

## AGENDA POLICE STANDARDS ADVISORY COUNCIL

**DATE:** August 10, 2022

**TO:** Police Standards Advisory Council

**FROM:** Brenda L. Urbanek, Director

**SUBJECT:** Regular Meeting Wednesday, August 17, 2022, 9:00 A.M.  
Library, Nebraska Law Enforcement Training Center, Grand Island, Nebraska

**I. CALL TO ORDER**

**II. APPROVAL OF JULY 20, 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. Law Enforcement Attraction and Retention Act
- B. Approval of Retention Program handout
- C. Establishes details for hiring bonuses per LB 1241

**Attachment #1**



**V. NEW BUSINESS**

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

- 1. Jason Swartz, Hitchcock County Sheriff's Office **Attachment #2**
- 2. Chace Morgan, Thurston County Sheriff's Office **Attachment #3**

**B. Waiver of one-year Supervision requirement** **Attachment #4**

- 1. Sergeant Mike Poplau, Adams County Sheriff's Office
- 2. Sergeant Heath Lemke, Adams County Sheriff's Office.

**C. Verification of Training** **Attachment #5**

- 1. Eliseo Guzmann II LaVista Police Department
- 2. Kaleb Johnson Scottsbluff Police Department

**D. Voluntary Surrenders**

- 1. John Peden LR-233-22
- 2. Terry Poland LR-234-22

**F. Original Academy Instructor Applications** **Attachment #6**

Professional  
Daron Lindgreen NLETC  
Matthew Maus NSP  
Jeremy Strack NSP

**G. Recertification Academy Instructor Applications** **Attachment #7**

Professional  
Jon Armstrong LPD  
Benjamin Kopsa LPD  
Grant Powell LPD

**H. NCO Eligible for Automatic Extension**

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

**I. NCO Completed 80 Hours of Training**

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

**J. NCO Not Eligible for Automatic Extension**

<u>Name</u>	<u>16 Week Deadline</u>
Justin South, Cozad PD,	10/21/22
Jasmine Tutlam-Hazen, Frontier Co SO,	10/11/22

**K. Trainees**

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

**L. Title 79 Review**

**1. CHAPTER 2 – LAW ENFORCEMENT EMPLOYMENT AND OTHER RECORDS Attachment #8**

**2. CHAPTER 8 – TRAINING ACADEMY ADMISSION QUALIFICATIONS AND PROCEDURES Attachment #9**

**VI. OTHER BUSINESS**

**A. Date, Time & Location of Next Meeting**

September 21, 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  
JULY 20, 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 Friday, July 1st. Roll call; Sheriff Dan Osmond, Chief Deputy Greg London, Assistant Chief Brian Jackson, Lieutenant Colonel Buck Duis, Chief Tracy Wolf., Chief Mark Hogue, Mr. Matthew McCarthy, Sergeant Drew Bolzer, and Captain Sherie Thomas.

Other persons present; Executive Director Arp, Director Brenda Urbanek, Mr. David Stolz, Deputy Director Mark Stephenson, Captain Greg Miller, Sheriff McCoy, Jessica Wagoner, and Kay Fielding. Sheriff Rupp arrived after the meeting was called to order.

**II. APPROVAL OF JUNE 16, 2022 P.S.A.C. MINUTES**

**MOTION**

Chief Wolf motioned to approve the June 16, 2022, Minutes. Mr. Matthew McCarthy seconded the motion. Roll call; Sheriff Dan Osmond, Chief Deputy Greg London, Assistant Chief Brian Jackson, Lieutenant Colonel Buck Duis, Chief Tracy Wolf, Chief Mark Hogue, Mr. Matthew McCarthy, Sergeant Drew Bolzer, and Captain Sherie Thomas.



### III. REPORTS

#### A. Director– N.L.E.T.C.

Director Urbanek reported

1. Working Committee on Rule and Regs updates
  - a. Ch. 1 & 16 second reading
  - b. Ch. 3 & 4, 9 & 17 first reading
2. 212<sup>th</sup> Basic August 28<sup>th</sup> application deadline Thursday the 28<sup>th</sup>
  - a. 96 requested slots
  - b. 36 packets or at least names
    - i. 4 of those 36 are returnees
3. 11 reciprocity applications
  - a. 7 have met requirements (explained arduous process for curriculum)
  - b. First testing session 7/29
4. 2 reactivation applications
  - a. 1 enrolled
5. Will Conduct NSP academy inspection on 7/21
6. Will Conduct LPD academy inspection on 8/12
7. Will be interviewing registrar applicants 7/21

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

Deputy Director Stephenson addressed the Council introducing Daron Lindgreen, new Training Center Instructor. He joined the staff Monday, July 18<sup>th</sup> from the Grand Island Police Department, he will be leading our Investigative classes.

