

LATHROP: [RECORDER MALFUNCTION] Committee. My name is Steve Lathrop, I represent Legislative District 12, which includes Ralston and parts of southwest Omaha. Committee hearings are an important part of the legislative process and provide an important opportunity for the Legislature to receive input from Nebraskans. If you plan to testify today, you'll find yellow testifier sheets on the table inside the doors. Fill out a testifier sheet only if you're actually testifying before the committee and please print legibly. Hand the yellow testifier sheet to the page as you come forward to testify. There's also a white sheet on the table if you do not wish to testify, but would like to record your position on a bill. This sheet will be included as an exhibit in the official hearing record. If you are not testifying in person on a bill and would like to submit a position letter for the official record, all committees have a deadline of 12:00 noon Central Time, the last workday before a hearing. Please note that there's a change this year in position letters to be included in the official record must be submitted by way of the Legislature's website at nebraskalegislature.gov. This will be the only method for submission of letters for the record, other than testifying in person. Letters and comments submitted by way of email or hand delivered will no longer be included as part of the hearing record, although they are a viable option for communicating your views with an individual senator. Keep in mind that you may submit a letter for the record on the website or testify at a hearing in person, but not both. We'll begin each bill hearing today with the introducer's opening statement, followed by proponents of the bill, then opponents, and finally by anyone speaking in the neutral capacity. We will finish with a closing statement by the introducer if they wish to give one. We ask that you begin your testimony by giving us your first and last names and spell them for the record. If you have copies of your testimony, bring up at least ten copies and give them to the page. If you are submitting testimony on someone else's behalf, you may submit it for the record, but will not be allowed to read it. We will be using a three-minute light system today. There's a light on the table. When you begin your testimony, the light on the table will turn green. The yellow light is your one-minute warning. And when the red light comes on, we ask that you wrap up your final thought and stop. As a matter of committee policy, I'd like to remind everyone the use of cell phones and other electronic devices is not allowed during public hearings, though senators may use them to take notes or to stay in contact with staff. I would ask that everyone look at their phones and make sure they're in the silent mode. A reminder, verbal outbursts and applause are not permitted in the hearing room, although we're taking

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up five bills today, I don't expect applause or anything of the sort. Since we've gone paperless in the Judiciary Committee, senators will be using their laptops to pull up documents and follow along on each bill. You may notice committee members coming and going, that has nothing to do with how they regard the importance of the bill under consideration, but senators may have bills to introduce in other committees. And with that, we'll have the committee members introduce themselves, beginning with Senator DeBoer.

DeBOER: Good afternoon, everyone. My name is Wendy DeBoer. I represent District 10, which is in northwest Omaha.

BRANDT: Good afternoon, I'm Senator Tom Brandt, District 32: Fillmore, Thayer, Jefferson, Saline, and southwestern Lancaster Counties.

PANSING BROOKS: Good afternoon, I'm Patty Pansing Brooks, Legislative District 28, right here in the heart of Lincoln.

MORFELD: Good afternoon. Adam Morfeld, District 46, central and northeast Lincoln.

SLAMA: Afternoon. Julie Slama, District 1: Otoe, Nemaha, Johnson, Pawnee, and Richardson Counties.

McKINNEY: Good afternoon. Terrell McKinney, District 11, north Omaha.

GEIST: Suzanne Geist, District 25, which is the southeast corner of Lincoln and Lancaster County.

LATHROP: Assisting the committee today are Laurie Vollertsen, our committee clerk; and Josh Henningsen, one of our two legal counsel. And our pages today are Bobby Busk and Lauren-- Logan Brtek. And with that, we will begin our hearing on LB1271. Senator Lindstrom, welcome to the Judiciary Committee.

LINDSTROM: Good afternoon. Good to be back in Judiciary Committee. It's been a while. Thank you, Chairman Lathrop and members of the committee. My name is Brett Lindstrom, B-r-e-t-t L-i-n-d-s-t-r-o-m, representing District 18, northwest Omaha and Bennington, Nebraska. I bring before you LB1271 to adopt the Law Enforcement Marketing Act. Across the country, many law enforcement officers are leaving the profession because the environment and certain jurisdictions has drastically changed. Here in Nebraska, we have seen an increase in law enforcement officers leaving the profession and most importantly, a decrease in the number of candidates applying to be law enforcement professionals. Although Nebraska has seen a reduction in law

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enforcement professionals, I believe the environment and support for law enforcement is generally strong in Nebraska. It is my intent that LB1271 operate as a vehicle to recruit law enforcement professionals to Nebraska. Nebraska needs more talent and we need more workforce in the state. I believe other states are vulnerable to losing law enforcement to Nebraska, and LB1271 would take advantage of that and attract workforce to Nebraska. There will be law enforcement officers behind me that can highlight this problem further. Thank you, Chairman, and be happy to answer any questions you may have.

LATHROP: Very good. Thank you, Senator Lindstrom. Senator Brandt.

BRANDT: Thank you, Chairman Lathrop. Thank you, Senator Lindstrom. Real quick. Is there a study of some sort that supports this bill that says that, that by marketing, we can get more police officers into the state because you're asking for a million dollars in the statute?

LINDSTROM: Yeah, and I guess I thought it'd be in Appropriations just to be honest, but I think the officers behind me can probably give you some insight as to what they're seeing [INAUDIBLE].

BRANDT: OK, we'll wait for their testimony. Thank you.

LATHROP: Anyone else have questions for Senator Lindstrom? Seeing none, you'll stay to close?

LINDSTROM: I will, yes.

LATHROP: OK. How many people intend, by show of hands, intend to testify on this bill? Looks like three. The reason I ask is to let the next senator know how quickly they'll be up, and if you can let Senator Clements know three testifiers on this bill. If you're in favor or a proponent, you may come forward. Good afternoon.

JIM MAGUIRE: Chairman Lathrop, senators of the Judiciary Committee, good afternoon. My name is Jim Maguire, J-i-m M-a-g-u-i-r-e. We're here to support LB1271. As, as the-- Senator Lindstrom stated, law enforcement is having a, a terrible time recruiting officers. There are officers in other states, other cities that are defunding their police, and we need to find a way to try and recruit some of them and bring them to Nebraska. Just today, I went and did a printout of the open job market in Nebraska when it comes to law enforcement. This is the number of pages. These are all the openings in Nebraska. It's about 60 pages long. This does not include the Douglas County Sheriff's Office, which has 10 openings, doesn't include the correctional officers, there's about 35 of them. Sarpy County is going

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to need at least another seven officers. We during the 1990s when we had officers that were hired under the federal grants to, to, to bring more officers onto the street, a lot of us are, are retiring now and we have to do something. We're hoping that this will, will help us bring more officers into Nebraska. Senator, I know that you asked if we have some kind of a study? No. But this isn't something that other states aren't already doing. We have to, we have to do something to bring more people in. The departments that are most likely to be impacted the most are rural, rural off-- we're having a dire time getting officers to work the more rural communities. Omaha has started a lateral transfer class, then Lincoln did, and now some of the other agencies are doing and is deleting the pool of applicants within the state. So we're going to have to start getting creative and start looking outside the state to, to basically go out and recruit some of these officers. So we're hoping that this will accomplish that. So I have done surveys, an informal survey to a lot of police chiefs and sheriffs throughout the state. And to, to a department, they've all said that they have seen a dramatic reduction in the amount of people that are, that are applying to be in law enforcement, and we're just hoping that this will be part of the solution. Thank you.

LATHROP: OK, fair enough. Senator McKinney.

McKINNEY: Thank you, Chair Lathrop. Thank you for your testimony. I have a couple questions. The first, why should the state invest dollars to recruit officers that are leaving other states because they don't want to be held accountable?

JIM MAGUIRE: I wouldn't say held accountable. I would look at it, you've got, you've got some cities that have chosen to go a different route when it comes to the funding. So you have officers that are leaving them. Let's-- I'm not going to sugarcoat, that some of them may have left because they feel abandoned and demoralized and because we've got really good strong agencies in Nebraska, let's go and bring them. And to be-- we're hoping that we can get a more diverse workforce. And maybe our opportunity to do that is to go into some of these more urban areas and bring them here so that we can have a more diverse workforce.

McKINNEY: So we have, we have strong agencies in the state of Nebraska that don't, that don't want to be accountable. Also my other question, I was looking at the members of this committee and the one thing that-- sorry-- looking at the members of this committee, the one thing that stuck out to me was there's no community members on here. And I, I, I say this because if we're recruiting individuals to our state, I

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don't care if they come from-- I don't care if they're community members from north Omaha, I think we should have community members on a, on a committee like this. It should at least be one or two.

JIM MAGUIRE: I, I, I don't disagree with that. We were trying to show-- this is all going to be a subcommittee of the Crime Commission. So we were just and since a Crime Commission and the Police Standards Advisory Council has members within law enforcement throughout Nebraska and then you also have a public member at large. So they would kind of oversee the subcommittee. So when we were just coming up with the subcommittee, we were just trying to come up with the, with the organizations or the, the members of law enforcement that were going to be most impacted and just get their input. So it wasn't intentional to say that a person from, if you want to call them at large or the community or anything else, if, if we want to include them, I wouldn't, I wouldn't have a problem with that at all. I mean, I'd, I'd welcome it.

McKINNEY: I think that would be a good idea to put some community members on this committee. Thank you.

JIM MAGUIRE: Thank you.

LATHROP: Senator Brandt.

BRANDT: Thank you, Chairman Lathrop. So today I'm going to be pretty much a rural senator and my four main counties, with the exception of Saline, the sheriff has the whole county. All we are is a training academy for Lincoln. Our sheriff send-- find somebody, finally, wait six months, send them to the training academy in Grand Island, they last a year or two and then they're off to, usually in our case, Lincoln. But then I'm sure you in Omaha has got some. So how-- is this program going to address somewhat the retention in the rural areas? It doesn't do us any good to recruit if they end up in our, in our rural counties and in a year or two, they, they, they end up in, in the urban areas anyway. What's your solution to that?

JIM MAGUIRE: Well, the-- now this is just my, my hope is to get some of these officers that may be towards, let's say, the tail end of their career or they just want to get started. And let's say that they're-- they really like hunting and fishing and everything else, they go to one of the more rural areas and finish out the remainder of their career. When it comes to Omaha, Omaha, and I'm not going to-- I may be speaking out of turn on here, but when they started their lateral transfer class, that, that basically created a ripple effect

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throughout Nebraska because they have taken a lot of, a lot of people from these agencies which creates a domino effect for the-- if you want to call it the more rural areas, and then puts more pressure on the training center in Grand Island. Now if they're able to go out and recruit more of the, the officers from out of state, they won't-- if you want to say they're not going to be grabbing these, these other officers, they're going to do more of a concentrated effort. I don't want to make this-- this bill is not just about Omaha, though.

BRANDT: Sure.

JIM MAGUIRE: But there is a, there is a ripple effect. Because what happens, Omaha starts one, they grab people from Lincoln. Lincoln has to do a lateral, so they start taking people from Grand Island or some of the other agencies. And then they go out and get people from, say Scottsbluff, some of the other, North Platte, and then they go to Lincoln. It just creates a domino effect.

BRANDT: So one of the hot button terms is reciprocity. So if you, let's say Minneapolis, you recruit five officers from there, can they come to Omaha-- leave on Friday, come to Omaha on Monday and start or do they have to take training classes in Nebraska before they're eligible? Do we recognize reciprocity?

JIM MAGUIRE: So that's a very good question. There's another bill, it's LB1241 that will address that--

BRANDT: OK.

JIM MAGUIRE: --in, in, in-- during this, these multiple hearings,--

BRANDT: OK, I'll--

JIM MAGUIRE: --so we can-- I can either discuss that now or if you want to talk about that later.

BRANDT: We'll wait, we'll wait till that bill then.

JIM MAGUIRE: OK.

BRANDT: All right. Thank you.

JIM MAGUIRE: You bet.

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LATHROP: I'll put it in different terms. You want the money to poach law enforcement officers from other states and not from within the state?

JIM MAGUIRE: Yes.

LATHROP: Got it. OK. [LAUGHTER] I don't see any other questions. Thanks for being here.

JIM MAGUIRE: Thank you.

LATHROP: Good afternoon.

ANTHONY CONNER: Good afternoon, Chairman Lathrop and the Judiciary Committee members. My name is Anthony Conner, A-n-t-h-o-n-y C-o-n-n-e-r, president of the Omaha Police Officers Association. We are in a crisis right now in the city of Omaha and in recruiting police officers all across the state of Nebraska. The Omaha Police Department has opened up a lateral recruit program within the state. And what, what actually happens and the results of that is we're stealing applicants and senior officers from places like Douglas County, smaller jurisdictions like Lincoln, and we're basically robbing Peter to pay Paul. During my, my career, I worked with a good friend, his name was Andy. Andy had twenty-two and a half years on. And Andy was a Hispanic officer, he had-- went through all the, the issues of 2020 with the riots and the protests and the disrespect that we dealt with in, in, in downtown Omaha and in northwest Omaha. And I asked Andy what was his reason for leaving the, the profession at twenty-two and a half years. And he, he explained to me it was just the toxic environment of, of, of all the, all the hate he was feeling. He sacrificed so much in his career for once again for perfect strangers, and he just felt like he was getting totally disrespected. Across the country, there's a lot of police officers that feel that way. This bill would give us an opportunity to recruit from out of the state, which is important. There is places like Minneapolis, there's places like Seattle, Portland, places-- a lot of places in California where people are looking to, to move and to get out of those places that are just treating their police officers wrong. This would give us an opportunity to recruit some of those officers and solve some of the issues we're seeing in some of the rural areas of Nebraska. So here-- we're here to support that bill, and I urge you to pass LB1271. Any questions?

LATHROP: Senator McKinney.

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McKINNEY: Thank you. Thank you for your testimony. Are we recruiting bad cops or cops with hurt feelings?

ANTHONY CONNER: I couldn't understand [INAUDIBLE].

McKINNEY: Are we, are we trying to recruit bad cops or cops with hurt feelings?

ANTHONY CONNER: The very last part-- I'm sorry, Senator, I just couldn't understand you.

McKINNEY: Are we recruiting bad cops or cops with hurt feelings?

ANTHONY CONNER: We're recruiting cops that would have to apply and go through our process. Our process includes an application, a background check, a credit check, a polygraph for Omaha. They do a records check. There's there's so much, so much that we do to check to make sure officers are eligible to be police officers and serve the community.

McKINNEY: And then you mentioned recruiting cops from Minneapolis and that kind of like struck me, one, because of the George Floyd situation and also because of recently what happened to Amir Locke and I think the Minneapolis Police Department has some problems, especially with the black community. So I would be cautious to see us trying to recruit anyone from that police department because of their issues currently.

ANTHONY CONNER: There's been pushes in our department to-- we talk about diversity in our department and how important it is. We're, we're in Omaha at about just under 10 percent black officers in the city of Omaha. We would like to recruit more black officers to Omaha. But one of the things that has to happen, has to change is personally the conversation around the kitchen table about how we talk about police officers. We sacrifice a lot in our communities for our communities, and we have to start recruiting our young men.

McKINNEY: But, but you do know why the conversations around the kitchen table around officers, especially in black communities, is probably different from the rest of the state because traditionally in black communities, they have been over policed and brutalized by the police for, for a lifetime for some people, especially for my lifetime. Most of my interactions with police haven't been positive. So that conversation around the, the kitchen table is that way because of the relationship and how the police has treated the black community historically. And I think when you say that conversation needs to change, I think the conversation that needs to change is how the

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police police in communities not just in north Omaha, but across the state, because it's not acceptable.

ANTHONY CONNER: And that's your opinion, and I disagree with almost everything [INAUDIBLE].

McKINNEY: Yeah, you can, you can disagree, but it is what it is. Thank you.

ANTHONY CONNER: All right.

LATHROP: Can I just ask, this will be done in a way that will result in some of this money being spent to try to find law enforcement officers to fill vacancies in smaller communities?

ANTHONY CONNER: Yes.

LATHROP: We're not just-- this isn't a million dollars to help Omaha or Lincoln fix a problem?

ANTHONY CONNER: Omaha is having some recruitment and retention issues like I talked about my friend Andy. We are having some of those issues, too. This last application process, I think, was less than 900 applicants. But remember, if you're looking at close to 900 applicants, the first process is passing a test. And that-- by the time the people show up for that test, that, that cuts that number almost in half to 450. And then now you go through every step of the process and just continue to, to dwindle down that number to people that are actually eligible to, to actually be in the academy. So we're having some of those issues in Omaha, but when we do our lateral class, we're actually stealing from Lincoln and from Douglas County from some of the smaller jurisdictions around the state. So yes, this will address some of those concerns.

LATHROP: It's almost like we need to fill the, the smaller community police forces because if the big cities are pulling these people to Omaha, Lincoln, Grand Island, places like that,--

ANTHONY CONNER: Yeah, one of the ripple-- I'm sorry.

