

AGENDA POLICE STANDARDS ADVISORY COUNCIL



Jim Pillen, Governor

DATE: May 10, 2023
TO: Police Standards Advisory Council
FROM: Brenda L. Urbanek, Director
SUBJECT: Meeting Wednesday, May 17, 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 APRIL 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

- A. Law Enforcement Attraction and Retention Act (L.E.A.R)**

V. NEW BUSINESS

- A. Revocation of Law Enforcement Certification-Voluntary Surrender**
 - 1. Tatum Dobson, LR-248-23**
 - 2. Stanley McKnight, LR-242-23**

Brenda L. Urbanek, Director

Law Enforcement Training Center

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B. Extension of 1 Year Requirement for Management Training Attachment 1

Martin McIntire, Holdrege Police Department

C. Waiver of NLETC Supervision Attachment 2

Ethan Jordan, Beatrice Police Department

D. Appeal: Basic Training Application Denial Attachment 3

Ashley Russell-Adams County Sheriff's Office (10:00a.m. start time)

E. Academy Instructor Applications Attachment 4

Professional Original

Katherine Schwenke	Lincoln Police Department
Phillip Tran	Lincoln Police Department
Justin Podany	Nebraska State Patrol
Cody Axon	Sarpy Douglas Law Enforcement Academy
Marcus Larr	Sarpy Douglas Law Enforcement Academy
Scott Wagner	Sarpy Douglas Law Enforcement Academy

Professional Renewal

Jake Dilsaver	Lincoln Police Department
Steve Rathman	Plattsmouth Police Department

General Original

Paul Jacobson	Nebraska State Patrol
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General Renewal

Lawney Knuth	Nebraska State Patrol
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Legal Original

Christopher Reid	Lancaster Co. Attorney's Office
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Legal Renewal

Jessica Forch	Nebraska State Patrol
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F. 2023 Omaha Police Department Academy Inspection Attachment 5

G. NCO's Eligible for Automatic Extension

Attachment 6

<u>Name</u>	<u>Agency</u>	<u>16-Week Deadline</u>
Colton Vossler	Gosper Co. Sheriff's Office	8/11/23
Taylor Bosch	UNO Police Department	8/17/23
Michael Bruhl	UNO Police Department	8/17/23
Fred Schultz	UNO Police Department	8/17/23
Griffin Stilwell	UNO Police Department	8/17/23
Austin Peatrowsky	West Point Police Department	8/7/23

H. Reciprocity Program and Process Review

1. Officer James Maguire-Omaha Police Department
2. Capt. William Rinn-Douglas Co. Sheriff's Office **Attachment 7**
3. Omaha Police Department Testing Location Request
4. Lincoln Police Department request to administer testing. Sgt. Dan Noonan

VI. OTHER BUSINESS

A. Informational Items

1. Trainees

Alex Parsons	Bellevue Police Department
Bradon Stogsdill	Bellevue Police Department
Nicholas Lieth	Buffalo Co. Sheriff's Office
Caddon Keatts	Colfax Co. Sheriff's Office
Noah Zach	Crete Police Department
Steven Sands	Dixon Co. Sheriff's Office
Tyler Marks	Franklin Co. Sheriff's Office
Tanner Brioch	Grand Island Police Department
Jose Cuevas	Grand Island Police Department
Nicholas Hochertz	Grand Island Police Department
Bobby Jaques	Grand Island Police Department
Jordyn Lukasiewicz	Grand Island Police Department
Morgan Mohr	Grand Island Police Department
Kassie Geiger	Hastings Police Department
Grant Buschkoetter	Kearney Police Department
Michael Reeves	Kearney Police Department
Trevor Caldwell	Lancaster Co. Sheriff's Office
Walker Baird	Lincoln Co. Sheriff's Office
Tyler Carson	NE Brand Committee
Brandon Shimmin	North Platte Police Department
Lane Kuper	Red Willow Co. Sheriff's Office

Cody Williamson Saline Co. Sheriff's Office
Victor Nguyen UNL Police Department

2. NCO Completed 80 Hours of Training

Zachary Staman Mitchell Police Department
Emily Bradley Omaha Police Department
Brittany Stenzel Omaha Police Department
Brandon Young Omaha Police Department

B. Date, Time & Location of Next Meeting

June 21, 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
April 19, 2023**



I. CALL TO ORDER

Chairman, Assistant Chief Brian Jackson called the meeting to order at 9:00 A.M. Legal notice of the meeting was published in the Lincoln Journal Star on April 12, 2023. Roll call; Asst. Chief Brian Jackson, Lt. Col. Buck Duis, Chief Deputy Greg London, Sheriff Dan Osmond, Deputy Chief Sherie Thomas, and Chief Tracy Wolf.

Absent from call to order were Sgt. Drew Bolzer and Mr. Matt McCarthy.

