



**MEETING OF THE
POLICE STANDARDS ADVISORY COUNCIL
APRIL 16, 2014**

I. CALL TO ORDER

Chairman, Lieutenant Colonel Schwarten called the regular monthly meeting of the Police Standards Advisory Council, hereinafter P.S.A.C., to order at 9:00 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 April 7, 2014.

Members in attendance: Lieutenant Colonel Thomas Schwarten, Sheriff Larry Koranda, Chief Robert Lausten, Mr. Matthew McCarthy and Sheriff Jerry Watson. Not Present: Chief Timothy Larby and Captain Genelle Moore. Crime Commission and N.L.E.T.C. staff present: Darrell Fisher, William Muldoon, David Stolz, Brenda Urbanek and Kay Fielding.

II. APPROVAL OF MARCH 19, 2014 P.S.A.C. MINUTES

MOTION

Sheriff Koranda motioned to approve the March 19, 2014 minutes as presented. Sheriff Watson seconded the motion. **Voting in favor:** Sheriff Koranda, Chief Lausten, Mr. McCarthy, Sheriff Watson, and Lieutenant Colonel Schwarten. Motion carried.

III. ACADEMY REPORTS

A. Director – N.L.E.T.C.

Mr. Muldoon stated he had just returned from the IADLEST Midwest Region meeting held in Edmond, Oklahoma Sunday through Tuesday. Representatives from Oklahoma, Kansas, Wyoming, South Dakota, and various associated academies as well as the IADLEST Executive Director was in attendance. Iowa was not present at the Conference. One item of particular interest was the military experiment Michigan POST is doing; they actually did a JOB Task analysis file review and job comparison of a military police officer, military personnel with their MOU being Military Police, and training compared to that of a Michigan Police Officer with an intent to go after that population and come up with a curtailed academy to give them a quicker basic turn around to be used out on the street. Upon the first analysis they required 240 hours of training and increased the training by another 40 hours after the first class making it 280 hours.

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

Ms. Urbanek stated the 188th Basic began April 6th with 50 students. The initial Cooper Physical Training Test was Sunday with 49 of the 50 passing. The 1 student passed the retake on Monday with an overall class average of 66%; 10 were in the 30 - 40%. Data will be collected for the next two years with a review of the physical entrance standards at that time.

Tuesday students were tested on all the physical tasks they will have to do to graduation. A letter was then sent to agency administrators letting them know of their student's score and whether they were able to meet all the physical tasks. The letter also explained that there was no longer had a mandated physical training program but that students were encouraged to actively participate in a workout program throughout basic.

Monday and Tuesday I inspected the Lincoln Police Academy and will submit it for Council approval in the next couple of months.

Nine students started and successfully completed the Reserve, Reciprocity, Reactivation program. One limited tribal also successfully completed the program.

Joe Hayes, our lead firearms instructor, conducted the firearms committee meeting yesterday. Rule and Regulation requires a meeting every three years where firearms instructors around the state meet and discuss what is being taught to make sure the needs of the state are being met.

Mr. Stolz gave a brief review of the first online Management Course recently conducted stating one student did not participate but the other seven successfully completed it. There was some very good discussion over the two-week period of time with a series of posting requirements; introduction to the Police Standards Advisory Council and the Nebraska Crime Commission, a module discussing the legislative history of the bodies and how they came to be. We then moved into issues dealing with Reciprocity, Reserve and Basic and Reactivation training certification training and the requirements. They had a series of questions they had to post answers to. We took them through firearms and continuing education requirements, and what would happen if a waiver was needed and they were given scenarios as to whether an applicant would get a waiver, why or why not.

An online survey was conducted at the end and two weeks appears to be more than adequate to get it accomplished. Another question asked was how relevant this would be to them as an administrator in the years to come and overwhelmingly it was positive. The one thing that fell short was getting them to have a classroom discussion, so I will make it a requirement for the fall course.

C. Nebraska State Patrol

Sergeant Kavan stated their basic camp was in week 10 of 23 with 21 cadets.

They have been testing applicants for the next camp since Saturday; 400 made application.

ARIDE and Total Station Training are being held today and tomorrow. We have been hosting the fitness for duty committee meetings.

Next month we will conduct Accident Reconstruction in-service.

V. CRIME COMMISSION REPORT

Darrell Fisher reported legislature would end tomorrow and of the Bills covered last month, only two were left that directly affect the Crime Commission; LB464, Juvenile Reform Bill and LB 907, Prison Reform Bill. We convinced the sponsor of LB907 that to impact the population in prison and get the program to them quickly, the money needed to go to parole or DOC; that money has been moved.

Revocations - We have several Revocations that will be coming the Council's way. When I started at the Commission there were 16 complaints dating from 2006 to present; now the number is 18. The goal is to get current with what this body can do by the end of the year.

The Commission is minus 8 Racial Profiling Policies; 2 sheriff's departments and 6 local agencies.

The statute from 2006 to present states the Crime Commission may develop a model racial profiling policy, we drafted one that has gone through an internal review, Dave reviewed it and it is ready to be sent to the racial profiling advisory committee. We hope to have it in place and ready for action by the Crime Commission by the end of summer or fall. Any agency will be welcome to use it for their policy.

V. OLD BUSINESS

No old business

VI. NEW BUSINESS

1 **A. Appeal of Fine Assessed**
2 **Tim Sierks, Blaine County Sheriff's Office**

3 Chair: The Council has been asked by the Petitioner, the Blaine County Sheriff's Office
4 to consider setting aside the Council's assessment, which was the \$500.00 fine
5 imposed for failure to timely provide training information, that the Council took
6 action on January 15, 2014.

7 So for that, sir you are here for that hearing?

8 Sierks: Yes

9 Chair: Please have a seat upfront and if you could identify yourself and spell your name
10 for the record.

11 Sierks: Tim Sierks, Blain County Sheriff

12 Chair: Thank you Sheriff, could you spell your name just for the record?

13 Sierks: S-I-E-R-K-S

14 Chair: The Council is here pursuant to its authority as stated in Nebraska Revised Statute
15 §81-1403 and its related statutes. I will further note that the petitioner is here and
16 is not represented by counsel that is Sheriff Sierks from Blaine County.

17 Sheriff Sierks you have the right to be heard either in person or by your selected
18 counsel, who you would have hired at your own expense. I would just ask you,
19 do you understand that information?

20 Sierks: Yes

21 Chair: Thank you. Additionally, you have the right to present written evidence at the
22 hearing and a right to the Council's findings and the right to seek judicial review
23 thereafter. Do you understand that?

