

## AGENDA POLICE STANDARDS ADVISORY COUNCIL

**DATE:** January 13, 2021  
**TO:** Police Standards Advisory Council  
**FROM:** Brenda L. Urbanek, Director  
**SUBJECT:** Regular Meeting Wednesday, January 20, 2021, 9:00 A.M.  
Library, Nebraska Law Enforcement Training Center,  
3600 N. Academy Road, Grand Island, Nebraska 68801

- I. CALL TO ORDER
- II. APPOINTMENT OF CHAIR
- III. NOMINATION AND ELECTION OF VICE-CHAIR
- IV. APPROVAL OF DECEMBER 16, 2020 P.S.A.C. MINUTES
- V. ACADEMY REPORTS
  - A. Director – N.L.E.T.C.
  - B. Deputy Director of Training – N.L.E.T.C.
  - C. Nebraska State Patrol
  - D. S.L.D.E.A.
- VI. CRIME COMMISSION REPORT



**VII. OLD BUSINESS**

- A. Change-In-Status Form** Attachment #1

**VIII. NEW BUSINESS**

- A. Annual Firearms Reporting**
1. Non-Compliant Agencies
- B. Annual Continuing Education Reporting** Attachment #2
1. Non-compliant agencies
  2. Non-compliant officers
- C. Continuing Education Waivers** Attachment #3
- D. Waiver Request for Extension of One-Year Supervision Requirement** Attachment #4
- Sergeant Brian Golden, Lincoln Police Department  
Sergeant Tu Tran, Lincoln Police Department  
Sergeant David Lopez, Lincoln Police Department  
Sergeant Dustin Romshek, Lincoln Police Department
- E. Revocation of Law Enforcement Certificate**
- Holly McQuaid, LRF-198-20
- F. Waiver Request for Extension of One-Year Basic Training** Attachment #5
- Deputy Joshua Taylor, Thurston County Sheriff's Office
- G. Extension of Firearms Instructor Recertification** Attachment #6
- Lieutenant James Stover, Nebraska State Patrol
- H. Waiver Request for NLETC Management Training** Attachment #7
- In-Lieu-Of Completion of Northwestern School of Police Staff and Command**
- Lieutenant Michael Maytum, Nebraska State Patrol  
Lieutenant Tyler Kroenke, Nebraska State Patrol  
Lieutenant Clint Elwood, Nebraska State Patrol  
Lieutenant Michael Korte, Nebraska State Patrol  
Lieutenant Kyle Diefenbaugh, Nebraska State Patrol
- I. Appointment of Hearing Officer**

- J. Waiver of NLETC Management Training  
In-Lieu-Of Completion of FBI National Academy  
Captain Tommy Trotter, Lancaster County Sheriff's Office**

Attachment #8

**IX. OTHER BUSINESS**

- A. Date, Time & Location of Next Meeting**  
February 17, 2021, 9:00; Library, Nebraska Law Enforcement Training Center,  
3600 North Academy Road, Grand Island, Nebraska 68801

**REGULAR MEETING OF THE  
POLICE STANDARDS ADVISORY COUNCIL  
December 16, 2020**

**I. CALL TO ORDER**

Chairman, Lieutenant Colonel Buck Duis called the regular monthly meeting of the Police Standards Advisory Council to order at 9:05 A.M. Legal notice of the meeting was published in the Lincoln Journal Star on Saturday, December 5th, 2020.

Roll call of members; Lieutenant Colonel Buck Duis, Chief Deputy Greg London, Chief Jeffrey Bliemeister, Chief Timothy Larby, Mr. Matthew McCarthy, Sheriff Dan Osmond, and Chief Tracy Wolf.

Others present: Brenda Urbanek, David Stolz, Don Arp Jr., William Keeling, Gregory Miller, Sarah Schoen, Kay Fielding.

**II. APPROVAL OF OCTOBER 21, 2020 P.S.A.C. MINUTES**

**MOTION**

Chief Bliemeister motioned to approve. Sheriff Osmond seconded. Voting in favor; Lieutenant Colonel Duis, Chief Deputy London, Chief Jeffrey Bliemeister, Chief Timothy Larby, Mr. Matthew McCarthy, Sheriff Dan Osmond, and Chief Tracy Wolf. Motion carried.

**III. ACADEMY REPORTS**

**A. Director – N.L.E.T.C.**

Director Urbanek reported 60 packets came in for the January 4<sup>th</sup> Basic. Today is one of the two PRET tests, the other was Monday. We are processing 10 for the Nebraska State Patrol's Academy class that will begin January 4<sup>th</sup> and we are waiting on one more packet. SLDEA is also being processed as well as the Reciprocity/Reactivation class which begins January 11<sup>th</sup>.