II. APPROVAL OF MARCH 29, 2023 P.S.A.C. MINUTES

MOTION

Chief Deputy London motioned to approve the minutes of the March 29, 2023 meeting. Chief Wolf seconded the motion.

Voting in favor; Lt. Co. Duis, Chief Deputy London, Sheriff Osmond, Dep. Chief Thomas, Chief Wolf, Asst. Chief Jackson. Motion carried.

III. REPORTS

A. Director-N.L.E.T.C.

Director Urbanek reported that the 214th Basic had 91 requested slots and with 59 completed and approved packets. One applicant was denied admission for failing to meet admission standards. 53 applicants met all admission standards. 2 individuals were identified by the FBI fingerprint reports who were identified with Class 1 misdemeanors and were removed from the basic. NLETC received notice that 1 applicant was no longer employed with the agency and wouldn't be coming to the academy. The 214th Basic will start with 50 students with no one rolling over to the next basic.

Director Urbanek reported that someone who works in a Vape shop selling things like Delta 8 would be disqualified for admission based on the council's decision on the use of Delta 8 that might be discussed formally down the road.



Director Urbanek reported that Chief Hogue retired on April 8, 2023 creating a vacancy on the council for a population less than 5,000 people.

Reported the status of a management student who had been granted a waiver to attend the on-line portion of training had withdrawn.

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

The 213th Basic class is set to graduate Friday April 21st. 36 students completed the course.

The following training courses NLETC hosted:

- Intermediate Crash Investigation-March 27-31 with 20 attendees
- NLETC Firearms Instructor Recert-April 3 with 7 attendees
- NLETC Patrol Rifle Instructor Recert-April 4 with 4 attendees
- Firearms Instructor Course-April 10-14 with 19 attendees
- Criminal Interdiction and Patrolling-April 10-12 with 15 attendees
- NCIC Training April 17-19 with 40 attendees

Deputy Director Stephenson compiled and presented details with a breakdown of skills scenarios times based on number of people attending the basic course. Having more than 50 students would cut down the training time for each student.

C. Nebraska State Patrol Training Academy

Capt. Ecklund reported that Camp 67 is currently in week 15. 13 are currently enrolled out of the 15 who started the camp.

Annual in-service training has begun.

D. SDLEA Law Enforcement Academy

Scott Wagner was absent from the meeting. There was no report.

E. Crime Commission Report

Director Arp reported that there has been a slight setback with the project. The administrator of State Buildings has resigned effective April 27th. That leaves the buildings division with 2 project managers statewide. There is a signed contract with the design firm. The delay time for the projects is not known at this time.

The rules and regulations are at the Governor's office for approval.

Mr. Stolz added that the Governor's office was working on a new rules and regulations review process that may require a briefing with the governor.

Director Arp asked the council to contact him if anyone applied for the council vacancy so he could make sure the appointment secretary has what she needs.

Director Arp appointed Mike Kerby as Program Administrator for the Police Service Dog program. Mike Kerby will initiate a program to enact the rules and regulations that currently in effect regarding the audit and training of evaluators.

IV. OLD BUSINESS

A. Title 79 Chapter 10

Director Arp presented the changes to Title 79 Chapter 10. Currently Chapter 10 is for Tribal Officer Limited certification. The changes would allow others to obtain limited certification.

MOTION

Chief Deputy London: I make a motion that we approve the proposed changes for Chapter 10. Deputy Chief Thomas seconded the motion.

Voting in favor: Chief Deputy London, Sheriff Osmond, Asst. Chief Jackson, Deputy Chief Thomas, Chief Wolf, Lt. Col. Duis. Motion approved.

Director Urbanek recognized the office staff for Administrative Professionals Appreciation week. The staff was introduced and thanked for their work.

B. L.E.A.R. Update

William Mathis gave a presentation on the Law Enforcement Attraction and Retention Act process. The individuals will be able to enroll for the payments using the NLETC online training portal. The link should go live in May. No action was taken.

V. NEW BUSINESS

A. Waiver of In-Person and Online Management Training

Gerald D. Baggett, University of Nebraska Omaha Dept. of Public Safety

After evaluating the information provided, Deputy Director Stephenson recommends that Chief Deputy Gerald Baggett be granted a waiver for attending

the in-person Management course. However, he would be required to attend the on-line portion of the Management course.

MOTION

Chief Tracy Wolf: I make a motion for the approval for the in-person Management course but will be instructed to take the online portion. Sheriff Dan Osmond seconded the motion.

Voting in favor: Sheriff Osmond, Deputy Chief Thomas, Chief Wolf, Asst. Chief Jackson, Lt. Col. Duis, Chief Deputy London. Motion approved.

B. Academy Instructor Applications

Professional Original

Dana Harrah, Sarpy Douglas Law Enforcement Academy

Deputy Director Stephenson recommends that the council approves Dana Harrah's original academy instructor certification.