LATHROP: --it's the Swards and the, and the Broken Bows that end up without the cop.

ANTHONY CONNER: I, I agree. And one of the ripple effects, if I could echo on, on Jim Maguire's testimony, the ripple effect has been like Douglas County is doing a, a hiring bonus and things like that. So

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they're trying to address basically like Omaha's lateral program to try to retain some of their, some of their people. So, yeah, we're just, we're just in a time where people just don't want to be police officers anymore. So that's-- we just-- we got to do what we can to, to take care of the people in our state.

LATHROP: OK.

GEIST: I didn't mean to interrupt. Sorry.

LATHROP: Did you have a question?

GEIST: I do.

LATHROP: OK, Senator Geist.

GEIST: I have-- I'm curious if-- I'm not seeing it, but I'm, I'm curious if this is doing anything about how long it takes with reciprocity. I, I attended the, the academy this interim and they were talking about the length of time it takes to get an officer on the force-- or not on the force, but in the field once they get here from another state. We have a long process for that. Correct?

ANTHONY CONNER: Yes. And, and with the, the reciprocity bill, and I think it's, whatever the number is, we're--

LATHROP: LB1240.

ANTHONY CONNER: --that's, that's hoping to correct some of those, some of those issues.

GEIST: OK. Good. Thanks.

LATHROP: You guys are teeing it up for me.

ANTHONY CONNER: Yeah.

LATHROP: Thank you. I don't see any other questions.

ANTHONY CONNER: OK.

LATHROP: Thanks for being here.

ANTHONY CONNER: Thank you.

LATHROP: Next proponent. Welcome. Good afternoon.

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NEIL MILLER: Thank you. Good afternoon, Senator Lathrop, and members of the Judiciary Committee. My name is Neil, N-e-i-l, Miller, M-i-l-l-e-r. I am the Buffalo County Sheriff in here testifying today on behalf of Nebraska Sheriffs Association. As you've heard, we do have a law enforcement shortage crisis in this state. It's impacting large agencies, small agencies. It's more obvious in the small agencies because typically you'll see that it's harder to fill shifts. It makes it more difficult to hire new people when there are no applications in the drawer. You talk about will this also help the, the more rural areas? The answer is that I, I believe that it will. Nebraska Sheriffs Association, the Police Chiefs Association, and the Police Officers Association of Nebraska all came together this year to talk about recruiting and retaining law enforcement officers in this state. We were-- we had a great group, we had good discussion, and we all stand together on these bills that are recruiting and retention to try and do anything we can to deal with the shortage that exists. And just let me give you an example of one of those, Red Willow County out of McCook, I believe their authorized eight officers, the last I knew they were down to two. It, it is, it is a crisis and we are very, very concerned about where this is going to go if we don't get something done soon to help with that. So that was why we, we looked at, and it will come up and I'm going to be back up again to testify on reciprocity. There are just a lot of issues that are out there that we really want to try and do whatever we can to help these agencies that are so short. So I thank you.

LATHROP: Are there studies that show-- are we having trouble getting young people to do this, like this just when you look at people who are in their 20s, early 30s, do they just say, well, really don't, being a cop isn't my thing?

NEIL MILLER: Let me answer that question for you. I have a 24-year-old. I said, how would you like to be in law enforcement? He said there is no way. He said I don't want that much responsibility. He said I'm perfectly happy with a job that doesn't have that kind of responsibility, and I'm not looking for one that does. And I think the number of people who want to take on that job, that age group, is, is less than it's ever been. But I think we also need to get out and let them know what's going on and we need to be out there recruiting and trying to get them involved because they can make a difference in their communities.

LATHROP: OK. I appreciate your answers to my questions. Senator DeBoer.

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DeBOER: Hi, thank you so much for being here. I will kind of piggyback off of what Senator Lathrop was asking. Are there commonalities amongst the young people who are coming to work for you that you're seeing in law enforcement? Like, what's the trait that we're looking, looking at?

NEIL MILLER: You know, we just hired a, a young guy who was-- he went to military and then UNK. And so he had kind of a military background, and I think that had something to do with him wanting to get into law enforcement. And we're seeing that's a, that's generally a good hire when we get someone from, from the military. The, the UN-- UNK's got a criminal justice program. And the numbers for people who are going to the criminal justice program are not down as much as what our applicants are. But we're seeing a different direction. We're seeing they want to go to Probation. We're seeing them want to go to Parole, and we see less and less of them once they graduate from UNK wanting to come in the actual law enforcement offers. They're, they're finding other options, maybe that you don't have to work nights, weekends, holidays and I get to be home, you know, and not that probation officers don't go out in the evening, but generally it's not a 24-hour-day operation like law enforcement is.

DeBOER: So are you also having trouble retaining those that you have? So is it not-- I mean, so there's on the one hand, the trying to get the young people involved and then is there sort of a, a time frame when you're losing officers, like, not maybe the 20-year-olds, but the 30-year-olds? Is there some kind of trend that you can see that way?

NEIL MILLER: Here's how it kind of happens in Nebraska, and this is why I think until we look at some way to stabilize the, the rate of pay or subsidize the rate of pay to the smaller places who cannot compete financially, we've already heard about it. That is, they get hired. They go to the training center. They fulfill the obligation of their contract because a lot of the small communities now are asking them to sign a three-year contract that says if you leave you'll pay a prorated rate back for what it costs to send you outside the actual cost because the cost is paid for through state, through state funds. But there are other costs, their salary while they're there, their health insurance, you know, so we're seeing that that's what's happening is. But when that contract gets done or when there's an opportunity to buy that contract out because some law enforcement agencies will say, if you'll come today, even though you have a three-year contract and you've been there for 18 months, we will buy out the rest of your contract for you because it financially it makes

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sense to buy that contract out when there are no applications in the drawer.

DeBOER: We're poaching a lot internally.

NEIL MILLER: Yes.

DeBOER: OK, thank you.

LATHROP: Senator Brandt.

BRANDT: Thank you, Chairman Lathrop. Couple of things. I know there's a junior lawman program. I don't know, do we still have that in the state to get interested high school kids interested in law enforcement? And I, and I don't know what that involves, if it's, like, a ride and drive or, or-- are those programs available out in the rural areas in the state?

NEIL MILLER: You know, I think there is the junior lawman program. I think it's sponsored by the American Legion. And so I think that they're still doing those programs. I don't personally know what their numbers look like as far as applicants, but I, I believe that program still exists.

BRANDT: So as part of a recruitment strategy here, I know I'm glad Senator DeBoer brought up the military. To me, that's just an absolute direct link for people coming out of the military coming back to Nebraska, you need to, to look at law enforcement. But do we also need to focus some resources on these high school and college kids? And also a lot of our counties used to have a sheriff's posse and these tended to be older retired guys or, or somebody that had an interest in law enforcement. And there's possibly a spot for, for those on a, on a, on a rural force.

NEIL MILLER: You know, I think that, that, that, that is a possibility. I, I think what we need to do is we need to look at every option that we've got available to us right now to try and come in and, and do the best that we can to show Nebraska is a good place to be, that it's, it's really a, you know, it's a good thing to be in law enforcement. Obviously, there's still work to be done in relationships and we get that, but we're working on that. But I think that, that part-- that's part of why we're not getting the numbers as well is because they just look at it and say, you know, I don't know that that's for me. So again, I, I, I really think that anything we can do with some of the bills that you're going to hear about today will help

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law enforcement be better prepared. And, and, and I say it is a crisis.

BRANDT: All right. Thank you.

LATHROP: Very good. Sheriff, thanks for being here. Appreciate your testimony.

NEIL MILLER: Thank you.

LATHROP: Good afternoon.

ELAINE MENZEL: Chairman Lathrop.

LATHROP: Welcome back. You're a regular here.

ELAINE MENZEL: Yeah, this week, definitely. Chairman Lathrop and members of the Judiciary Committee for the record, my name is Elaine Menzel, E-l-a-i-n-e M-e-n-z-e-l, here today on behalf of the Nebraska Association of County Officials in support of LB1271. Today, as you know, is your theme is about recruitment and retention of law enforcement officers. And we would just like to express our appreciation to Senator Lindstrom for a creative idea to hopefully begin to address some of those issues more so this year. Many of the topics that were discussed by the prior testifiers, such as being poached from internal smaller counties as a training ground for the larger counties is not necessarily a new theme, but the, the exacerbation and the necessity for addressing this is an increased need, it seems to me. If you've got any questions, I would be glad to attempt to answer them.

LATHROP: OK. I do not see any questions today.

ELAINE MENZEL: Thank you.

LATHROP: Thanks for being here. Are there any other proponents of LB1271? Anyone here in opposition? Anyone to speak in the neutral capacity? Seeing none, Senator Lindstrom, you may close. We do have two position letters, both proponents, and we have no opponent or neutral position letters.

LINDSTROM: Thank you, Chairman. Thank you, members of Judiciary Committee. Senator McKinney, I think there are some things that we could add to the bill to make it better. I'd be very much open to doing that. As I see it, this bill is a workforce issue no different than any other workforce or sector in the economy. With 1.7 percent

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unemployment rate, 50,000 unfilled jobs, I can tell you that the shortage in law enforcement, law enforcement is not unique. There are volunteer firefighters out there. There's a shortage in rural Nebraska for that, amongst other jobs. So to me, when I'm talking about this bill, the, the intent and what I found more important than even Omaha and Lincoln was the rural aspect of it and making sure that we can provide that to, to rural Nebraska. Because it is a huge need out there, and I can tell you firsthand meeting with folks it is, and so I think it's money well spent and appreciate your consideration on this bill and be happy to answer any final questions.

LATHROP: I do not see any other questions, but thanks for bringing the bill.

LINDSTROM: Thank you.

LATHROP: Appreciate you being here. That'll close our hearing on LB1271 and bring us to LB1270 and our own Senator Clements. Let's give it just a second so they can get done with moving around and making noise. All right, you may open and welcome.

CLEMENTS: Thank you, Chairman Lathrop and members of the Appro-- Appropriations Committee?

LATHROP: No, try Judiciary.

CLEMENTS: Judiciary Committee.

LATHROP: We take great offense at that, by the way, the notion that we're spending money over here. [LAUGHTER]

CLEMENTS: I did proofread this but I missed it. I'm Senator Rob Clements, R-o-b C-l-e-m-e-n-t-s. I represent Legislative District 2, and I'm here to introduce LB1270. This bill was brought to me by the Fraternal Order of Police. The purpose of LB1270 is to assist law enforcement agencies across Nebraska in this attempt to recruit and retain its law enforcement officers. Law enforcement agencies across Nebraska have seen a noticeable drop in applicants to become law enforcement officers. The part of Nebraska hit especially hard has been in rural areas. Law enforcement agencies have had to evolve and get creative when it comes to recruiting officers. But now we have an opportunity for the state of Nebraska to assist them. We cannot ignore the problem and allow our communities to be critically understaffed. Our citizens deserve to have an adequate number of law enforcement officers in their local communities and counties. We, as legislators, must be part of the solution. In Nebraska, public safety has always

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been our number one priority and our local agencies need help. I believe 12-- LB1270 is one part of the solution. Section 3 of the bill provides an incentive payment to newly hired officers based on their years of service after the effective date of the act. After an officer has served one year, they would receive an incentive payment of \$1,000. Once that officer have served for five years, they would receive an additional incentive payment of \$2,000. In addition, Section 4 of the bill is designed to help law enforcement agencies recruit officers by providing hiring bonuses in the form of grants administered by the Nebraska Police Standards Advisory Council. In order to receive a grant, an agency would have to have shown a documented loss of officers at least 20 percent loss over one year or 33 percent over the prior three years. It's my hope that this bill would help law enforcement agencies to get back to being fully staffed, incentivizing more people to consider applying to be a law enforcement officer in their communities. Others will be testifying after me that can answer more specific questions you may have on the needs many law enforcement agencies currently have and the use of funds requested. Thank you for your consideration of LB1270. I encourage your vote to advance it to General File. I'll try to answer questions at this time.

LATHROP: You want to talk about the fiscal bill-- or the fiscal note?

CLEMENTS: Yes.

LATHROP: Since you're the appropriator.

CLEMENTS: It's says--

LATHROP: Is, is it an ongoing expense? Are we going to do this for two years and then--

CLEMENTS: It would request \$10 million and it would be ongoing. And I did ask who came up with \$10 million? It wasn't me, but I, I did a little calculation.

LATHROP: As you like to do.

CLEMENTS: That's, that's the fun part. If we had 1,000 officers hired in a year and they each got \$1,000 next year, that would be \$1 million in 2023. And if those 1,000 go for 5 years and, and get \$2,000, that's another \$2 million. And then if you get that every year, you could have \$3 million in a year. And I was told they were, they were told just to pick a number. And I think that it would be adequately funded at a lower amount.

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LATHROP: What do you think that number looks like, Senator Clements?

CLEMENTS: I'd be comfortable with \$3 million.

LATHROP: Well, one thing about Judiciary Committee is we can only put these things out and then it's up to you over in Appropriations.

CLEMENTS: Yes. And I think the, the agencies know more. I mean, I just guessed with 1,000 new hires. I don't know how accurate that is. It seemed like it was plenty, but that would be, that would be a number that I would be considering.

LATHROP: OK. Senator Geist.

GEIST: I have a question about this says that they become a law enforcement officer and they continue in their employment. Does that mean they have to stay at the same post? The same--

CLEMENTS: That's my interpretation.

GEIST: OK.

CLEMENTS: Yes.

GEIST: And so--

CLEMENTS: That same position.

GEIST: OK. All right. That's all. Thank you.

CLEMENTS: And transferring to somebody else, then you start over. You would not get the five years--

GEIST: OK.

CLEMENTS: --at a different place.

GEIST: So they're at the -- in the same location, the same--

CLEMENTS: Yes.

GEIST: OK. All right. Thank you.

LATHROP: Senator Morfeld.

MORFELD: Thank you for bringing the bill, Senator Clements. Do you-- is this is modeled after a bill in another state? And the reason why I

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ask it is, is that enough money, is that enough of an incentive? And I'm not being facetious about that. I, I, I just wonder because \$1,000 is-- it's good, but is that enough to keep somebody there for, well, maybe a year, but \$2,000 for five years, I--

CLEMENTS: I have not been told this, it was modeled after anyone else, and I don't-- I think it would be better to ask people after me--

MORFELD: OK.

CLEMENTS: --what they think about that. I, I agree that it seemed fairly small.

MORFELD: And it doesn't have to be modeled after anything else. We can be an innovator in Nebraska and, and be tip of the spear. That's totally fine. I was just wondering because I would like to know if there was success in other states. What's that sweet spot? What's that number that makes it worthwhile--

CLEMENTS: Right.

MORFELD: --so that whatever money we put forth, it's, it's worthwhile. So thank you.

LATHROP: Senator McKinney.

McKINNEY: Thank you. Senator Clements, quick question. Would you be open to putting in your bill that some language that says if an officer gets an infraction or some type of serious misconduct violation that they're disqualified from getting this incentive?

CLEMENTS: I would not object to that. I think it would be good to have them with a clean record.

McKINNEY: All right. Thank you.

LATHROP: I see no other questions. Are you going to stay to close?

CLEMENTS: Yes.

LATHROP: OK, perfect. Let's take proponent testimony at this time. Good afternoon.

JIM MAGUIRE: Good afternoon, Chairman Lathrop, senators of the Judiciary Committee. My name is Jim Maguire, J-i-m M-a-g-u-i-r-e. I'm president of the Nebraska Fraternal Order Police here in support of LB1270. And as the-- and we're grateful that Senator Clements has

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introduced this bill. It's, it's pretty straightforward. I know that we're talking about recruiting and retaining officers. This is one part of it through incentive payments. And then most importantly, I think it provides a hiring bonus for those most in need. And when you start-- and I know I showed you or kind of flapped it at you on the bill before about how many openings there are. You know, a lot of these openings are in smaller communities. You talk about Lyons, Madison, McCook, those departments are in dire need. There was another testifier before me on the other bill that says, well, here's a department that has, should have eight and now they have two. Well, that's, that's an awful lot of officers that have left and they have got to fill those, those vacancies, and we're hoping that this is one part of the puzzle. I know another, another question was, do we have any data that shows that people, that young people don't want to do this job? And, and I do know the story that Omaha Police Chief Todd Schmaderer told, and he went to a, a local high school in Omaha, was talking to some, to some high school kids, and there were probably, I'm guessing, three or four hundred kids there. And normally, when he would ask, is there anybody in this room that is, that is interested in law enforcement, he might get about 40 or 50 kids that would raise their hand because they're, they're considering it. This year, when he asked that question, nobody rose their-- raised their hand. Nobody wants to do the job. So we are-- we're, we're going to have to figure out a way to recruit these, recruit these, these officers. I don't want to call them kids, but at my age, everybody's a kid. But we have to do something. And, and again, this is just one part of the puzzle. But we, we need to help out, especially this will be most impactful for the rural agencies so that we can kind of slow the bleed and, and help them out as best we can. Thank you.

