

## **AGENDA**

### **POLICE STANDARDS ADVISORY COUNCIL**

**DATE:** September 15, 2021  
**TO:** Police Standards Advisory Council  
**FROM:** Brenda L. Urbanek, Director  
**SUBJECT:** Regular Meeting Wednesday, September 22, 2021, 9:00 A.M.  
Library, Nebraska Law Enforcement Training Center  
3600 N. Academy Road, Grand Island, Nebraska 68801

Meeting Live Via Zoom at:

<https://us02web.zoom.us/j/81657308525?pwd=RW9mNDNxN1dVcjQ2RUtQRWt3Y2dvUT09>

Meeting ID: 816 5730 8525

Passcode: 600603

- I. CALL TO ORDER**
- II. APPROVAL OF AUGUST 18, 2021 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.E.D.A.**
- IV. CRIME COMMISSION REPORT**
- V. OLD BUSINESS**

Brenda L. Urbanek, Director

**Law Enforcement Training Center**

3600 North Academy Road  
Grand Island, Nebraska 68801-9200

OFFICE 308-385-6030

FAX 308-385-6032

[nletc.nebraska.gov](http://nletc.nebraska.gov)



**VI. NEW BUSINESS**

- A. TC-001 Personal Change-In-Status Attachment #1**
- B. Model Duty to Intervene in Excessive Force Events Attachment #2  
(Action Needed)**
- C. Agency Accreditation Program Manual Attachment #3  
(Action Needed)**
- D. Appeal 20-PSAC-79 Denial to Basic Law Enforcement Training  
Blake Swicord, A/K/A Kendel Blake Swicord 10:00 A.M.**
- E. Appeal 21-PSAC-85 Denial to Reciprocity Training 2:30 P.M.  
Philip Lukens, Alliance Police Department**

**VII. OTHER BUSINESS**

- A. Date, Time & Location of Next Meeting  
October 20, 2021, 9:00 A.M. Library, Nebraska Law Enforcement Training Center  
3600 N. Academy Road, Grand Island, Nebraska**

# NEBRASKA

Good Life. Great Service.

**COMMISSION ON LAW ENFORCEMENT  
AND CRIMINAL JUSTICE**

## **REGULAR MEETING OF THE POLICE STANDARDS ADVISORY COUNCIL August 18, 2021**

### **I. CALL TO ORDER**

Chairman, Chief Deputy Greg London called the regular monthly meeting of the Police Standards Advisory Council to order at 9:01 A.M. Legal notice of the meeting was published in the Lincoln Journal Star on Saturday, August 7<sup>th</sup>, 2021.

Roll call; Chief Deputy Greg London, Sheriff Dan Osmond, Lieutenant Colonel Buck Duis, Chief Tracy Wolf, Acting Chief Brian Jackson and Chief Timothy Larby were present. Mr. Matthew McCarthy was not present.

Others present: Director Brenda Urbanek, David Stolz, Don Arp Jr., Captain Gregory Miller, and Kay Fielding. Several others were present in person and via Zoom.

### **II. APPROVAL OF JUNE 16, 2021 P.S.A.C. MINUTES**

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

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### III. ACADEMY REPORTS

#### A. Director – N.L.E.T.C.

Director Urbanek reported LB51 would go into effect August 28<sup>th</sup> and have some immediate impacts. Last week I gave a presentation to LARM on Zoom. We are trying to make sure all agencies are being made aware of it, so if you would like to see the presentation, you can contact Steve Gobel, [Steve.Gobel@Nebraska.gov](mailto:Steve.Gobel@Nebraska.gov), at the Training Center and he will send you the link to it. Next Friday I am also doing a similar presentation through NACO and additionally we will be putting a Webinar together that will be available for agencies to utilize.

The PRET is considered part of the admission requirement, and by LB51, all admission requirements must be met before hired. Agencies hire every day of the week and we don't have the staff to run the PRET for one or two people. So the staff has been asked to develop on line training on how to properly administer the PRET so if an agency chooses to hire someone, they can do it that way. They can administer the PRET and send us the results.

There are a number of other topics with the PRET, one of the other things that has come up is, the noncertified conditional officer can work 16 weeks. The way we have interpreted the law to read is if you hire somebody today, first they have to meet all the admission requirements, to include the PRET, TABE, background, they will be immediately enrolled into the next basic, if they are going to interact with the public, they have to go through the 80 hours of training and ride with an FTO. If they are not going to interact with the public, then the 80 hours of training are not necessary and riding with an FTO are not an issue. The question came up, what happens after 16 weeks? The way we have interpreted this is if you hired them today, they are not going to get into the August class, it's full and you probably don't have your packet done. So it will be more than 16 weeks before the start of the January class. The law provides for this body to grant an extension of the 16 weeks and we have interpreted that the 16 weeks of employment you can have that in order to complete basic training. As with any new law, there will be interpretation of how agencies will operate. We are trying to give what we believe is the best guidance until new rules and regulations are drafted and passed to help us administer this law. We tried to apply what currently existed rule and regulation to the new bill and that includes the use of the trainee. Lincoln does not hire a law enforcement officer, they hire a trainee, a civilian employee, they don't have 16 weeks they have as much time as they need. The flip side of that coin is the LPD trainee does not go out and interact with the public in a law enforcement capacity. So several times people have said what is the easiest way to work them, I say the easiest way is to hire them as a trainee, they said, but then they can't work, that is correct. But if you hire them as a trainee, and they don't interact with the public then you don't have to worry about the 80 hours of training and you don't have to worry about them being with an FTO all the time.

Acting Chief Jackson asked for some examples of not working in public.

Director Urbanek stated some examples of not working in public were; interaction with the inmates in jail, answering a phone in the communication center, or working courtroom security.

If you look at the statute and look at a non-certified officer can do with an FTO and those things do not apply to corrections and don't apply to courtroom security or front desk duty.

We had over one hundred attend the LARM webinar and we will also be at the NSA/POAN Conference.

Deputy Director Bill Keeling had the fortunate situation of being able to retire again. His last day was over the weekend of August 14-15<sup>th</sup>. We would like to thank him for his contributions to the Training Center and for all he did here. In the interim Dennis Leonard has agreed to serve as the Deputy Director of Training. We have advertised for the position and it has closed with 10 applications. Hopefully we will have somebody on board before the end of September.

With the new budget and LB51 we do have new staff positions that will also be present here at the Training Center. In my 31 years this is the most influx of new positions I have ever seen. I am very thankful for that because a lot of the regulations that came out of LB51 we need people to do them. The first position is a Staff Attorney II for the Training Center, Mr. Stolz is Agency Counsel for the Executive Director of the Crime Commission and the Advisory for the Police Standards Advisory Council, the Training Center has always had to rely on the Attorney General's Office in the past so this will be a nice addition. We will be getting 2 Staff Assistant III's, one will be for a compliance coordinator to make sure that all of the continuing education, firearms, agency accreditations that all that is being reported and documented properly and then there will be one in training support as well. Additionally we will be getting another instructor position, we will take one and give you one. One of the instructor positions is going to be assigned as an investigator for revocation complaints, 791 complaints, and then we will back fill that position with a new instructor position.

Graduation was held last Wednesday, 37 students began the 208<sup>th</sup> and 30 students completed the academy. The 209<sup>th</sup> is set to begin on Sunday, August 29<sup>th</sup> with 50 students. This is the first time in 8 years we have had more complete packets than we have had available slots. There are already 62 slots requested for the 210<sup>th</sup> Basic. 8 have their packets completed but didn't pass the PRET, so they are enrolled in the January basic.

We plan to have an instructional video for agencies on how to administer the PRET.

We currently have a Supervision course going on with 60 people enrolled.

Next week 3 staff members will be attending the NSP EVOC Instructor Course in Hastings.

We were able to add a third Firearms Instructor Course next week so the back log of instructors will not exist. Next year we plan to have 3 confirmed schedules of Firearms Instructor and Patrol Rifle with the possibility of a fourth of each.

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

Covered in Director's report.

### **C. Nebraska State Patrol**

Captain Miller reported camp 65 was in week 7 with 16 recruits. One recruit left training on their own.

Rifle and handgun finished last week and search and seizure classes began.

Applications are closed for Camp 66 and we are in the selection process now.

### **D. S.L.D.E.A.**

Director Scott Wagner SLDEA is in its 7<sup>th</sup> week with 20. We just started our handgun week and it will be followed by the Patrol Rifle. The first six weeks are primarily the academic side, so we are getting into the hands on practical phase of the academy and proceed with the PPCT, Defensive Tactics and then scenarios. We started with 23 recruits, we have had 2 separations based on medical.

## **IV. CRIME COMMISSION REPORT**

Executive Director Arp stated he was working on the 21-23 biennium budget an allocation for Police One subscriptions, 4,000 of them, so most all officers in Nebraska can have access to Police One's online videos. Agencies should look for a message probably through NCJIS to agency administrators that will direct them to a website where they need to upload their officer information and then Lexipol will reach out to them individually and make sure everyone in their department gets their sign on and their account. There are a few departments in Nebraska that already have a subscription so I asked Lexipol to prioritize the agencies that do not to make sure that the licenses provided by the budget cover everybody who currently do not have access to it then if we have some left over we can start getting those agencies already subscribed on their own.

I hope to have the URL off the website next week so the message will probably come out next week and really get going September 1. They should have everybody signed up on their accounts well before the end of the year so officers can still use it to pick up some CE's before the end of the year if needed. It will be fully in effect before January 1, 2022's CE's.

At September's meeting we have to have a model policy on, "Duty to Intervene," for the Council's review and approval. If it is approved it will then go to the Crime Commission for approval in October. Agencies are either required to have their own duty to Intervene Policy or use our model policy. If they end up not doing their own, they are forced to do our policy.

Also at the next meeting I will have the accreditation process for your review and approval before taking it to the Commission for review and approval. I currently have an ad hoc of three sheriffs, three chiefs, and the Colonel reviewing the draft accreditation process for comment. I will get that out for your review before the next meeting.

We still have Covid money, about 1.1 million in grant fund money to distribute. We do not cover PPE because that is available elsewhere. We will cover some sanitation equipment, like UV equipment for phones or other stuff. We also don't do stand by pay; officers that got paid to stay at home and on call. Hazard pay and overtime are eligible.

**V. OLD BUSINESS**

No old business

**VI. NEW BUSINESS**

**A. 2021 Lincoln Police Department Academy Inspection**

Director Urbanek reported on May 21<sup>st</sup> she along with Instructor Ryan Witzel and Captain Roeder conducted the 2021 inspection of the 2021 Lincoln Police Basic Academy. They have done an outstanding job of developing a process that makes it easy for both sides to get through this inspection. I reviewed three student files to ensure all steps of the admission process were being followed and completed.

I found everything to be in compliance and give a shout out to Sergeant Ryan Witzel he does an outstanding job with that academy as well as the rest of the academy staff and make a recommend that the LPD academy be approved for 2021.

