



Pete Ricketts, Governor

**REGULAR MEETING OF THE  
POLICE STANDARDS ADVISORY COUNCIL  
APRIL 18, 2018**

**I. CALL TO ORDER**

Chairman Chief Tracy Wolf 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 Friday, April 6, 2018. Chief Tracy Wolf, Chief Jeff Bliemeister, Lieutenant Colonel Andrew Duis, Sheriff Larry Koranda, Chief Timothy Larby, and Sheriff Jerry Watson were present. Mr. Matthew McCarthy was unable to attend.

Chairman Wolf welcomed Lieutenant Colonel Duis to the Council.

**II. APPROVAL OF MARCH 21, 2018 P.S.A.C. MINUTES**

**MOTION**

Sheriff Jerry Watson motioned to approve as presented. Chief Bliemeister seconded the motion. Voting in favor; Chief Wolf, Chief Bliemeister, Lieutenant Colonel Duis, Sheriff Koranda, Chief Larby, and Sheriff Watson.

**III. ACADEMY REPORTS**

**A. Interim Director – N.L.E.T.C.**

Ms. Urbanek reported the 198<sup>th</sup> Graduation was April 13<sup>th</sup> with 41 students. It was scheduled to begin with 48 students. Mr. McCarthy was the guest speaker. His son, Eric McCarthy was a graduate of the class.

I completed 9 staff performance evaluations and 3 indirect evaluations. We had no course cancellations in the last month. On April 3<sup>rd</sup> I had a Training Center Administration meeting. The staff conducted the first Patrol Rifle Instructor Recertification Course April 3<sup>rd</sup>. 8 students attended, 0 passed. I believe the weather was a contributing factor; cold temperatures and very high winds.



We extended an invitation to all 8 of them to return for a retake shoot on the 11<sup>th</sup> of April, this is in accordance with Chapter 5 protocol retake exams, 5 accepted and 2 passed. If the others desire to maintain their Patrol Rifle Instructor Certification they will need to retake the 40 hour course. Two are scheduled this year.

April 9<sup>th</sup> I attended the Domestic Violence Fatality Review Team meeting in Lincoln.

Approved 51 packets to participate in the PRET, we actually had 52 on the list but one was a return from the last basic and scored well enough she didn't need to take the PRET.

April 10<sup>th</sup> the staff conducted the PRET, there were 3 failures 1 from each county of Adams, Platte and Holt.

April 11<sup>th</sup> & 12<sup>th</sup> I attended the NCAMA and Jail Standards Spring Conference in Kearney.

Staff conducted the first Firearms Recertification for the year using the newly implemented Chapter 11 standards. 2 instructors failed to meet the new standards. They have until the end of the calendar year to meet the standards so they can attend another recertification class in the future if they wish to.

April 10-11<sup>th</sup> Sheriff Watson conducted a 2-day Blue Courage Course here with 16 attendees.

SDLEA has been supplied all the lesson plans so they can begin developing their test banks.

Director Wagner gave me a timeline of when he anticipates he will have those test banks for us to review.

April 20<sup>th</sup> we will have a pre-meeting for the database integration project team with Habib Olomi, our Greenbelt coordinator for our Lean Six Sigma project. April 24-26 is our Kaizen event for the database integration project.

Even though we don't have basic class going on right now in the next few weeks we will have a week-long Firearms Instructor Course, a 40-hour EVOC Instructor course and that will be conducted primarily at Greenlief Training Site, which is the Nebraska National Guard facility in Hastings and at the MPH Racetrack in Hastings. We will be doing a Patrol Rifle Instructor Course. We had to do some vetting on that, we had a number of people requesting to attend but their people already had Patrol Rifle Instructors so we gave preference to agencies without instructors so they could meet the newly implemented Chapter 11 standards. We have had a tremendous interest in the course so we scheduled a second course in September of this year. The only problematic thing about the September course is our facility is packed beginning in August; Command Staff School, our camp, NSP camp, Management, so there are no dorm rooms available. The September class is pushing the maximum capacity. April 30<sup>th</sup> we are doing a Defensive Tactics Instructor Class.

Staff Instructor, Dave Thome has submitted his retirement paperwork to be effective July 6<sup>th</sup> of this year. I am working on a critical needs justification to fill that vacancy.

Chief Larby questioned how notifications for the 4/11/18 Patrol Rifle shoot were sent out as he was not notified and would have come back down for it. He stated he was scheduled in the September class.

Ms. Urbanek stated she would have an answer for him by the end of the day.

## **B. Nebraska State Patrol**

Captain Roby reported the Cargo Tank Inspection class completed since the last meeting.