24 Sierks: Yes

1 Chair: Thank you.
2 The Police Standards Advisory Council shall act as the Hearing Board for this
3 appeal.
4 Sheriff Sierks, as the petitioner, you may make an opening statement at this time
5 for your appeal.

6 Sierks: Well I faxed all the stuff December 30th down here, my continuing ed and my
7 handgun certification deal and somehow Kay said she never got the handgun
8 certification and then the same day the Training Center mailed me back my
9 certificate for the 20 hours of continuing ed. so I assumed to think it was down
10 here.

11 Chair: Mr. Muldoon, do you have any opening comments?

12 Muldoon: I would waive opening comments.

13 Chair: Now is the time for further evidence that can be presented to the Council and that
14 may include written evidence, witness testimony or any unsworn statements by
15 you. Sheriff Sierks, do you have anything, any additional written evidence for the
16 Council to consider?

17 Sierks: That's all I got, is this notarized and everything on the thirtieth, so that's all I got.

18 Chair: Do we need to receive that?

19 Stolz: Do you want to offer that as evidence?

20 Sierks: Yes

21 Stolz: (Received the copies from Sheriff Sierks) Sheriff, did you want the invoice from
22 the Training Center marked as well?

23 Sierks: I guess, I don't need it.

1 Chair: Sheriff, we have marked these items as Exhibit #1 and #2 for the Council. Thank
2 you.

3 Sierks: Do you want the envelope that's stamped December 30th?

4 Stolz: What does the envelope have on it?

5 Sierks: This is what came back from the Training Center, December 30th. I got a
6 certificate for continuing. . .

7 Stolz: I think that is already in his file.

8 Chair: Any further testimony or do you have any witnesses for your behalf sheriff?

9 Sierks: No

10 Chair: Any further statements?

11 Sierks: No thank you.

12 Chair: Mr. Muldoon any written evidence for us to consider?

13 Muldoon: Yes, I have 16 pages of correspondence.

14 Chair: We will mark those as Exhibit #3.

15 Chair: Mr. Muldoon, do you have any witnesses or information for the hearing?

16 Muldoon: I have information. I'll start with the timeline here and point out to the Exhibit.
17 This packet I will pass around.
18 On April 15th of each year we send out a letter to agencies that has the roster
19 attached to it; the master listing asking or telling them that they need to do the
20 firearms and continuing education by the end of the year.
21 On October 15th Blaine County was emailed a firearms qualification reminder
22 letter and December 17th a firearms qualification reminder letter as we had not
23 received the firearms report as of yet.

1 On December 30th Kay did receive Sheriff Sierks' completed continuing
2 education form; the Sheriff's Continuing Education Certificate was issued.
3 Staff Assistant Holland on January 13th sent emails to the agencies that were still
4 non compliant, this was about five (5) agencies including Blaine County. In
5 addition to that there had been numerous attempts to phone and leave messages as
6 what is our protocol especially when we pass the December 31st to have them
7 avoid the first Council meeting in January. On January 14th Kay phoned Blaine
8 County Clerk, April Westcott, again trying to get to the Sheriff, we had left
9 messages and informed that our attempts to contact the Sheriff had not been
10 successful, messages were not returned and that immediate action was needed to
11 avoid a fine by this body the next day. When advised of the prospect of a fine, the
12 Blaine County Clerk acknowledged that we go through this every year and for us
13 to do what we needed to do. On January 15th following the action of this Council
14 I mailed a letter to the Blaine County Sheriff advising him of the action of the
15 Council, which was the assessment of the five (5) hundred dollar fine, and further
16 warning that on February 1st his certificate would be suspended if we did not
17 receive it. Here is a copy; it will be the second stapled remark, certified letter, the
18 invoice and my letter. On that same day in the afternoon 3:44 PM we did receive
19 the master listing from Blaine County, this was after the Council meeting that
20 adjourned at 11:08 in the morning. This showed that the Sheriff had shot the
21 course on July 26th, 2013; it was notarized and signed by April Westcott the same
22 County Clerk that we had been speaking to on December 30th and then the report
23 was faxed and time stamped via fax on January 15, 2014 in the afternoon.

1 February 19th I received a letter from Clark Law Office representing Sheriff
2 Sierks, and that will be part of the exhibit here, basically outlining that both
3 reports had been mailed at the same time on the 30th and that the evidence that we
4 had gotten was the Sheriff's Continuing Education Certificate being sent. I
5 responded to that letter on February 28th advising them that we had not received
6 the firearms report, that was what was deficient and why the warning went out
7 and why we were trying to get a hold of the Sheriff. On March 12th we received
8 another letter from Clark Law Office asking for an appeal of the fine to the
9 Council and sent those same materials from the 30th.

10 In conclusion, mistakes happen and they can occur, I think what is frustrating
11 about this case, and we talk about it now and then, is the lack of communication
12 sometimes exists where a lot of this gets taken care of on a phone call and a quick
13 fax it's done and in this particular case it takes two people to communicate and
14 not receiving anything, no call backs, it was the same person that notarized this
15 report didn't mention that to Kay, on the 14th that I just notarized that report two
16 (2) weeks earlier, I think a hopeful thing would have been, let me find it and mail
17 it to you. There was no acknowledgement at all that this had been notarized and
18 that this was done. That was not the information we had. Again, the Council had
19 already taken its action so my position on this was; it's the Council's action to
20 consider any adjustment to the action that was taken. At that point, we go through
21 this with a lot of agencies, they kind of go right up the wire before we have
22 compliance, this time the line had been crossed, the Council took its action and
23 here we are today.

1 Chair: Thank you Mr. Muldoon. Any questions for Mr. Muldoon?

2 Lausten: I have one. You made mention early on, you said that Blaine County Clerk made
3 a statement regarding she goes through this every year, can you expand on what
4 that meaning is.

5 Muldoon: Since about 2011 we are always kind of arrears with Blaine County, getting
6 compliance at the very last minute. Sometimes this year's compliance will be on
7 last year's form. I think it's since 2011. Is that right Kay?

8 Kay: Yes

9 Muldoon: We've had that compliance issue with the firearms score in particular.

10 Lausten: What month does the Training Center initially send out the listing of everybody?

11 Muldoon: April

12 Lausten: So those go out statewide at the same time?

13 Muldoon: Yes

14 Lausten: So you have more than ample time to get this done and get it sent back in,
15 correct?

16 Muldoon: Yes

17 Chair: Thank you Chief Lausten, any other questions for Mr. Muldoon?

18 (No Response)

19 We have received Exhibit #3 Mr. Muldoon which included your attachments you
20 referred to.

21 Thank you Sheriff Sierks. Anything additional to offer in light of Mr. Muldoon
22 and the Training Center's information?

