



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
June 17, 2015**

I. CALL TO ORDER

In Chairman Chief Timothy Larby's absence Mr. Matthew McCarthy called the regular monthly meeting of the Police Standards Advisory Council, hereinafter P.S.A.C., to order at 9:01 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 June 9, 2015.

Members in attendance: Mr. Matthew McCarthy, Sheriff Larry Koranda, Captain Genelle Moore, Lieutenant Colonel Thomas Schwarten, and Sheriff Jerry Watson. Members absent: Chief Timothy Larby and Chief Robert Lausten. Crime Commission and N.L.E.T.C. staff present: Darrell Fisher, David Stolz, Brenda Urbanek and Kay Fielding. Others present: Sheriff Becker of the Harlan County Sheriff's Office and Deputy Julie Bergfield of the Box Butte County Sheriff's Office.

II. APPROVAL OF APRIL 18, 2015 P.S.A.C. MINUTES

MOTION

Sheriff Koranda motioned to approve the minutes as presented. Captain Moore seconded the motion. **Voting in Favor:** Mr. McCarthy, Sheriff Koranda, Captain Moore, Lieutenant Colonel Schwarten, and Sheriff Watson. Motion carried.

III. ACADEMY REPORTS

A. Director – N.L.E.T.C.

In Director Muldoon's absence Ms. Urbanek stated Attachment #1 contained the Director's report.

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

Ms. Urbanek stated the 191st Basic Training Session was currently in week 2. The schedule was adjusted with the physical entrance testing being done first thing Monday morning. 4 people were unable to meet the entrance standard; one retook the test on Tuesday morning and was still unable to meet the standard, the other three left before retaking it. All three reported injuries; two of the three came in with health conditions. Tuesday we started class with 43 students; we currently stand at 42.

N.L.E.T.C. Instructor Jim Davis took a position as the Director of UNK Public Safety and Parking his last day is Friday, June 19.

The second session of the Reciprocity & Reactivation began June 15, 2015 with 11 Reactivation students and 2 Reciprocity students.

The June 15-19, 2015 Rural Active Shooter course was cancelled due to low enrollment; it was grant funded training with no tuition.

Mr. McCarthy stated in April F.L.E.T.C. contacted him about hosting another Rural Active Shooter Course or a Human Behavioral Understand Course; agencies I contacted in the area responded that another Rural Active Shooter Course was not needed.

The Director's Report reflects that the Training Center hosted a train-the-trainer Blue Courage course May 11 – 14, 2015 with about 30 attendees including instructional staff from all four in-state academies as well as South Dakota and Iowa. Director Muldoon plans to fully implement the 16-hour training program in the Basic academy adding 2 days to the academy. The instructional staff feels the program content is good, but it is a marketed package of concepts that have been taught at the Training Center for a number of years. All of the modules presented in Blue Courage are fundamentally addressed in our curriculum. I am not sure they are all JTA applicable. If we teach Blue Courage, it will need to be taught verbatim to include the hours. It is scripted material that you provide at a cost of \$75.00 per student in addition to our current material fee of \$95.00.

Sheriff Watson responded that he supported Blue Courage but felt it would be better incorporated into Supervision or Management; those being in law enforcement 5 to 7 years, as they would have a better idea of what was being talked about in Blue Courage.

C. Nebraska State Patrol

Captain Williams reported 33 girls had graduated from the week-long Jr. Law Cadet program last week; 42 boys were currently attended the Jr. Law program.

Trooper Hagen recently completed a three-day high threat C.Q.B. (Close Quarter Battle) Course; basically a building search tactics method. The Patrol is trying to standardize its building search methods throughout each troop area.

Sergeant Paro and Trooper Hagen completed a one-day Tactical Med Course through Tactical 88 last month.

All the sworn members of the training staff helped with Legislative security in May.

Trooper Johansen continues to work hard on the C.C.W. program approving instructor applications. He has about 20-25 brand new applications to review in addition to answering questions and bringing the instructors in to specifically talk to them and let them know what they need to do differently to get their curriculum approval.

