



Pete Ricketts
Governor

NEBRASKA COMMISSION ON LAW ENFORCEMENT AND CRIMINAL JUSTICE

(Nebraska Crime Commission)

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NEBRASKA COMMISSION ON LAW ENFORCEMENT AND CRIMINAL JUSTICE

January 23, 2015

The Nebraska Commission on Law Enforcement and Criminal Justice met Friday, January 23, 2015 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 January 9, 2015 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 9:30 AM by Acting Chairman John Freudenberg. The following members were **in attendance**: Acting Chair John Freudenberg, Candice Batton, Jeff Davis, Tim Dempsey, Joe Hewgley, Joe Kelley, Mike Kenney, Tim Larby, Ray Norris, Don Overman, Cassandra Rockwell, Michelle Schindler, Todd Schmaderer (Arrived 9:37 AM), Thomas Schwarten, and Mike Swain. **Members excused**: Fred Ruiz, Rita Sanders and Brenda Smith. **Staff present**: Darrell Fisher, Dave Stolz, Merry Wills, Bruce Ayers, Bill Muldoon, Jeanette Greer, Mike Overton, Amy Hoffman, Cindy Gans, Mary Thomason, Dan Evans, Sher Schrader, Jessica Estes and Ann Bauers. **Others present**: John Jelken, Deputy Attorney General; and Clarence Mock, Attorney for Timothy Decker.

II. APPROVAL OF MINUTES

Motion

A motion was made by Davis and seconded by Overman to approve the minutes of the Crime Commission meeting of October 17, 2014; Crime Victim Reparations meeting of October 17, 2014; Police Standards Advisory Council meetings of September 17, 2014; October 15, 2014; and November 19, 2014; Coalition for Juvenile Justice meeting of December 5, 2014; Office of Violence Prevention meeting of December 2, 2014; Racial Profiling Committee meeting of September 18, 2014; and Jail Standards Board meeting of October 31, 2014. Motion passed by acclamation.

III. EXECUTIVE DIRECTOR'S REPORT

Fisher introduced the new members to the Crime Commission Board. Doug Peterson, the new Attorney General and Tim Larby, the new Chair of the Police Standards Advisory Council.

Fisher also introduced the new additions to the agency. Our new Staff Assistant in Crime Victims Reparations is Sher Schrader. Emily Baughman is our new part time Statistical Clerk in the IT Division. Amy Theilen was a temp from SOS and has been hired in the new position of Federal Aid Administrator I in our Grants Division. Jessica Estes has been hired in the new position of Federal Aid Administrator I in Grants Division as well.

We will no longer be doing the Director's Report at each Crime Commission Meeting. According to the statutes the report should be given to Board members on a monthly basis. Therefore, please expect the Director's Report around the 15th of each month that will detail the agency's progress for the previous month."

IV. OLD BUSINESS

There was no Old Business

V. NEW BUSINESS

Freudenberg stated that we would be moving to item D on the Agenda which is Review of PSAC Recommendation Regarding Revocation of Timothy Decker – LR-085-11

D. Review of PSAC Recommendation Regarding Revocation of Timothy Decker – LR-085-11

ATTACHMENTS #1 AND #2

John Jelkin, Deputy Attorney General reviewed the case with the Board and offered the file into evidence. He then asked for a motion from the Board to either approve or deny the recommendation of the Police Standards Advisory Council to deny the revocation and take no further action on the revocation of Mr. Decker's law enforcement certification.

Timothy Decker was represented by his council, Clarence Mock. There was a brief discussion.

Motion

A motion was made by Dempsey and seconded by Davis to uphold the recommendation of the Police Standards Advisory Board and take no further action on revoking the Certification of Timothy Decker, LR-085-11. Voting in favor: Batton, Davis, Dempsey, Hewgley, Kelly, Kenney, Larby, Norris, Overman, Rockwell, Schindler, Schmaderer, Schwarten and Swain. Motion Carried.

A. Final Revocation Decision – Michael K. Hinkley – LR-053-06

John Jelkin stated that the case before the Board today was uncontested and there is an affidavit showing publishing of the notice to revoke. Jelkin reviewed the case with the Board and offered the file into evidence. He then asked for a motion from the Board to either approve or deny revocation of Mr. Hinkley's law enforcement certification.

Michael K. Hinkley did not attend, nor did he send a representative on his behalf.