1 Sierks: Well, I know I am hard to get a hold of, cause I'm never in the office. I don't
2 spend forty (40) hours in the office year round unless I'm doing reports and who
3 answers the phone if it rolls down, the phone goes down to the Clerk's Office and
4 Treasurer's Office and they usually leave a message and as soon as I got the
5 message from Kay that she had talked to April, I called. I don't know if they
6 didn't give me the message before that or what.

7 Chair: Any questions for Sheriff Sierks?

8 Lausten: I got a question, Sheriff, this document, Exhibit #2 that was faxed, where was this
9 faxed to on the top the phone number is 308-547-2226. Do you know whose
10 phone number that is?

11 Sierks: That's mine. That's my fax machine.

12 Lausten: So it was faxed from the Garfield Sheriff to your fax machine?

13 Sierks: Yeah, cause I had to have, we had, I didn't have that, on the day that they shot,
14 they called me up and said they were shooting so I ran down there and then I
15 faxed the document down to Kerby and had him sign it.

16 Lausten: So when was this faxed into the, it says in this letter that it was faxed to the
17 Training Center. Do we have any evidence that showed that this was faxed to the
18 Training Center on the 30th?

19 Sierks: I faxed it all on the same day; the continuing ed. and the report.

20 Muldoon: Our reports don't have December 30th on them. The one we did get has got
21 January 15th.

22 Sierks: That was the only time I talked to Kay, was the second time she had already faxed
23 it.

1 Stolz: Mr. Chairman?

2 Chair: Yes, Mr. Stolz

3 Stolz: Sheriff, I have a quick question for you; on your fax machine at the office, do you
4 have, does it provide you written confirmation?

5 Sierks: I'm not a computer guy; I can tell you that right now, it probably does.

6 Stolz: You don't have anything that would confirm that three (3) or four (4) pages were
7 sent to the Training Center on the 30th?

8 Sierks: No, I just got a little ole' fax machine, they got a fancy one downstairs but I just
9 got the little

10 Stolz: Fair enough, I just thought I'd ask.

11 Chair: Any additional questions for Sheriff Sierks?

12 (No Response)

13 Chair: Sheriff Sierks, you may make your closing comments, arguments at this time if
14 you choose to.

15 Sierks: I have none.

16 Chair: Mr. Muldoon

17 Muldoon: I'd waive closing.

18 Chair: Any other questions from the Council?

19 Lausten: Is the action we're taking on this appeal, is this an appeal of the fine, is this an
20 appeal of finding the violation of the regulation, because I think there are two (2)
21 issues. You are in violation of the regulation and we have a fine. What action are
22 we being asked to be taken?

1 Stolz: I guess I would pose that to the Sheriff. Sheriff what are you asking of the
2 Council?
3 Sierks: I was just appealing the fine, I mean I've been sheriff for 22 years and far as I
4 know I might have been late one other time when I first started.
5 Chair: Any other questions?
6 (No response)
7 Chair: Is there a motion to go into executive session?
8 Lausten: Mr. Chairman, I move that the Council go into executive session based on the
9 prevention of needless injury to the reputation of Sheriff Sierks and for the
10 purpose of executive session we'll allow the following to remain in the room: all
11 Council members, the Council secretary and the legal advisor.
12 Chair: There has been a motion to go into executive session.
13 Koranda: I'd second that.
14 Chair: Seconded by Sheriff Koranda. Kay
15 Fielding: Chief Robert Lausten
16 Lausten: Yes
17 Fielding: Mr. Matthew McCarthy
18 McCarthy: Yes
19 Fielding: Sheriff Jerry Watson
20 Watson: Yes
21 Fielding: Lieutenant Colonel Schwarten
22 Schwarten: Yes
23 Fielding: Sheriff Larry Koranda

1 Koranda: Yes

2 Fielding: Motion carried

3 Chair: I will remind those present in executive session that we must restrict our
4 discussion in closed session to the issue currently before the Council and we are
5 now in executive session. The time is 9:42 AM.

6 Chair: The meeting of the Police Standards Advisory Council will come to order. Is
7 there a motion to come out of executive session?

8 Watson: I would make that motion.

9 Chair: Motion by Sheriff Watson to come out of executive session. Is there a second?

10 McCarthy: I'll second.

11 Chair: Second by Mr. McCarthy. It has been moved and seconded that we come out of
12 executive session. Kay, would you please call the roll.

13 Fielding: Chief Robert Lausten

14 Lausten: Yes

15 Fielding: Mr. Matthew McCarthy

16 McCarthy: Yes

17 Fielding: Sheriff Jerry Watson

18 Watson: Yes

19 Fielding: Lieutenant Colonel Thomas Schwarten

20 Schwarten: Yes

21 Fielding: Sheriff Larry Koranda

22 Koranda: Yes

23 Fielding: Motion carried

1 Chair: Thank you Kay. All parties present when the Council went into executive session
2 are again present. I would note that the time is 0956 hours.
3 Is there a motion on this issue?
4 Lausten: I'll make a motion to deny the appeal.
5 Chair: There is a motion to deny the appeal of Sheriff Sierks from Blaine County. Do I
6 have a second?
7 Watson: I would second that.
8 Chair: Sheriff Sierks, as you've heard the Council has upheld the decision. Kay
9 Fielding: Mr. Matthew McCarthy
10 McCarthy: Yes
11 Fielding: Sheriff Jerry Watson
12 Watson: Yes
13 Fielding: Lieutenant Colonel Thomas Schwarten
14 Schwarten: Yes
15 Fielding: Sheriff Larry Koranda
16 Koranda: Yes
17 Fielding: Chief Robert Lausten
18 Lausten: Yes
19 Fielding: Motion Carried
20 Chair: Thank you. Mr. Sierks, Sheriff Sierks, you have heard that the Council has
21 upheld the earlier decision and denied the request for relief of the fine. This
22 hearing is concluded. I would note that the time is 9:58 AM.
23

**B. Waiver – Extension of One-Year Training Requirement
Edward Brickman, Franklin Police Department**

Mr. Muldoon stated Mr. Brickman needed to attend the current basic training session in order to avoid the one-year violation but we did not get a final approval on his file until after the class was full. He has met all the admission requirements; it was just beyond the basic entrance timeline.

Chief Brickman addressed the Council stating he was set to take the TABE in Kearney but later found out that Kearney did not provide the service so he had to find another testing location.

