



Pete Ricketts, Governor

**REGULAR MEETING OF THE  
POLICE STANDARDS ADVISORY COUNCIL  
JUNE 20, 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 Monday, June 7, 2018. Chief Tracy Wolf, Chief Jeffrey Bliemeister, Lieutenant Colonel Andrew Duis, Sheriff Larry Koranda, Chief Timothy Larby, and Sheriff Jerry Watson were present. Mr. Matthew McCarthy arrived at 9:04 AM.

**II. APPROVAL OF MAY 15, 2018 P.S.A.C. MINUTES**

**MOTION**

Sheriff Koranda 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.

Mr. McCarthy arrived at 9:04 AM.

**III. ACADEMY REPORTS**

**A. Director – N.L.E.T.C.**

Director Urbanek stated the 199<sup>th</sup> Basic was in week six with all 47 students it started with and all have met the physical tasks. They are currently participating in the critical skills phase of basic; driving, shooting and defensive tactics.

Supervision began on June 12<sup>th</sup> with 49 students.

24 applications were received for the Deputy Director vacancy. 4 interviews will be held today after the Council meeting.



A two-day Blue Courage course at the Training Center was cancelled due to low enrollment.

A brief overview of LB791 was provided during a luncheon meeting between the attorneys and officers present. The main question that came to light was does the report that goes to the executive director constitute a formal complaint and the response to that was no. The report that goes to the Executive Director will then be forwarded to the Training Center Director, I will then review it to see if it rises to the level of an informal complaint, if it does, I will file the informal complaint at that time. However we have been working on it in staff with our database, as soon as we get a report of a possible 791 violation, we are going to lock down that individual's status. Currently you have active or inactive status, now there will also be a locked status, which means you can't be employed again by an agency until the 791 issue has been resolved, and that is per statute. There will not be a reactivation fee when this happens.

Chief Bliemeister questioned if we were waiting for the disposition in court in cases of criminal charges before that is filed, as far as whether or not there is going to be a disposition on 791 whether or not it is going to rise to the level of revocation.

Director Urbanek stated if there are criminal charges, typically we wait for them to run their course but now we will lock it and hold the certificate and say the person is unable to be employed until the criminal case had been heard. Typically in the past if there was a criminal charge, Mr. Muldoon would file an informal complaint.

Chief Bliemeister questioned what to do in cases where it was not a criminal complaint.

Executive Director Fisher stated, if you have a doubt, send me an informal complaint.

Director Urbanek stated to date we have received 4 such 791 reports and have 5 more that we have received the change in status' for so we are tracking that because they have 30 days to notify the Executive Director in their report.

The Database integration project which is the Kaizen event for here at the Training Center is now in the data collection phase. Which means how much time does it take to do it the way we are currently doing it and the next step will be how much time it will be to do it the new way and time savings.

The Police Chiefs Association inquired on the survey that was sent out from Senator Ebke's office about the tremendous washout rate at the academy and the expense it creates for smaller agencies when their people don't make it through. I provided them with the numbers of the last 7 or 8 years. Fundamentally we sit between an 88 and 90% completion rate. 30% of the people who leave our academy do so of their own volition, 40% leave because of academic reasons. The rest are due to the agency withdrawing them. Discipline reasons are less than 1%. Having been here long enough our training has not become more difficult, students coming in have lower TABE test scores.

I attended the Attorney General's Human Trafficking Task Force meeting and the Governor's School Safety meeting. I conducted the initial meeting with the Training Center Facility Wellness

and Safety Committee and as a result of our safety committee meeting, we developed a plan where the front doors, which have been unlocked forever, will now be locked 24/7 so when you come into the foyer you can't access the building without pressing the intercom and stating your name and who you are here to see. That will begin on Sunday night.

Christopher Haag requested to have another hearing before the council. I responded that he had been heard by this body last fall and the option for another hearing was not a possibility.

June 6<sup>th</sup> I conducted Lincoln Police Academy's Inspection. Sergeant Witzel did a nice job and had everything ready to go for me. I will have the report in the next month or so.

Fillmore County wanted to file an appeal of a failure on the Patrol Rifle Instructor Course. I responded that according to the Rule and Regulation failure of a performance standard was not an appealable item. If it were academic, yes, but it was performance.

