st birthday. You know, I think he's a changed
227 man. He went to the military. Got honorably discharged. He held a job. My two
228 deputies said that he's, he's been the top two every single time in our hiring
229 process. We were lucky enough to have a certified guy so he kind of got beat out
230 by that. He's never lied about the assault charge, even when he first applied with
231 us. We never really had to appeal anything because he was never, the applicant
232 was never sent down to the training center. I asked Dayton, I said so, you were
233 denied. We talked about it on the phone and I said, do you want go forward with
234 the appeal? He said, I want my chance to become a law enforcement officer. So to
235 me that means, and by his continuously calling one of our deputies and checking in
236 if we are hiring. I think Dayton is going to make a good officer if the chance arises.
237 We don't have a lot of turnover in Dixon County. So sometimes the chances to
238 getting on with us, it takes about 15-20 years. I don't know, maybe it's just been
239 good people in the area I guess, but, I think we're kind of an odd situation and
240 Dayton has been trying for 3 years. His wife is here to support him. So, I will just
241 hopefully, you'll reconsider, consider, you know, waiving his appeal process I
242 guess to allow him to come to the basic training. So, thank you.

243 **CHAIR:** Thank you. Director Stephenson, you may make your closing argument at this
244 time.

245 **DIRECTOR:** Yes sir. Mr. Bell disclosed all necessary information and provided the requested
246 legal documents that appeared before you today as Exhibit 1, Exhibit 2. This case
247 is being presented to you based on that information.

248 **CHAIR:** Thank you. Any questions from the Council?

249 **OSMOND:** I do. So one of the things we have to look at is what did you change, I mean
250 obviously this is a long time ago, what did you do to make sure that something like
251 that didn't happen again?

252 **BELL:** I don't take shots. I don't go to the bar. I moved out of Wayne and I have a little
253 farm and basically avoid anything that could possibly lead to a return to that
254 situation.

255 **JACKSON:** This happened when you were 21?

256 **BELL:** Yes sir.

257 **JACKSON:** You were (unintelligible)...

258 **BELL:** Yes sir.

259 **JACKSON:** Before that, then that's your military service.

260 **BELL:** Yes sir.

261 **JACKSON:** Since then, you, were you married at the time? Got married since then?

262 **BELL:** Just got married two years ago.

263 **JACKSON:** Then you were employed, gainfully employed for most of that time?

264 **BELL:** Yes sir.

265 **JACKSON:** Had no other criminal run-ins that would impact this?

266 **BELL:** No sir.

267 **JACKSON:** Do any volunteer stuff do anything else that you want to share with us while you
268 have an opportunity for us to consider.

269 **STOLZ:** Mr. Chair, may I ask a question?

270 **CHAIR:** Yes.

271 **STOLZ:** You said you were in the National Guard?

272 **BELL:** Yes sir.

273 **STOLZ:** From when to when?

274 **BELL:** 2002 until 2010.

275 **STOLZ:** And what was your MOS?

276 **BELL:** (Unintelligible)

277 **STOLZ:** Which is?

278 **BELL:** Medium to heavy transportation.

279 **STOLZ:** And where were you based out of?

280 **BELL:** Wayne.

281 **STOLZ:** And you've been discharged from the guard?

282 **BELL:** Yes sir.

283 **CHAIR:** Any other questions?

284 **JACKSON:** I would move that the Council go into executive session based on the prevention of
285 needless injury to the reputation of Dayton Bell and for the purpose of executive
286 session, we will allow the following to remain in the room; all Council members, the
287 Council secretary, legal advisor Dave Stolz. I'm also asking for Asst. Chief Stille,
288 who has been approved to take my place so he can monitor the proceedings and,
289 that's the motion.

290 **MCCARTHY:** I'll second.

291 **CHAIR:** Any discussion on the motion? Roll call vote please.

292 **GOBEL:** Chief Graham?

293 **GRAHAM:** Yes.

294 **GOBEL:** Asst. Chief Jackson?

295 **JACKSON:** Yes.

