



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 18, 2013

The Nebraska Commission on Law Enforcement and Criminal Justice met Friday, October 18, 2013 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 4, 2013 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, Joe Hewgley, Joe Kelly, Mike Kenney, Larry Koranda, Fred Ruiz (Arrived 9:32 AM), David Sankey, Rita Sanders, Todd Schmaderer, Michelle Schindler, Brenda Smith, Derek Vaughn and William White. **Members excused**: Mark Benne, Don Overman and Mike Swain. **Staff present**: Mike Behm, Merry Wills, Bruce Ayers, David Stolz, Bill Muldoon, Jeanette Greer, Linda Krutz, Mike Overton, Vanessa Humaran, Hillary Pospisil, Amy Hoffman, Mary Thomason, Cindy Gans, Lisa Stamm and Ann Bauers. **Others present**: Barry Green, Banister's Leadership Academy and Akile Banister, Banister's Leadership Academy.

II. APPROVAL OF MINUTES

Motion

A motion was made by Hewgley and seconded by Smith to approve the minutes of the Crime Commission meeting of July 19, 2013, Police Standards Advisory Council meetings of June 19, 2013; July 18, 2013 and August 21, 2013; Nebraska Coalition for Juvenile Justice meeting of September 6, 2013; Office of Violence Prevention meeting of September 13, 2013; Racial Profiling Advisory Committee meeting of September 19, 2013; and Jail Standards Board meetings of July 26, 2013 and September 26, 2013. The motion passed unanimously by acclamation.

III. EXECUTIVE DIRECTOR'S REPORT

Executive Director Behm welcomed Mike Kenney as a new member of the Crime Commission and then presented the following Director's Report:

Resignations:

- Sarah Kinney, Accounting Clerk II to Office of State Probation
- Jeff Beaty, J.D., Policy Analyst to Nebraska Dept. of Corrections

New Staff members:

- Vanessa Humaran, Federal Aid Juvenile
- Jeanette Greer (full-time), Federal Aid Administrator-financial monitor
- Hillary Pospisil, Accounting Clerk II

New Positions per LB-561:

- Amy Hoffman, J.D., Administrator-Juvenile Diversion Programs
- Cindy Gans, Administrator-Community Based Juvenile Services

Updates:

- Community Corrections Division working with State Probation, NE Department of Corrections and members of the Judiciary Committee continue to meet to discuss prison over-crowding and possible solutions.
- Jail Standards division completing annual county jail inspections (77) and assisting several counties with new county jail construction.
- Grant Division completing grant process for VOCA, VAWA and JAG
- Bruce Ayers, Chief of Budget and Accounting provided a 30 min. presentation at Creighton Univ. on our Crime Victims Reparation program. And, the Division also processed 103 Grant payments in August.
- Office of Violence Prevention- Chris Harris, OVP Administrator wanted to pass on good news regarding an OVP grant recipient- The Victory Boxing Club of South Omaha. In a tournament held in August, the South Omaha boxing club had four World Champions which included (3) boys and (1) girl.

IV. OLD BUSINESS

There was no old business

V. NEW BUSINESS

Larry Koranda, Police Standards Advisory Council President gave a procedural overview of the revocation process. He informed the Board that the case file contains the following information: the informal complaint, notice to the officer of the informal complaint, the officer's informal answer (if any is filed), the Executive Director's correspondence, and the formal complaint filed.

He stated that each hearing will be handled separately and will require a separate vote.

A. Final Revocation Decision – LR-071-09 – Stanley A. Smith

Koranda stated that the case before the Board today was uncontested and there is an avadavat showing publishing of the notice to revoke. Koranda 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. Smith's law enforcement certification.

Stanley Smith did not attend, nor did he send a representative on his behalf.

Motion

A motion was made by Davis and seconded by Sankey to uphold the Police Standards Advisory Council's decision to revoke the Law Enforcement certification of Stanley A. Smith, LR-071-09. Voting in favor of the motion: Batton, Davis, Kelly, Hewgley, Kenney, Koranda, Ruiz, Sankey, Sanders, Schindler, Schmaderer, Smith, Vaughn and White. Motion carried unanimously.

B. Final Revocation Decision – LR-093-13 – Gerald Asche

Koranda stated that the case before the Board today was uncontested and there is an avadavat showing publishing of the notice to revoke. Koranda 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. Asche's law enforcement certification.

Gerald Asche did not attend, nor did he send a representative on his behalf.

Motion

A motion was made by Smith and seconded by Vaughn to uphold the Police Standards Advisory Council's decision to revoke the Law Enforcement certification of Gerald Asche, LR-093-13. Voting in favor of the motion: Batton, Davis, Kelly, Hewgley, Kenney, Koranda, Ruiz, Sankey, Sanders, Schindler, Schmaderer, Smith, Vaughn and White. Motion carried unanimously.

C. Final Revocation Decision – LR-075-10 – Anthony Ybarra

Koranda stated that the case before the Board today was uncontested and there is an avadavat showing publishing of the notice to revoke. Koranda 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. Ybarra's law enforcement certification.

Anthony Ybarra did not attend, nor did he send a representative on his behalf.

Motion

A motion was made by White and seconded by Smith to uphold the Police Standards Advisory Council's decision to revoke the Law Enforcement certification of Anthony Ybarra, LR-075-10. Voting in favor of the motion: Batton, Davis, Kelly, Hewgley, Kenney, Koranda, Ruiz, Sankey, Sanders, Schindler, Schmaderer, Smith, Vaughn and White. Motion carried unanimously.

D. Final Revocation Decision – LR-084-11 – James P. Wenzl

Koranda stated that the case before the Board today was uncontested and there is an avadavat showing publishing of the notice to revoke. Koranda 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. Wenzl's law enforcement certification.

