

AMENDED AGENDA POLICE STANDARDS ADVISORY COUNCIL

DATE: November 16, 2021

TO: Police Standards Advisory Council

FROM: Brenda L. Urbanek, Director

SUBJECT: Regular Meeting Wednesday, November 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 OCTOBER 20, 2021 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



VI. NEW BUSINESS

- A. Request for S.L.D.E.A. to Conduct 2 Basic Law Enforcement Recruit Classes for 2022 Calendar Year Class Size - 24 Recruits** Attachment #1
- B. Proposed Curriculum 2022** Attachment #2
- C. Revocation of Law Enforcement Certification – Voluntary Surrender Gabriel Wagner, LR-218-21**
- D. Waiver of One-Year Basic Training Requirement Jessica Penry, Washington County Sheriff’s Office** Attachment #3
- E. Waiver of One-Year Basic Training Requirement Grady Hampton Smith III, Friend Police Department** Attachment #4
- F. Waiver of One-Year Management Training Requirement Lieutenant Nathan Kovarik, Douglas County Sheriff’s Office** Attachment #5
- G. Patrol Rifle Instructor Waiver/Extension Sergeant Major Sharp, Gage County Sheriff’s Office** Attachment #6
- H. Extension of Online Management Training Lieutenant Joseph Milos, Bellevue Police Department** Attachment #7
- I. Academy Instructor Certifications Legal Original** Attachment #8

Sarah Hulac – N.S.P.

Professional Original

Sara Ann Prewett – Lincoln P.D.
- J. N.L.E.T.C. Academy Inspection** Attachment #9
- K. Administration of PRET**
- L. Reciprocity Program – Aaron Hanson**

**REGULAR MEETING OF THE
POLICE STANDARDS ADVISORY COUNCIL
OCTOBER 20, 2021**

I. CALL TO ORDER

Chairman Chief Deputy Greg London called the meeting to order at 9:11 A.M. Legal notice of the meeting was published in the Lincoln Journal Star on Friday, October 15th, 2021.

Roll call; Chief Deputy Greg London, Sheriff Dan Osmond, Chief Timothy Larby, Lieutenant Colonel Buck Duis, Chief Tracy Wolf, Assistant Chief Brian Jackson, and Mr. Matthew McCarthy were present.

Others present: Director Brenda Urbanek, David Stolz, Mark Stephenson, Captain Greg Miller, Kenneth Fox, Sean Fontana, Sgt. Marcus Taylor, Deputy Chief Greg Gonzalez and Kay Fielding. Chief Philip Lukens and Steven Delaney, Esq. were present via phone. Captain Sherie Thomas of Omaha P.D. joined later.

II. APPROVAL OF SEPTEMBER 22, 2021 P.S.A.C. MINUTES

MOTION

Mr. McCarthy motioned to approve the minutes. Chief Larby seconded the motion. Voting in favor; Chief Deputy Greg London, Sheriff Dan Osmond, Lieutenant Colonel Buck Duis, Chief Tracy Wolf, Assistant Chief Brian Jackson, Chief Timothy Larby, and Mr. Matthew McCarthy. Motion carried.

III. ACADEMY REPORTS

A. Director – N.L.E.T.C.

Director Urbanek reported she had attended and presented at the NSA/POAN Conference. During this reporting period she had given an evening tour of the Training Academy to another academy group that was here. Attended the Crime Commission meeting last Friday. Updated the National Decertification Index listing for Nebraska after the Crime Commission meeting. When the PSAC



motions to revoke an individual's certification it has to be approved by the Crime Commission at their next quarterly meeting.

We are still in the process of posting a job opening for our Attorney II position.

Currently I am monitoring a situation regarding a small town police department where the Chief did not attend Reciprocity Training, refused to attend, worked his year and is now in a civilian capacity. Another officer at the department was denied admission so couldn't get certified. They have since changed from a police department to a public safety patrol in marked cruisers. I don't know if they are armed or what specifically their job status' are. We have received a couple citizen complaints here so we are monitoring the situation. One of the reasons provided by the community and civilian head of the safety patrol is they can't get certified law enforcement officers so they are going to have a safety patrol.

Director Urbanek stated last Wednesday there was a legislative hearing on LR173, staffing shortages at various facilities and the Training Center. There was interesting testimony from a number of different sources. I would like to thank those agencies that testified in support of the Training Center.

