

## AGENDA POLICE STANDARDS ADVISORY COUNCIL



Jim Pillon Governor

**DATE:** August 9, 2023  
**TO:** Police Standards Advisory Council  
**FROM:** Mark Stephenson, Interim Director  
**SUBJECT:** Meeting Wednesday, August 16, 2023, 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 July 19, 2023 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. Proposed Supervision Course-Omaha Police Dept.: Voting Item Attachment 1
- B. Extension of the 1 Year Requirement for Supervision

Jacob Chong-Omaha Police Dept.: Voting Item

See Attachment 1

David Preston Jr.-Omaha Police Dept.: Voting Item

See Attachment 1

**Law Enforcement Training Center**

3600 North Academy Road  
P O Box 2700  
Grand Island, Nebraska 68802-2700

OFFICE 308-385-6030  
FAX 308-385-6032

[ncc.nebraska.gov](http://ncc.nebraska.gov)



**C. Extension of the 1 Year Requirement for Management**

William Dawson Jr.: Voting Item **Attachment 2**

Ryan King-Dundy Co. Sheriff's Office: Voting Item **Attachment 3**

Michael Hopen-Madison Police Dept.: Voting Item **Attachment 4**

Amanda Voborny-BNSF Railway Police Dept.: Voting Item **Attachment 5**

**D. Waiver of NLETC In-Person Management Course**

Noah McNeese-NE State Patrol: Voting Item **Attachment 6**

Michael Thorson-NE State Patrol: Voting Item **Attachment 7**

Benjamin Brakenhoff-NE State Patrol: Voting Item **Attachment 8**

**E. Waiver of NLETC Supervision Course**

Clayton Dishong-NE State Patrol: Voting Item **Attachment 9**

Justin Ferguson-NE State Patrol: Voting Item **Attachment 10**

**F. Revocation of Law Enforcement Certification-Voluntary Surrender**

1. Jennifer Caudillo-LR-241-23: Voting Item

2. Bruce Ferrell-LR-245-23: Voting Item

**G. Academy Instructor Applications **Attachment 11****

Professional Original-Voting Item

Ryan Dale-Lincoln Police Department

Trent Petersen-Lincoln Police Department

Jeffrey Urkevich-Lincoln Police Department

Steven Wiese-Lincoln Police Department

Professional Renewal-Voting Item

Noah McNeese-NE State Patrol

**H. NCO's Eligible for Automatic Extension-Voting Item **Attachment 12****

| <u>Name</u>      | <u>Agency</u>         | <u>16 Week Deadline</u> |
|------------------|-----------------------|-------------------------|
| Dustin Balesteri | Columbus Police Dept. | 10/30/23                |
| Gabriel Steele   | Fremont Police Dept.  | 11/7/23                 |
| Mathew Sample    | St. Paul Police Dept. | 10/26/23                |

**I. Forms Update**

1. TC-055a-NLETC General Rules and Procedures for Specialized Classes or Use of Facility: Discussion Item **Attachment 13**
2. TC-001-Change-In-Status Form: Voting Item **Attachment 14**

**J. Title 79 Chapter 8 Update: Discussion Item Attachment 15**

**K. Standards for Physical Fitness Test: Discussion Item**

**VI. OTHER BUSINESS**

**A. Informational Items**

**1. Trainees**

|                                |                                  |
|--------------------------------|----------------------------------|
| Christopher Costa-Adams Co SO  | Benjamin Kitzelman-Lincoln PD    |
| Tristen Obermiller-Adams Co SO | Hunter Logemann-Lincoln PD       |
| Brandt Smith-Allianc PD        | David Lucas-Lincoln PD           |
| Luc Parrett-Chadron PD         | Tyler Premer-Lincoln PD          |
| Dustin Balesteri-Columbus PD   | Connor Reed-Lincoln PD           |
| Gabriel Steele-Fremont PD      | Natalie Uhing-Lincoln PD         |
| Emily Trimble-Gage Co SO       | Derek Bosler-Norfolk PD          |
| David Ripley-Imperial PD       | Justin King-Oakland PD           |
| Jason Aines-Lincoln PD         | Christopher Worek-Sidney PD      |
| Fatima Ayal-Lincoln PD         | Dalton Bell-Tekamah PD           |
| Randy Fillion-Lincoln PD       | Charles Stecker III-Valley Co SO |
| Cameron Hruza-Lincoln PD       |                                  |