The following courses were held during this time:

Defensive Tactics Recertification; July 5-7

Defensive Tactics Certification FLETC course; July 11-22 FLETC cancelled the course.

Firearms Instructor Course; July 11-15

Firearms Instructor Recertification Course; July 20-21

Patrol Rifle Instructor Recertification Course; July 21

211<sup>th</sup> Basic Class is wrapping up, just finished midterms, everyone has completed all the physical tasks. We will be working on the active shooter. Graduation is on August 12<sup>th</sup>.

On July 29<sup>th</sup>, 6 are scheduled to take the physical fitness test and 2 will take the PRET for Reciprocity. If they pass, they will take the written examination the same day. If they pass the exam, they will be issued their certifications.

**C. Nebraska State Patrol**

Captain Miller stated Camp 66 began July 5, they are in week 3 of 22.

**D. Sarpy Douglas Law Enforcement Academy**

Director Scott Wagner was not present. No report given.

**E. Crime Commission Report**

Dr. Arp Will provide a handout outlining the retention bonus program to the Council at the next PSAC meeting.

There have been several questions regarding hiring bonus program and how to disburse the dollars. Dr. Arp asked this be an agenda item for August to have further discussion on the implementation of this program.

On July 19<sup>th</sup> a telecommunication vendor told smaller law enforcement agencies that the \$500-ticket threshold for e-citations ceased to exist and there was no longer a waiver for it. The mandate has not changed. If an agency has questions, they should contact Dr. Arp.

**IV. OLD BUSINESS**

**A. Title 79**

**1. Chapter 1**

Sheriff Osmond asked if there were any changes for Chapter 1.

Mr. McCarthy stated 004.04. It's one of the numerous times you had to strike shall and change it to means, I think means, should be capitalized.

Sheriff Osmond asked for a motion if there were no content changes.

**MOTION**

Mr. McCarthy motioned to approve Chapter 1 as submitted. Chief Mark Hogue seconded the motion. Roll call in favor of the motion; Sergeant Bolzer, Lt. Col. Duis, Chief Hogue, Asst. Chief Jackson, Chief Dep. London, Mr. McCarthy, Captain Thomas, Chief Wolf, Sheriff Osmond. Motion carried unanimously.

**2. Chapter 16**

Hearing no comments Sheriff Osmond asked for a motion.

**MOTION**

Chief Hogue motioned to approve Chapter 16 as presented. Mr. McCarthy seconded the motion. Roll call in favor of the motion; Lt. Col. Duis, Chief Hogue, Asst. Chief Jackson, Chief Dep. London, Mr. McCarthy, Captain Thomas, Chief Wolf, Sheriff Osmond, Sergeant Bolzer. Motion carried unanimously.

**V. NEW BUSINESS**

**A. In-Lieu of In-Person Management**

**1. Gena Jones, Nebraska State Patrol**

Deputy Director Stephenson found Gena Jones' training met Nebraska standards for in-person Management Training Course and recommended the Council accept Lt Jones' training in-Lieu-of attending the NLETC's in-person Management Training.

**MOTION**

Chief Wolf motioned for approval. Sergeant Bolzer seconded the motion. Roll call in favor of the motion; Asst. Chief Jackson, Chief Dep. London, Mr. McCarthy, Capt. Thomas, Chief Wolf, Sheriff Osmond, Sergeant Bolzer, Chief Hogue. Lt. Col. Duis abstained Motion carried.

Deputy Director Stephenson stated the submitted training did not cover the online portion of Management only the in-person Training.

**MOTION**

Chief Wolf changed his motion for approval that she has to attend the on-line portion. Sergeant Bolzer seconded the motion. Roll call: Asst. Chief Jackson, Chief Dep. London, Mr. McCarthy, Capt. Thomas, Chief Wolf, Sheriff Osmond, Sergeant Bolzer, Chief Hogue, Lt. Col. Duis abstained Motion carried.