LATHROP: Can you answer a question for me? At Omaha Police Department, I'll just use them since we're talking about poaching--

JIM MAGUIRE: Sure.

LATHROP: --from smaller communities, what percentage of law enforcement new people to the Omaha Police Department are brand new versus coming from somewhere else?

JIM MAGUIRE: When Omaha does it now, they, they just recently started their lateral officer program. So when they-- I would say the average, the average academy class is about 50 and before they would throw-- if you were lateral, you just had to go through the regular academy and you might get 5 of the, of the 50. Now that they've kind of opened up this lateral class, they may have, they may-- they're just doing their

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own lateral academy. They're not making them go through the full academy because a, a regular academy class might be 23 weeks, that the lateral class is 10. So it, it helps them get the, the people out on the street faster. Just so that you understand when, when it comes to filling out the application and by the time they actually get hired, it might be nine or ten months. And then after that you got to go through another 23 weeks.

LATHROP: Oh, I understand--

JIM MAGUIRE: Oh, I'm sorry.

LATHROP: --why Omaha would rather get a--

JIM MAGUIRE: Right.

LATHROP: --somebody from Seward--

JIM MAGUIRE: Sure.

LATHROP: --or Broken Bow. But is that, is that where they're getting their recruits now?

JIM MAGUIRE: Yeah, they're, they're getting them--

LATHROP: So I'm wondering, should this be a program limited to smaller communities, like put more money into it and then limit it to smaller communities? Because if, if Omaha and Lincoln are going to poach law enforcement guys from Broken Bow and Seward and McCook, then shouldn't, shouldn't we be trying to incent people to get on to the smaller communities?

JIM MAGUIRE: That's a, that's a very interesting concept that I didn't, I didn't anticipate. I do think with the percentage numbers that we have set that the larger agencies aren't going to see that many people, if you're talking 20, 30 percent, they're, they're just not going to see that, but you're going to see that in a lot of the other rural agencies.

LATHROP: OK. Thanks for answering that question.

JIM MAGUIRE: Sure.

LATHROP: Senator Pansing Brooks.

PANSING BROOKS: Thank you, Senator Lathrop. Thank you for being here, Mr. Maguire.

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JIM MAGUIRE: Sure.

PANSING BROOKS: I guess I'm-- I think what the story you told us about one of the most horrifying stories I've heard all year, the fact that young people do not want to sign up for law enforcement.

JIM MAGUIRE: Yeah.

PANSING BROOKS: So I wish I'd heard that prior to this in the marketing. I, I, I, I think that you have stories that you can tell better and maybe that will help in the marketing and, and bringing people in and paying them more. I think it's, you know, Senator McKinney talked to some about his community and if there are instances where police are, are being mistreated and misspoken about, the stories need to be told better, I think, somehow. And I don't know, I just-- I want to say that they're-- you have so many good stories to tell, but also to respond to, to Senator McKinney as if there's no problem with that community seems to be not listening.

JIM MAGUIRE: We are not, we are not tone deaf to the, to the troubles that law enforcement has had over the last couple of years that is thankfully has happened outside the borders of Nebraska.

PANSING BROOKS: Yes.

JIM MAGUIRE: But that doesn't mean that there aren't instances where officers are going to do something that violates their policy. I will never say-- I, I can't stand in front of you and say that's never going to happen--

PANSING BROOKS: Same with lawyers--

JIM MAGUIRE: --because there's the policies, there's 10,000 policies out there. So you're always--

PANSING BROOKS: Yeah, same with lawyers, senators, doctors. I mean,--

JIM MAGUIRE: Sure.

PANSING BROOKS: --all-- yes, we know that.

JIM MAGUIRE: Yeah, so I hear exactly what you are saying and we are just-- I could go through-- I don't want to be one of those, those generational people that says, oh, these kids nowadays.

PANSING BROOKS: No.

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JIM MAGUIRE: But we have seen a, a, a transformation on how long do they want to stay? Because a lot of it, a lot of them only want to stay a couple of years and they just want to go somewhere else. And we need to stabilize this and, and show them this is a, this is a good job. It's an honorable job. It pays well and the community needs you. And that's where we're, we're trying to get to a point. But you know, whether it's through incentive payments, whether it's through hiring bonuses, I don't know. But we're, we're to a point where we have to try something different. There have been states that are doing this. I've talked to the officers, of course, they love the extra money. I'm not going to lie.

PANSING BROOKS: Yeah.

JIM MAGUIRE: But have I heard them leaving? I haven't heard as, as many people leaving because they feel more appreciative, appreciative. So we're hoping that, that will, will be a part of--

PANSING BROOKS: Appreciated.

JIM MAGUIRE: Appreciated. Thank you. Yes, I'm not--

PANSING BROOKS: Well, no, I'm just making sure that's what you're saying.

JIM MAGUIRE: Yeah. Yes. Thank you. So, you know, we're, we're just trying to get to a point where we no longer have to worry if I call 911, is there going to be somebody that's going to respond?

PANSING BROOKS: Thank you.

JIM MAGUIRE: Thank you.

LATHROP: Senator DeBoer.

DeBOER: Maybe I missed this, did they ask you if \$1,000 is enough?

JIM MAGUIRE: It's, it's similar to the \$10 million question was what, what number do we put?

DeBOER: Yeah.

JIM MAGUIRE: And this was just a-- I'm not going to lie, throw out a number that we think you guys will approve, so.

DeBOER: So, so--

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LATHROP: That we'll what?

JIM MAGUIRE: That you will approve.

LATHROP: Oh.

DeBOER: So if you're thinking about kind of the sensitivity to price, price sensitive-- I mean, that's-- this is price sensitive when you're talking about--

JIM MAGUIRE: Yes.

DeBOER: You were involved in negotiations for your contracts, right?

JIM MAGUIRE: Yes, in my old agency for Douglas County, for Omaha Police now, no.

DeBOER: OK, well--

JIM MAGUIRE: I let somebody else do that work.

DeBOER: All right, fine. I was just-- sorry.

JIM MAGUIRE: No.

DeBOER: I just was wondering if \$1,000 is ever the, the number or if it's, if it's always a little more than that or it's a little less than that. So I guess I'm asking you to call in your expertise and tell me, do you think \$1,000 is going to make a difference in somebody's decision?

JIM MAGUIRE: I think-- honestly, I think anything is just-- it's, it's, it's more of a--

DeBOER: Symbolic?

JIM MAGUIRE: It's, it's symbolic. Yeah, that's what it is. It's a good word. So I, I do think that, that this is a-- it's a good incentive. Now the \$1,000 are for the people that have been there between one and five years. Then it goes to \$2,000 for people that have been there for over five years. So you're, you're giving a little more to the people that have, have shown this is where you want to be. We want you to be a law enforcement officer and they've kind of committed themselves to this profession.

DeBOER: Are you having more trouble with the folks leaving in the first five years or in the time after the first five years?

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JIM MAGUIRE: First five years.

DeBOER: OK.

JIM MAGUIRE: Yeah. I mean, there's-- when you-- I've never seen more people leave, retire early. This is, this is, you know, with the city of Omaha. This has been eye-opening to me because you used to see people work, you know, 30 years. I've been doing it 30 years. You might see those people work that long. You're not seeing that anymore, they're-- when they become pension eligible, they're leaving. So we're trying to figure out a way to keep them longer because that's, that's actual experience that's just out the door.

DeBOER: When do you become pension eligible?

JIM MAGUIRE: When, when did I?

DeBOER: When does a person? What's the time frame?

JIM MAGUIRE: Well, it all depends on, you know, that's a whole nother conversation--

DeBOER: OK. All right.

JIM MAGUIRE: --when it comes to benefits and everything else for--

DeBOER: All right. OK, that's a longer conversation. That's fine. But--

JIM MAGUIRE: Some of these other sheriffs and chiefs they would have-- they could tell you more about that, about the retention and all the pension stuff.

DeBOER: OK. All right, thank you.

JIM MAGUIRE: Thank you.

LATHROP: Senator Pansing Brooks.

PANSING BROOKS: Thank you. We have dealt with this issue a little bit with, with Corrections. I presume you followed all of that.

JIM MAGUIRE: Yes.

PANSING BROOKS: So we're not reinventing the wheel here. I, I can't imagine that \$1,000 is sufficient. I, I mean, I don't want to reinvent

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the wheel, which didn't work very well, and they've had to try three different things to really help.

JIM MAGUIRE: Agree.

PANSING BROOKS: So--

JIM MAGUIRE: Agree.

PANSING BROOKS: --so is there discussion about-- I, I understand-- I mean, they've had that bonus, but it really ended up only like \$1 extra, I think, per hour or something. So I-- I'm hoping that-- if you're saying no one's raising their hands to protect our communities, there's a huge problem.

JIM MAGUIRE: There is-- we have, we have a, we have a potential huge problem in a couple of years.

PANSING BROOKS: Yeah.

JIM MAGUIRE: Because back in the '90s, they had all of these grants for cops and now all of us are retiring. And now somebody has to fill our spots and we're just not finding it.

PANSING BROOKS: And what-- is there an average starting salary across the state or does it vary by community or--

JIM MAGUIRE: It vary-- it, it does vary by community because some, some of the larger agencies can afford a little more. And when you go to the smaller agencies, they just-- this is all that they can afford.

PANSING BROOKS: So is there a way to supplement their income so that in the smaller communities they can--

JIM MAGUIRE: If-- I mean, if you wanted to explore, you could do these incentive payments based on, you know, you can go by years, you can go by, you know, the size of the community. I mean, there's [INAUDIBLE].

PANSING BROOKS: Miles away from urban centers. I don't know.

JIM MAGUIRE: Yeah, yeah.

PANSING BROOKS: OK. Well, I don't know. I'm not trying to tell you what to do,--

JIM MAGUIRE: No.

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PANSING BROOKS: --but I just don't want to have to run into the same problem for the next three or four years that Corrections has had.

JIM MAGUIRE: I agree.

PANSING BROOKS: Thank you.

LATHROP: Senator McKinney.

McKINNEY: Thank you. Are you sure you're not tone deaf? You, you mentioned earlier that issues with the black community started two years ago. And that would be false. There's been issues with the police for centuries in the black community. So to say, oh, I'm not tone deaf, this, this started two years ago, is not true at all. What are you guys really doing to change the culture of policing? Because it, it doesn't seem like you guys are willing to actually change, it's just a bunch of lip service.

JIM MAGUIRE: I, I would disagree with that to a certain extent. When I said two years ago, that was the George Floyd and set off all of the--

McKINNEY: But issues started prior to that. There's been issues forever.

JIM MAGUIRE: Well, there, there have been issues, and that's why we have done community outreach, not just with the department, but a lot of the other unions, the labor organizations. We have Shop with a Cop where, where you go out and, and you try and, and connect with these kids, take them Christmas shopping. There's PACE in Omaha where you have officers who are, who are coaching these kids so that you're trying to make that connection when they're young. So by the time they are older, they don't see us so much as if you want to call it the enemy or if you want to say that there's so much distrust, you're just trying to make that connection to say, I can trust that person. I know who they are. We're, we're going into these communities just to make things better.

McKINNEY: But who wants to shop with a cop that they watched call their mom out their name. Like, how, how do you, how do you-- the thing is, you guys say, oh, we're doing community policing, we're going to play basketball with kids and doing all these photo ops to make it look good. But what are-- like, what does that mean? That, that's-- it's-- that's just saying I took two kids shopping, but you're still--

JIM MAGUIRE: Well,--

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McKINNEY: --operating as if--

JIM MAGUIRE: --you, you still have to, you still have to try. And as I always--

McKINNEY: Are you trying hard enough?

JIM MAGUIRE: --tell my, my kids, you can go out and see police do great things. They can go out there, do the basketballs and everything else. But the minute that you see an officer have to make a forceful arrest and you've got it on video, it's not going to look pretty. And that's just the way that it is. I mean, it's, it's, it's dirty, it's ugly. But we have to create control so that we don't get injured. We don't injure them further. So it's-- it can look ugly, but that's just the, the nature of the game. But that is such a small part of what law enforcement does. Because we're out there, we, we really are trying to go out there and make a difference in the communities.

McKINNEY: So the nature, so the nature of the game is to forcefully arrest people and make it look ugly.

JIM MAGUIRE: That is not what I said.

McKINNEY: That's what you just said.

JIM MAGUIRE: I said if, I said if we have to make an arrest. We're not out there just trying to unilaterally just throw everybody in jail. That's not what we do. It's, it's not until a crime has been committed. We're not out there trying to make up stuff to say, OK, let's just say that person's doing something. I mean, we're getting-- a lot of times we're getting called to that house and we have to make a decision. Do we make that arrest or not? And if they don't want to go to jail, we have to force them.

McKINNEY: But it's not always when a crime is committed. I've seen officers just jump out of the car and throw people on the ground before. So it, it's not--

JIM MAGUIRE: We don't know, we don't know the circumstances in that. If, if we get a call--

McKINNEY: I've seen it firsthand.

JIM MAGUIRE: I'm not, I'm not--

McKINNEY: And that's what I'm saying.

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JIM MAGUIRE: --I'm not saying that it happened because I wasn't there.

McKINNEY: You guys get-- what I'm saying is you guys get very defensive and then you guys don't like to be held accountable and you like to also come in here and say issues with police is just a national issue when that's not true. And then you said that, oh, we-- we're not tone deaf, we know these things happened two years ago, which is false. It's been happening for centuries. So what I would say to you is, I hope that you guys, and that's a lot of optimism, honestly, that you guys really dig deep to find a way to change the culture of policing because it's just horrible. Thank you.

JIM MAGUIRE: Thank you.

LATHROP: I see no other questions. Thanks for being here.

JIM MAGUIRE: Thank you.

LATHROP: Good afternoon.

ANTHONY CONNER: Good afternoon, Senator Lathrop and members of the Judiciary Committee. My name is Anthony Conner, A-n-t-h-o-n-y C-o-n-n-e-r, president of the Omaha Police Officers Association. We're here in support of this bill. This bill will, will create incentives to hopefully recruit and retain more officers. And I think this will affect smaller communities even more than Omaha. But to answer some of the questions that have been asked, we have seen, even in Omaha, officers with less than, less than five years looking for other professions. And that's, that's one of those, those crises we're in right now when it comes to policing in this country. So anything we can do to help incentivize officers to come to the job, stay on the job, I think it's important that we do that. So I'm gonna keep my comments short right now and answer any questions that you may have.

LATHROP: I don't see any.

ANTHONY CONNER: All right. Awesome.

LATHROP: Thanks.

ANTHONY CONNER: Thank you.

LATHROP: Good afternoon and welcome.

NICHOLAS ANDREWS: Good afternoon. My name is Nicholas Andrews, N-i-c-h-o-l-a-s A-n-d-r-e-w-s. I'm a lieutenant on the Omaha Police

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Department. I'm here representing-- I'm sorry, on behalf of Chief Schmaderer and the Omaha Police Department in support of bill, LB1270. The, the support that this bill would provide is invaluable when it comes to attracting quality new enforcement, law enforcement applications and incentivizing current officers to stay in their positions. As you're all aware, there's negative perception towards law enforcement today. Law enforcement agencies across the nation are struggling to attract and retain quality law enforcement professionals. In Omaha, over the last 10 years, we have seen applications go from 1,978 in 2010, down to 981 in 2020. A decrease of almost 1,000 applications. In those ten years, putting a huge strain on the department. And over those ten years, benefits have remained the same, pay has gone up. But we need more incentives to help fight the negative law-- the negative light law enforcement is being put in. Agencies across the state can testify how fast that application pool is reduced every step of the background and testing process. The lower numbers of applicants could potentially lead to smaller department sizes and reduced services for our communities. So I'd like to thank Senator Clements for introducing this bill that would help our communities and our cities across the state. Thank you.

LATHROP: OK. I do not see any questions. Thanks for being here, though.

NICHOLAS ANDREWS: Thank you.

LATHROP: Any other proponents?

NEIL MILLER: Good afternoon.

LATHROP: Welcome back.