Sergeant Kavan met with all 6 troop area defensive tactics coordinators on injuries and consistency of the curriculum.

A 40-hour Instructor Development course will be held next week with 7 NSP students.

IV. CRIME COMMISSION REPORT

Mr. Fisher stated the JAG solicitation was out and would close around August 3rd and the VOCA solicitation was also out. The grant for the Crime Victims Reparations Act went from 2 to 11 million dollars. Our concern is that that 11 million dollars is just Nebraska's share; and while it's a good thing they treated this just like they did the stimulus money a couple years ago, the community based juvenile aid money of 2013, they funded it and then they said get it out immediately. The problem is when you go from 2 to 11 million dollars the people that could utilize that money can't identify the gaps that need to be filled in that length of time so while Nebraska may get 11 million dollars, I don't think we'll get interest in funding that amount of money and if we don't award the money, they will take the money and we won't get it again. I understand the hesitation with the non-profits and service providers, but this money really isn't for law enforcement, it is used to fund direct service providers and law enforcement is a response service provider. I don't think we will get enough solicitations to spend the money; we'll have to see what transpires.

LB605 passed; towards the very end of the session they come up with \$500,000 county reinvestment grant program they are giving to the Crime Commission to administer. The money is for county jails that see an influx of state prisoners. The problem is the caveat to 605 specifically says the county reinvestment grant does not take effect until one year after the law is in place, August 30, 2015; and because it doesn't take effect until August 30th, the grant does not take place until August 30, 2016. Counties with jails holding state prisoners will have to assess whether or not it has produced a dramatic impact upon them before they can apply for grant funding in one year; we will not have the money for a year.

5 revocations are pending; two will be scheduled for dismissal, we hope one will be a voluntary surrender, one has or will go to the AG's office, and the last one is pending as the AG's office has filed a criminal complaint against them.

V. OLD BUSINESS

No old business discussed

VI. NEW BUSINESS

A. Waiver – One Year Basic Training Requirement
Tucker Spellman, Harlan County Sheriff's Office

Sheriff Chris Becker introduced himself and addressed the Council stating he hired Mr. Spellman in January of 2015 and has scheduled him for the September, 2015 - February 2016 basic training. I was unable to get him in the June class because of his National Guard requirements; he is currently serving for two weeks. I am asking the Council to extend the one-year training requirement for a couple of weeks.

Ms. Urbanek stated he was guaranteed a spot in the October 2015 training session and would complete training February 12, 2016.

MOTION

Sheriff Watson motioned to grant the waiver as requested with the understanding that he can't perform any duties beyond that one year of January 25, 2016 mark, for the two weeks. Lieutenant Colonel Schwarten seconded the motion. Sheriff Koranda asked if the motion should include: with the understanding a successful completion of the 192nd Basic. Sheriff Watson asked that the addendum be added and Lieutenant Colonel seconded the addendum. **Voting in Favor:** Sheriff Koranda, Captain Moore, Lieutenant Colonel Schwarten, Sheriff Watson, and Mr. McCarthy.

B. Waiver of One-Year Reactivation Training Requirement
Julie Bergfield, Box Butte County Sheriff's Office

Deputy Julie Bergfield introduced herself to the Council and gave a brief statement about her work on the 5'1" physical fitness box and able to complete the task at 4' height.

Lieutenant Colonel Schwarten questioned if there were any final restrictions from her doctor following the surgery of December of 2011 as discussed in the letter presented to the Council.

She responded that she was instructed not to ski.

Captain Moore questioned what Ms. Bergfield's workout consisted of.

Deputy Bergfield stated they had a county gym with weights, a stationary machine where you can work yourself up to do core, lots of leg, I do three miles on the treadmill every day, pushups, and sit-ups. I brought a video that was taped days before I came down to test out and I push myself up; on the 5 foot box. My box is 61" and your box is 60" but I can do it at 4 foot and I did away with all the extra help, I put a little board on the front of it, it's just a little 2x4 and I take a couple steps and up and on that box I went. The board is at 18 or 19 inches off the floor. I was asked if the Council would consider that climbing instead of pushing themselves up.