**2. Brian Petersen, Nebraska State Patrol**

Deputy Director Stephenson found Lieutenant Brian Peterson's training met the Nebraska standards for in-person Management Training Course and recommended the Council accept Lt. Peterson's training in-Lieu-of attending NLETC's in-person Management Training. The submitted training does not cover the online portion of Management.



**MOTION**

Assistant Chief Brian Jackson motioned to approve NSP, Lieutenant Brian Petersen's request for acceptance for the LPO training to stand for his in-person Management training noting that he would still be required to attend the online portion. Captain Thomas seconded the motion. Roll call in favor of the motion: Asst. Chief Jackson, Chief Dep. London, Mr. McCarthy, Capt. Thomas, Chief Wolf, Sheriff Osmond, Sergeant Bolzer, Chief Hogue, Lt. Col. Duis abstained. Motion carried.

**3. Kendall Allison, North Platte Police Dept.**

Deputy Director Stephenson found Lt. Kendal Allison's training met Nebraska standards for in-person Management Training and recommended that the Council accept Lt. Allison's training in-lieu-of NLETC's in-person Management Training. The submitted training does not cover the online portion of Management.

**MOTION**

Assistant Chief Jackson motioned to accept Lieutenant Kendall Allison's training in-lieu-of the in-person attendance to Management training. Sergeant Bolzer seconded the motion. Roll call in favor of the motion; Chief Dep. London, Mr. McCarthy, Capt. Thomas, Chief Wolf, Sheriff Osmond, Sergeant Bolzer, Lt. Col. Duis, Chief Hogue, Asst. Chief Jackson. Motion carried.

**B. Omaha Police Department Supervision Course Curriculum Approval**

Deputy Director Stephenson stated Omaha Police Department submitted documentation for consideration that their department's Supervision course be accepted in-lieu-of NLETC's Supervision Course for newly supported supervisors for Omaha Police Department. After reviewing the supplied documents and finding that they met the state standards for the Supervision Course, I recommend the Council accept the curriculum as presented allowing the Omaha Police Department to conduct their Supervision Course for those below officers.

**MOTION**

Chief Deputy London motioned to approve OPD's request for the Supervision course Curriculum. Mr. McCarthy seconded the motion. Roll call: Mr. McCarthy, Chief Wolf, Sheriff Osmond, Sergeant Bolzer, Lt. Col. Duis, Chief Hogue, Asst. Chief Jackson, Chief Dep. London, Capt. Thomas abstained. Motion carried.

**C. Waiver of one year requirement for Supervision**

1. Joseph Nickerson, Omaha Police Dept.

2. Mande Kampbell, Omaha Police Dept.
3. Ryan Hinsley, Omaha Police Dept.
4. Queño Martinez, Omaha Police Dept.

Director Urbanek recommended approving all four waiver requests.

#### MOTION

Chief Wolf made a motion for approval. Chief Hogue seconded the motion. Roll call approving the motion: Sergeant Bolzer, Lt. Col. Duis, Chief Hogue, Asst. Chief Jackson, Chief Dep. London, Mr. McCarthy, Chief Wolf, Sheriff Osmond, Capt. Thomas - abstained. Motion carried.

The meeting broke at 9:45 A.M. and resumed at 9:55 A.M.

**D. Waiver of one- year requirement for Management**  
**1. Aaron Smith, Hamilton Co. Sheriff's Office**

Sheriff McCoy addressed the Council requesting an extension of the one-year requirement for Management training for Chief Deputy Aaron Smith. He took the online course and failed to complete six posts out of one of the nine on-line modules. His one-year runs out August 5<sup>th</sup> this year. There is an August class this year, however that is full. He is on standby for that class. He only has to complete the on-line portion. The next one he will be able to get into will be the October or November one.

#### MOTION

Chief Hogue motioned to approve a waiver of the one-year requirement of the online portion for Aaron Smith, Chief Deputy of Hamilton County. Captain Thomas seconded the motion. Roll call in favor of the motion: Chief Wolf, Sheriff Osmond, Sergeant Bolzer, Lt. Col. Duis, Chief Hogue, Asst. Chief Jackson, Chief Dep. London, Mr. McCarthy, Capt. Thomas. Motion carried.

