

AGENDA POLICE STANDARDS ADVISORY COUNCIL



DATE: September 13, 2023

TO: Police Standards Advisory Council

FROM: Mark Stephenson, Interim Director

SUBJECT: Meeting Wednesday, September 20, 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 AUGUST 16, 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. Title 79 Chapter 8-Voting Item Attachment 1

V. NEW BUSINESS

- A. Extension of 1-Year Requirement for Management-Voting Items
 - 1. Brad Junker-Lincoln Police Department Attachment 2
 - 2. Michael Scriven-Lancaster Co. Sheriff's Office Attachment 3
 - 3. Ian Calder-Brown Co. Sheriff's Office Attachment 4



B. Extension of 1-Year Requirement for Supervision-Voting Item Attachment 5

Cody Elgan-Lincoln Police Department

C. NCO's Eligible for Automatic Extension-Voting Item Attachment 6

<u>Name</u>	<u>Agency</u>	<u>16 Week Deadline</u>
Peyton Ott	Aurora Police Department	12/11/2023
Dwayne Wilson	Frontier Co. Sheriff's Office	11/28/2023
Emily Trimble	Gage Co. Sheriff's Office	11/30/2023
Joshua Svendsen	Lyons Police Department	12/17/2023
Matthew Brichacek	UNO Police Department	12/11/2023

D. Waiver of Management Training In-Lieu-Of NLETC Management Course

1. Jonathan Raughton-Sarpy Co. Sheriff's Office-Voting Item Attachment 7

2. Kyle Percifield-Sarpy Co. Sheriff's Office-Voting Item Attachment 8

E. Public Comments Policy-Voting Item

**F. Dundy County Sheriff, Neb. Rev. Stat. 23-1701.01 Attachment 9
Good Cause Hearing-Voting Item**

Clinton Smith, Dundy Co. Sheriff

VI. OTHER BUSINESS

A. Informational Items

1. Trainees-No action needed.

Duncan Loges-Blair P.D.	Marcus Morgenstern-Hastings P.D.
Laura Nichols-Butler Co.	Stephen Gonzales-Hastings P.D.
Trevor Brei-David City P.D.	Logan Warren-Metro CC P.D.
Brandon Plath-Douglas Co.	Matthew Post-North Platte P.D.
Jared Leifeld-Douglas Co.	Aaron Mockry-Red Willow Co.
Jennifer Kelly-Grand Island P.D.	Juan Fernando Aguilar-South Sioux City P.D.
Shawn Ruzicka-Grand Island P.D.	Jennifer Fregoso Ochoa-Grand Island P.D.
Ashley Mills-UNL P.D.	Conner McQuillan-Wheeler Co.

2. NCO Completed 80 hours of Training-No action needed.

Dwayne Wilson-Frontier Co.	Emily Trimble-Gage Co.
Lane Kuper-Red Willow Co.	

B. Date, Time & Location of Next Meeting

October 18, 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
August 16, 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 August 9, 2023. Roll call; Asst. Chief Brian Jackson, Sgt. Drew Bolzer, Lt. Col. Buck Duis, Chief Paul Graham, Chief Deputy Greg London, Sheriff Dan Osmond, Deputy Chief Sherie Thomas, Chief Tracy Wolf.

Absent from call to order was Mr. Matt McCarthy.

II. APPROVAL OF July 19, 2023, P.S.A.C. MINUTES

Asst. Chief Brian Jackson asked if there was a motion to approve the July 19, 2023 minutes.

MOTION

Chief Wolf: I make a motion for approval. Sgt. Bolzer seconded the motion.