I attended the Nebraska Sheriff's Association Meeting here. I have also began to reach out into the regional areas so I can setup meetings with our clients on their needs and issues they are having. I reviewed the railroad attendance at certification training, currently; UPRR and BNSF attend our reciprocity training but don't get certified because they are not employed with a Nebraska law enforcement agency. So the question I come up with is, why are we expending our resources for someone who is not going to become a Nebraska certified law enforcement officer?

Tomorrow I have a meeting with representatives from the UPRR on a different topic and will talk with them on this to see what we can work out.

We received SDLEA's test banks and the instructors are reviewing them for different purposes; degree of difficulty, breakdown of questions, how they total questions versus how many true/false questions, and multiple choice questions. The review will be completed by next Tuesday so I can give Director Wagner feedback on areas that need to be improved on.

## **B. Nebraska State Patrol**

Captain Roby reported Camp 59 was in week 7.

There are 57 Junior and Senior high school boys and girls attending Jr. Law Cadet Training. Graduation will be Thursday around 7 PM in the building.

Recently we had a 4-day Accident Reconstruction Update training for all of our accident training reconstructionists.

We are currently doing a firearms selection committee testing, we are looking at three different weapon systems, possibly for our handguns and testing those and ammunition to go with those.

I invited Lieutenant Dain Hicks to the meeting today as he is our Assistant Director of Training, so you will be seeing him quite regularly at the meetings.

#### IV. CRIME COMMISSION REPORT

Darrell Fisher stated the Commission received verbal notification from the U.S. Department of Justice that they can no longer fund VINE, Victim Information Notification System Everyday, with VOCA funds, which is the Victim of Crime and Funding that we had in the past. This places both VINE and NCJIS in some peril. NCJIS is a stall word of a criminal justice system so I am going to attempt to make an explanation here and I will preface that by saying it is an IT issue.

Appriss is the vendor that still takes VINE in Nebraska and the jail facilities have the option of choosing the facility vendor they want to facilitate their Jail Management System but Appriss works with each one of those facility vendors and those local IT people to receive and process the data for the notification process, most of the facilities in Nebraska are partnered with a company called Justice Data Solutions for their needs but there are actually 8 different vendors or in-house solutions that are out there in Nebraska besides Justice Data Solutions. The individual data solutions then work with Appriss to then adhere to the data guidelines that are set by the Commission for VINE and the exchange of their data and process notifications and to track offenders through transfers and sink up that data. It should be noted here that Appriss also monitors the activity and the inactivity of those facilities and notifies if the facility is offline and then they reconcile the bookies if there is an interruption in service. We oversee this exchange in the Commission, but the big thing to note here is that Appriss not only provides victim notifications, but the data compiled by Appriss is also fed into NCJIS. If Appriss services were to go away, the Crime Commission would have to find another way to produce those notifications and also to reestablish connections with each facility vendor to make that information available to NCJIS.

To our personal knowledge there is not another vendor in the country which has the capability to do this type of work. Appriss currently works within 49 states, South Dakota has their own solution and Pennsylvania is currently working on their own solution, but those in-house solutions are expensive and they are manpower extensive as well. The Commission does have a contract with Appriss that we can extend until 10-November of 2020, if we are not able to establish some type of a long term funding source, which is our first priority, we will need to develop and plan for an in-house notification system as soon as we can. This will require additional staff to administer because it is extremely labor intensive so with the cuts in state budget, neither option is really a very good solution, but it is what we are stuck with. It is also worth noting that Appriss is pushing to upgrade their product which will be of a significant cost, we are anticipating that cost to be in the vicinity of about \$400,000 just for the upgrade. We currently pay about \$346,000 for 18-19 and we are scheduled to pay 367,000 for 19-20. We do have to come up with some kind of a working solution.

There are currently 21 active Revocation cases. Of those, two are scheduled to be dismissed at the August 17<sup>th</sup> Crime Commission meeting, two are at the Attorney General's Office and of those two, one is scheduled for trial here on the 25<sup>th</sup> of July. There is another that has been at the Attorney General's Office since April 2<sup>nd</sup> that is still under review, no formal complaint has been sent yet. I will complete one other packet on or about August 2<sup>nd</sup> and send it to the Attorney General's Office for consideration.

