

AGENDA POLICE STANDARDS ADVISORY COUNCIL

DATE: March 10, 2021

TO: Police Standards Advisory Council

FROM: Brenda L. Urbanek, Director

SUBJECT: Regular Meeting Wednesday, March 17, 2021, 9:00 A.M.
Library, Nebraska Law Enforcement Training Center,
3600 N. Academy Road, Grand Island, Nebraska 68801

- I. CALL TO ORDER
- II. APPROVAL OF February 17, 2020 P.S.A.C. MINUTES
- III. 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.
- IV. CRIME COMMISSION REPORT
- V. OLD BUSINESS
 - A. 2020 Firearms Waiver Request
Angelo Casarez, Lancaster County Sheriff's Office



VI. NEW BUSINESS

- A. 20 PSAC 81 Appeal; Denial to Basic Training**
Kelvin Grant, Walthill Police Department

9:30 AM

- B. Academy Instructor Certifications**

Attachment #1

General Original

Luke Splattstoesser – NSP

General Recertification

Erin Sims – Lincoln Police Department

Professional Original

Timothy Dolberg – Lincoln Police Department

Andrew Ecklund – NSP

Rachel Kohlman – NLETC (Additional)

Kayla Puhmann – Lincoln Police Department

Professional Recertification

Timothy Abele – Lincoln Police Department

Robert Brenner – Lincoln Police Department

Tyler Cooper – Lincoln Police Department

Launa Groves – Lincoln Police Department

Maxwell Hubka – Lincoln Police Department

Valerie Kinghorn – Lincoln Police Department

Todd Kocian – Lincoln Police Department

Michon Morrow – Lincoln Police Department

Michael Schmidt – Lincoln Police Department

Benjamin Seeman – Lincoln Police Department

- C. Request for Waiver In-Lieu-Of NLETC Management**
Completion of LPO provided by IACP - 5/4/2017
Lieutenant Toby Czapla, Nebraska State Patrol

Attachment #2

- D. Request for Waiver In-Lieu-Of NLETC Management**
Completion of LPO provided by IACP - 12/11/2015
Lieutenant Kaleb Bruggeman, Nebraska State Patrol

Attachment #3

- E. Request for Waiver In-Lieu-Of NLETC Management Attachment #4**
Completion of LPO provided by IACP – 12/7/17
Completion of School of Police Staff & Command 9/8-11/20/20
Lieutenant Paul Hagen, Nebraska State Patrol

- F. Request for Waiver In-Lieu-Of NLETC Management Attachment #5**
Completion of LPO provided by IACP – 5/17/18
Completion of School of Police Staff & Command 9/8-11/20/20
Lieutenant Luke Splattstoesser, Nebraska State Patrol

- G. Request for Waiver of One-Year Management Requirement Attachment #6**
Deputy Zach Welch, Brown County Sheriff's Office

IX. OTHER BUSINESS

- A. Date, Time & Location of Next Meeting**
April 21, 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
February 17, 2021**

I. CALL TO ORDER

Chairman, Chief Deputy Greg London called the regular monthly meeting of the Police Standards Advisory Council to order at 9:00 A.M. Legal notice of the meeting was published in the Lincoln Journal Star on Saturday, February 6th, 2021.

Roll call of members; Chief Deputy Greg London, Sheriff Dan Osmond, Chief Tracy Wolf, Mr. Matthew McCarthy, and via Zoom; Chief Timothy Larby. Lieutenant Colonel Buck Duis was unable to attend.

Others present: Director Brenda Urbanek, David Stolz, Don Arp Jr., William Keeling, Captain Gregory Miller, Lieutenant Andrew Ecklund, Kay Fielding, and Jessie Wagoner. Via Zoom; Chief Tim Larby, Lieutenant Kenneth Fox and Scott Wagoner.

II. APPROVAL OF JANUARY 20, 2021 P.S.A.C. MINUTES

MOTION

Chief Wolf motioned to approve the January 20, 2021 minutes. Mr. McCarthy seconded the motion. Voting in favor; Chief Deputy London, Sheriff Osmond, Chief Wolf, Chief Larby, and Mr. McCarthy.



III. ACADEMY REPORTS

A. Director – N.L.E.T.C.

Director Urbanek stated we had legislative hearings February 3rd on most of the law enforcement related bills. Tomorrow we have hearings on LB192 and LB193, dealing with funding issues and simulator training. \$800,000 to provide equipment, about all we know about that bill. We did some research for our fiscal note as to different types of simulator training and had the opportunity to play with some virtual reality training that was very intense but very affordable. It was an easy to use system and accomplish what I think the Bill was introduced for.