Brenda L. Urbanek, Director

**Law Enforcement Training Center**

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We did not complete an inspection of the Omaha Police Academy this year because when it was done in December of last year it was for the academy's class that ran into March of 2020 and they didn't start another academy class this calendar year.

Deputy Director Keeling can give us a number count on the people who were here for the PRET Monday and today. I can say that history repeats itself and we lose people because they can't pass it or they just don't try to pass it.

Our long-time evening Receptionist Bunny Holland retired the first of December allowing us an opportunity to revamp some staffing here. She was mainly responsible for the reporting of Continuing Education and Firearms which have now been assigned to Jessi Wagoner and Steve Gobel is helping her. We will try to reclassify the position to a Business Applications System Technician. Much like Jon did this morning for us, Jon is not my employee, so I will have to submit a ticket to OCIO for what he did. If we have a technician on staff, we can take care of the agency specific things that OCIO does not support. The new technician position would be daytime hours. After the first of the year, our plan is to close the front office at 8:00 PM and implement procedures for afterhours check in for both State Patrol and Training Center people who might come in, but the biggest thing would be to encourage people to get here before 8 o'clock so there will be staff here to help them check in. If not, they need to call us and we'll make arrangements for them to have access to a lock box to get their key card to check in. Between State Patrol, DAS and the Training Center, we are working to make sure we have most of the gaps plugged from changing the hours.

For next year in looking at the demands for basic seats, we currently allow a maximum of 3 per agency. In order to accommodate more agencies we are going to limit that to 2 guaranteed and then put the 3rd spot on what we call number 51. So if an agency needs 3 spots, I can give them 2 and put them at number 51 for the 3rd spot. That way we'll be able to have more agencies in the top 50 to start with. Quite frankly if you are number 51, your chances are very good at getting into the basic class. I just feel that when I see 7 agencies have almost half the class because they all want 3 spots because they have 3 vacancies that puts everybody else that has 1 spot down the list until the 30 days. It makes it hard for them to hire and fill their vacancies.

Our software and database academy, compliance and scheduling project is crawling along. We had planned to roll it out after the first of the year, evidentially we do things a little differently in Nebraska and so the vendor has to develop some things for us.

I continue to review 791 reports and file informal complaints as they come across my desk. We have had a couple situations where I have gotten 791 reports on people who are not certified because they have been dismissed by their agency and are not certified yet. I can't block a certification that they don't have yet. But if they try to get hired, that agency should be calling us.

#### **B. Deputy Director of Training – N.L.E.T.C.**

Mr. Keeling reported that the 206<sup>th</sup> Basic Class was in its final week of training. We started with 48 students and as of today we stand at 40. They completed both the comprehensive practical

examination and comprehensive written examination last week. Yesterday they completed Active Shooter training at the Hastings Regional Center site and today and tomorrow they are completing Radar/Lidar training.

All 40 students are currently back in training and we were able to get the Bellevue students, who were Covid quarantines, caught back up except for the three that missed DUI and SFST, they will have to come back during the 207<sup>th</sup> Basic. The two staff instructors that were quarantined for Covid, have both since returned to work and weathered the illness without any issues. A small informal graduation will take place Friday morning in the classroom.

Physical Readiness Testing for the 207<sup>th</sup> Basic is currently in progress. Once testing is completed we will know how many students to prepare for the next class. On Monday we had 30 participate with 7 failures. One was close, the other 6 were not. We have 19 testing this morning. Class will begin January 4<sup>th</sup> with students required to be here January 3<sup>rd</sup>. Students will still be required to stay on campus during the week and to wear masks in the hallways and classrooms to reduce Covid exposure possibilities for as long as the Governor's Directive Health Measures are in place.

### **C. Nebraska State Patrol**

Captain Miller reported Camp 63 was in its last week of training with cadets completing their comprehensive practical scenarios last week, report writing classes, and courtroom performance instruction. This week they are running through refreshers in firearms, defensive tactics, and motor vehicle law.

Graduation is set for Friday, December 18<sup>th</sup> in Lincoln, with 18 graduating. Camp 64 will begin on January 4<sup>th</sup> with 10, possibly 11 cadets. We also have begun the testing process for Camp 65 which will begin in July, 2021.

### **D. S.L.D.E.A.**

Director Urbanek briefly reported in Mr. Wagner's absence stating SLDEA brought their defensive tactics staff here on Friday of last week to meet with staff and review some of the things they were doing. SLDEA raised the question if they could teach somethings differently from how the Training Center is taught. Their staff showed our staff to see if it was the same or different.

I believe Scott told me they were looking at 20 for the class that starts January 4<sup>th</sup>.