NEIL MILLER: Thank you. Neil Miller, N-e-i-l M-i-l-l-e-r, Buffalo County Sheriff again, Nebraska Sheriffs Association. Again, this is another one of those bills that we got together with other law enforcement to try and bring in to have you take a look at for recruitment and retention of law enforcement officers. Some of the questions that have been asked, I really think are, are good questions in the fact that is this enough, is this enough money to make a difference? How can we work in the rural area? Because I can tell you that, that in my agency, we look and have looked at maybe hiring bonuses to recruit with whether or not we paid more for somebody that's certified than we used to. Used to be everybody started at the same spot on the pay scale. Now we're looking to let's give them credit for their experience and being, being certified. And so we

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looked at that to try and take that wage up. I think that one of the things that you might look in addition to this besides the incentives that are out there for a number of years of service, would be to help the smaller places be able to have money to do a re-- an incentive or a recruiting type of incentive to get them out there. It-- \$1,000 isn't a lot, and I think that-- but everything helps. We're, we're just telling you that we'll take anything that you're willing to look at. And if you want to, to have discussions on other things, we certainly would be willing to have those with you. But I think that there is a huge disparity in the, in the salary of law enforcement from one side of the state to the other. And so at some point, I said this earlier when I testified, I don't know if the answer to that is to subsidize the smaller counties by adding state dollars to help bring those salaries up so that they're paid a living wage and can, and can attract people. But I certainly think that with this bill, you could also look at possibly adding some type of, of a hiring incentive for maybe, say, counties with people under such and such a population or the salary level didn't reach this particular level of, of salary. So just a thought on that. Again, I thank you for the opportunity to testify about what's going on with law enforcement in the state. I said it before and I reiterate it. We do have a crisis. Thank you.

LATHROP: OK. Senator Brandt.

BRANDT: Thank you, Chairman Lathrop. Thank you, Sheriff Miller. Currently in your county, are 100 percent of all your salaries paid for by local property tax?

NEIL MILLER: Yes, sir, they are.

BRANDT: OK, so this money would be state tax money. So that would help you out in the sense that it would be a, a new revenue stream coming in to assist those salaries.

NEIL MILLER: Yes, sir. That's correct.

BRANDT: All right. Thank you.

LATHROP: I don't see any other questions. Thanks for being here.

NEIL MILLER: Thank you.

LATHROP: Good afternoon again.

ELAINE MENZEL: Good afternoon, Chairman Lathrop and members of the Judiciary Committee. For the record, my name is Elaine Menzel,

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E-l-a-i-n-e M-e-n-z-e-l, here today on behalf of the Nebraska Association of County Officials in support of LB1270. We would also like to express our support or thanks to Senator Clements for introducing this legislation. As I'm sitting back there listening to the various questions and those types of things, I'm reminded of the small workforce and the other things, as well as the issues you have been dealing with, with Corrections in terms of trying to incentivize new workers there or retaining employees. And I think it's employees these days are not incentivized by just one element or one variable, as we know. And so therefore, hopefully this could be a package-type consideration as you consider the issues today. So I would be glad to answer any questions if you have any of me.

LATHROP: I do not see any questions, but thanks for being here.

ELAINE MENZEL: Thank you.

LATHROP: Any other proponents? Anyone here to testify in opposition? Anyone here in the neutral capacity? Seeing none, Senator Clements, you may close. We do have two position letters that have been received on this, on LB1270 that are both proponent.

CLEMENTS: Thank you, Mr. Chairman. I was thinking I also would accept a limitation to the smaller communities, say, counties under 200,000 population. It was, it was indicated to me that Omaha and Lincoln don't have the needs that the smaller counties do and be willing to consider that if you would like. Thank you.

LATHROP: OK. All right. I don't see any-- oh, do you have a question? Senator Morfeld.

MORFELD: Would you be considering-- would, would you be willing to consider increasing the amount as well for the incentive?

CLEMENTS: Yes, I've been pondering what would be reasonable. I, I think we don't want to make it so that the new guy gets more than the current officer.

MORFELD: That's fair, too.

CLEMENTS: But an increase maybe \$2,000, \$4,000 would be reasonable, in my opinion.

MORFELD: OK. No, you bring up an interesting point, too. You also don't want to upset the other people that were there before and-- yeah. OK.

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CLEMENTS: People who have been working 20, 30 years,--

MORFELD: Yeah.

CLEMENTS: --this is not going to help them. So I don't want to make anybody mad.

MORFELD: OK.

CLEMENTS: All right.

MORFELD: We'll talk more offline.

CLEMENTS: OK.

MORFELD: Thank you, Senator.

LATHROP: OK. Very good. I don't see any other questions. Thanks for being here, Senator Clements. That'll close our hearing on LB1270 and bring us to Senator Geist and LB1184.

GEIST: Thank you, Chairman Lathrop, and good afternoon, members of the Judiciary Committee. My name is Suzanne Geist, S-u-z-a-n-n-e G-e-i-s-t. I represent the 25th District, which consists of the southeast part of Lincoln and Lancaster County. I have introduced LB1184 on behalf of the Attorney General to clarify in statute that a private practice attorney can be hired by a State Patrol officer or employee to represent them when a Nebraska State Patrol officer or employee is the subject of a grand jury or prosecutorial inquiry. This bill also clarifies that the Nebraska State Patrol agency counsel shall not represent individual officers or employees of the Patrol whose actions or omissions are the subject of an inquiry by a grand jury or prosecutor. There has been a question in the past as to whether the agency counsel can represent the individual officers or employees in these instances, and I believe that we need to clarify the duties of the agency counsel. Thank you for your time and attention. I would be happy to take any questions. However, I'll let you know that Gary Young from the State Troopers Association and Joe Kelly from the Attorney General's Office will be following me. So if you have some detailed questions, they'll be more likely to answer. But if you do have questions for me, I'd be happy to take them.

LATHROP: Well, with that disclaimer, I think everybody is going to wait for proponent testimony.

GEIST: I wanted to make sure you knew.

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LATHROP: Message received. All right. Thank you, Senator Geist.

GEIST: Sure.

LATHROP: We will take proponent testimony at this time.

GARY YOUNG: I appreciate that introduction. My name's Gary Young. Senator Lathrop and members of the committee, I am the legal counsel for the State Troopers Association of Nebraska. I'm here to speak on behalf of-- or in favor of LB1184. The purposes of the revisions to the bill or to the-- to Section 81-2009 are to eliminate real conflicts of interest, potentials for those conflicts to arise during a legal representation of State Troopers in actions that arise during their scope and course of their employment. I'm going to speak about the revisions to Section (2) of the statute. I know Joe Kelly is here to speak about revisions to the first section. This is about basic legal ethics. The, the rules of legal ethics, as you probably know, require a couple duties when we decide who we're going to have as clients. One, is the duty to represent the client zealously and to not take on future work that limits my ability to represent my current client. Second duty is, we have, you know, the famous duty of the attorney/client privilege, which is not to, to, to reveal confidences of our clients to adverse parties or to anyone without their permission. And so because of these duties, I can't, as a lawyer, represent both sides of a divorce or both sides of a contract. I can't represent a department or a police department that's investigating a person who is being investigated. And so too, if I'm an employer, I can't have a lawyer that's representing both me and then also representing the employee that I am, I am investigating for workplace policy violations. The revisions that have been proposed are meant to reinforce those ethical duties and restrictions because the agency legal counsel at the Nebraska State Patrol has contacted troopers and advised them that its office may somehow represent them when they are subject of in-custody death investigations, officer involved shooting investigations, and internal affairs investigations inside the Patrol, even though the Patrol is the agency carrying out the investigations. Section 81-2009 currently provides funding and sourcing for three lawyers that work inside the Patrol's legal division. It charges that division with, quote, advising the Patrol on all legal matters. Based on that language, that office has taken an extraordinary position over the objections of the State Troopers Association and the Nebraska Attorney General's Office. That it can both represent investigators who are investigating officer-involved shooting or in-custody death investigations and represent the trooper that is the subject of those investigations at the same time. Agency legal counsel currently claims

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that 81-2009 means that agency legal counsel can represent the trooper in officer-involved shooting investigations and also represent the agency as it investigates those, those for internal affairs purposes and in disciplinary cases. These claims violate the most basic ethical restrictions on lawyer/client relationships. And troopers should not face the decision of telling an agency counselor who has contacted them after an officer-involved shooting, telling that person, no, I'd rather have somebody else represent me. I just want to make one thing clear before I, I stop. I don't believe the statute actually authorizes this kind of representation, but nevertheless the agency legal division has relied upon this language to take this position. And so we would just like the, the committee and the Legislature to, to clear it up.

LATHROP: OK. I got a question for you,--

GARY YOUNG: Yeah.

LATHROP: --if I can. So as I read this statute, it looks like whenever in any civil or criminal action is instituted against basically the State Patrol, right?

GARY YOUNG: Yes.

LATHROP: The superintendent or any one of them. The action shall be defended by (a) the Attorney General or a member of the Attorney General's staff or (b) a private practice attorney chosen by the employee. So does the employee, State Trooper, do they get to pick?

GARY YOUNG: Yeah, I think that's the, the intent of the revision is that they will pick somebody at that time.

LATHROP: Don't we, don't we want to say-- you tell me if, if I'm missing something here, don't we want to say the Attorney General's Office will represent you unless there's a conflict present, in which case you can get a private practice attorney.

GARY YOUNG: That's correct.

LATHROP: And this doesn't seem to require a conflict. It seems to provide them with a choice. And, and where the Attorney General might represent them, they can still choose a private practice attorney. Am I reading that wrong?

GARY YOUNG: Well, I don't, I don't think that's the intent.

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LATHROP: Or do you read it differently?

GARY YOUNG: Yeah, I think-- I don't think that's the intent. Ordinary is the case in the civil case, the Attorney General's Office will come in and represent the trooper or the agency official that's involved. It's in the cases where there are conflicts with their representation. The most obvious one being when there's a criminal investigation.

LATHROP: Sure.

GARY YOUNG: And when that happens, then what we've got is an opportunity for the officer to pick other counsel.

LATHROP: And so back to the language, if I may,--

GARY YOUNG: Yeah. Yeah.

LATHROP: --Mr. Young. If we look at, at page 2, lines 7 and 8--

GARY YOUNG: Yeah.

LATHROP: --where we have the "or," shouldn't that read in substance or (b) in the event of a conflict, you may hire a private practice lawyer?

GARY YOUNG: Yeah, I don't have a problem with that. I'd like Joe to speak to that. I know he's-- they've, they've--

LATHROP: OK. I see him back there.

GARY YOUNG: --they've thought about it on that, that question.

LATHROP: Because it looks like the, the trooper can just go, oh, the AG, a private practice lawyer, I think I'll, I'll call a private practice lawyer and have the state pick up the bill.

GARY YOUNG: Understood.

LATHROP: OK. I don't see any other questions for you. Thanks for being here.

GARY YOUNG: Thank you.

LATHROP: Good afternoon and welcome.

JOE KELLY: Good afternoon, Chairman Lathrop, members of the committee. My name is Joe Kelly. I'm the criminal bureau chief in the Nebraska

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Attorney General's Office. J-o-e K-e-l-l-y. On behalf of the Attorney General, I'm here to testify in support of LB1184. The present statute sometimes creates an ethics or code of professional responsibility problem for the deputy attorney generals involved in some of these cases, particularly in a criminal prosecution and, in particular, a grand jury investigation. For these deputy AGs, this often involves conflicts of interest that is, one, will the representation of one client be directly adverse to the representation of another or, two, is there a significant risk that the representation of one client will be materially limited by the responsibilities owed to the other? In those situations, an attorney, of course, is generally required to withdraw from representation of one of the attorney-- one of the clients. Let me suggest a hypothetical to demonstrate the result under the present law sub (1) and under the amendment or the offering in the bill. The factual basis would be this: the State Patrol is involved in an officer-involved shooting in "Blank" County. That person holed up in his house fired repeatedly at the Patrol, eventually he came out shooting. Officers returned fire. State Patrol officers returned fire. The person's dead. The shooter's dead. We're in a realm of a mandatory grand jury by virtue of our statutes. The AG is often, and in this case we'll say, is asked to handle the mandatory grand jury and any resulting prosecutions. The assistant AGs are representing the people of the state of Nebraska at that point as the grand jury approaches and, again, a hypothetical. The deputy AGs meet with the trooper involved in the shooting. A few facts emerge which cast doubt on the trooper's version of the facts. There's a possibility that a grand jury could indict for perjury or false statement or abuse of public records. The assistant AGs would initially be prosecuting that case. Under the current statute, I would be at the-- the AG's Office would be in the ethical position to tell the trooper you need representation. Under the present statute, I would follow that up with and your attorney shall be. Well, we all know that's not the situation we want where the now the prosecutor in the case is picking the defense counsel. The trooper doesn't want it, the State Patrol doesn't want it, and ethically I don't want it. And so that's what we're trying to remedy there. I believe your suggestion makes sense, Senator Lathrop, on sub (1). And the last thing I'd say is on that fiscal note, we disagree with the DAS fiscal note because it really accounted for five different situations occurring in a year \$300,000 total. This doesn't happen very often at all.

LATHROP: I assume Senator Geist will talk to the people over at Fiscal, take some information over there to get that rectified. So the

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language that on line 7 and 8 would be (b) in the event of a conflict, a private practice attorney?

JOE KELLY: Yes.

LATHROP: OK. Any other questions for Mr. Kelly? I don't see any. Thanks for being here. Any other proponents? Anyone here in opposition? Anyone here in a neutral capacity? Seeing none, Senator Geist, you may close. We have no position letters on this one.

GEIST: Well, I'm here to make your day shorter. I will just say that we'd be happy to add that language so that it clarifies what you're, you're-- what the intention actually is, and I will take any questions. So that's all.

LATHROP: I don't see any.

GEIST: All right.

LATHROP: OK, thanks, Senator Geist.

GEIST: Thank you.

LATHROP: The-- that'll close our hearing on LB1184 and bring us to Senator Slama and LB942. Good afternoon.

SLAMA: Good afternoon, Chairman Lathrop, committee members. My name is Julie Slama, J-u-l-i-e S-l-a-m-a, and I represent District 1 in southeast Nebraska. I am here today to introduce LB942, which would change certain requirements and procedures regarding law enforcement officials and firearm instructors. LB51, introduced last year by Chairman Lathrop, made many changes to the certification process of law enforcement officials across the state. And to be clear, many of those changes were positive. However, though not the intent, LB51 impacted rural law enforcement agencies in a, in, in a negative way in some areas. This bill addresses some of those issues for our smaller agencies are facing. Back in December, my office sent out a survey to every law enforcement agency in counties with a population of 50,000 people or less. We asked them about their employment levels, how long they estimate it will take to become fully staffed, and how serious their staffing shortage is, and how LB51 has impacted that situation for them. I'd like to thank my legislative aide, Kacy, for conducting the survey and coordinating responses and keeping track. Seventy-one agencies responded, which is the stack of papers I have here. Of the agencies that responded, half said it would take them longer than a year to become fully staffed. Almost 70 percent said that they were

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either understaffed or extremely understaffed, and a whopping 77 percent of responding agencies said that their staffing shortage was serious or very serious. Yes, even agencies said they were well staffed, said that being short staffed was a serious issue for them. So with our smaller agencies, when you're fully staffed at two or three people, you lose one guy, he retires, well, you've just lost a third or half of your force. Finally, all but eight agencies, 87 percent, said that LB51 had negatively impacted their staffing levels. Our survey also gave two short answer questions for agencies to respond to. We asked them first, how has your staffing shortage affected the function of your agency? Some common themes were increased over time, decrease morale, officers not having backup during their shifts and having to be reactive in their communities rather than proactive. Second, we asked them, in what specific ways do you expect the passage of LB51 to impact staffing at your agency? The answers they gave to that question are what shaped LB942. I will now highlight exactly what the bill does. First, LB942 would give power back to noncertified officers in counties with a population under 15,000 people as long as they're enrolled in the next available class at the training center. The law enforcement agencies that suggested this told me that there are not enough academy classes offered per year to accommodate the training needs of the agencies. Because of this, agencies have a very small window in which they can hire officers and get them trained right away. The other option is that they can hire an officer but not fully utilize them until they're able to go to the training center. This puts a further strain on agency budgets that are already struggling. Second, LB942 would give power back to reserve officers. Again, this would only be implemented in counties with a population of less than 15,000 people. Many law enforcement agencies that answered our survey said that they would ask reserve officers to fill in any gaps in staffing that they couldn't get filled or they would use them for big events such as parades or county fairs. When LB51 stripped reserve officers of nearly all of their powers, it no longer makes sense to utilize them. To be clear, reserve officers are fully certified officers that have completed training at the training center and have completed continuing education. Third, LB942 would remove the reciprocity program requirements for certified law enforcement officers coming from other states. This was the most frequently mentioned issue in our survey responses. One example would be from the Red Willow County Sheriff. They've had more than one well-qualified, out-of-state officer wanting to apply to their agency. However, after hearing that they would not be able to work until they got Nebraska certified, they withdrew their application. The issue here is not that out-of-state officers would

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need more training, but it gives agencies like Red Willow County Sheriff's Office only two options. They can either hire the out-of-state officer and pay them to do virtually nothing while they wait for a spot at the training center or they can ask the officer if they would be willing to wait to be hired until the spot is open at the academy. As you can expect in this job market, and from what we have heard from our law enforcement officials statewide, this is just not feasible. Finally, LB942 would require the Police Standards Advisory Council to notify firearm instructors 90 days before their certification is set to expire. A sheriff in my district brought this issue to my attention when his certification expired without his knowledge. In talking to other firearm instructors, he learned that many of them were facing the exact same issue. This specific section of LB942 is not necessarily related to law enforcement certification, but it is still an important issue. I am also planning to bring an amendment to LB942 that would bring low-population municipalities under the purview of the bill. A low-population municipality would be a municipality with a population of under 5,000 within a county with a population of under 50,000. This would address an issue we had with an agency in Gage County that would not be included in this legislation as it is currently written. Dozens of law enforce-- of law enforcement agencies support this bill. Unfortunately, many cannot make it here today due to the distance and, you guessed it, lack of officers to cover in their absence. Some of them did have time to write letters of support for LB942. If I could get a page, I've got another letter from a county sheriff who intended to be here, but due to COVID, he was unable to make it today. Most were able to get them submitted prior to the hearing, but you've got the one from Knox County Sheriff. You'll have the chance to hear from three sheriffs and chiefs today who drove across the state starting at 3:00 a.m. to be here and testify and talk about how this bill would impact them and what their operations are like. I look forward to working with you all to get this pivotal legislation passed and would be happy to answer any questions you have. Thank you.