If I attend the next academy in August, I will be beyond my one-year time frame by a 2 ½ to 3 month window. I have two new hires and one will probably attend the August academy with me. I will still need to perform my duties as head of the department. I'll be back in town on the weekend; I don't plan on patrolling the streets, but there is a chance I could get called out. My time will mostly be department head functions.

Chief Lausten stated historically when an extension has been granted, they have no powers of arrest, and questioned if that would cause an undue influence and if he would be able to operate from September to the graduation date without powers of arrest?

Chief Brickman stated he would like to say he could but couldn't guarantee it; being in a small town there is a chance I could get called out on a serious situation.

MOTION

Sheriff Koranda motioned to grant the waiver for Chief Brickman of the Franklin Police Department of the one-year training requirement based on, as we have done in the past, Mr. Brickman is not allowed to practice law enforcement duties or arrest powers from the time of September 9, 2014 to December 19, 2014 as long as he satisfactorily completes the next basic training session. Mr. McCarthy seconded the motion. **Voting in favor:** Lieutenant Colonel Schwarten, Sheriff Koranda, Chief Lausten, Mr. McCarthy, and Sheriff Watson.

The meeting broke at 10:07 AM and resumed at 10:12 AM

**C. Waiver – Extension of Management One-Year Training Requirement
Lieutenant Stover, Nebraska State Patrol**

Captain Williams stated Lieutenant Stover was promoted in May 2013 but due to scheduling conflicts would be unable to attend Management Training within the one-year requirement. He is enrolled in the November Training Center course.

MOTION

Chief Lausten motioned to grant a waiver for Lieutenant Jim Stover of the Management Course provided he enroll in the next available class and successfully complete it. Sheriff Koranda seconded the motion. **Voting in favor:** Sheriff Koranda, Chief Lausten, Mr. McCarthy, and Sheriff Watson. Abstaining: Lieutenant Colonel Schwarten.

D. Waiver – Waiver of Reciprocity Training Chief Byron Wilkinson, Sidney Police Department

Mr. Muldoon stated Chief Wilkinson was unable to attend due to a civil hearing but was seeking a waiver of all certification requirements under Title 79, Chapter 3, Section 005.01.06 as he is more of an Administrative Chief.

I would make the following note. He:

- is employed by the city of Sidney with a population of 6,808 which is over the required service population of 5,000,
- held the rank of Chief of Police in Litchfield, Illinois population 6,814 from November 14, 2002 to July 2013,
- is a 1992 graduate of the Wyoming Law Enforcement Academy,
- is a 1984 graduate of the Virginia Wesleyan College with a Bachelor of Arts in Political Science,
- completed five graduate level courses at Western Illinois University,
- is a 2005 graduate of the University of Virginia Executive Institute,
- completed a police executive role in the 21st Century Course in 2009
- has met all of the other requirements of Chapter 8 for admission, and
- has letters of good standing from all previous law enforcement agencies.

The Illinois POST Director gave a personal recommendation that we were getting a good guy. With that, I give the recommendation that he does meet the requirements for reciprocity.

MOTION

Chief Lausten motioned to grant the waiver of Reciprocity Training for Byron Wilkinson. Sheriff Watson seconded the motion. **Voting in favor:** Chief Lausten, Mr. McCarthy, Sheriff Watson, Lieutenant Colonel Schwarten, and Sheriff Koranda.

Chairman Schwarten took items out of order taking VI, G next.

1 **G. Appeal – Admission to Omaha Basic Training**
2 Jesse Walker, Omaha Police Department

3
4 Chair: I will now call this hearing to order and note the following Council members are
5 present:

6 Myself, Lieutenant Colonel Thomas Schwarten - Nebraska State Patrol

7 Sheriff Larry Koranda – Cedar County Sheriff’s Office

8 Chief Robert Lausten – LaVista Police Department

9 Matthew McCarthy – Northeast Community College

10 Sheriff Jerry Watson – Hall County Sheriff’s Office

11 The Council has been asked by the Petitioner, the Omaha Police Department, to
12 consider reversing Director Muldoon’s decision to deny Mr. Walker’s unpardoned
13 Class I Misdemeanor for Assault. The Council is here pursuant to its authority as
14 stated in Nebraska Revised Statute §81-1403 and its related statutes.

15 Mr. William Muldoon is presiding on behalf of the N.L.E.T.C. pursuant to his
16 statutory duties as stated in Nebraska Revised Statute §81-1404 and related
17 statutes and will present the reasons for denial of Mr. Walker’s admission into
18 basic training.

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

20 Muldoon: No

21 Walker: No sir

22 Chair: There was no objection. I will further note that the petitioner is present and is not
23 represented by counsel. Pursuant to Title 79, Chapter 8, section 009.02, the
24 burden during the appeal hearing is on the applicant to demonstrate by clear and
25 convincing evidence that he should be allowed entrance into basic training. Per

1 Title 79, Chapter 13, section 004.02G, the issues of this appeal will be limited to
2 those raised in the request for review and reconsideration as provided in section
3 004.02C and the Director's written decision in response.

4 The decision of the Council is final.

5 As the petitioner in this Administrative Hearing you have a right to be heard,
6 either in person or by counsel who you have hired at your own expense. You also
7 have a right to notice; that is to receive a statement from the State, the Nebraska
8 Law Enforcement Training Center, detailing or justifying its actions in this
9 matter. Do you understand these rights?

10 Walker: Yes sir

11 Chair: Did you receive such notice via the letter from Mr. Muldoon stating his reason for
12 your denial to basic training?

13 Walker: No sir,

14 Chair: I'm sorry.

15 Walker: No sir, I did not receive a letter. I was informed over the phone.

16 Chair: Okay, was that from your administrators?

17 Walker: Deputy Chief.

18 Chair: Thank you. Did you notice any defects in your letter that prejudiced you from
19 presenting your case?

20 Walker: No sir.

21 Chair: Additionally, you have a right to present written evidence at this hearing, a right
22 to the Council's findings and the right to seek judicial review thereafter. Do you
23 understand these rights?

1 Walker: Yes sir.

2 Chair: The Police Standards Advisory Council shall act as the Hearing Board for this
3 appeal. Neither I, nor any other Council member, will be a witness for either side
4 and I am not aware of any matter which I believe may be grounds for challenge
5 by either side against me or the other members. I do not have and have not had
6 any personal information conveyed to me nor do I have any personal knowledge
7 of the case. Does any Council member have any personal knowledge of the case?

8 Lausten: Yes

9 Chair: Koranda – No
10 McCarthy – No
11 Watson – No

12 Chair: Chief Lausten could you explain to the folks.

13 Lausten: This incident happened a couple years ago in our jurisdiction. I am aware of the
14 incident when it took place and what the circumstances were.

