



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

January 24, 2014

The Nebraska Commission on Law Enforcement and Criminal Justice met Friday, January 24, 2014 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 10, 2014 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, Mark Benne, Jeff Davis, Tim Dempsey, Joe Hewgley, Joe Kelly, Fred Ruiz, David Sankey, Rita Sanders, Todd Schmaderer (Arrived 9:30 AM), Michelle Schindler, and Thomas Schwarten, **Members excused**: Mike Kenney, Ray Norris, Don Overman, Brenda Smith, and Mike Swain. **Staff present**: Darrell Fisher, Merry Wills, Bruce Ayers, , Bill Muldoon, Jeanette Greer, Mike Overton, Vanessa Humaran, Amy Hoffman, Derek Jones, Mary Thomason, Cindy Gans, Lisa Stamm and Ann Bauers. **Others present**: Vaughn Crowell, Melanie Williams-Smothman, Laura McCormick and Rachel Pinkerton.

Freudenberg welcomed the new members: Darrell Fisher who is the new Executive Director of the Crime Commission; Lt Col Thomas Schwarten who is the new Chair of PSAC; Tim Dempsey who is replacing Derek Vaughn on the Crime Commission Board; and Ray Norris who is replacing Bill White on the Crime Commission Board. The rest of the Commission members all introduced themselves.

II. APPROVAL OF MINUTES

Motion

A motion was made by Davis and seconded by Sanders to approve the minutes of the Crime Commission meeting of October 18, 2013; Crime Victim Reparations meeting of October 18, 2013; County Attorney Standards Advisory Council meeting of October 2, 2013; Police Standards Advisory Council meetings of September 18, 2013, October 16, 2013 and November 20, 2013; Coalition for Juvenile Justice meeting of December 6, 2013; Office of Violence Prevention meeting of November 14, 2013; Task Force on Human Trafficking meeting of October 31, 2013; and Jail Standards Board meetings of October 11, 2013. Motion passed by acclamation.

III. EXECUTIVE DIRECTOR'S REPORT

Executive Director Fisher presented the following Director's Report:

Updates:

- The Task Force on Human Trafficking submitted its required report to the Legislature on December 1, 2013. He further gave an update on the current Task Force status.

IV. OLD BUSINESS

There was no old business

V. NEW BUSINESS

A. Law Enforcement Training Center Report

1. Instructor Certifications

The Crime Commission next considered five requests for **Professional Recertification**, and two requests for **Professional Certification**. Police Standards Advisory Council's recommendations were reported by Lt. Col Thomas Schwarten.

Motion

A motion was made by Sankey and seconded by Ruiz to grant the following instructor certifications per Police Standards Advisory Council's recommendations: Professional Recertification to Jeffrey Crouch, Omaha Police Department; Wesley Elkins, Omaha Police Department; Jacob Ritonya, Omaha Police Department; Kurt Sorys, Omaha Police Department; Eric White, Omaha Police Department; and Professional Certification to Jeffrey Baker, Omaha Police Department and John Sunision, Nebraska Law Enforcement Training Center. Voting in favor: Batton, Benne, Davis, Dempsey, Hewgley, Kelly, Ruiz, Sankey, Sanders, Schindler, and Schwarten. Abstaining: Schmaderer. (Motion carried)

2. 2013 Omaha Police Academy Inspection

Police Standards Advisory Council's recommendations were reported by Lt. Col Thomas Schwarten.

Motion

A motion was made by Sankey and seconded by Sanders to approve the 2013 Omaha Police Academy Inspection. Voting in favor: Batton, Benne, Davis, Dempsey, Hewgley, Kelly, Ruiz, Sankey, Sanders, Schindler, and Schwarten. Abstaining: Schmaderer. (Motion carried)

3. 2013 Nebraska State Patrol Academy Inspection

Police Standards Advisory Council's recommendations were reported by Lt. Col Thomas Schwarten.

Motion

A motion was made by Kelly and seconded by Dempsey to approve the 2013 Nebraska State Patrol Academy Inspection. Voting in favor: Batton, Benne, Davis, Dempsey, Hewgley, Kelly, Ruiz, Sanders, Schmaderer, and Schindler. Abstaining: Sankey and Schwarten (Motion carried)

4. 2013 Nebraska Law Enforcement Training Center Academy Inspection

Police Standards Advisory Council's recommendations were reported by Lt. Col Thomas Schwarten.

Motion

A motion was made by Ruiz and seconded by Batton to approve the 2013 Nebraska Law Enforcement Training Center Academy Inspection. Voting in favor: Batton, Benne, Davis, Dempsey, Hewgley, Kelly, Ruiz, Sankey, Sanders, Schindler, Schmaderer and Schwarten. (Motion carried)

B. Approval of Changes to OI #2 – Commission Organization, Committee Assignment and Meeting Procedures

SEE ATTACHMENT #1

Bruce Ayers stated that the changes were mostly language clean up, or changes relating to statute changes such as changes in number of members on various committees/councils, or additions of more committees/boards .

Motion

A motion was made by Sankey and seconded by Sanders to approve the changes to Operating Instruction #2 - Commission Organization, Committee Assignment and Meeting Procedures. Voting in favor: Batton, Benne, Davis, Dempsey, Hewgley, Kelly, Ruiz, Sankey, Sanders, Schindler, Schmaderer and Schwarten. (Motion carried)

C. Approval to Rescind OI#8 – Criminal Justice Video Library

SEE ATTACHMENT #2

Ayers stated that since the Video Library was discontinued June 30, 2013, there was no longer a need for this OI. Any DVD's left were sent to the Nebraska Law Enforcement Training Center.