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

Mr. Stephenson stated he began his new position attending the NSA/POAN Conference. One of the first changes he will look at hiring his replacement.

The 209th Basic Class will complete their skills sessions this week. They are done with firearms, defensive tactics, and driving.

Courses cancelled this time period; Shotgun Instructor, October 4th, due to lack of enrollment. Red Dot Instructor, November 2nd, because we only have one range available for use and with that we had Instructor recertifications two of the three days so since we only had one range and the Recertification Courses are mandatory we had to cancel the Instructor Course. Hopefully that range is going to be back online at the end of fall or early next year.

34 are enrolled in our upcoming classroom Management Course; October 26-30, 2021. The online portion of Management will begin November 1st with 13 enrolled.

C. Nebraska State Patrol

Lieutenant Ecklund reported Camp 65 was currently in week 14 of training. Over the last few weeks they completed EVOC, building search, active killer and basic first responder. This week we are working on basic and advanced patrolling. Two weeks ago one cadet was released from training bringing us down to 13 recruits in this camp. We still anticipate a graduation date of December 17, 2021, and a start date of January 3, 2022, for Camp 66.

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

In Director Wagoner's absence Director Urbanek reported SLDEA was in week 16 with 4 weeks remaining. They just completed EVOC last week at the NLETC.

The last several weeks were heavy on the practical skills and scenario based training and will continue through the remaining 4 weeks of the academy.

They are preparing for the recruit mid-term at the end of this week. They have completed 12 Unit Exams with 1 Unit Exam remaining along with the Comp Final which I am scheduled to administer November 12th to the 20 recruits.

At the November PSAC, Director Wagoner will be requesting SDLEA recruit class size for 2022 along with 2 recruit classes (Jan & July).

IV. CRIME COMMISSION REPORT

No report

V. OLD BUSINESS

A. Discussion Drug History

Chairman London referenced the previous discussion on marijuana usage from a couple months ago. The regulation is two years and the discussion was to move it down to one year.

Director Urbanek stated Title 79, Chapter 8 talks about, has not used marijuana for any purpose within the preceding two years.

Assistant Chief Jackson stated so as part of the process is this a discussion on recommendations to changes of Title 79 or recommendations as to our board's perspective in addressing hearings related to marijuana specific waiver requests?

Chairman London stated we can change Title 79, we have been working on Title 79, some changes but I think we will start that up again.

Mr. Stolz stated once the new attorney is on board I think that will get started again. LB51 is going to require substantial revisions to Title 79. Assistant Chief Jackson, prior to you coming on board we had a working group and there was discussion on reducing the marijuana usage from 2 years to 18 months.

Director Urbanek stated it was the statute of limitations, 18 months.

Mr. Stolz, and so there has been discussion as to reducing it, you have two practical choices here, quite honestly, you could work toward the end of changing that in Title 79, if that's what you want, you could have the short term fix, if this body wanted to, to grant waivers of that under Nebraska Revised Statute §81-1411, this body has the ability to waive admission requirements, interestingly enough, it says for the Training Center, it doesn't say Training Academy, so somebody could quibble about that I suppose but you would have the ability to grant a waiver.

Chairman London questioned if one would have to be reviewed every time.

Mr. Stolz stated that it would.

Director Urbanek stated she didn't possess the authority to review an application and make a determination.

Mr. Stolz stated the Rule and Regulation process was a lengthy one. The fastest change he had ever seen was Chapter 3, Reciprocity and that was because it was the Governor's Grow Nebraska Initiative. That took, three months but normally it takes a year. The worst story was the NCJIS one, which has taken almost two years.

Mr. McCarthy stated this was something that he hears about a lot and has talked to Director Urbanek and is sure Mr. Stephenson will hear more about it and agency heads coming up saying kids going on spring break and taking some gummy bears, doing the Rocky Mountain High thing and now they can't get a job. They are good kids except for they made one stupid mistake. It's the statute of limitation thing. You guys that work in agencies, what would you do, what happens if one of your officers gets busted for possession? Do they lose their job?

Chief Wolf and Lieutenant Colonel Duis stated that they did.

Mr. McCarthy stated my only concern was maybe we weren't being real fair across the board, we were being harder on the recruits then we were on the practicing officers who really should know better, but if that's pretty much the way it is across the board then.