## **IV. CRIME COMMISSION REPORT**

Executive Director Arp stated he had talked to Senator Bostelman yesterday and he was going to try to introduce legislation making the two hours of anti-biased training part of the twenty hours of continuing education. The hurdle he had in both the judiciary committee and in understanding what he was doing was he wanted to know what training he would be displacing between the twenty hours and the two hours. I told him there was no set training yet they wanted to know what training would be displaced. I said you are not displacing, it will just take up two hours.

We are bringing forward one bill that will modify the 12<sup>th</sup> subsection of my duties to expand subpoena authority beyond the State Patrol to agencies statewide that employ law enforcement officers for the purposes of investigating certification revocation issues. It's specific to when we have a revocation investigation going on and give us access to whatever records I deem relevant in an investigation to help us figure out is this incident a pattern or stand alone or were there other issues we had with this officer. If they reached the level where revocation is warranted for what's happened. It's not that agencies aren't willing to cooperate, often that they can't because of bargaining agreements and certain policies in place their hands are tied.

By the time we have our meeting next month I will have a pretty good grasp of what's coming up from legislation.

Director Urbanek stated Senator Geist was working on a Bill too. PRO contacted me about a mental health training ad and what was actually being provided to law enforcement. I am not sure what it was going to look like.

Mr. Arp stated that evolved from Senator Geist's original proposal that in NCJIS we put someone's adjudicated mental health status, their capacity we've talked through some of those issues just from database structure, some liability issues etc., the administration has taken the stand that is non-super supportive of the inclusion and now I think Senator Geist is now pivoting toward supporting more of a mental health de-escalation training requirement than having it as an element in NCJIS but I think the final decision has yet to be made on what her legislation would look like if she decides to go back on what she originally intended.

## **V. OLD BUSINESS**

No Old Business

## **VI. NEW BUSINESS**

### **A. Extension of Firearms Instructor Recertification Trooper Kevin Kern, Nebraska State Patrol**

Director Urbanek stated this was actually for his certification because he couldn't attend the recertification in 2020 due to an injury then he had surgery later in September. He is not fully recovered so the Firearms Instructor and Patrol Rifle Instructor expire 12/31 of each calendar year so they are asking for an extension. The only condition I would say is that he would attend the next available recertification.

### **MOTION**

**Chief Bliemeister motioned to approve the extension of the Firearms Instructor Recertification for Kevin Kern with the stipulation that he attend the next recertification class. Sheriff Osmond seconded the motion. Voting in favor; Chief Deputy London, Chief Bliemeister, Chief Larby, Mr. McCarthy, Sheriff Osmond, and Chief Wolf. Lieutenant Colonel Duis abstained. Motion carried.**

**B. Extension of Firearms Instructor Recertification**  
David LaDuke, Alliance Police Department

Director Urbanek stated he was enrolled to attend a firearms recertification course. We cancelled the class due to Covid then the September class was full. In November he was scheduled to come, he was exposed to Covid and unable to come. He is asking for an extension of his Firearms Instructor Recertification. I would make the condition that he take the first available recertification course.

**MOTION**

**Chief Wolf motioned to grant the extension of the Firearms Instructor Recertification for David LaDuke of Alliance Police Department with the condition that he attends the next available firearms recertification class. Chief Larby seconded the motion. Voting in favor; Chief Bliemeister, Chief Larby, Mr. McCarthy, Sheriff Osmond, Chief Wolf, Lieutenant Colonel Duis, and Chief Deputy London. Motion carried.**

**C. Extension of Patrol Rifle Instructor Recertification**  
Officer Jay Denzin, Lincoln Police Department

Director Urbanek recommended allowing the extension with the condition he attend the next available Patrol Rifle Instructor Recertification course once he returns from active duty.

**MOTION**

**Sheriff Osmond motioned that we extend Officer Jay Denzin's Patrol Rifle with the condition that he attends the next available class. Chief Larby seconded the motion. Voting in favor; Chief Larby, Mr. McCarthy, Sheriff Osmond, Chief Wolf. Lieutenant Colonel Duis, Chief Deputy London. Chief Bliemeister abstained. Motion carried.**

**D. Waiver of One-Year Basic Training Requirement**  
Caleb Frede, Richardson County Sheriff's Office

Director Urbanek stated she didn't believe anyone from Richardson County was on Zoom at this time and no one was present at the meeting.

She presented a timeline:

From April 25, 2016 – October 11, 2016 Mr. Frede was employed by Johnson Co. as a Deputy Sheriff for approximately 5 months. He did not attend training during that time. Johnson Co. dismissed him in October of 2016.

June of 2020 he was hired by Richardson Co. as a Deputy.