**V. OLD BUSINESS**

**A. Change-in-Status Form; TC-001  
Due to LB791**

Director Urbanek stated at the last meeting we submitted an upgraded Change in Status form due to LB791, after discussion with the Council we implemented the recommended changes based on that. This is the product after the meeting. We double checked on the racial ethnicity and that is how it is on NCJIS so that is how we left it.

Separation from employment, is where we came up with retirement in lieu of termination. That was added after our discussion, was that, somebody who had their time in; could retire as opposed to go through the IA or the rest of the stuff. Then we had resignation in lieu of termination, excepted law enforcement position with another law enforcement agency and then other. On the back page; it would be dismissal, grounds based on 791, and dismissed because they were unable to meet agency standards, they were dismissed for internal discipline reasons other than 791.

Those are our proposals for the changes to this form.

**MOTION**

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

**VI. NEW BUSINESS**

**A. Waiver of Supervision Training In Lieu Of LPO  
Christopher R. Ivener, Douglas County Sheriff's Office**

Director Urbanek recommended granting the request based on past practice.

**MOTION**

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

**B. Waiver of One-Year Basic Training Requirement  
Deputy Brett Luedtke, Platte County Sheriff's Office**

Director Urbanek stated Deputy Luedtke was hired in November 2017, and participated in the PRET on 12/12/17. He sustained an injury therefore was unable to complete the test. He came back in April 2018 and was again unsuccessful with the PRET so based on the time, he will not graduate

before his hire date if he is able to pass the PRET in August and attend the September 9<sup>th</sup> Basic that will graduate on December 21st.

### MOTION

Sheriff Koranda motioned to grant the waiver for Deputy Luedtke from Platte County Sheriff's Office with the understanding that he successfully completes the next available PRET test August of 2018 and successfully gets in and successfully completes the next available basic with the understanding that he does not perform any law enforcement duties from the one-year anniversary date until he successfully completes the next available basic. Chief Wolf seconded the motion. Voting in favor; Sheriff Koranda, Chief Larby, Mr. McCarthy, Sheriff Watson, Chief Wolf, Chief Bliemeister, and Lieutenant Colonel Duis.

**C. Waiver of One-Year Reciprocity Training Requirement & Request Officer Tiberi, LaVista Police Department to continue and function as a Police Officer from October 2, 2018 until the Completion of the Reciprocity Course on October 22, 2018**

Director Urbanek stated Officer Tiberi was hired by LaVista October 2, 2017. They originally submitted a change-in-status form earlier in the year however Mr. Tiberi had not taken the Reciprocity admissions test, therefore we didn't put it on the agenda until we knew for sure which program he would need to take. He passed the admissions test on May 17<sup>th</sup> and is eligible for Reciprocity if he is granted the one year waiver. He would have been within his one year if the spring 2018 course would not have been cancelled.

Chief Lausten handed out an informational sheet on Officer Tiberi including his previous training and employment, current employment and waiver request of LaVista Police Department. Chief Lausten stated when Sheriff Koranda earlier motioned that the officer not perform any law enforcement duties till he graduates, when we put that in play probably about six years ago, I don't ever remember a reciprocity case coming before the Council to get that waiver, so when this case, through no fault of our agency or Officer Tiberi, the March class was cancelled, he is going through the August class, we have a 20-day period, to me having this guy for 20 on the bricks makes no sense when he is a four-year veteran, very confident cop, we don't have any problems with.

So what we are asking for is really two fold; a waiver of the one-year waiver, but secondly in his case because of his training and experience, to allow him to operate as a police officer for those 20 days till he completes that Reciprocity class.

Sheriff Watson stated what he is saying makes good sense to me, obviously he is qualified. However, what precedent has been set with reciprocity on this issue, has there been anything to anybody's recollection?

Mr. Stolz stated he could not think of anything off the top of his head. Certainly not anything that would be from '05 forward, I think prior to the Rule and Regulations being changed.

Mr. McCarthy questioned this guy left St. Louis County and came straight to LaVista, no break in service?

