



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

October 22, 2010

The Nebraska Commission on Law Enforcement and Criminal Justice met Friday, October 22, 2010 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 8, 2010 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 9:33 AM by Acting Chairman John Freudenberg. The following members were **in attendance**: Acting Chair John Freudenberg, Candice Batton, James Bogner, Scot Ford, Alex Hayes, Robert Houston, Gary Lacey, Kathy Moore (arrived at 9:41 AM), Don Overman, Richard Pierce, Fred Ruiz, Derek Vaughn and William White. **Members excused**: Mike Moser, Brenda Smith, and Bryan Tuma. **Staff present**: Charles Lowe, Michael Behm, William Muldoon, Michael Overton, Pat Dougherty, Lisa Stamm, Monica Miles-Steffens, Michael Friend, David Stolz, and Ann Bauers.

II. APPROVAL OF MINUTES

Motion

A motion was made by Bogner and seconded by Overman to approve the minutes of the Crime Commission meeting of July 23, 2010; Nebraska Coalition for Juvenile Justice meeting of September 10, 2010; Crime Commission Grant Review Committee meeting of October 1, 2010; the Police Standards Advisory Council meetings of June 16 and August 18, 2010; The Racial Profiling Advisory Committee meeting of September 17, 2010 and the County Attorney Standards Advisory Council meeting of September 24, 2010. The motion passed unanimously by acclamation.

III. PUBLIC HEARING FOR THE REVOCATION OF LAW ENFORCEMENT CERTIFICATION OF MATTHEW BOWER #LR-061.07

Charles Lowe, Assistant Attorney General 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.

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

Matthew Bower did not attend, nor did he send a representative on his behalf.

Motion

A motion was made by Lacey and seconded by Hayes to uphold the Police Standards Advisory Council's decision to revoke the Law Enforcement certification of Matthew Bower LR-061-07. Voting in favor of the motion: Batton, Ford, Hayes, Houston, Lacey, Overman, Pierce, Ruiz, Vaughn and White. Abstaining from the motion: Bogner. Motion carried unanimously.

IV. EXECUTIVE DIRECTOR'S REPORT

Mike Behm presented a clock to Gary Lacey for his years of service to the Crime Commission. Lacey thanked the Board for the award and stated that he appreciated the staff for all their help.

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

- Ann Bauers is the new Administrative Assistant for the Crime Commission and Pat Dougherty has been hired in the IT Division
- The J.R. Justice Loan forgiveness grant for prosecutors and public defenders has been accepted, and final preparation is on-going with a meeting held on October 6, 2010.

V. OLD BUSINESS

A. No Old Business

VI. NEW BUSINESS

A. Nebraska Law Enforcement Training Center

1. Instructor Certifications

The Crime Commission next considered *five* requests for **Professional Instructor Certification**, *seventeen* requests for **Professional Instructor Recertification**, *one*

request for **Legal Recertification** and *three* requests for **Legal Certification**. Police Standards Advisory Council's recommendations were reported by James Bogner.

Motion

A motion was made by Vaughn and seconded by Ruiz to grant the following instructor certifications per Police Standards Advisory Council's recommendations: Professional Instructor Certification to Jarrod Connelly, Nebraska State Patrol, Jeffery Decker, Nebraska State Patrol, Alan Grell, Lincoln Police Department, Dion Neumiller, Nebraska State Patrol and Andrew Ripley, Lincoln Police Department. Professional Instructor Recertification to Monica Bartling, Nebraska State Patrol, Brent Bockstadter, Nebraska State Patrol, Randy Bybee, Nebraska State Patrol, Gregory Cody, Lincoln Police Department, Vicky Cowan, Nebraska State Patrol, Chris Ehrhorn, Lincoln Police Department, Destry Jaeger, Lincoln Police Department, Kelly Kolb, Nebraska State Patrol, Ken Koziol, Lincoln Police Department, John McGahan, Lincoln Police Department, Jud McKinstry, Nebraska State Patrol, Bonnie J. Nichols, Lincoln Police Department, Karl Shannon, Lincoln Police Department, Jeffrey Urkevich, Lincoln Police Department, Tarrence Vernon, Lincoln Police Department, Mark Williams, Nebraska State Patrol, Clark Wittwer, Lincoln Police Department. Legal Certification for Shawn Edwards, Nebraska State Patrol, Tonya L. Peters, Lincoln Police Department and Wendy Wussow, Nebraska State Patrol. And Legal Recertification for Frederick King, Nebraska State Patrol. Voting in favor of the motion: Batton, Ford, Hayes, Houston, Lacey, Moore, Overman, Pierce, Ruiz, Vaughn and White. Abstaining from the motion: Bogner. Motion carried unanimously.