15 Chair: Thank you Chief.
16 Does either side have any further questions or challenge for cause against any
17 member of the Council?

18 Muldoon: No

19 Walker: No sir

20 Chair: Thank you. Mr. Muldoon do you have any procedural documents for this case
21 and if so would you present them at this time.

22 Muldoon: I have Mr. Walker’s application file for certification training.

1 Chair: Thank you Mr. Muldoon that will be marked as Exhibit #3 in this case. It has
2 been received and entered into the record. Anything further Mr. Muldoon.

3 Muldoon: No

4 Chair: Does either side wish to address any preliminary matters?

5 Muldoon: No

6 Walker: No sir

7 Chair: Thank you. Mr. Walker, as the petitioner, you may make an opening statement at
8 this time.

9 Walker: Yes sir, I'm asking for the appeal so I can continue my training with the Omaha
10 Police Department and continue my dream of becoming an Omaha Police Officer.
11 I've done everything asked of OPD. I have excelled in the Marine Corp, I did
12 four years, served two tours in Iraq, I volunteered for. Every job or career I've
13 chose I've given it a hundred percent. I've never been in trouble, I had one
14 incident and I don't want this one incident holding me down the rest of my life.
15 I'm trying to become better and make my family proud. I brought with my
16 military records, awards and some character letters. I believe you already have, I
17 also have Captain Kelly and Officer O'Keefe with me to testify before you on my
18 behalf.

19 Chair: Thank you Mr. Walker.

20 Mr. Muldoon, would you wish to make an opening statement?

21 Muldoon: On April 8th, 2014 I received 37 files of new Omaha Officers that were hired on
22 or about April 14th, 2014 of the thirty-seven (37) files reviewed one was
23 determined to be ineligible for academy admission due to his possessing an

1 unpardoned Class 1 misdemeanor conviction for assault. In addition to the assault
2 there was a civil judgment that had been rendered for medical expenses suffered
3 by the victim of the assault.

4 Chair: Now is the time further evidence can be presented to the Council. This can
5 include written evidence, witness testimony or any unsworn statements by you or
6 your attendees here today. Mr. Walker, do you have any written evidence for us
7 to consider?

8 Walker: No sir.

9 Muldoon: I did pass out these reference letters (passed out prior to the meeting)

10 Chair: In front of the Council members.

11 Were these sent to you Mr. Muldoon?

12 Muldoon: Yes they were.

13 Chair: Thank you. Mr. Walker, do you have any witnesses to testify on your behalf?

14 Walker: Yes sir.

15 Chair: If they could please, state their name and identify themselves and proceed.

16 Kelly: I am Captain Diana Kelly, K-E-L-L-Y; I am Captain of the training and
17 community services section. I am representing the Omaha Police Department on
18 behalf of Chief Schmaderer who had a conflict today and Deputy Chief Gonzales
19 who is out of town. I have been on the department for twenty-two (22) years and
20 been involved in the background investigations for at least fourteen (14) years as
21 a Sergeant, as a Lieutenant and as a Captain. Even as I have served on the
22 uniform patrol bureau they would call me in to do final interviews for candidates
23 and I have never encountered such a situation as this. The case was first brought

1 to my attention in late February. My background Lieutenant, Lieutenant Cathy
2 Cook advised me that they had assigned a candidate who was initially passed
3 over, his rank was number thirty eight (38) on a list of eight hundred plus who
4 had a Class M I conviction, we normally do not consider these candidates,
5 because obviously they do not meet the admission standards for Grand Island.
6 Thus, she further explained that the candidate had called and inquired about this
7 case and the sergeant had researched it, Sergeant Jim Murphy, who had since
8 retired and advised the candidate that he had to have a pardon. I believe there was
9 several communications that went back and forth. The candidate knew that he did
10 not have time to pursue a pardon within the couple months before the academy
11 started. On April 14th he did go to the Judge and got the conviction set aside. The
12 candidate advised Sergeant Murphy of this, Sergeant Murphy consequently
13 contacted our law department, whoever he spoke to and he could not remember,
14 and again he is retired now, stated that a set aside was suitable for us to proceed
15 with his application process.

16 Our Background investigator O'Keefe began the backgrounds; there was nothing
17 in his background beside the M-1 conviction that was a blemish on his record.
18 We do note that he has military service was commended for several actions in the
19 military, does not have a college degree but that is not required for our
20 department. We thought he was a great candidate, we went ahead and scheduled
21 him for a final interview, he was extended a conditional offer of employment; , he
22 went through a psychological and a medical exam. The psychological indicated
23 no issues, he was suitable for employment and some of the dimensions that we

1 test them at is anger management, yes he did admit to the assault five years ago,
2 and I would like to point out that it was five (5) years ago, but that did not flag
3 him for being unsuitable to proceed with a final offer. We extended the final offer
4 to recruit Walker several weeks ago when the notification came from Mr.
5 Muldoon that he was not eligible; we had a couple of options. We contacted Mr.
6 Walker and gave him the option of waiting until the hearing had proceeded and a
7 decision was rendered and have him not start the academy or have him start the
8 academy on Monday per Chief Schmaderer, the recruit candidate went ahead and
9 decided he would like to attend Monday with the knowledge that he could be
10 embarrassed and leave the academy and the recruits would possibly question why
11 he was leaving and the M one conviction would come out, but we firmly believe
12 that the set aside is viable for us to consider him and include him in the academy
13 and we ask that you do waive the admission standard of requiring the pardon to be
14 employed with our agency specifically for Mr. Walker. I don't think I would
15 have traveled this far to represent just any recruit in our academy. There is a lot
16 of, we have a class of thirty nine (39) right now, of thirty-nine (39) applicants,
17 with one blemish on his record is rare, so I do ask the Council to consider this.
18 I'll defer to Detective O'Keefe to see if she has anything to offer as far as his
19 background.

20 Chair: Thank you Captain Kelly for being here.

21 O'Keefe: I am Officer O'Keefe, with the Omaha Police Department backgrounds unit. I've
22 conducted over thirty (30) backgrounds so far on candidates and it doesn't seem
23 like too many, but I can tell you that I disqualified most of those (inaudible).

1 Jesse Walker is one of the candidates that really stuck out as being exemplary, he
2 had no red flags, no concerns in his background, it was quite easy to do, he had a
3 lot of accomplishments in the military that spoke to his character and he received
4 favorable references from both personal and employment. I would ask that this
5 Council please consider this appeal so that he can represent our department
6 honorably as I know he will.