**2. NCO Completed 80 Hours of Training**  
None

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

September 20, 2023, 9:00 a.m., Library, Nebraska Law Enforcement Training Center, 3600 North Academy Road, Grand Island, Nebraska 68803

REGULAR MEETING OF THE  
POLICE STANDARDS ADVISORY COUNCIL  
July 19, 2023



Jim Pillen, Governor

## I. CALL TO ORDER

Chairman, Assistant Chief Brian Jackson called the meeting to order at 9:01 A.M. Legal notice of the meeting was published in the Lincoln Journal Star on July 12, 2023. Roll call; Asst. Chief Brian Jackson, Sgt. Drew Bolzer, Lt. Col. Buck Duis, Chief Deputy Greg London, Mr. Matt McCarthy, Sheriff Dan Osmond, Chief Tracy Wolf.

Absent from call to order were Deputy Chief Sherie Thomas.

## II. APPROVAL OF May 21, 2023, P.S.A.C. MINUTES

### MOTION

Chief Deputy London motioned to approve the minutes of the June 21, 2023 meeting. Sheriff Osmond seconded the motion.

Voting in favor; Sgt. Bolzer, Lt. Col. Duis, Chief Deputy London, Mr. McCarthy, Sheriff Osmond, Chief Wolf, Asst. Chief Jackson. Motion carried.

## III. REPORTS

### A. & B. Interim Director-N.L.E.T.C. Report/Director of Training Report

Interim Director Stephenson reported that there are currently 27 approved applications for the 215<sup>th</sup> Basic class. There are 8 applications in the process with a due date of July 28, 2023. The staff has all transitioned into working an 8:00 to 5:00 work schedule. There is no staff scheduled for after 5:00 p.m. The 214<sup>th</sup> Basic class is in week 12. 45 recruits remain enrolled. NLETC has also conducted the following training courses:

- Online Management-July 10-28, 2023: 13 enrolled
- Defensive Tactics Instructor Recertification-July 10-12, 2023: 13 enrolled (2 from out of state)



- Firearms Instructor Recertification-July 18, 2023: 11 enrolled
- Patrol Rifle Instructor Recertification-July 19, 2023: 7 enrolled
- Supervision-July 28-20, 2023: 58 enrolled

Reciprocity/Reactivation testing will be July 28, 2023, with only 1 scheduled so far.

### **C. Nebraska State Patrol Training Academy**

Capt. Ecklund reported that Camp 68 began July 5, 2023, with 11 recruits. 1 recruit voluntarily resigned, leaving 10 enrolled. Captain Ecklund reported on the courses that were being taught and some future courses. Applications for Camp 69 will open August 1, 2023. The camp will start in January 2024.

### **D. Crime Commission Report**

Interim Director Stephenson presented notes from Executive Director Bryan Tuma. Interim Director Stephenson added to the Director's Report; in the last month NLETC conducted 14 field assessments for accreditation. There have been some deficiencies for continuing education for mandated topics. All the agencies have remediated the deficiencies.

Executive Director Tuma's notes:

The NLETC Director position is still at the Department of Administrative Services. Director Tuma is scheduling a meeting with State Personnel as this is a priority.

The Federal Grants administrator for the Crime Commission submitted her resignation effective July 28, 2023. This is also a key position at the Crime Commission and is also considered a priority to be filled.