2. 2010 Lincoln Police Academy Inspection

James Bogner 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 Ruiz to approve the Nebraska State Patrol Academy Inspection per the Police Standards Advisory Council's recommendations. Voting in favor of the motion: Batton, Ford, Hayes, Houston, Lacey, Moore, Overman, Pierce, Ruiz, Vaughn and White. Abstaining from the motion: Bogner. Motion carried unanimously.

3. 2010 Nebraska Law Enforcement Academy Inspection

James Bogner reviewed the recommendations of the Police Standards Advisory Council on the inspection of the Nebraska Law Enforcement Academy.

Motion

A motion was made by Overman and seconded by Ford to approve the Nebraska Law Enforcement Academy Inspection per the Police Standards Advisory Council's recommendations. Voting in favor of the motion: Batton, Ford, Hayes, Houston, Lacey, Moore, Overman, Pierce, Ruiz, Vaughn and White. Abstaining from the motion: Bogner. Motion carried unanimously.

B. Update on NCJA Technical Assistance Request

Monica Miles-Steffens shared that the National Criminal Justice Association got a \$1,000,000 grant from the Bureau of Justice Assistance to be able to provide the states with technical assistance with JAG dollars. There are three priorities to our technical assistance requests.

1. Stakeholder Education

The main thing we want to do is provide training to this group and invite some other Criminal Justice Stakeholders to get some basic training on what Evidence Based Practice is and how to move forward with it. We are working to bring some of this training to the January 28, 2010 Crime Commission Meeting. This will be a longer meeting with a working lunch. Meeting would run from 9:30 until 2:00. Invite the Governor's Policy Research Office, the Administrative Office of the Court, the Office of Violence Prevention and the Community Corrections Office.

2. Task Force Training

Miles-Steffens stated that the task forces needed to be reorganized and re-energized. Several other states have done summits with their task forces and that's what we want to have happen here. She continued that she met with Lt. John Krejci, the person who is being funded with ARRA funds in the State Patrol to be the liaison to task forces out in the field. We want to present some kind of summit in the spring.

3. Statewide Strategic Planning for JAG

Miles-Steffens stated that it used to be a requirement from the Bureau of Justice Assistance to have strategic planning with application for JAG funds, but they went away from it. Now they are gearing up for that again. We are working with NCJA to bring in a facilitator to help us with strategic planning because we to show in the next application the steps being taken to develop a strategic plan.

Houston suggested bringing in Steve King from the Department of Corrections for the meeting. Behm asked if there were any other recommendations from the group as to whom they would like to see attend this meeting.

SEE ATTACHMENT #1

C. Award of remaining 2009 JAG ARRA funds Amount \$4,573,320; State projects - \$1,054,338 and Local Projects - \$3,518,982.

Miles-Steffen stated that the Grants Committee was able to announce the availability of \$4,573,320 remaining JAG ARRA funds. The committee met October 1, 2010 and in the attachment you can see two different listings – one for the state dollars and

one for the local dollars. The purpose of these funds is to create and retain jobs, and economic development. As it relates to JAG is to further our priorities with JAG funds which is funding task forces, prosecution and court programs, training of criminal justice and law enforcement entities, and planning evaluation and technology.