LATHROP: Senator Brandt.

BRANDT: Thank you, Chairman Lathrop. Thank you, Senator Slama, for bringing this bill. Are you going to make the survey results available to the committee?

SLAMA: Absolutely, yes.

BRANDT: OK. And then on your survey, do you have a rough idea of what percent of those are police departments versus sheriff's departments?

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SLAMA: I don't have that number offhand.

BRANDT: That's fine. Thank you.

SLAMA: Yeah.

LATHROP: I see no other questions.

SLAMA: Thank you.

PANSING BROOKS: Oh, I have some.

LATHROP: Oh, I'm sorry, I didn't--

PANSING BROOKS: I'm sorry.

LATHROP: Did you have your hand up and I missed it?

PANSING BROOKS: I didn't. I just--

LATHROP: OK.

PANSING BROOKS: --I thought-- I was waiting for you to find it from other people, so. Thank you for bringing this, Senator Slama.

SLAMA: Yes.

PANSING BROOKS: So does this relate to-- when we had the-- all the hearings for the Black Lives Matter protests-- what was that, 2019, I think.

SLAMA: Yeah, 2019 or 2020.

PANSING BROOKS: 2020.

DeBOER: 2020.

PANSING BROOKS: Yeah.

SLAMA: 2020.

PANSING BROOKS: So we discussed all this a lot. And so are we changing a law that we, that we created after that where, where we were? Because we already discussed the fact that noncertified law enforcement need to get the training. So--

SLAMA: And, and I agree that they, they need to get the training. However, we're in a situation, and I completely understand the

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discussions that were had in the wake of the hearings that we had in 2020 and how LB51 came into being. And this is not in any way an attack on that. This is just a proposed solution to make this workable in rural areas because our, our, our rural sheriffs' departments are already under a lot of strain, pressure, understaffing, lack of--

PANSING BROOKS: I, I agree. So--

SLAMA: It, it just makes this workable.

PANSING BROOKS: OK. Did you look at funding-- giving greater funding to the Crime Commission so that they could have continual classes going so that the minute somebody comes in, they could be, they could immediately be placed into one of those classes?

SLAMA: I believe those funds may have been proposed in the budget this year. I, I-- I'm just guessing, I think I heard that at one point that they are [INAUDIBLE].

PANSING BROOKS: They are proposed to have a continuous class available?

SLAMA: I, I don't know if it's to provide continuous classes, but I think it is to expand their offer. And we'll talk with Senator Lathrop's bill, too, about his proposed solution on that front as well.

PANSING BROOKS: OK, so-- and can you tell me what you mean by the training with Fourth and Fifth Amendment training? That's on page 16, lines 14 and 15. What are you specifically addressing under those amendments?

SLAMA: I believe that was-- that's just the language from LB51, it's just revised to-- it's the same language that was in LB51, it's just revised to take the population numbers into effect.

PANSING BROOKS: OK.

SLAMA: So that, that's old language just rehashed in the--

PANSING BROOKS: So I'm-- what I'm looking at, can you tell me the difference of what you are allowing a noncertified officer to do versus what was not allowed under, under this?

SLAMA: Absolutely. And just for your reference that, that language, you can find the old reference to that on page 13, lines 21 and 22

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with the Fourth and Fifth Amendment training. And what I'm talking about is reverting to the pre-LB51 standards and powers. And I'm, I'm on board to negotiate and sit down with the committee, with you, Mr. Chairman. This has just created some issues in our rural departments that they, they need to be addressed.

PANSING BROOKS: I, I agree, and I just-- it seems like-- I'm glad to hear there's something in Appropriations because again, the issues of people going out not understand fully, you know, search and seizure and probable cause and all that. I know it says they're supposed to know it. But if there's not enough law enforcement, they're not getting enough hands-on training then.

SLAMA: But I, I would argue when we're talking about these noncertified officers in the decades that we've had them, can you point to an incident of misconduct that was due to anything related to them not having-- I, I mean, yes, there is the additional training that is valuable.

PANSING BROOKS: You could say that about a lawyer. Can you point to a lawyer back in the old days when they didn't have to get a-- go through the bar exam where they really did something wrong? Shouldn't we go back to that?

SLAMA: Senator Pansing Brooks, frankly, we're in a position right now where in some of our rural counties, if you call 911, it's hard to get somebody to answer that call. And--

PANSING BROOKS: I'm, I'm in favor of it totally. I just think we have to try every effort to get them certified and get them trained.

SLAMA: Absolutely. And I, I agree with that and that approach. We also have the real practical considerations of we have one-person sheriff departments. And if they break their leg or if they quit, we're going to be in a position now where we're struggling to recruit law enforcement officers already. To fill those gaps, it's going to be a huge problem for our rural departments if this trend keeps up over the next few years.

PANSING BROOKS: I agree. I understand.

SLAMA: Thank you.

PANSING BROOKS: My point is, we-- and we discussed this back in 2020 and 2019, that I, I can't even believe the Attorneys General-- Attorney General's Office has not come to us and said, we need money

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now. This is an emergency. This is, this is-- I, I don't see them here. I hope they come back because this is a critical need for our communities. And I'm very frustrated that we're back at the point of saying, oh, well, we're just going to put uncertified police officers out there instead of having them come into the Legislature and saying, we have got critical issues in this, in this state and we have got to help our rural off-- sheriffs and police departments. I'm, I'm with you, but this should be something that we see as a crisis that should be paid for immediately. And having just saying we can just send people out is not the best solution.

SLAMA: Well, Senator Pansing Brooks, it's not the best solution, but it, it takes into the practical situation we have right now of--

PANSING BROOKS: OK.

SLAMA: --we just need people.

PANSING BROOKS: We can agree to disagree. Thank you.

SLAMA: Absolutely.

LATHROP: Did you have a question?

BRANDT: Yes, I did, a real quick one.

LATHROP: Senator Brandt.

BRANDT: Thank you, Chairman Lathrop. Fifteen thousand, that was a national number. How did you arrive at 15,000?

SLAMA: That was based on our survey responses and the responses from the departments. The larger departments were not as impacted by the changes in LB51 or with such severe staffing shortages, 15,000 roundly got in--

BRANDT: OK.

SLAMA: --those agencies that expressed severe concerns.

BRANDT: And then-- and I don't know if you know this or not, but of the 93 counties, how many are 15,000 or below? Do you got--

SLAMA: I can have that information for you on my close.

BRANDT: OK, no, that's fine.

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SLAMA: Yeah.

BRANDT: That's, that's all I had. Thank you.

SLAMA: Thank you.

LATHROP: I don't see any other questions. I assume you want to close.

SLAMA: Absolutely.

LATHROP: All right. Thank you. Thank you for opening on LB942. We will take proponent testimony, so if you're here to testify in favor, you may come forward.

CLAY HEATH: Chairman and Senators.

LATHROP: Good afternoon.

CLAY HEATH: Good afternoon. My name is Clay Heath, C-l-a-y H-e-a-t-h. I'm with the Gordon Police Department across the state.

LATHROP: What department did you say?

CLAY HEATH: The Gordon Police Department. Traveled far to get here, at least hopefully made it on time. I'm here to support LB942. And-- well, a lot of the topics that Senator Slama brought up is actually in my notes. Not to downgrade LB51 that Senator Lathrop presented and pushed through, but it has had effects on the smaller communities. My town is, I think, under 1,800 now. We are a small town, but we have a fairly high crime per capita rate for being a small town, so we are actually a larger force for the size of our town. It's not the staffing, LB51 did not cause our staffing concerns, but with LB51 it's hard to fill our staffing. For example, right now, if your window of time is not appropriate to when an opening comes up in the academy, you have to go a few different ways to settle it. Ask the candidate to wait until we have the window and we can hire them, which with as you've learned from these previous bills, there is a lot of poaching and once blood is in the water all the sharks are out. So that's not a really viable option for a small little community. Second is to pay them and have them sit at home until we're able to use them. Or the third option is to utilize the conditions or the stipulations from LB51 and at least keep training started so we can bring them to the point of we can get them in the academy and certified. But with that, that is great increases in costs. Small town budgets lose lots there or and to supplement, I can train my other certified officers to become instructors so we can at least do our training in-house to save

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money long run. But again, another initial expense over time, it will be the cheaper route. And along with cost, we have loss of coverage due to the staffing concerns and additional trainings. And then, obviously, continuous work on my certified officers, you work them too much then their stress levels increase, their family life decreases, causing more stress. And then I have situations of low morale to the point that I have burnout and I'm just multiplying my problem with continuing staff. If I can finish one more point, another loss with the current situation where I'm not able to work my officers on the street prior to academy. And in a portion by themselves giving them a little more leash so I can see what type of quality they're going to be with my community and their value as a law enforcement officer. I've lost that tool so I can prevent, if need be, that that candidate is no longer suitable and prevent them from going into the academy. Whereas now, for instance, they're certified before I actually get to that true point to find out their value on the street. And now we've, to use an analogy, given tenure to a person that we don't know if you can teach.

LATHROP: OK. Senator Geist.

GEIST: Thank you for coming all this way. That's a long drive. How many hours do you typically have your, your certified officers work?

CLAY HEATH: Well, in prime situation, I work them 160 hours a month.

GEIST: OK.

CLAY HEATH: When that's when I'm fully staffed.

GEIST: OK. And then in a ratio of, of your regular officers versus your, your reserve officer, what's-- how many-- do you have a one versus the other?

CLAY HEATH: Right now, including myself, I am a six-man department. I am one short and I only have one reserve currently staffed.

GEIST: OK. And how many would you like to have staffed?

CLAY HEATH: Well, I would like to be up to seven full time, including myself, and additional reserves are beneficial. And if that could be revived to where we can replenish the ranks, that would be very helpful, especially in, you know, fairs, rodeos, parades.

GEIST: So how many reserves would that be?

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CLAY HEATH: I think in my career of 26 years, the most we had, I believe, was 5.

GEIST: OK.

CLAY HEATH: And that was a fair-- I mean, that would double my department for a major event.

GEIST: OK.

CLAY HEATH: Which I was not the chief at that time. Sorry.

GEIST: And I think I misstated my first question. I meant how many hours-- so how many hours do you have the reserve officers work? Was it 160 a month? Is that--

CLAY HEATH: Oh, no, no. I believe reserve officers at the time, you could work them up to, I think, 100 hours a year, no more.

GEIST: I think I misstated my question. I think I said a certified officer and I met a reserve officer.

CLAY HEATH: Right. No, the original reserve program, prior to the changes, we did live up to the conditions of no, no more than 100 hours. They never work by themselves. There was always a certified officer nearby or close. They may be a, you know, 10, 20 yards away or, you know, across town, which my town's a square mile so not real far.

GEIST: OK. That just helps me understand. Thank you.

CLAY HEATH: Thank you.

LATHROP: Senator Pansing Brooks.

PANSING BROOKS: Thank you. Thank you for coming, Chief Heath. Chief Heath.

CLAY HEATH: Correct. It has a weird ring, doesn't it?

PANSING BROOKS: I like it. I think it's great. So I'm just trying, I'm trying to get this back again. OK. The reserve officers that are 100 per-- 100 hours per year, is that what you said?

CLAY HEATH: That was the previous standard. I don't remember what the stipulations were after LB51.

PANSING BROOKS: OK. So the reserve are the noncertified, correct?

CLAY HEATH: No, a reserve officer receives certification. Twenty-five years ago, they spent a few weeks and a few weekends at the academy to receive basic training and then had continuing education after that. Current standard for-- to become a reserve, you do go through the same 16-week course that any certified officer goes through.

PANSING BROOKS: OK. So-- and you-- what was the comment that you said about tenure?

CLAY HEATH: What I'm saying is when a uncertified officer, prior to LB51, we would work him on the street for a period of time before we could get him into the academy. They run through a training program and then I would put them out on a longer leash and let them work a shift or, you know, a few shifts on their own just to see how they performed. Truly, you see someone's true colors when they're out on their own. They don't have, you know, mother hen sitting over there watching every move to see how they interact with the community, to see how they do as a law enforcement officer. And it's kind of my last resort on seeing if they truly need to make the next step into academy because it's easier to cut them there before we give them a certified license. Because once they get a certified license and I see that they're going to be a liability concern, obviously I'm going to cut them loose, but they can go anywhere in the state and become certified officer because I have nothing to give them grounds to decertify them.

PANSING BROOKS: I see. So does the Attorney General's Office help with these courses at all, ever? Or is it always up to the community to, to pay for these officers to become certified?

CLAY HEATH: Well, a lot of the agencies and programs around the state do provide free training, discounted training, grants, and all that, and we try to utilize each and everything we can. But again, it, it does fall down to if I'm over utilizing my staff to run my coverage because, like I said, for a small town with a high per capita rate of crime, I can't reduce coverage. It's not beneficial to my community, so I either have to overwork my officers or get re-staffed.

PANSING BROOKS: OK. So I'm, I'm sympathetic about the fact that you're having issues on that. So I-- what-- I guess what I'm wondering is, does the Crime Commission have a, a smaller version of the 6-week-- 16-week course? So at least we would know that they're being trained on probable cause and you know, some of the--

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CLAY HEATH: Well, those topics that are--

PANSING BROOKS: --basic legal tenets.

CLAY HEATH: --brought up for the 80 hours, those topics are covered in our FTO program. Not that we, I guess, put them in the same format as LB51 presented to us. But these are all topics we would cover before we'd let them out on their own. I mean, yes, search and seizure, defensive tactics, driving. I mean, firearms, the, the whole gambit before we ever let them on their own.

PANSING BROOKS: OK, so you don't see that there's any need to support the Crime Commission or to bolster that so that you can get in there more quickly and that you could have-- hire somebody and they could immediately get into a course?

CLAY HEATH: Oh, I would be in support if we increased our academy, doubled our staff, increased the lodging, and so forth. But right now as the current money that's being earmarked is going to improve at the academy, but it's not going to be able to improve it all the way around.

PANSING BROOKS: In my opinion, that's a large mistake, so. Anyway, thank you for your--

CLAY HEATH: But yeah, that's not this bill.

PANSING BROOKS: That's right.

LATHROP: Senator DeBoer.

DeBOER: Thank you, Senator Lathrop. Thank you for being here. Have you had in your department, have you had poaching? I mean, have you, have your officers been poached away?

CLAY HEATH: Actually, under my reign as chief, as I put it, I have only lost officers to love.

DeBOER: To love. OK.

CLAY HEATH: I had one that his father was ailing, so he moved closer to his father. I had one that fell in love with some-- North Dakota, so they moved to-- another one, was wanting to get married, and she wanted to move back to her hometown. So, so far, I've only lost due to love, not poaching.

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DeBOER: OK.

GEIST: Wow.

PANSING BROOKS: Well, that's, that's a good one.

DeBOER: I guess that's good. You-- were you-- you were here when we listened to the bills earlier.

CLAY HEATH: Yes.

DeBOER: Do you think \$1,000 is the right number for keeping people in your community or do you think it needs to be a different number? Do you think it's just symbolic? Like, can you speak to that? I'm skipping bills a little bit, but I'm, I'm trying to understand, too, the larger issue of how to help you stay staffed.

CLAY HEATH: Maybe I can add an example. I've been with my department for 26 years.

DeBOER: Yeah.

CLAY HEATH: When I originally signed on in '96, they had an incentive program. Three-year program, you got \$500 the first year, \$1,000 the second year, and the third year you got \$1,500. It was enough to keep me there, obviously, I'm still there after 26 years. And it seems to work for the people I have--

DeBOER: OK.

CLAY HEATH: --so it, it's not a terrible idea.

