



Pete Ricketts
Governor

STATE OF NEBRASKA
NEBRASKA COMMISSION ON LAW ENFORCEMENT AND CRIMINAL JUSTICE
Darrell Fisher
Executive Director

MEETING OF THE
POLICE STANDARDS ADVISORY COUNCIL
JANUARY 21, 2015

I. CALL TO ORDER

Chairman, Lieutenant Colonel Thomas Schwarten called the regular monthly meeting of the Police Standards Advisory Council, hereinafter P.S.A.C., to order at 9:03 A.M.

As amended by LB 898, 2006 Legislature, a current copy of the *Nebraska Open Meetings Act* was available for public review and reference. Notice of the meeting was published in the Lincoln Journal Star on January 16, 2015.

Members in attendance: Lieutenant Colonel Thomas Schwarten, Chief Timothy Larby, Chief Robert Lausten, Sheriff Larry Koranda, Mr. Matthew McCarthy, Captain Genelle Moore, and Sheriff Jerry Watson. Crime Commission and N.L.E.T.C. staff present: Darrell Fisher, William Muldoon, David Stolz, and Kay Fielding. Others present: Captain Mark Williams, Nebraska State Patrol.

II. APPOINTMENT OF CHAIR

Chairman Schwarten opened the floor for nominations.

MOTION

Chief Lausten nominated Chief Tim Larby. Captain Moore seconded the nomination. Sheriff Watson motioned to close the nominations and Chief Lausten seconded the motion. **Voting in favor:** Sheriff Koranda, Chief Lausten, Mr. McCarthy, Captain Moore, Sheriff Watson, and Lieutenant Colonel Schwarten. Chief Larby abstained. Motion carried.

Mr. Stolz stated the Chair serves as a voting member on the Crime Commission by statutory designation. According to an Attorney General's Opinion they do not have to wait for a Governor's appointment to attend and vote at the earliest meeting, Friday, January 23rd.

III. NOMINATION AND ELECTION OF VICE-CHAIR

Captain Moore nominated Matt McCarthy.

MOTION

Hearing no further nominations Chief Lausten motioned to close the nominations and vote. Sheriff Koranda seconded the motion. **Voting in favor** of the nomination of Matt McCarthy for Vice-Chair: Chief Lausten, Captain Moore, Sheriff Watson, Lieutenant Colonel Schwarten, Chief Larby, and Sheriff Koranda. Mr. McCarthy abstained. Motion carried.

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Lieutenant Colonel Schwarten turned the meeting over to Chairman Larby.

IV. APPROVAL OF DECEMBER 17, 2014 P.S.A.C. MINUTES

Captain Moore questioned if the two Lincoln officers who were given an extension of the 3-year Firearms Instructor Certification were unable to instruct certification courses until they were recertified. Council members stated a restriction was not placed on their certification unless they did not meet the contingency within the year.

MOTION

Chief Lausten motioned to approve. Lieutenant Colonel Schwarten seconded the motion. **Voting in favor:** Mr. McCarthy, Captain Moore, Sheriff Watson, Lt. Colonel Schwarten, Chief Larby, Sheriff Koranda and Chief Lausten. Motion carried.

V. ACADEMY REPORTS

A. Director – N.L.E.T.C.

Mr. Muldoon handed out a report highlighting training classes conducted in 2014.

Fair and Impartial Train-the-Trainer Course; July 13-15, 2015. There are 24 spots which will largely be Lincoln PD, NSP and NLETC staff. If there are openings, we will be selective in who is invited.

All training center staff will be reviewing processes with an eye toward enhancing quality over quantity. We have been doing things for many years without changes; we will review letters and procedures.

Chief Lausten discussed the three students dismissed from the academy on the first day of training questioning if there had been any thought to the academy overbooking a class based on the number of people you may lose.

Mr. Muldoon stated the list of candidates for this basic was initially 64 but was reduced to 50 approved completed packets with 0 completed and approved on the waiting list. With Ms. Urbanek absent today, I know she would mention that the number actually needed to go down from 50 for her numbers to be correct when getting into hands on skills. In her view 50 is the high-end number because we would hope the number would go down before the skills.

Chief Lausten questioned if an agency requested five or six spots, is there was a list of agencies that requested multiple spots but didn't fill those spots. Do you take a more critical look into those requesting more spots than they actually used and have we stopped the practice of giving so many spots and cutting out the little guy?