Omaha has a \$375,000 VirTra system, that doesn't include the \$330,000 5 year-service fee that goes along with it. You would also need people trained. Kearney has a 3-screen piece of equipment that is not quite as expensive and they have worked out an arrangement with their scales group that Kearney has a number of their firearms instructors trained so if Holdrege PD wanted to come up and train on it they would provide the person to come up and run the machine for them.

NLETC does not have the staff to travel regionally, we haven't for years. But if we can find some equipment that does what they are trying to do with this Bill without a huge manpower expenditure on our part, I am all for that. It's a very vaguely written Bill except for the \$800,000 price tag to it.

Director Urbanek expressed the NLETC's appreciation to Captain Miller and his staff in helping both the NLETC staff and our basic students in getting on the list to get the COVID vaccine. We had about 50% participation rate between the class and the staff. We have had the first dose administered.

The first interviews for our Software Support Technician position are the 22nd of this month. 11 people applied.

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

Deputy Director Keeling stated the 207th Basic was in the 6th week of training with 39 of the original 41 students. One of the students was separated for excessive absences on January 29th. Another was separated for academic failures the week before. Students are wearing masks as much as possible for indoor training and transiting the hallways. We haven't had any more incidents or issues with COVID infections so far.

Last week the basic class completed firearms training, all but one student was able to complete and qualify. That particular student missed two full days of training due to a significant negative reaction to the vaccine. She will have to recycle back through the next basic for firearms class in May.

20 students and 11 staff members were given their first dose of the COVID vaccine Tuesday, February 9th. 2 students reported significant adverse reactions to the shot. Approximately 7 others experienced less significant symptoms, none of those individuals missed any classes. I don't believe staff had any issues other than some pain at the injection site.

The weather has been very challenging for staff and students. Last week they were on the firearms range during the subzero weather.

Instructor, Rachel Kohlman started yesterday, February 16th. She came from the O'Neill Police Department. She has been assisting with Defensive Tactics already today. We are very happy to have her onboard.

C. Nebraska State Patrol

Captain Smith reported Camp 64 was in week 7. Last week 7 of the 8 cadets took the vaccine with 0 adverse reactions. We are in the process of lining up the second shot in the middle of March.

Last week Camp 64 spent all week with DUI Investigation, this week they are continuing with Motor Vehicle Law. We are also in the testing process for Camp 65 which is scheduled to start in July.

D. S.L.D.E.A.

Scott Wagoner reported their camp was in week 7 of the 20-week academy class. The majority of the legal, human understanding, investigative blocks have been completed already. We are trying to make sure we get as much as we can due to weather and everything else, we should be online with graduating May 21st. Starting next week we will be doing arrest and control and then basically from next week on the majority of the remaining weeks will be traffic based with respect to handgun and rifle and then all the traffic stops and we will see all the practical stuff has been completed will be in the last 13 or so weeks. We haven't had a lot of Covid issues. We've had a couple recruits out due to family but we caught them up, so everybody is up-to-date and on schedule. We had 14 of the 18 recruits get tested through their agencies or from Sarpy County.

We have 18 recruits, we've had no separations.

IV. CRIME COMMISSION REPORT

Executive Director Arp stated he would be testifying Thursday, February 18th on the Crime Commission budget. So far appropriations is supportive of all the Governor's recommendations of our budget. The 4 things I asked for are all training center focused; increases in instructor salaries, fleet vehicles, testing and academic software and reducing our cash fund allowance and increasing our general fund appropriation so we have a little more access to operational funds and not just relying on our cash funds which are unpredictable.

I think they are also carrying LB304, which gives us about \$172,000 for decertification stuff.

V. OLD BUSINESS

No Old Business

VI. NEW BUSINESS

A. Academy Instructor Certifications

General Original

Jesse A. Pfeifer – Nebraska State Patrol

Deputy Director Keeling recommended certification for Pfeifer as she meets all the requirements to instruct in the areas requested.

MOTION

Chief Wolf motioned for approval. Sheriff Osmond seconded. Voting in favor; Chief Larby, Mr. McCarthy, Sheriff Osmond, Chief Wolf, and Chief Deputy London. Motion carried.

Professional Original

Victoria Boldt – Sarpy Co. S.O. for SLDEA
Shane Flynn – Nebraska State Patrol
Nicholas Palmer – Sarpy Co. S.O. for SLDEA
Ryan S. Phinney – Nebraska State Patrol

Deputy Director Keeling stated the others are all for Professional Original. If you note in the agenda, it reflects Ryan S. Phinney was a General, he is qualified for a Professional Original so we are putting him in that. Victoria Boldt was not approved for Ethics, simply because it takes an Instructor Certification to do that and she did not provide one. Everyone else was qualified in all the areas of request so based on my review I would recommend approval on all four.