We traveled around the state giving instructor training on CRAKE, Civilian Response to Active Killer Events. We have more instructors around the state so we've been doing a lot of those programs for smaller and bigger communities.

We had TAC Officer training for our new camp and our TAC Officers are coming in for our next camp in May. We completed DIAP Training for about 40 students, which is an Interdiction Training for Trucks, Semi's and such. Last week we finished with Lieutenant Interviews for the Training Academy.

We are working on the start date for the new Academy's Lieutenant, Dain Hicks, a former PSD Sergeant and a bomb technician. He has extensive training in about everything you can be certified in as an instructor.

## **IV. CRIME COMMISSION REPORT**

Mr. Fisher stated two LB's were up for final reading today. LB670 which changes membership and the powers and duties of the Nebraska Coalition for Juvenile Justice that has been the target of a lot of last minute amendments. There are some things in the new 670 that are somewhat concerning. They have tried to attach, if you will recall we got rid of the Title II Grant over a year ago because we were only getting about \$40,000 in admin funds in spending \$86,000 with 9 people working on that grant so we opted to not take the grant any more. The legislature has deemed it necessary that the Commission pick up the duties of disparity minority contact or DMC. That's going to be a problem for us when we let go of the grant we also let go of the employee that did the DMC so we are going to have to, if it passes, and we expect it to; pick up those duties again without expertise and without any additional compensation.

LB776 has already gone through final reading but the Governor has not signed yet. It's for those of you that run a jail that provides requirements for inmate access to telephone and videoconferencing in county jails. That has passed the Governor has not signed it yet.

LB791 if you will recall the Commission and Governor's office worked together on LB792, it is gone they combined everything from 792 into 791 and it has been amended and does have the truth and determination, and administrative subpoena powers in there. But the administrative subpoena powers have been severely limited so I don't know how effective that will be. It is up for final

reading today along with 670 but the legislature doesn't convening until 1:00 today so I won't have any information on that until later today.

23 revocation cases are pending. 2 voluntary surrenders have already been approved by this Council and will be heard at the May 11<sup>th</sup> quarterly Commission meeting.

Interviews for the Director's position begin at 11:00 through this afternoon.

## **V. OLD BUSINESS**

No Old business

## **VI. NEW BUSINESS**

### **A. Waiver of One-Year Basic Training Requirement Deputy Jordan Anderson – Deuel County Sheriff's Office**

Sheriff Scott DeCoste addressed the Council stating Deputy Anderson was hired the last part of July and they would like to get him into the September Reciprocity course. While filling out the paperwork, they discovered he not taken the TABE. We scheduled him for a TABE but he did not pass, he took it twice without passing, he studied until January 2018, took it and passed. We were going to get him into the March Basic Reciprocity Class because he is certified in South Dakota, however the Reciprocity dates were moved to September, so our best option is to get him into the next Basic Training. He has passed the PRET and is in line to go to the May 7<sup>th</sup> Basic Class. We just needed to ask for a waiver since he won't graduate until August 24<sup>th</sup> and his deadline is July 24<sup>th</sup>.

Sheriff Koranda questioned the reason he could not go through Reciprocity in September.

Sheriff DeCoste stated that his year would be up.

Ms. Urbanek stated his year would be up July 31<sup>st</sup> and that means he would not be able to work as a law enforcement officer until he received his certification. The next course would not be complete until the end of October or first of November and that would leave them effectively without his services for about three months. Whereas if he would go through basic, he would only be over by three weeks.

#### Deputy Anderson's Timeline

7/31/2017 - Hired with Deuel County Sheriff's Office as a Deputy Sheriff. Change-in-Status form submitted via fax  
9/22/17 Failed TABE  
9/25/17 Failed TABE (Must wait 90 days before retaking after taking both versions 9 & 10)  
10/2/17 Reciprocity packet arrived and stamped in  
12/1/2017 198<sup>th</sup> Basic Training began with 48 students

- 1/25/18 Successfully completed TABE  
Deuel County Sheriff's Office requested Mr. Anderson attend the complete basic
- 3/15/18 Deuel County Sheriff's Office requested waiver of one-year requirement

Even after passing the TABE Mr. Anderson would be required to pass the Reciprocity admissions test.

Ms. Urbanek stated we invited him to the PRET on the condition if he passed and the Council granted a waiver, we could get him into the May class.

Chief Wolf asked Sheriff DeCoste where he went through basic in South Dakota and the struggle with the TABE Test, do you think it will benefit him to go through the full basic?

Sheriff DeCoste replied that he believed it would be the best option for him.

