



AMENDED AGENDA POLICE STANDARDS ADVISORY COUNCIL

DATE: September 15, 2022

TO: Police Standards Advisory Council

FROM: Brenda L. Urbanek, Director

SUBJECT: Regular Meeting Thursday, September 22, 2022, 9:00 A.M.
Library, Nebraska Law Enforcement Training Center, Grand Island, Nebraska

I. CALL TO ORDER

II. APPROVAL OF AUGUST 17, 2022 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
- D. Sarpy Douglas Law Enforcement Academy
- E. Crime Commission Report

IV. OLD BUSINESS

- A. Testing Process Review
- B. Title 79, Chapter 8

Attachment #1



V. NEW BUSINESS

A. Waiver of one-year Management requirement & online Management requirement

1. Dale Davis, Ne Game & Parks Attachment #2

B. Waiver of one-year Supervision requirement Attachment #3

1. Sergeant Andrea Hurt, Sarpy County Sheriff's Office

C. Annual Academy Inspection

1. Nebraska State Patrol Attachment #4

2. Lincoln Police Department Attachment #5

3. Nebraska Law Enforcement Training Center Attachment #6

D. Original Academy Instructor Applications

General Attachment #7

Delitha Lang NSP

Monty Lovelace NSP

Derek Lohner NSP

Legal Attachment #8

Shawn HagertyDouglas County Attorney for OPD

Demetria Herman Douglas County Attorney for OPD

Michael Murer Douglas County Attorney for OPD

Professional Attachment #9

Jennifer Bogdanoff Omaha Police Department

Angie Circo Omaha Police Department

Timothy Lasater Omaha Police Department

Melissa McDermott Omaha Police Department

Elizabeth McQueen Lincoln Police Department

Joel Strominger Omaha Police Department

Jerald Swanson Omaha Police Department

E. Recertification Academy Instructor Applications

General

Attachment #10

Duane Winkler Lincoln Police Department

Legal

Attachment #11

Donald Klein Douglas County Attorney for OPD
Ann Christine Miller Douglas County Attorney for OPD
Michelle Peters City of Omaha for OPD

Professional

Attachment #12

Jeffrey Crouch Omaha Police Department
Chad Hein Lincoln Police Department
Brad Junker Lincoln Police Department
Rusty Lashley Lincoln Police Department
Dr. John Lehnhoff Arbor Counseling for OPD
Micheal Muff Lincoln Police Department
Jacob Ritonya Omaha Police Department
Allen Straub Omaha Police Department

F. NCO Eligible for Automatic Extension

16 Week Deadline

Casey Anderson, Phelps Co SO 10/18/2022
Brenden Kegin, Fillmore Co SO 12/16/22
Juan Sarmiento-Borrego, Lexington PD 12/2/22
Jacob Thome, La Vista PD 9/26/22

G. NCO Completed 80 Hours of Training

Kaleb Johnson, Scottsbluff PD
Brendon Kegin, Fillmore Co SO
Daniel Lever, North Platte PD
Juan Sarmiento-Borrego, Lexington PD

H. Trainees

Paul Cunningham, Broken Bow PD
Justin Dutcher, Richardson Co SO
Trenton Gurnsey, Rock Co SO
Jonathan Haefele, Sidney PD

MacLeod Hardy, North Platte PD
Dwayne Harvill, Polk Co SO
Nathan Moore, Bellevue PD
Brandon Otto, Grand Island PD
Tate Pierce, Buffalo Co SO
Kenneth Safford, Bellevue PD
Charles Shell, Bellevue PD
Nolan Siemonsma, Plattsmouth PD
Dillon Simon, Metro Comm College PD
Ty Staman, Lincoln Co SO
Jasmine Tutlam-Hazen, Frontier Co SO
Jacob Wasser, Buffalo Co SO

I. Voluntary Surrender
LR-209-21 Brandon Dolezal

VI. OTHER BUSINESS

- A. Date, Time & Location of Next Meeting**
October 28, 2022, 9:00 a.m., Library, Nebraska Law Enforcement Training Center
3600 North Academy Road, Grand Island, Nebraska 68801



REGULAR MEETING OF THE
POLICE STANDARDS ADVISORY COUNCIL
August 17, 2022

I. CALL TO ORDER

Chairman, Sheriff Osmond called the meeting to order at 9:01 A.M. Legal notice of the meeting was published in the Lincoln Journal Star on August 5, 2022. Roll call; Sheriff Dan Osmond, Sergeant Drew Bolzer, Lieutenant Colonel Buck Duis, Chief Mark Hogue, Assistant Chief Brian Jackson, Chief Deputy Greg London, Chief Tracy Wolf.