**MOTION**

Sheriff Osmond motioned to approve the recommendation. Chief Larby seconded the motion. Voting in favor; Sheriff Osmond, Lieutenant Colonel Duis, Chief Wolf, Chief Larby, and Chief Deputy London. Acting Chief Jackson abstained.

**B. Waiver of One-Year Supervision Regulation (Hardship)  
Sergeant Jason Stehlik, Douglas County Sheriff's Office**

Director Urbanek stated this was a request due to medical issue. The information contained in the letter was detailed with medical information so it was not put in the packet. They have requested Sergeant Stehlik have a waiver, an extension of his one-year for Supervision due to an injury he sustained and that he be scheduled to attend a 2022 Supervision Course.

**MOTION**

Chief Wolf motioned for an extension for Sergeant Jason Stehlik of the Douglas County Sheriff's Office provided that he attend the next available Supervision class. Chief Larby seconded the motion. Voting in favor; Lieutenant Colonel Duis, Chief Wolf, Acting Chief Jackson, Chief Larby, Chief Deputy London, and Sheriff Osmond. Motion carried.

Item VI. C. was set for 10:00 A.M. so we will handle some of the other items.

## **D. Academy Instructor Certifications**

### **General Original**

Justin Brase – N.S.P.

Cory Townsend – N.S.P.

### **MOTION**

Sheriff Osmond; I would make a motion that we approve the general original for Justin Brase and Cory Townsend of the Nebraska State Patrol. Chief Wolf seconded the motion. Voting in favor; Chief Wolf, Acting Chief Jackson, Chief Larby, Chief London, and Sheriff Osmond. Lieutenant Colonel Duis, abstained. Motion carried.

### **Professional Certification**

Jason Cvitanov – Omaha P.D.

Clayton Dishong – N.S.P.

Queno Martinez – Omaha P.D.

Christopher Slocum – N.S.P.

Director Urbanek stated Deputy Director Keeling had reviewed and approved the instructors. Some areas of instruction were denied. She recommended the four individuals be granted certification as Professional Instructors in the approved areas on their applications.

### **MOTION**

Chief Larby: I would make that motion as she presented it. Acting Chief Jackson seconded the motion. Voting in favor; Acting Chief Jackson, Chief Larby, Chief Deputy London, Sheriff Osmond, and Chief Wolf. Lieutenant Colonel Duis, abstained. Motion carried.

### **Professional Recertification**

John Fencl – Lincoln P.D.

Sean Fontana - Omaha P.D.

Marlene Rieder – Omaha P.D.

Nicole Walker – Omaha P.D.

Ryan Witzel – Lincoln P.D.

Director Urbanek recommended approval of their professional recertifications in the areas approved by Deputy Director Keeling.

### **MOTION**

Chief Larby; I would make a motion as the Director presented it. Acting Chief Jackson seconded the motion. Voting in favor; Chief Larby, Chief Deputy London, Sheriff Osmond, Chief Wolf, and Lieutenant Colonel Duis. Acting Chief Jackson abstained. Motion carried.



**E. Waiver of One-Year Basic Training**  
Deputy Brian Reissig, Cass County Sheriff's Office

Director Urbanek stated Deputy Reissig attended the PRET on Thursday and did not pass. Friday we received a Change In Status from the Cass County Sheriff's Office reflecting he was no longer employed making the waiver request unnecessary.

**F. Waiver of One-Year Basic Training**  
James Hudson, Furnas County Sheriff's Office

Sheriff Brown addressed the Council via Zoom stating Deputy James Hudson was hired November 2020 and failed the April 2021 PRET to attend the May class, however he failed it. We have him slated to attend this August class. He did pass the PRET August 12<sup>th</sup> however based on the prioritization schedule the Training Center has he was ineligible to attend this class so we are requesting a waiver for him to continue. Our alternative plan is that on or before that November deadline, he would have to revert back to civilian capacity either in jail or in courtroom security from that point until the January class starts.

Director Urbanek stated as Sheriff Brown mentioned his appointment was November 20<sup>th</sup>, we received the change in status on February 1<sup>st</sup> of 2021, the packet was submitted completed to us April 2, 2021 and then he failed the PRET on April 6, 2021.

Chief Deputy London stated; So before he graduates from the academy, he won't have any law enforcement hands on responsibilities.

Director Urbanek stated he would not after November 20<sup>th</sup>. The request would grant him the ability to remain employed with Furnas County because if he doesn't get certified or doesn't get a waiver, he can't be reappointed.

**MOTION**

Sheriff Osmond; I would make a motion that we grant the waiver of the one year training provided that after November 20<sup>th</sup> he cannot perform any law enforcement duties until he is a certified officer. Chief Larby seconded the motion. Voting in favor: Chief London, Sheriff Osmond, Lieutenant Colonel Duis, Chief Wolf, Acting Chief Jackson, and Chief Larby. Motion Carried.

Sheriff, send a change in status that he is no longer a deputy.

**G. Revocation of Law Enforcement Certification – Voluntary Surrender**  
Paul Kruse, LR-200-21

Mr. Stolz addressed the Council and offered Exhibit #1, Consent to Revocation of Law Enforcement of Law Enforcement Certificate and Waiver of Notice and Hearing signed by Paul Kruse. Exhibit #1 was marked and Chairman London accepted it into the record.

Mr. Stolz gave the factual basis and asked that the Council accept the relinquishment and recommended to the Council that both the respondent's law enforcement, supervision and management certification be revoked based upon Title 79 of the Nebraska Administrative Code, Chapter 9, Section 013. He acknowledged that a written complaint was made against him, he reviewed it, was aware of his rights under the rules and regulations and statutes and rather than to dispute or contest it, he wished to voluntarily surrender his law enforcement certificates in the state of Nebraska. That by signing the document, exhibit 1, he freely and voluntarily consents to the revocation of his law enforcement certificates by this body and by the Nebraska Commission on Law Enforcement and Criminal Justice and freely and voluntarily waives his right to notice, appearance, and hearing prior to such revocation hearing.

Based on the foregoing, I would ask this Council to accept his relinquishment and recommend to the Commission that the respondent's law enforcement officer certificates be revoked for the following statutory grounds of neglect of duty and misdemeanor convictions having a rational connection with his fitness to serve as an officer per Title 79, Chapter 9 section 003.03 and on the basis of his violation of the officer's oath of office.

### MOTION

Sheriff Osmond motioned; based upon the fact that the respondent has signed a Consent to Revocation of Law Enforcement Certificate and Waiver of Notice and Hearing has been voluntarily surrendered and he has voluntarily surrendered his certificates I make a motion that the Council accept the surrender of Paul Kruse's Nebraska Law Enforcement Officer Certification, his Supervisor Law Enforcement Certificate and his Management Law Enforcement Certificate. As evidence of neglect of duty and misdemeanor convictions and his oath. Said revocation effective upon the review and approval of the Nebraska Commission on Law Enforcement and Criminal Justice. Chief Wolf seconded the motion. Voting in favor; Chief Deputy London, Sheriff Osmond, Lieutenant Colonel Duis, Chief Wolf, Acting Chief Jackson, Chief Larby. Mr. McCarthy was not present. Motion carried

#### **H. Revocation of Law Enforcement Certification – Voluntary Surrender** Nicholas Bridgmon, LR-163-19

Mr. Stolz addressed the Council and offered Exhibit #1, Consent to Revocation of Law Enforcement of Law Enforcement Certificate and Waiver of Notice and Hearing signed by Nicholas Bridgmon. Exhibit #1 was marked and Chairman London accepted it into the record.

Mr. Stolz gave the factual basis and asked that the Council accept the relinquishment and recommended to the Council that both the respondent's law enforcement certification and Nebraska Firearms Instructor Certification be revoked based upon Title 79 of the Nebraska Administrative Code, Chapter 9, Section 013. He acknowledged that a written complaint was made against him, he reviewed it, was aware of his rights under the rules and regulations and statutes and rather than to dispute or contest it, he wished to voluntarily surrender his law enforcement certificates in the state of Nebraska. That by signing the document, Exhibit #1, he freely and voluntarily consents to the revocation of his Law Enforcement Certificates by this

body and by the Nebraska Commission on Law Enforcement and Criminal Justice and freely and voluntarily waives his right to notice, appearance, and hearing prior to such revocation hearing.

Based on the foregoing, I would ask this body to accept his relinquishment and recommend to the Commission that the respondent's law enforcement officer certificate and firearms certificate be revoked based upon misdemeanor conviction that has a rational connection with his fitness to serve, as well as, the violation of his oath of office.

### **MOTION**

Chief Larby; Based upon the fact that the respondent signed a Consent to Revocation of Law Enforcement Certificate and Waiver of Notice and Hearing has voluntarily surrendered his Nebraska Law Enforcement Certificate and Firearms Instructor Certificate. I make a motion that the Council accept the surrender of Nicholas Bridgmon's Nebraska Law Enforcement Certificate and Firearms Instructor Certificate as evidence of neglect of duty and class I misdemeanor and violation of oath of office. Said revocation to be effective upon review and acceptance of the Nebraska Commission on Law Enforcement and Criminal Justice. Sheriff Osmond seconded the motion. Voting in favor; Sheriff Osmond, Lieutenant Colonel Duis, Chief Wolf, Acting Chief Jackson, Chief Larby, Chief Deputy London. Mr. McCarthy was not present. Motion carried.

#### **I. Revocation of Law Enforcement Certification – Voluntary Surrender** **Jason Gale, LR-213-21**

Mr. Stolz addressed the Council and offered Exhibit #1, respondent's Consent to Revocation of Law Enforcement of Law Enforcement Certificate and Waiver of Notice and Hearing signed by Jason Gale and asked that it be received.

Exhibit #1 was marked and Chairman London accepted it into the record.

Mr. Stolz gave the factual basis and asked that the Council accept the relinquishment and recommended to the Council that both the respondent's law enforcement certification and his supervisory certification be revoked based upon Title 79 of the Nebraska Administrative Code, Chapter 9, Section 013. He acknowledged that a written complaint was made against him, he reviewed it, was aware of his rights under the rules and regulations and statutes and rather than to dispute or contest it, he wished to voluntarily surrender his law enforcement certificates in the state of Nebraska. That by signing the document, exhibit # 1, he freely and voluntarily consents to the revocation of his Law Enforcement certificates by this body and by the Nebraska Commission on Law Enforcement and Criminal Justice and freely and voluntarily waives his right to notice, appearance, and hearing prior to such revocation hearing.

Based on the foregoing, I would ask this Council to accept his relinquishment and recommend to the Commission that the respondent's law enforcement officer certificate and his supervisory certificate be revoked based upon statutory grounds of neglect of duty and on violations of oath of office and code of ethics per Title 79, Chapter 9 section 003.03 and 003.04 respectfully.