Miles-Steffens further stated that with this money there was an opportunity to open the funds to people in the field who hadn't applied for JAG funds before. We also opened up some secondary priorities which hadn't been available before; Community Corrections Programs, Drug Treatment Programs, and Victims Programs. We looked for programs that were new, innovative, evidence based programs in the field.

Miles-Steffens stated that they also adjusted the requirements for a match. If there was a new innovative, evidence based program and could document that in the application, then people only had to submit 5% cash or in kind match. If you were submitting an application for status and maintaining programs that are already funded, then there was still a 25% match, but it was extended to allow in kind match.

Miles-Steffen offered first to look at the six (6) applicants for the state retained dollars. There were several new applicants; Administrative Office of the Courts for technology effort to help implement video conferencing state-wide and use it for using interpreters state-wide. 9012 was a request for assistance in offering a conference but didn't have enough funding available. 9013 was for the Nebraska Commission on Public Advocacy which the Grant Committee recommended denial. 9014 is for the Crime Commission for NCJIS. 9020 is for a pilot project under the Administrative Office of the Courts for mental health clients. The final application was for the State Patrol for technology and equipment improvements.

Motion

A motion was made by Lacey and seconded by Pierce to accept the Grant Review Committee's funding recommendations and contingency stipulations of award as outlined for the \$1,054,338 of 2009 JAG ARRA Funds for State Projects. Voting in favor of the motion: Batton, Bogner, Ford, Hayes, Houston, Lacey, Moore, Overman, Pierce, Ruiz, Vaughn and White. Motion carried unanimously.

Miles-Steffen then offered information on the funds for Local Projects. There were several task force projects, one that was Grant # 9033, the Code Task Force in Norfolk. There are two that the Grant Committee made changes to. First was 9032 and they requested that the applicant expand the Technical Training for the Lancaster County Defenders office, to include all Public Defenders state-wide. The other application where there was a difference is 9015, Cedar County Jail Enhancement. The staff recommendation was to approve and the grant Review was to deny this grant. Right before the grant was due, the Sheriff was out of the office, and the grant was submitted without the proper signatures and missing some important

information. The Grant Review Committee was concerned that without the signatures and documentation that it would be difficult for the committee to be sure that Cedar County could handle \$391,000 out of their budget. The recommendation of the committee is to earmark this money in CJIS for this project, but to allow the office to resubmit this project in January. Mike Overton has worked with Cedar County to get the missing information and it's acceptable to them to re-apply.

Lacy asked if the grant for Lancaster County would be administered by the Public Defender's office in Lancaster County. Miles-Steffen acknowledged that it would.

Motion

A motion was made by Houston and seconded by Lacey to accept the Grant Review Committee's funding recommendations and contingency stipulations of award as outlined for the \$3,519,982 of 2009 JAG ARRA Funds for Local Projects. Voting in favor of the motion: Batton, Bogner, Ford, Hayes, Houston, Lacey, Moore, Overman, Pierce, Ruiz, Vaughn and White. Hayes abstained for 9017, and Vaughn abstained for 09-DX 9021. Motion carried.

D. Proposal for Grant Request 09-EG-123, Lancaster County-Juvenile Diversion – \$36,563

Lisa Stamm stated that this grant comes with an error from their office. Due to some personnel turnover, in 2009 there was County aid left to be awarded. The error was caught in 2010 and can still award them before June of 2011. Because they expire in 2011, we can't combine them with competitive awards that will be announced in November 2010. Stamm continued that they were able to work with Sarah Whale in Lancaster County and it will benefit them to make some conversions so that their diversion system will be able to interface with our web based system. The remaining funds will be subcontracted to the University at Omaha Juvenile Justice Institute to do some additional enhancements to the data base to allow the programs in the field to be able to run reports, and will make additional clean up to the system. This will allow 45 counties to interact with our system.

Motion

A motion was made by Hayes and seconded by Ruiz to accept the Coalition's funding recommendations and contingency stipulations of award as outlined for \$36,563 Grant Request 09-EG-123, Lancaster County-Juvenile Diversion. Voting in favor of the motion: Bogner, Ford, Hayes, Houston, Lacey, Moore, Overman, Pierce, Ruiz, Vaughn and White. Abstaining from the motion: Batton. Motion carried unanimously.