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

III. REPORTS

A. & B. Interim Director-N.L.E.T.C. Report/Director of Training Report

Interim Director Stephenson reported that for the 215th Basic, NLETC received 51 approved application packets. One of the agencies withdrew their applicant so the 215th Basic session will start with 50. The 214th Basic graduates on Friday, August 18th with 45. NLETC has also conducted the following training courses:



- Intermediate Crash Investigation was cancelled due to lack of enrollment
- Supervision-July 18-20, 2023: 58 enrolled
- Online Management-August 10-25, 2023: 12 enrolled
- Firearms Instructor Recertification-July 18, 2023: 11 enrolled
- Patrol Rifle Instructor Recertification-July 19, 2023: 7 enrolled

C. Nebraska State Patrol Training Academy

Capt. Ecklund reported that Camp 68 is in week 7 of training. During Firearms one recruit voluntarily withdrew and one was let go for failing to qualify. Currently 7 recruits are enrolled. Captain Ecklund reported on the courses that were being taught and some future courses.

D. Crime Commission Report

Executive Director Bryan Tuma reported that the academy expansion project is moving ahead. The decision on where to place the EVOC track was decided. The Hastings location was not going to work. NLETC will be leasing approximately 36 acres directly North and approximately 33 acres to the South of the training center from Hall County and the Airport authority. This will be a long-term lease option. This allows the project to be expedited without having to deal with any purchasing of land. The emphasis on the project will be on the driving track, indoor firearms range, and more classroom space to the North side of the training center.

Title 79 Chapter 8 was returned by the Governor to address the drug standards for admission to the Law Enforcement training. This gives the Council to get into discussion on what alternatives to criteria for entrance into certification training.

Executive Director Tuma wants to get a feel for what are some of the issues that the Crime Commission needs to be working on. Executive Director Tuma reached out to the University of Nebraska Public Policy Center to develop a survey reaching out to agencies and others to get a feel for what is important and what are the issues, how they think the Crime Commission could engage on things. He is in the initial stages of the planning.

Executive Director Tuma reported that he is working with Mark Stephenson, Dave Stolz, and Dennis Leonard on working through the revocations.

Sgt. Bolzer asked if there was a timeline on the hiring of the director. Executive Director Tuma stated that he is still working with DAS's shared HR services. The request for the position was submitted on June 2nd. Shared Services is significantly understaffed. There are a number of positions that the Crime Commission is trying to get filled and the NLETC Director position is still a priority.

IV. Old Business

No old business.

V. New Business

A. Proposed Supervision Course-Omaha Police Department

Interim Director Stephenson reported that Omaha Police Department had submitted their curriculum and schedule to hold their own Supervision course in lieu of the NLETC Supervision course. After review, Mr. Stephenson recommends the approval of the Supervision course for the Omaha Police Department.

Asst. Chief Jackson asked if there was a motion.

MOTION

Chief Deputy London: I'll make a motion that we approve OPD's request. Sheriff Osmond seconded the motion.

DISCUSSION

Asst. Chief Jackson asked if the course was specific to Omaha Police Department. Interim Director Stephenson confirmed that the course was only for OPD personnel.

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

B. Extension of the 1-year Requirement for Supervision

Jacob Chong and David Preston Jr.-Omaha Police Department

Interim Director Stephenson reported that Omaha Police Department is requesting an extension of the 1-year requirement for Supervision training for Jacob Chong and David Preston Jr. so they can attend the just approved Supervision course. Interim Director Stephenson recommended the approval of the extension.

Asst. Chief Jackson asked if they had to be voted on separately. Mr. Stolz stated that they could be on the same motion. Asst. Chief Jackson asked if there was a motion.

MOTION

Sheriff Osmond: I'll make a motion that we approve the extension of the 1-year requirement for Supervision for Jacob Chong and David Preston Jr. of the Omaha Police Department. Chief Deputy London seconded the motion.

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

C. Extension of the 1 Year Requirement for Management

William Dawson Jr.-Omaha Police Department

Ryan King-Dundy County Sheriff's Office

Michael Hopen-Madison Police Department

Amanda Voborny-BNSF Railway Police Department

Interim Director Stephenson recommended the approval of the 1-year extension for Management for William Dawson Jr. of the Omaha Police Department.

Asst. Chief Jackson asked if there was a motion.

MOTION

Chief Deputy London: I'll make a motion that we grant an extension for William Dawson for the online session. Chief Wolf seconded the motion.