MOTION

Mr. McCarthy; I'll make a motion to approve the professional original certifications of Ryan Phinney, Victoria Boldt, Shane Flynn, and Nicholas Palmer. Chief Wolf seconded the motion. Voting in favor; Mr. McCarthy, Sheriff Osmond, Chief Wolf, Chief Deputy London, and Chief Larby. Motion carried 5-0.

B. Revocation of Law Enforcement Certificate

Kylan Lonowski, LR-151-18

Mr. Stolz presented the factual basis stating the Respondent officer can voluntarily surrender their certificate after the informal complaint. No formal revocation has been filed but consistent with Title 79, Chapter 9, Section 013, the Respondent officer may voluntarily provide his surrenderment of the certificate once an informal complaint has been made.

Mr. Stolz presented the Consent to Revocation of Law Enforcement Certificate and Waiver of Notice and Hearing signed by Kylan Lonowski, and asked that it be marked as Exhibit #1 and received it into evidence.

Chairman London received Exhibit #1 into the record.

Mr. Stolz stated the Respondent acknowledged he was the current holder of a Nebraska Law Enforcement Officer Certificate issued to him on or about August 4, 2017. He acknowledged that a written complaint was made against him to the Executive Director of the Crime Commission on or about July 9th, 2018. He had reviewed and was familiar with the contents of the complaint that was made against him and was aware of the circumstances surrounding the allegations. He acknowledges the complaint made against him arose out of the alleged facts and circumstances that occurred while he was a certified law enforcement officer in this state. He is aware of his rights under the statutes, and rules and regulations of the Commission; to resist the complaint, to be represented by Counsel, to have a full administrative evidentiary hearing before this body if the complaint is pursued by the Commission and appeal any adverse decisions of the Council and Commission to the Nebraska Courts. That rather than to resist, contest or dispute the complaint filed against him, he wishes to voluntarily surrender his law enforcement officer certificate and by signing this document, Exhibit #1, he freely and voluntarily consents to the revocation of his Nebraska Law Enforcement Officer Certificate by this body and the Nebraska Commission on Law Enforcement and Criminal Justice and freely and voluntarily waives his right to notice, appearance, and hearing prior to such action being taken.

Based on the foregoing I would ask this Council to accept his relinquishment and recommend to the Crime Commission that his Nebraska Law Enforcement Certificate be revoked based upon the statutory grounds of neglect of duty, and on the basis of the misdemeanor conviction having a rational connection to the officers fitness to serve as a law enforcement officer and a violation of the officer's oath of office and code of ethics per Title 79 of the Nebraska Administrative Code Chapter 9, Section 003.03 and 003.04.

MOTION

Mr. McCarthy motioned based upon the fact that the respondent has signed a Consent to Revocation of Law Enforcement Certificate and waiver of notice and hearing and has voluntarily surrendered his certificate, I make a motion that the Council accept the surrender of Kylan Lonowski's Nebraska Law Enforcement Certificate as evidence of incompetence and neglect of duty.

Said revocation to be effective upon review and acceptance of the surrender by the Nebraska Commission on Law Enforcement and Criminal Justice. Sheriff Osmond seconded the motion. Voting in favor; Mr. McCarthy, Sheriff Osmond, Chief Wolf, Chief Deputy London, and Chief Larby. Motion Carried 5-0.

C. Revocation of Law Enforcement Certificate
Richard Vance, LR-171-19

Mr. Stolz presented the factual basis stating the Respondent officer can voluntarily surrender their certificate after the informal complaint. No formal revocation has been filed but consistent with Title 79, Chapter 9, Section 013, it allows the Respondent Officer may voluntarily provide his surrenderment of the certificate once an informal complaint has been made.

Mr. Stolz stated the Respondent acknowledged he was a current holder of a Nebraska Law Enforcement Officer Certificate issued to him on or about September 6th, 2013. On April 12, 2019 the Executive Director wrote a letter notifying the Respondent officer of the allegations contained in the informal complaint. Along with the notification letter was the Consent to Revocation of Law Enforcement Certificate and Waiver of Notice and Hearing. The notification letter was served to the Respondent by the Sarpy County Sheriff's Office on or about May 21, 2019. In October of 2019 the Respondent and Executive Director had a telephone conversation regarding the informal complaint during the call and the Respondent indicated he was going to voluntarily surrender his law enforcement certificate but failed to submit his surrender form to the Commission. Finally after much of the Executive Director's efforts, the Executive Director sent another email correspondence to the Respondent indicating what options the Respondent had for his response before the matter was referred to the Attorney General's Office. On January 12th, 2021, the Executive Director did receive the Respondent's Consent to Revocation of Law Enforcement Certificate and Waiver of Law Enforcement Certificate and Waiver of Notice and Hearing.