Sheriff Watson stated we are asking for an extension of three weeks, he is in the next basic and so basically as the precedence set in the past what we have done when we have granted these is they aren't allowed to practice any type of law enforcement activities during the three weeks. Is that going to be a hardship?

Sheriff DeCoste stated it would not be. I try not to have them work at all while they are here so they can get things accomplished.

### MOTION

Sheriff Koranda motioned to grant the waiver that Deputy Jordan Anderson of Deuel County Sheriff's Office, with the understanding that Deputy Anderson successfully complete the next available basic which starts in May and graduates in August, with the understanding from his date of hire of July 31, 2017, excuse me from his date of hire, one year anniversary date of July 31, 2018 till the completion of the next available basic, that he does not practice any law enforcement duties. Chief Bliemeister seconded the motion. Voting in favor; Chief Bliemeister, Lieutenant Col. Duis, Sheriff Koranda, Chief Larby, Sheriff Watson, and Chief Wolf.

#### **B. Waiver of One-Year Reactivation Requirement** Travis King - Harvard Police Department

Chief Travis King introduced himself to the Council and discussed his request for a waiver stating he was hired at the end of September, 2017 just before the last Reactivation class, but due to commitments with his prior full-time job, was unable to complete the Reactivation class in time and ran into some issues with commitments he already had and was hoping to retake it in March, 2018 but because it was cancelled due to low enrollment, his one-year will expire before the end of the next class.

Ms. Urbanek stated the next class begins on August 20, 2018 and will complete on October 22, 2018.

## Chief King's Timeline

9/28/17 Change-in-Status with the admissions packet  
9/29/17 Reactivation application training deadline  
9/29/17 Training Center rec'd application for training  
10/3/17 Admissions packet was approved by Director Muldoon  
10/4/17 Reciprocity/Reactivation agreement was signed by Mr. King  
10/9/17 Online training began  
11/3/17 1200 hrs. Unit 1 closed  
11/3/17 Mr. King separated from Reactivation Training in bad standing because he failed to complete all of his assignments.

As Mr. King mentioned, the spring class was cancelled due to low enrollment and that's the necessity for him seeking the waiver.

Sheriff Koranda questioned if there was any concern with bad standing or him getting into the next class?

Ms. Urbanek stated there were no concerns. There is a tuition assessed regardless but no additional amount.

### MOTION

Chief Bliemeister motioned to go into Executive Session based upon the need to prevent needless injury to Chief King and for the Executive Session we will allow the Council's legal counsel, members of PSAC, along with Interim Director Urbanek in order to provide us some insight on the history. Sheriff Watson seconded the motion. Voting in favor; Lieutenant Colonel Duis, Sheriff Koranda, Chief Larby, Sheriff Watson, Chief Wolf, and Chief Bliemeister.

The meeting went into Executive Session at 9:25 AM.

### MOTION

Sheriff Koranda motioned to come out of Executive Session. Chief Larby seconded the motion. Voting in favor; Sheriff Koranda, Chief Larby, Sheriff Watson, Chief Wolf, Chief Bliemeister, and Lieutenant Colonel Duis.

The meeting came out of Executive Session at 9:37 AM.

### MOTION

Chief Bliemeister motioned that Chief Travis King enter the Reactivation class on August 20<sup>th</sup> of 2018 and as long as there is successful completion by October 22<sup>nd</sup> of 2018 that only in the interim period between 9/26/2018 and 10/22/2018 that he not be allowed to perform the role of a law enforcement officer during that three-week, approximately three-week period. Hopefully that will

not be too much of a burden on you and your community. Sheriff Koranda seconded the motion. Voting in favor; Chief Larby, Sheriff Watson, Chief Wolf, Chief Bliemeister, Lieutenant Colonel Duis, and Sheriff Koranda.

**C. 2018 Omaha Police Academy Certification**  
Replace Attachment with updated Attachment

Ms. Urbanek stated she had conducted the Omaha Inspection January 9<sup>th</sup>. Since the last inspection they have had a change in command staff. Lt. Kate Malone is now in charge of their training unit, they also have a new Training Sergeant, so it was an educational event for them to make sure they have everything in line. I reviewed three background folders and they were all in accordance with Chapter 8. The inspection, I audited George Merithew's legal instruction, he is also admitted as a member of the Nebraska Bar Association so he does conduct some of their legal training. In the review that I bring home with the material's I go through the Police Standards Advisory Council approved task list, all the tasks that every academy has to teach and then I have to find it in OPD's materials to make sure it is being covered. I further look into their curriculum to see where in the curriculum it is. There were about 10 different tasks that I was unable to locate in their curriculum. I sent back Lieutenant Malone a note stating that I would recommend approval based on the fact that in 2019 curriculums these are easily identified as to where they are taught in your academy. One of the instructors on the master list of instructors, Officer Devin Crinklaw is not currently PSAC approved, but he has submitted a new certification request. Based on my inspection, I would recommend approval of the Omaha Police Department's new officer certification training for 2018.