**E. Waiver of One-Year Requirement to Attend Basic**  
**1. Walter Flint, Frontier County Sheriff's Office**

Sheriff Rupp of Frontier County addressed the Council asking for a waiver of the one-year Basic Training requirement for Deputy Walter Flint stating he was hired August 4, 2021 and enrolled in the current basic however got down here and came back home.

Director Urbanek reported Mr. Flint was enrolled in and attended orientation for the May basic class. Prior to the first class, Mr. Flint departed the academy and returned to Frontier County. He has met all admission requirements and at the time of graduation he will be over his one year by 4 months. She requested that an updated medical be submitted prior to Mr. Flint being allowed to return.

Chairman Osmond asked if there were any questions or comments from the Council.

Assistant Chief Jackson stated this waiver would just get him into the academy the end of August, but it wouldn't allow him to work in a law enforcement capacity between the course and whenever he graduates correct. You wouldn't work him on the road between the 4<sup>th</sup> of August and the 28<sup>th</sup>? Sheriff Rupp stated he would not.

**MOTION**

Mr. McCarthy motioned to approve the one-year requirement to attend basic for Deputy Walter Flint of the Frontier County Sheriff's Office with the condition that he act in no law enforcement capacity after his one-year date which is August 4<sup>th</sup> until successful completion of the academy. Chief Wolf seconded the motion. Roll call in favor of the motion; Sheriff Osmond; Sergeant Bolzer, Lt. Col. Duis, Chief Hogue, Asst. Chief Jackson, Chief Dep. London, Mr. McCarthy, Capt. Thomas, Chief Wolf. Motion passed unanimously.

**F. Original Academy Instructor Applications**

**Professional**

Christopher Johnson	Lincoln Police Dept.
Justin Roach	Lincoln Police Dept
Jeffery Tipton	Lincoln Police Dept.

Deputy Director Stephenson recommended the Council approve the above listed applicants for Original Professional Academy Instructor as requested.

**MOTION**

Chief Deputy London motioned to accept the original three academy applications on the agenda as requested. Chief Hogue seconded the motion. Roll call: Sergeant Bolzer, Lt. Col. Duis, Chief Hogue, Asst. Chief Dep. London, Mr. McCarthy, Capt. Thomas, Chief Wolf, Sheriff Osmond, Chief Jackson abstained. Motion carried.

**G. Renewal Academy Instructor Applications**

**Professional**

Eugene Boner	NE Law Enforcement Training Center
Wyatt Hoagland	NE Law Enforcement Training Center
Michael Kerby	NE Law Enforcement Training Center
Rachel Kohlman	NE Law Enforcement Training Center
Peter Lensing	Lincoln Police Dept.
Dennis Leonard	NE Law Enforcement Training Center
Christopher Monico	Lincoln Police Dept.
Mario Robinson	Lincoln Police Dept.

Michael Schmidt	Lincoln Police Dept.
Matthew Stegman	Lincoln Police Dept.
Mark Stephenson	NE Law Enforcement Training Center
Randi Webb	NE Law Enforcement Training Center
David Wunderlich	Lincoln Police Dept.

Deputy Director Stephenson recommended the Council approve the listed applicants for Professional Academy Instructor renewal as requested.

### MOTION

Chief Wolf motioned to approve the Professional Academy Instructor applications for renewal. Captain Thomas seconded the motion. Roll call: Lt. Col. Duis, Chief Hogue, Chief Dep. London, Mr. McCarthy, Capt. Thomas, Chief Wolf, Sheriff Osmond, Sergeant Bolzer, Asst. Chief Jackson abstained. Motion carried.

#### **H. NCO Eligible for Automatic Extension**

<u>Name</u>	<u>16 Week Deadline</u>
McKenna Ahrens, Nebraska City PD	9/26/22
Christopher Alfaro, Scottsbluff PD (resigned)	9/26/22
Jared Anderson, Johnson Co SO	9/26/22
Paul Schwarz, Lexington PD	10/3/22
Nicole Shores, Morrill Co SO	10/6/22
Koby Quintana, Holdrege PD	10/10/22

Director Urbanek stated Christopher Alfaro had resigned from the Scottsbluff PD. The Council would need to grant an extension of the 16-week deadline for the other five individuals listed.