Lieutenant Colonel Duis stated I'll say this, and I've said it a number of times in these meetings, as long as the rule is the rule, that's the way it will be. I think it's a bad habit to get into for us to start to say we are just going to grant waivers all the time and we can talk about 18 months, which is where we started and now it's a year. If we were to say we are going to grant waivers for a year, we all know the next thing is going to be well, it's eleven months, it's ten months, and I always fall back to, and I get that it's an issue, I also talked in my time in law enforcement the perception with the public of marijuana usage in general has changed right, I've talked about when I first became a trooper and getting arrested for a DUI, you know what you go pay your fine and it's just, I had a few too many, you get caught with a quarter ounce of weed, holy cow, there was a stigma with that, right. It's completely reversed now. But, I fall back to this, my experience with our agency, and I only speak to our agency, is that we rarely see that true person that went out and had "a" gummy bear one time and that's all they ever did. They might tell us that, but when we get them and do a polygraph we find out well it might have been slightly more

than that. So I also don't want to create a rule or change the rule or lower a standard based on kind of that mythical one gummy bear person that may or may not be a real large group that we're dealing with. I just don't believe that's the case.

I get it, I've said it before, I totally understand the perspective of marijuana and marijuana usage had changed with the public and we need to reevaluate that but I also just am not a big believer in there is this giant pool of applicants out there that went out one time and made one silly mistake and did one gummy bear. I just don't believe it exists. I don't believe it's out there. That's my perspective. Thank you.

Chairman London asked when we do make proposed changes to Title 79, is the Council willing to go down from two years to either 18 months or 12 months?

Assistant Chief Jackson stated he would not be opposed to that. It's a case-by-case basis and I respect your thoughts Lt. Col. Duis and every time we grant a waiver we are deviating from the rules and regulations and Title 79 and we grant waivers and overrule the Director based on facts but in this case, again it's a challenge just to put a number on it as opposed to looking at somebody that went to Colorado and lawfully ingested some type of marijuana substance, which would be legal, so not breaking the law, and then coming back and that's the difference if you had a large habituation of marijuana use twelve months beyond twelve months, that's okay, but a small use legally nine months, that's wrong, I mean, this is why I think you got to look at it case-by-case and be able to look at what else have they done, what other value they are bringing to the law enforcement profession and then measure the waiver based on those factors. So again I think you will always find that example that doesn't fit the mold and you should be able to bring that here and go this is why I'm bringing an appeal. Lincoln is not going to bring somebody that we're uncomfortable with but we have had some applicants that we would be comfortable with based on the total package based on everything applied being able to say, that's no worse than some of the other people we are giving an opportunity for, and based on our screening and hiring practices we would be comfortable, so I guess that's where I am.

Lt. Col. Duis stated he agreed it should be a case-by-case basis and wouldn't be opposed to listen to someone coming in and that was part of his point, you asked the question, are we having a discussion about changing Title 79, and going through that process or as a group agreeing upon what we grant a waiver based upon a time limit and that I would be against. Because again, I'm not for any blanket we're just going to waive that rule. If it doesn't work, then change it, but don't just ignore it.

Chairman London stated we have two separate things. One I think should we change Title 79, that's one issue and two are we going to grant waivers, it talks about two years and not using marijuana for any purpose in the last two years and is that reasonable. I think we have to put some kind of number in there. I don't know if it's two years, 18 months or twelve months. I don't know but we need some kind of number.

Director Urbanek stated a couple thoughts from what she hears, number one that's great for Lincoln, the Patrol and anybody else that does a polygraph and I can name five people off the top

of my head that we have revoked and the underlying reason that they went to that particular agency is because they didn't polygraph. So whether it's within a year, ten times unless there is some sort of mechanism to confirm that, you will always face that issue. Number two, I don't, what I hear, it's not so much the use of the gummy and the smoking of the marijuana, it's the CBD oil that causes the angsts for people. At the FBI/NA retainer a month ago in Kearney Corey O'Brien from the Attorney General's Office simply said, we don't prosecute CBD because there's no way to test is it really less than 103% content. So from where I sit and the calls I field it's much more about CBD oil usage and going to Colorado on spring break. Most agencies get that you are just going to have to wait unless the rule changes, but the CBD oil, when you can go around the corner in every community and there is a place to buy it and now you can buy synthetic THC in those same stores, there comes a point and time when it's that acceptable but not actual marijuana. Again there is a misnomer too, marijuana, hemp it all boils down to the THC content that everybody is concerned about. Those are just some comments I get from my folks that come into my office. The calls I get.