296 **GOBEL:** Mr. McCarthy?

297 **MCCARTHY:** Yes.

298 **GOBEL:** Sheriff Osmond?

299 **OSMOND:** Yes.

300 **GOBEL:** Chief Reeves?

301 **CHAIR:** Yes.

302 **GOBEL:** Deputy Chief Thomas?

303 **THOMAS:** Yes.

304 **GOBEL:** Lt. Col Duis?

305 **DUIS:** Yes.

306 **GOBEL:** We are in executive session at 10:47.

307 **CHAIR:** The meeting of the Police Standards Advisory Council come to order. Is there a

308 motion to come out of executive session?

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

310 **JACKSON:** I will second.

311 **CHAIR:** A motion and a second to come out of executive session. Roll call vote please.

312 **GOBEL:** Asst. Chief Jackson?

313 **JACKSON:** Yes.

314 **GOBEL:** Mr. McCarthy?

315 **MCCARTHY:** Yes.

316 **GOBEL:** Sheriff Osmond?

317 **OSMOND:** Yes.

318 **GOBEL:** Chief Reeves?

319 **CHAIR:** Yes.

320 **GOBEL:** Deputy Chief Thomas?

321 **THOMAS:** Yes.

322 **GOBEL:** Lt. Col. Duis?

323 **DUIS:** Yes.

324 **GOBEL:** Chief Graham?

325 **GRAHAM:** Yes.

326 **GOBEL:** Motion carried. The time is 10:53.

327 **CHAIR:** All parties present when the Council went into executive session are again present.

328 The time is 10:53. Is there a motion?

329 **OSMOND:** I would make a motion that we overrule the appeal of the Director and except...

330 **JACKSON:** Overrule the denial.

331 **OSMOND:** Overrule the denial of the Director on the decision to deny Dayton Bell entrance

332 into the academy.

333 **THOMAS:** Second.

334 **CHAIR:** I have a motion to overrule the denial of admission to the academy. Any

335 discussion? Hearing none, lets vote.

336 **GOBEL:** Mr. McCarthy?

337 **MCCARTHY:** Yes.

338 **GOBEL:** Sheriff Osmond?

339 **OSMOND:** Yes.

340 **GOBEL:** Chief Reeves?

341 **CHAIR:** Yes.

342 **GOBEL:** Deputy Chief Thomas?

343 **THOMAS:** Yes.

344 **GOBEL:** Lt. Col. Duis?

345 **DUIS:** Yes.

346 **GOBEL:** Chief Graham?

347 **GRAHAM:** Yes.

348 **GOBEL:** Asst. Chief Jackson?

349 **JACKSON:** Yes.

350 **GOBEL:** Motion approved.

351 **CHAIR:** Sheriff Decker, as you've just heard, the Council has granted your appeal. The
352 Council will prepare the findings of fact and conclusions of law pertaining to today's
353 hearing and the Council's decision. Where do you want the findings sent?

354 **SHERIFF:** Just to the Sheriff's Office.

355 **CHAIR:** Do you want those via US mail or email?

356 **SHERIFF:** Email is fine.

357 **CHAIR:** Email to the Sheriff's Office.

358 **CHAIR:** According to Title 79 of the Nebraska Administrative Code, Chapter 8, section
359 008.02, the Council will render a decision and reduce its decision in writing within
360 90 days of the hearing, unless extended by order of the presiding officer.

361 **CHAIR:** This hearing is concluded. The time is 10:55.

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1 **F. Appeal: Director's Denial to Attend Basic Training**

2 2. Dexter Taft-Cass County Sheriff's Office

3 **CHAIR:** Next we have an appeal by Cass County Sheriff's Office and Dexter Taft.

4 **CHAIR:** The matter now before the Police Standards Advisory Council is the Cass County
5 Sheriff's Office on behalf of its applicant, Dexter Taft v. the Nebraska Law
6 Enforcement Training Center, Case Number 24 PSAC 100. I will now call the
7 meeting to order at 10:56 a.m. I will note that the following Council member are
8 present: myself Chief Reeves, Lt. Col. Duis, Chief Graham, Asst. Chief Jackson,
9 Sheriff Osmond, Mr. McCarthy, Deputy Chief Thomas.