### MOTION

Mr. McCarthy motioned to approve the extension of the 16-week deadline for the individuals listed with the exception of Christopher Alfaro. Captain Thomas seconded the motion. Roll Call in favor of the motion; Lieutenant Colonel Duis, Chief Hogue, Assistant Chief Jackson, Chief Deputy London, Mr. McCarthy, Captain Thomas, Chief Wolf, Sheriff Osmond, Sergeant Bolzer. Motion passed unanimously.

#### **I. NCO Completed 80 Hours of Training**

Christopher Alfaro, Scottsbluff PD  
 Casey Anderson, Phelps Co SO  
 Barrett Boden, Johnson Co SO  
 Michael Cirrincione, Pawnee Co SO  
 Paul Schwarz, Lexington PD  
 Jacob Thome, La Vista PD  
 Koby Quintana, Holdrege PD

Director Urbanek stated as outlined in §81-1414(6)(b)(e) an individual who has been appointed as a NCO and will interact with the public in a law enforcement capacity must complete the Pre-Academy 80 hours of training. The head of the agency must then verify that requirement has been met and must submit a report to the Director which is then submitted to the Council.

**J. NCO Not Eligible for Automatic Extension**

<u>Name</u>	<u>16 Week Deadline</u>
Jade Stethem, St. Paul PD	9/1/22

If the Council doesn't grant an extension of the 16 weeks when the deadline comes, he will be notified that he cannot remain in the status of a NCO.

**K. Trainees**

- |                                       |                                   |
|---------------------------------------|-----------------------------------|
| Samantha Anton, Douglas Co SO         | Matthew Baber, Douglas Co SO      |
| Ethan Broker, NSP                     | Benjamin Carrillo, Thurston Co SO |
| James Coon, NSP                       | Chase Corbin, Custer Co SO        |
| Dylan Cramer, NSP                     | Caden Cruise, Cass Co SO          |
| Alexander DeLeon, Thurston Co SO      | Ashley Elrod, NSP                 |
| Robert Everett, Adams Co SO           | Clarissa Fitzgerald, NSP          |
| Mark Fluckey, NSP                     | Anthony Franks, NSP               |
| Allie Gerow, Douglas Co SO            | Chase Hammons, La Vista PD        |
| Cheyenne Hanson, Douglas Co SO        | Aidan Hearty, Douglas Co SO       |
| John Hogan, NSP                       | Steven Johnson, NSP               |
| Peter Knutson, Douglas Co SO          | Logan Krein, NSP                  |
| Johnathon Lawrence, NSP               | Jose Magana, Dakota Co SO         |
| Zachary Matthews NSP                  | Anthony McGlade, NSP              |
| Justin Miller, Douglas Co SO          | Jacob Nelson, Cass Co SO          |
| Michael Odom, Nebraska City PD        | Kailey Ortiz, NSP                 |
| Melissa Pena, Douglas Co SO           | Lazaro Pena, NSP                  |
| Jonathan Romo-Rodriguez, Dakota Co SO | Zachariah Sporer, NSP             |
| Justin Stindt, NSP                    | Tessa Stump, NSP                  |
| Trysten Whitted, NSP                  | Neal Wiggs, Douglas Co SO         |
| Caeden Woodington, La Vista PD        | Michael Xiques, Douglas Co SO     |

Director Urbanek stated the above list are those who were hired as trainees. No action was taken.

**L. Title 79 Review**

**1. Chapter 3**

Director Urbanek stated LB1241 struck the language of accepting a reciprocity candidate anyone who was a federal law enforcement officer or anyone who was a military police officer. It only included those who were certified in another state.

Assistant Chief Jackson asked Director Urbanek about the test that would be used.

Director Urbanek responded that the current version of the basic comprehensive written exam will be used for the reciprocity exam until such time that a new exam can be developed. She added that the instructional staff developed a study guide for this exam.

Assistant Chief Jackson stated that was brought forward last meeting as our recommendation for this meeting is it still on your agenda?

Deputy Director Stephenson stated that had been completed, it was done as directed, the initial study guide was done, yes.

Director Urbanek stated section 004.05A(2) outlined the process, for the physical fitness test or PRET. They can take their choice of either the physical fitness test or the PRET, but are not allowed to switch, they stay on the platform they start with all the way through. If they fail and the test is not passed on the retake, they will need to come to the next scheduled basic class. If they pass the physical, then they take the written examination and by that afternoon they will know what their scores are and if they have passed the course, they will be issued their Nebraska certification.