## MOTION

Chief Wolf: 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 certificate. I make a motion that the council accept the surrender of Jason Gale's Nebraska Law Enforcement Certificate and Supervisor Certificate as evidence of neglect of duty and oath of office. Said revocation to be effective upon review and acceptance of the surrender by the Commission on Law Enforcement and Criminal Justice. Chief Larby seconded the motion. Voting in favor; Lieutenant Colonel Duis, Chief Wolf, Acting Chief Jackson, Chief Larby, Chief Deputy London, Sheriff Osmond. Mr. McCarthy not present. Motion carried.

The meeting broke at 9:56 A.M.

1 **C. Appeal 20-PSAC-82 Denial to Basic Training**

2 Amanda Cole, Lyons Police Department

3

4 Chair: The matter now before the Police Standards Advisory Council is Amanda Cole v.  
5 the Nebraska Law Enforcement Training Center, Case Number 20 PSAC 82.

6 I will now call this hearing to order at 10:24 a.m. I will note the following Council  
7 members are present:

8 Myself, Chief Deputy Greg London

9 Lt. Colonel Duis – Nebraska State Patrol

10 Chief Timothy Larby – Atkinson Police Department

11 Sheriff Dan Osmond – Custer County Sheriff’s Office

12 Chief Tracy Wolf – Lexington Police Department

13 Acting Chief Brian Jackson, Lincoln Police Department

14 Mr. Matthew McCarthy – Northeast Community College is not present.

15 The Council has been asked by the Petitioner, Amanda Cole to consider reversing  
16 Director Brenda Urbanek’s denial of her application to seek reactivation  
17 certification.

18 The Council is here pursuant to its authority as stated in Nebraska Revised Statute  
19 §81-1403 and its related statutes and Title 79 of the Nebraska Administrative  
20 Code.

21 I will note that the petitioner is represented by counsel, Ryan Stover. The  
22 petitioner, Amanda Cole, is present.

1 The Nebraska Law Enforcement Training Center's Director Brenda Urbanek is  
2 present. Mr. Jason Bergevin of the Nebraska Attorney's General's Office is here  
3 to represent the Training Center and Director Urbanek and he will present the  
4 reasons for Director Urbanek's denial of the petitioner's applicant admission into  
5 the Reactivation course.

6 Does either party contest the Council's authority to hear this type of case?

7 Mr. Bergevin?

8 Bergevin: No

9 Chair: Mr. Stover?

10 Stover: No

11 Chair: So for the record, both are acceptable.

12 Chair: Title 79 of the Nebraska Administrative Code, Chapter 4, addresses the  
13 requirements a former Nebraska Law Enforcement Officer must meet in order to  
14 return to an active status. In particular, section 004.02B subsection (1) requires  
15 that the applicant meets the minimum standards required for certification as a law  
16 enforcement officer and testify on a Council-approved form that no acts or events  
17 have transpired in their life since the submission of their initial personal character  
18 affidavit that would affect their certification.

19 The minimum standards for certification are set out in Chapter 8, which specifies  
20 the requirements that must be met by an applicant in order to be eligible for the  
21 Basic Law Enforcement Officer Certification Course. Specifically, section  
22 005.01G requires that the applicant possess good character. Subsection 005.02  
23 provides that a person of good character is someone who generally can be defined

1 as an individual who...Does not have a past indicative of physical, mental, or  
2 emotional incapacity. Pursuant to section 005.04A2, applicants are under a duty to  
3 disclose any and all information that may affect the applicant's qualifications for  
4 entrance into certification training. Any deliberate omissions, falsifications and/or  
5 misrepresentations made on the application or through the application process  
6 may be grounds for denial of entrance into a training academy.

7 Pursuant to Title 79, Chapter 8, section 009.02, upon request of an applicant or  
8 agency, the Council will conduct a hearing in order to determine whether the  
9 applicant meets the minimum qualification for admission into a certification  
10 course. The burden during the appeal hearing is on the petitioner and/or the  
11 applicant to demonstrate by clear and convincing evidence that the applicant  
12 meets admission qualifications.

13 Per Title 79, Chapter 13, section 004.02G, the issues of this appeal will be limited  
14 to those raised in the request for review and reconsideration as provided in section  
15 004.02C and the director's written decision in response.

16 The decision of the Council is final.

17 I want to go over the rights that the petitioner has in this Administrative Hearing.  
18 You have a right to be heard, either in person or by counsel who you have hired at  
19 your own expense.

20 You also have a right to notice; that is to receive a statement from the State, the  
21 Nebraska Law Enforcement Training Center, detailing or justifying its actions in  
22 this matter.

23 Do you understand your rights?

1 Cole: Yes

2 Chair: Thank you.

3 Did you receive such notice via the letters from Director Urbanek stating her  
4 reasons for her denial of your basic officer application?

5 Fielding: Excuse me, I need you to speak up please.

6 Cole: Oh, yes

7 Chair: Did you notice any defects in those letters that prejudiced you from presenting  
8 your case?

9 Cole: No

10 Chair: Additionally, you have a right to present evidence at this hearing, a right to the  
11 Council's findings and the right to seek judicial review thereafter.

12 Do you understand these rights?

13 Cole: Yes

14 Chair: The Police Standards Advisory Council shall act as the Hearing Board for this  
15 appeal. Neither I, nor any other Council member, will be a witness for either side  
16 and I am not aware of any matter which I believe may be grounds for challenge  
17 by either side against me or the other members.

18 Cole: I believe I have made a couple of phone calls through, in the last couple of years  
19 to a couple of the different members of the board. I didn't know if that would  
20 impact today or not.

21 Stover: I have no idea what the contents, if the council members are the same.

22 Cole: I believe it was a trooper or supervisor I think I contacted you a couple years ago.  
23 (directed to Lieutenant Colonel Duis)



- 1 Duis I have no memory of that, I don't know what we would have, what was the  
2 context of the conversation?
- 3 Cole: Um, I think you had directed me to get ahold of another agency than the state  
4 patrol, you had directed me to another member of the state patrol in order, during  
5 my investigation to talk to somebody else, I just wanted to raise that issue, I didn't  
6 know that, the grounds.
- 7 Duis: I guess so, so I directed you to another member of the agency to answer a  
8 question on the investigation?
- 9 Cole: I had spoken to you about an incident, to you in your office, I spoke to you on the  
10 phone, and I think you just directed me to speak to somebody else. I just wanted  
11 to update (her attorney whispered to her.)
- 12 Stover: My client raised some potential conflict of issue and she would waive any of that  
13 does not see any issue with the Commission hearing this matter.
- 14 Chair: I have not had any personal information conveyed to me or do I have any personal  
15 knowledge of this case. I will comment though a couple months ago we had an  
16 administrative phone call. Other than that I have had no knowledge about this  
17 case with Amanda.
- 18 Does any Council member have any personal knowledge of the case?  
19 Lieutenant Colonel, do you have anything else besides what was discussed?
- 20 Duis: No sir.
- 21 Chair: Sheriff Osmond?
- 22 Osmond: No sir.
- 23 Chair: Chief Larby?

1 Larby: No

2 Chair: Acting Chief Brian Jackson?

3 Jackson: No

4 Chair: Chief Tracy Wolf?

5 Wolf: No

6 Chair: Does either side have any further questions or challenge for cause against any

7 member of the Council?

8 Bergevin: No sir.

9 Stover: No sir.

10 Chair: Mr. Bergevin, do you have any procedural documents for this case and if so,

11 please present them to the Council.

12 Bergevin: Thank you.

13 The Respondent has a total of 13 Exhibits to offer. I will describe them

14 individually and then offer at once at the end.

15 Exhibit #1 is the Petitioner's Application for Training.

16 Exhibit #2 Title 79, Nebraska Administrative Code Chapter 4.

17 Exhibit #3 Title 79, Nebraska Administrative Code Chapter 8.

18 Exhibit #4 Letter from Director Urbanek to Chief Glenn Moore, Lyons Police

19 Department dated December 11, 2020.

20 Exhibit #5 is an email from the petitioner to Jessica Wagoner dated December 22,

21 2020.

22 Exhibit #6 is a letter from Director Urbanek to Chief Glenn Moore, Lyons Police

23 Department dated December 15, 2020.

1 Exhibit #7 is a fax packet sent by petitioner to Director Urbanek December 29,  
2 2020.

3 Exhibit #8 is an email from petitioner to Jessica Wagoner dated December 30,  
4 2020.

5 Exhibit #9 are two letters of recommendation contained in an email sent from the  
6 petitioner to Jessica Wagoner on December 31, 2020.

7 Exhibit #10 is a letter from Director Urbanek to Ms. Cole dated January 14, 2021.

8 Exhibit #11 is an email from the Petition to Jessica Wagoner dated January 26,  
9 2021.

10 Exhibit #12 is a letter from Director Urbanek to the Petitioner dated February 5,  
11 2021.

12 Exhibit #13 is a report, a Psychological Evaluation conducted upon the Petitioner  
13 by Dr. Shari Conner dated May 14, 2001.

14 The Respondent offers Exhibits 1-13 in their entirety.

15 Stover: No objection

16 Stolz: He'll publish the exhibit to the members at a later time just so he can refer to  
17 them.

18 Chair: Let the record reflect Exhibits 1 - 13 have been received and are entered into the  
19 record.

20 Stolz: You might want to have the Petitioner enter his exhibits into the record too.

21 Chair: Yeah, we can.

22 Chair: Mr. Stover, do you have any exhibits?

23 Stover: Thank you, I do.

1 Exhibit #14 is a letter in support of the allocations submitted by Chief Glenn  
2 Moore of Lyons, Nebraska Police Department August 16, 2001.

3 Exhibit #15 is a Letter from Officer Benny, is it Noordhoek?

4 Cole: Noordhoek

5 Stover: Noordhoek, of the Tekamah Police Department in support of the Ms. Cole dated  
6 also August 16, 2021.

7 Exhibit #16 is transcript from protection order hearing that occurred in the  
8 District Court of Burt County regarding the, Ms. Cole was the Petitioner on that  
9 protection order hearing and that is marked as Exhibit #16.

10 Exhibit #17 is a copy of Legislative Bill 43, LB43, 2019, Sexual Assault  
11 Survivors' Bill of Rights Act.

12 Exhibit #18 is the CV for Tracy Thomas, Ph.D., who is the Licensed  
13 Psychologist, there is no separate report for Ms. Thomas. We will discuss the  
14 reason for this CV as the hearing moves on.

15 Exhibit #19 is some correspondence directed to Director Urbanek dated on the  
16 front page, January 26, 2021 is copies of various correspondence from the  
17 Petitioner to Director Urbanek.