If you shoplifted a month ago we would not hire you. If it was a period of time, we would make considerations based on age, situation, and intent.

Director Urbanek stated to Chief Jackson's pattern of abuse, what is the definition of a pattern, more than once, less than five, more than ten.

Lieutenant Colonel Duis stated what's abuse?

Council asked the Omaha Academy staff if they had anything to add to the Council's discussion.

Dep. Chief Gonzalez stated when we go to the Chief when we like a candidate, there are other things that come up, it's not just marijuana, whether they smoked it once or four times, there could be other things, moral issues that come up could have been an arrest of some sort that was a class one. So we do have a small contingency book that we can look at. Marijuana in my personal opinion, I don't know why it was in there in the first place, I think maybe it was a big deal back in the day, times have changed we just talked about it. Is it the gateway drug, matter of opinion, controlled substances are different, you know as far as coke, meth, little bit different, I would agree. I'm not saying that we should hire someone that smoked a month ago. But we've had a year and a half an awful lot. How do you really quantify, maybe they smoked it four or five times is it different than Adderall, we've had great candidates with Adderall many times for studying college finals, highly educated and that has no boundary across the board regardless of ethnicity and race, I think those issues are something to talk about. I would be supportive myself and I know the Chief of Police would. We've had conversations about marijuana at really looking at a year or a year and a half. I think that's important.

The one issue I do have with when we do ask on the second piece of that or sort of leeway or some sort of exemption, is when we hire a class often times we don't have the ability, if the Mayor says Greg we want a class in May, I've talked to Brenda about this, we've had these difficult conversations. Often times our timing is a big deal, I would only ask whether you change it or not, if you make an exemption that we can come to the board and say, hey we really

like this candidate, we've never done this by the way, but we've had some class I misdemeanor stuff, which arguably is worse than marijuana, we've had some issues with, being drunk and dumb, a class I misdemeanor, so there are other things than marijuana and we still come to this board but electronically would be nice to be able to do an email call because of timing. You were talking about hunting in November, which is great, but in Omaha things don't stop right, if we're in the middle of trying to get a class of fifty and you're not meeting in November and we have a great candidate that we need to get through this board I would only ask that you be in a position to be able to doing well. If you don't do that, that's problematic for a bigger agency. So that's kind of our angsts that we run up against timing.

Lieutenant Fox stated being in training for the last four years we have come in contact with a lot of individuals, good individuals that have went down to Colorado and have taken a gummy or smoked marijuana legally. I heard you say, that may not be happening, that's actually happening in Omaha a lot and we are disqualifying candidates because of them going to Colorado being a kid, being immature and at the end of the day following the law and smoking weed just for fun. Just to see how it is and coming back and being disqualified because they did it a year ago on spring break and now they want to be a peace office. That's a true thing and it's not one or two people, we have multiple people that come and get disqualified because of that.

Director Urbanek stated the open meetings law applied to PSAC therefore being able to conduct a digital email survey as Dep. Chf. Gonzalez from Omaha P.D. had earlier spoke of would not be possible.

Chairman London asked if it would be unsupported if I said Title 79 should be changed to 18 months.

Mr. McCarthy stated he wasn't sure if dropping it from 2 years to 18 months would get us a lot. It's only 6 months.

Chief Wolf said he was here to listen. I am not here to vote today, this is a discussion, that's where I'm at.

Chairman London stated sooner or later we are going to vote on Title 79.

Lieutenant Colonel Duis stated he understood what Chairman London was trying to do, but to Chief Wolf's point, I am not 100 percent sure I am ready to vote yet. I am not sure. I am happy to have the conversation. I am much more in favor of voting for changing Title 79 than us finding a way to grant blanket waivers for fill in the blank.

Director Urbanek asked if the waivers came on a case-by-case basis.

Lieutenant Colonel Duis stated yes, he had no problem with waivers coming on a case-by-case basis, but he didn't want to decide we were going to grant waivers for anyone 18 months or over.

Director Urbanek asked to start this process, an agency would have to appeal my denial because I would have to deny that and bring it in front of this body on a case-by-case basis and lay out why we think this person is worth it. All of that triggers on an agencies willingness to go through that process which has been explained to all of the agencies. I don't have a choice, this is what the rule says, I have to deny that, you have the right to appeal that, believe me, there is nobody in this room that knows what kind of a headache an appeal can be. So if the battle is worth fighting from the agencies perspective, bring it to the decision makers to decide and I'm a bit hesitant to leave a lot of latitude to a chief or a sheriff when it comes to a state certification. That's the whole purpose behind a state certification. Is the state standards it's not the individual entity or the jurisdiction. I think there is a way that these great candidates could come before this body and have a determination by this body. It's an appeal of my denial.