August 30<sup>th</sup>, 2020 the 206<sup>th</sup> Basic began with 48 students.

September 13<sup>th</sup>, 2020, we received the admissions packet for Mr. Frede. The packet was approved and we invited him to attend the PRET on Dec 14<sup>th</sup>. Mr. Frede did not pass and I have not heard



from Richardson County whether they want to keep him employed as he can only work for about another six weeks before his year expires.

Council members felt the item should be tabled until they have heard from Richardson County Sheriff's Office.

Director Urbanek stated he had worked for five plus months back in 2016 and has now been working since June putting him right at 11 months making him expire at the first part of January.

Mr. Stolz cited Neb. Rev. Stat. §81-1414 (2), the conditional appointment language; any individual who is not certified in accordance with this section and has worked as a law enforcement officer for multiple law enforcement agencies or political subdivisions shall have his or her time of employment aggregated in order to determine if he or she has worked for more than one year. If that law enforcement officer's aggregate time of employment exceeds one year, that officer shall not be recognized as a law enforcement officer for any political subdivision until he or she has satisfactorily completed such certification training. This is what we put in years ago to combat gypsy officers. The officers who moved from one agency to another and never would get certified. The finishing touch on that is, I'm not sure you can grant anything he is asking for. Once his one-year anniversary comes, he's done as a law enforcement officer until he's certified.

Chief Bliemeister questioned when the original 81-1414 occurred?

Mr. Stolz stated it had been on the books a long time. Before 2012.

Director Urbanek stated there was not an opportunity for him to retake the PRET.

Mr. Stolz stated he could still send him to basic, he just needed to get the officer trained.

Chief Bliemeister asked that Director Urbanek just send Sheriff Hardesty a letter and give him a phone call so he was aware.

Director Urbanek stated she would do that today.

Mr. Stolz stated the statute would require the agency to show extreme hardship if it was the initial agency. But for the gypsy or aggregate officer there was no such thing. Since he had worked for multiple agencies. When the anniversary date comes, he can no longer perform the functions of a law enforcement officer until he's certified. We want to get those type of officers, like him, in and certified, before they do anything else in law enforcement. By taking no action on the agenda item, not granting his waiver, I think that pretty much says it.

#### **F. Nebraska State Patrol Academy Inspection 2020**

Director Urbanek stated attachment #5 provides my memorandum to the board about the inspection process for the Nebraska State Patrol's Academy for the year 2020. It also includes the checklist I use. All of those have been addressed and covered with Sarah Schoen and Lieutenant Ecklund. I

don't have any concerns or issues. The one thing I have listed. I don't know if the corrections for 2021 would be to document that all lead instructors for each course have been certified by the PSAC, not just the people assigned to the Training Academy but everybody who is a lead instructor in the course.

Sarah Schoen stated she believed all the instructors were already certified and could provide the information if needed. We just didn't provide at the time.

Director Urbanek stated providing the information next year would be fine, but would recommend approval of the Nebraska State Patrol Training Academy for 2020.

### MOTION

**Chief Bliemeister motioned to approve the inspection for the Nebraska State Patrol 2020 Training Academy. Sheriff Osmond seconded the motion. Voting in favor; Mr. McCarthy, Sheriff Osmond, Chief Wolf, Chief Deputy London, Chief Bliemeister, and Chief Larby. Lieutenant Colonel Duis abstained. Motion carried.**

**E. Waiver of One-Year Basic Training**  
Adam Pinkston, Madison County Sheriff's Office

Sheriff Volk addressed the council stating Adam had previously been employed with the Platte County Sheriff's Office and while attended basic training, was having some personal issues with his now ex-girlfriend and walked out of the academy. That was at least a year or so back. He then became employed with us and I was keeping him as a corrections officer but decided because of another employee leaving that we needed to try and get him through the January class. Adam went and got his GI Bill so he could pay for his tuition and it wouldn't come out of my pocket.

Director Urbanek stated Mr. Pinkston used up 227 days with Platte County and his remaining time with Madison County was 218 days from the hire date to graduation. He would need to complete his training before the April 2020 graduation.

Mr. Stolz asked Sheriff Volk if he was working him on the road right now.

Sheriff Volk stated he was not, he was in the jail facility as a corrections officer at this time.

Mr. Stolz stated he was in the same situation as the previous officer. He doesn't need a waiver. He just can't be a law enforcement officer, until he's certified. That is going back to 81-1414(2).

Chief Bliemeister stated, it kind of depends on how his application is checked.

Director Urbanek stated his appointment date with Madison County is November 20<sup>th</sup> of 2020. He is appointed as a law enforcement officer. So that starts his clock.