18 Exhibit #20 is an email from Jody Koziol, the Outreach Coordinator for  
19 Washington County for the Crisis Center for Domestic Violence and Sexual  
20 Assault that email was dated February 18, 2021. And then finally

21 Exhibit #21 is a grouping of correspondence between Ms. Cole and the Nebraska  
22 State Patrol regarding her attempts to secure copies of an investigation reports

1 related to a sexual assault that occurred in 2012, that would be 2011 I'm sorry,  
2 and that's all. I would offer those.

3 Bergevin: No objections.

4 Chair: Okay, thank you.

5 Let the record reflect Exhibits 14-21 have been received and are entered into the  
6 record.

7 Does either side wish to address any further preliminary matters?

8 Mr. Bergevin?

9 Bergevin: No sir.

10 Chair: Mr. Stover?

11 Stover: No sir.

12 Chair: Thank you. Mr. Stover, on behalf of the petitioner, do you wish to make an  
13 opening statement at this time?

14 Stover: No, I would waive.

15 Chair: Thank you.

16 Mr. Bergevin, do you wish to make an opening statement?

17 Bergevin: Council members, Ms. Cole applied for admission to the Reciprocity Certification  
18 course in October of 2020. Director Urbanek denied that request on December  
19 15, 2020. Ms. Cole submitted materials asked Director Urbanek to reconsider  
20 that decision, she considered the additional materials and ultimately chose to  
21 stand by her initial decision to deny entrance into the Reciprocity course. She  
22 notified Ms. Cole of that on January 14<sup>th</sup> of 2021, Ms. Cole then elected to appeal  
23 Director Urbanek's decision to the Council and that's why the matter is before

1 you today. Director Urbanek's decision is based on two grounds; first that Ms.  
2 Cole did not disclose information that may affect her entrance into training. First  
3 she did not disclose a divorce that was filed in civil court, she did not disclose  
4 multiple credit related matters and she did not disclose that she was the petitioner  
5 in a request for a protection order. In addition Director Urbanek denied the  
6 application because she could not conclude that the petitioner was someone who  
7 has a past that is not indicative of physical, mental or emotion incapacity and that  
8 conclusion was based on the fact that during the investigation into a sexual assault  
9 that the petitioner reported she made a report to shoot the alleged abuser when  
10 confronted with the question of, did you just threaten to kill a police officer, she  
11 confirmed her statement and said, yes I did, or words to that affect and these  
12 statements combined with Ms. Cole's behavior led the investigator to conclude  
13 that she was dealing with mental health issues.

14 So those are the two bases for Director Urbanek's decision.

15 It is the petitioner's burden by clear and convincing evidence to show that  
16 Director Urbanek's decision was an error. The evidence will show that there is a  
17 basis for the decision and we will ask you to affirm her decision.

18 Chair: Thank you.

19 Now is the time further evidence can be presented to the Council. This may  
20 include written evidence, witness testimony and/or any sworn statements by  
21 yourself.

22 Chair: Mr. Stover, do you have any written evidence for us to consider on behalf of the  
23 petitioner?

1 Stover: No other written evidence other than the previous exhibits.

2 Chair: Thank you.

3 Chair: Mr. Stover, do you have any witnesses to testify?

4 Stover: Yes, well I just have one.

5 I will call on the Petitioner.

6 Chair: Ms. Cole, I will swear you in. Do you swear that the testimony you are about to  
7 make at this hearing shall be the truth, the whole truth and nothing but the truth?

8 Cole: Yes I do. (right hand raised)

9 Chair: Thank you.

10 Stover: Thank you, Ms. Cole if you would just for the purposes of record, state your name  
11 spelling your full name for the record.

12 Cole: Amanda J. Cole A-M-A-N-D-A middle name Jo J-O last name Cole C-O-L-E

13 Stover: Now Ms. Cole have you, you've worked as a law enforcement officer for a while,  
14 is that correct?

15 Cole: Yes.

16 Stover: In your capacity as a law enforcement officer have you ever had the opportunity  
17 (inaudible)

18 Stolz: I need to interject, can we have you speak up?

19 Cole: Oh, yes.

20 Chair: I'm sorry, I didn't hear that question either.

21 Stover: I asked the question whether Ms. Cole ever had the opportunity previously to give  
22 testimony in some sort of evidentiary hearing and she had said yes and so I was

1 just going to get to make sure she understood that the board, or the Commission  
2 was making a record today.

3 Cole: Yep.

4 Stover: And they are recording everything that is said today. Now when they are  
5 recording what's said, it can be difficult in the record to distinguish between what  
6 I am saying and what you are saying if we are speaking at the same time, so allow  
7 me to finish my questions before you answer, that would be the first thing. The  
8 second thing is to speak loudly and clearly so the microphones can pick up well.  
9 Are you having an okay time hearing this? (directed to recorder)

10 Fielding: Now I am.

11 Stover: If I face this way?

12 Amanda, what is your date of birth?

13 Cole: 5/27/83

14 Stover: And if I remember correctly you were born in Texas raised in Texas initially and  
15 then ended up in Nebraska, Iowa area, is that correct?

16 Cole: With a few exceptions here and there.

17 Stover: Okay, share those exceptions with us.

18 Cole: I went to a school in a little suburb outside of Milwaukee, Wisconsin spent some  
19 school years there along with schooling in (inaudible), Nebraska and Iowa along  
20 with Texas.

21 Stover: I guess I don't want to go through a bunch of information that would be  
22 unnecessary, in terms of the application itself, can we stipulate that there was



1 nothing else sufficient in the application other than the areas that you mentioned

2 (inaudible).

3 Bergevin: Yes

4 Stover: Okay, thank you.

5 Are you married or single?

6 Cole: Married

7 Stover: And do you have any kids?

8 Cole: Yes

9 Stover: How many children do you have?

10 Cole: Three (3) children.

11 Stover: And their ages are?

12 Cole: 17, 12 and 3

13 Stover: Okay and you were married in what year?

14 Cole: 2003

15 Stover: Okay, now opposing counsel mentioned a divorce filing that was omitted from  
16 your application that you submitted this application in late 2020, okay. Can you  
17 explain to the commission the circumstances regarding that divorce filing?

18 Cole: The date from the divorce?

19 Stover: Just over the circumstances.

20 Cole: Um, we were having issues and we did not know how to resolve them and we  
21 filed up the papers and we had a conversation before the court date came to and  
22 then we reconciled before the court date and so we both just dismissed any kind  
23 of further proceedings.

1 Stover: Okay so if I'm understanding your testimony, just to be clear for the commission,  
2 you didn't, neither you nor your husband, proceeded with that divorce, is that  
3 correct?

4 Cole: Yes, we never had a court, we were never in court together at the same time we  
5 were always separate.

6 Stover: So there was a divorce filing but that filing was eventually just dismissed.

7 Cole: Dismissed

8 Stover: Okay and your husband, what's your husband's name?

9 Cole: Travis

10 Stover: You and Travis were married in 2003 and you are still married as you said before  
11 this committee?

12 Cole: Yes

13 Stover: Now did you omit that divorce filing from your application in an attempt to  
14 deceive Director Urbanek or anyone in the application process?

15 Cole: I read it as having a civil litigation and so because we never made it to court, I  
16 didn't consider that to be a civil litigation.

17 Stover: Okay, so there was a filing, but it was never completed and it was dismissed  
18 before any decision was made.

19 Cole: Yes

20 Stover: Okay, in regards to the credit actions that were mentioned by opposing counsel,  
21 what is your recollection, and I believe you provided some explanation and I think  
22 that explanation may be contained in the academy's exhibits but please explain  
23 those to the commission?

- 1 Cole: From my understanding it may have been a couple of medical bills in regard to  
2 my child who has developmental delays and special needs and so I am thinking as  
3 far as the credit report is concerned it has something to do with her medical bills.
- 4 Stover: Okay, she has downs syndrome, correct?
- 5 Cole: Yes
- 6 Stover: And that's your twelve (12) year old?
- 7 Cole: Yes
- 8 Stover: And what's her name?
- 9 Cole: Kaylyn
- 10 Stover: Kaylyn has downs syndrome and her medical needs that arise for somebody with  
11 developmental disabilities and you believe that any credit actions were likely  
12 related to her.
- 13 Cole: I am assuming that, that has something to do with it.
- 14 Stover: Was there something to do with a repossession of a vehicle?
- 15 Cole: Yes, we had a vehicle repossessed, it was a, I don't want to say it was an impulse  
16 buy, but it was something that we thought we could use and it was just not  
17 sufficient for our household and our income and we decided to contact the bank  
18 and let it go back.
- 19 Stover: Okay, so you bought more vehicle than you should have?
- 20 Cole: Yes
- 21 Stover: Okay, so it would be fair to say that you made some financial decisions that  
22 maybe weren't in your household's best interest?
- 23 Cole: Yes

1 Stover: But you are trying to rectify those situations?

2 Cole: Yes

3 Stover: Do you have any active collection cases today?

4 Cole: Not to my knowledge.

5 Stover: Okay, are you being sued at any court, at any kind of civil action?

6 Cole: Not to my knowledge.

7 Stover: Okay, let's talk about that protection order request. We have a rare offering today  
8 a copy of the transcript from that protection order here as Exhibit #16, correct?

9 Cole: Yes

10 Stover: Now, I think that this is going to be the part of this hearing that I think may be just  
11 a little bit difficult for you, but I'm asking you to try to get through it the best as  
12 you can for the profession to make their decision. Please, and this relates to the  
13 alleged threats that you made to someone, contained in the opposing evidence,  
14 please explain for the commission the circumstances that were involved.

15 Cole: Regarding my statements that I made?

16 Stover: Let's start with the protection order, what was going on with the protection order?

17 Cole: So I was considering starting the process of getting back into law enforcement.

18 Stover: Okay, that's a good place for me to ask this. This is a reactivation request, is that  
19 correct?

20 Cole: Yes

21 Stover: Give the commission some sense of what your law enforcement history was, who  
22 did you work for and how many years.

1 Cole: So I worked for Thurston County from 2008 until 2012, my understanding that I  
2 was not on a roster for any agency in 2013 and so with my last date of being  
3 employed by an agency I was under the impression that I had 10 years from that  
4 date to get back into law enforcement and get recertified. I was looking at it  
5 being year seven (7) I knew that that process was getting closer to where I would  
6 lose the certification altogether and so I was just starting to get ready to get back  
7 into the profession of law enforcement and so one of the things that I needed to  
8 do, wanted to do, was to put some sort of safeguards into place in regards to my  
9 perpetrators, my sexual assault, and so I went ahead and filed on my own accord a  
10 protection order against one of my perpetrators.

11 Stover: Okay, so before we get to that just in terms of your employment with Thurston  
12 County Sheriff's Department, were you a sheriff's deputy?

13 Cole: Yes.

14 Stover: And I may make a mistake to what I'm asking here, but did you work in the jail,  
15 or did you

16 Cole: I worked in the jail, I believe in the first 8 months to a year of my employment  
17 with Thurston County, I got onto the road maybe six to eight months to a year  
18 somewhere in there they started putting me on the road.