MOTION

Sheriff Osmond: I make a motion that we approve Dana Harrah's professional original academy instructor application. Chief Wolf seconded the motion.

Voting in favor: Deputy Chief Thomas, Chief Wolf, Asst. Chief Jackson, Lt. Col. Duis, Sheriff Osmond. Abstained: Chief Deputy London. Motion approved.

C. NCO's Eligible for Automatic Extension

Jared Weber, Cheyenne County Sheriff's Office
Sergio Tarango, Kimball County Sheriff's Office
Zachary Staman, Mitchell Police Department
Chase Viter, Saunders County Sheriff's Office

Director Urbanek reported that they have all met the qualifications for the extension and recommends approval of the extension.

MOTION

Sheriff Osmond: I make a motion that we grant the automatic extension for the four individuals listed. Deputy Chief Thomas seconded the motion.

Voting in favor: Chief Wolf, Asst. Chief Jackson, Lt. Col. Duis, Chief Deputy London, Sheriff Osmond, Deputy Chief Thomas. Motion approved.

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

2 Gonzalo Chavez, Gosper County Sheriff’s Office

3 **Chair:** The matter before the Police Standards Advisory Council is Gosper
4 County Sheriff’s Office on behalf of its applicant, Gonzalo Chavez, v. the
5 Nebraska Law Enforcement Training Center, Case Number 23 PSAC 91.

6 I will now call this hearing to order at 10:00 a.m. I will note the following
7 Council members are present; myself, Assistant Chief Brian Jackson,
8 Lincoln Police Department, Sheriff Dan Osmond, Custer County Sheriff’s
9 Office, Chief Deputy Greg London, Sarpy County Sheriff’s Office, Lt.
10 Colonel Buck Duis, Nebraska State Patrol, Chief Tracy Wolf, Lexington
11 Police Department, and Deputy Chief Sherie Thomas, Omaha Police
12 Department.

13 **Chair:** The Council has been asked by the petitioner, Gosper County Sheriff’s
14 Office to consider reversing Director Urbanek’s denial of Mr. Chavez’
15 entrance into the Basic Law Enforcement Officer Certification Course.

16 **Chair:** The Council is her pursuant to its authority as stated in Nebraska Revised
17 Statute §81-1403, its related statutes and Title 79 of the Nebraska
18 Administrative Code.

19 **Chair:** I will note that the petitioner, Sheriff Naputi is present along with the
20 petitioner’s applicant Gonzalo Chavez. Are you either of you represented
21 by counsel?

22 **Sheriff:** No sir, we are not.

23 **Chair:** The Nebraska Law Enforcement Training Center Director Brenda Urbanek
24 is present and will present the case on behalf of NLETC. And you are
25 prepared to do so?

26 **Urbanek:** I am sir.

27 **Chair:** There is not attorney present for NLETC. Is that correct?

28 **Urbanek:** That is correct.

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

31 **Sheriff:** No sir.

32 **Chavez:** No.

33 **Urbanek:** No sir.

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

37 Pursuant to Title 79, Chapter 8, section 009.02, upon request of an
38 applicant or agency, the Council will conduct a hearing in order to
39 determine whether the applicant meets the minimum qualification for
40 admission into a certification course. The burden during the appeal
41 hearing is on the applicant to demonstrate by clear and convincing
42 evidence that he meets admission qualifications.

43 Per Title 79, Chapter 13, section 004.02G, the issues of this appeal will be
44 limited to those raised in the request for review and reconsideration as

45 provided in section 004.02C and the director's written decision in
46 response.

47 **Chair:** The decision of the Council is final.

48 **Chair:** Sheriff Naputi, I want to go over your rights in this Administrative Hearing.

49 **Sheriff:** Ok.

50 **Chair:** You have the right to be heard, either in person or by counsel who you
51 hired at your own expense. You have the right to notice; that is to receive
52 a statement from the State, the Nebraska Law Enforcement Training
53 Center, detailing or justifying its actions in this matter.

54 **Chair:** Do you understand these rights?

55 **Sheriff:** Yes sir.

56 **Chair:** Ok. Did you receive such notice via the letters from Director Urbanek
57 stating her reasons for the denial of your basic application?

58 **Sheriff:** Yes sir we did.

59 **Chair:** Ok. Did you notice any defects in those letters that prejudiced you from
60 presenting your case?

61 **Sheriff:** No sir.

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

65 **Sheriff:** Yes sir.

66 **Chair:** The Police Standards Advisory Council shall act as the Hearing Board for
67 this appeal. Neither I, nor any Council member, will be a witness for either

68 side and I am not aware of any matter which I believe may be grounds for
69 challenge by either side against me or the other members.

70 As it pertains to your appeal of the director's decision to deny your
71 applicant entrance into the basic officer certification course I have not had
72 any person information conveyed to me nor do I have any personal
73 knowledge of this case.