Mr. Stolz stated there is no clock to speak of. Since he is the aggregate officer, he cannot be performing law enforcement, he has to be recognized as a law enforcement officer until he can become certified.

Director Urbanek stated, he hasn't used up his whole year. He only used up 227 days and so if you add 227 and 218.

Mr. Stolz stated, he doesn't need a waiver to come in. He comes in.

Director Urbanek stated, historically we have asked for waivers for these folks because they can't get certified before their year expires.

But as an aggregate officer, once his anniversary day comes then, he just can't be recognized as a law enforcement officer, till he's certified, so he can still come to training.

Director Urbanek stated this was a different path than what we have taken.

Mr. Stolz stated he didn't believe so, as we have seen very few aggregate officers over the years.

Chief Bliemeister asked Sheriff Volk if he had passed everything necessary to begin January of 2021?

Sheriff Volk replied yes, but we just finished up his physical and he should be doing the PRET in about 10 minutes.

Mr. Stolz questioned if he would be performing any law enforcement duties while he was here training.

Sheriff Volk replied he would not be.

Chief Larby stated it feels like we have always done a lot of the ones that timed out in basic and we have given them ...

Mr. Stolz stated because they have worked for the same agency. That is the difference. The statute has two different conditional appointments. The other type of conditional officer is the one that has worked for multiple agencies. We don't want to punish the officer, because he has floated. The key is, you can't work until you're certified. I just don't think we have seen many of these. They have typically been the first time commission appointed. You can grant a waiver, but it will have no effect. Even our rules and regulations say we want this type of person to get into training.

Director Urbanek stated he just can't perform any law enforcement duties after that point and time. She said she would email the sheriff this afternoon.

Sheriff Volk questioned, no duties even in an emergency?

Mr. Stolz stated that was correct.

Mr. McCarthy stated, if I understand correctly, as long as he passes the PRET, he is good to go and all Sheriff Volk has to make sure of is that Adam Pinkston doesn't work the road or arrest anyone or charge anyone in the jail after the day in question.

Mr. Stolz stated, Chapter 8, section 005.01K; entry requirements, the applicant will not have worked as a law enforcement officer for the current law enforcement agency for more than a year. That's where the waiver comes in.

No action taken by the Council.

**G. Approval of the 2021 Lincoln Police Department's Firearms Instructor Certification Curriculum to Certify Officers with Lincoln P.D., as well as Lancaster County S.O., Lincoln Airport Authority, and UNL P.D.**

**Approval of the 2021 Lincoln Police Department's Firearms Instructor Recertification Curriculum to Certify Officers with Lincoln P.D., as well as Lancaster County S.O., Lincoln Airport Authority, and UNL P.D.**

**Approval of the 2021 Lincoln Police Department's Patrol Rifle Instructor Certification Curriculum to Certify Officers with Lincoln P.D., as well as Lancaster County S.O., Lincoln Airport Authority, and UNL P.D.**

**Approval of the 2021 Lincoln Police Department's Patrol Rifle Instructor Recertification Curriculum to Certify Officers with Lincoln P.D., as well as Lancaster County S.O., Lincoln Airport Authority, and UNL P.D.**

Director Urbanek stated this has become an annual request by the Lincoln Police Department they submit a curriculum for all these courses of instruction. Mark Stephenson, Training Center's lead Firearms Instructor reviewed them, saw no substantial changes, had no issues with them, and as in the past recommended approval as submitted by Lincoln Police Department for the Firearms Instructor, Firearms Instructor Recertification, Patrol Rifle Instructor Certification, and the Patrol Rifle Instructor Recertification Curriculums.

**MOTION**

**Chief Larby; so moved. Mr. McCarthy seconded the motion. Voting in favor; Sheriff Osmond, Chief Wolf, Lieutenant Colonel Duis, Chief Deputy London, Chief Larby, and Mr. McCarthy. Chief Bliemeister abstained. Motion carried.**

**H. Academy Instructor Certifications**

**Legal Certification**

Jason Bergevin – NE Attorney General for SDLEA  
Corey O'Brien - NE Attorney General for SDLEA

Deputy Director Keeling stated Mr. Stolz had reviewed these two Legal Certifications and approved them. Based on his recommendation, I would ask you to consider approval of these two.

**MOTION**

**Chief Bliemeister motioned to approve the legal certification of Jason Bergevin and Corey O'Brien. Sheriff Osmond seconded the motion. Voting in favor; Chief Wolf, Lieutenant Colonel Duis, Chief Deputy London, Chief Bliemeister, Chief Larby, Mr. McCarthy, and Sheriff Osmond. Motion carried.**

**General Recertification**

Todd Petrick – Omaha P.D.