19 Stover: Okay so you worked both as a patrol deputy and as a jailer?

20 Cole: First as a corrections and then a patrol deputy.

21 Stover: The Thurston County Jail is in the basement?

22 Cole: Yes

23 Stover: Okay, so you left your employment with Thurston County when?

1 Cole: From my understanding it was spring of 2000.

2 Stover: And that was sometime after you had experienced a sexual assault?

3 Cole: Yes

4 Stover: And that sexual was in?

5 Cole: 2000, well there was six months of prolonged sexual assaulting, cultivated and  
6 iterated.

7 Stover: And that rape occurred where?

8 Cole: In Sioux City, Iowa?

9 Stover: And who was the perpetrator?

10 Cole: There was two (2) perpetrator's that day one of them being Sergio Castillo.

11 Stover: And Mr. Castillo is named as the Respondent in the Protection Order request that  
12 you made, is that correct?

13 Cole: Yes

14 Stover: And that's, for the board's consideration, the proceeding's regarding that  
15 protection order hearing are contained in Exhibit #16, is that right?

16 Cole: Yes

17 Stover: Alright, so I think you explained to the commission that you had requested the  
18 protection order because you wanted to start setting up some safety perimeters if  
19 you were going to get back into law enforcement?

20 Cole: Yes

21 Stover: So explain your thought process with us.

22 Cole: So my thought process was that I would, wanting something on record  
23 documenting that, the situation had happened and that I wanted safeguards in

- 1 place and if I were on the road that I would not be having to work in close  
2 proximity with Deputy Castillo.
- 3 Stover: With Mr. Castillo?
- 4 Cole: Yes.
- 5 Stover: And Mr. Castillo to your knowledge, is he still employed as a law enforcement  
6 officer?
- 7 Cole: Yes.
- 8 Stover: And where is he employed as a law enforcement officer?
- 9 Cole: Dakota County Sheriff's Office.
- 10 Stover: Okay, well this resolves that protection order, was the protection order granted or  
11 was it
- 12 Cole: It was dismissed, I did not meet my burden of proof.
- 13 Stover: When Director Urbanek sent you a letter indicating that your disclosure of that  
14 protection order hearing was problematic did you offer an explanation to the  
15 Director?
- 16 Cole: So from my understanding, the LB43 granted me kind of discretion on how I  
17 wanted to talk about my sexual assaults.
- 18 Stover: Okay so before we get there, or is that the explanation, I guess that you gave  
19 Director Urbanek?
- 20 Cole: From my reading of the legislation I was not required to discuss my sexual assault  
21 with a criminal justice system.

- 1 Stover: Okay so your information to the commission today it is just so that everybody  
2 understands the rationale behind what happened (Tape 2, Side 1) with full  
3 disclosure and those things in good faith.
- 4 Cole: And also that it was still considered an open investigation at that point and time.
- 5 Stover: Okay, you just leave that open investigation you have requested from Nebraska  
6 State Patrol copies of investigative reports, is that correct?
- 7 Cole: Yes
- 8 Stover: On different occasions you have made those requests is that correct?
- 9 Cole: Yes.
- 10 Stover: And those requests and the state patrol's response is served and came in Exhibit  
11 #21, correct?
- 12 Cole: Yes
- 13 Stover: Okay, and so your understanding of this situation as it stands today is that the  
14 sexual assaults have all been Mr. Castillo and yourself 2011 and there is a present  
15 investigation on that sexual assault.
- 16 Cole: To my understanding, yes.
- 17 Stover: And that LB43 grants you certain safeguards as the victim of sexual assault and  
18 what you disclose in certain circumstances.
- 19 Cole: Yes.
- 20 Stover: So it was your lack of including that protection order request as part of this  
21 application process was that an attempt to deliberately deceive Director Urbanek  
22 or the Commission or anybody making a decision?
- 23 Cole: Not a, say that again.



- 1 Stover: Were you trying to deceive
- 2 Cole: No, I wasn't trying to deceive anybody, I was trying to protect the system that it  
3 was set up for, as far as LB43.
- 4 Stover: Okay, let's talk about the statements that you made in, I believe it was 2018, is  
5 that correct?
- 6 Cole: I believe it was past the end of 18, it may have been 19. I wasn't quite sure,  
7 reading the report of where I said it was.
- 8 Stover: Please explain to the commission the circumstances.
- 9 Cole: I had reached out to the Iowa State Patrol and, it was during the summer of 2018  
10 and they, because there was jurisdictional issues, some of my sexual assaults  
11 happened in Nebraska, some happened in Iowa, some had happened on what's  
12 considered the Reservation and so I kept getting jurisdictional issues when I  
13 reported it. So by the time 2018 had rolled around, I had called so many different  
14 agencies and one of those agencies being Iowa State Patrol, who in turn reached  
15 out to Sioux City Police Department and I don't know if I'm the one that had to  
16 call the state patrol or, excuse me, (crying) Sioux City Police Department I did not  
17 feel like they reached out to me but I had gotten ahold of Detective Nick  
18 Thompson.
- 19 Stover: Talk about that.
- 20 Cole: What?
- 21 Stover: Well you initially sent a letter to the Attorney General in 2016 and that's part of  
22 this record.
- 23 Cole: Yes.

1 Stover: And in that letter, you discussed the fact of the sexual assault in 2011, is that  
2 correct?

3 Cole: Yes.

4 Stover: And that prompted an investigation by the Nebraska State Patrol an Investigator  
5 Higgins, who came and interviewed you in 2016 shortly after you sent that letter,  
6 is that correct?

7 Cole: Yes.

8 Stover: And did the investigation go anywhere at that point?

9 Cole: From my understanding, reading Investigator Higgins' report, he had referred me  
10 to reach out to Sioux City P.D.

11 Stover: Because of the jurisdictional issues?

12 Cole: Because of the jurisdictional issues.

13 Stover: Because the events that you were describing to Investigator Higgins took place in  
14 Sioux City Iowa, correct?

15 Cole: Yes, if we would have been able to discuss in detail Investigator Higgins would  
16 have understood that some of those things had happened in Nebraska also but we  
17 didn't get far enough into the investigation to get that far.

18 Stover: Okay, so then in 2018 you reached out to Sioux City?

19 Cole: Iowa State Patrol

20 Stover: Okay, you reached out first to Iowa State Patrol they directed you to Sioux City  
21 P.D.

- 1 Cole: I believe Iowa State Patrol then contacted Sioux City P.D. from that point and  
2 time I don't know if Iowa made the phone call to Investigator Thompson or if  
3 Investigator Thompson ever reached out to me, but he never called.
- 4 Stover: Did you meet with Investigator Thompson?
- 5 Cole: In person, no.
- 6 Stover: Did you talk with him over the phone?
- 7 Cole: Yes.
- 8 Stover: How many times did you talk to Investigator Thompson?
- 9 Cole: If I had to put a number on it, it would be possibly six (6) times.
- 10 Stover: And those conversations took place in 2018 but possibly part of 2019?
- 11 Cole: Yes.
- 12 Stover: At some point and time did you have a conversation with Investigator Thompson  
13 where you made statements that, at least in part, were the basis for the Director's  
14 decision?
- 15 Cole: Yes
- 16 Stover: And what, describe for the commission, the context.
- 17 Cole: So after talking to Investigator Thompson I did not feel like he was doing a  
18 thorough job. One of the statements he made to me upset me, he said, "well  
19 Amanda I'm going to be honest with you if he doesn't admit anything happened,  
20 this is not going to go anywhere and I in turn said, well, if we're having an honest  
21 conversation, when he ends up with a bullet in his head, you can look back at this  
22 conversation and know I was being honest also. He then said, are you threatening  
23 the life of an officer? I said, bring it on, and then he then hung up.

1 Stover: Was it your intent at that time, to convey to the Investigator that you were going  
2 to try to harm Mr. Castillo?

3 Cole: No, I wanted to convey to him that sooner or later I bet he was going to be  
4 coming forward and he needed take it upon himself to get it figured out.

5 Stover: This has been a painful process. You started the experience, was in 2011,  
6 correct?

7 Cole: Uh-hum

8 Stover: Is that a yes, I'm sorry?

9 Cole: Yes.

10 Stover: Eventually it led you to leave your employment at the Thurston County Sheriff's  
11 Department in 2013.

12 Cole: 2012

13 Stover: 2012, you were out of law enforcement for several years, did you experience  
14 troubles in your marriage due to this incident?

15 Cole: Just because I wasn't being truthful about my assault to my husband. That's  
16 where our lines of communication were being jumbled because in 2014, I was not  
17 being forthcoming with him about what happened to me.

18 Stover: Have you been forthcoming now?

19 Cole: Yes.

20 Stover: You left your employment due to this assault, is that right?

21 Cole: Yes.

22 Stover: And you had troubles in your marriage due to this assault, is that correct?

23 Cole: I wouldn't consider them, not all of them.

- 1 Stover: Well you said that you weren't being forthcoming, is that right?
- 2 Cole: Yes.
- 3 Stover: And there was a divorce filing in 2014 that is related to the problems in your  
4 marriage, correct?
- 5 Cole: Yes.
- 6 Stover: Thankfully they were resolved and an investigation started in 2016, is that  
7 correct?
- 8 Cole: Yes.
- 9 Stover: And then in 2018 after a lot of different events and turmoil in your life and  
10 investigations going on where you were talking to the Sioux City Police  
11 Department Investigator on the telephone. Tell the commission what was your  
12 state of mind as you were having that conversation.
- 13 Cole: At that point and time I was frustrated with the process, I was not feeling like I  
14 was getting treated in a manner
- 15 Stover: Did you feel you were being treated fairly?
- 16 Cole: No.
- 17 Stover: And were you frustrated?
- 18 Cole: Yes.
- 19 Stover: And would you like the commission to understand your statements made in 2018  
20 and the frustration that you felt at that moment that you were making the  
21 statements?
- 22 Cole: Yes.
- 23 Stover: Are you Ms. Cole, are you a threat to yourself in anyway?

- 1 Cole: No.
- 2 Stover: Are you a threat to anybody else in anyway?
- 3 Cole: No.
- 4 Stover: You have been reemployed with the Lyons Police Department, is that correct?
- 5 Cole: Yes.
- 6 Stover: You were recently promoted is that right?
- 7 Cole: Yes.
- 8 Stover: What's your rank as you sit here today?
- 9 Cole: Sergeant.
- 10 Stover: You have a good working relationship with your police chief?
- 11 Cole: Yes.
- 12 Stover: That's Police Chief Moore correct?
- 13 Cole: Yes.
- 14 Stover: He has submitted a letter in support for you in this case is that correct?
- 15 Cole: Yes.
- 16 Stover: To your knowledge would Chief Moore like you to continue your employment  
17 with the Lyons Police Department?
- 18 Cole: Yes
- 19 Stover: You understand that there is an evaluation that you completed as far as this  
20 process that has been submitted to the commission today as an exhibit with Dr.  
21 Conner.
- 22 Cole: Yes.

