



Pete Ricketts
Governor

STATE OF NEBRASKA
NEBRASKA COMMISSION ON LAW ENFORCEMENT AND CRIMINAL JUSTICE
Darrell Fisher
Executive Director

**REGULAR MEETING OF THE
POLICE STANDARDS ADVISORY COUNCIL
DECEMBER 20, 2017**

I. CALL TO ORDER

Chairman Sheriff Jerry Watson called the monthly meeting of the Police Standards Advisory Council to order at 9:01 AM. A current copy of the Nebraska Open Meetings Act was on hand and available for reference. Notice of the meeting was published in the Lincoln Journal Star on Monday, December 11, 2017. Roll call of members; Sheriff Jerry Watson, Chief Tracy Wolf, Chief Jeff Bliemeister, Chief Timothy Larby, Sheriff Larry Koranda, Chief Timothy Larby and Mr. Matthew McCarthy were present. Lieutenant Colonel Thomas Schwarten was absent.

II. APPROVAL OF NOVEMBER 15, 2017 P.S.A.C. MINUTES

MOTION

Chief Tracy Wolf motioned to approve the November minutes. Mr. Matthew McCarthy seconded the motion. Voting in favor of the motion; Sheriff Jerry Watson, Chief Tracy Wolf, Chief Jeff Bliemeister, Sheriff Larry Koranda, Chief Timothy Larby and Mr. Matthew McCarthy.

III. ACADEMY REPORTS

A. Director – N.L.E.T.C.

Mr. Muldoon discussed the Director's report stating the 198th Basic would begin January 2, 2018. There were 83 reservations for 50 spots. On the 30-day deadline for completed packets there were 51 completed packets. 55 invitations were sent out for the December 12th PRET test and 48 passed.

The Law Enforcement Certification of Jared Hoerle would be administratively revoked for a 2017 felony conviction of a DUI + (2 prior convictions in Lancaster County District Court). He was given notice and had 30 days to contact us.

B. Deputy Director of Training – N.L.E.T.C.

Mr. Muldoon presented Deputy Director Urbanek's report in her absence stating 46 students graduated at the 197th Basic Graduation with Secretary of State John Gale as the keynote speaker.

The Deputy Director's report - one student was injured during the 300 Meter Run of the PRET then one completed the test however, collapsed during the mile and half test. The medics were called however he refused treatment.

C. Nebraska State Patrol

Lieutenant Jeff Roby reported that the Patrol the LPO class graduated 35 students.

NSP has been doing In-service sessions here at the Training Academy at on Wednesday's and then they go to the Regional Center in Hastings for Active Shooter/Active Killer training.

We have been working on a lot of the end of the year certifications that we get ready for PSAC here and get those done.

We have been doing a couple sessions of our physical testing's for our next camp that is set for May. Yesterday we had 35 people show up.

December 6th we gave a tour to Wood River High School. There were five Juniors It is one of their Leadership programs.

We have an Ethics training program, NSP has a new recording system, NRAMS, and our carrier enforcement division is working on a new log book training. The Feds wanted it out in December but with all the electronic stuff it will probably more like end of January or February.

IV. CRIME COMMISSION REPORT

Darrell Fisher stated the strategic plan/long range plan we are working on when it got to the Commission, when it got to was expired so we hustled up and put a temporary stop cap plan in place. Now we are, since the plan expires, the governor's initiative be that they be SMART goals specific, measurable, obtainable, accountable, so we are working on setting up those Smart goals for our agency.

A master plan the State Patrol, Bill, Myself and DAS are actively working on; the City of Grand Island is expanding, the Grand Island Regional Airport is expanding that which used to be rural is no longer really rural. If we are going to button this place up and protect it for the future so we can continue to have a skills based viable training academy that meets the needs of our customers then we are going to have to do a long range plan. Which obviously may include purchasing the ground around us and that is going to be expensive. The master plan itself is probably going to cost us over a million dollars. We have to get together in the near future and identify where our deficient areas are. We know our track is not up to speed, we know the range needs some work possibly needs to be turned so we can shoot a different direction. We have things here that we need to do. So we will be working with State Patrol closely on that. We'll have to go in 2019 and ask for special appropriation money for the master plan. The master plan will not only include the physical plan but will also include the grounds around us so we can button this place up and continue to protect it for the future.