SEE ATTACHMENT #2

E. Proposal/Award for remaining 2009 ARRA VOCA funds \$28,241

Stamm stated that the Omaha Douglas County Victim/Witness Assistance Unit has requested to use the remaining funds to better assist victims. They have lost transportation funding and are looking for help in that area. She further stated that they are looking to use the funds for lock changes for victims, emergency food and assistance with utilities, storage facilities and hotel stays.

Motion

A motion was made by Batton and seconded by Moore to accept the Coalition's funding recommendations and contingency stipulations of award as outlined for the \$28,241 of 2009 ARRA VOCA Funds. Voting in favor of the motion: Batton, Bogner, Ford, Hayes, Houston, Lacey, Moore, Overman, Pierce, Ruiz, and White. Abstaining from the motion: Vaughn. Motion carried unanimously.

F. Update on John R Justice Program

Stamm provided an update regarding the progress of the John R. Justice Program. The amount for aid is \$85,000 and is a new program that will be administered by the Crime Commission. The purpose of the program is for lawyers to enter and be retained as full time Public Defenders and Public Criminal Prosecutors. Selected public prosecutors and defenders will receive educational loan repayments if they promise to remain as a public prosecutor or defender in Nebraska for at least three (3) years. In answer to Lacey's question, each side receives \$42,500.

The program was announced October 30, 2010 and applications are due by November 30, 2010 to the Crime Commission office. Marketing and outreach was conducted by Nebraska Bar Association, Nebraska County Attorney Association, and the Nebraska Criminal Defense Association. Crime Commission staff will review applications December 2010, review teams will meet the middle of December, and recommendations will be sent to eligible beneficiaries by December 28, 2010 giving the applicant 10 business days to appeal. Applicants will be approved at the January 28, 2010 Crime Commission meeting.

Lacey asked if there are more public defenders than prosecutors, why is the money split equally. Stamm replied it is a federal mandate. Batton asked if it was the intention that one person would receive the funds on each side, or would it be divided up among several applicants. Stamm answered that it would be probably be a \$2000-\$4000 allocated amount for each beneficiary.

Lacey asked if it was known how many individuals would qualify. Stamm thought the number was significant. Freudenberg asked if the Attorney General's Office qualified as well, and Stamm answered in the affirmative. Ruiz stated that he

thought one of the criteria was the issue of the debt to income ratio, and also the requirement that it be spread across the state. The attorneys do need to be full time and not part time attorneys. Lacey then asked if the money would be allocated geographically by a certain amount of money. Stamm answered that would be up the individual review teams and they have to abide by the Federal Guidelines.

Ruiz asked who was on the review teams. Stamm answered that on the defense side there was Mr. Mowbray, Chief Council on the Nebraska Commission of Public Advocacy, Bernard Straetker, Scottsbluff County Public Defender, and John Hascall, Deputy Public Defender. On the prosecution side there is Jeffery Lux, John Freudenberg and Tammy Schendt from Custer County Nebraska. Houston asked how the money would be split up. Freudenberg answered that the defense side would split up the money for the defense attorneys, and the prosecution side would split up the money for the prosecution side.

Ruiz asked how this program came about, and Freudenberg replied that they had been working on this for about 15-20 years. John R. Justice who was a solicitor in South Carolina was initially working on this. He died so it was decided to name it after him, then finally got some funding from the Senate but it's only appropriated for one year and when it's gone, it's gone. There is only \$10,000,000 for the whole United States.

VII. OTHER BUSINESS

There was no other business

VIII. PUBLIC COMMENT

There were no members of the public present who wished to address the Board at this time.

IX. ADJOURNMENT

The next scheduled meeting of the Commission will be **Friday, January 28, 2010 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 10:32 AM.

Respectfully Submitted,



Ann Bauers
Administrative Assistant