Sheriff Osmond stated that was no different than what we have been doing.

Chief Wolf stated we can't just say up front we're going to say we're going to let these slide.

Lieutenant Colonel Duis stated we need to start at the rule and regulation and then be convinced off of that versus the other way around. We can't go into it saying we're not going to follow the rule, this is the amount of leeway we're going to give. I just think that's the purpose of this board. Again, I have no problem if this board and the crime commission and everybody decides we want to go to one here and that's what the decision is, but we haven't done that. The rule is still the rule and I don't believe its good practice for this board to start saying we're not going to adhere to that rule as a blanket, now case-by-case, okay. There is no different than the agencies that we work in or if you have a policy on the books and nobody follows it then it creates a problem, right. If it's a bad policy, change the policy or eliminate the policy, don't just ignore it, this is a rule. If it's a bad one either change it or eliminate it, don't just ignore it. That's how we get ourselves in trouble.

No decision was made.

VI. NEW BUSINESS

A. Request for Waiver of Certification Training as Agency Head Chief Philip Lukens, Alliance Police Department

Mr. Delaney referred to and reviewed the training material submitted for Chief Philip Lukens in Attachment #1. Stating the material reflects Chief Lukens was certified or licensed as a law enforcement officer by a recognized certifying agency and the Council could waive all requirements for sheriffs or individuals entering a law enforcement agency as an administrator/agency head, which serves a population of 5,000 or more people.

Director Urbanek stated the request was for a waiver of the Reciprocity Certification program and as Mr. Delaney referenced in his letter, I have reviewed that submitted training documentation and it meets our requirements, and as pointed out, Alliance is a community of over 5,000 people, Chief Lukens was a supervisor at his previous agency, which also affords him one of the requirements to be

eligible to apply for this, so I would recommend approving Reciprocity Certification and waiving that requirement for Chief Lukens.

MOTION

Chief Wolf motioned to grant a waiver to Chief Lukens for waiver of certification training as an agency head. Sheriff Osmond seconded the motion. Voting in favor of the motion; Sheriff Osmond, Lieutenant Colonel Duis, Chief Wolf, Assistant Chief Jackson, Chief Larby, Mr. McCarthy, and Chief Deputy London.

Director Urbanek stated he was on the Management waitlist so with this action he will now be enrolled so he will be getting an enrollment email from Training Center staff giving him the information. We fully anticipate to see him Monday morning at the Training Center for Management.

Mr. Delaney and Chief Lukens left the meeting.

Chairman London took agenda items out of order taking agenda items I. and H.

I. Omaha Police Department Reciprocity Curriculum

Lieutenant Ken Fox, stated Captain Sherie Thomas, Sergeant Montana and Deputy Chief Gonzalez, were all present from the Omaha Police Training Academy to request approval to hold Reciprocity Courses at their Academy. Logistically we can host them and teach the curriculum to instruct that certification. We've been in contact with Director Urbanek and she agreed from a training perspective our Training Curriculum met the state curriculum so we can hold it. We've had several lateral classes over the last 4 years and those classes mirror what the Reciprocity course will be, we just had to add some JTA's that we didn't have in there and our reasoning for wanting to hold this course is the attempt to add some seasoned officers to our department. As you know, probably without everyone else in the department, over the past few years we've had a real influx of young officers so we have a lot of inexperience on the street. We have had lateral classes but there are only so many in state laterals we can recruit and we're starting to see the pool dwindle so we want an opportunity to go out to surrounding states and other places that you have good officers leaving bad departments, we want to have an opportunity to get them in so we can inject that experience on the streets for our citizens. So that's our reasoning for being here today.