Mr. Stolz presented the Consent to Revocation of Law Enforcement Certificate and Waiver of Notice and Hearing signed by Richard Vance, and asked that it be marked as Exhibit #1 and received into evidence.

Chairman London received Exhibit #1 into the record.

It was signed by the Respondent on or about January 11th, 2021. There has been no formal complaint filed in this case but this is consistent to move forward based on Chapter 9, Section 013.03.

As you go through Exhibit #1 you are going to notice he acknowledges he is a current holder of a Nebraska Law Enforcement Officer Certificate issued to him on September 6, 2013. He acknowledges that a written complaint against him was made to the Executive Director on or about April 9, 2019, and he has reviewed and is familiar with the contents of the complaint and is aware of the circumstances surrounding the allegations. He acknowledges that the complaint made against him arose out of the alleged facts and circumstances that occurred while he was a certified law enforcement officer in this state. He is aware of his rights under the statutes, and under our rules and regulations; to resist the complaint, to be represented by Counsel, to have a full administrative evidentiary hearing before this body if the complaint was pursued by the Commission to appeal any adverse decisions of the Council and Commission to the Nebraska Courts. That rather than to resist, contest or dispute the complaint filed against him, he further wishes to voluntarily surrender his law enforcement officer certificate and by signing this document, he freely and voluntarily consented to the revocation of his Nebraska Law Enforcement Officer Certificate by both the Police Standards Advisory Council and the Commission

and freely and voluntarily waives his right to notice, appearance and hearing prior to such revocation action being taken.

Based on the foregoing I would ask that the Council accept his relinquishment and recommend to the Crime Commission that his Nebraska Law Enforcement Certificate be revoked based upon the statutory grounds of neglect of duty, and on the basis of a violation of his oath of office and code of ethics per Title 79, Chapter 9, 003.04.

MOTION

Sheriff Osmond motioned based upon the fact that the respondent has signed a Consent to Revocation of Law Enforcement Certificate and Waiver of Notice and Hearing and has voluntarily surrendered his certificate, I make a motion that the Council accept the surrender of Richard Vance's Nebraska Law Enforcement Certificate as evidence of neglect of duty and oath of office.

Said revocation to be effective upon review and acceptance of the surrender by the Nebraska Commission on Law Enforcement and Criminal Justice. Chief Wolf seconded the motion. Voting in favor; Sheriff Osmond, Chief Wolf, Chief Deputy London, Chief Larby, and Mr. McCarthy. Motion carried 5-0.

D. Revocation of Law Enforcement Certificate

Scott J. Bierle, LR-181-19

Mr. Stolz presented the factual basis stating the Respondent officer can voluntarily surrender their certificate after the informal complaint. No formal revocation has been filed but consistent with Title 79, Chapter 9, Section 013, the Respondent officer may voluntarily provide his surrenderment of the certificate once an informal complaint has been made.

On January 27, 2021, the Executive Director did receive the Respondent's Consent to Revocation of Law Enforcement Certificate and Waiver of Notice and Hearing and asked that it be marked as Exhibit #1 and received it into evidence. It was signed by the Respondent on or about January 18, 2021. There has been no formal complaint, this has taken place after an informal complaint

Chairman London received Exhibit #1 into the record.

Mr. Stolz stated the Respondent acknowledged that he was a current holder of a Nebraska Law Enforcement Officer Certificate issued to him on or about December 16, 2015. He acknowledged that a written complaint was made against him to the Executive Director of the Crime Commission on or about January 29, 2019. He had reviewed and was familiar with the contents of the complaint that was made against him and was aware of the circumstances surrounding the allegations. He acknowledges the complaint made against him arose out of the alleged facts and circumstances that occurred while he was a certified Nebraska law enforcement officer. He is aware of his rights under the statutes, and rules and regulations of the Commission; to resist the complaint, to be represented by Counsel, to have a full administrative evidentiary hearing before this body if the complaint is pursued by the Commission and appeal any adverse action of the Council and Commission to the Nebraska Courts. That rather than to

resist, contest or dispute the complaint, he wishes to voluntarily surrender his law enforcement officer certificate and by signing this document, Exhibit #1, he freely and voluntarily consents to the revocation of his Nebraska Law Enforcement Officer Certificate by this body and the Nebraska Commission on Law Enforcement and Criminal Justice and freely and voluntarily waives his right to notice, appearance, and hearing prior to such action being taken.