#### **MOTION**

Assistant Chief Jackson motioned for the Council to accept revisions to Chapter 3 of Title 79 striking the language in 004.05C specific to the 70% comparability. Chief Hogue seconded the motion. Roll Call in favor of the motion; Chief Hogue, Assistant Chief Jackson, Chief Deputy London, Mr. McCarthy, Captain Thomas, Chief Wolf, Sheriff Osmond, Sergeant Bolzer, Lieutenant Colonel Duis. Motion passed unanimously.

## **2. Chapter 4**

Mr. Stolz stated 004.02B(4)(b) "4+" years should be changed to, "In excess" of 4 years: completion of the State handgun qualification course, possession of a valid CPR and meet all requirements for reciprocity certification as outlined in Title 79, Chapter 4."

Chief Wolf suggested adding "the" to section 004 General to read "as one of the" status categories.

#### **MOTION**

Assistant Chief Jackson motioned for the approval of Chapter 4; Title 79 as written with the minutes as proposed in discussion. Captain Thomas seconded the motion. Roll call in favor of the motion;

Assistant Chief Brian Jackson, Chief Deputy London, Mr. McCarthy, Captain Thomas, Chief Wolf, Sheriff Osmond, Sergeant Bolzer Lieutenant Colonel Duis, Chief Hogue. Motion passed unanimously.

The meeting broke at 11:10 A.M. and resumed at 11:20 A.M.

### **3. Chapter 9**

Chief Wolf suggested adding “have” to section 008 Answer; The respondent will “have” twenty (20) days ....

Mr. Stolz stated 016 should read, “The director will report any revocation, relinquishment or suspension of any Nebraska Law Enforcement certificate to a Department of Justice nationally recognized database.”

#### **MOTION**

Chief Hogue motioned to approve Chapter 9 with the provisions we made this morning. Mr. McCarthy seconded the motion. Roll Call approving the motion; Assistant Chief Jackson, Chief Deputy London, Mr. McCarthy, Captain Thomas, Chief Wolf, Sheriff Osmond, Sergeant Bolzer, Lieutenant Colonel Duis, Chief Hogue. Motion passed unanimously.

### **4. Chapter 17**

#### **MOTION**

Mr. McCarthy motioned to approve Chapter 17 as presented. Chief Hogue seconded the motion. Voting in favor of the motion; Mr. McCarthy, Captain Thomas, Chief Wolf, Sheriff Osmond, Sergeant Bolzer, Lieutenant Colonel Duis, Chief Hogue, Assistant Chief Jackson, Chief Deputy London. Motion passed unanimously.

## VI. OTHER BUSINESS

Lieutenant Colonel Duis spoke with the Council about reviewing the state exam that had almost become a heartbeat away from being the mandatory licensing exam for all law enforcement in this state. I would like to see us ask Executive Director Arp, through a formal motion, or assign another entity or individuals to conduct a full review of the entire process from the beginning as to how we got within a meeting or within, my opinion, a heartbeat of it becoming the law of the land.

Mr. Stolz stated it needed to be set as an agenda item with defined parameters so it can be debated by the Council.

Sergeant Bolzer stated I would have to say historically I am not aware of what occurred before I came on PSAC, but we approved this test as the reciprocity test until otherwise. Is that the proper test to be using for Reciprocity if it's ....

Director Urbanek stated after the test was not approved, we began to develop the Reciprocity exam. Mark's staff looked at all the questions that were used. There was a software glitch, and it was using the same questions every time. The instructors went through those questions and said, it wasn't quite their material and removed questions that didn't necessarily meet their job task objectives the way it was taught at this academy, so the test was cleaned up and any of those questionable questions were removed. It is now very specific. Mark's team did a great job doing the job task with the objectives and content; that's how they did the study guide.

To address the concern about this being a bad test to use for Reciprocity. The test underwent a thorough mining by the people who teach the material in the state's academy to ensure those questions are consistent, do meet the tasks and address the objectives so that question I can answer today.

Chief Deputy London asked Director Urbanek, earlier maybe I didn't hear you right, the future Reciprocity exam, you want that test to be Nebraska specific?

Director Urbanek stated yes.