Director Urbanek stated Sergeant Marcus Taylor submitted a Reciprocity Curriculum this project has been underway since early spring. I supplied OPD with a copy of our Reciprocity Curriculum, and Sergeant Taylor was able to locate them in their curriculum, which is essentially extrapolated from their Basic curriculum. OPD follows all of the same job tasks, so they were able to match up where everything is taught and what it is called. From the curriculum perspective, I have no reservations saying what they are going to offer is equivalent to the Training Center. As we were going through this project, I reviewed the rules and regulations that deal with the application process and this is where there is no latitude, the packets for Reciprocity need to be processed by the Training Center staff, I bring that up because I have one Registrar and in the next eight weeks, we will have academy

packets from NSP, LPD, SLDEA, the Training Center the Reciprocity Course that is going on here and so it would be very helpful if there could be some sort of discussion about when this course is going to be so we are not processing another 10-15 Reciprocity packets on top of all of those other things. A reciprocity packet is different in that there is a lot more documentation submitted based on the previous work experience. The challenge OPD has is the Mayor may come out tomorrow and say hire a class. We would still offer the opportunity that if you only had one or two Reciprocity people, rather than run an entire curriculum for those two people, currently we run two Reciprocity courses annually so they are always welcome to attend our courses here, if that happens.

Mr. McCarthy questioned if we were to approve this, is this forever and ever or is this something we have to do every year?

Director Urbanek requested that this be granted for 2022 and after that we can revisit it and if it is just a simple, we want to do the same thing, this is how it worked and just have an action of this body, that way it doesn't tie either side into it.

Their curriculum provides for 5 weeks of curriculum like that of the Training Center and 7 weeks of OPD specific training.

Chief Wolf asked if there was any online method of deliver. Director Urbanek stated there was not because all of the job tasks that are covered in any of the online method of delivery are located in their briefings, so how they deliver that is their deal.

MOTION

Mr. McCarthy motioned to approve for 2022. Chief Wolf seconded the motion. Voting in favor; Lieutenant Colonel Duis, Chief Wolf, Assistant Chief Jackson, Chief Larby, Mr. McCarthy, Chief Deputy London, and Sheriff Osmond.

H. OPD 2021 Academy Inspection

Director Urbanek asked that the attached course material, 507 – Mental Health be disregarded for this agenda item.

Director Urbanek recommended approval for 2021 of the Omaha Police Department Basic Academy with the condition that the staff continues to work on having all lead instructors in the academy obtain the required state certification.

MOTION

Chief Larby made the motion to approve the OPD 2021 Academy. Assistant Chief Jackson seconded the motion. Voting in favor of the motion; Chief Wolf, Assistant Chief Jackson, Chief Larby, Mr. McCarthy, Chief Deputy London, Sheriff Osmond, and Lieutenant Colonel Duis. Motion carried

Omaha Police Training Academy staff left the meeting.

B. Waiver of Reciprocity Certification Training
Chief Dave Albers, Holdrege Police Department

Director Urbanek stated Chief Albers was the new Chief in Holdrege who came from Kansas. He was a Sergeant with the Kansas State Highway Patrol and had met all the admission standards in order to ask for a waiver of Reciprocity. He submitted his Reciprocity application packet, I reviewed it, and his training met the Nebraska standards. Holdrege is a community of over 5,000 people. I spoke with him at the NSA/POAN Conference and asked him if he would be working the streets in Holdrege. My personal opinion is if you work the streets, you probably shouldn't have a Reciprocity Training waiver because you cover Nebraska specific laws. Kevin Spencer the Chief of Scottsbluff came through Reciprocity but before he came through he arrested somebody for DUI at .08 and at the time Nebraska was still a .10 so just those nuances and differences from state to state, even though an agency maybe over 5,000 people and they may have come from a supervisor or management position. How I look at these waiver requests is if you are working the street, you need to know Nebraska law, so I would recommend it. When I asked him that question, he said, no I don't work the street, he said if I'm in the office and somebody calls for backup, I'll respond but I'm not out on patrol.

I would make a recommendation to approve Chief Albers for a waiver of the Reciprocity Certification.

MOTION

Chief Wolf motioned to approve the waiver for Reciprocity Certification for Chief Dave Albers of Holdrege. Assistant Chief Jackson seconded the motion. Voting in favor; Assistant Chief Jackson, Chief Larby, Mr. McCarthy, Chief Deputy London, Sheriff Osmond, Lieutenant Colonel Duis, and Chief Wolf. Motion carried.

C. Waiver of Management In Lieu of FBI National Academy
Rich Zimmerman, Saline County Sheriff's Office

Director Urbanek stated Captain Zimmerman was with Saline County Sheriff's Office and had attended the National Academy in 2006, but was recently promoted last year to the rank of a manager's position and based on the FBI National Academy Course in Leadership and Management. I spoke with Captain Zimmerman at the NSA/POAN Conference and advised him that even if the waiver was granted he would still need to take the online portion of Management and he said he was aware of that.