Based on the foregoing I would ask this Council to accept his relinquishment and recommend to the Crime Commission that his Nebraska Law Enforcement Certificate be revoked based upon the statutory grounds of neglect of duty, and on the basis of the violation of his oath of office and code of ethics per Title 79, Chapter 9, Section 003. 04.

MOTION

Chief Wolf motioned based upon the fact that the respondent has signed a Consent to Revocation of Law Enforcement Certificate and Waiver of Notice and Hearing and has voluntarily surrendered his certificate, I make a motion that the Council accept the surrender of Scott J. Bierle's Nebraska Law Enforcement Certificate as evidence of neglect of duty and or breach of oath of office, and code of ethics.

Said revocation to be effective upon review and acceptance of the surrender by the Nebraska Commission on Law Enforcement and Criminal Justice. Mr. McCarthy seconded the motion. Voting in favor; Chief Wolf, Chief Deputy London, Chief Larby, Mr. McCarthy, and Sheriff Osmond. Motion carried 5-0.

E. Revocation of Law Enforcement Certificate Bradley Hansen, LR-203-21

Mr. Stolz presented the factual basis stating the Respondent officer can voluntarily surrender their certificate after the informal complaint. No formal revocation has been filed but consistent with Title 79, Chapter 9, Section 013, the Respondent Officer may voluntarily provide his surrenderment of the certificate once an informal complaint has been made.

On February 1, 2021, the Executive Director did receive the Respondent's consent to revocation of law enforcement certificate and waiver of notice of hearing and asked that it be marked as Exhibit #1 and received it into evidence. It was signed by the Respondent on or about January 27, 2021. There has been no formal complaint, this has taken place after an informal complaint has been made.

Chairman London received Exhibit #1 into the record.

Mr. Stolz stated Exhibit #1 shows the Respondent acknowledges that he is a current holder of a Nebraska Law Enforcement Officer Certificate issued to him on or about March 31, 1995 and a Nebraska Supervisor Law Enforcement Certificate was issued to him on or about February 19, 1999. He acknowledged that a written complaint was made against him to the Executive Director of the Crime Commission on or about January 29, 2019. He had reviewed and was familiar with the contents of the complaint that was made against him and was aware of the circumstances surrounding the allegations.

He acknowledges the complaint made against him arose out of the alleged facts and circumstances that occurred while he was a certified Nebraska law enforcement officer. He is aware of his rights under the statutes, and our rules and regulations of the Commission; to resist the complaint, to be represented by Counsel, to have a full administrative evidentiary hearing before this body if the complaint is pursued by the Commission and appeal any adverse action of the Council and Commission to the Nebraska Courts. That rather than to resist, contest or dispute the complaint, he wishes to voluntarily surrender his law enforcement officer certificates and by signing this document, Exhibit #1, he freely and voluntarily consents to the revocation of both his Nebraska Law Enforcement Officer Certificate and his Nebraska Supervisor Certificate by this body and the Nebraska Commission on Law Enforcement and Criminal Justice and freely and voluntarily waives his right to notice, appearance, and hearing prior to such action being taken.

Based on the foregoing I would ask this Council to accept his relinquishment and recommend to the Crime Commission that his Nebraska Law Enforcement Certificate and his Nebraska Supervisor Certificate be revoked based upon the statutory grounds of neglect of duty, and on the basis of the violation of his oath of office and code of ethics per Title 79, Chapter 9, Section 003. 04.

MOTION

Mr. McCarthy motioned based upon the fact that the respondent has signed a Consent to Revocation of Law Enforcement Certificate and Waiver of Notice and Hearing and has voluntarily surrendered his certificates, I make a motion that the Council accept the surrender of Bradley Hansen's Nebraska Law Enforcement Certificate and his Supervision Certificate as evidence of incompetence and neglect of duty.

Said revocation to be effective upon review and acceptance of the surrender by the Nebraska Commission on Law Enforcement and Criminal Justice. Sheriff Osmond seconded the motion. Voting in favor; Chief Deputy London, Chief Larby, Mr. McCarthy, Sheriff Osmond, and Chief Wolf. Motion carried 5-0.

F. Waiver Request for NLETC Supervision Training Sergeant Chadd Stutheit, University of Nebraska-Lincoln P.D.

Director Urbanek recommended granting a waiver of the one-year for Sergeant Stutheit and the Supervision training.

MOTION

Chief Wolf motioned to grant the waiver and that he attend the next available Supervision course. Sheriff Osmond seconded the motion. Voting in favor; Chief Larby, Mr. McCarthy, Sheriff Osmond, Chief Wolf, Chief Deputy London. Motion carried. 5-0.