Revocation complaints – we are still at 22. You will have one of those later today. I keep thinking that we have hit the high mark and then I get a phone call. We still have complaints coming at us. We are working as diligently as we can.

VOCA – I mentioned in September that we had 160 reimbursement requests for the VOCA grant that we were backed logged up to a year. I am pleased to say that we have worked those down, we did not make our own December 6th deadline that we had self-imposed for getting a background done, but we have about 20 of those left. We will have those done by the end of the year.

V. OLD BUSINESS

A. TABLED - Approval - Firearms Instructor Course

Nebraska State Patrol

Mr. Muldoon stated the materials were submitted to Deputy Director Urbanek and she approved them.

MOTION

Chief Jeff Bliemeister motioned to approve the Firearms Instructor Course for the Nebraska State Patrol.

Mr. Muldoon stated this was for every time they put on the course and they had actually put on the course, so we need to get this curriculum approved so we can issue certificates for a course that was conducted a couple months ago.

Lieutenant Roby stated Deputy Director Urbanek has asked each time before any course in 2018 be held and anytime there be updates to the curriculum that she be able to review them. The curriculum that is currently being reviewed for approval is the one that was used for the early November course, the course that was just held.

Mr. Muldoon stated his recommendation would be that for the 2018 year and for the class that already happened they will submit their curriculum ahead of time with any changes before any other instructor certification course be held.

Chief Wolf questioned the curriculum stating he thought it was approved so you started out on the FBI target but then you had to have it on the reduced area for qualification. It doesn't say anything about having your rounds in the reduced area. It just says 90% of rounds on the FBI Q target. It does say reduced target zone.

Lieutenant Roby explained they had always tested the reduced Q target as a separate target on that target, so you have the Q and then it reduces the Q on that area that you are talking about then we shoot the rounds on the separate rounds onto that one.

The course is fine, I just have a question on the qualification. Before it was a 90 shoot it and then you had a completely different course to get out of it and now it's a 90 shoot in on a regular FBI Q and a 90 shoot out on the reduced target zone. That's not what that says. I think that actually says 80%.

Chief Larby seconded the motion. Hearing no further discussion. Those voting in favor of the motion; Chief Jeff Bliemeister, Sheriff Larry Koranda, Chief Timothy Larby, Mr. Matthew McCarthy, and Sheriff Jerry Watson. Chief Tracy Wolf voted against the motion.

VI. NEW BUSINESS

A. Waiver of NLETC Basic Training - Hardship Deputy Randy Brink - Dundy County Sheriff's Office

Mr. Muldoon stated Sheriff Nichols requested a waiver, beyond the date I had imposed on them in the letter I had written them in August. I let Sheriff Nichols know that he needed to submit a waiver request by November 15th. It wasn't until noticing that he had not done that and we went ahead and invited him to the PRET, that we got the waiver request, so now we are considering it after he has passed the PRET and is on the roster for the 198th Basic beginning January 2nd.

He was hired February 20, 2017 and will exceed his one year during the course of the basic from February 20th to graduation in April. He has been approved to attend the 198th Basic class.

MOTION

Sheriff Larry Koranda motioned to grant the waiver for Deputy Randy Brink of the Dundy County Sheriff's Office. Mr. Matthew McCarthy seconded the motion. Sheriff Koranda amended his motion to include; with the understanding that Deputy Brink, from his one-year anniversary date of February 20th, not partake in any law enforcement duties until his successful completion of this next available basic. Mr. McCarthy seconded the amendment. Voting in favor of the motion; Chief Jeff Bliemeister, Sheriff Larry Koranda, Chief Timothy Larby, Mr. Matthew McCarthy, Sheriff Jerry Watson, and Chief Tracy Wolf.

B. Training Center Budget Proposal - Tuition & Fees Operating Instruction 50-21

Mr. Muldoon stated the last three years we have not requested any tuition adjustment or increase in fees outside the pass through for materials which generally reflect what we actually pay for a template, Lexis law book or a defensive tactics manual. This year I will be changing it up a little and request the Council to consider tuition increases. By rule Operating Instruction 50-21, I am to present you an annual tuition recommendation that is reviewed. We have not done this since the start of the 16-week basic in 2013 when we took the previously approved tuition from 2011 and extrapolated an extra two weeks on to that so we really didn't take a look at the cost basis. I am under constant caution and pressure particularly from the state auditor to follow the rule that we do a cost basis analysis each year and make a recommendation on tuition accordingly. Actually, the only people that pay tuition are state agencies or railroad police that send their students through here, which is a

private police force, and then anyone coming back in bad standing. And then in bad standing it may just be a prorated versus when they were dismissed from the academy. The review is way overdue.