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

Interim Director Stephenson reported recommended the approval of the 1-year extension for Management for Ryan King. Mr. King had been previously denied by his agency head to attend the training, but the new administration has approved the training.

Asst. Chief Jackson asked if there was a motion.

MOTION

Sheriff Osmond: I'll make the motion that we approve the extension of the 1-year requirement for Management for Ryan King of the Dundy County Sheriff's Office. Sgt. Bolzer seconded the motion.

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

Interim Director Stephenson recommended the approval of the 1-year requirement for Michael Hopen of the Madison Police Department. He was promoted in late September of 2022 and with the next course being held in October 2022 and wasn't able to attend.

Asst. Chief Jackson asked if there was a motion.

MOTION

Chief Deputy London: I'll make a motion that we grant the extension for Captain Hopen to take the Management class. Deputy Chief Thomas seconded the motion.

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

Interim Director Stephenson recommended the approval of the extension of the 1-year requirement for Management for Amanda Voborny of the BNSF Railway Police Department. Deputy Chief Voborny was promoted the 1st of October, 2022 and could not attend the October 2022 Management course due to a previously scheduled training.

Asst. Chief Jackson asked if there was a motion.

MOTION

Deputy Chief Thomas: I move that we grant the extension for Deputy Chief Voborny, the 1-year extension. Chief Graham seconded the motion.

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

- D. Waiver of NLETC In-Person Management Training**
 - Noah McNeese-Nebraska State Patrol
 - Michael Thorson-Nebraska State Patrol
 - Benjamin Brakenhoff-Nebraska State Patrol

Interim Director Stephenson reported that the Nebraska State Patrol submitted training for Noah McNeese, Michael Thorson, and Benjamin Brakenhoff. After reviewing the training submitted, Interim Director Stephenson recommends approval of the waiver of the in-person Management course.

Asst. Chief Jackson asked if there was a motion.

MOTION

Sheriff Osmond: I'll make a motion that we grant the waiver of the NLETC in-person Management course for the three individuals on the agenda. Chief Graham seconded the motion.

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

- E. Waiver of NLETC Supervision**
Clayton Dishong-Nebraska State Patrol
Justin Ferguson-Nebraska State Patrol

Interim Director Stephenson reported that the Nebraska State Patrol submitted training for Clayton Dishong and Justin Ferguson. After reviewing the training submitted, Interim Director Stephenson recommends approval of the waiver of the NLETC Supervision course.

Asst. Chief Jackson asked if there was a motion.

MOTION

Sheriff Osmond: I'll make a motion that we grant the waiver of the NLETC Supervision course for Clayton Dishong and Justin Ferguson of the State Patrol. Deputy Chief Thomas seconded the motion.

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

- F. Revocation of Law Enforcement Certification-Voluntary Surrender**
Jennifer Caudillo-LR-241-23
Bruce Ferrell-LR 245-23

Mr. Stolz entered the Consent to Revocation of Law Enforcement Certificate and notice of waiver of hearing for Jennifer Caudillo to be entered as Exhibit 1. Asst. Chief Jackson excepted the exhibit, and it was entered into the record.

Mr. Stolz gave the factual summary on the details leading up to the revocation. Mr. Stolz asked that the Council accept the relinquishment and recommends that Ms. Caudillo's Law Enforcement Certificate be revoked for violation of her statutory duties and code of ethics per Nebraska Revised Statute 81-1403(c).

Asst. Chief Jackson asked if there was a motion.

MOTION

Chief Deputy London: Based upon the fact that the respondent has signed a Consent to Revocation of Law Enforcement Certificate and waiver of notice and hearing and has voluntarily surrendered her Nebraska Law Enforcement certificate, I make a motion that the Council accept the surrender of Jennifer Caudillo's Law Enforcement Certificate based on the recommendation outlined by Counsel David Stolz. Said revocation to be effective upon review and acceptance of the surrender by the Nebraska Commission on Law Enforcement and Criminal Justice. Deputy Chief Thomas seconded the motion.