74 Does any Council member have any personal knowledge of the
75 petitioner's appeal for entrance into the basic officer certification course?
76 And that would not include the attachment for providing for us. That's a
77 given. Sheriff Osmond?

78 **Osmond:** No.

79 **Chair:** Chief Deputy London?

80 **London:** No.

81 **Chair:** Lt. Duis?

82 **Duis:** No.

83 **Chair:** Chief Wolf:

84 **Wolf:** No.

85 **Chair:** Deputy Chief Thomas?

86 **Thomas:** No.

87 **Chair:** Does either side have any further questions or challenge for cause against
88 any member of this Council?

89 **Sheriff:** No sir.

90 **Urbanek:** No sir.

91 **Chair:** Ok. Director Urbanek, do you have any procedural documents for this
92 case and if so, please present them to the Council.

93 **Urbanek:** I have two exhibits I would like to enter. The first one is the application
94 packet for Mr. Chavez, which includes his change-in-status form, his
95 application for training, his employment verification form, his character
96 affidavit, his law enforcement agency background verification and his
97 authority to release information. May I come forward?

98 **Chair:** You may.

99 **Urbanek:** Personal information has been redacted from it as well.

100 **Chair:** Are you presenting this a one exhibit?

101 **Urbanek:** That is the first exhibit.

102 **Chair:** Ok. Can you mark this?

103 **Urbanek:** And the second exhibit that I have to offer into evidence is the actual
104 denial packet. This includes a copy of my original denial letter dated
105 March 17th of 2023, the initial appeal letter from Sheriff Naputi dated
106 March 17th of 2023, the reconsideration from Sheriff Naputi dated March
107 22nd 2023, and my final denial letter written on April 3rd 2023. There is also
108 an email of the request from Sheriff Naputi to have this appeal heard
109 before the Council. We can mark that as exhibit 2.

110 **Chair:** We give the Council a moment to look over the exhibits. Do you have an
111 objection to exhibit 1 or 2?

112 **Sheriff:** No sir. No objections.

113 **Chair:** I will accept both exhibits 1 and 2 for the record. We will still give the
114 Council just a moment to review them quickly. As the Council reviews
115 these documents does either side wish to address any further preliminary
116 matters in this hearing?

117 **Sheriff:** No sir.

118 **Urbanek:** No sir.

119 **Chair:** As they scan through the rest of these documents, Sheriff Naputi, as the
120 petitioner, you may make an opening statement at this time if you like, and
121 if you could step up to the podium.

122 **Sheriff:** Yes, sir. Ladies and gentleman of the Council, I appreciate your time. I
123 know you have a busy schedule both here and in your respective
124 jurisdictions and I thank you for the opportunity to be heard. I'm a newly
125 elected sheriff so this is very, very new to me. I'm definitely not a lawyer
126 by any means. I would like to give a little insight onto Mr. Chavez'
127 character. Mr. Chavez has committed a crime for which he was found
128 guilty of. A misdemeanor offense and that occurred approximately
129 fourteen years ago. I know that in the time that he has been convicted of
130 that crime to the time 2023 he's a different man and my request is that you
131 give him the opportunity to earn that spot in the Training Center to become
132 a law enforcement officer and I just have some letters of recommendation,
133 some character letters and some evidence to show that he's different from
134 the individual that was convicted of that crime.

135 **Chair:** Ok. Thank you. You'll get another chance to present those documents.

136 This is just an opening statement. Director Urbanek?

137 **Urbanek:** In my capacity as the Director of the Law Enforcement Training Center I
138 reviewed Mr. Chavez' application packet. This case actually first came to
139 my attention at the New Sheriff's seminar when Sheriff Naputi and I were
140 having a conversation and he expressed the desire to hire an individual
141 who had a Class 1 and how would this go. And so, Sheriff Naputi and I
142 have been in conversations even before Mr. Chavez was hired about how
143 this process would look. My review consisted of comparing the information
144 supplied by Mr. Chavez and his agency as well as additional background
145 information against the standards set forth in Nebraska Administrative Law
146 Title 79 Chapter 8. As noted in my denial letters, the basis for my denial is
147 that Mr. Chavez' application was founded on the fact that according to
148 Title 79 Chapter 8, section 005.01F, provides that individuals with
149 unpardoned convictions for crimes that would be punishable by
150 imprisonment by a term of one year or more, are not eligible for
151 admission. Mr. Chavez reported that he was convicted of a 3rd degree
152 assault in 2009 and his criminal record shows this conviction. That's the
153 basis for this denial.

154 **Chair:** Ok. Now is the time further evidence can be presented to the Council. This
155 may include written evidence, witness testimony or any unsworn
156 statements by anybody present.

157 **Chair:** Sheriff Naputi, do you have any written evidence for us to consider on
158 behalf of your agency or Mr. Chavez?