Absent from call to order were Deputy Chief Sherie Thomas and Mr. Matthew McCarthy.

II. APPROVAL OF July 20, 2022 P.S.A.C. MINUTES

Chairman Osmond asked if there was a motion for approval of the July 20, 2022 minutes.

MOTION

Chief Deputy London motioned to approve the minutes. Lt. Col. Duis seconded the motion. Voting in favor; Sgt. Bolzer, Lt. Col. Duis, Chief Hogue, Asst. Chief Jackson, Chief Deputy London, Chief Wolf, Sheriff Osmond. Motion carried.

III. REPORTS

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

Director Urbanek reported that the Rules and Regulations Committee has the second reading for Chapters 2 and 8 on the agenda. There are no other Chapters that will be reviewed at this time.

The 212th Basic will begin August 28, 2022. There were 96 requested slots with 55 approved packets. 28 people attended the PRET test with 7 not passing. The course will begin with 49 students.



The first testing session for reciprocity applicants was held on July 29, 2022. There were 8 participants who tested. There was 1 failure on the written test, and all passed the physical test. 5 took the physical task test and 3 took the PRET. The website has been updated with the instructions and sample forms for obtaining the paperwork for Reciprocity.

Martha Hutchinson began on August 8th as the new registrar. She joins NLETC after working at the Greeley Co. Attorney's office for several years.

The Las Vegas Metro Police Department is conducting nationwide testing to recruit officers. They had requested to use the Training Center facility for their testing process. Director Urbanek asked the Council how they would like her to respond. The Council responded that since Nebraska agencies are struggling to hire and retain officers that in would be inappropriate to encourage out of state agencies to recruit Nebraska officers.

Director Urbanek reported that an agency conducting their own PRET testing as part of the hiring process had a transgendered applicant and wanted to know which set of the age/gender results should be used to determine pass or fail. The Council asked that agency counsel David Stolz do some research on the topic.

Director Urbanek reported that LB51 took affect just shy of a year. Officers who are hired with the 16 week rule and complete all requirements are granted an automatic extension of the 16 weeks. There is an issue with those who don't qualify for the automatic extension or if they are hired as an NCO which requires that they meet all admission standards and then they fail the PRET so in essence, they have not met the standards. The agencies are told that they can't be NCOs but will need to be changed to trainee. Director Urbanek wanted to make the Council aware of the progression. Sheriff Osmond commented that the hiring process has been laid out very plainly and that if agencies are not following the procedures, it falls on them.

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

Deputy Director Mark Stephenson reported the 211th Basic class graduated August 12, 2022 with 29 officers. Chief Joel Smith from the McCook Police Department was the keynote speaker.

Deputy Director Stephenson reported on the following courses held at NLETC:

- Patrol Rifle Instructor Recertification-July 21, 2022 with 11 students.
- Basic Jail Training-July 25-August 5, 2022 with 26 students.
- Practical Leadership for Law Enforcement-August 8-10, 2022 with 13 students.
- GAGE Instructor-August 15-17, 2022 with 9 students.

- Patrol Rifle Instructor-August 15-19, 2022 with 17 students.
- Supervision-August 16-18, 2022 with 49 students.

NLETC conducted the first testing of Reciprocity/Reactivation following the change required by LB1241. 7 Reciprocity and 1 Reactivation student took the written test with 1 Reciprocity student failing. They will return this month to retake the written test.

The 212th Basic will begin August 28, 2022. 49 students are enrolled.

The new curriculum coordinator, Melody Pebley, will begin work on August 22, 2022.

C. Nebraska State Patrol Training Academy

Captain Miller reported that Camp 66 is in week 7 of 22. The camp started with 19 recruits. 1 recruit has been separated. Graduation is set for December 16, 2022.

D. SDLEA Law Enforcement Academy

Scott Wagner reported SDLEA is currently in week 7. 24 recruits started the class. 21 are currently enrolled. The class will be finishing up with most of the classroom portion in the next 3 weeks with the main practical aspects to follow. Graduation will be November 18, 2022.

E. Crime Commission Report

Dr. Arp reported that earlier in the month they had interviews with the design firms for the construction projects. The companies have been chosen. The on-sight visit at NLETC is scheduled for September 14-15th. They will be talking to training center and NSP instructors regarding the 4 major areas of construction; the range, driving track, tactics etc. to get some design tactics for the project. The Program Statement for the project will probably not be available until after the first of the year and then it will be presented to the Council.