James Wenzl did not attend, nor did he send a representative on his behalf.

Motion

A motion was made by White and seconded by Ruiz to uphold the Police Standards Advisory Council's decision to revoke the Law Enforcement certification of James P. Wenzl – LR-084-11. Voting in favor of the motion: Batton, Davis, Kelly, Hewgley, Kenney, Koranda, Ruiz, Sankey, Sanders, Schindler, Schmaderer, Smith, Vaughn and White. Motion carried unanimously.

E. Dismissal of Revocation – LR-081-11 – David Derickson

SEE ATTACHMENT #1

Behm gave a brief summary of the investigation and the reasons to dismiss the charges against David Derickson. There was no discussion.

Motion

A motion was made by Schmaderer and seconded by White to uphold the Police Standards Advisory Council's decision to dismiss the revocation against David Derickson, LR-081-11. Voting in favor of the motion: Batton, Davis, Hayes, Kelly, Houston, Lausten, Overman, Pierce, Sankey, Swain, Vaughn and White. Motion carried unanimously.

F. Law Enforcement Training Center Report

1. Instructor Certifications

The Crime Commission next considered one request for **Professional Recertification**, and one request for **Professional Certification**. Police Standards Advisory Council's recommendations were reported by Larry Koranda.

Motion

A motion was made by Vaughn and seconded by Batton to grant the following instructor certifications per Police Standards Advisory Council's recommendations: Professional Recertification to Danny J. Reitan, Lincoln Police Department; and Professional Recertification to Peter J. Lensing, Lincoln Police Department. (Motion carried).

G. Approval of FY 2013 Community-Based Juvenile Aid in the amount of \$1,522,425

SEE ATTACHMENT #4

Cindy Gans gave a summary of the Grant Review Committee recommendations. There was no discussion.

Motion

A motion was made by Hewgley and seconded by Batton to approve the FY 2013 Community Based Juvenile Aid in the amount of \$1,522,425. Voting in favor of the motion: Batton, Davis, Kelly (Abstain 13-CB-516), Hewgley (Abstain 13-CB-501) Kenney, Koranda, Ruiz, Sankey, Sanders, Schindler, Schmaderer, Smith, Vaughn (Abstain 13-CB-531) and White. (Motion carried).

H. Approval of FY 2013 Community-Based Juvenile Aid Enhancement in the amount of \$203,722

SEE ATTACHMENT #5

Gans gave a brief summary of the Grant Review Committee recommendations.

Motion

A motion was made by Overman and seconded by Hewgley to approve the FY 2013 Community Based Juvenile Aid Enhancement I the amount of \$203,722. Voting in favor of the motion: Voting in favor of the motion: Batton, Davis, Kelly (Abstain 13-EB-611), Hewgley (Abstain 13-EB-610), Kenney, Koranda, Ruiz, Sankey, Sanders, Schindler, Schmaderer, Smith, Vaughn (Abstain 13-EB-617) and White. (Motion carried).

I. JAG Strategic Plan and Evaluation Update

SEE ATTACHMENT #2

Dr. Ryan Spohn from the University of Nebraska at Omaha gave a brief update on the changes to the JAG Strategic Plan and Evaluation. There was no discussion.

J. Award of FY 2013 JAG 2013-DJ-Bx-0021 in the amount of \$1,154,758

SEE ATTACHMENT # 3

Stamm gave a summary of the 2013 JAG DJ-BX-0021 grants in the total amount of \$1,154,758 and the recommendations of the Grant Review Committee. Stamm passed out a handout with graphs showing the percentages of the grants approved. Sankey asked what was the overall reduction in the amount of money Nebraska received, and Stamm replied about 5.5% for local and 18% for state. The reason state is higher is because Nebraska doesn't comply with the Adam Walsh Act. There was a brief discussion regarding why Nebraska is out of compliance with the Adam Walsh Act.

Voting on the JAG grants was held until the appeal of 13-DA-0302 Banister's Leadership Academy in the amount of \$30,000 was presented.

K. Appeal of JAG grant 13-DA-0302 for Banister's Leadership Academy in the amount of \$30,000

SEE HANDOUT

Stamm gave a summary of the appeal and the denial letter that was sent in response. Byron Freeman, Banister's Leadership Academy and Akile Banister, Banister's Leadership Academy, summarized their reasons why they appealed the Grant Review Committee's decision. There was a brief discussion.

Motion

A motion was made by Schindler and seconded by White to deny the appeal of JAG Grant 13-DA-0302 for Banister's Leadership Academy. Voting in favor of the motion: Davis, Kelly, Hewgley, Kenney, Koranda, Ruiz, Sankey, Sanders, Schindler, Schmaderer, Smith, Vaughn and White. Abstaining: Batton (Motion carried).

Motion

*A motion was made by Vaughn and seconded by Smith to approve FY 2013 JAG 2013-DJ-BX*0021 in the amount of \$1,154,758 as recommended by the Grant Review Committee. Voting in favor of the motion: Batton, Davis (Abstain 13-DA-0306), Kelly, Hewgley, Kenney, Koranda, Ruiz, Sankey (Abstain 13-DA-0315), Sanders, Schindler, Schmaderer (Abstain 13-DA-0311), Smith, Vaughn (Abstain 13-DA-0318) and White. (Motion carried).*

L. 2013 VOCA Funding Update

Merry Wills gave a brief update on the funding amounts that were received for the 2013 VOCA grants.

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, January 24, 2014
9:30 AM
Nebraska State Office Building
Lower Level Conference Room A
Lincoln, Nebraska.**

There being no further business, the meeting adjourned at 10:30 AM.

Respectfully Submitted,



Ann Bauers
Administrative Assistant