



**Dave Heineman**  
Governor

**NEBRASKA COMMISSION ON LAW ENFORCEMENT AND CRIMINAL JUSTICE**  
(Nebraska Crime Commission)

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**STATE OF NEBRASKA**

**NEBRASKA COMMISSION ON LAW ENFORCEMENT AND CRIMINAL JUSTICE**

**January 25, 2008**

The Nebraska Commission on Law Enforcement and Criminal Justice met Friday, January 25, 2008 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 12, 2008 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 10:08 AM by Acting Chairman David Cookson. The following members were **in attendance**: Acting Chair David Cookson, Bill Brueggemann, Eric Buske, Scot Ford, Robert Houston, Gary Lacey, Kathy Moore, Don Overman, Derek Vaughn and Terry Wagner. **Members excused**: Scott Arnold, Susan Jacobs, Mike Moser, James Riskowski, Fred Ruiz, Bryan Tuma and William White. **Staff present**: Michael Behm, William Muldoon, Bruce Ayers, Michael Overton, Jennifer Kirkpatrick and Sarah Schoen. **Others present**: Charles Lowe, Assistant Attorney General.

**II. APPROVAL OF MINUTES**

*Motion*

*A motion was made by Overman and seconded by Vaughn to approve the minutes of the Crime Commission meeting of October 26, 2007; Nebraska Coalition for Juvenile Justice meeting of December 7, 2007; and the Police Standards Advisory Council meetings of October 17, November 21 and December 19, 2007. The motion passed unanimously by acclamation.*

The minutes from the Jail Standards Board meeting on October 12, 2007 were provided for the member's review.

### **III. PUBLIC HEARING FOR THE REVOCATION OF LAW ENFORCEMENT CERTIFICATION OF LEROY H. JONES, #LR-039-05**

Charles Lowe, Assistant Attorney General, represented the State of Nebraska in the revocation of Leroy Jones' Law Enforcement certification. No counsel was present for Mr. Jones. Lowe stated the purpose of this hearing is to review and consider approval of the Police Standards Advisory Council's (PSAC) decision to revoke the Law Enforcement certificate of Leroy Jones.

Lowe provided the following information about the incident leading to this action:

Leroy Jones received his law enforcement certificate in 1990. He was employed by the Nebraska State Patrol as a State Trooper from 1990 until March 2005, when the State Patrol dismissed him from his employment. After his dismissal from the State Patrol, Jones remained a certified law enforcement officer; however, it is not believed that he was acting in this capacity or was employed by a law enforcement agency. On September 8, 2006, Jones was involved in an incident in which the Kearney police were called to intervene in a possible domestic disturbance or harassment situation. The individuals involved in the disturbance were Jones and a woman who apparently lived at the same address. While the police were at the scene, Jones became confrontational and combative with one of the Kearney police officers, Tony Cordova. This conduct by Jones led to physical contact in which Jones head-butted or struck Officer Cordova's lower lip area. Jones was arrested and charged with third degree assault on an officer. Ultimately, Jones was convicted in the County Court on two misdemeanor counts: third degree assault and obstructing an officer. He was sentenced to 15 days in jail on each count, and 18 months probation. Based on Jones' behavior and conviction, this action of revoking Mr. Jones' Law Enforcement certificate was then commenced before the Police Standards Advisory Council. The PSAC held a hearing on December 19, 2007. At this hearing, there was no appearance and no opposition by Mr. Jones or through counsel; therefore, evidence was received in the form of exhibits, and the PSAC issued its decision to revoke Mr. Jones' certificate. This decision is now before the Commission for its review and approval.

Lowe explained that he would like to add some documents pre-marked as exhibits and offer them in as evidence with a brief description of each exhibit. Exhibit one is an Administrative Transcript which primarily shows what occurred, the formal complaint that was filed, and the findings, facts and conclusions of the PSAC. Exhibit two is the Administrative Bill of Exceptions which includes the PSAC hearing minutes, the exhibits presented at the hearing and agency records pertaining to the revocation process. Exhibit three is the Affidavit of Notice, prepared by David Stolz (Legal Advisor for the PSAC). This notice, and the attached documents, shows the attempts to notify Mr. Jones of this particular meeting, and that this hearing was on the agenda. Exhibit four is the Affidavit of Publication showing the decertification hearing was being held at this meeting, and that this information was published in the Lincoln Journal Star on December 23, 2007. Lowe next offered exhibits 1-4 to be admitted into the administrative record. This was completed.

