



Dave Heineman
Governor

NEBRASKA COMMISSION ON LAW ENFORCEMENT AND CRIMINAL JUSTICE

(Nebraska Crime Commission)

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NEBRASKA COMMISSION ON LAW ENFORCEMENT AND CRIMINAL JUSTICE

October 26, 2007

The Nebraska Commission on Law Enforcement and Criminal Justice met Friday, October 26, 2007 at 9:30 AM in Lower Level Conference Room A of the Nebraska State Office Building, 301 Centennial Mall South, Lincoln, Nebraska. Legal notice of the meeting was published October 12, 2007 in the Lincoln Journal Star.

As amended by LB 898, 2005 Legislature, a copy of the Nebraska Open Meetings Act was available for public review.

I. CALL TO ORDER

The meeting was called to order at 9:45 AM by Acting Chairman David Cookson. The following members were **in attendance**: Acting Chair David Cookson, Scott Arnold, Scot Ford, Robert Houston, Susan Jacobs, Gary Lacey, Mike Moser, Don Overman, James Riskowski, Bryan Tuma, Thomas Warren and William White. **Members excused**: Charles Brewster, Bill Brueggemann, Dean Chase, Kathy Moore and Derek Vaughn. **Staff present**: Mike Behm, William Muldoon, Bruce Ayers, Nancy Steeves, Jennifer Kirkpatrick, Brad Hicken and Sarah Schoen. **Others present**: Barb Lewien, Warden, Work Ethic Camp and Connie Nemece, Legislative Liaison for the Department of Correctional Services.

II. APPROVAL OF MINUTES

Motion

A motion was made by Overman and seconded by White to approve the minutes of the Crime Commission meeting of July 27, 2007; Nebraska Coalition for Juvenile Justice meeting of September 14, 2007; and the Police Standards Advisory Council meetings of June 20, July 18, August 15 and September 19, 2007. The motion passed unanimously by acclamation.

The minutes from the Jail Standards Board meeting of August 16, 2007, and the Community Corrections Council meeting of August 17, 2007 were provided for the Board's review.

III. EXECUTIVE DIRECTOR'S REPORT

Mike Behm presented his Executive Director's report noting the following:

- Under the Nebraska Law Enforcement Training Center portion of his report, he noted that there were **NOT** 52 students who began the Nebraska State Patrol class. It should have read that this was the Nebraska State Patrol Class #52.
- Brad Hicken has been hired to fill the IT Technical Support position for the Information Services Division.
- Jef Sevenker, Jail Standards Examiner/Consultant, has resigned his position with the Crime Commission and has accepted a job opportunity with the State of Virginia Jail Standards.
- After 29 years with the Nebraska Crime Commission, Nancy Steeves will retire effective December 3, 2007. Behm noted we will be having a retirement celebration for Nancy on December 3, 2007 from 2:00 PM to 4:00 PM at the Nebraska State Office Building, Lower Level "A" conference room. An invitation for this celebration was included in the mailout.
- On October 17, 2007, Behm was the keynote speaker for the Annual American Society for Industrial Security Awards Luncheon in Omaha, Nebraska.
- Mike Overton and Behm presented at the POAN/NSA conference on October 29, 2007 in Kearney, Nebraska.
- Included in the mailout was a copy of Nebraska Revised Statutes 81-1814 and 81-1819. There had been a question as to whether or not the Crime Commission Board should be approving the Crime Victim's Reparations (CVR) Committee meeting minutes. After revisiting the statutes provided, Bruce Ayers and Behm do not feel this is a necessity. They believe the CVR Committee has the authority to make decisions without final approval from the Crime Commission Board.

James Riskowski posed the following question to Behm, "In regards to the Legislative issues associated with the Law Enforcement funding for the Nebraska Law Enforcement Training Center, are there any issues the Board needs to consider to maintain the funding levels needed to support the Training Center?"

Behm responded by stating the amount of money that is tacked onto each citation, which is the LEIF funds, has a sunset clause which was extended until 2011. Until 2011, Behm feels the funding levels are sufficient but believes this will need to be revisited as 2011 approaches.

Riskowski noted the Douglas County Court System is visiting with the Crime Commission in regards to CJIS. Behm stated there has been progress made with Douglas County in bringing their data into a cooperative effort with Probation and Parole.