**G. Waiver of NLETC Management Training
In-Lieu-Of Completion of FBI National Academy
Captain Michael Peschong, Lancaster County Sheriff's Office**

Director Urbanek recommended granting the waiver based on his Master's degree. He would still be required to take the online Management course. I would make the recommendation based on the curriculum submitted that meets what our management course does along with the condition that he attend the online portion of our Management course.

MOTION

Chief Wolf motioned for approval provided that he attend the online Management portion. Mr. McCarthy seconded the motion. Voting in favor; Mr. McCarthy, Sheriff Osmond, Chief Wolf, Chief Deputy London, and Chief Larby. Motion carried 5-0.

H. 2020 Firearms Violations

Director Urbanek stated agencies are required to report all their officers' qualifications by December 31st of that calendar year or request a waiver by February 1st of the next year. If the Training Center hasn't received the information, the officer is suspended on February 2nd. The following officers are suspended based on firearms violations for 2020 until such a time as we get a record of qualification and reinstatement fee.

Curtis Anderson – Seward County Sheriff's Office
Matthew Chadderdon – U.S. Inspector General
Robert Henry – Santee Sioux Police Department
Zachary Kincaid – U.S. Department of Interior
Kyle Kramer – Washington County Sheriff's Office
Joseph Kudera – Santee Sioux Police Department
Timothy Rhodd – Iowa Tribe
Dan Scarrow – Johnson County Sheriff's Office
Shane Taylor – U.S. Inspector General
Daniel Russel White – Nemaha County

Director Urbanek stated the Federal Officers have State Special Deputy Commissions as issued by the Governor allowing them to enforce local laws even though they may be on a federal game reserve, so here is what gets tricky, if they don't have a Nebraska certificate, I have nothing to suspend, so what we do is send notice to the State Attorney General and to the Colonel of the State Patrol to let them know we have not received a report or a waiver for these individuals because I don't really have a stick to use on them where the Governor's Office could withdraw their special credentials, their SSDS's. Six of the names are SSDS's. This is information to read into the record, No action is necessary.

I. 2020 Firearms Waiver Requests

Name	Agency	Reason	Date of Incident
Barton (Zellers), Jordin	Douglas Co So	Medical	8/8/2020
Book, Robert	OPD	Military	6/18/2020
Bruning, James	OPD	Medical	9/6/2020
Cahill, Larry	OPD	Medical	6/17/2020
Casarez, Angelo	Lancaster Co SO	Medical	11/25/2020
Cech, Sheila	OPD	Medical	7/24/2020
Conner, Anthony	OPD	Medical	12/4/2020
Cool, Courtney	NSP	Medical	3/2/2020 7/10/2020 &
Donscheski, Roger	Retired	Medical	7/9/2020
Ducker, Dontrell	Bellevue PD	Medical	6/1/2020
Fidone, Stefanie	OPD	Medical	10/6/2020
Guyott, James	OPD	Medical	11/24/2020
Hansen, Bradley	Fremont PD	Extended LOA	6/4/2020
Hardin, John	NSP	Military	5/31/2020
Henka, Eric	OPD	Medical	7/26/2020
Iselin, Kerry	OPD	Extended LOA	10/1/2020
Kinsey, Shannon	OPD	LOA	8/19/2020
Lahm, Brad	Cass Co SO	Medical	1/16/2020
Larkins, Alexander	Central City PD	None Listed	Not Listed
Latham, Jeremy	OPD	Military	6/13/2018
Leach, Sasha	OPD	Medical	3/15/2020
Loges, Leighanne	OPD	Medical	11/12/2020
Lyon, Ronald	OPD	Medical	7/15/2020
Makell, Keith	OPD	Medical	1/14/2020
Malette, Bobbi	OPD	Medical	8/3/2020
McClure, Shawna	OPD	Medical	9/6/2020
McFarland, Robert	Ashland PD	Medical	10/30/2020
Menke, Taylor	Washington Co SO	Military	9/3/2020 8/8/2020 &
Merritt, Felicia	OPD	Medical	11/6/2020
Moore, Kasha	OPD	Medical	1/30/2020

Murcek, Steve	OPD	Medical	10/21/2020
		Extended	
Neumann, Kerry	OPD	LOA	5/15/2020
O'Keefe, Rachel	OPD	Medical	9/16/2020
		Extended	
Passo, Andrew	OPD	LOA	10/12/2020
Phillips, Candace	OPD	Medical	9/6/2020
Rengo, Brock	OPD	Medical	11/11/2020
Richter, Joseph	OPD	Medical	11/9/2019
		Extended	
Saldierna, Emilio	OPD	LOA	12/2/2020
Sanchez, Joseph	OPD	Medical	10/9/2020
Schroeder, Chad	OPD	Medical	8/13/2020
Smith, Michael	OPD	Medical	10/5/2020
Talbitzer, Molly	OPD	Medical	4/8/2020
Thompson, Christopher	OPD	Extended LOA	10/17/2020
Thompson, Keith	OPD	Medical	8/28/1996
Timperley, Scott	OPD	Medical	11/18/2020
Tran, Phillip	Lincoln PD	Military	7/5/2020
Trecek, Chase	OPD	Medical	11/16/2020
Valentine, Douglas	OPD	Medical	5/17/2019
Varona, Lindsay	Sarpy Co SO	Medical	3/2020

Director Urbanek stated these were the waiver requests for firearms. My recommendation would be to handle the military first, then extended leave of absence and then go into executive session to discuss the medical waivers.