**MOTION**

Chief Larby motioned that we accept the recommendation to approve the 2018 Omaha Police Academy Certification. Chief Bliemeister seconded the motion. Voting in favor; Sheriff Watson, Chief Wolf, Chief Bliemeister, Lieutenant Colonel Duis, Sheriff Koranda, and Chief Larby.

**D. 2018 Firearms Instructor Course & Patrol Rifle Instructor Course**  
Lincoln Police Department

Ms. Urbanek stated Lincoln Police Department submitted a request at the end of January to have this body review their two courses for the end of next year because they made some minor adjustments to the course dealing with Chapter 11 implementation. Both Joe Hayes and Mark Stephenson reviewed the material, had no issues, and recommended approval.

Chief Wolf questioned if they used the automatic disqualification on time standards.

Ms. Urbanek stated she didn't know. After last week she had Joe Hayes reach out to the three academies and ask them specifically and we are still waiting their responses.

Ms. Urbanek stated the question is, and I'll speak to handgun because I am not that familiar with Patrol Rifle, it used to be that on the handgun qualification if you missed a round because of time, that's how it was counted, as a missed round and with the Chapter 11 changes, it included all 90%

and meeting all time standards and that includes on the instructor qualification and automatic disqualification if they don't make any time standard, if they miss a time standard, it's an automatic DQ.

Sheriff Koranda stated online on the firearms recertification, it says 10 out of 12 time standards but then if you read on it says if you fail to meet, I can't think of how it says word for word, but if you missed your time standard on the first shoot, you are pretty much done for the whole course according to the way it's worded, the way I interpreted it.

Ms. Urbanek stated then it becomes an automatic DQ if you missed a time. But where on line did you see the time standards?

Sheriff Koranda stated it was on the Website on future classes on the Firearm Recertification class.

Chief Wolf stated his concern was, how did we get in Chapter 11, which it is not in Chapter 11 about these time standards, how did we get from there to deciding that, because according to the way it is being presented if somebody goes to that Firearms Instructor Recertification Course, shoots 49 on top of one another and throws the last one out because of time, or doesn't get it he is just a fraction of a second off, he is DQ'd. I don't know where we came up with that because that is not what we discussed when we redid Chapter 11.

Chief Larby stated the way it was presented to him in the last deal, which is still fresh for him, you had to make 5 of the 7. Talking rifle not so much on the handgun.

Ms. Urbanek stated the handgun now has the time standard issue now as well.

Chief Larby questioned for instructors?

Ms. Urbanek stated yes.

Chief Larby not for students.

Ms. Urbanek stated that was correct.

Chief Wolf stated the issue is I don't think we intended it to be that way, it was never discussed in here. Maybe it was a lack of communication on our part. I don't see how we made that bridge because the comment was made to me that we only want to make it like the rifle.

Chief Larby stated the discussion was the square box. I remember that. 90% in the square box.

Chief Wolf stated the only difference on the two courses from your standard bracket qualification course which is already a reduced target is the 8 ½ and 11 that's the only change and it's supposed to be scored the same is how I took it when we pushed this through and I went through this last week. So when that came up in the course, I was taken aback a little bit because I don't know where this came from.



Ms. Urbanek stated she could bring this up as a discussion item in the May agenda and have minutes from previous meetings so we can look and see exactly what this body made motions on and approved and then that would give me some opportunity to review what the instructors there backtrack were here how did we get to here what happened.

Chief Wolf stated regardless if it's in the minutes, I think it's something that needs to be addressed. I think a standardized scoring method, cause what are we trying to create, operators or instructors. I think if you can go out there and show you are confident but you're over by a fraction of a second and we've spoke about since we've narrowed it down to eight hours, that doesn't give you much trigger time and instruction time but we spent 4 hours on just the qualification course just that day. I don't think that's what we intended. I think there needs to be some parameters on how the qualification course is delivered to the students.

Chief Bliemeister stated on this particular request I will recuse myself from the vote, I just want to make sure that the request is also not only to approve the instructor courses it is also to allow the instructor courses to the Lancaster County Sheriff's Office and University of Nebraska at Lincoln Police Department.

Members agreed to review the Handgun and Patrol Rifle on the May agenda.