The efforts of Mike Kerby in coordinating discussions with the K-9 team representatives across the state: Mr. Kerby has been assessing the current standards to evaluate any requirements for recommending revisions to Title 79 Chapter 18.

Recertification and Misconduct Reporting: There has been a coordinated effort between the Crime Commission and NLETC staff to review pending misconduct and revocation reports. This includes working with the Attorney General's office for Voluntary Surrenders and any criminal charges.

Executive Director Tuma has enlisted a Process Improvement Coordinator to work with NLETC staff and the Crime Commission for greater efficiencies in the current processes and record retention. This is to make the administrative processes as efficient as possible.

Transition: Executive Director Tuma would like to solicit comments or suggestions on issues that the Crime Commission staff can address on matters relating to the Police Standards Advisory Council.

#### **IV. Old Business**

Asst. Chief Jackson asked Mr. Stolz if there were any updates on the progress of Chapters 8 and 10. Mr. Stolz reported that it wasn't official yet, but he has been told that Chapter 8 would not be approved. The Governor will issue a letter with the reasons why. The Governor would like to see some empirical data supporting the need to reduce the standards on the marijuana usage as well the controlled substance usage. The Governor would like clarification on other parts of Chapter 8; to include home schooling and Class 1 Misdemeanors. Chapter 8 would need to be reviewed and the process for approval would be starting from scratch. Chapter 10 will be presented to the Crime Commission at their August 18<sup>th</sup> meeting. Chapter 10 made it through PRO with no revisions. If approved by the Crime Commission, it will go to the Attorney General's office for review.

#### **V. New Business**

##### **A. PSD Program Administrator Update**

Mr. Kerby reported the following:

##### Internal Records Audit:

- Verified and validated the areas of competency of Nebraska's PSD Judges. There are 5 Judges in Nebraska.
- Verified Nebraska's State Evaluator certificates. Some were inactive or had retired. There are currently 9 active State Evaluators.
- There have been "Instructor Certifications issued by NLETC on behalf of the PSAC contrary to Title 79, Chapter 18. Chapter 18 gives the PSAC the authority to issue Handler/Dog team, Evaluator and Judge certifications, but not instructor. There are currently 26+- individuals from Nebraska and Iowa who have received the PSAC approved "Instructor" certifications. The Evaluator/Judge Request form was modified to include "instructor" certification. Mr. Stolz has developed a document for PSAC's consideration to notify those affected by this discovery that their certification was sent as an oversight and contrary to the intent of Chapter 18. NLETC is no longer issuing "Instructor" certifications on behalf of the PSAC.

- Those seeking the position of an Evaluator or Judge of PSD teams are required to have an Agency Head approval to perform that function. The request form did not have an Agency Head Endorsee signature block. That has been corrected.

#### Judges Meeting:

A Judges meeting was held at NLETC on June 29, 2023. Deputy Wineinger from Douglas County Sheriff's Office, Sgt. Matt Workman from the NE State Patrol and Mike Kerby were present. The other Judges had conflicts and advised Mr. Kerby to move forward with the meeting.

- William Mathis presented the future use of the Benchmark LMS and how it relates to the PSD reporting formats.
- Confirmed the continuity between the grading forms.
- Discussed the current practice and future vision for the Evaluator training program to assure commonality of instruction between the affected judges.
- Proposed verbiage changes to Chapter 18, which were supplied to Mr. Stolz for his consideration.
- Mr. Kerby plans on coordinating a stakeholders meeting (Nebraska's Dog Handlers) regarding amending or updating the current PSD standards.

Standards updates were not addressed. A second proposal was put together but not submitted to Mr. Kerby for review, nor was he a party to, or consulted on the proposal. Mr. Kerby was not prepared to discuss what he hadn't studied.