159 **Sheriff:** Yes sir, can I approach?

160 **Chair:** You have written evidence, something you want entered into the record?

161 **Sheriff:** Yes sir.

162 **Chair:** Do you a copy of that?

163 **Sheriff:** Yes I do.

164 **Chair:** That we can mark as an exhibit?

165 **Sheriff:** Individually or as a packet?

166 **Chair:** Do you have it as a packet?

167 **Sheriff:** Yes.

168 **Chair:** Ok. Is that the same item we don't know.

169 **Sheriff:** These are character letters, letters of recommendation from his peers.

170 **Chair:** Ok.

171 **Urbanek:** Like Nick Reynolds?

172 **Sheriff:** Nick Reynolds Chief of Police...(interrupted)

173 **Chair:** Is that part of? Do you want to examine packet 2 to see if these are the
174 same letters that were presented by the State as?

175 **Sheriff:** Yes sir.

176 **Chair:** Ok.

177 **Sheriff:** If I may. Can I approach?

178 **Chair:** The question would be, do you have any new written evidence that you
179 would like to submit?

180 **Sheriff:** No sir.

181 **Chair:** Ok. So, no new written. Do you any witnesses to testify?

182 **Sheriff:** Only Mr. Chavez personally.

183 **Chair:** Ok. And do you want to share any additional information, that would be
184 the time for you to do that.

185 **Sheriff:** Yes sir. Mr. Chavez was convicted of a 3rd degree assault. He does not
186 deny that. We have never denied that. Mr. Chavez when this occurred,
187 was not his intention, by any means, to commit any type of criminal
188 offense. Unfortunately at that point in time, he had a criminal offense
189 committed against him. He was merely trying to correct that. He had some
190 personal property that was stolen from him. He filed an immediate police
191 report. And in Cozad, Dawson County is a small community, tight
192 community, he received information on who the individuals were. He
193 simply wanted to go to the individuals residence and say, hey look, I know
194 you gentlemen took my personal property, I want it back. Unfortunately the
195 other individuals didn't like that approach and it quickly escalated. The
196 offense was a 3rd degree assault, a misdemeanor offense. When the
197 police were called and that offense was reported, they called Mr. Chavez
198 and asked him to come in to account for that incident. Mr. Chavez
199 immediately reported to the police department. Never denied the offense.
200 Excepted his responsibility in that situation. When Mr. Chavez had his
201 court hearing he approached the judge and never denied not committing
202 that offense. He excepted his responsibility for causing the fight. He

203 excepted his punishment. He was found guilty of a 3rd degree assault. He
204 was fined two hundred dollars. He paid his fine immediately. Mr. Chavez
205 could have sought legal counsel. He could have tried to plea bargain.
206 Could have tried to fight it in court. He did not. He stood up in front of the
207 judge and excepted responsibility for his actions. He is, as a mature man,
208 he has grown and he has learned from his past. He can't change his past
209 but he can change who he is and I believe that he has. When I initially
210 received his application I looked at what his criminal history was and at
211 first glance I said no. I can't hire this man. But doing the due diligence,
212 doing the background check, giving him the fair opportunity, I learned, I
213 quickly learned that this man is not the man that committed that offense in
214 2009. I learned from his peers, I learned from the Chief of Police where
215 this incident occurred, from speaking with them and following up and
216 doing the background investigation, that this was actually a very honorable
217 man, a very honest man. An excellent representation for law enforcement.
218 And this is why I'm here today.

219 **Chair:** Director Urbanek, do you have any cross of the Sheriff's statement?

220 **Urbanek:** No.

221 **Chair:** Does anyone from the Council have any questions for the Sheriff at this
222 time?

223 **London:** Have there been any criminal problems since 2009?

224 **Sheriff:** No sir. Not to my knowledge.

225 **Chair:** Were there other, were you, well, was he the only one cited during that
226 incident?

227 **Sheriff:** No, there was another individual that was cited as well.

228 **Chair:** Was he represented by counsel at his, through is process?

229 **Chavez:** No sir.

230 **Sheriff:** No sir.

231 **Chair:** He hasn't been sworn so I am asking, I am going to have to ask you. Any
232 other questions of the Sheriff? Do you have any other witnesses that you
233 wish to speak today?

234 **Sheriff:** Mr. Chavez himself.

235 **Chair:** If you'd step up to the podium. Would you state your name and tell us
236 where you are from?

237 **Chavez:** Gonzalo Chavez from Cozad Nebraska.

238 **Chair:** Ok. Go ahead and share.