Military

Robert Book was deployed June 18, 2020, to the Military and granted a CE waiver for 2020.

John Hardin was deployed May 31, 2020, to the Military and granted a CE waiver for 2020.

Jeremy Lathan was deployed June 13, 2018, to the Military and granted a CE waiver for 2020.

Taylor Menke was deployed to the Military and suspended for CE. He didn't request a waiver for 2020, and he has since been dismissed by his agency so he is no longer an active officer.

Phillip Tran was deployed July 5, 2020 to the Military and granted a CE waiver for 2020.

Chairman London asked if there was a recommendation on Menke since he was no longer active.

Director Urbanek stated he was active in 2020 and she just received an email this morning for him that he did shoot the firearms course when he was still with the agency but they didn't get it reported, so my recommendation would be to table Mr. Menke until we can confirm or verify that information. I would recommend approval on the rest of them.

MOTION

Chief Wolf: I will make a motion to approve a waiver based on military leave for Robert Book, John Hardin, Jeremy Lathan, Phillip Tran and I would include in that motion to table the military motion on Taylor Menke. Sheriff Osmond seconded the motion. Voting in favor; Chief Deputy London, Chief Larby, Mr. McCarthy, Sheriff Osmond, and Chief Wolf. Motion carried 5-0.

Extended Leave of Absence

Director Urbanek stated all Omaha PD people were on Binding Separation Agreements

Bradley Hansen	Fremont Police Department	CE waiver was not granted
Kerry Iselin	Omaha Police Department	CE waiver was not granted
Shannon Kinsey	Omaha Police Department	CE waiver was not granted
Kerry Neumann	Omaha Police Department	CE waiver was not granted
Andrew Passo	Omaha Police Department	didn't need a CE waiver
Emilio Saldierna	Omaha Police Department	we didn't have a CE waiver request
Christopher Thompson	Omaha Police Department	CE was not granted

Director Urbanek stated all seven were already suspended based on their Continuing Education.

MOTION

Chief Deputy London motioned to deny the waiver requests on Bradley Hansen, Kerry Iselin, Shannon Kinsey, Kerry Neumann, Andrew Passo, Emilio Saldierna, and Christopher Thompson. Mr. McCarthy seconded the motion. Voting in favor; Chief Larby, Mr. McCarthy, Sheriff Osmond, Chief Wolf, and Chief Deputy London. Motion carried 5-0.

MOTION

Sheriff Osmond motioned that the Council go into Executive Session based on the prevention of needless injury to the reputation of those we are going to talk about on this list and for the purposes of executive session we will allow the following to remain in the room; all Council members, Executive Director, the Director, Council Secretary, Legal Advisor and Jessie. Mr. McCarthy seconded the motion. Voting in favor of the motion; Chief Larby, Mr. McCarthy, Sheriff Osmond, Chief Wolf, and Chief Deputy London.

Chairman London reminded those present in executive session that they needed to restrict their discussion in closed session to the issue that was currently before the Council, firearms medical waivers for 2020.

Closed session began at 10:02 AM.

MOTION

Mr. McCarthy made a motion to come out of Executive Session. Chief Wolf seconded the motion. Voting in favor of the motion; Chief Deputy London, Chief Larby, Mr. McCarthy, Sheriff Osmond, and Chief Wolf.

Open session began at 11:08 AM.

MOTION

Chief Wolf motioned to grant a waiver to the following five people; Jordin Barton - Douglas County, Courtney Cool - Nebraska State Patrol, Roger Donscheski - Retired, Keith Thompson - Omaha Police Department, and Lindsay Varona - Sarpy County. Grant the waiver to those five individuals. Sheriff Osmond seconded the motion. Voting in favor of the motion; Chief Larby, Mr. McCarthy, Sheriff Osmond, Chief Wolf, and Chief Deputy London. Motion carried 5-0.