IV. OLD BUSINESS

A. No Old Business

V. NEW BUSINESS

A. Nebraska Law Enforcement Training Center

1. Instructor Certifications

The Crime Commission next considered one request for **General Instructor Recertification**; three requests for **Legal Instructor Recertification**; two requests for **Professional Instructor Certification**; and seven requests for **Professional Instructor Recertification**. The Police Standards Advisory Council's recommendations were reported by William Muldoon.

Motion

A motion was made by Overman and seconded by White to grant the following instructor certifications per Police Standards Advisory Council's recommendations: General Instructor Recertification to Edward E. Sexton - Lincoln Police Department; Legal Instructor Recertification to Richard C. Anderson - Lincoln Police Department, David M. Beggs - Lincoln Police Department and Donald F. Ficenec - Omaha Police Department; Professional Instructor Certification to Timothy J. Kostrunek - Cozad Police Department and Amy E. Oetter - Omaha Police Department; and Professional Instructor Recertification to Larry E. Barksdale - Lincoln Police Department, Joy L. Citta - Lincoln Police Department, Robert W. Citta - Lincoln Police Department, James A. Davidsaver - Lincoln Police Department, Thomas L. Hamm - Lincoln Police Department, Mary S. Lingelbach - Lincoln Police Department and Jon F. Sundermeier - Lincoln Police Department. Voting in favor of the motion: Arnold, Ford, Houston, Jacobs, Lacey, Moser, Overman, Riskowski, Tuma, Warren and White. Motion carried unanimously.

2. Omaha Police Academy Inspection

William Muldoon reviewed the recommendations of the Police Standards Advisory Council on the inspection of the Omaha Police Academy.

Motion

A motion was made by Tuma and seconded by White to approve the Omaha Police Academy Inspection per the Police Standards Advisory Council's recommendations. Voting in favor of the motion: Arnold, Ford, Houston, Jacobs, Lacey, Moser, Overman, Riskowski, Tuma, Warren and White. Motion carried unanimously.

3. Nebraska State Patrol Academy Inspection

William Muldoon reviewed the recommendations of the Police Standards Advisory Council on the inspection of the Nebraska State Patrol Academy.

Motion

A motion was made by White and seconded by Moser to approve the Nebraska State Patrol Academy Inspection per the Police Standards Advisory Council's recommendations. Voting in favor of the motion: Arnold, Ford, Houston, Jacobs, Lacey, Moser, Overman, Riskowski, Tuma, Warren and White. Motion carried unanimously.

4. Approval of Operating Instruction 50-63; Retired Law Enforcement Officer Firearms Qualification Standards

William Muldoon stated each Board member received a copy, in their mailout, of the proposed changes to the existing Operating Instruction 50-63 regarding Retired Law Enforcement Officer Firearms Qualification Standards that was originally adopted by the Nebraska Crime Commission in January, 2005, to assist retired officers in meeting the Law Enforcement Officers Safety Act of 2004 or is more commonly known as H.R. 218.

Muldoon informed the Board that "a firearms instructor from the State suggested the change, recognizing that for many, coming to Grand Island as the sole source of qualifying retired officers, if their own agency doesn't do it or if they no longer reside close to their original agency, should not be the only option, especially since this must be done yearly. In some cases, the original agency may not even have a firearms instructor and therefore places all hope of complying with H.R. 218 with the good will of another agency's firearms instructor to get them through the course.

Currently, all Nebraska Firearms instructors can qualify another agency's active officers and report that score to us via the agency census report. Firearms instructors themselves must recertify every three years. There is probably no other group of officers the Training Center continuously works as closely with than the State's certified firearms instructors, so passing along new information and gaining uniform compliance from this and other qualification issues across the State can succeed.

In brief, the new language allows any NLETC certified firearms instructor to qualify a retired officer in addition to the Training Center. It restricts the collecting of the \$50 fee to only those who qualify at the NLETC to cover our expenses, but it allows them or their respective agencies or ranges to also collect a fee to cover their own expenses. The instructor would have the retired officer show his or her retirement ID and sign a Training Center form to attest that he or she is qualified and to report the score to the Training Center.