7 Chair: Thank you Officer O’Keefe. Mr. Walker, anything further?

8 Walker: I would like to also add that I plan on proceeding with the Pardon after this
9 hearing is over.

10 Chair: Mr. Muldoon any written evidence or information?

11 Stolz: I have a question if I may?

12 Chair: Absolutely Mr. Stolz?

13 Stolz: Captain, the basic recruit class started this Monday is that correct?

14 Kelly: Yes, that is correct.

15 Stolz: And are you in charge of submitting the forms to the Training Center or who is
16 within your agency?

17 Kelly: That would be Lieutenant Cook and Lieutenant Laura Scott from the Training
18 Academy.

19 Stolz: Are you their supervisor?

20 Kelly: I am their supervisor.

21 Stolz: So you would agree with me that the packets that were submitted were not
22 submitted within at least thirty (30) days to the start of your basic.

23 Kelly: They were not.

1 Stolz: Any particular reason why not?

2 Kelly: I have addressed that. In this particular case it wouldn't have been submitted
3 because we have such a volume of candidates and applicants that we go through.
4 We are giving conditional offers up until four (4) weeks before the academy starts
5 and then it takes an additional two (2) weeks for medicals and psychologicals to
6 go through. This particular candidate, since he did not get his conviction set aside
7 until February 20th, which was very late in the game, his would definitely not
8 have been thirty (30) days in advance for us to be notified that he was not eligible
9 for participation in the academy.

10 Stolz: And you said it was Jim Murphy?

11 Kelly: Sergeant Jim Murphy.

12 Stolz: Who handled this?

13 Kelly: He is the one who assigns cases. He did not assign Mr. Walker initially because
14 he did see that Class I conviction and so when he was contacted with information
15 as to where he advised the recruit candidate what steps he could make to be
16 considered.

17 Stolz: Did anybody, to your knowledge from your division, contact the Director of the
18 Training Center to see what steps would be necessary?

19 Kelly: Actually when we submitted the paperwork it was Mr. Muldoon that contacted us,
20 so we did not contact him.

21 Stolz: So even though this Class I misdemeanor, your agency was aware of it, nobody
22 contacted the Director?

1 Kelly: Correct. I would like to point out that we did contact our City Legal Department.
2 We talked to our advisor and he stated that he was not aware and he suggested
3 that we just bring up the fact that none of us realized the nuance of set-aside
4 conviction versus a pardon.

5 Stolz: And you don't know who the legal person was?

6 Kelly: I do not.

7 Stolz You don't know what law your legal representative was looking at?

8 Kelly: I do not.

9 Stolz: So it's fair to say nobody either brought up the fact that in 2012, §29-2264, which
10 is the set-aside statute was in fact changed that allows, or does not preclude, the
11 use of a set-aside conviction for the purposes of a revocation or applications for
12 the purposes of Nebraska Certification training. So nobody was aware of that?

13 Kelly: No

14 Stolz: Thank you, I have nothing further.

15 Chair: Mr. Muldoon, do you have anything further?

16 Muldoon: Nebraska Administrative Code Title 79, Chapter 8 section 005 01F provides that
17 individuals with unpardoned convictions for crimes that would be punishable of
18 imprisonment for a term of one year or more are not eligible for admission. Mr.
19 Walker was convicted of a third degree assault, Class I misdemeanor for an
20 offense dated May 24, 2009 in Sarpy County. His federal record shows a
21 conviction, fifty (50) dollar fine, the record also shows a judgment set-aside dated
22 February 20th, 2014 and I would reiterate that the set aside statute does not apply
23 to law enforcement applicants.

1 I sent Chief Schmaderer a letter creating the class of thirty-seven (37) with the
2 exception of Mr. Walker until this hearing could be held before the Council as the
3 Class I pushes that. I do have copies of the police report that were provided by
4 the Omaha Police Department backgrounds investigation unit. They are a part of
5 that record as an exhibit, but for your deliberation.

6 Chair: They are a part of the file?

7 Muldoon: It's inside the file but there are individual copies for members.

8 Chair: Thank you.

9 Koranda: Mr. Muldoon, not only with Mr. Walker, but technically with the Operating
10 Instruction, you could have denied the whole class, all thirty-seven (37) or thirty-
11 nine (39) applicants based on the thirty (30) day prior.

12 Muldoon: It's an interesting dilemma and then I got 2 (two) more today so the class is thirty-
13 nine (39), two (2) of them arrived on my desk today for approval so not it is a
14 class of thirty-nine (39). We've had this conversation in the past. I've sat in that
15 position, I understand the thirty (30) days is an onerous deadline to meet when
16 you are still giving conditional offers. We've been talking that we're going to
17 talk about getting some as opposed to none ahead of time, so we can prevent a
18 situation like this, but that is an interesting observation.

19 Chair: Thank you. Mr. Muldoon, anything further?

20 Muldoon: No

21 Chair: Mr. Walker, do you have anything additional to offer in light of the Training
22 Center's evidence?

1 Walker: Yes, just talking about the whole assault case, I told the police officer when the
2 thing, we had to give out our written statements, I told him I did not know if I
3 assaulted him just because technically anytime you put your hands on anybody, it
4 is a assault. I never threw a punch, never inflicted any damage onto him at all. I
5 grabbed him, pushed him up against his car and I plead guilty to an assault mostly
6 because my lawyer, I had never been in trouble, my lawyer told me, plead guilty,
7 pay the fine and this would all be done and over with. I took his advice and a few
8 months later I got a civil suit filed against me also and then by that time I had
9 already plead guilty so we had to turn around and pay medical bills for the civil
10 suit.

11 Koranda: What was the dollar amount on the medical bills, or what was the medical issue?

12 Walker: It was a broken nose and he had a received surgery for it.

13 Stolz: Mr. Walker, who was your attorney for the criminal matter?

14 Walker: I do not remember.

15 O'Keefe: It was (inaudible)

16 Walker: That was for the set-aside

17 O'Keefe: Oh I'm sorry, that was not your attorney for the

18 Walker: No, I can't remember off the top of my head it started with an "O"

19 Lausten: Public Defender, or was it a private attorney?

20 Walker: It was a private attorney; it was supposedly a friend of the family.

21 O'Keefe: I would like to add something, if I could, in reference to the assault I just spoke
22 of. Just to make clear, Jesse was not the suspect who broke the victim's nose,
23 there was a second suspect arrested in the incident.