- 1 Stover: We talked about some of the issues with LB43, you had used that evaluation as  
2 kind of a judicial process is that correct?
- 3 Cole: Yes.
- 4 Stover: And did you sign the necessary releases for Dr. Conner to get all the information  
5 she needed to complete her evaluation?
- 6 Cole: Yes I did.
- 7 Stover: To your knowledge was all of the, on the provider's ends, was all of the  
8 information provided to Dr. Conner?
- 9 Cole: No
- 10 Stover: In what instances was it not provided to Dr. Conner?
- 11 Cole: I had been talking to a specialist, called a trauma counselor, through the VA since  
12 my, I want to say my 2016, those reports were not included. Also my sexual  
13 assault advocates counselor, advocate and counselor, did not submit reports to Dr.  
14 Conner and I believe those are the two (2), three (3) that did not provide  
15 information to Dr. Conner.
- 16 Stover: Okay, you were not deliberately withholding that information from Dr. Conner,  
17 though right?
- 18 Cole: No.
- 19 Stover: Do you understand that Dr. Conner has made the recommendation that you are  
20 not suitable?
- 21 Cole: Yes.
- 22 Stover: You mentioned some of the mental health treatment that you received in relation  
23 to your sexual assault please, who have you counseled?

1 Cole: A couple of the, turn around at the VA happens quite a bit, so there has been a  
2 couple of different ladies and mental health providers that I have had to utilize  
3 just because of the turn arounds. Another one that I spoke to, well I know Dr.  
4 Mitchell was one of the ones that she's not mental health, but you know she's my  
5 medical, so I talked to her. Nan Cunningham who works with the Bridge, I've  
6 had a session with her, along with that, Jodi Koziol, who I contact on a regular  
7 basis with concern or questions about the process of sexual assault and how it  
8 works as a victim. Also my primary that I have been seeing since 2004 with the  
9 birth of my first child I've seen him on and off for seventeen years now and we've  
10 talked before.

11 Stover: Do you believe you have adequate support in ways to help you deal with any  
12 emotional issues that may arise from your sexual assault to help you?

13 Cole: Yes both professional and crisis team leader.

14 Stover: You have reached out to a Dr. Thomas, who is also a forensic psychologist as  
15 well.

16 Cole: Board certified

17 Stover: Board certified forensic psychologist, she said he lied though, is that correct?

18 Cole: Yes.

19 Stover: You have offered a copy of her CV today for the board's consideration, is that  
20 right?

21 Cole: Yes.

22 Stover: You have not yet completed an evaluation with her though is that right?

23 Cole: No.



- 1 Stover: But she has agreed to complete an evaluation with you at your expense if you  
2 should decide to move forward.
- 3 Cole: Yes.
- 4 Stover: So the importance of that exhibit was you wanted the board to know that you have  
5 reached out for a second opinion on your sexual assault.
- 6 Cole: It's actually an opinion that, from my understanding, it's a little bit more, has a  
7 little bit more knowledge of the sexual assault trauma.
- 8 Stover: Is there anything that you want the commission to know today that I haven't  
9 asked you or given you the opportunity to say?
- 10 Cole: Uhm, I would just want to make a point that in 2016 when I first reached out to  
11 the Attorney General's Office in my letter, I felt like that was a way to bring  
12 attention to my situation (crying) I felt like the more people that knew about what  
13 happened to me the better it would be for our community in Nebraska and citizens  
14 in Nebraska in general because I felt like if this could happen to me, who was to  
15 say it couldn't happen to somebody else.
- 16 Stover: Is there anything else?
- 17 Cole: Not right at this moment.
- 18 Stover: That's all.
- 19 Chair: Thank you, Mr. Bergevin you may cross.
- 20 Bergevin: Ms. Cole, were you employed by Lyons Police Department for a short time in the  
21 year 2013?
- 22 Cole: Yes.

1 Bergevin: When you were talking about your history in law enforcement, you didn't tell the  
2 Council about that.

3 Cole: Oh, okay. I thought he had mentioned that working for Lyons P.D. and in 2013. I  
4 thought he had mentioned that.

5 Bergevin: You did work for Lyons P.D. in 2013?

6 Cole: Yes.

7 Bergevin: Your divorce with your husband was filed in a court, correct?

8 Cole: Yes.

9 Bergevin: Even though it was ultimately dismissed.

10 Cole: Yes.

11 Bergevin: And you did include that on your character affidavit classification?

12 Cole: I thought when it came to civil litigation, I thought that was an actual in court,  
13 from the judge, where as it got dismissed before we even had our first court date  
14 and so that was my understanding, when it said civil litigation, I thought it was in  
15 front of a judge with our lawyers and we never made it that far.

16 Bergevin: You didn't listen to the question. On the Character Affidavit, the responsible  
17 question about civil litigation, correct.

18 Stover: Yes she did.

19 Cole: No I did not.

20 Bergevin: There was at least one court case that came about because of your credit issues  
21 correct? That led to wages being garnished.

22 Cole: Yes.

- 1 Bergevin: And you didn't include that information on the character affidavit question about  
2 civil litigation.
- 3 Cole: I want to say that there was medical. I had made a notation I believe about  
4 medical and car repo.
- 5 Bergevin: Okay, do you have a copy of Exhibit #1 before you?
- 6 Cole: I do.
- 7 Bergevin: Okay, I would like to direct your attention to page 10. Are you on page 10?
- 8 Cole: I am.
- 9 Bergevin: Okay, question number 1. "Have you ever been a part in civil litigation? You  
10 checked yes.
- 11 Cole: I marked yes.
- 12 Bergevin: Please read your explanation in the fill in portion of that question.
- 13 Cole: I said, I sued my apartment complex for damages to my property.
- 14 Bergevin: You sued your apartment complex, does it say anything about you being in civil  
15 litigation because of your credit issues?
- 16 Cole: No.
- 17 Bergevin: And you testified about how you applied for protection and that also happened,  
18 correct?
- 19 Cole: Yes.
- 20 Bergevin: And you also did not disclose that civil matter in question number 1, paragraph  
21 VII.
- 22 Cole: No.

1 Bergevin: You testified that you were forth coming with Dr. Conner and you signed the  
2 necessary releases, correct?

3 Cole: Yes.

4 Bergevin: Do you want to get a copy of her report. I'm going to ask you to go to page 10.  
5 Are you there?

6 Cole: Yes.

7 Bergevin: I'm going to read the first line. "It is also worth noting that Ms. Cole refused to  
8 provide consent for the examiner to obtain records pertaining to her mental health  
9 treatment, including her most recent treatment at the VA and at The Bridge." Did  
10 I read that correctly?

11 Cole: Yes.

12 Bergevin: Now I want you to flip to page 11 starting at the beginning of the first paragraph.  
13 "After verbally discussing the results of the May 14, 2021 pre-employment  
14 psychological evaluation with the hiring agency, the chief of police spoke with  
15 Ms. Cole about her refusal to sign releases of information regarding her past  
16 mental health treatment. She ultimately agreed to sign these releases, and the  
17 Chief requested that the examiner acquire and review these records prior to  
18 completing the report of findings for the pre-employment psychological  
19 evaluation. Did I read that correctly?

20 Cole: Yes.

21 Bergevin: So it's only after Chief Moore counseled you about the importance of obtaining  
22 these records that you finally decided to provide these things?

23 Cole: Yes.

1 Bergevin: The last question that I ask of you ma'am is about going back to work in Lyons.  
2 If the Council grants your request and you're allowed to go to the reactivation  
3 training, you will be in a position to permanently work near your alleged abuser  
4 who is still employed at Thurston County, correct?

5 Cole: Yes.

6 Bergevin: There is not a protection order in place now, how do you foresee that situation  
7 unfolding for you. How do you plan to deal with that?

8 Cole: On a day by, I mean, not day by day, but on a circumstance by circumstance  
9 basis. I felt like I was fine when I had to deal with him in a professional setting in  
10 the courtroom during the court proceedings on the protection order. No issues  
11 were arising then and that was still again at the height of emotional, you know,  
12 situation where I feel like if it's such a tone to where I can pick up myself in a  
13 professional manner whether he's there or not.

14 Bergevin: You would agree that thinking about that experience is emotional for you.

15 Cole: Yes.

16 Bergevin: And so emotional that it lead you to say that you would put a bullet in Mr.  
17 Costello's head.

18 Cole: I never said I would put a bullet in his head. I said when he winds up with a  
19 bullet. I never said I would be the one to put the bullet there.

20 Bergevin: Is that a difference in your mind?

21 Cole: Yes.

22 Bergevin: And then when the Investigator asked if you just threatened to shoot a cop, did  
23 you in fact say, "Bring it on."

- 1 Cole: Yes I did.
- 2 Bergevin: Thank you, that's all the questions I have.
- 3 Chair: Council, does anyone have any questions for Ms. Cole?
- 4 Stover: Before the Council asks any questions, can I ask a couple redirect questions
- 5 Chair: Yes.
- 6 Stover: If you would, open up your application packet to page 7 or 11, I'm sorry. Mr.
- 7 Bergevin asked you specifically about the collection actions and the repossessions
- 8 and the non-disclosure as part of your answer to number one; "Have you ever
- 9 been party in civil litigation? Question number 7 asks, "Have you ever filed a
- 10 petition for bankruptcy or had a credit or charge account turned over to a
- 11 collection agency, or a credit card or charge account debt charged off or
- 12 revoked?" How did you answer that question?"
- 13 Cole: I answered yes.
- 14 Stover: And what was your explanation, the detail that you provided?
- 15 Cole: I detailed, hospital bills and the repoed, vehicle.
- 16 Stover: So you did not include that information in regards to question number 1 but you
- 17 did when you put that information in regards to question number 7?
- 18 Cole: Yes, I didn't till that was considered civil litigation.
- 19 Stover: Regardless of your interpretation of the question, the information was included on
- 20 the application, correct?
- 21 Cole: Yes.
- 22 Stover: Okay, thank you that's all I needed.
- 23 Chair: Mr. Bergevin

- 1 Bergevin: No other questions.
- 2 Chair: Counsel, does anyone have questions for Ms. Cole?
- 3 (No response)
- 4 Chair: We are going to take a 10 minute break. (The meeting broke at 1:23 AM.)
- 5 Chair: Mr. Stover do you have any further evidence to offer? (Hearing resumed at 11:30
- 6 A.M.)
- 7 Stover: No further evidence to offer.
- 8 Chair: Mr. Bergevin, do you have any written evidence for us to consider except for the
- 9 exhibits?
- 10 Bergevin: No further evidence.
- 11 Chair: Mr. Bergevin, do you have any witnesses to testify?
- 12 Bergevin: Yes, I will call Director Brenda Urbanek.
- 13 Urbanek: I'm just going to sit over here so I will project.
- 14 Chair: Director, do you swear that the testimony you are about to make at this hearing
- 15 shall be the truth the whole truth and nothing but the truth.
- 16 Urbanek: I do.
- 17 Chair: Thank you.
- 18 Bergevin: Good morning, for our record will you introduce yourself and spell your first and
- 19 last name for the record
- 20 Urbanek: Brenda Urbanek BRENDA URBANEK, Director of the Nebraska Law
- 21 Enforcement Training Center.
- 22 Bergevin: Thank you, also for the record please summarize your duties related to training
- 23 applications in your position as the Director.