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

Mr. Stolz entered the Consent to Revocation of Law Enforcement Certificate and notice of waiver of hearing for Bruce Ferrell to be entered as Exhibit 1. Asst. Chief Jackson excepted the exhibit, and it was entered into the record.

Mr. Stolz gave the factual summary on the details leading up to the revocation. Mr. Stolz asked that the Council accept the relinquishment and recommends that Mr. Ferrell's Law Enforcement Officer Certification and Law Enforcement Management certification be revoked for violation of his statutory duties and code of ethics per Nebraska Revised Statute 81-1403(c).

Asst. Chief Jackson asked if there was a motion.

MOTION

Chief Deputy London: Based upon the fact that the respondent has signed a Consent to Revocation of Law Enforcement Certificate and waiver of notice and hearing and has voluntarily surrendered his certificates, I make a motion that the Council accept the surrender of Bruce Ferrell's Nebraska Law Enforcement Certificate and Management Certificate based on the recommendation outlined by

Counsel David Stolz. Said revocation to be effective upon review and acceptance of the surrender by the Nebraska Commission on Law Enforcement and Criminal Justice. Sheriff Osmond seconded the motion.

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

G. Academy Instructor Applications

Professional Original

Ryan Dale-Lincoln Police Department
Trent Petersen-Lincoln Police Department
Jeffrey Urkevich-Lincoln Police Department
Steven Wiese-Lincoln Police Department

After review by the NLETC staff, Interim Director Stephenson recommends approval of all of the Professional Original academy instructor applications as presented in the agenda.

Asst. Chief Jackson asked if there was a motion.

MOTION

Sheriff Osmond: I'll make the motion to approve the Professional Original instructor applications for Ryan Dale, Trent Petersen, Jeffrey Urkevich, and Steven Wiese of the Lincoln Police Department for the subject areas that are marked approved on the instructor applications provided in the agenda packet. Deputy Chief Thomas seconded the motion.

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

Professional Renewal

Noah McNeese-Nebraska State Patrol

After review by the NLETC, Interim Director Stephenson recommends approval of the Professional Renewal academy instructor application for Noah McNeese of the Nebraska State Patrol.

Asst. Chief Jackson asked if there was a motion.

MOTION

Chief Deputy London: I make a motion to approve the Professional Renewal instructor application for Noah McNeese of the Nebraska State Patrol for the subject areas that are marked approved on the instructor application provided in the agenda packet. Sheriff Osmond seconded the motion.

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

H. NCO's Eligible for Automatic Extension

Dustin Balesteri-Columbus Police Department
Gabriel Steele-Fremont Police Department
Mathew Sample-St. Paul Police Department

Interim Director Stephenson reported that the NCO's listed for automatic extension have completed all the requirements for the extension.

Asst. Chief Jackson asked if there was a motion.

MOTION

Sheriff Osmond: I'll make the motion to grant the automatic extension for the NCO's listed in agenda item H. Deputy Chief Thomas seconded the motion.

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

I. Forms Update

Interim Director Stephenson brought 2 NLETC forms before the Council to discuss changes to the forms:

1. TC-055A-NLETC General Rules and Procedures for Specialized Classes or Use of Facility: The proposed change includes changes to the parking information, firearms, and dress codes. The most significant change is to the firearms policy. The new policy allows officers to wear their firearms with a badge and a photo id to be identifiable as law enforcement and that firearms safety rules are to be observed. The dress code was updated to include jeans that are clean and in good repair and tactical or cargo style pants. A statement that says that hats are not permitted in the classrooms or meeting rooms was added to the form. The tattoo policy was summarized. The parking information specifies that

the South parking lot is to be used by students staying in the dorms and that commuters or those here for meetings are to utilize the Northeast parking area. The form also reflects the new hours of operation and the dorm room key policy.

Sheriff Osmond asked about the firearms policy and if someone is removed from training would that be an issue. Interim Director Stephenson clarified that this policy is for certified officers who are attending additional training. It does not pertain to basic students. No motion was needed for this form.