1 Stolz: Who was that suspect?

2 O'Keefe: His name was Nicholas Bitzes.

3 Walker: Nick Bitzes

4 Stolz: And what relation is he to you (Walker)?

5 Walker: He was just a friend.

6 Lausten: How many guys were in the car initially, in your vehicle?

7 Walker: I believe there was five (5) and one of them was an off-duty police officer who

8 was our designated driver that night. It was the end of a bachelor party night and

9 one of our friends, we stopped for Taco Bell and one of our friends got out

10 because he was feeling light headed, we sat outside and a car drove by and said

11 something, so he said something back, the car pulled back around, he went up to

12 the car started talking to him and we were all watching cause we thought he was

13 going to start a fight, they all began laughing, the two suspects and my friend,

14 they were all laughing so we all turned back around, next thing we turned back

15 around and one of them is hitting him in the back of the head, at that time he fell

16 down to the ground, they both began hitting him, we piled out of the van and our

17 designated driver, Officer Holtmeyer quickly announced, off-duty OPD, and as

18 soon as he announced that, the main one that started everything took off running

19 and that's when myself and Nick Bitzes gave pursuit after him to apprehend him

20 because at the time my friend was face down in the concrete unconscious and we

21 didn't want him to get away. We could not catch up to him, could not find him,

22 we started coming back to our friends when the other male, he left the parking lot

23 of Taco Bell, came and met us. He got out of his car approached me and I

1 approached him we scuffled, we wrestled around, I over powered him I pushed
2 him up against his car, as soon as he hit his car I said where is your friend at and
3 another red Alero pulled in the parking lot, swerved at us and I let him go and as I
4 let him go that's when Nick Bitzes and Mr. Foral got into the fight. I chased after
5 the car about ten (10) to fifteen (15) feet, turned back around saw the fight, saw
6 all four (4) go down on the ground, went and grabbed Nick Bitzes, said lets go,
7 let's go we got to get out of here, because at that time I didn't know how many
8 more there was and we took off and that was it.

9 Lausten: Had you been drinking?

10 Walker: Yes we were all drinking.

11 Lausten: So your people were drinking, had the other carload of suspects been drinking?

12 Walker: Yes they were also drinking. The officers noted that both of them also smelled,
13 reeked of alcohol.

14 Lausten: When were you contacted by the police?

15 Walker: I believe about an hour or two (2) after.

16 Lausten: Where at?

17 Walker: We were pulled over driving back home.

18 Lausten: By who?

19 Walker: By a LaVista Police Officer I believe, I don't remember I think it was Officer
20 O'Hara. We were pulled over and Nick Bitzes was just dropped off, so he was
21 not in the vehicle.

22 Lausten: What was the off-duty OPD officer's name?

23 Walker: Officer Holtmeyer

1 Lausten: Do you regret it?

2 Walker: Yes sir.

3 Lausten: What would you have done, in that same situation, what do you think you would
4 have done.

5 Walker: I wouldn't have given pursuit. I would have just let him go. It's not worth it, not
6 to my family, since then I've had two (2) kids and this whole mess has been so
7 much stress and I would never put my family through this kind of situation again.

8 Lausten: Were you in the military at this time?

9 Walker: No sir, and since then when I do go out, which is a very rare occasion, I do not
10 have more than two (2) drinks, just cause I do not want to be put in another
11 situation where I am not thinking clearly.

12 Lausten: Did Holtmeyer get out of the vehicle during this incident?

13 Walker: Yes he got out and he announced right away, off-duty OPD, as soon as he saw our
14 friend go down.

15 Lausten: Did he chase anybody or do anything?

16 Walker: No he did not. I thought he was going to hold the first suspect at his car, but he
17 did not he let him go and he is the one that turned back and came and met us.

18 Lausten: Did he ever say why he made the decision to not get involved and just be a
19 bystander and do that as opposed to being an aggressor?

20 Walker: No sir.

21 Lausten: Do you ever wonder why he didn't jump in like that?

22 Walker: Well at the time sir, we were all kind of like alpha-type personalities, all of us that
23 were in the vehicle and we didn't come from backgrounds where when you get in

1 a fight it's done and over with, you don't pursue charges or anything, I believe he
2 just considered that, you know, our friend was in a fight, the fight was over he let
3 the other guy go. I never questioned him on why he let him go or anything like
4 that.

5 Lausten: I'm just trying to reiterate the point; he probably used pretty good judgment not to
6 offend.

7 Walker: Yes sir.

8 O'Keefe: Can I make a point about the alcohol use.

9 I just want to add that in doing Jesse's background he stated that the last time that
10 he was actually intoxicated was that night in 2009 when this all occurred he has
11 not been drunk since then he said and in all the references that I check with, they
12 confirmed that, no one has seen him drunk since that night. So I would like to
13 show some maturity and some growth has happened since then for Mr. Walker.
14 He realized he made a stupid mistake and he was going to take necessary actions
15 to not allow that type of incident to occur again.

16 Kelly: I would like to point out that in the final interview with myself and Deputy Chief
17 Gonzales specifically asked him about that event that happened that night. I know
18 it sounds rehearsed right here the way he laid it out to you but that's exactly how
19 he presented it to us. He also submitted to a polygraph exam and he passed that
20 and again I would like to bring up that the psychological didn't show any
21 indicators that he would be a problem either with integrity, alcohol use or anger
22 management issues. He did use poor judgment that night; we all realize that,

1 again I would just like to emphasize that that's the only blemish on his record that
2 we could find in his background.

3 Chair: Thank you; any further comments Mr. Walker?

4 Walker: No

5 Chair: Thank you. Mr. Muldoon, closing?

6 Muldoon: No closing, I'll waive.

7 Chair: Thank you. Any questions from the Council or any further questions.

8 (No response)

9 Is there a motion to go into Executive Session?

10 Lausten: Mr. Chair, I'll make the motion that the Council go into Executive Session based
11 on the prevention for needless injury to the reputation of Jesse Walker and for the
12 purpose of executive session we'll allow the following to remain in the room: all
13 Council members, the Council's secretary, and legal advisor.

14 Chair: There is a motion to go into executive session. Is there a second?

15 Watson: I'll second that.

16 Chair: Second by Sheriff Watson. Kay, would you call the roll please.

17 Fielding: Sheriff Larry Koranda

18 Koranda: Yes

19 Fielding: Chief Robert Lausten

20 Lausten: Yes

21 Fielding: Mr. Matt McCarthy

22 McCarthy: Yes

23 Fielding: Sheriff Jerry Watson

1 Watson: Yes

2 Fielding: Lieutenant Colonel Thomas Schwarten

3 Schwarten: Yes

4 Fielding: Motion carried.

5 Chair: Thank you, we are in Executive Session at this time I would remind those present

6 that they must restrict their discussion in closed session to the issue current before

7 the Council involving Mr. Walker.