10 **CHAIR:** The Council has been asked by the Petitioner, Cass County Sheriff's Office to
11 consider reversing Mr. Stephenson's denial of Mr. Taft's entrance into the Basic
12 Law Enforcement Certification course.

13 **CHAIR:** The Council is here pursuant to its authority as stated in Nebraska Revised
14 Statute §81-1403 and its relating statutes and Title 79 of the Nebraska
15 Administrative Code.

16 **CHAIR:** I will note that the petitioner, Sheriff Robert Sorenson is present along with the
17 petitioner's applicant Dexter Taft. Are you represented by Counsel?

18 **SHERIFF:** No.

19 **CHAIR:** The Nebraska Law Enforcement Training Center's Director Mark Stephenson is
20 present and will present the case on behalf of the Nebraska Law Enforcement
21 Training Center. Is there an attorney present for NLETC?

22 **DIRECTOR:** No.

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

24 **DIRECTOR:** No sir.

25 **SHERIFF:** No sir.

26 **CHAIR:** Title 79 of the Nebraska Administrative Code, Chapter 8, specifies the
27 requirements that must be meant by an applicant in order to be eligible for the
28 Basic Law Enforcement Certification course. Pursuant to Title 79, Chapter 8,
29 section 008.01, upon request of an applicant or agency, the Council will conduct
30 a hearing in order to determine whether the applicant meets the minimum
31 qualification for admission into a certification course. The burden during the
32 appeal hearing is on the applicant to demonstrate by clear and convincing
33 evidence that he meets admission qualifications.

34 **CHAIR:** Per Title 79, Chapter 13, section 004.02G, the issues of this appeal will be limited
35 to those raised in the request for review and reconsideration as provided in
36 sections 004.02C and the director's written decision in response. The decision of
37 the Council is final.

38 **CHAIR:** Sheriff Sorenson, I want to go over you rights in this Administrative Hearing. You
39 have a right to be heard, either in person or by counsel who you have hired at
40 your own expense. You also have a right to notice; that is to receive a statement
41 from the State, the Nebraska Law Enforcement Training Center, detailing or
42 justifying its actions in this matter. Do you understand your rights?

43 **SHERIFF:** Yes.

44 **CHAIR:** Did you receive such notice via letters from Director Stephenson stating his
45 reasons for denial of Dexter Taft's basic application?

46 **SHERIFF:** Yes.

47 **CHAIR:** Did you notice any defects in those letters that prejudiced you from presenting
48 your case?

49 **SHERIFF:** No.

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

53 **SHERIFF:** Yes.

54 **CHAIR:** The Police Standards Advisory Council shall act as the Hearing Board for this
55 appeal. Neither I, nor any other Council member, will be witness for either side
56 and I am not aware of any matter which I believe may be grounds for challenge
57 by either side against me or the other members. As it pertains to your appeal of
58 the director's decision to your applicant's entrance into the basic officer
59 certification, I have not had any personal knowledge conveyed to me nor do I
60 have any personal knowledge of this case. Does any Council member have any
61 personal knowledge of the petitioner's appeal for entrance into the basic officer
62 certification course?

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

64 **DUIS:** No.

65 **CHAIR:** Chief Graham?

66 **GRAHAM:** No.

67 **CHAIR:** Asst. Chief Jackson?

68 **JACKSON:** No.

69 **CHAIR:** Mr. McCarthy?

70 **MCCARTHY:** No.

71 **CHAIR:** Sheriff Osmond?

72 **OSMOND:** No.

73 **CHAIR:** Deputy Chief Thomas?

74 **THOMAS:** No.

75 **CHAIR:** Does either side have any further questions or challenge for cause against a
76 member of the Council?

77 **SHERIFF:** No.

78 **DIRECTOR:** No sir.