Council watched the DVD provided by Ms. Bergfield.

Ms. Bergfield asked if the board would either accept the wall climb, as viewed on the video, for completion of climbing over the obstacle or if it was not accepted, she could get an extension for each one, stating that she didn't work the streets; she ran the jail so her position was part time.

Mr. Stolz questioned if she was working the road anywhere. She replied that she was not. He also questioned if her sheriff had worked her on the road prior to all this. She stated that she had worked part time in Hemingford, but her year was up in April so she was no longer active with them and would not work the road in Box Butte until completion of this.

Sheriff Watson asked Ms. Urbanek if she felt what was viewed on the video was a pass.

Ms. Urbanek stated the job task states a person has to climb or pull oneself up onto a 5 foot high platform, hence the red box; we do not have that board on our box. The answer is, it is not the same as what we do.

Close to 250 people, between Basic, Reactivation and Reciprocity, have been put through this physical task and at the testing time before graduation or reactivation being complete, we have had one male unable to complete it and his agency came before this body.

Sheriff Watson questioned what the problem in saying, "this is a pass," would be.

Ms. Urbanek stated if the issue becomes, if this is a pass, then I need to put that board on our box. The week Reactivations are here, we test them on these things and if they don't make it, we give them another chance when they come back for their final test and pt test. If they fail on the second time, they are removed from the Reactivation program.

Sheriff Koranda questioned if they would be afforded a second attempt at the Reactivation program.

Ms. Urbanek stated that was an interesting question because the rule and regulation very clearly states, if you fail the Reciprocity program, you to go to basic to get Nebraska certified. There is no such verbiage in our rule and regulation dealing with how many attempts you get for Reactivation before you should go through Basic Training.

Captain Moore questioned Ms. Bergfield if she had failed something or was just saying she needed this because she didn't feel she was going to make it.

Ms. Bergfield stated she had successfully completed all the academic part, passed PPCT, and legal; the wall and the box were the only things holding up completion.

MOTION

Captain Moore motioned to go into Executive Session based on the prevention of needless injury to Ms. Bergfield, and asked for Ms. Urbanek and Mr. Stolz to stay here. Sheriff Watson seconded the motion. **Voting in Favor:** Captain Moore, Lieutenant Colonel Schwarten, Sheriff Watson, Mr. McCarthy, and Sheriff Koranda.

The meeting went into Executive Session at 10:00 AM.

MOTION

Sheriff Koranda motioned to come out of Executive Session. Captain Moore seconded the motion. **Voting in Favor:** Lieutenant Colonel Schwarten, Sheriff Watson, Mr. McCarthy, Sheriff Koranda, and Captain Moore.

The meeting came out of Executive Session at 10:39 AM.

MOTION

Captain Moore motioned on the first request that Ms. Bergfield made in regard to approving or waiving the climbing on top of the box using the board that was affixed to the box. I would like to deny that request. Lieutenant Colonel Schwarten seconded the motion. **Voting in Favor:** Sheriff Watson, Mr. McCarthy, Sheriff Koranda, Captain Moore, and Lieutenant Colonel Schwarten.

MOTION

Sheriff Watson motioned, due to unique circumstances surrounding Ms. Bergfield's situation, that we would allow her additional time to successfully complete the physical standard requirement and look at an October 1, 2015 deadline. Sheriff Koranda seconded the motion. **Voting in Favor:** Mr. McCarthy, Sheriff Koranda, Captain Moore, Lieutenant Colonel Schwarten, and Sheriff Watson.

Mr. McCarthy stated when you are ready to test, you need to do that here at the Training Center and contact Ms. Urbanek prior to coming out.

Lieutenant Colonel Schwarten stated some suggestions, your workout partners or the people you work with, if they are working on techniques and things like that, maybe that would be helpful for this situation. Work on those techniques so you are doing the right things for your workout, but make sure they are the right things to help you meet your goal here.