8 The time is 10:51 AM.

9 Chair: Is there a motion to come out of executive session?

10 Koranda: I'll make that motion.

11 Lausten: Second

12 Chair: Motion by Sheriff Koranda with a second by Chief Lausten to come out of

13 executive session. It's been moved and seconded, Kay would you call the roll

14 please.

15 Fielding: Chief Robert Lausten

16 Lausten: Yes

17 Fielding: Mr. Matthew McCarthy

18 McCarthy: Yes

19 Fielding: Sheriff Jerry Watson

20 Watson: Yes

21 Fielding: Lieutenant Colonel Thomas Schwarten

22 Schwarten: Yes

23 Fielding: Sheriff Larry Koranda

1 Koranda: Yes

2 Fielding: Motion carried.

3 Chair: Thanks Kay. All parties present when the Council went into executive session are
4 again present. Note the time is 11:03 AM. Is there a motion on this appeal?

5 Lausten: Mr. Chair I'd like to make a motion to grant the appeal of Jesse Walker allowing
6 him to attend a state approved basic academy.

7 McCarthy: Second

8 Chair: I think one of the discussion items I would like to bring forward, Captain Kelly is
9 efforts that can be of great assistance not only to the Department but also to the
10 Nebraska Law Enforcement Training Center regarding certifications is providing
11 paperwork thirty (30) days prior to any type of academy and as Mr. Muldoon
12 noted there were two (2) additional application files that arrived today and there
13 has been a letter written to accept those into the class that started April 14th, and I
14 realize we are in a hiring process too, that it is difficult number one to find
15 qualified applicants and then make sure your classes are full but in this type of
16 situation and for the sake of Mr. Walker having that period of time prior to the
17 class beginning would have certainly provided Mr. Walker with the opportunity to
18 take care of some items or not start a class with classmates only to possibly have
19 something negative arise out of his attendance in that academy and a second item
20 on that is if there are questions, and before your next academy, because I think
21 you are probably starting another process very soon too, and folks will be very
22 busy, anything you can do to insure that all proper forms and the current forms are
23 utilized for any documents that get sent to the N.L.E.T.C. will assist Mr. Muldoon

1 and the entire staff to number one get timely action on that and secondly making
2 sure you get the most qualified candidates at your department.
3 Anything further from the Council?
4 McCarthy: I would echo those comments.
5 Watson: And it needs to be done within that thirty (30) day window that you were talking
6 about otherwise you put a risk not getting anybody into the academy and I think
7 that is the ultimate; what would happen and I think you need to realize that's what
8 your playing with.
9 Kelly: Yes sir.
10 Chair: Any other comments, any other discussion?
11 (No Response)
12 Seeing none, there has been a motion and a second to grant the appeal for Mr.
13 Walker to attend the Omaha Police Department basic training. Kay, would you
14 call the roll please.
15 Fielding: Mr. Matthew McCarthy
16 McCarthy: Yes
17 Fielding: Sheriff Jerry Watson
18 Watson: Yes
19 Fielding: Lieutenant Colonel Thomas Schwarten
20 Schwarten: Yes
21 Fielding: Sheriff Larry Koranda
22 Koranda: Yes
23 Fielding: Chief Robert Lausten

- 1 Lausten: Yes
- 2 Fielding: Motion carried.
- 3 Chair: Thank you. I would note that the hearing is concluded at 11:06 AM.
- 4

E. N.L.E.T.C. Driving Standards

Mrs. Urbanek stated the Training Center driving instructors are evaluating the current inside Defensive Driving Course standard, effective since 2003, to see if the standard and test were current. Mr. Harmon solicited input from Trooper Paro of the Nebraska State Patrol, Mitch Robinson of Omaha Police and Ryan Wetzel of the Lincoln Police Training Unit's and they have come up with an alternative course to the currently one run.

In order for the Training Center to pursue this different course, we need the Council to set aside our current driving standard; meaning there will be no way to fail driving on the inside course until we have validated time for the new course. In our existing timeframe we don't have time with the large class size to run the current standard, teach them the course, get them through it and then teach them the new course and get them through it, so we need to explore this other option for a course.

Mr. Harmon passed out a copy of the proposed course and explained that the current course had 7 areas of backing; 54 percent of law enforcement collisions occur while the vehicle is in rear motion, so we are taking steps to correct that by including 11 backing stations into the proposed course. The current course has a parallel parking maneuver unfortunately the way it is set up students have to parallel park to the left, that has been fixed with this course. In developing this course, we all wanted more realistic real life events; there are sally ports, jail environment, Wal-Mart parking lot, etc with backing control and steering control. The course has been doubled in size allowing students to get vehicles to a higher speeds where braking is more important. Brake fade is the problem we have with the outside course, because they use the brakes so much; this course will help them learn to how to control that.

Mrs. Urbanek stated this would not change the Omaha, Lincoln or NSP driving course as each academy has their own validated driving standard. This course is designed to accommodate the Crown Victoria, Taurus, SUV, Caprice, Charger, and pickups; we have pickups onsite that we will take through the course. We plan to obtain information for two years and would like agencies to allow their students to take their own vehicles through so we have a wide variety of vehicles going through the course to find the average. Doing this over a two-year time frame will also give us various driving conditions.

MOTION

F. Instructor Certification/Recertification Professional

Hayes, Joseph – Nebraska Law Enforcement Training Center

Ms. Urbanek requested the Council grant him a professional certification stating he had recently successfully completed the Instructor Development Course.

MOTION

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

VII. OTHER BUSINESS

A. Date, Time & Location of Next Meeting

May 21, 2014, 9:00; Library, Nebraska Law Enforcement Training Center,
3600 North Academy Road, Grand Island

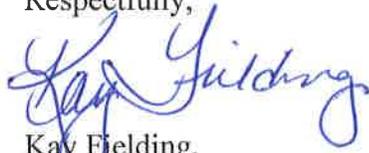
Members were reminded of the revocation hearing scheduled for May 15th. Sheriff Koranda stated he would be unable to attend.

The Council discussed having Chairman Schwarten call the Chief of Staff or the Omaha Mayor to inform him, as the head of the Police Standards Advisory Council, of our issue with paperwork and ask for his assistance in getting it rectified.

Chief Lausten felt this could be addressed during the Academy Inspection and also letting them know there was a problem with the entire process and certifying their academy.

Hearing no further business the meeting adjourned at 11:50 AM.

Respectfully,



Kay Fielding,
Secretary to the Council