Mr. Muldoon stated he had asked the registrar to not honor requests for requests asking for 5 spots in every academy. They need to make a realistic request each and every basic. The agencies that make those requests are usually pretty responsible and are quick to give up their unused spots when called

30-45 days prior to a basic when called and asked about the number of students they will be sending. They don't adversely affect the process.

Mr. Stolz questioned if it would be possible to have a waiting list if we did the Cooper test, the weather was a little different on this one, but do it coming in the door then if there are people who don't successfully complete it within the first day or two, people on the waiting list could come.

Mr. Muldoon stated we had done that in the past where a Lincoln County deputy was put on the wait and the day after somebody failed, they were admitted for training and successfully passed.

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

In Ms. Urbanek's absence Mr. Muldoon reviewed her training report passed out prior to the meeting.

C. Nebraska State Patrol

Captain Williams discussed Class 56 stating they were in week 11 with 39 cadets.

In-Service had begun; there will be about 14-15 sessions with about 25 – 30 sworn personnel here at a time. They are day and a half sessions with mostly one hour blocks of various training including letter writing, NCJIS security, human trafficking, a 2-hour Legal Blood Draw for fatality accidents, and a 4-hour block on Traffic Incident Management System (TIMS).

VI. CRIME COMMISSION REPORT

Darrell Fisher addressed the Council stating around 500 legislative bills were introduced and addressed the four that the Crime Commission was watching.

LB212 – Introduced by Chambers - Prohibit use of restraints in juvenile courts as prescribed

LB238 – Introduced by Chambers - Change provisions relating to tax-increment financing under the
Community Development Law

LB347 – Introduced by Krist - Expand the jurisdiction of the Inspector General to the juvenile
justice system

LB425 – Introduced by Riepe - Provide for earned time and discontinue the use of good time

VII. OLD BUSINESS

No old business discussed.

VIII. NEW BUSINESS

A. 2014 Sheriff's Continuing Education Report

Ms. Fielding reported that the Sheriff's had completed their 20 hours.

B. Agency Handgun Qualification Violation Report

Mr. Muldoon stated all agencies had submitted their reports except Minatare Police Department. He stated that he had a conversation with Chief Register about this same situation last year and at the time he assured me that he shot four times a year and I suggested on the first qualification shoot in April after you get your report, do the report and submit it. Last year we were finally able to obtain a report from their agency; this year we have not seen a report. We talked to the city clerk regarding the situation and I expressed to them about the possibility of a \$100.00 a day fine for each day of noncompliance with a \$500.00 cap and that it would be an agenda item today. It's a three man department and we go through this with this guy every year. I am looking for a motion to find them in violation for lack of a 2014 Firearms report.

Mr. Stolz questioned if the Training Center had received the annual handgun qualification report for 2014, which is supposed to be submitted by December 31st of the calendar year. The rule states that if the report is not in by January 7th of the following calendar year they will be found noncompliant.

Mr. Muldoon stated we had not received the report and they are noncompliant.

MOTION

Sheriff Watson motioned to assess penalties as depicted in Title 79, Chapter 11, section 005.01C Agency Reporting, finding them in violation and assess the fine to Minatare Police Department in accordance with that statute. Their report is not here and they are past the deadline, whether we get it or not at this point, they are in violation. Chief Lausten seconded the motion. **Voting in favor:** Captain Moore, Sheriff Watson, Lieutenant Colonel Schwarten, Chief Larby, Sheriff Koranda, Chief Lausten, and Mr. McCarthy. Motion carried unanimously.

**C. Annual Handgun Qualification Course Violation(s)
Title 79, Chapter 11, section 008.01A**

Ms. Fielding stated about 17 agencies had an officer or two that we still needed to receive an individual qualification score on or a change in status form reflecting they were no longer employed.

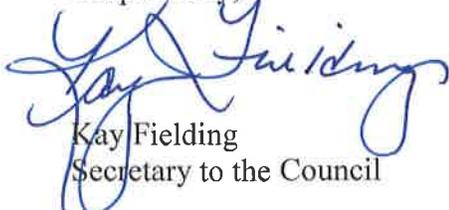
IX. OTHER BUSINESS

A. Date, Time & Location of Next Meeting

February 18, 2015, 9:00; Library, Nebraska Law Enforcement Training Center,
3600 North Academy Road, Grand Island, Nebraska 68801

Hearing no further business Lieutenant Colonel Schwarten motioned to adjourn the meeting. Sheriff Koranda seconded the motion and it passed unanimously. Meeting adjourned at 10:02 AM.

Respectfully,


Kay Fielding
Secretary to the Council