1 Urbanek: Any application for admission for Basic Certification, Reciprocity Certification,  
2 Reactivation Certification comes to my desk for review. It's first vetted by our  
3 Registrar for completeness and then I review the content to see if everything  
4 meets the admission standards as laid out in Chapter 4 and Chapter 8.

5 Bergevin: I am going to hand you Exhibit #1 that has been received in this matter. Did you  
6 receive an application for training submitted by Amanda Cole, Petitioner?

7 Urbanek: Yes, whenever we receive an application it's stamped in or it has a time from an  
8 email so we have a record of when it was received. This one was received on  
9 November 9 of 2020.

10 Bergevin: And it was signed by Ms. Cole in October of 2020.

11 Urbanek: On October 22<sup>nd</sup> we received the Character Affidavit and it was signed by Ms.  
12 Cole on October 21<sup>st</sup>.

13 Bergevin: Now had Ms. Cole previously been certified by the Training Center to be an  
14 officer in Nebraska?

15 Urbanek: Yes, her initial certification was, as what we call a non-law student, she had  
16 applied for and paid her way through training and then upon graduation was hired  
17 by Thurston County.

18 Bergevin: It was her testimony that she was a deputy at Thurston County until 2012 and then  
19 had a short stint with the Lyons Police Department in 2013.

20 Urbanek: That's consistent with our records, yes.

21 Bergevin: Does Title 79, Administrative Code cover the process by which an officer  
22 transitions from inactive back to active status?

23 Urbanek: Yes, in Chapter 4.



- 1 Bergevin: I will add a little more information to the record. Why, was Ms. Cole considered  
2 inactive with her certification when she submitted this application for training?
- 3 Urbanek: When an officer is no longer employed as a law enforcement officer, they  
4 automatically go inactive. In order to reactivate their certification, the  
5 benchmarks are different depending on the length of time they have been inactive.  
6 In Ms. Cole's case, she had been inactive for seven (7) years which then requires  
7 her to attend reciprocity training for reactivation of her Nebraska Certificate.
- 8 Bergevin: Now I'm giving you Exhibit #2, which is Chapter 4, Title 79. I'll direct your  
9 attention to 004.02B(4)(c). Please highlight for the Council the training  
10 requirement for a person who has been inactive for between two (2) to ten (10)  
11 years.
- 12 Urbanek: "2 years to 10 years; Completion of the Council approved Reciprocity  
13 certification training course."
- 14 Bergevin: And Ms. Cole would have fit into that group at the time you submitted her  
15 application for training is that correction?
- 16 Urbanek: Yes.
- 17 Bergevin: Is there a Chapter in Title 79 that outlines the admission requirements for  
18 reciprocity training that she would be required to take?
- 19 Urbanek: Chapter 3 deals with Reciprocity.
- 20 Bergevin: And is it Chapter 8 in general that covers admission to training courses.
- 21 Urbanek: To any of the certification courses, yes.
- 22 Bergevin: I am going to give you a copy of Chapter 4.
- 23 Urbanek: Chapter 8

- 1 Bergevin: Chapter 8, excuse me. I would like to direct your attention to 005.04A2.
- 2 Urbanek: Yes.
- 3 Bergevin: Does that put an onus on the applicant to disclose certain information?
- 4 Urbanek: It states, Applicants are under a duty to disclose any and all information that may  
5 affect the applicant's qualifications for entrance into certification training. Yes.
- 6 Bergevin: Okay, next I would like to direct you to 005.02 this is the A2 in assessing whether  
7 the applicant is someone of good character, what guidance does 02A2 give them?
- 8 Urbanek: Does not have past indicative of physical, mental, or emotional incapacity;
- 9 Bergevin: After receiving Ms. Cole's application, did you or the Training Center go and try  
10 and gather information about her past.
- 11 Urbanek: Yes, every application that comes in, we run an NCJIS check. The NCJIS check is  
12 based off of name, and name and date of birth. So that step was followed.
- 13 Bergevin: Was there anything of note that surfaced during that check into Ms. Cole's past?
- 14 Urbanek: The name Amanda Cole came up with a court tab, there was no date of birth, so  
15 then we opened up that tab and it shows court proceedings with an individual of  
16 Amanda Cole then we have to determine is this same Amanda Cole that we are  
17 looking at or is this a different Amanda Cole.
- 18 Bergevin: Did you determine that it was the same person?
- 19 Urbanek: Yes.
- 20 Bergevin: And what activity did you see connected with Amanda Cole?
- 21 Urbanek: In particular there were at least two civil cases that had gone to the extent of  
22 garnishment of wages and then there was a protection order.
- 23 Bergevin: And did you also find a divorce case had been filed?

- 1 Urbanek: Yes in 2014.
- 2 Bergevin: Okay, and where in the application is it appropriate for an applicant to disclose  
3 these types of proceedings?
- 4 Urbanek: On page ten (10) question number 1. Have you ever been a party in a civil  
5 litigation?" that would be if you ever been sued, have sued someone, have filed  
6 legal documents; so it's more than just going to collections for some unpaid bills.
- 7 Bergevin: And the civil cases you discovered; the divorce, the protection or application the  
8 credit case that lead to garnishment, none of those were included in the answer to  
9 question #1.
- 10 Urbanek: Correct.
- 11 Bergevin: Next I want to focus your attention on the language that you read about how an  
12 applicant cannot have a past indicative of physical, mental or emotion incapacity.  
13 Did you note anything that raised concerns on that one?
- 14 Urbanek: Yes.
- 15 Bergevin: Please tell the Council about that.
- 16 Urbanek: In reviewing the reports for the protection order in the affidavits to dismiss the  
17 protection order were the statements of Investigator Thompson from the Sioux  
18 City Police Department.
- 19 Bergevin: What did Investigator Thompson document about the investigation that caught  
20 your attention?
- 21 Urbanek: In the report Investigator Thompson indicated to Ms. Cole that unless Mr. Castillo  
22 admitted to it there probably wouldn't be charges filed and at that time Ms. Cole

1           responded with well if Mr. Castillo ends up with a bullet between his eyes, this is,  
2           then an honest conversation took care of (inaudible)

3   Bergevin:   Okay, and based on your review of Investigator Thompson's report, did he  
4           question Ms. Cole about that statement he had just heard?

5   Urbanek:    He followed up with the question, to the extent of, did you just threaten to kill a  
6           police officer? To which she responded yes.

7   Bergevin:    In fact she said, bring it on, correct.

8           Did Investigator Thompson notate concerns about Ms. Cole's mental health?

9   Urbanek:    Yes, he had a statement in his report that after dealing with her on several  
10           occasions he had concerns about her mental health or her mental health issues.

11   Bergevin:   Finally, I'm going to show you Exhibit #13.

12   Urbanek:    Okay.

13   Bergevin:   Exhibit #13 is a report prepared by Dr. Shari Conner, following a Psychological  
14           Evaluation she had done on the Petitioner, correct?

15   Urbanek:    Correct.

16   Bergevin:   How did that evaluation come to  
17           be?

18   Urbanek:    I had denied Ms. Cole's admission and reconsidered based on information she had  
19           supplied and until my original denial and then Ms. Cole applied her appeal in  
20           front of this body. There was conversation with Laura Nigel at the Nebraska  
21           Attorney General's Office about a possibility of a Psych eval at which time I  
22           referenced Chapter 8 where it says that the Council, through the Director can  
23           request more information to help the determination for suitability. So at that time

1 I reached out to Dr. Conner based on recommendations from a number of law  
2 enforcement agencies who use her as their pre-employment psychologist, as well  
3 as, a return to fit psychologist to see if she would be able to assist in providing a  
4 psych eval for Ms. Cole and she agreed to do that.

5 Bergevin: Did Dr. Conner form an opinion about Ms. Cole's suitability to serve as a law  
6 enforcement officer?

7 Urbanek: Yes.

8 Bergevin: Please tell the Council about that.

9 Urbanek: On page two (2) of the report, suitability recommendation Dr. Conner; Amanda  
10 Cole was considered psychologically: Unsuitable for law enforcement.

11 Bergevin: And are there specific reasons that lead Dr. Conner to form that opinion  
12 documented in the report?

13 Urbanek: Yes.

14 Bergevin: Thank you. That's all the questions that I have.

15 Chair: Okay, Mr. Stover, you may cross.

16 Stover: Director Urbanek, in regards to the non-disclosure of the court actions as part of  
17 the application process, we can agree that the protection order and the divorce  
18 were not disclosed, correct?

19 Urbanek: Correct.

20 Stover: Although it may have not been the proper place to do it, the Petitioner's actions  
21 were disclosed as part as question number 7, I think on page 11.

22 Urbanek: She does list hospital bills there and that's what the garnishment on the small  
23 claims courts were for.

- 1 Stover: She listed hospital bills and she also listed a repossession as well as part of that.
- 2 Urbanek: Yes
- 3 Stover: You provided in terms of what should be listed in response to question number 1  
4 so can you provide to the Commission and us in greater detail about what is  
5 considered, you provided in greater detail that what the question itself lists, is that  
6 fair to say.
- 7 Urbanek: The question states, have you ever been party in civil litigation?
- 8 Stover: I understand what the question says, my question to you was, in your response  
9 today, you provided greater detail about what you consider to be appropriate to  
10 list that what the question shows.
- 11 Urbanek: Yes.
- 12 Stover: You answered one question for me that I had going into this hearing today,  
13 regarding how you came across the information regarding the threat to Mr.  
14 Castillo, but that was contained with a motion to dismiss by an attorney, is that  
15 correct?
- 16 Urbanek: Yes.
- 17 Stover: Okay, and so the defense reports were attached to the motion to dismiss, or not  
18 defense reports, incident reports I guess would be a better way to put it, his police  
19 report.
- 20 Urbanek: Yes.
- 21 Stover: You mention that he concludes at the end of that report that he believed that Ms.  
22 Cole was suffering from some mental health issues, is that right?
- 23 Urbanek: That's what he stated.