I would recommend that the Council grant the waiver of Management in-lieu-of the FBI National Academy Certification.

MOTION

Chief Larby; I make a motion to grant the waiver to Rich Zimmerman of Saline County Sheriff's Office of Saline County for Management in-lieu-of the National Academy with the understanding that he has to do the online portion. Sheriff Osmond seconded the motion. Voting in favor; Chief

Larby, Mr. McCarthy, Chief Deputy London, Sheriff Osmond, Lieutenant Colonel Duis, Chief Wolf, and Assistant Chief Jackson. Motion carried.

**D. Waiver of Management for Jeff Dunton of N.S.P.
In Lieu of Leadership in Police Organizations by International Association of
Chiefs of Police and Northwestern School of Police Staff and Command**

Director Urbanek stated Lieutenant Dunton attended and completed both LPO and Northwestern Command Staff School so the combination of the two meet and exceed the NLETC Management Course and requirements.

Again, I would add that all of these national courses provide outstanding training and knowledge development for upper command staff but none address Nebraska specific and how to run an agency so even with the waiver I would request he be required to complete the online Title 79 portion.

MOTION

Mr. McCarthy motioned to approve the waiver of Management for Jeff Dunton of N.S.P. in-lieu-of his other training with the provision that he completes the online Title 79 training. Assistant Chief Jackson seconded the motion. Voting in favor; Mr. McCarthy, Chief Deputy London, Sheriff Osmond, Chief Wolf, Assistant Chief Jackson, and Chief Larby. Lieutenant Colonel Duis abstained. Motion carried.

Director Urbanek stated Chief Hickstein has asked to be called when we reached this item on the agenda and it might take some time so if you cover the other items first, that might be best.

Chairman London moved items out of order leaving item E. as the last agenda item.

**F. Waiver of One Year Basic Training Requirement - Hardship
Officer Geoffrey Willmann, Wymore Police Department**

Director Urbanek stated this request was from Chief Shepardson of the Wymore Police Department. Officer Willmann participated and passed the PRET on August 12, 2021, but due to the untimely submission of his change of status form he did not have priority to attend the August class, which was at capacity so he was bumped to the January 2022 class which he has been enrolled in, but needs a waiver of the one-year rule in order to attend. This falls under Pre-LB51 hire.

MOTION

Assistant Chief Jackson motioned to extend a waiver for Officer Geoffrey Willmann for his one-year of training requirement with the knowledge that he is to attend the January 2022 academy and he can't work after his year expires. Mr. McCarthy seconded the motion. Voting in favor; Chief Deputy London, Sheriff Osmond, Lieutenant Colonel Duis, Chief Wolf, Assistant Chief Jackson, Chief Larby and Mr. McCarthy. Motion carried.

**G. Academy Instructor Certifications
General Original**

Zachary Lorang – N.S.P.

Deputy Director Stephenson stated the Academy Instructor Certifications were reviewed by previous Deputy Director Bill Keeling.

MOTION

Assistant Chief Jackson motioned to approve the General Instructor Certification for Zachary Lorang of the Nebraska State Patrol. Chief Larby seconded the motion. Voting in favor; Chief Deputy London, Sheriff Osmond, Chief Wolf, Assistant Chief Jackson, Chief Larby, and Mr. McCarthy. Lieutenant Colonel Duis abstained. Motion carried.

Professional Original

Larry Gibbons – N.S.P.
Daniel Miller – Omaha P.D.
Thomas Prevo – N.S.P
Dhankumar “Ravi” Singh – N.S.P.

MOTION

Chief Larby motioned to approve the Professional Original Certifications for Larry Gibbons – NSP, Thomas Prevo – NSP, Ravi Singh – NSP, and the items marked for Daniel Miller of OPD. Chief Wolf seconded the motion. Voting in favor; Sheriff Osmond, Chief Wolf, Assistant Chief Jackson, Chief Larby, Mr. McCarthy, and Chief Deputy London. Lieutenant Colonel Duis Abstained. Motion carried.