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

81 **DIRECTOR:** I do. I have 2 exhibits that I would ask to be accepted into evidence at this time.
82 Both exhibits are contained in a single binder. If I could approach? The first
83 exhibit contains documentation from the Nebraska Law Enforcement Training
84 Center file for Mr. Taft. All personal identifying information has been redacted.
85 These documents include; the change in status form, application for training, the
86 employment verification form, character affidavit, to include the law enforcement
87 agency background verification, and authority to release information. The 2nd
88 exhibit is the denial packet which includes; a copy of the original letter of denial
89 dated March 18th 2024, intent to appeal email from Sheriff Sorenson dated March
90 19th 2024, the email requesting a reconsideration from Sheriff Sorenson dated
91 March 28th 2024 along with letters of support from members of the Cass County
92 Sheriff's Office, a final denial email dated March 28th 2024 and a formal request
93 to appeal letter dated March 29th 2024.

94 **CHAIR:** Sheriff Sorenson do you have any objection?

95 **SHERIFF:** No.

96 **CHAIR:** Let the record reflect that Exhibits 1 and 2 have received and are entered into the
97 record. Does either side wish to address any further preliminary matters?

98 **SHERIFF:** No.

99 **DIRECTOR:** No sir.

100 **CHAIR:** Sheriff Sorenson, as the petitioner, you may make an opening statement at this
101 time.

102 **SHERIFF:** Yes. Good morning my name is Robert Sorenson, Cass County Sheriff, I just
103 want to open with thank you for doing the appeal. We understand the denial that
104 we received, and we are definitely not here to minimize what Dexter wrote on his
105 application. We just want to make sure you recognize that this incident did occur
106 many years ago. He was a minor. And I think at this point in time I have some
107 testimony later and thank you.

108 **CHAIR:** Thank you. Director Stephenson, do you wish an opening statement?

109 **DIRECTOR:** Yes sir. Members of the Council, Dexter Taft's is currently employed at the Cass
110 County Sheriff's Office and has applied for the Nebraska Law Enforcement
111 Training Center basic police academy 217th class. On review of Mr. Taft's
112 application packet, the review consisted of comparing the information supplied by
113 Mr. Taft and his agency, as well as additional background information against the
114 standards as set forth in Nebraska Administrative Law Title 79, Chapter 8. The
115 basis for the denial of Mr. Taft's application is founded on the following grounds;
116 Nebraska Administrative Code Title 79, Chapter 8, section 005.02A, which
117 states, the Council finds that a person serving in the capacity of a Nebraska law
118 enforcement officer must be of good moral character, beside the requirement
119 imposed by section 005.01A-005.01Q, a person of good character is someone
120 who generally be defined as an individual who has not illegally sold, produced,
121 cultivated, or transported marijuana or other controlled substance. On page 7,
122 question number 1 in Mr. Taft's Personal Character Affidavit he answered yes to
123 the statement, under State or Federal law have you illegally sold, produced,
124 cultivated, or transported marijuana or other controlled substance for sale. Mr.

125 Taft also reported, quote, "In high school, estimated less than 2 grams total,
126 unknown date, time, location, Nebraska, somewhere between 2014 to 2018."
127 When we requested additional information Mr. Taft reported, "I attended high
128 school between the years of 2014 and 2018. During that time period I engaged in
129 the sale of less than 2 grams of marijuana to a classmate on 1 occasion. This
130 occurred somewhere in and or around Plattsmouth Nebraska." Mr. Taft's
131 disclosure of selling marijuana or other controlled substances is in direct conflict
132 with Title 79, Chapter 8, section 005.02A6a which has no time limitation. For this
133 reason, Mr. Taft's application for basic police academy training was denied.

134 **CHAIR:** Thank you. Now is the time further evidence can be presented to the Council.
135 This may include written evidence, witness testimony and/or unsworn statements
136 by yourself.

137 **CHAIR:** Sheriff Sorenson, do you have any written evidence for us to consider on behalf
138 of your agency or Mr. Taft?