Dr. Arp reported that he and Bruce Ayers have started writing the budget narrative for the incoming administration. Bruce Ayers is planning on retiring at the end of 2022 after 47 years with the Crime Commission.

Jesse Wagoner has been phenomenal with helping with the Accreditation process. Letters were sent out to agencies with deficiencies and interpreting their responses. There have also been some late applications that have been allowed and they are being processed.

IV. OLD BUSINESS

A. Law Enforcement Attraction and Retention Act

Dr. Arp reported that he has received a lot of questions wanting information on retention payments and structures. A one page document outlining the Attraction and Retention Act was provided to the Council in Attachment 1 for preview and approval. After approval from the Council it will be posted on the website. Chief Deputy London asked about how the payment process will work. Dr. Arp responded that would be brought to the Council in a future meeting. Since it was decided by the Council that the "clock" would start July 1, 2022, there is time to finalize the processes before July 1, 2023. There was a correction to the amount on the handout that will be corrected before posting. Assistant Chief Jackson asked for clarification on when the retention act would end. Dr. Arp responded that depends on whether the future legislatures continue to approve the funding. Dr. Arp anticipates the application and payment processes will be completed by the end of this year.

B. Approval of Retention Program Handout

Chairman Osmond asked if there was a motion.

MOTION

Chief Deputy London: I make a motion that we accept Attachment #1. Chief Wolf seconded the motion.

Further Discussion: Sgt. Bolzer asked who would be responsible for vetting the applications for this. Dr. Arp responded that that would be described in the application and payment process. Asst. Chief Jackson asked about the felony conviction portion of the handout and whether that was before or after certification. Dr. Arp clarified that is the case. If the applicant has had a felony or Class 1 misdemeanor conviction, they would be ineligible for the retention payment. The wording comes from the Legislative bill.

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

C. Hiring Bonus Program

Dr. Arp reported that the Hiring Bonus program will be paid from the same "pot" of money as the retention bonuses. Anything that is not used for the retention

bonuses can be used for a hiring bonus program. The problem is that that same pot of money has to cover all of the retention bonuses before funding any hiring bonuses. Dr. Arp recommends waiting to publicize the Hiring Bonus until late 2023 after the first wave of retention payments. Dr. Arp recommended a motion that the Hiring Bonus program be launched in the 4th quarter of 2023. The statute gives the PSAC authority to establish the program. I make a motion that we except the Director's recommendation.

MOTION

Chief Deputy London: I make a motion to accept the Executive Director's recommendation. Asst. Chief Jackson asked for Dr. Arp to repeat his statement. Dr. Arp stated that he recommended a motion that the Hiring Bonus program be launched in the 4th Quarter of 2023 after the first wave of retention bonuses. Lt. Col. Duis commented that it would be easier to make it start after July 1, 2023. Dr. Arp restated his recommendation that the Hiring Bonus program be launched after July 1, 2023 after the first wave of retention bonus payments.

AMENDED MOTION

Chief Deputy London: I make the motion to approve the director's recommendation that the Hiring Bonus program be launched after January 1, 2024. Asst. Chief Jackson seconded the motion.

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

V. NEW BUSINESS

A. Waiver of one year Management Requirement

1. Jason Swartz, Hitchcock County Sheriff's Office

Director Urbanek reported that she received a letter from the Sheriff Gerry Hunter requesting a waiver of the one year requirement. The letter stated that Chief Deputy Jason Swartz was enrolled in the June 2022 online portion of the management course but did not complete it due to a medical issue. Chief Deputy Swartz was appointed to the management position on June 14, 2021 and will not be able to complete the management course before the 1 year was up.

MOTION

Chief Deputy London: I make a motion that we waive the one year requirement with the stipulation that Jason Swartz attend the first available online session of management. Asst. Chief Jackson seconded the motion.

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

2. Chace Morgan, Thurston County Sheriff's Office

Lieutenant Chace Morgan of the Thurston County Sheriff's Office appeared before the Council on his own behalf. Lieutenant Morgan reported that due to staff shortages and getting married, he failed to complete the online portion in June 2022 and asks for an extension of his 1 year requirement. Director Urbanek reported that his appointment was June 28, 2021.

MOTION

Chief Deputy London: I make a motion to waive the one year requirement for Management training providing an extension for Chace Morgan of the Thurston County Sheriff's Office to attend the first available online management course. Chief Hogue seconded the motion.