Deputy Director Keeling stated Todd Petrick with the Omaha Police Department was asking for a General Recertification. He is asking to be able to teach investigative procedures. I have reviewed his file and would ask that you consider approval of this request.

**MOTION**

**Sheriff Osmond motioned to approve the General Recertification for Todd Petrick. Chief Larby seconded the motion. Voting in favor; Lieutenant Colonel Duis, Chief Deputy London, Chief Bliemeister, Chief Larby, Mr. McCarthy, Sheriff Osmond, and Chief Wolf. Motion carried.**

**Professional Certification**

Wendy Baumeister – Grand Island PD for NSP  
Mark Hogue – Central City for NLETC  
Rachel Kohlman – O'Neill PD for NLETC  
Chad Seyler – Grand Island PD for NSP  
Aaron Smith – NLETC  
Kristen Smith – Omaha P.D.

Deputy Director Keeling stated this group is for six Professional Certifications. These individuals hold all the necessary certifications for the areas they are requesting and I would ask that you consider approval of their requests.

**MOTION**

**Sheriff Osmond motioned to approve the Professional Certifications summarized by Mr. Keeling. Chief Larby seconded the motion. Voting in favor; Chief Deputy London, Chief Bliemeister, Chief Larby, Mr. McCarthy, Sheriff Osmond, Chief Wolf, and Lieutenant Colonel Duis. Motion carried.**

## Professional Recertification

Robert Taillon – Kearney PD for NLETC

Deputy Director Keeling stated Robert Taillon with the Kearney Police Department for NLETC was asking for a Professional Recertification. Mr. Taillon has been teaching Mental Health and Investigations for us for some time. This is just a recertification and he certainly meets the qualifications. I would ask that you approve Mr. Taillon.

### MOTION

**Sheriff Osmond motioned to approve the Professional Recertification for Robert Taillon. Chief Bliemeister seconded the motion. Voting in favor; Chief Bliemeister, Chief Larby, Mr. McCarthy, Sheriff Osmond, Chief Wolf, Lieutenant Colonel Duis, and Chief Deputy London.** Motion carried.

#### **I. Executive Order 139291 - Safe Policing for Safe Communities Certification and Credentialing Processes**

Executive Director Arp discussed the Credentialing Operations Plan Certifying Safe Policing Practices by Law setup on the Crime Commission website. So far 26 agencies completed the Credentialing Process.

The key control is they will or will not pursue credentialing. If they pursue credentialing, they will review policies to make sure they comply. If they comply, they will prepare a Statement of Declaration and submit it to the Executive Director of the Crime Commission. If they don't comply, changes will need to be made prior to preparation and submission of the Statement of Declaration. Agencies have to send me an email stating whether or not they will pursue credentialing status so they can be considered compliant. Agencies have to either be credentialed or in the process of being credentialed by January 31<sup>st</sup>. If they are in the process of being credentialed, they have to have stipulated to me in writing that they will pursue credentialing but may not have signed the Statement of Declaration yet. What will happen a couple weeks after this meeting; I suggest a committee of; Agency Legal Counsel, Training Center Director, and myself review all of the Statements of Declarations that have come in, to make sure they are complete, and then at the February or March PSAC public meeting we present a compliance status listing of all Nebraska agencies to the Council for a vote. The vote will then be sent to the DOJ and that record is good for three years. After approval from PSAC of that list, the Commission on behalf of PSAC will issue the credentialing letter to each of the agencies that will receive a hard copy by mail from the Commission. Director Arp questioned if the Council needed to vote on the Credentialing Policy.

Mr. Stolz felt the Council should adopt the process since they were the body giving the credentialing approval. So maybe a motion approving the process as outlined by Executive Director regarding Agenda Item I.

## MOTION

**Chief Bliemeister motioned to approve the process described by Executive Director Arp and it's online on the Crime Commission website right now for the Safe Policing for Safe Communities Certification. Sheriff Osmond seconded the motion. Voting in favor; Chief Larby, Mr. McCarthy, Sheriff Osmond, Chief Wolf, Lieutenant Colonel Duis, Chief Deputy London, and Chief Bliemeister. Motion carried.**

### **J. Title 79; Work Group Progress**

Mr. Stolz asked the Council how they would like to proceed, with reviewing the Training Center Regulations; go back through Chapters 1-8 again, or continue through Chapters 9-18. Based on what gets discussed on agenda item M, we may need to go back through a few of the chapters. Part of the group that sat in the legislative meetings, a couple weeks ago, one of the things that got brought up was, Corey O'Brien came up with a definition, or at least a draft of what could be considered serious law enforcement officer misconduct, it's something to think about for Chapter 9 as a grounds for Revocation. If we have to do that, we probably would have to go back to Chapter 1 and add it in the definitions. My question is, does the Council want to keep working through the other chapters or go back through Chapters 1-8 again and get them ready to be sent on their way to the APA.