139 **SHERIFF:** I have 4 character reference letters. If I could step forward and produce these to
140 you?

141 **CHAIR:** Sure. Thank you. Those letters have been marked as Exhibit 3, any objections
142 Mr. Stephenson?

143 **DIRECTOR:** No.

144 **CHAIR:** Let the record reflect that Exhibit 3 has been accepted into the record. Sheriff
145 Sorenson, do you have any additional evidence or testimony?

146 **SHERIFF:** I do. Once again, good morning. I would just like to say that Dexter Taft, he is not
147 just a candidate, he's one of our employees. He's been employed at the Cass
148 County Sheriff's Office for approximately three years and two months. Where
149 he's a corrections officer in the Cass County Jail. I've had the pleasure and

150 opportunity for the past 16 months as the Cass County Sheriff to get to know
151 Dexter. Just from our experience with Dexter, he is of high moral character. He's
152 professional. He has high integrity. Something about him, when he started the
153 Cass County Sheriff's Office before I took over, he went through a lifestyle
154 change of wellness and fitness where he ended up losing 30 pounds and just
155 living a healthy life during his time with the Cass County Sheriff's Office. When I
156 took over he stepped in and approached and asked the new administration if he
157 could introduce a wellness program. So he introduced a wellness program
158 competition where people could compete to lose weight and/or increase your
159 PRET score. Mr. Taft, he became, this last summer, an instructor in the TAP
160 defensive tactics program. Where it's just not only defensive tactics but its health,
161 wellness, de-escalation. So he is one of our new four instructors in the TAP
162 program for Cass County Sheriff's Office. He also helped, in 2023, he also
163 helped our PREA coordinator with one of our trainings. As I said before, we're
164 not here to minimize this incident in any way, shape or form but the incident did
165 occur approximately nine to ten years ago when he was 14 and 15 years of age.
166 Today he is 24 years old. He's excited to become a deputy and I do believe he's
167 a kind of a shining example of what we want all of our candidates to be. And like I
168 said, he's of high integrity and he's professional and as I've said before, I am just
169 here hopefully you can overturn Mr. Stephenson's decision and he'll be able to
170 attend this next basic. We're also prepared when this decision is overturned and
171 he's accepted, we're also prepared to submit his training hours so he can
172 become an NCO and hopefully he can go do some ride-alongs and go do some
173 things in the next couple of weeks before basic starts. And I will end with that.

174 **CHAIR:** Thank you. Any questions of the Sheriff?

175 **DIRECTOR:** No sir.

176 **CHAIR:** Sheriff Sorenson, do you have any additional evidence or testimony to offer?

177 **SHERIFF:** I do. My, Doctor Amber Mahan, she's the Director of Professional Standards and
178 Development for the Cass County Sheriff's Office. She would like to speak.

179 **CHAIR:** Could you spell your name for us ma'am?

180 **MAHAN:** Yes. Amber, A, M, B,E, R, Mahan, M,A,H,A,N.

181 **CHAIR:** Thank you. Go ahead.

182 **MAHAN:** I am simply echoing a bit of what the Sheriff had said, more about his character,
183 his moral compass. As administrators we're all taught that major attributes of a
184 leader is being persistent, having the ability to overcome and to adapt. Dexter
185 Taft is all these things. Having watched him over the years, he's simply, he failed
186 his written first go around. He went back, he studied, he passed it. He failed, he
187 came back, he failed his PRET. He went back, he dove into fitness, he became a
188 DT instructor, he looked more at nutrition, he came back, he passed both written,
189 his PRET and increased his PRET score by 30%. So that shows that he is very
190 persistent. He has the ability to adapt, and he does want to be here and
191 specifically for our agency. As our agency becomes more progressive and as our
192 agency sets higher expectations, we are looking specially for candidates like
193 Dexter Taft. I cannot express enough how much we have appreciated what he
194 has done for our agency and how he has stepped up in responsibility. So for
195 those reasons, we would ask that you overturn the appeal and allow him to
196 attend the next academy.