Mr. Kerby reported on participating in PSD training with the Lincoln Police Department on June 22, 2023. Several other agencies were in attendance. PSD Administrative issues with NLETC and opinions on the state standards were addressed. Mr. Kerby is scheduled to train with the Nebraska State Patrol on July 20, 2023. Omaha Police Department will be at the training session. Douglas County Sheriff's Office is checking with their PSD supervisor for available dates.

Mr. Kerby summarized that there is not a state-wide consensus on the proposed changes to the PSD standards that were presented during the April PSAC meeting. Nebraska's PSD's will continue to operate under the existing Rules and Regulations governing PSD operations until everyone can come to a consensus.

Asst. Chief asked for clarification on the instructor issue and asked if the PSAC had approved instructors at a meeting. Mr. Kerby clarified that Chapter 18 gave the PSAC authority to issue handler, Evaluator and Judge certifications but the

form had been altered to add a check box for instructors. Mr. Stolz has a retraction letter to go out to the individuals who were issued a certificate with Asst. Chief Jackson's signature, but no vote needed to be taken by the Council.

Mr. Kerby clarified that the instructor certifications should have come from the agency that provided the instructor course. It shouldn't affect any handler/dog team. No matter who or where the handlers receive the instruction from, they still must come through the Evaluator process to receive their certification to deploy.

Lt. Col. Duis also clarified that the instructors who received a certificate were only providing training to the handler/dog teams and not certifying them to be deployed. That certification process was still done by the Evaluators and Judges.

**B. Status of Armed Entrance Security Officers**  
Douglas Co. Sheriff's Office

Captain Kristopher Petersen of the Douglas County Sheriff's Office appeared before the Council. For several years, Douglas County has employed civilian armed entrance security officers at the Douglas County courthouse. The entrance security officers are the first line of defense at the courthouse and the city/county office building. They receive annual firearms and defensive tactics training. The issue is that they are not statutorily defined as law enforcement officers. They are not eligible for qualified immunity and there are also hiring and retention issues. The Douglas County Sheriff's Office Administration is looking for guidance to see what it would take to add these entrance security officers in the statutory definition of a law enforcement officer in the State of Nebraska to get them qualified immunity. Captain Petersen compared the Entrance Security officers to the VA Police Department who only have law enforcement authority on VA property and wondered if that would be an option to give them law enforcement authority while on county grounds.

Asst. Chief Jackson stated that Lancaster County was going to reach out to Douglas County regarding the same issues. Asst. Chief Jackson asked if Douglas County could hire retired or inactive officers and have them reactivated as Law Enforcement officers in Nebraska.

Mr. Stolz clarified that the Council does not have any authority to address the issue. It would take a legislative change.

Asst. Chief Jackson clarified that Douglas County was not looking to the PSAC to make a change but to get some insight to what could be done. He recommended that the Douglas County Sheriff's Office contact their attorney's office about what might be done regarding qualified immunity.



**C. Waiver of In-Person Management**  
John Stuck, Bellevue Police Department

Interim Director Stephenson reported that Lt. Stuck of the Bellevue Police Department has requested a waiver of the in-person management course. After reviewing the submitted records of training submitted by Lt. Stuck, Interim Director Stephenson recommends that the Council grant the waiver with the stipulation that he would attend the NLETC's online portion of the training.

Asst. Chief Jackson asked if there was a motion.

**MOTION**

**Sheriff Osmond: I'll make a motion that we grant the waiver of in-person Management for John Stuck of the Bellevue Police Department, provided that he does complete the online portion of the Management course. Mr. McCarthy seconded the motion.**

**Voting in favor: Lt. Co. Duis, Chief Deputy London, Mr. McCarthy, Sheriff Osmond, Chief Wolf, Asst. Chief Jackson, Sgt. Bolzer. Motion Approved.**

**D. Extension of 1 Year Requirement for Supervision**  
Derek Herron, Thurston Co. Sheriff's Office

Asst. Chief Jackson removed this item from the agenda due to Mr. Herron being enrolled into the current Supervision course.