Members of the working group took no action but agreed to look back at Chapters 1-8 again and then start up on the rest of the chapters.

### **K. Change-In-Status Form**

Director Urbanek stated since 791 was implemented it has required us to revamp the Change in Status form and collect information required for the 791. I feel there is a misconception in the profession that you have to hire the person before you can submit all of the application paperwork and that is not the case. You can predate the change-in-status form. For instance, if an agency wants to send somebody to January basic, but they are not hired yet, they can make an effective hire date of January 3<sup>rd</sup>, and send the packet in for approval.

Chief Bliemeister recommended changing the wording on "3" to will be enrolled in the next "scheduled" session, rather than available because available is subject to interpretation for the agency.

Chief London questioned if the language "1-year clock begins" should be changed.

Director Urbanek stated we could leave the "1-year clock begins" out.

Chief Bliemeister stated we could just reference Neb. Rev. Stat. 81-1414 (2) after the Date of Appointment as Law Enforcement Officer.

Director Urbanek thanked the Council for their input and stated she would make the recommended changes and bring it back to the January meeting in the normal format.

The meeting broke at 10:45 AM and resumed at 10:52 AM.

**L. Proposed Fees Increase**

Director Urbanek stated these proposed fee increases would start July 1, 2021 if approved. In listening to the legislative hearings during the summer and fall. I believe there is a misconception on the tuition at the Training Center. There is a dramatic decrease in the first section basic and this is where an agency is defined in statute, including a Reserve Officer. The cost to send someone here outside of their salary and travel is about \$2,385.00. Tuition is not charged to anyone hired with an agency (non-state employee) and in good standing.

The first change I propose is increasing the nightly lodging from \$20.00 to \$25.00. DAS Buildings has upgraded our exterior security with proxima cards. The old dorm room cards cost approximately .03 cents apiece and the new cards are closer to \$6.00 a piece to replace. The increase would help offset the cost. There is no increase to a basic student who is in good standing, there is no increase to the NSP as they are not charged lodging for their use of any of the dorm rooms.

The other area I am requesting an increase is the outside facility use; part of our Training Center budget hinges on cash revenue from tuition students, and use of facilities. I am asking for an increase on the use of facility for private vendors who generate revenue from the use of our facility by hosting classes. I am asking for an increase from \$75.00 to \$160.00 per 8-hour block.

**MOTION**

**Chief Bliemeister motioned to approve the Tuition/Fees Proposed Increases. Sheriff Osmond seconded the motion. Voting in favor; Sheriff Osmond, Chief Wolf, Lieutenant Colonel Duis, Chief Deputy London, Chief Bliemeister, and Chief Larby. Mr. McCarthy abstained.**

**M. Title 79, Chapter 8, Section 005.01H – Admission Requirement**

Mr. Stolz stated the issue has started to come up on the admission requirement. That particular section reads, the applicant is a high school graduate or possesses a general educational development certificate, ie., GED and is able to read, write, and understand the English language at the eleventh grade level. Currently what is going on with the interpretation of this particular section is, you have to have graduated from an accredited high school and I think that is something that the working group kind of kicked around in Chapter 1 as you recall. Then the issue crops up, what do you do with the student who has either not graduated from an accredited school or is a homeschooler, or is treated as a high school graduate? Traditionally the answer or interpretation for this one has been, “no” the homeschooled student needs to get a GED.

Director Urbanek stated she has had four in this class alone.

Mr. Stolz asked the Council how they wanted to go with this, and just to frame it a little bit to show you what the sister states were doing as we are not unique to the process.



Iowa – High school graduate or hold a GED

Colorado – In order to be eligible for the POST examination the board requires every applicant to have a GED, high school diploma, or an equivalency certificate.

Minnesota – POST Secondary Degree to sit for your licensing exam

Missouri – Valid high school diploma holder or its equivalent

South Dakota – Have to be a graduate of an accredited high school or have a high school equivalency certificate acceptable to the commission.

Kansas – Each applicant for certification shall meet the following minimum requirements. Be a graduate from high school accredited by the Kansas state board of Education or appropriate accrediting agency of another jurisdiction. Obtain a high school education from a non-accredited private secondary school, which would be their home school. And the statute set that up.

UNL - Has what they call an assured admission to those individuals graduating from an accredited high school providing that they meet one other requirement Performance requirement, 3.0 GPA 20 or higher SAT, 10-40 on the SATs.