If you look on the second page of Attachment #3 our total operating budget is close to \$3 million and of that we pay the Department of Administrative Buildings \$916,523 for rent and \$465,875 for depreciation. The remaining \$1,597,132 is our facility operations and personnel budget. By statute, NSP covers the cost of their training staff, but costs associated with operating the facility comes exclusively from the Crime Commission.

The Training Center is set up to train 150 basic students per year and conducts another 45 mandated and specialized classes that vary in length from 1 to 10 days and trains more than 1,000 students annually. We calculated that the Mandated and Specialized use was equivalent to another 60 basic students in 2017 130,265 total training hours minus 92,122 basic students / 636).

Cost per basic student unit, is \$1,133,805 / 210 basic students or \$5,399 per basic student unit.

Therefore, I am recommending a new tuition with the 200th Basic is \$5,400.

\$5,400/75 days of basic = \$72 per day cost (15 weeks)

\$72 - \$20 room charge = \$52 cost of specialized training day.

Remaining mandated/specialized courses are calculated using \$52 per day to come up with the tuition charge for mandated courses. The hourly training tuition rate is $\$52/8=\6.50

Using the current tuition formula the following course tuitions should be changed to:

Defensive Tactics - \$260

Firearms Instructor – \$260

EVOC – \$260

Defensive Tactics Recertification - \$156

Firearms Instructor Recertification \$52

Material fee is a passed along amount now \$135 due to significant increases in the price of defensive tactics and legal books.

I would also like to propose a \$150 per basic student Fleet Use Fee to generate \$22,500 annually, which is a little more than one half our actual expense.

This will not be collected until they drive or after they drive in case the student is not using the fleet.

The approval of recommended fees for 7/1/2018-6/30/2019. In addition, you are seeking approval of the \$150.00 fleet use fee?

Mr. Muldoon stated one would be a tuition adjustment and the other would be establishing a new fee.

Chief Bliemeister stated he did not disagree with it, but if we are going to do it, is it enough so we don't have to come back and do it again next year and then I come back to communication issues, because even agency heads sitting in here don't know how much they are paying for their student's.

Mr. Fisher stated if the Council approves the schedules, Sheriff Watson with Mr. Muldoon's help, will present them to the Crime Commission in January for review and vote for approval.

MOTION

Chief Bliemeister motioned to approve the fee schedule for both tuition and fees as stated in the addendum as written by Mr. Muldoon and also the \$150.00 Fleet Use Fee to be paid for students attending Basic at NLETC. Mr. McCarthy seconded the motion. Chief Bliemeister amended his motion to include the stated fee schedule for specialized training which includes increases in Defensive Tactics, Firearms Instructor, EVOC, Defensive Tactics Recertification, and the \$2 increase in Firearms Instructor Recertification. Voting in favor of the motion; Sheriff Larry Koranda, Chief Timothy Larby, Mr. Matthew McCarthy, Sheriff Jerry Watson, Chief Tracy Wolf, and Chief Jeff Bliemeister.

C. Reserve Certification Activation Fee Operating Instruction 50-21

Mr. Muldoon stated the Reserve fee was required to be reviewed annually and recommend that they continue to charge the same \$50.00 certification activation fee. Reserves are required to attend the complete basic training, but we have had none apply.

MOTION

Sheriff Koranda motioned to approve the recommendation as presented. Chief Wolf seconded the motion. Voting in favor of the motion; Chief Timothy Larby, Mr. Matthew McCarthy, Sheriff Jerry Watson, Chief Tracy Wolf, and Chief Jeff Bliemeister and Sheriff Larry Koranda.

D. Academy Instructor Certification/Recertification

General Recertification Todd N. Petrick – Omaha Police Department

MOTION

Chief Jeff Bliemeister motioned to approve Todd Petrick as presented. Chief Timothy Larby seconded the motion. Voting in favor of the motion; Mr. Matthew McCarthy, Sheriff Jerry Watson, Chief Tracy Wolf, Chief Jeff Bliemeister, Sheriff Larry Koranda, and Chief Timothy Larby.