197 **CHAIR:** Thank you. Any questions Mr. Stephenson?

198 **DIRECTOR:** No sir.

199 **CHAIR:** Sheriff Sorenson do you have additional evidence or testimony?

200 **SHERIFF:** Yes. Dexter Taft. He would like to speak for a minute and of course answer any
201 questions that you members would have.

202 **TAFT:** I'd kind of like, as Sheriff Sorenson said, this is an incident that happened 9 to 10
203 years ago. I was a kid in high school. I made a bad mistake and sold marijuana
204 one time to a friend. I had only done it that one time and never done it again in
205 my life. It was a simple mistake but as you've heard from both of them, I have
206 done a lot of things to turn my life around and like they said, I currently do work in
207 corrections, and I love my job working in corrections and working at the Cass
208 County Sheriff's Office and I just thank you guys for having me.

209 **CHAIR:** Any questions Mr. Stephenson?

210 **DIRECTOR:** No sir.

211 **CHAIR:** Sheriff Sorenson, any additional evidence or testimony?

212 **SHERIFF:** No I don't believe so. We rest.

213 **CHAIR:** Director Stephenson, do you have any additional evidence or testimony to offer?

214 **DIRECTOR:** No sir.

215 **CHAIR:** Sheriff Sorenson you make your closing arguments at this time.

216 **SHERIFF:** I just want to thank all of you for what you do for the State of Nebraska and for
217 law enforcement in the State of Nebraska. As I've said before, you know,
218 hopefully you guys consider the incident, when it occurred and as for how old he
219 was, him being a minor, now that he's 24 he's much more mature and once
220 again, he's high integrity and professional and we're excited to getting him into
221 this next basic and having him a certified deputy for the Sheriff's Office. So thank
222 you.

223 **CHAIR:** Director Stephenson?

224 **DIRECTOR:** Mr. Taft disclosed all necessary information and the facts presented to you were
225 discovered upon the review of his application to the Nebraska Law Enforcement
226 Training Center. This case is being presented to you today based upon that
227 information.

228 **CHAIR:** Are there any questions from the Council?

229 **OSMOND:** I do. What have you done, when did you do after this incident to make yourself
230 better?

231 **TAFT:** After the incident in high school, I played a lot of sports in high school, just to
232 keep myself away from the drugs and everything like that. I was really big on
233 football. I really focused on football and trying to go to the next level with that.
234 Unfortunately I wasn't able to. And then after high school I worked at a couple of
235 different jobs trying to figure out what I wanted to do. I actually started college my
236 senior year in high school so that kept me very occupied. I found my way into law
237 enforcement, to corrections and it is a true passion of mine and I just strived to
238 make myself better in law enforcement, working out, and staying healthy and
239 encouraging my other co-workers to stay healthy and have an over-all better life.

240 **OSMOND:** So this incident of selling marijuana, that made you want to change? What made
241 you want to stop selling, I am assuming using?

242 **TAFT:** It, I just, I kind of looked at myself after it had happened and some family
243 members that knew that I indulged and smoked marijuana, and they kind came
244 to me and had a discussion with me and wanted me to get off of that path and
245 with them having that discussion with me, I listened, and I went down a different
246 path.

247 **JACKSON:** I have a couple of questions. The reason for these questions is Title 79, Chapter
248 8, basically says, what have you done since this event. Looking at your personal

249 history statement, you had a bill go to collections from Nebraska Furniture Mart.
250 We're you going through any financial difficulties at the time or was it just a
251 misunderstanding, was it?

252 **TAFT:** That was a misunderstanding. I had a credit card from Nebraska Furniture Mart
253 and to pay that credit card, they didn't have automatic payments. You had to go
254 in and set up and make payments on it. I had missed a payment on it 1 month
255 and for the 1 payment I missed they sent straight to collections. But when it got to
256 collections I immediately paid the whole thing off.

257 **JACKSON:** I just noted that you paid it in full, I'm just asking...

258 **TAFT:** Ya, I paid it in full.