MOTION

Sheriff Osmond: I'll make the motion that we grant conditional waivers, prior to returning to full duty, they qualify on the firearms, if they have returned to full duty they have 30 days to qualify on their firearm. Those people are; Dontrell Ducker – Bellevue Police Department, Eric Henka – Omaha P.D., Brad Lahm – Cass County Sheriff's Office, Sasha Leach – Omaha P.D., Ronald Lyon – Omaha P.D., Keith Makell – Omaha P.D., Felicia Merritt – Omaha P.D., Rachel O'Keefe – Omaha P. D., Candace Phillips – Omaha P.D., Sandra Wylie Omaha P.D. Chief Wolf seconded the motion. Voting in favor of the motion; Mr. McCarthy, Sheriff Osmond, Chief Wolf, Chief Deputy London, and Chief Deputy London. Motion carried 5-0.

MOTION

Mr. McCarthy: I'll make a motion for the remainder of the individuals on the medical list, that those be tabled pending additional information as the Director's discretion. Chief Deputy London seconded the motion. Voting in favor of the motion; Sheriff Osmond, Chief Wolf, Chief Deputy London, Chief Larby, and Mr. McCarthy. Motion carried 5-0.

Director Urbanek stated Alex Larkins of Central City Police Department qualified with his handgun on January 6th of 2021, and understands that he will need to qualify for 2021. According to his Chief the day they had their range, they had a fatality accident and it is my understanding that was in September or October. They didn't have another scheduled range day.

MOTION

Chief Deputy London motioned that we grant Larkins a waiver based on an extreme hardship because he couldn't make it and it was beyond his control. Mr. McCarthy seconded the motion. Voting in

favor of the motion; Chief Wolf, Chief Deputy London, Chief Larby, Mr. McCarthy, and Sheriff Osmond. Motion carried 5-0.

J. TABE Scoring Revisions

Director Urbanek discussed the new version of the TABE Level D version 11 & 12. The test is gravitated more of a college than high school equivalency. This test is now designed to determine college type placement. When I asked the representative from the company about it, she said when they are trying to determine if they need math 101 or if they can take a college algebra class, or do they have a reading level that would require them to take a basic level English class before they get in to college.

After a lengthy discussion with the representative we got into the history of the TABE. There are 4 versions of the TABE; A, D, M and E.

E assesses the Elementary level cognitive skills
M assesses Middle school up to the 9th and 10th grade level
D is 11 and 12
A is advanced more in the college level applications.

What we have noticed happening with education across the country is nobody likes to pigeon hole anybody with a label of you only having an eighth or an eleventh grade level. So they went to a scoring system and that's where we were having some of our problem as we were administering the 11/12 version. The original passing score, as determined by the company, DRC, for the 11/12 version, was a 616+. At the end of January they did what was known as a concordance study, which is a fancy word for comparing how people did on previous versions to see if they should adjust the passing score on the versions. As of February 1st, DRC came out with new passing scores for the 11/12 version; the minimum passing score for reading was a 536 that is passing at the 11th grade level of version D. Now they don't call it eleventh grade but if you get a 536, that's the lowest, so that's the 11th grade, because if you get a 575, which is the highest, that's the 12th grade. That's how we came up with those. Because our problem is statute and rule and regulation requires an eleventh grade level, not a passing score, it's very specific about an eleventh grade. We only grade on the reading and language. The language minimum passing score is a 547.

Now as we dug into this more and more, I cannot find any historical data on why we used to average the reading and language TABE scores, but if you ever read our TABE letters they always averaged the language and reading scores. If you would get a 4.0 in history and a 1.1 in math and look at the educational system, those two don't average and let you pass. You have to pass each one independently. As a result of what DRC has done with their scoring, first we sent out a letter on February 3, 2021 to all the people who administer the TABE making them aware of the new passing ranges for the 11/12 versions. Then after we talked we needed to come up with a different letter for the Pass/Fail TABE results for an individual/agency. We will not be giving scores any longer. Just Pass/Fail and they have to pass both areas to pass.

Previous versions can still be used as long as they can still find the material. Once you have taken the test and pass you will not have to take it again.

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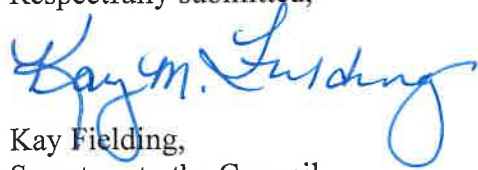
IX. OTHER BUSINESS

A. Date, Time & Location of Next Meeting

March 17, 2021, 9:00; Library, Nebraska Law Enforcement Training Center,
3600 North Academy Road, Grand Island, Nebraska 68801

Hearing no further business Chief Deputy London adjourned the meeting at 11:28 AM.

Respectfully submitted,



Kay Fielding,
Secretary to the Council