Motion

A motion was made by Dempsey and seconded by Kelly to uphold the Police Standards Advisory Council's decision to revoke the Law Enforcement Certification of Michael K. Hinkley, LR-053-06. Voting in favor: Batton, Davis, Dempsey, Hewgley, Kelly, Kenney, Larby, Norris, Overman, Peterson, Rockwell, Schindler, Schmaderer, Schwarten and Swain. Motion Carried.

B. Revocation of Law Enforcement Certification – Samuel O. Nickel – LR-080-10

John Jelkin stated that the case before the Board today was uncontested and there is an affidavit showing publishing of the notice to revoke. Jelkin reviewed the case with the Board and offered the file into evidence. He then asked for a motion from the Board to either approve or deny revocation of Mr. Nickel's law enforcement certification.

Samuel O. Nickel did not attend, nor did he send a representative on his behalf.

Motion

A motion was made by Overman and seconded by Batton to uphold the Police Standards Advisory Council's decision to revoke the Law Enforcement Certification of Samuel O. Nickel, LR-080-10. Voting in favor: Batton, Davis, Dempsey, Hewgley, Kelly, Kenney, Larby, Norris, Overman, Peterson, Rockwell, Schindler, Schmaderer, Schwarten and Swain. Motion Carried.

C. Revocation of Law Enforcement Certification – Robert Adams – LR-102-14

John Jelkin stated that the case before the Board today was uncontested and there is an affidavit showing publishing of the notice to revoke. Jelkin reviewed the case with the Board and offered the file into evidence. He then asked for a motion from the Board to either approve or deny revocation of Mr. Adams' law enforcement certification.

Robert Adams did not attend, nor did he send a representative on his behalf.

Motion

A motion was made by Kelly and seconded by Norris to uphold the Police Standards Advisory Council's decision to revoke the Law Enforcement Certification of Robert Adams, LR-102-14. Voting in favor: Batton, Davis, Dempsey, Hewgley, Kelly, Kenney, Larby, Norris, Overman, Peterson, Rockwell, Schindler, Schmaderer, Schwarten and Swain. Motion Carried.

E. Approval of 2014 Lincoln Training Academy Inspection and the 2014 Nebraska Law Enforcement Training Center Academy Inspection

Tim Larby, Police Standards Advisory Council President, gave a brief summary of the inspections of the Lincoln Training Academy and the Nebraska Law Enforcement Training Center Academy. Larby asked for a motion from the board to either approve or deny the recommendations of the Police Standards Advisory Council to approve both inspections.

Motion

A motion was made by Kenney and seconded by Sanders to uphold the Police Standards Advisory Council's decision to approve the 2014 inspections of the Lincoln Training Academy and the Nebraska Law Enforcement Training Center. Voting in favor: Batton, Davis, Dempsey, Hewgley, Kelly, Kenney, Larby, Norris, Overman, Peterson, Rockwell, Schindler, Schmaderer, Schwarten and Swain. Motion Carried.

F. UPDATE ON PROPOSED VOCA FUNDS

Wells gave an update on proposed VOCA funds and the significant increase that will be available. These funds would be distributed over a three year period.

Wills gave a summation of where the additional funds will be spent. Estimated that Nebraska will be receiving is \$11,842, 999 which is more than triple what has been received before. This grant will expire September of 2018. There was a brief discussion regarding where the funds could be best used.

Fisher stated that with the increase in funds available, there will need to be several positions created within the agency. These positions will be funded by the Federal Grant fund increase.

Batton raised the question regarding whether this is a onetime increase, or would be continued. Wills replied that depends on if the cap is increased by law or not. There was a brief discussion.

Fisher brought up the issue of space within the agency and stated that we are out of space. Fisher stated that there would be 2 positions in the Grants Division as well as 1 more in Accounting.

Wills stated that these funds require a 20% match but it has been asked if the match can be decreased or waived. The agency needs to make the request and she suggested it be part of the grant process.

VI. OTHER BUSINESS

There was no other business

VII. PUBLIC COMMENT

There was no public comment.

VIII. ADJOURNMENT

The next scheduled meeting of the Commission will be:

**Friday, May 8, 2015
9:30 AM
Nebraska State Office Building
Lower Level Conference Room A
Lincoln, Nebraska.**

There being no further business, the meeting adjourned at 10:27 AM

Respectfully Submitted,

A handwritten signature in cursive script that reads "Ann Bauers".

Ann Bauers
Administrative Assistant