### *Motion*

*A motion was made by Overman and seconded by Lacey to receive the evidence into the administrative record. The motion passed unanimously by acclamation.*

### *Motion*

*A motion was made by Ford and seconded by Brueggemann to uphold the Police Standards Advisory Council's decision to revoke the Law Enforcement certification of Leroy H. Jones. Voting in favor of the motion: Brueggemann, Ford, Houston, Lacey, Moore, Overman, Vaughn and Wagner. Motion carried unanimously.*

## **IV. EXECUTIVE DIRECTOR'S REPORT**

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

- Chris Harrifeld has been hired to fill the Jail Standards Field Representative position for the Jail Standards Division.
- Behm noted that on January 4, 2008, Audra Cook, representatives from the Juvenile Justice Coalition and himself presented the Annual Juvenile report to Governor Heineman.
- Behm informed the Board that on January 9, 2008, he met with various stakeholders from the University of Nebraska at Omaha, the Attorney General's Office and the Nebraska State Patrol regarding the COPS Meth Initiative Grant.
- Behm noted that Michael Overton, Jennifer Kirkpatrick and himself will be attending the BJA Conference in Indianapolis, Indiana on February 11 - 14, 2008.

## **V. OLD BUSINESS**

### **A. Update on Title 79, Chapter 9 Approved Revisions**

Michael Behm informed the Board that he was instructed by David Stolz to delay submitting the approved revisions to Title 79, Chapter 9 for final approval. Stolz is conducting additional research and will inform Behm when it is ok to move forward with these revisions once again.

### **B. Legislative Bills**

Michael Behm informed the Board that a list of Legislative Bills was put together by Bruce Ayers and was included in the handouts provided at the beginning of the meeting. The Bills listed may potentially affect the Criminal Justice System in Nebraska.

## VI. NEW BUSINESS

### A. Nebraska Law Enforcement Training Center

#### 1. Instructor Certifications

The Crime Commission next considered *three* requests for **General Instructor Certification**, *two* requests for **Legal Instructor Recertification**, *six* requests for **Professional Instructor Certification** and *three* requests for **Professional Instructor Recertification**. The Police Standards Advisory Council's recommendations were reported by Terry Wagner.

#### *Motion*

*A motion was made by Moore and seconded by Wagner to grant the following instructor certifications per Police Standards Advisory Council's recommendations: General Instructor Certification to Chris M. Kolb, Nebraska State Patrol, Victor Allen Michel, Nebraska State Fire Marshal Training Division and Jeffrey D. Shelton, Nebraska State Patrol; Legal Instructor Recertification to Stefanie A. Grimm, Nebraska State Patrol and Alan M. Thelen, Omaha Police Department; Professional Instructor Certification to James R. DeFreece, Nebraska State Patrol, Kenneth S. Kanger, Omaha Police Department, Christon MacTaggart, Nebraska State Patrol, Nicholas J. Prescott, Omaha Police Department, Alan Theobald, Nebraska State Patrol and Rudolph A. Vlcek, Omaha Police Department; and Professional Instructor Recertification to Martin D. Denton, Nebraska State Patrol, Timothy W. Lasater, Omaha Police Department and Craig Loveless, Nebraska State Patrol. Voting in favor of the motion: Brueggemann, Ford, Houston, Lacey, Moore, Overman, Vaughn and Wagner. Motion carried unanimously.*

#### 2. Annual Review – Training Center Tuition Requirement; Operating Instruction 50-21

William Muldoon informed the Board the actual basic tuition for the 14-week curriculum remains at \$4,000.00. The mandated training daily fees were recommended to be raised from \$38.00 to \$40.00, which continues to be supported by LEIF at this time. Muldoon reported there were no changes to the Specialized Courses tuition fees.

#### *Motion*

*A motion was made by Moore and seconded by Vaughn to approve the Training Center Tuition Requirements as per Operating Instruction 50-21. Voting in favor of the motion: Brueggemann, Ford, Houston, Lacey, Moore, Overman, Vaughn and Wagner. Motion carried unanimously.*

**B. The 2008 Edward Byrne Law Enforcement Memorial Justice Assistance Block Grant Application**

Jennifer Kirkpatrick informed the Board that the budget for the BYRNE/JAG monies is currently being decided upon at the federal level, and as of yet, we do not know the amount Nebraska will be receiving. Kirkpatrick reported this grant application must be available for review by the governing body, which is met by this meeting, before it can be submitted to the federal office. The deadline for this grant application is/was January 31, 2008.

Terry Wagner asked Kirkpatrick to inform the Board on the funding issues for FY 2008 that has been cut from the BYRNE monies.

Kirkpatrick reported it is estimated these monies will be cut by 67%. She stated a regional meeting with BJA is taking place in Indianapolis, Indiana on February 11 to 14, 2008 in which they hope to receive more concrete information as to what Nebraska will actually be receiving.

David Cookson added that Attorney General Jon Bruning will be taking the lead on a letter in support of the BYRNE grant fund.