Chief Deputy London: This one is not Nebraska specific?

Director Urbanek stated it was in terms of general law enforcement. There will be questions dealing with traffic stops.

Deputy Director Stephenson stated yes it was basic traffic stops, building searches, in the future discussions we've had the Reciprocity test we'll be more in line with the old study guide you will use your statute book, no Nebraska laws, then there are some very specific things like Nebraska is a third-party liability state. EDP and some of the DUI or DV differences that will be focused on but as far as practical it could be application parts wouldn't be on the test. We kept those in the test to have



enough questions to have a Reciprocity exam. It is consistent with materials we're teaching here. When we made the study guide, it was gone through twice by the instructors, once by myself, as well as Ms. Sample if this is the question, here is the answer, it's in this content. So, if you study the study guide, that's what the test is. We did go through those test questions to make sure they were consistent with what we were doing. The use of this test is just a bridge, till we can get someone to do another Reciprocity examination for us, which was funded by part of the legislation. Once that's done, it will look different.

Executive Director Arp stated from the budget standpoint, we'll build a wall around April 22<sup>nd</sup> we got the appropriation vetted for an exam to be ready the 1<sup>st</sup> of July, since it was over the \$45,000 threshold for purchasing. We would have had to conduct an RFP interview where we would have somebody from outside construct an exam for us. Then there is award the contract, deal with all that then review their work, there wasn't time to be able to get all the procurement loopholes to be able to expend that appropriation once we got it because there was an emergency clause attached to the appropriation.

Sergeant Bolzer stated he was approaching this fresh so the concerns on the questions for the reciprocity test, is that equally concerning towards the academy graduation, meaning were the questions validated to what we're teaching, apparently some of those questions really weren't part of that maybe. Because since that I understand what you have done for Reciprocity but historically were some of those questions not so validated and since were not teaching that.

Mr. Stephenson stated when we review the tests, we receive the tests in preparation for the Reciprocity exam and that's what we're going to make the bridge and the instructors review it and we start looking at some of the material and it was not consistent with what we taught in the example that rises to the top first. For example, for EPC, the person is a danger to himself, others or property. In the State of Nebraska property is not a consideration, but that is how the test question was written and if they said no to that, it was wrong. There were some of those questions that were there that we got rid of or we modified, in some of those cases all we had to do was take property out and then we could go in and change the answer, and now it's consistent and those were some of the changes we made.

Director Urbanek stated unfortunately the software was not randomly selecting questions, so the questions that were used for those two and a half years were the same questions. We had failures on the test but not failures on the retakes of the test.

Chief Deputy London asked how many questions were on the test?

Mr. Stephenson stated there were 307 questions on the test and we are down to 140.

Director Urbanek questioned how many of the 140 were in the previous version of the test?

Mr. Stephenson stated in the previous version they were never rotated through. They were in the bank, but because of the computer glitch they never got switched and used, it's my understanding there was a good chunk of those that were used because my question to my staff was, how did people pass this? If you guys are fine with this, and it was, there were a lot of these that were used, that's how they passed the test.

Sheriff Osmond stated we need an agenda item for the next meeting to ask if the board feels it's necessary to further this discussion and ask for a review.

Sergeant Bolzer stated I am new to the table, but what responsibility does the academy have, protocol in place, when there are test questions that are invalid, how are we notified of that?

Lieutenant Colonel Duis stated realistically we got lucky there was a glitch in the system and x number of questions that happen to be right. If this would have got passed and quite honestly, we all know this was a heartbeat away and if this thing goes out and if the rotation does finally start to take place, everybody in here is going to be impacted by this test and how did we get to that and nobody had come to the realization that were these questions ever invented by anybody in this state that involved law enforcement, were they invented by instructors, did instructors ever look at this and say well this isn't even what I teach. If it wasn't for the fact reciprocity came along and we said take a look at this thing maybe this is the bridge, which caused them to finally start to look at this. I don't know if any of us would have known that all of these students for the last three and a half years have been taking a test that may have or may not have been valid shape to perform. I think that I don't know how we get to truly the core issue and truly the root cause of this unless we know that this didn't start at the beginning. So yeah, I think an agenda item is what we need.

**A. Date, Time & Location of Next Meeting**

August 17, 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 12:03 P.M.

Respectfully submitted,



Kay Fielding,  
Secretary to the Council