Motion

A motion was made by Sankey and seconded by Sanders to rescind Operating Instruction #8 – Criminal Justice Video Library. Voting in favor: Batton, Benne, Davis, Dempsey, Hewgley, Kelly, Ruiz, Sankey, Sanders, Schindler, Schmaderer and Schwarten. (Motion carried)

D. Approval of Changes to OI#10 – Grant Procedures

SEE ATTACHMENT #3

Ayers stated that most of the changes were minor and language changes. The question was asked if the definition of working days or business days was defined anywhere.

Stamm stated that the changes were language from working days to business days and language was added as indicated by the State Auditor's Office in last year's audit finds. Changes include: all sub-grantees are subject to a desk review on a yearly basis; review semi-monthly statements; review detailed financial and program data; and finally regular communication with sub-grantees and appropriate inquiries concerning program activity.

The only real change is the use of invoices, because these procedures were always being followed, but just were not listed in the OI. This means an increase in the number of audits per year, as well as the amount of paperwork being reviewed. The question was raised concerning listing what a business day actually means within the OI.

Motion

A motion was made by Davis and seconded by Sankey to table voting on Operating Instruction #10 – Grant Procedures until the next meeting. Motion carried by acclamation.

E. Approval of Changes to OI #35 – Nebraska Coalition for Juvenile Justice

SEE ATTACHMENT #4

Ayers stated that in regard to NCJJ elections, they took out the language prior to the 3rd quarter meeting and added language to indicate that nominations could be accepted electronically. Stamm stated that the committee still wanted to hold elections for chair and vice-chair, but just not be held to always doing it at the same meeting every year.

Shelly voiced a concern about the nominations being based on the strengths and that wasn't

shown in this OI. Stamm stated that in the past nominations come from other members, but didn't address the assessment. Schindler stated that she thought language should be added into the OI to address insuring that the strengths are addressed during a nomination.

Motion

A motion was made by Schindler and seconded by Batton to table voting on Operating Instruction #35 – Nebraska Coalition for Juvenile Justice. Motion carried by acclamation.

Stamm stated that requiring invoices (from OI #10) is something that all other state agencies are already doing, and that our agency needs to start doing.

F. Approval of FY 2013 John R. Justice 2013-RF-BX-0014 in the amount of \$48,544

SEE ATTACHMENT #5

Stamm gave a summary of the program and how the money was allocated. This time all 12 applications were able to be funded and she broke down how the money was dispensed.

Motion

A motion was made by Sanders and seconded by Schmaderer to approve FY 2013 John R. Justice 2013-RF-BX-0014 in the amount of \$48,544. Voting in favor: Batton, Benne, Davis (Abstain on 13-LR-1186,) Dempsey, Hewgley, Kelly (Abstain on 13-LR-1187, 13-LR-1190; 13-LR-1188; and 13-LR-1189), Ruiz, Sankey, Sanders, Schindler, Schmaderer and Schwarten. (Motion carried)

G. Approval of Community-Based Percentage of Match

Cindy Gans gave a summary of how the percentage of match has changed from 40% to a 10% match by the sub-grantees. Because the money has tripled, it became too burdensome for the sub-grantees to match. The question was raised why 10% was chosen, and Gans stated that it was to keep it consistent.

Motion

A motion was made by Schmaderer and seconded by Kelly to approve the 10% match for Community-Based Grants. Voting in favor: Batton, Davis, Dempsey, Hewgley, Kelly, Ruiz, Sankey, Sanders, Schindler, Schmaderer and Schwarten. Abstaining: Benne (Motion carried)

H. Approval of Community-based Minimum Allocation Amount

Gans gave a summary of how the money is distributed based on a juvenile population and would increase to \$5000. She gave a breakdown on how it would affect various counties based on their population.

Motion

A motion was made by Ruiz and seconded by Schindler to approve an allocation increase of \$5000 for 2015. Voting in favor: Batton, Davis, Dempsey, Hewgley, Kelly, Ruiz, Sankey, Sanders, Schindler, Schmaderer and Schwarten. Abstaining: Benne (Motion carried)

VI. OTHER BUSINESS

There was no other business.

VII. PUBLIC COMMENT

Vaughn Crowell addressed the Crime Commission in regard to funding for the Douglas County Truancy Diversion Program. Crowell stated that he thought the program is ineligible for funds because it does not meet the eligibility for participation. Crowell passed out a handout regarding why the funding should not continue.

Melanie Williams-Smothman stated that children are being pulled more and more into the court system because of truancy rules and regulations. She summarized why she thought the rules and regulations need to be changed regarding diversion services.

Laura McCormick stated that she was against the truancy law and that money was being diverted from educational sources to the county in order to fund enforcing the law.

Rachel Pinkerton stated she was there to support repealing the truancy laws.

VIII. ADJOURNMENT

The next scheduled meeting of the Commission will be:

**Friday, May 2, 2014
9:30 AM
Nebraska State Office Building
Lower Level Conference Room A
Lincoln, Nebraska.**

There being no further business, the meeting adjourned at 10:57 AM.

Respectfully Submitted,



Ann Bauers
Administrative Assistant