### **MOTION**

Sheriff Watson moved to approve as presented. Chief Wolf seconded the motion. Voting in favor; Chief Wolf, Lieutenant Colonel Duis, Sheriff Koranda, Chief Larby, Sheriff Larby, and Sheriff Watson. Chief Bliemeister abstained.

## **E. ACADEMY INSTRUCTOR APPLICATION**

### **LEGAL**

#### **Mark L. Boyer - Nebraska State Patrol**

Ms. Urbanek stated based on Mr. Stolz's recommendation review I would recommend approval of Mr. Boyer to teach in the legal areas for the Nebraska State Patrol.

### **MOTION**

Chief Bliemeister motioned to approve. Sheriff Watson seconded. Voting in favor; Chief Bliemeister, Sheriff Koranda, Chief Larby, Sheriff Larby, Sheriff Watson and Chief Wolf. Lieutenant Colonel Duis abstained.

## **VII. OTHER BUSINESS**

### **A. L.E.C.C. Conference Dates**

Ms. Urbanek stated the L.E.C.C. Conference in Kearney begins May 16<sup>th</sup> at 1:00 PM, that morning are the Sheriffs, PCAN and POAN meetings, which could deplete our Council meeting. In the past this body has gone to Kearney and set up a meeting there and it was a lot of work for the return because people were at the different meetings but didn't attend the PSAC meeting. My question to the Council, would you like to have a meeting on Tuesday the morning before L.E.C.C.

### MOTION

Chief Wolf motioned to move the next meeting to May 15<sup>th</sup> at 9:00 AM. Chief Larby seconded the motion. Voting in favor; Lieutenant Colonel Duis, Sheriff Koranda, Chief Larby, Sheriff Watson, Chief Wolf, and Chief Bliemeister.

Mr. Stolz stated there was a Prehearing Conference last week involving Jerry Esch where they asked for a continuance, which was granted. Sheriff Watson signed the order this week. It's been rescheduled for Wednesday, July 25 beginning at 9:00 and continue through 26<sup>th</sup> and possibly the 27<sup>th</sup>. Respondent's attorney has indicated it is a 3-day hearing. It will be here in the library of the Training Center.

Ms. Urbanek stated in the Information Packet the Schuyler Police Department was sent a letter denying Jacob Huscroft's admission to the Training Center then there were also 3 letters for failure of the April 10, 2018 PRET.

Ms. Urbanek briefed the Council on the Strategic Master Plan. DAS, Nebraska State Patrol, Training Center and Buildings here at the Training Center have been working on a Master Plan, "Looking to the Future." We've had two or three meetings, we've met with the Architect at the last meeting, who is currently in the process of taking the information that the staffs have provided to see what we can do here in the future. Frankly the number one tipping point for us is purchasing additional land, if that works then we have some options, if that doesn't work then we have a different set of options. It has almost been 20 years since our last master plan which gave us the collocated academies and it's time to continue to look forward into the future as to how we are going make the new ones in the future.

Captain Roby stated we don't bring a lot of conflict to this board but do take place with having basics running as much as they are and we are looking at having two basics in 2019 which will increase that. With our agency out here too, we like to have a lot of advanced, in-service and our specialized training especially since we have a nice facility, it is starting to put some load on the facility, so we are actively involved in those talks too. I know some of the costs to get the study going, the State Patrol was involved in that too. We won't bring all the conflicts to you but I want the Council to be aware that the facility is getting stressed.

Ms. Urbanek stated DAS was the owner of the building and the Training Center was the renter. Mr. Rodysill from Buildings stated yesterday at our Facility Administrative meeting that his people

placed a 60 million dollar value on our plant. So that's the investment DAS is looking that already exists.

Mr. Fisher stated if we are going to hold onto a viable skills based academy, then we have to lock the facility down, the state already has an investment here of probably 20 million so the idea of spending a little bit of extra money, while it is going to be a burden on the tax payers, we have got to do this. It's the price of doing business. We know there are problems with the firearms and driving ranges and parts of the physical plant haven't been updated since 1980. We have to know the numbers by September to put in our budget.

**B. Date, Time & Location of Next Meeting**

May 16, 2018, 9:00; Library, Nebraska Law Enforcement Training Center,  
3600 North Academy Road, Grand Island, Nebraska

Members voted to move the meeting to Tuesday, May 15<sup>th</sup> at 9:00 AM due to the LECC Conference.

**MOTION**

Chief Larby motioned to adjourn the meeting. Chief Wolf seconded the motion. The motion carried unanimously.

The meeting adjourned at 10:26 AM

Respectfully submitted,



Kay Fielding,  
Secretary to the Council