**J. Projected Enrollment – Admission Priorities to NLETC
Title 79, Chapter 6, 003.03**

Director Urbanek stated Title 79, Chapter 6 requires the Director to provide the Council with information regarding projected enrollment each October. Everyone was very concerned at our inability to get all accepted packets into the August class and in looking at the numbers that is an anomaly. It just does not happen. When I was at the NSP/POAN Conference a number of people asked, are you letting any non-law people in? There are 90 job openings in this state on the Training Center website. Currently we don't have staff on site that are capable or have the time to do a background investigation on a non-law applicant. If and when we ever become fully staffed with an investigator, an attorney, and a compliance coordinator, that may change, but I don't see it changing for the next year. I believe all allocated seats should be given to agency hired individuals as opposed to somebody who may or may not get hired as an officer. My recommendation for the 2022 enrollment is to allot all seats for agency hired individuals with no non-law seats.

As a side note, the other thing about a nonlaw, before we even open their packet they have to pay a processing fee and I feel bad about taking a processing fee, if I know they are not going to get in. So we haven't encouraged that program for a long time. Maybe in the future it will come back.

Chief Wolf asked if the Training Center was planning on having everyone in the upcoming basic do the PRET at the academy.

Director Urbanek stated the PRET was still scheduled for December 12th or 13th because we have pre 51. Deputy Director Stephenson was having a staff meeting and one of the topics I asked him to cover with his staff was what the PRET looked like moving forward. I imagine he will have a report for us at the November meeting.

Chief Wolf stated he asked because their agency had their student do the PRET and videotaped it. She passed and they wanted to know if she would need to do it again. She will start December 11th.

Director Urbanek stated when an agency administrator signs the affidavit that they tested and passed the PRET, no, she would not have to come down and take the PRET. We developed a video that is on our website on how to properly administer and take the PRET.

Deputy Director Stephenson stated that would be one of the things brought up at the staff meeting tomorrow. We have people out here doing it, why repeat it at work, we also understand there are agencies that don't have the staff or skill set knowledge to do it and if you don't we will be here to take care of those folks. If you have it put into your hiring process and documented as done, I don't see a need to reinvent the wheel. That is the direction I am looking at going.

Chief Larby asked what was needed from the Council for the projected enrollment.

Director Urbanek stated a motion approving the recommendation that all seats be allotted to agencies.

MOTION

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

K. Waiver of One-Year Management Training Requirement Travis Hogancamp, Otoe County Sheriff's Office

Director Urbanek stated Deputy Hogancamp was a sworn officer and jail administrator. Pending the waiver currently enrolled in Monday's class.

MOTION

Sheriff Osmond motioned to grant the waiver for Travis Hogancamp. Chief Larby seconded the motion. Voting in favor; Chief Wolf, Assistant Chief Jackson, Chief Larby, Mr. McCarthy, Chief Deputy London, Sheriff Osmond, and Lieutenant Colonel Duis. Motion carried.

The meeting broke at 10:35 A.M. and resumed at 10:44 A.M.

E. Waiver of One Year Basic Training Requirement Sam Cafferty, Chadron Police Department

Chief Hickstein joined the meeting via telephone. Chief Hickstein stated Officer Cafferty was hired January 6, 2021 so his year to attend training would be up January 6, 2022. Chief Hickstein reviewed the letter in Attachment #5.

Director Urbanek stated Mr. Cafferty will have met all of his admission requirements for the January 3, 2022, Basic Session.

Mr. McCarthy asked if Cafferty would be working as an Officer after January 6th, while in Basic.

Chief Hickstein stated he would not be working Officer Cafferty after January 6, of 2022 while in the academy after January 3, 2022. He completed FTO and was currently working with certified officers at all times while working the streets with us and will be doing so until he completes the academy if you grant the waiver.

MOTION

Chief Wolf; I'll make a motion to grant the extension to Sam Cafferty provided he does not work as a road officer after January 6th. Mr. McCarthy seconded the motion. Voting in favor; Chief Deputy London, Sheriff Osmond, Lieutenant Colonel Duis, Chief Wolf, Assistant Chief Jackson, Chief Larby, and Mr. McCarthy.

Chief London stated he cannot work after January 6, 2022, till he graduates and has his certification.

Chief Hickstein stated he understood that and ended the phone call at 10:59 A.M.

VII. OTHER BUSINESS

A. Date, Time & Location of Next Meeting

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

Hearing no further business the meeting adjourned at 11:04 A.M.

Respectfully submitted,



Kay Fielding,
Secretary to the Council