2. TC-001-Change-In-Status Form: On page 2, the full or part-time item was broken out into 2 separate items. This changes makes it easier to track officers who are working form multiple agencies. On page 3 the wording on returning to active status is changing to reflect LB-1241 change from 30 days to 2 years to more than 4 years.

Asst. Chief Jackson asked if there was a motion.

MOTION

Chief Deputy London: I'll make a motion that we approve the Personnel Change-In-Status form. Chief Wolf seconded the motion.

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

Asst. Chief Jackson call for a break from 9:44 a.m.-9:52 a.m.

After returning from the break Asst. Chief Jackson requested that items J and K be swapped around since there was someone at the meeting regarding item K.

K. Standards for Physical Fitness Test

Asst. Chief Jackson reported that the purpose of this item on the agenda was to address questions on transgender individuals and how they would be handled when it came to the current PRET standards. Interim Director Stephenson reported that he had reached out to IADELEST and other Law Enforcement Academies for information on what entrance standards were being used and if age and gender norms were being used.

Mr. Stolz stated that no one has come out on the federal side to say that age and sex norms are discriminatory. The Nebraska Department of Motor Vehicles goes by what is on your birth certificate. In order to change your birth certificate, you have to have a form from your physician attesting to your transition care.

Interim Director Mark Stephenson discussed Fit Force, which is another option other than Cooper. Information was provided on the cost and procedures that Fit Force would use to validate a physical standards test for Nebraska that could be used as an entrance test and for Reciprocity. The test would not have to be changed unless a Job Task Analysis showed a significant change in the job of a police officer

Captain Chad Reiman from Norfolk P.D. addressed the council regarding the applicant that they had who failed the PRET test at NLETC. He stated that the applicant had passed the PRET at the agency but since they completed past the designated deadline, he had to come to NLETC to take the test. Captain Reiman stated that the vertical jump test was not fair to everyone as it is currently done. When tested at the agency he scored 39-40%. When he came to NLETC he did the same as when he completed the test in Norfolk with the exception of the vertical jump test. The mechanism used at NLETC uses a Velcro tab system. If the tab doesn't stick to the wall the jump doesn't count. When he tested in Norfolk with the Vertex machine, he tested over 70%. The mechanism used at NLETC discussed. There was discussion on checking for other methods. If the PSAC designated a specific method or mechanism for the vertical test, then all agencies who conduct the PRET would have to use that method or mechanism.

After the discussion Asst. Chief Jackson brought it back to the gender identification issue. He recommended that they use the birth certificate instead of the driver's license as the rules in other states could be different for a license.

Asst. Chief asked if there was a motion.

MOTION

Sheriff Osmond: I would make the motion that, for PRET testing, that whatever is on your legal birth certificate is what you would use for the testing standard that is in place right now. Asst. Chief seconded the motion.

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

Executive Director Tuma asked about gathering data and perhaps coming up with a study for analysis of the entrance standards. He mentioned that there is a bill in the legislature regarding retention and recruiting of officers that could address this issue.

The Council took a break from 11:06-11:13

J. Title 79 Chapter 8 Update

Asst. Chief Jackson reported that Title 79 Chapter 8 was returned from the Governor's office. After going through the items to clarify the changes to Chapter 8, the Council did not take action at this time. The changes will be made to the Chapter 8 for the September meeting for more discussion and to vote on the changes. There was also discussion of adding an item regarding the entrance test standards to Chapter 8.

VI. OTHER BUSINESS

Informational Items

A. 1 & 2

The trainees were listed on the agenda for the Council. There were no NCO's that had completed the 80 hours of training. No action taken.

B. Date, Time & Location of Next Meeting

September 20, 2023, 9:00 A.M., Library, Nebraska Law Enforcement Training Center, 3600 North Academy Road, Grand Island, Nebraska 68801

Asst. Chief Jackson thanked Chief Wolf for his service to the Council and to Law Enforcement in the State of Nebraska.

Hearing no further business, Chairman Jackson adjourned the meeting at 11:43 a.m.

Respectfully submitted,



Steven Gobel, Office Specialist