DeBOER: OK, that's all.

CLAY HEATH: And I guess it has benefited our community. Now after the third year and their contract is up, we also do the contract situation, they tend to leave or can leave, I guess, at that point.

DeBOER: OK. Thank you.

CLAY HEATH: We feel we have our value after three years.

LATHROP: Senator Brandt.

BRANDT: Thank you, Chairman Lathrop. Thanks, Chief, for, for the long drive today. Last year we heard testimony and I believe it was from the Alliance Police Chief and this-- these were hearings in regard to

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alternatives to the academy. And at that time, his idea was to have a Panhandle academy one time a year. Have they ever approached you with any ideas like that where all the counties in the Panhandle would send all their eligible candidates to-- and, and run their own academy, either in Alliance or Scottsbluff or someplace like that?

CLAY HEATH: I don't recall talking to the chief in reference to that type of proposal. It would be something at least to look into. I have been involved in a meeting where a proposal was brought up to maybe do a portion, like the legal portion and stuff covered in college, so you can walk into the academy with already pre-credits--

BRANDT: OK.

CLAY HEATH: --and then start from there, which could reduce the total length of the academy, but still provide the appropriate amount of credit hours that they-- that the state requires or Crime Commission.

BRANDT: Does your department run a jail also?

CLAY HEATH: I do not thank-- thankfully.

BRANDT: So you use county, county jail then. So your officers are not jailers also?

CLAY HEATH: No, they are not.

BRANDT: OK. And then real quick, the last question. It sort of intrigues me. I think there's value to having a new hire ride and drive before they go to the academy. And, and I think you've confirmed that with what you said, said before, it gives both of you an opportunity to see whether this candidate would be a good fit. Would that be correct?

CLAY HEATH: That is correct, yeah, if they're a good fit. I mean, not maybe just they may be a good fit for law enforcement, but they're not a good fit for my community. Then I can cut my time and efforts or they just might not be a good fit in law enforcement and it's a good time to get-- cut it in the bud before they actually get certified and they actually do move on and become someone else's problem, but they still become a problem and we have another media situation.

BRANDT: All right. Thanks, Chief.

LATHROP: I do not see any other questions. I got one for you, though,--

CLAY HEATH: OK.

LATHROP: --just a quick one. Have you-- you said you have a vacancy right now?

CLAY HEATH: I do.

LATHROP: So do you advertise it in the paper or how do you, how do you try to market and get somebody to come into your outfit?

CLAY HEATH: I've advertised on all the different, you know, law enforcement pages, the-- well, the online pages nowadays, it's not a pamphlet anymore. Even with city municipality pages, Facebook, I think we even did a spot on LinkedIn for a while. Now there's some-- well, there's always job fairs that they call them. I've even broke down and scrounged up some money so we can get some knickknacks and go to these job fairs and reach out to people that way.

LATHROP: Are you getting any applicants?

CLAY HEATH: Right now, I have not received any new applications probably for three months. I do have a previous situation that may come back open for me in the fall, which right now, that's my only hope.

LATHROP: That's somebody that may have been on the force before that might come back?

CLAY HEATH: Yeah, under the old standards, he had utilized the majority of his clock, time clocks, what we used to call it, and he didn't make it through his [INAUDIBLE] test so we suspended his clock. I released him until he was able to pass it. He's been starting his workouts to see if he can get back up to passing the physical standards so he could be--

LATHROP: But your, your bigger problem is finding somebody to answer the ad.

CLAY HEATH: Right now, yes.

LATHROP: OK. I appreciate that. Thank you. I don't see any other questions.

CLAY HEATH: Thank you.

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LATHROP: I, I recognize that you came from a long ways away, and I, too, want to thank you for driving all the way here to share your position.

CLAY HEATH: All right. Well, thanks for hearing me.

JEFF BREWER: Good afternoon, Senator Lathrop, committee. Thank you for letting me come and speak to you. My name is Jeff Brewer, J-e-f-f B-r-e-w-e-r.

LATHROP: Welcome, Sheriff.

JEFF BREWER: Thank you.

LATHROP: Yeah, you may open.

JEFF BREWER: OK. A lot of the points that Chief Heath brought up are the same points I have. I want you to know there's, there's a number of different things that-- and I want to make sure we understand that I'm not against training. I don't know very many people in my business that are against training. One of the issues is, and it's, and it's, and it's a big issue, is maintaining certification when I'm already down a third on my force, trying to get these people in to do these 80 hours prior to putting them on the street. You have to have all these certification for different, different parts of, of the 80 hours. How do I send somebody off for two weeks when I'm a third down already to go to whatever trainings there is? How do I get through that and make that work? And it's like, we're kind of against the wall here because my-- well, I have a serious FTO program. Our, our FTO certified, he's-- he come from the big city. And I mean, he is on top of every little piece of it. I wouldn't turn-- and I, I, I think there's a misconception there. It's within our benefit to make sure our officers do the right things on the street. Just to say, well, they come to work, we hand them a gun and send them out, that is-- I've never seen that in my-- we, we all take pride in what our people do on the street. And I would also say that is called basic training another, basic training. And, and, and within that doesn't-- there's no magic saying say that, that means a lot more than training on the street with a good FTO with a good supervisor and, and just life experience. We, we see these things come up time and time again. We're-- we-- and, and the reserve program, and that was mentioned in, in Senator Slama's bill, it was the best vetting program I ever had because I could get somebody in the reserve program. At that time, and the academies messed that up, but that's another story in a different place. But at that time, they went through an online program, was the same as the

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basic program that the academy students were going through. They could go through this program. They could, they could-- they had to go down there for, I think, firearms and DT, defensive tactics, and maybe driving. But I never had one guy that went through that program that-- and we, we used it for hiring. To give you a little background, I started out as reserve in 1983, worked two years reserve. The other officers in the department said, hey, you know what, he's doing great. Let's hire him on. I got on full time in 1985. By 1989, I was a sergeant. By 2005, I was a chief, worked ten years doing that, took a job as an SRO in the schools for a few years, then I got elected as sheriff. I seen a lot of different parts of the rural community and was able to work in that. The issues lied within-- I could get the-- anybody who made it through that course, they never had a problem. I never, never went down to the academy and I got a call from academy going, hey, you know, he didn't, he didn't pass constitutional law or whatever it happens to be. That didn't happen. It was already there, the basis was there. They done a good job and I was, I was very supportive of that program. Unfortunately, that got taken away from us. I have one reserve right now. Due to the amount of hours that's required, and that's not being able to supply them hours and not being able to send somebody off to get these other certifications we need, I'm-- I was unable to keep the other reserves. I just-- they, they weren't going to be able to go down to Grand Island and spend days doing defensive tactics or other, other stuff so I kind of lost that part of it.

LATHROP: Can I ask you a couple questions?

JEFF BREWER: Sure.

LATHROP: So how big is your force when-- you're up in what county?

JEFF BREWER: Sheridan.

LATHROP: Sheridan. How big is your force when you're at full staff?

JEFF BREWER: Six, six and myself.

LATHROP: Do you actually patrol?

JEFF BREWER: Oh, yeah.

LATHROP: OK. So--

JEFF BREWER: We got, we got-- our county is 70 miles by 50 miles, which is a fairly large chunk of-- and we, we-- I can tell you,

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Senator Lathrop, in the last three years because of the meth epidemic, which happens, you know, to affect us fairly harshly where we're at.

LATHROP: Did you say meth?

JEFF BREWER: Yes.

LATHROP: OK.

JEFF BREWER: Because of meth, in 35 years I worked in Gordon PD, the amount of firearms I collected and felonious assaults and other felonious acts, in that amount of time, I never collected as many as I have in the last three. Even though the--

LATHROP: Stolen firearms primarily?

JEFF BREWER: Well, stolen and defaced so sometimes you can't tell if they're stolen. But most of the time the, the serial numbers are, are scratched on them and the, and the-- but what I'm saying is that's the changing environment I'm in. And so is Clay and, and-- or Chief Heath and, and Sheriff Osburn are all-- we all are dealing with some problems that-- we've always had problems, but we're seeing an increase in the, in the, the amount of problems and the, the violence behind the problems.

LATHROP: OK. So if you're fully staffed at seven, how many do you have now?

JEFF BREWER: I have four.

LATHROP: Four. Do you advertise to fill those positions?

JEFF BREWER: Oh, yes, have.

LATHROP: And the challenge is if you have four and two need to go do something or as Senator Brewer tells us drive somebody from Sheridan County to Lancaster County because they need to be in a safe keeper or something like that, you're down, you're down numbers. Do you advertise for those positions?

JEFF BREWER: Sure.

LATHROP: Are you getting any applicants?

JEFF BREWER: No, but--

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LATHROP: So isn't that the, isn't that the real problem that you're facing?

JEFF BREWER: It's part of the, it's part of the problem, but this is the other problem. OK, let's say I decide to-- I, I pick up John Doe off the street, John Doe comes in thinking about career in law enforcement. Good. Now this changes to degree because of where we're at location wise. I prefer to hire people that grew up there because they have a knowledge of the communities and they have a knowledge of-- of-- of the problems that you deal with. But I don't-- I'm not getting that either. So which is why the reserve program was so very vital to me. But, so I put him on, and I have one right now that was-- had 10 years working for the-- the Oglala Sioux Tribe, wanted to transfer over to my department. I can't do anything with him because the next one is September before I can get him through a reciprocity school, so I'm going to send him to the regular academy in May and take my beating there. But what happens is, people who have never dealt with certain things in law enforcement, then there's, you know, it's far from a-- it's hard to understand, but it's things like the smell of decaying human body, which is fairly common for us. We deal with it on a monthly basis. Somebody will die, somebody won't find them, we'll get them. Child molestation case, child abuse cases and you get-- you say, you hire this guy and you send him down to academy, getting through all of it, send him to academy, and the first experience he's got when he gets there is one of these things, and it can be a number of things. It can be traffic accidents and any-- any-- any number of things. And this has happened to me more times in my career than I care to even think about. And they go, you know what? I don't think I can do this, and you can't blame them for it.

LATHROP: No, I wouldn't.

JEFF BREWER: You know. You-- you can't--

LATHROP: But didn't-- didn't LB51 say, you can hire him. You enroll him. You have him do-- is it 80 hours? It's essentially two weeks.

JEFF BREWER: Some of them have the problem with certification. How do I get, because I can't afford to send somebody to certifications 300 miles because there's-- there's so many different parts to that certification.

LATHROP: And you can tell me, I don't remember my bill correctly or even if I do that you still have a problem, but my recollection is because I remember the city saying, we like this period where we can

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find out if they're cut out for the work. So somebody comes into your office and you sign them up, you en-- you enroll them in the academy at the next class. They do essentially two weeks' worth of looking at videos or training, and then they can ride along or-- or be with the field training officer. Am I remembering that right?

JEFF BREWER: Yes. But there still has-- they're still-- and we-- we have-- we put them with the field training officer, but they can't have any contact with the public. It's a--

LATHROP: They have to be under the direct supervision.

JEFF BREWER: And even under direct supervision, you as that person cannot have contact with the public as I read that.

LATHROP: OK. Have you had anybody go through that process yet?

JEFF BREWER: We have a guy that I just-- doing the one I just mentioned that is in-- that is right now doing the ride along portion of things. My-- my true concern there is he's been an officer for 10 years, worked one of the toughest places there is to work, literally the Pine Ridge Reservation has a lot of-- a lot of difficulties to deal with. He's worked there. My concern right now is, is that if my on-duty officer gets into a bind, he-- he can't be involved in it. I don't know how he'll be able to handle that. It's a-- it's a natural-- it's a natural response to assist somebody in trouble and especially when in this situation. And you know, that's my greatest fear right now. I don't want to lose him before I get him into the academy because he stepped in a little over the line, which has been created.

LATHROP: And the last thing I want to do, you having come from Sheridan County, is to be argumentative. But, if-- if what you're asking us to do is allow that person to be in a car by himself and engaged in law enforcement activity, how is that safer or a better test than having him ride around with a field training officer until he can go to Grand Island and the academy?

JEFF BREWER: Well, that is-- that is what we're doing. That is a field training officer and he's a certified field training officer. My-- my greatest concerns here is that before we could actually have these people involved in-- in the field and they could have seen some of them things, whether they've never been introduced to law enforcement or they've had an introduction to law enforcement, [INAUDIBLE].

LATHROP: I get-- I get that there's things you see that I never want to have to-- have to see, and I couldn't do your job. And I'm sure a

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lot of people find that they're not cut out for it. But isn't there a period of time, even under the current law where they do their 80 hours and they can get in a car and then experience a terrible traffic accident, the decaying body--

JEFF BREWER: It's getting that 80 hours is the problem right now.

LATHROP: OK.

JEFF BREWER: Because my certifications trying to maintain and I do get poached on. I've had two-- two officers poached. One left, my-- went to another department, but two were poached. And you know, I understand it's the survival of the biggest pocketbook sometimes and-- and I don't have the biggest pocketbook. I have a-- I have a population in my county of 6,000 people. We have a tremendous problem in law enforcement because some of the other issues are connected to us. But getting that 80 hours, I guess-- I guess to me, I find it difficult to think that, you know, maybe there was departments out there doing the-- you know, here's your gun, here's your keys, go get it. I never run into them. I-- I under-- you know, I've never seen that happen. Every department that I knew of was going, hey, you know what? We want these people to be the very best we can before we send them out, but we need to do it in a-- they need to be part of it as they're doing it. And what I've learned from my agencies that I've worked for, has been a whole lot more than I ever learned from the academy. I mean, it's--

LATHROP: Same with me in the practice of law.

JEFF BREWER: --when they say basic training, it is so basic of training. I mean, for what they're asked to do, so.

LATHROP: Senator Pansing Brooks.

PANSING BROOKS: Thank you. Thank you for being here. Are you the brother of our fabulous?

JEFF BREWER: If he claims me, I'll admit to it.

PANSING BROOKS: OK, well, we're-- we're grateful to have you here today, Chief Brewer. So I guess what I-- you talked about the online program, why was that taken away?

JEFF BREWER: The academy didn't want to deal with the reserve program anymore.

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PANSING BROOKS: OK.

JEFF BREWER: Literally, I-- I have issue with this because I and Sheriff Osburn fought all we could to try to keep the reserve program when I was Chief in Gordon and-- and this is what was told to me by the academy lawyer. He said, you can-- you can just deputize anybody you want, you don't have to have them trained. What do you care?

PANSING BROOKS: You know, I'm sorry, could you say that again?

JEFF BREWER: You can deputize anybody you want.

PANSING BROOKS: Oh.

JEFF BREWER: Well, as a sheriff you can, you can't as a chief, but as a sheriff you can. Only-- we're talking about real problems here, that's real problems. But what happens when-- what happens in situations when you can't get that help? We're-- and I'll kind of give you an example for a second, and I'll give you this. Sunday afternoon, little motel, officer gets called to a disturbance, October of this year. Officer gets there, guy opens the door, girlfriend runs out, he says, I got a gun, don't come in. Brandishes the gun, closes the door. Now, in any real operational person and in any agency with any size, they could call in enough forces. They could get up there, they could block the door, they could empty out the motel. But I have one guy on. I have virtually no reserves because I don't have them. The job that reserves could have done that day, we could have put a team up on the door to maintain that, maintain the front, the back and we could have emptied out the motel. What we had to do was, two of us had to go kick in the door. Fortunately, we got the guns. He got out of the back. We ended up catching him an hour or so later, but it could have been so bad. And it-- it's just because there's not-- not the people there. And I don't-- if I had six officers, it still wouldn't have been enough. We depend on each other in these small communities. In that particular case, I requested assistance from-- from Rusty's department and then Clay's department, but it still takes time to get there. And it just-- it's continuing, we're going downhill and I personally, I don't think the academy is doing anything to help us. And I don't really see that small agencies, and the question was asked a little earlier about how many agencies are under the 15,000 of the sheriff's, there's 73. We make up-- we make up a large part of it, but we-- the problem with sheriffs is, is this, is we don't do a whole lot down here with you guys. I never-- I've been a member of the POAN, been PCAN, all the-- all the agencies, but we don't push hard enough down here and it's-- it's difficult, you know, to do it. We jump up in the

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morning and drive down here. I will tell you, I'm more nerved up about this than I am going to jail and wrestled somebody down the other day all by myself and-- and I'm like, this bothers me a whole lot more than that.

LATHROP: The issue or coming into Lincoln?

JEFF BREWER: Oh, just coming, being in front of a bunch of people that I don't know what-- [INAUDIBLE].

LATHROP: No, you're doing fine. You're doing fine. I think you're-- I think you're communicating your concerns well.

PANSING BROOKS: Yeah, I just--

LATHROP: Were you done or did you have more questions?

PANSING BROOKS: Not quite, but that's OK. Yeah. So I just from the-- did you come to the previous hearing in 2020? Because we have lots of people talking about how the Crime Commission should be doing more and having more access and quicker access and easier access to--

JEFF BREWER: Less red tape.