What happens if you don't get a GED and you're homeschooled? Could you still get in? I think the answer would be yes. If they appealed the Director's decision and brought it to you with the appropriate documentation would be yes. I think the process is already in place to allow a home schooled in if that's what you choose or you can go back to the Rule and Regulation and change it and adopt something like Kansas' law.

Director Urbanek stated Nebraska doesn't have a regulatory oversight for homeschools is part of my problem with this and that is why homeschools exists. The issue is the pushback we are getting.

Director Arp stated we are getting some pressure about admitting the homeschoolers. The real test should be you have passed the test that shows you have the cognitive ability to be part of this profession. I think that's the meaningful hurdle for entry. So one of the things I suggest is getting rid of the TABE, getting rid of the High School GED requirements, dump that because that doesn't mean anything and replace our testing with a nationally balanced and referenced police officer selection test that tests both English comprehension and we can set it at the eleventh grade level if that's what PSAC wants and I would suggest adding a minor component of some basic arithmetic because I think the logic used in math problems of investigations reasoning but if you can pass that test, without being a high school graduate welcomes to the profession as long as you can pass the PRET. We are missing out on candidates who would be amazing officers simply because either they are home schooled because of some life circumstance and didn't finish high school but otherwise has the cognitive ability to do the job.

Director Urbanek stated she was inclined to say everybody takes the GED. Whether or not you have a high school degree/diploma. You take that and we remove the TABE, because it is getting more and more difficult to find a testing mechanism that will, according to our statute, meet the eleventh grade level because these testing devices don't like to label someone. They will give you a score but they don't tell you if that's the eleventh grade level, so then this body will have to say, the score of 740 on this exam is enough to get a person in.

Mr. McCarthy stated the GED is a comprehensive exam beyond Math and English.

Director Urbanek stated it was a test approved by the State Department of Education that covers Math, English, Science, but I am not clear on whether or not I have to take the course in order to take the test. There is a fee associated with the test associated with The American Standard and Associates, and it was very restricted in terms of how much it cost and the test can only be administered at one site, unlike the TABE that gets sent to multiple sites throughout the state. I think we are we are at a point in our profession where taking away a standard is probably not what the public wants to see us doing but trying to find a standard that is consistent for an accredited high school home school somebody because of life circumstances couldn't finish school. That is why I am leaning towards the GED, I think it is affordable, easy to administer and accepted.

Mr. Stolz stated the reason this is on the agenda is for direction and as I see and hear the options; Option number #1 is status quo. If a person was homeschooled and the Director denied them, they can come to this body and ask for a waiver. That is currently the process. The problem with that is you will get people from the Patrol who will look at that and assume they are out. Option number #2 would be getting rid of everything but the GED or some other test and that would coincide with what the Executive Director is talking about as well. Maybe not the GED but a test. But I am assuming the State Patrol would probably use it at the very beginning. We know Lincoln does. It just depends on where you want to go with it; nothing or moving on to and this ties on to the working group and do you want to tie onto something there keeping in mind it's just Chief Bliemeister and Chief Deputy London and we could add another member if you wanted to. Chief Deputy London suggested putting this on the working group and then a recommendation could be brought back to the Council.

Director Urbanek questioned, what is the feeling of this body, in terms of a homeschool, high school diploma. Does it meet the high school graduate box?

Sheriff Osmond stated sure as long as they can pass the TABE. At this point that's what I say the answer is.

Mr. Stolz asked the Council if they could consider a motion that would include homeschool graduates who have supporting documentation are considered high school graduates. Something along that line.

### MOTION

**Chief Bliemeister motioned that Director Urbanek can accept applicants into the Nebraska Law Enforcement Training Academy with the presentation of a high school transcript showing graduation or a GED. Chief Larby seconded for discussion.**

Mr. Stolz so, you said into the Nebraska Law Enforcement Training Academy, does that include Lincoln? So how about Training Academies as a friendly amendment?

Chief Bliemeister stated so the friendly amended is for state approved training academies.

Chief Larby seconded the amendment.

Chief Wolf asked to hear the motion again.

**MOTION**

**Chief Bliemeister motioned that Director Urbanek can accept applicants into the state approved training academies with the presentation of a high school transcript showing graduation or a GED. Voting in favor: Chief Wolf, Lieutenant Colonel Duis, Chief Deputy London, and Chief Larby. Voting against: Sheriff Osmond, Chief Bliemeister, and Mr. McCarthy. Motion Carried in favor 4-3.**

**VII. OTHER BUSINESS**

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

January 20, 2021, 9:00; Library, Nebraska Law Enforcement Training Center  
3600 North Academy Road, Grand Island, Nebraska 68801

Hearing no further business Chairman Duis adjourned the meeting at 12:08 PM.

Respectfully submitted.



Kay Fielding,  
Secretary to the Council