Professional Recertification Matthew Kelly – Omaha Police Department H. John Lehnhoff, Ph.D. – Omaha Police Department

Amanda S. Miller – Omaha Police Department
Russell A. Raszler – Omaha Police Department
Miranda Soares – Omaha Police Department

MOTION

Mr. Matthew McCarthy motioned to approve the professional recertification of Matthew Kelly, H. John Lehnhoff, Amanda S. Miller, Russell A. Raszler, and Miranda Soares or the Omaha Police Department in all the areas indicated on their sheets by Deputy Director Urbanek. Chief Timothy Larby seconded the motion. Voting in favor of the motion; Sheriff Jerry Watson, Chief Tracy Wolf, Chief Jeff Bliemeister, Sheriff Larry Koranda, Chief Timothy Larby, and Mr. Matthew McCarthy.

E. Revocation Hearing LR-142-17
Nicholas J. Carlson

Mr. Stolz presented the consent to revocation of law enforcement certificate and waiver of notice of hearing and asked that it be marked as an exhibit and accepted into evidence.

Including the waiver and a letter from the respondent officer's attorney.

Chairman Watson accepted Exhibit#1 into the record.

Mr. Stolz stated On November 22, 2017 the respondent, through his counsel, S. Nicholas Bogge, submitted his consent to revocation waiver, which was signed by the respondent on November 22nd, 2017. In the consent revocation, the respondent acknowledged that he was a current holder of a law enforcement officer certificate issued to him on or about July 25, 2014. He acknowledged that a written complaint was made against him and was submitted to the Executive Director of the Nebraska Crime Commission on or about October 25, 2017. That he had reviewed and was familiar with the contents of the informal complaint that had been made against him and was aware of the circumstances surrounding the allegations made in the informal complaint.

He acknowledged the complaint made against him arose out of the alleged fact and circumstances that occurred while he held said law enforcement certificate and was employed first by the Thurston Sheriff's Office and later with the city of Fremont, which are all located in the state of Nebraska. He further acknowledged that he was aware of his rights under the statutes and rules and regulations of the Commission to resist the complaint to be represented by counsel to have a full administrative evidentiary hearing before this body and to appeal any adverse decision of the Commission.

He further clearly and voluntarily consents to the revocation of his Nebraska Law Enforcement Certificate by the Nebraska Police Standards Advisory Council and the Nebraska Commission on Law Enforcement and Criminal Justice and freely and voluntarily waives his right to notice appearance and hearing prior to such revocation action being taken.

Based on the forgoing, I would ask the Council to relinquishment and recommend to the Commission that the respondent's law enforcement certificate be revoked.

MOTION

Chief Bliemeister motioned, Based on the fact that the respondent, Nicolas J. Carlson has signed a consent to revocation of law enforcement certificate and waiver of notice and hearing and has voluntarily surrendered his certificate, I make a motion that the Council accept the surrender of Nicolas J. Carlson's Nebraska Law Enforcement Certificate as evidence of incompetence, neglect of duty and/or physical, mental emotional incapacity based upon the conviction in Thurston County for one count of indecent exposure and incurrent impending charges surrounding four (4) counts of indecent exposure and one (1) count of disturbing the peace in Dodge County, Nebraska. Said revocation be effective upon review and acceptance of the surrender by the Nebraska Commission on Law Enforcement and Criminal Justice. Chief Larby seconded the motion. Voting in favor of the motion; Chief Tracy Wolf, Chief Jeff Bliemeister, Sheriff Larry Koranda, Chief Timothy Larby, Mr. Matthew McCarthy, and Sheriff Jerry Watson.

VII. OTHER BUSINESS

Mr. McCarthy questioned how many students had come back to retest on the PRET. A short discussion followed.

Mr. Muldoon thanked Sheriff Koranda for attending the PRET testing earlier this month.

- A. Date, Time & Location of Next Meeting**
January 17, 2017, 9:00; Library, Nebraska Law Enforcement Training Center,
3600 North Academy Road, Grand Island, Nebraska 68801

MOTION

Chief Timothy Larby motioned to adjourn the meeting. Mr. Matthew McCarthy seconded the motion. All were in favor and the meeting adjourned at 10:32 AM.

Respectfully submitted.



Kay Fielding,
Secretary to the Council