PANSING BROOKS: --more law enforcement. Yeah. And maybe-- maybe other places around the state rather than just the one training center and certainly an online option would be really helpful.

JEFF BREWER: Two hundred miles for me to go to the Wyoming Academy, 300 miles for me to go to the Nebraska Academy.

PANSING BROOKS: Has-- has there been any effort by law enforcement to try to get them to beef up what they're doing to--

JEFF BREWER: I was contacted by the chief in Alliance. I-- my personal beliefs about it is, our academy will never let that happen. They will put up every roadblock they can.

PANSING BROOKS: Why is that?

JEFF BREWER: No sense of having two big boys on the block, I guess.

PANSING BROOKS: OK. That's highly concerning, and I hope--

JEFF BREWER: That's my personal opinion.

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PANSING BROOKS: --we can deal with that next. That is-- that is not good for our state, especially with the crisis we're having in our communities. Thank you for coming, Chief Brewer.

JEFF BREWER: Thank you.

LATHROP: Senator Brandt.

BRANDT: Thank you, Chairman Lathrop. Thanks for your testimony today. I know it's a long drive down here, and she's zeroed in on exactly what I was going to ask you. If you were running the training academy, from your perspective, what's the one or two things that you would change today because we can change that. We need input from everybody out there on how to do that.

JEFF BREWER: I've had numerous occasions where the I dot wasn't dotted and the T wasn't crossed on some form and they threw it back and I didn't have time to get my guy to that academy so that cost me sixteen more weeks before I could get him to the next one. I've had numerous occasions--

BRANDT: Are you saying that's paperwork or what are you saying, that it's administration?

JEFF BREWER: My community only has one doctor. We have lots of PAs, we have one doctor. We-- we signed-- we had a PA sign. She'd done all the little health checks on him and we sent it down and everything was good to go. And right before he went to the academy they're going, hey, it wasn't signed by a doctor and we couldn't get a doctor to sign the [INAUDIBLE] in time to get it done. It's-- it's the little things that I think they pay a lot of attention to that it-- there just needs to be a willingness to work with small departments. And I don't-- I don't think it's there. They are-- they're just not going to-- they-- they want a hard line, everything in there. And I talked to the Box Butte County Sheriff. She said she has an ex-trooper on her department. He's an eight-- he's out of the Patrol for three or four years. Anyway, has to go back through the academy again. I'm not sure that's all kosher either, but so he has to go back through academy. There's a six-foot box you got to jump up on.

BRANDT: I've seen it. I don't know if I could get up on that.

JEFF BREWER: He can't get up there. Does all the rest, everything else, right, but he can't get up on that box. They're kicking him out, eight weeks into the academy. And I can give you a hundred stories like that. And it's just it's-- it's frustrating for me. And I

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understand they have to have-- they have to have parameters, but their parameters they don't care if we have an officer out there. They're not-- there's nobody there going, here-- here's-- here's what we need to make sure it gets done and what can we do to help you with it?

BRANDT: One more follow-up question. Do you run the jail for your county?

JEFF BREWER: I do.

BRANDT: So then your four guys are also your jailers, or can a jailer be somebody beside a deputy?

JEFF BREWER: The jailer can be something besides the deputy, and I do have a-- one of the problems I run into is I-- I've been poaching off my jail for my roads officers and I'm having a hard time replacing jailers too. Because if I got a really good jailer, then I'm like, you know, how would you like to be a deputy? Got a car and we'll send you down to the academy and get you all this training. And so then I end up pulling and that's wrong, too, because I need good staffing in the jail too. Unfortunately, there's a rotation in the jail on staffing just because of the circumstances of what it is. I didn't want to lose him because I felt maybe he was stagnating in there. But unfortunately, now I'm-- all in all, I have 19 employees--

BRANDT: OK.

JEFF BREWER: --including the jail, dispatching staff. And so I'm constantly in a-- I'm-- I'm probably at a solid third all the way through my agency as being down. Any time we have an incident in the jail, we basically end up bringing in deputies to handle it just because we don't have enough staffing in our jail.

BRANDT: All right. Thank you, Sheriff.

JEFF BREWER: Yeah.

LATHROP: I don't see any other questions. Sheriff, thanks for being here.

JEFF BREWER: Thank you.

RUSTY OSBURN: Oh, good afternoon.

LATHROP: Good afternoon and welcome.

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RUSTY OSBURN: Thanks for hearing from us. My name is Rusty Osburn, R-u-s-t-y O-s-b-u-r-n, and I won't reiterate what them guys went through.

LATHROP: Are you a sheriff?

RUSTY OSBURN: Sheriff, Cherry County,

LATHROP: Cherry County? OK, Sheriff.

RUSTY OSBURN: Cherry County, yeah. I'll just give you a rundown of my situation and my current staff is myself and three officers right now. I'm down one. We've advertised for three months. We have not received a application as of this time, and we've done it through the social media, the online job posting sites, and we just can't attract it. One of my biggest issues is I can't offer enough money to attract somebody from Omaha PD to come to Cherry County, and I can't even compete with the two guys that came up here with me. They pay better than I do. I'm thinking about moving over to their agency. So that's a joke.

LATHROP: They're going to poach the Cherry County Sheriff. [LAUGHTER]
We ought to have a season for this.

RUSTY OSBURN: Yeah, yeah, my reserve staff three years ago was nine. It's down to four now. The youngest guy on my reserve program right now is 61 years old. He went through the old program. The other three that are on there were full-time certified officers that have retired and done the reserve program. That is a benefit to our program, but where it is required now that we have to be in physical contact with them, I can't go to an accident scene and put him on the other end of the accident scene because I probably won't be able to even see him because a lot of rural area out there. That's the nature of our beast out there. And I don't know. These guys have had training and are willing to come out and work with us and do this voluntarily and I think that we should be thanking them guys instead of penalizing them for not having 16 weeks of basic training. That's pretty much what I got to say.

LATHROP: So I want to go back to a point that I was making with Sheriff Brewer.

RUSTY OSBURN: Um-hum.

LATHROP: Under LB51, if you can find somebody which seems to be the biggest problem as--

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RUSTY OSBURN: Right.

LATHROP: --I listen to law enforcement today is actually getting people interested that want to work at the-- the sheriff or the police department. But once they come in, they spend two weeks or 80 hours--

RUSTY OSBURN: Correct.

LATHROP: --getting some very fundamental information, correct? And then they can accompany a field training officer until they're taken into the academy.

RUSTY OSBURN: Right. And my understanding of LB51 is that I got to have the 80 hours of training. Then I go to the field training officer program, which ours usually last two and a half to three months. But I have to have them enrolled in the next basic if there is available space.

LATHROP: Right.

RUSTY OSBURN: If there's not available space, then I have to ask the PSAC Committee for a waiver. And I only get 16 weeks for a waiver and then I have to have them in the next class.

LATHROP: Are you having trouble getting people into that academy now? I know--

RUSTY OSBURN: [INAUDIBLE]

LATHROP: I know it was an issue before, but my understanding is that there-- that there is not a waiting list. Is that no longer true?

RUSTY OSBURN: Now, the last guy that I sent down there, he did not go to the first one we applied him for, he went to the second one.

LATHROP: OK.

RUSTY OSBURN: Yeah.

LATHROP: OK. So if we go back to the field training program, would you agree that before somebody represents themselves to have anything to do with law enforcement, they ought to have a certain amount of training?

RUSTY OSBURN: Absolutely.

LATHROP: OK.

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RUSTY OSBURN: And I think we provide that. We do provide that. I mean, you know, we're not like the Wild, Wild West. We do live out there, but we don't--

LATHROP: I hope none of our questions or, you know, the things that we're doing here imply that we don't have anything but great respect for what you're doing. I'm trying to zero in on what the issue is because if you and I agree that you're having trouble hiring law enforcement--

RUSTY OSBURN: Correct.

LATHROP: --which this may-- this may take people down to Grand Island more than you'd like, perhaps, or for longer than you're like-- you'd like, perhaps. But LB51 isn't stopping people from calling you to be a law enforcement officer. And you agree they ought to have a certain amount of training before they even get in a cruiser. And you don't have a problem with them being through a field training program.

RUSTY OSBURN: That-- no, that's correct, because of the liability.

LATHROP: So tell me where the-- where's the rub?

RUSTY OSBURN: What's that?

LATHROP: Where's the rub for you? Other than trying to get people to answer your ads and say, I'm interested, what part of LB51 is-- is the issue for you?

RUSTY OSBURN: Well, the reserve program is one of the big ones for us because I can't-- I can't utilize my reserve officer in a manner that would allow him to function away from me out of my sight, so to speak. I can't send him around to the back side of a building. They tell me that I have to have him in physical contact. I got to be--

LATHROP: The reserve officer being the person you just hired and--

RUSTY OSBURN: No, no, no, no. The reserve officer I'm talking about is the certified reserve. The noncondition or the noncertified individual is what you're talking about.

LATHROP: I thought-- I thought we were in a circumstance where under a previous change in the law, those folks were all required to do their annual-- like they may have become a reserve officer some time ago, but they still had the annual training requirement.

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RUSTY OSBURN: Correct.

LATHROP: Is that the issue, having them do the annual training requirements?

RUSTY OSBURN: Well, it's become an issue for us just because of the availability of classes for them out there. You know, budgetwise, I can't afford to send four guys down to Grand Island for a week, two weeks' worth of school. You know, the Sheriffs' Association has a conference for three days that you can get your ongoing educational hours through that, but I can't send my whole department down there to do that. Somebody's got to stay back and work.

LATHROP: Keep track of things in Cherry County. That doesn't sound like enough law enforcement officers for something the size of Cherry County. Senator Brandt.

BRANDT: Thank you, Chairman Lathrop. Well, the obvious thing to me is they need to come to you. Why isn't the law enforcement training center mobile and coming out to the rural areas because they can afford to be away, and you guys can't. Has that ever been suggested? I'm not being combative.

RUSTY OSBURN: Well, I think their argument is that they have staffing issues just like everybody else. If they send somebody out to our agency to train us, but I'm all for it. If you can get them to do it, I'm good with that. What I would like to see from the training center is that they go back to training officers. I don't like the idea that they are dictating who can be and who cannot be a law enforcement officer in the state of Nebraska. I would like to see them go back and train my guy how to be safe on the street. And then he's going to come back to our agency and we're going to fine-tune him to our law enforcement up there, which is different than Lincoln and Omaha.

BRANDT: And all of our rural schools have a connection to the community college and all that training goes on. Why can't they use the same connection to train-- to train [INAUDIBLE]

RUSTY OSBURN: We do have Internet out there. We could take advantage of it.

LATHROP: You do have Internet?

RUSTY OSBURN: Yep.

BRANDT: They got good Internet in Valentine. [LAUGHTER]

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RUSTY OSBURN: Now we don't have cell phone service all the time, but we got Internet.

BRANDT: All right. Thank you. Appreciate it.

RUSTY OSBURN: Thank you.

LATHROP: OK, thank you, Sheriff, we appreciate you coming-- being here today. Other proponent testimony?

ELAINE MENZEL: Chairman Lathrop and members of the Judiciary Committee, my name is Elaine Menzel, E-l-a-i-n-e M-e-n-z-e-l, here today on behalf of the Nebraska Association of County Officials in support of LB942. Our thanks to Senator Slama and her work for identifying issues that are facing law enforcement officers and looking into that. I'm not going to take a great deal of your time, but I will address a couple of issues that had been brought up with respect to the number of counties that are under that 15,000 population. It is 74, which then, if my math is correct, that leaves 19 that are above that threshold. And then another thing that has been brought up in terms of potentially the urgency with getting training out of the law enforcement training academy and admittedly, I don't know everything that they've got planned or proposed, but there is within the Governor's-- it's related to COVID funding. That's that big LB1014 that would relate to that. There was \$47.7 million proposed within that legislation. And I didn't have an opportunity-- I had intended to look and see if that was going to be one of the portions that Senator or Chairman Stinner had included within the package along with the Appropriations Committee. But I unfortunately didn't have that opportunity. With that, I'll-- if you have any questions, I'd be glad to attempt to answer them.

LATHROP: OK. I see no questions.

ELAINE MENZEL: Thank you.

LATHROP: Thanks for being here. Are there any other proponents?

GREGORY C. LAUBY: Chairman Lathrop and members of the Committee, I'm Gregory C. Lauby, G-r-e-g-o-r-y, C as in Christian, L-a-u-b-y, on behalf of SR et tu LLC. I'm here today to support LB942 and especially I want to support the revisions that Senator Slama mentioned that she intended to introduce to expand the low population area to a little larger population. I live in Wymore, Nebraska, which is in Gage County. We're about 14 miles south of Beatrice and we have a population of roughly 1,300. Gage County's population is about 21,500.

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Beatrice itself has a population of about 12,500. So Wymore is-- is a really small town compared to what the overall population of Gage and Beatrice are. Wymore has a small police force, a budget of approximately \$225,000 that is expected to fund a three-person department and their equipment. Right now, we have a temporary police chief. A newly-hired individual is in training at the Nebraska State Patrol academy, and we're hoping, or at least the city is hoping, that he isn't poached by a larger department before or immediately after he graduates. Our police chief recently resigned, and so his position is being filled by the temporary individual. Filling his position before him took over a year and a replacement is-- is being advertised, but it has not been located. Even though right now we're just advertising for someone to fill a regular officer's position. The required training, we were told, could mean that a noncertified applicant would have to be trained for over a year or more before the individual could carry a gun and make an arrest. Now this was from the Sheriff of Gage County and the Beatrice Chief of Police, and the implicit implication was Wymore should dissolve its police department, turn the money over to the county and rely on the sheriff's services. However, that meant a response time for anything in Wymore that could run up to two or three or more hours if the two night-time deputies happened to be in the far side of the county when the call was made. So I'm-- I'm encouraged that Senator Slama [INAUDIBLE] recognizes this problem and is trying to make some assistance that may help Wymore preserve its police department in a form that's suitable for them. And with that, if there are no questions, I thank you for your attention.

LATHROP: Senator McKinney.

McKINNEY: Thank you, Senator Lathrop, and thank you for your testimony. I'm a little ignorant to this. I'm sitting here thinking, is it possible for you guys to make officers that come on in your department, the smaller communities to sign like some noncompete agreement? You know, like when somebody goes into the tech industry and they leave, they can't work. Say, you work at Microsoft, you can't work for somebody else for X amount of time. Is that legal or possible?

GREGORY C. LAUBY: Well, first of all, I don't speak for the city or the police department. I'm just a citizen of Wymore.

McKINNEY: OK.

GREGORY C. LAUBY: So I'm not familiar with exactly all the details, but I was told that they had a five-year agreement with the individual

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who was going to join the force before. When he graduated, he spoke to an attorney and another larger department that informed him that that agreement was illegal, probably because of the five-year time period. Now, I'm told that they have a two-year agreement with the individual who is presently going through. The concern is that some larger force will offer to buy out the cost of the penalty clause if he doesn't keep that agreement.

McKINNEY: OK, thank you.

GREGORY C. LAUBY: Sure.

LATHROP: OK, thank you, Mr. Lauby.

GREGORY C. LAUBY: Thank you.

LATHROP: Any other proponents of LB942? Any opponent testimony?
Welcome back.

JIM MAGUIRE: Good afternoon, Chairman Lathrop, members of the Judiciary Committee. My name is Jim Maguire, J-i-m M-a-g-u-i-r-e. I'm president of the Nebraska Fraternal Order of Police, and we're here to oppose LB942. We certainly appreciate Senator Slama's strong support of law enforcement, along with every senator that is here, but what this bill does essentially is create two classes of law enforcement officers in Nebraska by saying, if you're above 15,000, you've got to have all this training, but if you're below, you don't need hardly any training. And that's where a lot of our issues are with. If you're going to have an officer that is going to be out on the street, they need to be fully trained. They need to know the rules. And one of the stipulations that we put into LB51 was that you have to be certified with your handgun. You could certain-- you could-- now we're going to go back to a-- to a place where you would be flipping burgers one day and the next day, we're going to give you a badge and a gun, we're going to say, here you go, go out there and we're not going to have any training. You can do it for a whole year. And that part is-- is concerning because that's where departments get into trouble. It's almost to the point where we're trying to save them from themselves. So that's-- that is our-- our heartburn over the bill. LB51 has only been in place for six months. So give it time. We talk about the training aspect and everything else. Well, the good thing is, yeah, it went from 22 hours a year to 28 hours. But now we can do it all online. So they can-- they can-- if they have Internet access and their-- in their computers, in their cars, they can do the training online. They can do it right there. So to me, if you were going to--

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the argument that the training aspect is too hard, I just-- I find it difficult to believe that you can't find 28 hours during the course of a whole year to sit in front of a computer and answer some questions or watch a video that is going to improve your knowledge on the ever-changing aspect of criminal law. So there are-- yes, there are limitations to the reserve officers, but all we're saying is that they-- if you are going to have them, they have to be physically present in front of another officer. They're not certified. The other portion regarding that is-- is the-- some of the things that they can't do is, we're asking them, you can't make an arrest without them. You need to have somebody that is there. We used to have reserves in Douglas County before they left and I had a friend of mine who was one, and he was upset that Douglas County got rid of them. And then he became a deputy and he was on for a couple of years. And he-- he came up to me afterwards and he says, you know, I never really knew how much I didn't know as a reserve until I became an officer for a couple of years. So that part right there, I understand their dilemma, and that's why we're presenting multiple bills to-- to improve the retaining and the recruiting of officers. But I would say that this bill is-- we haven't seen the data to show that it's-- that we have to make these wholesale changes again. So thank you.