239 **Chavez:** Again like Jesse did, I want to thank you guys. I know the resources and
240 the time and the effort that it takes to go through a process like this is
241 normal operation, thank you for the opportunity to hear me and to Jesse
242 for his words and what he said about me. I did commit the offense in 2009,
243 it was a 3rd degree assault. I regret that. It was a poor mistake, poor
244 decision on my part. Knowing what I know now, if I could go back and
245 change it I would but I can't change my past. I'm a family man now, I'm
246 married, I have a daughter and that's taught me a lot about patience and
247 thinking about my actions before I do anything that could potentially cause

248 harm or change somebody's life. That is where I am at. I just want to tell
249 you guys thank you for hearing my case. Jesse has been amazing. He's
250 been such a help throughout this entire process and I just ask you guys for
251 the opportunity to earn, earn my uniform, to earn serving with you again.

252 **Chair:** Director Urbanek, do you have any questions for Mr. Chavez?

253 **Urbanek:** In one of the exhibits there's a copy of you DD-214.

254 **Chavez:** Yes ma'am.

255 **Urbanek:** When did this assault occur in relation to your military service, before or
256 after?

257 **Chavez:** After.

258 **Urbanek:** How long after?

259 **Chavez:** Three years after.

260 **Urbanek:** Nothing further.

261 **Chair:** Ok. Any questions from the Council?

262 **London:** Once again, you haven't had any run ins with law enforcement since
263 2009?

264 **Chavez:** No sir. Other than traffic, speeding, and I've been in an accident.

265 **London:** Thank you.

266 **Wolf:** You said that someone else was also charged? Was this a fight by mutual
267 consent or was this charged as a 3rd degree assault?

268 **Chavez:** It was 3rd degree assault, yes. I can elaborate if you would like?

269 **Wolf:** That might be good.

270 **Chavez:** So I had, I was off, I do a lot of seasonal drilling up in Alaska, and so
271 during the off season I was off work so I was helping my dad in Cozad. I
272 would help him during the off season and then I would stay in an RV
273 basically connected to his home. And so, one day I woke up, we were
274 going to get ready for work and I noticed that my vehicle had been broken
275 it to and that stereo, miscellaneous property had been stolen out of the
276 vehicle. So I went to work that day with my dad and then later on in the
277 afternoon a friend of mine, who knew somebody that knew him, the
278 person that had stolen the property out of my car, let me know who it was.
279 And so I wanted to go over there and get my property back or see if they
280 would give it back to me. Which it ended up escalating. There was a lot of
281 vulgar statements made by that individual which, it just got heated, we
282 started yelling at each other and it ended up being a fight. So the
283 individual that got the other charge, the friend of mine, he actually didn't
284 do anything but one of the people that was there said he did so when we
285 went to the police station the next morning, he was like yaa, let's get it
286 over with and he's like ok yaa I'll take the charge. Which in reality, he
287 didn't do anything. He took the charge.

288 **Thomas:** So was it a mutual fight? The individual, did he hit you back? I mean when
289 you guys were hitting each other?

290 **Chavez:** Yes, yes. It started yelling and basically there were about four or five other
291 people there when I went over there. I don't want to use the words they
292 were saying but they basically they all kind of stood up. To me it felt like

293 they were all going to try and attack me so I hit the person first. It ended
294 up just me and him fighting and then I took off and they called the police.
295 They showed up and took the report. The police called me the next
296 morning and said I had to report to the police station so I did.

297 **Thomas:** Did you report, did you report your car being broken into?

298 **Chavez:** Yes, that morning.

299 **Thomas:** Items stolen. Was there anything ever done about that?

300 **Chavez:** Yes. When they police arrived to take the report, the assault, the
301 individuals there were actually arrested because of my property was there.
302 So they took possession of the property. It was held in evidence for quite
303 awhile but yes they were able to get it back.

304 **Chair:** Any additional questions?

305 **Chair:** Sheriff Naputi, do you have any further evidence that you would like to
306 present?

307 **Sheriff:** The only thing sir, is what I say as a closing statement, Mr. Chavez is a
308 decorated United States veteran. Yes, he committed the transgression, a
309 bad lapse in judgement.

310 **Chair:** You'll get a chance for closing statement. At this point do you have any
311 other evidence you would like to present.

312 **Sheriff:** No sir.

313 **Chair:** Thank you. I am not trying to cut you off sir. You'll get another shot. Go
314 ahead and have a seat if you will.

315 **Chair:** Director Urbanek you have presented two items of evidence that have
316 been accepted. Do you have any other written evidence that you would
317 like to submit?

318 **Urbanek:** I do not.

319 **Chair:** Do you have any witnesses to testify?

320 **Urbanek:** No sir.

321 **Chair:** Would you like to testify?

322 **Urbanek:** Yes sir.

323 **Chair:** As the other two did, would you mind coming up to the podium?