Chief Lausten stated that was correct, I think he left on a Friday and started with us on a Monday. He would probably work 7 - 12 hour shifts in those 20 days. The hardship would mean we would take a full-time officer assigned to a patrol shift, wouldn't be able to work that, that could have an effect on anybody else that has a vacation, plus we do have a minimum staffing of 4 officers that is required so it would impact that. I have no idea what current vacation schedules are, but we have played out into October 1st.

Lieutenant Colonel Duis stated he was somewhat leery of starting the precedent of allowing them to perform the duties of a law enforcement officer after that date. The one year is a no brainer, it is not their fault, it was unavoidable, and I know this is different than a basic but is that the opening on the door? I know it's a unique case, but my concern is the future, what are the potential consequences of it maybe for the next person a year or two from now.

### MOTION

Sheriff Watson motioned to grant the waiver as requested and based upon the qualifications of Officer Tieberi, I grant the 20 days. I think this is a case-by-case, this is a first. Sheriff Koranda seconded the motion.

Chief Bliemeister stated a little bit more discussion, during his; in what capacity did he serve?

Chief Lausten stated he was a police officer in North St. Louis County working patrol.

Director Urbanek stated; so Sheriff Watson, I'm inferring here from your motion that because he really didn't have a break of employment from the time he left St. Louis County from the time he started at LaVista, that weights into the motion, because the question that's going in my head is, if this motion is approved then I have a reactivation person whose been out of law enforcement for 6 years but wants to come back and needs that extension. Is there a difference in your mind?

Sheriff Watson replied that the action weighted heavily on my making the motion and also what weighted equally as heavy, was the fact that it was no fault of his, we cancelled the course. There was no down time so to speak and obviously I think in St. Louis he was probably exposed to a lot more than we would normally see anywhere else in this state.

Chairman Wolf stated, we have a motion and a second. Hearing no more discussion, let's vote. Voting in favor; Sheriff Koranda, Chief Larby, Mr. McCarthy, Sheriff Watson, Chief Wolf, Chief Bliemeister, and Sheriff Koranda. Voting against; Lieutenant Colonel Duis.

#### **D. Waiver of One-Year Management Training Requirement Lieutenant Steve Meister, Omaha Police Department**

Director Urbanek stated he was promoted in September of 2017 and they had staffing issues so they were only able to send one Lieutenant to training in October of 2017. During the next course his wife was expected to give birth so he was asking to attend a different Management Course.

Sheriff Watson stated if he doesn't attend this October he won't be attending till when?

Director Urbanek stated it would be fall of 2019.

Chief Bleimeister questioned if he had any other Management Level training. Even if it would be part of the internal part of the process of Omaha PD.

Director Urbanek stated she would contact Lieutenant Milone and see if he had any additional Management Level training that might tide him over until he would be able to attend the full Management. If so, she would bring it to the July meeting for an action if you would like.

### MOTION

Sheriff Koranda motioned to table this request and allow the director to contact Lieutenant Milone to gather more information. Chief Wolf seconded the motion. Voting in favor; Mr. McCarthy, Sheriff Watson, Chief Wolf, Chief Bliemeister, Lieutenant Colonel Duis, Sheriff Koranda, and Chief Larby.

**E. Waiver of NLETC Supervision Training In Lieu Of Leadership in Police Organizations by IACP  
Lieutenant Brian Eads, Nebraska State Patrol**

Captain Roby stated the letter for Lieutenant Eads requested a waiver of Management, however the request was actually for Supervision.

Members agreed to take items E-I as one item.

**F. Waiver of NLETC Supervision Training In Lieu Of Leadership in Police Organizations by IACP  
Sergeant Justin Buhlke, Nebraska State Patrol**

**G. Waiver of NLETC Supervision Training In Lieu Of Leadership in Police Organizations by IACP  
Sergeant John Mobley, Nebraska State Patrol**

**H. Waiver of NLETC Supervision Training In Lieu Of Leadership in Police Organizations by IACP  
Sergeant Luke Splattstoesser, Nebraska State Patrol**

**I. Waiver of NLETC Supervision Training In Lieu Of Leadership in Police Organizations by IACP**



**Sergeant Jeffrey Dunton, Nebraska State Patrol**

**MOTION**

Chief Bliemeister motioned to approve the LPO in-lieu-of Supervision Course for Agenda Items E – I, Lieutenant Brian Eads, Sergeant Justin Buhlke, Sergeant John Mobley, Sergeant Luke Splattstoesser, Sergeant Jeffrey Dunton. Sheriff Watson seconded the motion. Voting in favor; Sheriff Watson, Chief Wolf, Chief Bliemeister, Sheriff Koranda, Chief Larby, and Mr. McCarthy. Lieutenant Colonel Duis abstained.