The Training Center still does not evaluate who is a qualified retired officer and leaves all matters of whether to issue retirement identification, along with conducting appropriate background checks, with that agency. A firearms instructor would need to see the valid ID card. Section 3, letter (d), subsection (1) of the Act states that the agency from which the individual retired from service as a law enforcement officer issues the photographic ID card. NLETC would simply issue a card stating that the person had passed the State qualification course for that calendar year. It will not be a photographic ID.”

Muldoon also added “that we only have about one or two officers each year come to the Training Center for this purpose, and it is our hope to make this a simpler and easier process for those who wish to comply with the Act by allowing any certified firearms instructor anywhere in the State conduct the qualification.”

A lengthy discussion ensued pertaining to the language “**have retired in good standing from their respective agency**” being stricken from the original OI. It was determined this language should remain in the revised OI, but in such a way that is grammatically correct.

Motion

A motion was made by Warren and seconded by Jacobs to reinstate the language “have retired in good standing from their respective agency” in such a way that is grammatically correct to OI 50-63, (4) (a). Voting in favor of the motion: Arnold, Ford, Houston, Jacobs, Lacey, Moser, Overman, Riskowski, Tuma, Warren and White. Motion carried unanimously.

Scott Arnold stated he would like to see implemented into the OI that an ID card from the retired officer’s respective agency that hasn’t expired and has a parameter of three years, or a letter from their respective agency with a parameter of three years stating they have no objections to renewing the firearms qualification be required before the retired officer can become re-qualified. A lengthy discussion ensued, and the following motion was the result.

Motion

A motion was made by Arnold to implement into the revised OI that either an ID card issued within three years or a letter from the retiring agency dated within three years stating they have no objections to renewing the firearms qualification be required before the retired officer is allowed to re-qualify. The motion failed due to the lack of a second.

Motion

A motion was made by Lacey and seconded by Jacobs to approve the proposed changes to Operating Instruction 50-63 with the references to "good standing" reinstated in a grammatically correct fashion as voted upon and approved above. Voting in favor of the motion: Ford, Houston, Jacobs, Lacey, Moser, Overman, Riskowski, Tuma, Warren and White. Voting against the motion: Arnold. Motion carried unanimously.

B. Nebraska's 2007-2009 Violence Against Women Act State Implementation Plan

Jennifer Kirkpatrick stated that after the May, 2006 meeting when the main three year plan was approved, the Office of Violence Against Women had made some changes and passed those down to the States after the States had already moved forward in their planning. It was asked to make plans run consecutively across the States with the time period changed from 2006-2008 to 2007-2009. Nothing else with the core information was changed other than the timeframe and what was added.

The reason the plan was asked to be held off was because there was a new target purpose that was put into the VAWA Reauthorization Act, which specifically concentrates on underserved populations and cultural specific community based organizations.

Kirkpatrick stated that starting with the 2007 VAWA funds, which will be presented to this Board in May, 2008, 10% of the 30% of funds allocated for victim services will need to be awarded to culture specific community based organizations. The authorization provides some guidance on what protocol programs will need to fit into, and the States must see how the details will be worked out for their programs that apply for this funding.

Kirkpatrick held four community meetings that focused on underserved populations and how this new piece will fit into what we already fund, which is the community response teams. Specifically, the underserved populations were looked at and prioritized for what would be the top picks for programs to look at. In addition, additional accomplishments, additional gaps/needs and solutions to those gaps/needs that were identified were added.

After all four meetings were held, the information was compiled and sent to the VAWA Advisory Committee and the Grant Review Committee to be reviewed who had a chance to provide any feedback on the information provided.

Motion

A motion was made by Moser and seconded by Ford to accept the Nebraska's 2007-2009 Violence Against Women Act State Implementation Plan. Voting in favor of the motion: Arnold, Ford, Houston, Jacobs, Lacey, Moser, Overman, Riskowski, Tuma, Warren and White. Motion carried unanimously.