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

B. Waiver of one year requirement for Supervision

1. Heath Lemke and Mike Poplau, Adams County Sheriff's Office

Chief Deputy Kevin Mauck of the Adams County Sheriff's Office appeared before the Council asking for the waiver of the one year requirement for Supervision for Heath Lemke and Mike Poplau. The August Supervision course was full. Chief Deputy London asked if the agency would have trouble sending 2 people at the same time. Chief Deputy Mauck said they would do whatever they were required to do.

MOTION

Chief Deputy London: I make the motion to grant waivers for Sgt. Poplau and Sgt. Lemke to attend the Supervision class in 2023. Chief Hogue seconded the motion.

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

C. Verification of Training

1. Eliseo Guzman, La Vista Police Department
2. Kaleb Johnson, Scottsbluff Police Department

Director Urbanek reported that when an agency hires an NCO and the NCO is going to interact with the public in a law enforcement capacity the NCO is required to complete 80 hours of pre-academy training. The agency is required to provide verification of that training to the Council. The individuals in item H of the agenda have also completed the 80 hours of training. It was called 2 different things so it ended up as 2 items on the agenda instead of 1. This is just an information item for the Council.

D. Revocation of Law Enforcement Certification-Voluntary Surrender

1. John Peden, Cozad Police Department

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

Chairman Osmond received Exhibit #1 into evidence.

Mr. Stolz gave a factual basis regarding the respondent's actions which lead to an informal complaint being filed against him and asked that the Council accept his relinquishment and recommends to the Crime Commission that the respondent's Law Enforcement Officer Certificate, Manager Certificate, and Supervisor Certificate be revoked based upon violation of the officer's oath of office and code of ethics per Neb. Rev. Stat. §81-1403(6)(c) and Title 79 NAC, Chapter 9, §003.04, respectively.

MOTION

Asst. Chief Jackson: I make a motion based upon the fact that the respondent has signed the 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 John Peden's Nebraska Law Enforcement Certificate, his Supervisory Certificate, and his Management Certificate. Based on the recommendation of Counsel David Stolz the revocation be effective upon review and acceptance of the surrender by the Nebraska Commission for Law Enforcement and Criminal Justice. Lt. Col. Duis seconded the motion.

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

2. Terry Poland, Oakland Police Department

Mr. Stolz offered Exhibit #1, the Consent to Revocation of Law Enforcement Certificate and Waiver of Notice and Hearing signed by Terry Poland, into evidence and asked that it be received.

Chairman Osmond received Exhibit #1 into evidence.

Mr. Stolz gave a factual basis regarding the respondent's actions which lead to an informal complaint being filed against him and asked that the Council accept his relinquishment and recommends to the Crime Commission that the respondent's Law Enforcement Officer Certificate, and Manager Certificate, be revoked based upon violation of the officer's oath of office and code of ethics per Neb. Rev. Stat. §81-1403(6)(c) and Title 79 NAC, Chapter 9, §003.04, respectively.

MOTION

Asst. Chief Jackson: I make a motion based upon the fact that the respondent has signed the 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 Terry Poland's Nebraska Law Enforcement Certificate and his Management Certificate. Based on the recommendation of Counsel David Stolz the revocation be effective upon review and acceptance of the surrender by the Nebraska Commission for Law Enforcement and Criminal Justice. Lt. Col. Duis seconded the motion. Chief Hogue seconded the motion.

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

E. Original Academy Instructor Applications

Professional

Daron Lindgreen, NLETC

Matthew Maus, NE State Patrol

Jeremy Strack, NE State Patrol

Deputy Director Stephenson reported that the original academy instructor applications were reviewed by the NLETC instructional staff to ensure the applicants have met the necessary criteria for the course(s) of instruction. Deputy Director Stephenson recommends that the Council approves the listed applications as approved by the NLETC staff.

MOTION

Asst. Chief Jackson: I make the motion as stated. Chief Hogue seconded the motion.

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

F. Renewal Academy Instructor Applications

Professional

Jon Armstrong, Lincoln Police Department
Benjamin Kopsa, Lincoln Police Department
Grant Powell, Lincoln Police Department

Mr. Stephenson reported that the applications for renewal of the Professional academy instructor have been reviewed by the NLETC instructional staff to ensure the applicants have met the necessary criteria for the course(s) of instruction. Mr. Stephenson recommends approval by the Council for the listed applicants for renewal of Professional academy instructor as approved by the NLETC staff.