259 **JACKSON:** You were terminated in a position, was that in high school, after high school?
260 Says you were terminated from an employment.

261 **TAFT:** I was asked to quit in-lieu-of being fired.

262 **JACKSON:** Ok. When was that?

263 **TAFT:** That was after high school.

264 **JACKSON:** Before your employment with Cass County Sheriff's Office?

265 **TAFT:** Before Cass County Sheriff's Office, yes sir.

266 **JACKSON:** Ok. Have you participated in anything else with Cass County the Sheriff's office
267 through different programs? We are looking for anything that we can put on the
268 positive side to counter why we're here.

269 **TAFT:** Like they said, I created a healthy lifestyle competition for our department. I kind
270 of give people advise and try to help them with a healthier lifestyle and we had a
271 little competition with it. Like they also said, I am a defensive tactics instructor, I
272 also took a use of force instructor development class to further my instructorship

273 with defensive tactics and learning how to create lesson plans and various things
274 when it comes to my, when I do teach defensive tactics.

275 **JACKSON:** Anything in the public at all?

276 **TAFT:** I was the, sorry, I was the safety Pup for Halloween. It was a big puppy costume.

277 **JACKSON:** This question is based on the previous hearings we've had. You sold about 2
278 grams of marijuana. Did you sell it to make a profit, did you sell it because you
279 bought 4 grams for 10 dollars and you were selling 2 grams for 5 dollars because
280 that was your cost?

281 **TAFT:** Ya that's, the second thing you said. I bought it for 10 bucks and sold it for 5
282 dollars.

283 **JACKSON:** You weren't making a profit, you were just recouping what you paid?

284 **TAFT:** Ya.

285 **CHAIR:** Any more questions?

286 **DUIS:** When was the last time you smoked marijuana?

287 **TAFT:** The last time I smoked marijuana was 2018.

288 **DUIS:** Still in high school?

289 **TAFT:** I was still in high school. Yes sir.

290 **DUIS:** So how long did you smoke marijuana? How many years would you say you
291 smoked marijuana?

292 **TAFT:** I smoked marijuana for probably a total of five times in my life. They were all
293 between 2014 and 2018.

294 **DUIS:** Any other controlled substances?

295 **TAFT:** No sir.

296 **DUIS:** Going back to when you sold the 2 grams of marijuana. Describe that to me. How
297 did that come about?

298 **TAFT:** I bought some marijuana from someone I knew, and I had a friend in high school
299 who knew I had bought some and he wanted some. He had asked me if he could
300 buy it from me. So I sold it.

301 **DUIS:** How much did you buy?

302 **TAFT:** I bought around 3 grams.

303 **DUIS:** You bought 3 grams and sold 2?

304 **TAFT:** Yep.

305 **JACKSON:** Sheriff, can I ask you a question real quick?

306 **SHERIFF:** Yes.

307 **JACKSON:** Part of your hiring practice, how do you confirm the statements made by your
308 applicant?

309 **SHERIFF:** Well, that's something after he got done, I wanted to ask if I could speak one
310 more time because I did forget to say something. But to answer your question,
311 that is, when he was hired by the Cass County Sheriff's Office he did go through
312 a polygraph. It's the same polygraph examiner that pretty much all of Sarpy
313 County, or most of the Sarpy County agencies use. And so related to all of the
314 drug and narcotic questions, there were no red flags and nothing that stood out
315 according to that polygraph examiner.

316 **JACKSON:** Are you confident, based on the process that you initiated, that what Mr. uh, what
317 your candidate is telling you, is accurate and true?

318 **SHERIFF:** Absolutely, a 100% yes.

319 **CHAIR:** Anything else?

320 **GRAHAM:** I move that the Council go into executive session based on the prevention of
321 needless injury to the reputation of Dexter Taft and for purpose of executive
322 session we'll allow the following to remain in the room; all Council members,

323 Council secretary, and legal advisor Dave Stolz and Chief Deputy Stille with the
324 Lincoln Police Department who has been approved to be here.