**J. Waiver of Supervision One-Year Training Requirement  
Sergeant Bradley Wangler, Columbus Police Department**

Chief Scherer thanked the Council for allowing him the opportunity to address them stating Sergeant Wangler was serving a Hall County warrant for a felony fugitive, as a result there was some exchange of gun fire which Sergeant Wangler was injured. The Sergeant was to attend the Training Center's class June 12<sup>th</sup> but at that point and time he was convalescent at the University of Nebraska Medical Center in Omaha unable to attend, so there was an email stream back and forth between Captain Molczyk and Director Urbanek and I just asked to have the email as the waiver request for Sergeant Wangler.

I will tell you that he sustained two wounds. The wound we were most fearful of that evening was a wound of the neck, he is recovering from that quite well. The wound that is going to linger and we are not certain of is the one he sustained to his left brachial plexus area where he has received nerve damage to that area and if you were to have a conversation with him today he would only be able to use his left arm with the assistance of the right arm. The doctors feel he should recover from it, to what degree we don't know. He is home now with his family.

So I am requesting this waiver on behalf of Sergeant Wangler for his Supervision requirement. He is also a Patrol Rifle Instructor and a Firearms Instructor, so I will be submitting those waivers as well.

Council members thanked the Chief for coming and asked that he send their best to Sergeant Wangler.

Sheriff Koranda stated with the understanding of what Chief Scherer just explained, if waivers were submitted on the other things in the next month, the Chief would not need to drive down and present his case again. Other members agreed.

**MOTION**

Chief Bliemeister motioned to approve the request for a waiver of the Supervision School for Sergeant Wangler. Sheriff Koranda seconded the motion. Voting in favor of the motion; Chief Wolf, Chief Bliemeister, Lieutenant Colonel Duis, Sheriff Koranda, Chief Larby, and Mr. McCarthy, and Sheriff Watson.

Chief Scherer thanked the State Patrol for their assistant that evening, the Platte County Sheriff's Office, and thanked the Governor for his support. Stating it was a tragic night, but the cooperation and consolidation of services; things came together and worked out quite well so thank you! To the NSP, you have a young lady, Trooper Kayla Reicks, in the area; special commendations for her.

**K. Operating Instruction 50 – 31  
Sheriff's Continuing Education**

Director Urbanek stated two things made her put this on the agenda; being new to the position and going through Yellow Belt Training and the new Database Project. The O.I. was implemented in 1994, it is not a State Statute or a Rule and Regulation. I am asking the Council if it is a task we need to continue to do, if so at your direction we will continue to do it. We won't take any action today, but I am looking for approval from the Council to bring this up at the sheriff's organizations.

Sheriff Koranda stated in 2015 at the meeting after Law Enforcement Continuing Education went in affect, Bill brought it up to the Sheriffs during the Sheriff's Association meeting and they voted to continue doing it at that time because it had always been done.

Members agreed to talk to the sheriff's organizations about it.

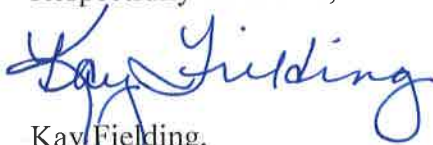
**VII. OTHER BUSINESS**

Ms. Urbanek stated the 2017 Firearms/Continuing Education audit had been sent out and agencies were returning their information.

**A. Date, Time & Location of Next Meeting**  
July 18, 2018, 9:00; Library, Nebraska Law Enforcement Training Center,  
3600 North Academy Road, Grand Island, Nebraska

Hearing no further business the meeting adjourned at 10:04 AM.

Respectfully submitted,



Kay Fielding,  
Secretary to the Council