C. Discussion - Granting Additional Time to Complete Council Mandated Physical Tasks

Sheriff Koranda questioned if we needed to discuss a mandated completion of time or are we going to give them the whole ten years, or do we need to change that when they get their two opportunities for Reactivation, then they are done like Reciprocity.

Captain Moore stated for consistency it would make it easier to keep them both the same.

Mr. Stolz read Title 79, Chapter 4 stated, a person with inactive status must meet the following standards to return to active status as a law enforcement officer: Meet the minimum standards required for certification as a law enforcement officer in the state and testify. Section 004.02B

(4)(c) 2 to 10 years; Completion of council approved Reciprocity certification training course. The Council could say, as it relates to the tasks, we are going to give you 2 opportunities.

Ms. Urbanek stated the curriculum for Reactivation and Reciprocity was the same so if the testing protocols were the same the consequences of not achieving it could be the same.

Mr. Stolz questioned if a Reciprocity student couldn't do the physical tasks on the first go round would have to go to basic or would have one more shot; are the tasks part of the course?

Ms. Urbanek stated they were as they were part of the curriculum.

Mr. Stolz clarified, so we will see a Reciprocity student who can't do the wall and/or box on the first go round, in basic.

Ms. Urbanek stated if you streamline the process like Reciprocity, where you go through the whole course and fail out on an academic, you go through basic. We treat physical tasks the same way we do academics, if you don't make it on your 2 attempts, and in those 2 attempts you get as many tries as you want, and if you can't make it, you go to basic and do the same thing for Reactivation. Can we make a clause for the number of attempts you can take Reactivation.

Mr. Stolz stated this could be done for Reactivation with just a motion by saying, for the successful completion of the Reciprocity course, regardless of whether you are Reciprocity or Reactivation, requires you to complete the physical task, if you cannot complete the physical task, you would insert the clause you want. Even though a certificate was issued to you, once you go inactive, it goes lame.

The Council asked the Training Center to come up with some options for training and bring them back to the Council for discussion on Old Business.

MOTION

Lieutenant Colonel Schwarten motioned to table this agenda item until the July meeting. Captain Moore seconded the motion. **Voting in Favor:** Sheriff Koranda, Captain Moore, Lieutenant Colonel Schwarten, Sheriff Watson, and Mr. McCarthy.

D. Instructor Certification/Recertification Professional Certification

Sean T. Burnham – Omaha Police Department
Lawrence J. Lacoma III – Omaha Police Department
Lance J. Worley – Omaha Police Department

Professional Recertification

Stefan Davis – Omaha Police Department

MOTION

Lieutenant Colonel Schwarten motioned to approve Professional certifications for Sean T. Burnham, Lawrence J. Lacombe, and Lance J. Worley of the Omaha Police Department and Professional Recertification for Stefan Davis also of the Omaha Police Department. Captain Moore seconded the motion. **Voting in Favor:** Captain Moore, Lieutenant Colonel Schwarten, Sheriff Watson, Mr. McCarthy, and Sheriff Koranda.

VII. OTHER BUSINESS

Ms. Urbanek stated the Training Academy inspection was scheduled for Thursday, July 9, 2015 and any Council members willing to assist with auditing the inspection along with Director Muldoon should contact him.

A. Date, Time & Location of Next Meeting

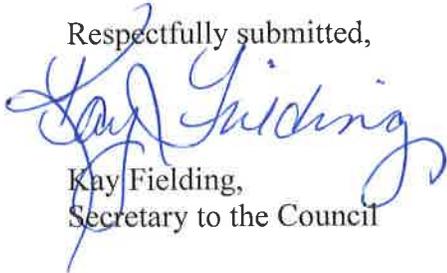
July 15, 2015, 9:00; Library, Nebraska Law Enforcement Training Center,
3600 North Academy Road, Grand Island, Nebraska 68801

MOTION

Mr. McCarthy motioned to adjourn the meeting. Sheriff Koranda seconded the motion and all were in favor.

The meeting adjourned at 11:04 AM.

Respectfully submitted,



Kay Fielding,
Secretary to the Council