- 1 Stover: Do you know his qualifications to make those determinations?
- 2 Urbanek: No I do not.
- 3 Stover: You were asked, were you provided some information about the contents during  
4 the court and the investigator asked Ms. Cole if she was threatening to kill a law  
5 enforcement officer and he attributed it to her response and she said yes, do you  
6 remember that testimony.
- 7 Urbanek: Yes.
- 8 Stover: That's not what was said though, is that correct? She said, bring it on. Is that  
9 correct?
- 10 Urbanek: Correct.
- 11 Stover: You may interpret that as an affirmation but she didn't expressly say yes to that  
12 question. Is that right?
- 13 Urbanek: Not in her testimony this morning.
- 14 Stover: I'm asking about the reports, what does the report say?
- 15 Urbanek: In her report I believe it's, bring it on.
- 16 Stover: Thank you Director Urbanek, I have no further questions.
- 17 Bergevin: No redirect.
- 18 Chair: Alright, Council, do you have any questions for Director Urbanek?
- 19 (No response)
- 20 Chair: Mr. Bergevin, do you have any further statements at this time?
- 21 Bergevin: None
- 22 Chair: Do you have any additional, anything additional in light of the Training Center's  
23 evidence?

1 Bergevin: Nothing additional.

2 Chair: Mr. Stover, you may make a closing argument at this time.

3 Stover: Thank you. On behalf of Ms. Cole, as I understand it, the reasons for or the  
4 reasons we stipulated for the lack of acceptance of the application of Ms. Cole  
5 into the training facility were based on non-disclosure of some court cases which,  
6 I don't know, I've asked the Commission to consider that. There is, to some  
7 extent, the applicants of subject of understanding of what it is that she is  
8 answering some of that information was provided maybe on the spot but it was  
9 provided. In regards to the protection order and the divorce case I think that Ms.  
10 Cole has provided a sufficient explanation as to why she didn't disclose the  
11 divorce because the divorce was never completed and then in regards to the  
12 protection order case, I think that in good faith she understood that she was  
13 protected by LB43 from having to disclose that information when the issue came  
14 up she was pretty forthcoming in fact I understand that the information she  
15 provided to the academy that she provided copies of both the initial report done  
16 by Investigator Higgins with the Nebraska State Patrol as well as the Sioux City,  
17 Iowa report. So then that brings us into the secondary question about her mental  
18 capacity and if there are any issues (inaudible). What we can say is that the  
19 evidence shows that she, we are not here to litigate the fact of the 2011 sexual  
20 assault and I understand that, but I do want the Commission to understand the  
21 context of the statements that were made in 2018 as they relate to that evidence  
22 and we have no reason to believe that Ms. Cole's statements regarding that were  
23 not made in good faith or how they impacted her. She sought help through



1 several different agencies in order to help her deal with that, that event, that very  
2 traumatic event. A traumatic event that kind of had a full reach of consequences  
3 in her life just not her employment, it affected her personally and mental health  
4 and she acknowledges that. I think that she has tried to provide an explanation to  
5 the Director and give some context of why those statements were made. She  
6 acknowledged in her response that those statements in 2018 about a bullet in Mr.  
7 Castillo's head were real, she shouldn't have made them, and she knows that. I  
8 understand the Director's decision based on those statements, but when given the  
9 opportunity to provide some context I think that Ms. Cole has done so.

10 I would say, in terms of the evaluation, I am on the mental health board for the  
11 judicial district that I have my practice in. I have some experience in mental  
12 health issues because of that. I'm sure Dr. Conner does a great job and we  
13 stipulated that that report would come in, and so the report is what it is. If she  
14 were testifying today, what I probably would have asked her is that some,  
15 generally what I see when a report like that is done and there is some sort of  
16 testing that is done to determine whether somebody is suitable for any purpose  
17 that the testing methods were actually explained out within the context of the  
18 report, I don't know as though the report did a great job of explaining that in the  
19 reviews, but we will assume Dr. Conner's opinion is what it is and that's what's  
20 been submitted before today, or the Commission today and that's the evidence.  
21 Ms. Cole sought out a (inaudible) forensic interview, she is prepared to move  
22 forward with that.

1 I think that the Commission may have and Mr. Bergevin may speak of this better  
2 than I can, I know this is my first time hearing before this Commission, but her  
3 training in order to maintain her employment as a certified law enforcement  
4 officer, that training I think has to occur within one year of the first start date, and  
5 her first start date was in October, so that's part of the reason why we are here  
6 today, but I think that there may be some allowances in the Statute that could  
7 allow for a continuance of that. What I would propose to the Commission is that,  
8 in light of her testimony today, in the context that she has provided to the  
9 Commission, give her the opportunity to go get that opinion, second opinion, and  
10 present it to the board and if Dr. Thomas' opinion concurs with Dr. Conner then  
11 you will know, but it may provide some further insight into Ms. Cole. Thank  
12 you.

13 Chair: Thank you.

14 Mr. Bergevin, do you have a closing argument at this time?

15 Bergevin: Yes sir.

16 The failure to disclose civil litigation that Ms. Cole was involved with in her past  
17 is not the most significant thing that happened. The Director was proactive about  
18 getting more information about that stuff and giving Ms. Cole an opportunity to  
19 provide more detail so that wasn't the reason she was denied training. In Exhibit  
20 #4 her first correspondence with Chief Moore, Director Urbanek says, Ms. Cole  
21 will need to provide an explanation of the circumstances surrounding these  
22 incidents. Okay, so with a couple omissions that she now acknowledges before  
23 you that's not what this denial is about, this denial is about the statements that she

1 made regarding a bullet ending up in Mr. Castello's head and then confirming that  
2 she made the statement when asked about it. That's the reason that Director  
3 Urbanek concluded that Ms. Cole does not have a past, that she does have a past  
4 indicative of physical, mental or emotion incapacity. She agreed to have Ms.  
5 Cole evaluated by Dr. Conner and was willing to reconsider her decision should  
6 Dr. Conner have found her suitable for service as a law enforcement officer. Dr.  
7 Conner confirmed exactly what Director Urbanek suspected, that Ms. Cole is not  
8 someone who was deemed to be of good character under the regulation because  
9 she does have a past indicative of physical, mental or emotion incapacity. Dr.  
10 Conner's detailed findings are outlined in Exhibit #13 we didn't go through the  
11 dirt that she uncovered about Ms. Cole but it's going to be there for your review  
12 and after you review Exhibit #13, you will be convinced that Ms. Cole does not  
13 belong in law enforcement at this time. So we are asking you to affirm Director  
14 Urbanek's decision. Thank you.

15 Chair: Is there a motion to go into executive session?

16 Osmond: I would move that the Council go into Executive Session based on the prevention  
17 of needless injury to the reputation of Amanda Cole and for the purposes of this  
18 Executive Session we will allow the following to remain in the room; all Council  
19 members, the Council secretary, legal advisory.

20 Chair: Is there a second?

21 Larby: Second.

22 Fielding: We have a motion and a second. Chief Deputy London

23 London: Yes

- 1 Fielding: Sheriff Osmond
- 2 Osmond: Yes
- 3 Fielding: Lieutenant Colonel Duis
- 4 Duis: Yes
- 5 Fielding: Chief Wolf
- 6 Wolf: Yes
- 7 Fielding: Acting Chief Jackson
- 8 Jackson: Yes
- 9 Fielding: Chief Larby
- 10 Larby: Yes
- 11 Fielding: Mr. McCarthy not present
- 12 Motion Carried
- 13 Chair: At this time I would remind those present in Executive Session that they must
- 14 restrict their discussion in closed session to the issues currently before the
- 15 Council. We are now in closed session. The time is 11:58 A.M.
- 16 Chair: The meeting of the Police Standards Advisory Council will come to order, is there
- 17 a motion to come out of Executive Session?
- 18 Jackson: I would make that motion.
- 19 Wolf: Second
- 20 Chair: It's been moved and seconded to come out of Executive Session, please call the
- 21 roll Kay.
- 22 Fielding: Chief Deputy London
- 23 London: Yes

- 1 Fielding: Sheriff Osmond
- 2 Osmond: Yes
- 3 Fielding: Lieutenant Colonel Duis
- 4 Duis: Yes
- 5 Fielding: Chief Wolf
- 6 Wolf: Yes
- 7 Fielding: Acting Chief Jackson
- 8 Jackson: Yes
- 9 Fielding: Chief Larby
- 10 Larby: Yes
- 11 Fielding: Motion carried.
- 12 Chair: All parties present when the Council went into Executive Session are again  
13 present. The time is 12:25 P.M.
- 14 Is there a motion on the floor?
- 15 Osmond: I would move that we uphold Director Urbanek's decision to deny Reactivation  
16 and certification of Amanda Cole.
- 17 Chair: Do I have a second?
- 18 Duis: I'll second it.
- 19 Chair: Thank you.
- 20 Fielding: Okay, we have a motion by Sheriff Osmond and a second by Lieutenant Colonel  
21 Duis.
- 22 Fielding: Chief Deputy London
- 23 London: Yes

- 1 Fielding: Sheriff Osmond
- 2 Osmond: Yes
- 3 Fielding: Lieutenant Colonel Duis
- 4 Duis: Yes
- 5 Fielding: Chief Wolf
- 6 Wolf: Yes
- 7 Fielding: Acting Chief Jackson
- 8 Jackson: Yes
- 9 Fielding: Chief Larby
- 10 Larby: Yes
- 11 Fielding: Let the record reflect Mr. McCarthy is not present.
- 12 Motion carried.
- 13 Chair: Mr. Stover and Ms. Cole, as you have heard the Council has upheld the Director's
- 14 decision and denied your application for Reactivation Certification. Mr. Stover
- 15 the Council will prepare written findings of Fact and Conclusions of Law
- 16 pertaining to today's hearing and the council's decision. Do you want the
- 17 Findings sent to your office?
- 18 Stover: Yes sir.
- 19 Chair: Thank you.
- 20 Is there anything else from either side that needs to be addressed?
- 21 Bergevin: No sir.
- 22 Stover: Not today, thank you.
- 23 Chair: The hearing is concluded. The time is 12:27 P.M.

**J. Discussion Drug History – Character Affidavit**

A discussion on the timeline for drug use and drug use history according to Title 79, Chapter 8, was held with additional outside law enforcement via Zoom; Sheriff Neil Miller, Buffalo County Sheriff's Office and Chief Ben Waugh. Due to the late hour members agreed to readdress the item at the October meeting.

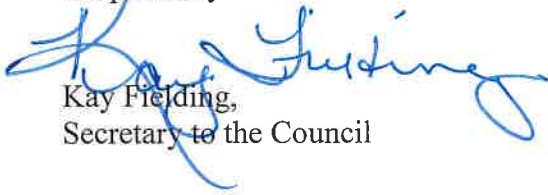
**VII. OTHER BUSINESS**

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

September 22, 2021, 9:00; Library, Nebraska Law Enforcement Training Center,  
3600 North Academy Road, Grand Island, Nebraska

The meeting ended at 1:13 P.M.

Respectfully submitted.



Kay Fielding,  
Secretary to the Council