324 **Urbanek:** When I received word from the Sheriff Naputi that he had a candidate with
325 a Class 1 I did as I do with all inquiries regarding that, I explain the
326 process for Class 1 is an automatic disqualifier however, it is something
327 the Council can hear on appeal and present evidence on that behalf.
328 When I received the application packet from Mr. Chavez, it did have the
329 assault. He was forthcoming with the information. Throughout the appeal
330 process there has never been any indication that he was trying to hide the
331 conviction. Accepted responsibility for the conviction and as I explained to
332 Sheriff Naputi, at the end of the day it is still a Class 1 Misdemeanor and I
333 have to deny the admission. So that's what brings us to the appeal
334 hearing today.

335 **Chair:** Ok. Do you have any other witnesses you would like to?

336 **Urbanek:** No I do not.

337 **Chair:** Ok. Do you have any further statements at this time?

338 **Urbanek:** I just have a closing statement.

339 **Chair:** Except for the closing statement?

340 **Urbanek:** Yes.

341 **Chair:** Sheriff Naputi, do you have any additional to offer in light of the Training
342 Center's evidence, in response?

343 **Sheriff:** No.

344 **Chair:** You may now make your closing argument. Thank you.

345 **Sheriff:** Without rehashing the overall incident that occurred, I would just like to
346 say Mr. Chavez is a decorated United States veteran. He served our
347 country. He's informed me that he loved serving our country. He would
348 absolutely want the opportunity, would like to earn the opportunity to
349 continue to serve our country in the State of Nebraska in his community.
350 In our community. Mr. Chavez has received excellent evaluations
351 throughout his service. He had received the Navy Unit Commendation for
352 going above and beyond the call of duty. He potentially saved the lives of
353 anywhere from nine to twenty Navy airmen. He was an aircraft mechanic,
354 an aircraft technician and he discovered a discrepancy in the mechanics in
355 the airplane and went above and beyond to fix that to make sure that the
356 aircraft he was in charge with, was take care of properly. I feel Mr. Chavez
357 would make an excellent law enforcement officer. His character is above
358 reproach, his honesty, is commendable and I all ask is for the opportunity
359 for him to earn that chance.

360 **Chair:** Thank you.

361 **Sheriff:** Thank you.

362 **Chair:** Director Urbanek, closing statement, are you at this time?

363 **Urbanek:** Members of the Council in my role as director of standards, it's my duty to
364 ensure that all of those who apply for law enforcement certification in the
365 State of Nebraska meet all statutory requirements and the Council's rules
366 and regulations necessary for admission and subsequent certification. In
367 the appeal hearing before you, I vetted Mr. Chavez' criminal work history
368 and any relevant information that would help me determine the suitability
369 to receive Nebraska Law Enforcement certification. At the conclusion of
370 the vetting process, I determined that Mr. Chavez was unable to meet the
371 requirement of Nebraska Administrative Code Title 79, Chapter 8, section
372 005.01 F for admission into the basic certification course.

373 **Chair:** Is there any questions by the Council?

374 **Chair:** Thank you. Is there a motion to go into executive session?

375 **London:** I would move that the Council go into executive session based on the
376 prevention of needless injury to the reputation of Gonzalo Chavez and for
377 the purposes of executive session we will allow the following to remain in
378 the room; all Council members, the Executive Director, the Director,
379 Council secretary.

380 **Chair:** No.

381 **London:** I'm sorry.

382 **Chair:** Just Council secretary and legal advisor.

383 **London:** Yes.

384 **Chair:** Is there a second?

385 **Thomas:** Second.

386 **Chair:** There is a second. Will you call the role?

387 **Gobel:** Asst. Chief Jackson?

388 **Chair:** Yes.

389 **Gobel:** Lt. Col. Duis?

390 **Duis:** Yes.

391 **Gobel:** Chief Deputy London?

392 **London:** Yes.

393 **Gobel:** Sheriff Osmond?

394 **Osmond:** Yes.

395 **Gobel:** Deputy Chief Sherie Thomas?

396 **Thomas:** Yes.

397 **Gobel:** Chief Wolf?

398 **Wolf:** Yes.

399 **Gobel:** Asst. Chief Jackson?

400 **Chair:** Yes, you got me twice.

401 **Gobel:** Oh. Sorry.

402 **Chair:** At this time I would remind those present in executive session that they
403 must restrict their discussion in closed session to the issue that is currently
404 before the Council.

405 **Chair:** We are now in executive session. The time is 10:30.

406 **Chair:** The meeting of the Police Standards Advisory Council will come to order.
407 Is there a motion to come out of executive session?
408 **Wolf:** I make a motion to come out of executive session.
409 **Osmond:** I'll second.
410 **Chair:** There's a second. Go ahead and call the role.
411 **Gobel:** Sorry can't find it. Lt. Col. Duis?
412 **Duis:** Yes.
413 **Gobel:** Chief Deputy London?
414 **London:** Yes.
415 **Gobel:** Sheriff Osmond?
416 **Osmond:** Yes.
417 **Gobel:** Deputy Chief Thomas?
418 **Thomas:** Yes.
419 **Gobel:** Chief Wolf?
420 **Wolf:** Yes
421 **Gobel:** Asst. Chief Jackson?
422 **Chair:** Yes.
423 **Gobel:** Motion approved to come out.
424 **Chair:** All parties that were present when the Council went into executive session
425 are again present. The time is 10:40. Is there a motion.
426 **London:** I'll make a motion that we reverse Director Brenda Urbanek's decision and
427 grant a waiver on a Class 1 Misdemeanor conviction.
428 **Wolf:** I'll second.