325 **OSMOND:** Second.

326 **CHAIR:** Roll call.

327 **GOBEL:** Mr. McCarthy?

328 **MCCARTHY:** Yes.

329 **GOBEL:** Sheriff Osmond?

330 **OSMOND:** Yes.

331 **GOBEL:** Chief Reeves?

332 **CHAIR:** Yes.

333 **GOBEL:** Deputy Chief Thomas?

334 **THOMAS:** Yes.

335 **GOBEL:** Lt. Col. Duis?

336 **DUIS:** Yes.

337 **GOBEL:** Chief Graham?

338 **GRAHAM:** Yes.

339 **GOBEL:** Asst. Chief Jackson?

340 **JACKSON:** Yes.

341 **GOBEL:** We are in executive session at 11:19.

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

344 **GRAHAM:** I make a motion to come out of executive session.

345 **JACKSON:** I'll second.

346 **CHAIR:** Roll call please.

347 **GOBEL:** Sheriff Osmond?

348 **OSMOND:** Yes.

349 **GOBEL:** Chief Reeves?

350 **CHAIR:** Yes.

351 **GOBEL:** Deputy Chief Thomas?

352 **THOMAS:** Yes.

353 **GOBEL:** Lt. Col. Duis?

354 **DUIS:** Yes.

355 **GOBEL:** Chief Graham?

356 **GRAHAM:** Yes.

357 **GOBEL:** Asst. Chief Jackson?

358 **JACKSON:** Yes.

359 **GOBEL:** Mr. McCarthy?

360 **MCCARTHY:** Yes.

361 **GOBEL:** Motion approved.

362 **CHAIR:** All parties present when the Council went into executive session are again
363 present. The time is 11:25. Is there a motion?

364 **JACKSON:** I would make a motion that we overrule the appeal of the Director's denial to
365 attend basic training for Dexter Taft of the Cass County Sheriff's Office.

366 **CHAIR:** Overrule the denial.

367 **JACKSON:** Yes.

368 **CHAIR:** You said appeal.

369 **JACKSON:** Oh sorry. Overrule the denial.

370 **THOMAS:** I second.

371 **CHAIR:** The motion is to overrule the denial. Is there any discussion? Hearing none, lets
372 vote.

373 **GOBEL:** Chief Reeves?

374 **CHAIR:** Yes.

375 **GOBEL:** Deputy Chief Thomas?

376 **THOMAS:** Yes.

377 **GOBEL:** Lt. Col. Duis?

378 **DUIS:** Yes.

379 **GOBEL:** Chief Graham?

380 **GRAHAM:** Yes.

381 **GOBEL:** Asst. Chief Jackson?

382 **JACKSON:** Yes.

383 **GOBEL:** Mr. McCarthy?

384 **MCCARTHY:** Yes.

385 **GOBEL:** Sheriff Osmond?

386 **OSMOND:** Yes.

387 **GOBEL:** Motion approved.

388 **CHAIR:** Sheriff Sorenson, as you've heard, the Council has granted your appeal. The

389 Council will prepare written finding of fact and conclusions of law pertaining to

390 today's hearing and the Council's decision. Where do you want the findings sent?

391 **SHERIFF:** Um, you can email it to me.

392 **CHAIR:** Ok. According to Title 79 of the Nebraska Administrative Code, Chapter 8,

393 section 008.02, the Council will render a decision and reduce its decision in

394 writing within 90 days of the hearing unless extended by the presiding officer. Is

395 there anything else from either side that needs to be addressed?

396 **DIRECTOR:** No sir.

397 **SHERIFF:** No sir.

398 **CHAIR:** This hearing is concluded. The time is 11:27.

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

May 15, 2024, 9:00 A.M., Library, Nebraska Law Enforcement Training Center, 3600 North Academy Road, Grand Island, Nebraska 68801.

Hearing no further business, Vice-Chairman Reeves adjourned the meeting at 11:28 a.m.

Respectfully submitted,



Steven Gobel, Secretary to the Police Standards Advisory Council