A discussion ensued amongst the Board members as to how important these BYRNE/JAG monies are to Nebraska and how it is very unfortunate these cuts are being made. Overman informed the Board that the Governor asked him where he could possibly take the money from to replace these cuts.

***Motion***

***A motion was made by Wagner and seconded by Houston to approve the 2008 Edward Byrne Law Enforcement Memorial Justice Assistance Block Grant Application. Voting in favor of the motion: Brueggemann, Ford, Houston, Lacey, Moore, Overman, Vaughn and Wagner. Motion carried unanimously.***

After the Byrne application was approved, Gary Lacey suggested possibly forming a committee to analyze the state budget in the hopes of locating some areas in which monies can possibly be taken from to replace the cuts in the Byrne funds.

***Motion***

***A motion was made by Lacey and seconded by Overman to form a committee to explore what funding alternatives are available within the existing budget structure to replace the lost Byrne Grant money at the Federal Level.***

A discussion took place informing the Board that emergency procedures are taking place in order to replace these funds or to push these funds through. It is a matter of time and patience before we will know what the final outcome will ultimately be. Behm informed the Board he has been involved with Byrne monies for many years, and he is optimistic they will find emergency funds to push this through.

***Voting in favor of the motion: Brueggemann, Ford, Lacey, Moore, Overman and Wagner. Voting against the motion: Houston. Abstaining from the motion: Vaughn. Motion carried unanimously.***

Behm was then put in charge of forming this committee, and he requested guidance as to what type of committee the Board wished to form and its ultimate purpose.

Lacey suggested looking at the state budget and seeing where money can be taken from to replace the lost Byrne funds. Once some possible solutions are found, he suggested either visiting with the Governor face-to-face or writing him a letter answering his question.

After further discussion, it was decided to hold off forming the committee until the results of the BJA Regional Meeting are known. Behm informed the Board he will formulate a summation of the results from the Regional Meeting and email his summation to the Board members on February 15, 2008, after he arrives back from Indianapolis.

**C. Approval of the Nebraska Crime Victims Coalition Grant Funding Request to Help with the 2008 Victim's of Crime Annual Conference**

Jennifer Kirkpatrick informed the Board that the Nebraska Crime Victims Coalition (NCVC) submitted a grant requesting \$8,066.00 for use to support the 4<sup>th</sup> Annual Crime Victims Rights Week Conference. The conference will be held from April 16-18, 2008, and the theme is "Responding to Victims of Campus Violence." The grant request will cover the cost of presenters, presentation expenses, the opening ceremony event and conference supplies. NCVC is required to provide a 20% match for these funds, and they have exceeded their required match. Kirkpatrick recommended the Board approve NCVC receiving \$8,066.00 to support this annual conference.

***Motion***

***A motion was made by Moore and seconded by Vaughn to accept the Nebraska Crime Victims Coalition funding request of \$8,066.00 for use to support the 2008 Victim's of Crime Annual Conference. Voting in favor of the motion: Brueggemann, Ford, Houston, Lacey, Moore, Overman, Vaughn and Wagner. Motion carried unanimously.***

**D. Update Membership to the VAWA Advisory Committee**

Jennifer Kirkpatrick presented updates to the membership of the VAWA Advisory Committee. The main purpose of the Committee is the review of the VAWA grant applications submitted to the Crime Commission. The VAWA Committee also develops the statewide plan. The Committee consists of representatives from law enforcement, prosecution, courts, victim services, and a tribal representative. Changes to the Committee membership that Kirkpatrick proposed consisted of the following: 1). Christon MacTaggart, Domestic Violence Sexual Assault Program Manager with the Nebraska State Patrol will replace Phyllis Heidzig; 2). Tony Ahrendt, Domestic Violence Program Specialist with Probation will replace Ellen Brokofsky; and 3). Kim Taylor-Riley who is a representative from the Nebraska Attorney General's Office will be an addition to the Committee and will fill a current vacancy on the Committee.

Terry Wagner suggested that perhaps in the future, Kirkpatrick could get representation from the Sheriffs across the State on this Committee.

*Motion*

*A motion was made by Overman and seconded by Vaughn to approve the VAWA Advisory Committee membership changes. Voting in favor of the motion: Brueggemann, Ford, Houston, Lacey, Moore, Overman, Vaughn and Wagner. Motion carried unanimously.*

**VII. OTHER BUSINESS**

There was no other business to review at this time.

**VIII. ADJOURNMENT**

The next scheduled meeting of the Commission will be **Friday, May 2, 2008 at 9:30 AM in the Nebraska State Office Building, Lower Level Conference Room A, Lincoln, Nebraska.**

There being no further business, the meeting adjourned at 10:47 AM.

Respectfully Submitted,



Sarah J. Schoen  
Administrative Assistant