429 **Chair:** Discussion? Call the role.

430 **Gobel:** Chief Deputy London?

431 **London:** Yes.

432 **Gobel:** Sheriff Osmond?

433 **Osmond:** Yes.

434 **Gobel:** Deputy Chief Thomas?

435 **Thomas:** Yes.

436 **Gobel:** Chief Wolf?

437 **Wolf:** Yes.

438 **Gobel:** Asst. Chief Jackson?

439 **Chair:** Yes.

440 **Gobel:** Lt. Col. Duis?

441 **Duis:** Yes.

442 **Gobel:** Motion approved.

443 **Chair:** Sheriff Naputi as you have heard the Council has granted your appeal.

444 The Council will prepare a written finding of fact and conclusions of law

445 pertaining to today's hearing and the Council decision. Where would you

446 like the findings sent?

447 **Sheriff:** To Gosper County Sheriff's Office.

448 **Chair:** Ok. Gosper County Sheriff's Office. According to Title 79 of the Nebraska

449 Administrative Code, Chapter 8, section 009.02, the Council will render a

450 decision and reduce its decision in writing within two weeks of the hearing;

451 however, I am going to extend this deadline to sixty days. Is that
452 acceptable to you?

453 **Sheriff:** Yes sir.

454 **Urbanek:** Yes sir, but the decision is binding as of today allowing Mr. Chavez to start
455 basic in two weeks?

456 **Chair:** Correct.

457 **Urbanek:** Ok.

458 **Chair:** Is there anything else from either side that needs to be addressed?

459 **Sheriff:** No sir.

460 **Stolz:** One quick question. Sheriff, would it be all right if I send the findings via
461 email?

462 **Sheriff:** Yes.

463 **Stolz:** I can get that from Director Urbanek.

464 **Sheriff:** Thank you.

465 **Chair:** Hearing nothing from either side, this hearing is concluded the time is
466 10:43 a.m.

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E. Approval of Operating Instruction 50-11

Director Urbanek reported that Operating Instruction 50-11 is being amended to show how a quorum is to be established for the PSAC meetings. Item four reflected the passing of LB-51. The membership for the Council was increased to nine members. The chairperson may select an alternate date for a meeting if the agenda includes critical items that would need acted on before the next regularly scheduled meeting. Item 8 clarifies the relationship between the academy director and the Council. The language added is right out of statute 81-1404.

MOTION

Chief Deputy London: I'll make a motion that we accept the recommended changes. Deputy Chief Thomas seconded the motion.

DISCUSSION

There was discussion on adding the language from 81-1404. It was recommended not to change the language in item 8. If the statute would change in the future the Operating Instruction would have to be changed as well. Just referencing the statute would be preferable. Since there was a motion and a second and there was not an amended motion, a vote was taken.

Voting in favor: Deputy Chief Thomas, Chief Wolf. Voting against: Sheriff Osmond, Asst. Chief Jackson, Lt. Col. Duis, Chief Deputy London. Motion failed.

MOTION

Asst. Chief Jackson: I would make a motion that we accept the changes to Operating Instruction 50-11, with the changes that were discussed in number four making it discretionary to the chairperson for alternate dates of the meeting and striking the changes in language under eight. Sheriff Dan Osmond seconded the motion.

Voting in favor: Deputy Chief Thomas, Chief Wolf, Asst. Chief Jackson, Lt. Col. Duis, Chief Deputy London, Sheriff Osmond. Motion approved.

F. Approval of 2023 PSD Patrol Certification State Standard

Sgt. Matthew Workman of the Nebraska State Patrol and Sgt. Randy Pignotti of the Omaha Police Department appeared as representatives of the Police Service Dog Advisory Board. They presented the proposed changes to the Police Service Dog Patrol Certification State Standard. Mr. Mike Kerby, as the Program Administrator for the Police Service Dog program, was tasked with reviewing the changes and presented his findings to the Council. The Council recommended

that Mr. Kirby and the Police Service Dog Advisory Board work together to provide a summary of the changes to provide clarity to the Council members. Items F and G were tabled until another meeting.

G. Approval of 2023 Nebraska Detector Dog Certification Standard

Tabled as above.

VI. OTHER BUSINESS

A. Informational Items

The trainees, PRET failures 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

May 17, 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 12:05 p.m.

Respectfully submitted,



Steven Gobel, Office Specialist