**E. Academy Instructor Applications**

After review by the NLETC staff. Deputy Director Stephenson recommends approval of all the academy instructor applications as presented in the agenda.

Professional Original

Eric Aho, Nebraska State Patrol  
Brandon Hahn, Omaha Police Department  
Sherie Thomas, Omaha Police Department

**MOTION**

**Chief Wolf: I'll make a motion for approval. Chief Deputy London seconded the motion.**

**DISCUSSION**

Mr. McCarthy asked if we were just approving them for the courses approved on their application? Interim Director Stephenson clarified that they were approved for only the courses on their application (Attachment 4). There are some courses that the individuals were marked down as denied. Asst. Chief Jackson asked Chief Wolf if he wanted to amend his motion.

### AMENDED MOTION

**Chief Wolf: I'll make a motion that they're approved according to what is approved on the recommendation sheet for approval. Chief Deputy London seconded the motion.**

**Voting in favor: Chief Deputy London, Mr. McCarthy, Sheriff Osmond, Chief Wolf, Asst. Chief Jackson, Sgt. Bolzer. Abstained: Lt. Col. Duis. Motion approved.**

#### Professional Renewal

Matthew Austin, Omaha Police Department

### MOTION

**Chief Deputy London: I'll motion to approve the professional renewal for Matthew Austin from the Omaha Police Department's academy instructor application. On the ones that were approved by the staff. Mr. McCarthy seconded the motion.**

**Voting in favor: Mr. McCarthy, Sheriff Osmond, Chief Wolf, Sgt. Bolzer, Asst. Chief Jackson, Lt. Col. Duis, Chief Deputy London. Motion approved.**

#### General Original

Joshua Emhovick, Nebraska State Patrol

### MOTION

**Chief Wolf: I'll make a motion for approval for Joshua Emhovick, I don't think he has any denials on his sheet, I'll make a motion for approval. Chief Deputy London seconded the motion.**

**Voting in favor: Sheriff Osmond, Chief Wolf, Asst. Chief Jackson, Sgt. Bolzer, Chief Deputy London, Mr. McCarthy. Abstained: Lt. Col. Duis. Motion approved.**

#### **F. NCO's Eligible for Automatic Extension**

Brandon Samuelson, Beatrice Police Department  
Awilmary Alvarado, Schuyler Police Department  
Bryan Geras, Schuyler Police Department

Leonardo Davalos, South Sioux City Police Department  
Brandon Huebner, York County Sheriff's Office

Interim Director Stephenson reported that the NCO's listed for automatic extension have completed all the requirements for the extension.

**MOTION**

**Chief Deputy London: I'll make a motion that we approve the automatic extensions for the five individuals listed on the agenda. Chief Wolf seconded the motion.**

**Voting in favor: Chief Wolf, Asst. Chief Jackson, Sgt. Bolzer, Lt. Col, Duis, Chief Deputy London, Mr. McCarthy, Sheriff Osmond. Motion approved.**

**G. Chief Wolf Retirement**

Asst. Chief Jackson reported that Chief Wolf has tendered his intent to withdraw from the PSAC committee after the August meeting. Asst. Chief Jackson expressed his appreciation for Chief Wolf's service to the Council as well as to the law enforcement community.

**VI. OTHER BUSINESS**

**Informational Items**

**A. 1 & 2**

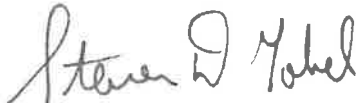
The trainees and NCO's that have completed 80 hours of training were listed on the agenda for the Council. No action taken.

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

August 16, 2023, 9:00 A.M., Library, Nebraska Law Enforcement Training Center, 3600 North Academy Road, Grand Island, Nebraska 68801

Hearing no further business, Chairman Jackson adjourned the meeting at 9:49 a.m.

Respectfully submitted,



Steven Gobel, Office Specialist