MOTION

Chief Deputy London: So moved. Chief Hogue seconded the motion.

Voting in favor; Chief Hogue, Chief Deputy London, Chief Wolf, Sheriff Osmond, Sgt. Bolzer, Lt. Col. Duis. Abstained; Asst. Chief Jackson. Motion approved.

G. NCO Eligible for Automatic Extension

<u>Name</u>	<u>Agency</u>	<u>16 Week Deadline</u>
Patrick Beck	Johnson Co.	10/25/22
Kaleb Johnson	Scottsbluff PD	10/31/22
Austin Beaverson	Madison Co.	11/8/22

Director Urbanek reported the above listed people as NCO's eligible for automatic extension of their 16 weeks for training. No action was taken by the council.

H. NCO Completed 80 Hours of Training (See item C above.)

Name

Michael Odom, Nebraska City PD
Patrick Beck, Johnson Co. SO
Eliseo Guzman, La Vista PD

I. NCO Not Eligible for Automatic Extension

<u>Name</u>	<u>Agency</u>	<u>16 Week Deadline</u>
Justin South	Cozad PD	10/21/22

Director Urbanek reported that NLETC had received a change in status form for Justin South of the Cozad P.D. making him a trainee so no action is needed for him. Director Urbanek reported that Sheriff Rupp from Frontier Co. could not appear before the Council due to court and staffing shortages. Sheriff Rupp did not notify NLETC that he wanted this tabled. Jasmine Tutlam-Hazen was hired as an NCO. There is no verification that she completed the 80 hours of training. She did not pass the PRET test last week. She is not eligible for the automatic extension. No action was taken by the Council.

J. Trainees

<u>Name</u>	<u>Agency</u>	<u>Name</u>	<u>Agency</u>
Matthew Archer	Burt Co. SO	Lindsey Holm	Lincoln PD
Dalton Bell	Lincoln PD	Jeffrey Howard	Lincoln PD
Reaz Bidaisee	Lincoln PD	Joseph Kernan	Lincoln PD
Jason Bohac	Lincoln PD	Pierce Krouse	Lincoln PD
Ethan Bruha	Lincoln PD	Braylen Luke	Kearney PD
Bradlee Carls	Wahoo PD	Yesenia Martinez	Lincoln PD
Harley Carr	Gordon PD	Eric McShane	Lincoln PD
Sara Castaneda	Lincoln PD	Jenna Prochnau	Lincoln PD
Tracey Crumedy-Walcot	Lincoln PD	Taylor Richardson	Lincoln PD
Antonia DeGeorge	Lincoln PD	Connor Ritz	Lincoln PD
Logan Fitch	Lincoln PD	Juan Sarmiento-Borrego	Lexington PD
Christina Hanson	Lincoln PD	Ried Livermore	Washington Co. SO

Director Urbanek reported that the list above represents the people who have been hired as trainees in the last month.

K. Title 79 Review

1. Chapter 2-Law Enforcement Employment and Other Records

Director Urbanek reported on the proposed changes to Title 79 Chapter 2. There is quite a bit of new language. The changes are based on statute changes that have happened in the last 17 years. The changes and updates were reviewed and discussed as presented by the Rules and Regulations working committee.

MOTION

Chief Deputy London: I make a motion that we approve the recommended changes in Chapter 2. Asst. Chief Jackson seconded the motion.

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

2. Chapter 8-Training Academy Admission Qualifications and Procedures

Director Urbanek reported on the proposed changes to Title 79 Chapter 8. The Council reviewed and discussed the proposed changes to Title 79 Chapter 8 as presented by the Rules and Regulations working committee. After much discussion, the Council decided to table the approval for Chapter 8 until next month where they hoped to have all of the board members present for the discussion.

VI. OTHER BUSINESS

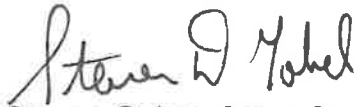
Chairman Osmond recommended moving the September meeting to Thursday September 22, 2022 instead of Wednesday September 21, 2022. This was agreeable to the Council members present.

A. Date, Time & Location of Next Meeting

September 22, 2022, 9:00 A.M., Library, Nebraska Law Enforcement Training Center, 3600 North Academy Road, Grand Island, Nebraska 68801

Hearing no further business, Chairman Osmond adjourned the meeting at 12:35 p.m.

Respectfully submitted,



Steven Gobel, Office Specialist