C. Award of Sub-Grants from the 2007 COPS Office Methamphetamine Grant - \$401, 220.00

Nancy Steeves informed the Board that the following three agencies within the State of Nebraska were invited to apply for the COPS Office Methamphetamine Initiative, and all three received funding from this Initiative:

1. City of Omaha
2. Santee Sioux Tribe
3. Nebraska Crime Commission.

The Nebraska Crime Commission was awarded \$401,220. Within this grant, it was stated the Commission would sub-grant these funds out to expand our current strategy as opposed to starting a new project. As a result, the \$401,220 was sub-granted to the following agencies:

- **Nebraska Attorney General's Office** **\$162,000.00**
 - Prosecutors** (\$150,000)
To assist local prosecutors in the prosecution of drug/meth cases and child/abuse neglect cases stemming from the use and/or manufacture of drug/meth
 - Training** (\$2,000)
Develop and provide a structured training program regarding drug endangered children
 - Conference Costs** (\$10,000)
To assist in the cost of the statewide Drug Endangered Children's Conference
- **Nebraska State Patrol** **\$ 50,520.00**
 - Physicals** (\$30,000)
For State Patrol certified lab investigators
 - Equipment** (\$5,520)
Equipment for drug/meth investigations (State Patrol and Task Forces)
 - Training** (\$15,000)
Clan lab training for state and local investigators
- **Crime Commission** **\$38,700.00**
 - For local drug task forces for physicals/equipment/training

- Department of Corrections \$80,000.00
 Counselors (\$80,000)
 2 Treatment Counselors @ \$40,000 each
- Probation \$50,000.00
 Out-patient treatment
 (100 probationers x \$500 each)
- Evaluation \$20,000.00
 Subgrantee to be determined

Steeves asked the Board to approve sub-granting the \$401,220 as outlined above.

Motion

A motion was made by White and seconded by Overman to accept the Sub-Grants for the \$401,220 from the 2007 COPS Office Methamphetamine Grant as outlined above. Voting in favor of the motion: Arnold, Ford, Houston, Jacobs, Lacey, Moser, Overman, Riskowski, Tuma, Warren and White. Motion carried unanimously.

D. Award of 2007 Juvenile Justice County Aid Grant Funds – \$45,876.00

Nancy Steeves informed the Board that all the County Aid Grant Funds available for award has not yet been awarded for this fiscal year. There are currently 61 counties, including the four counties being approved at this meeting, who have requested funding in order to utilize their County Aid for Juvenile Justice. Dakota County, Nance County, Dawson County and Sioux County are the four grant applications being approved at this meeting. They each have contingencies that must be met, and Audra Cook will be working with these counties to ensure these contingencies are being met.

Motion

A motion was made by Warren and seconded by Moser to accept the Juvenile Justice Coalition's funding recommendations and contingency stipulations of award as outlined for the \$45,876 of 2007 Juvenile Justice County Aid Grant Funds as follows:

Grant #	Grant Applicant	Amount Requested	Amount Recommended Staff Rev	Amount Recommended NCJJ
07-CA-541	Dakota County	\$18,799.00	\$18,799.00	\$18,799.00
07-CA-542	Nance County	\$4,135.00	\$4,135.00	\$4,135.00
07-CA-543	Dawson County	\$21,636.00	\$21,636.00	\$21,636.00
07-CA-544	Sioux County	\$1,306.00	\$1,306.00	\$1,306.00

Voting in favor of the motion: Arnold, Ford, Houston, Jacobs, Lacey, Moser, Overman, Riskowski, Tuma, Warren and White. Motion carried unanimously.

VI. OTHER BUSINESS

A. Meeting Minutes

Mike Behm asked the Board members' feelings on receiving the minutes from each quarterly Crime Commission meeting via email instead of regular mail. He pointed out this would not only save the agency time and money, but it would also expedite the information process.

Behm informed the Board the minutes would be sent as an attachment to an email in Microsoft Word format and as a PDF document.

Motion

A motion was made by Moser and seconded by White to approve the Crime Commission Meeting Minutes being sent via email rather than regular mail. Voting in favor of the motion: Arnold, Ford, Houston, Jacobs, Lacey, Moser, Overman, Riskowski, Tuma, Warren and White. Motion carried unanimously.

VII. ADJOURNMENT

The next scheduled meeting of the Commission will be **Friday, January 25, 2008 at 9:30 AM in the Nebraska State Office Building, Lincoln, Lower Level Conference Room A.**

There being no further business, the meeting adjourned at 10:51 AM.

Respectfully Submitted,



Sarah J. Schoen
Administrative Assistant