LATHROP: Any questions for Mr. Maguire? Senator Pansing Brooks.

PANSING BROOKS: OK, thank you for coming, Mr. Maguire. It is a good point that it's only been in place-- that LB51 has only been in place for six months. Can you speak to the fact that I think it was-- going to look at my notes here. I'm sorry. I think it might have been Sheriff Osburn. But anyway, one of them talked about the online program not being available and then you're saying online is available, so.

JIM MAGUIRE: It's-- it's free. The state of Nebraska did an appropriation for the next two years that every certified officer has-- has a-- it's a-- it's a subscription through PoliceOne. It's a PoliceOne Academy. They are the premier, they're the gold standard of-- of doing these online training portions. So every one of them have this and it is available. All they have to do is-- the Crime Commission should have sent something out to say this is how you log into it. But that was part of the appropriation through LB51 to say, you know, because before they used to say you had to do 22 hours of training and that was it. It could be anything. And then we said, well, if you're going to do training, you almost need to do specific training. Let's talk about the First Amendment. Talk about the stuff that's really going to get you sued. That's the stuff. We need to do

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de-escalation training. We need to have the anti-bias training so that-- those are the things that are-- that are available to every officer in Nebraska and it is free.

PANSING BROOKS: So is that through the Crime Commission?

JIM MAGUIRE: It is-- it is through the Crime Commission. That was a portion of LB51--

PANSING BROOKS: OK.

JIM MAGUIRE: --that said, we're going to do all this-- we're going to do all this training. There was an appropriation that was made last year that says not only are we-- we're not going to do it just for one year, we're going to do it for two years so that everybody gets a handle on this. So it is-- it is available to everyone.

PANSING BROOKS: OK. So how does this online 28-hour course-- is that correct? How--

JIM MAGUIRE: You could do any-- any of the courses. They're just-- they're training. It's like a catalog. You could do one on how to de-escalate. You could do another one on--

PANSING BROOKS: OK.

JIM MAGUIRE: This is what-- these are the new laws on search and seizure, and you need to know about this stuff.

PANSING BROOKS: It's like our requirements as members of the bar?

JIM MAGUIRE: Sure. Yes.

PANSING BROOKS: Continuing legal education.

JIM MAGUIRE: It's continuing ed.

PANSING BROOKS: So, but that's not the same as the certification that we've also been talking about.

JIM MAGUIRE: No, that-- the original certification goes through Grand Island or whatever academy that you're going to go through.

PANSING BROOKS: OK. What-- and could that be done remotely?

JIM MAGUIRE: No, because there are certain portions of it that need to be hands on. If you're going to-- if you're going to do, let's say,

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defensive tactics, that you need the-- you need a hands-on partner for that. Before LB51, and even to this day to a certain extent, there are no rules. There are no-- there are no rules or regulations on who is considered a field training officer. The only thing we said was, well, you can't have a brand new officer out there with-- what's-- you know, you're going to train somebody that's only been on two weeks. That's not-- that's not reasonable. Let's at least put a stipulation that they have to be on three years.

PANSING BROOKS: OK. So I can understand because we've heard from a number of people from smaller communities and here you are, I believe from Omaha, right?

JIM MAGUIRE: Well, I am from Omaha, yes.

PANSING BROOKS: And so, of course, they're thinking, well, that's really handy because Omaha has a big force and you can, you know, Omaha can afford to send their people to Grand Island. But what about some-- would something work where like a mobile center would go and multiple semis that could bring out the things periodically?

JIM MAGUIRE: There is nothing to prevent the-- the Crime Commission or the Police Standards Advisory Council, who works for them, to come up with a program that if you're talking about continuing ed or if you're talking about other things, to have them go to those agencies. It would be a really good idea to have a-- an academy, let's say, a permanent academy for officers out west. It's going to be really expensive and they're trying to rebuild Grand Island. And believe me, I know after all the hearings that we've had with-- with the training academy and their dilemma in getting enough people and how we, you know, they've got-- there is a waiting list. But part of that has to do with submitting people's names in and not realizing that some of them aren't qualified so that they can't go there. So there-- there's-- I'm not going to put all of the blame on-- on the-- the dilemmas that Grand Island has, but they have-- they have to share part of the blame.

PANSING BROOKS: It seems like this is more of a Crime Commission problem where they need to be, and they may not have the funding. So I'm not blaming that they don't have the funding, but rather than an LB51 problem, this seems to me to be an issue where the Attorney General and all of us in the Legislature need to be bolstering that Crime Commission so that they can accept people as the officers are hired.

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JIM MAGUIRE: The-- the-- the good thing and the bad thing is that we have identified a list of deficiencies that have been going on in law enforcement training for decades. And the time has come that we need to shore it up, not at the expense of the citizens because they deserve better, but we have to-- we have to do things better and we have to do it right and no matter what, we have to treat this as a profession.

PANSING BROOKS: Have you followed the ARPA funding that Ms. Menzel referenced?

JIM MAGUIRE: Talk about the-- the-- the allocation for Grand Island?

PANSING BROOKS: Yes.

JIM MAGUIRE: Yes.

PANSING BROOKS: So is that allocation to beef up the programs or is it mostly for facilities?

JIM MAGUIRE: There's a chief behind me that I think-- that might come at a different bill. He has been more involved in that.

PANSING BROOKS: OK.

JIM MAGUIRE: But I know a lot of it has to do with just the facility itself. But there were-- there was appropriations in LB51 to give them more money for-- for instructors. And because now we have-- everybody has to be-- all departments have to be certified. So now we have basically an auditor that's going to improve and make-- make all agencies more professional. So there was so much good that came out of LB51 that-- that this going backwards, I think, would be a mistake.

PANSING BROOKS: I agree. Thank you so much for being here today.

LATHROP: I don't see any other questions. Thank you.

JIM MAGUIRE: Thank you.

LATHROP: Good afternoon.

BOB LAUSTEN: Good afternoon. Thanks, Chairman Lathrop, members of the Judiciary Committee. I'm Bob Lausten, Police Chief in La Vista. I want to start by saying I agree with everything Jim said, Maguire, in that last testimony. But one of the things I wanted to bring about that's in this current bill is regarding the reserve program. I was on PSAC

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from 2008 to 2016, and during my tenure we actually took action to require reserves to have the full law enforcement training. When we reviewed this, roughly 2014, reserves only had to have 144 hours of training that could be taken online. There was no driving; there was no interaction; no physical skills; no defensive tactics; no de-escalation. It was pretty-- pretty simple. We looked at that and said, you know, that just isn't right. My original agency out in Los Angeles where I started with, they have different levels of reserves out there depending on what their job duties are, and what we heard from some of the sheriff's departments, that they utilized reserves for court security. So one of our ideas and concepts was, can we establish a different level of reserve in Nebraska? For instance, if you're just going to do court security, do you need the powers of arrest which wouldn't require full certification? Do you need support with traffic control? Right now, community service officers can take accident reports. You don't necessarily have to have law enforcement powers or powers of arrest or a firearm to take accident reports. So we put together a committee that was made up of a couple of chiefs in central Nebraska, and I think there was one from northeast Nebraska, and I know there was one from Fremont. I think they met twice. Nothing ever came back. So part of the problem I think we get, we should be fixing our own problems. We need to rethink how we do policing. You've heard about that already. But we-- we started with it. We threw a concept out. Nobody picked the ball up and ran. You can't put the blame on the training center for this because this is something that law enforcement needs to do. There are solutions for some of the things that the sheriffs just talked about. You heard about staffing and you also heard about a certification issues, but a lot of it went back to staffing and you've heard that all day. There are ideas out there, but we need somebody to get together and I think right now we've never been more united. You know, we have the Scottsbluff Chief here. We have people from eastern Nebraska, central Nebraska. The NSA is finally talking to PCAN who's talking to the FOP. We're all on the same page. LB51 I think brought us together, but I think we need to get together and come back with some solutions and bring this, whether it's to the Police Standards Board or it's to a receptive staff at Grand Island that will take these ideas and work on them and help us do this, but there are solutions, especially in the reserve program.

LATHROP: OK.

BOB LAUSTEN: Thank you.

LATHROP: I appreciate that testimony and I, you know, I kind of have been watching the fellows that have come all the way from Gordon and

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Sheridan County while the city people are talking, they're like, you all need to get together because some of the things, and Senator Brewer and I had this conversation while we were working on LB51, there are some things that you-- that they need reserves for, for example, when they have a fair or those are just-- I don't want to call them people that help with parking, but traffic control, very basic things that don't involve arrest that may help with their staffing issues or with their-- with their needs. But we just go, well, it's this or it's nothing. And I think you're right, it sounds like there's an opportunity.

BOB LAUSTEN: The can has been kicked down the road, Senator. It's about time we pick it up, and I don't know how long it's going to continue, but it needs to stop. We need a fix.

LATHROP: OK, well, I appreciate you being here, Chief.

BOB LAUSTEN: Thank you.

LATHROP: Any other opponent testimony? Anyone here in a neutral capacity on this bill? Seeing none, Senator Slama, you may close on LB942. We do have seven position letters that are all proponent letters.

SLAMA: Thank you, fellow committee members, for your thoughtful questions and your thoughtful attention to this issue, and LB942. Just to respond to a few points that were raised, I'm really not surprised that Omaha-- reps from Omaha and La Vista came and opposed. And with all due respect, this issue isn't an Omaha issue. It's not a La Vista issue. It's a Valentine issue. It's a Pawnee City issue. Our rural officers face an entirely different world of challenges than our urban officers and a one-size-fits-all approach we're seeing isn't serving our departments well. I-- there's a complete misconception. It was brought up during LB51 and it's been raised in this hearing that our rural sheriff's departments are capable of just fully "Barney Fifeing" it and just giving someone a gun, saying, go-- go patrol the streets. That was something that in our responses and in our communications with our rural sheriff's departments and it was raised today, they take offense to that. That's-- that's an attack on the professionalism of their department and their thoughtfulness and their approach to how they operate. It's a huge liability for the county to send some guy out with gun who doesn't have any training. Of course, they're training their officers. There was not a single exception when I was speaking to rural sheriff's departments of-- of course, we train our guys extensively before we send them out. You're-- you're setting the

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county up for a huge potential liability if you're not. The Reserve Officer Program, that's referenced on page 18 in Section 8, sub 2. So right now, just to speak a little bit more to the issues raised by Sheriff Osburn with the Reserve Officer Program, which I'm glad you asked questions about because as it's structured right now because its LB51, if this reserve officer is in another room, they can't operate. They can't do their job if they're not under that direct supervision of a law enforcement officer and that-- that does create problems for our rural departments where numbers matter. If you're operating with two guys and you've got one reserve officer, you're going to be in situations like was raised where the reserve officer, just in a matter of protecting public safety and doing his job could be out of the sight of the officer. Like, it's a completely normal thing that could happen. When it comes to LB942, I'm open to negotiating with anyone on this, whether it's combined with other investments and programs, whether we rework different sections of the bill, I'm fine with that. I am just genuinely trying to address a very clear issue that's compromising public safety and putting our guys and their lives at risk at times in our rural areas. So thank you very much for your consideration of LB942. This is something I obviously care very deeply about and am considering as a potential vehicle for a pri-- priority bill. So please, I'm-- I'm completely open to negotiating and working on changes.

LATHROP: OK. Senator Pansing Brooks.

PANSING BROOKS: I'll just say thank you for bringing this bill. I think it does have, you know, obviously we're hearing two very different and strong sides of this issue. And so again, I think that we have some hope that we could get more help from the Crime Commission, not necessarily from their building, but from their ability to give the classes more often. And we've got to make sure that the smaller communities have better access to employees to protect their communities.

SLAMA: Sure. And I think it goes beyond just having more classes at the training center in statute. We need to rework some things to make this a more functioning set of statutes, regardless of whether you're operating in Omaha, Ogallala, or Ord. So I appreciate your consideration and your questions.

PANSING BROOKS: Thank you.

LATHROP: Very good. Thank you, Senator Slama. That will close our hearing on LB942 and bring us to LB1241.

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PANSING BROOKS: Welcome to your committee, Senator Lathrop.

LATHROP: Thank you, Vice Chairman Pansing Brooks and fellow members of the Judiciary Committee. My name is Steve Lathrop, L-a-t-h-r-o-p. I'm the State Senator from District 12 that includes Ralston and parts of southwest Omaha. I'm here today to introduce LB1241. LB1241 was brought to me by the League of Municipalities to help local law enforcement agencies address a shortage of law enforcement officers in many areas across the state. LB1241 would help to address this by providing an expedited process whereby police officers in good standing in other states can apply for positions in Nebraska and quickly become certified. Specifically, this reciprocity process would require that an applicant do the following: (1) be eligible for admission to a training academy as already defined in statute; (2) pass a physical fitness test; (3) have completed a training program equivalent to a Nebraska training academy or have actively engaged as a law enforcement officer during the past four years; (4) pass the reciprocity test approved by the Police Standards Advisory Council. This test is to be offered at least once a month. Applicants would not be able to exercise law enforcement authority until the certification process is complete, except that they may serve as a noncertified conditional officer until they're certified. In addition to this bill-- in addition to this, the bill has two other measures. One, it would revise the definition of a law enforcement training academy to include facilities operated by multiple agencies pursuant to an interlocal agreement. So some agencies out in the Panhandle, for example, could enter into a interlocal agreement to create a training academy. It would remove the requirement for an officer to complete continuing education in the year of their retirement. Sheriffs and police chiefs testifying after me today will contrast Nebraska's current reciprocity process with the expedited provisions in LB1241 and explain the reasons for the other provisions of the bill. I'm told that proponents will bring an amendment. Some concern about introduced language of the bill have been raised, so I'm not sure we've got all the details exactly right in the original bill. But it is an issue that needs to be addressed, and I look forward to working with the committee and law enforcement to find the best solution.

PANSING BROOKS: Wonderful, thank you, Senator Lathrop. Any questions for Senator Lathrop? I don't see any.

LATHROP: OK.

PANSING BROOKS: Now we'll take proponents. proponents. Welcome.

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KEVIN SPENCER: Thank you. Thank you, Senator Lathrop and members of the Judiciary Committee. My name is Kevin Spencer, K-e-v-i-n S-p-e-n-c-e-r. I've been the chief of police of the Scottsbluff Police Department since 2013 and served in law enforcement for over 30 years. I'm testifying today on behalf of the Scottsbluff Police Department and as the president of the Police Chiefs Association of Nebraska, also referred to as PCAN. I'm also testifying on behalf of the League of Nebraska Municipalities. First, I want to thank Senator Lathrop for introducing LB1241. I appreciate Speaker Hilgers and Senator Pansing Brooks for cosigning the bill. I also thank the directors and the staff of the Crime Commission and the Law Enforcement Training Center in Grand Island, who are extremely committed to assist law enforcement agencies across the state with the limited resources and staff available. The NLETC trains all police officers except those from Omaha, Lincoln, Bellevue, Papillion and La Vista. OPD and LPD train their officers at their own academies. The officers of the other three cities are trained at the Sarpy-Douglas Law Enforcement Academy. NLETC also trains officers from all sheriff's departments, except those officers from Sarpy and Douglas County. As Senator Lathrop indicated in his opening remarks, law enforcement agencies across Nebraska are facing a crisis in retaining officers, attracting applicants certified in other states, and processing reciprocity applications in a timely fashion due to our current laws. I want to emphasize that it is far easier for a Nebraska law enforcement officer to become an officer in another state than it is for a certified officer in another state to become a certified Nebraska officer. Cozad Police Chief Mark Montgomery will be contrasting Nebraska's current reciprocity process with the expedited reciprocity program-- program of the LB1241. It should be noted that Nebraska only has two five-week reciprocity courses available annually. LB1241 is based in large part on Utah's reciprocity law and waiver process, which allows applicants to apply and be tested throughout the year. Buffalo County Sheriff Neil Miller will explain the provisions on page 8, line 9-12 relating to the continuing education requirements from officers retiring. La Vista Police Chief Bob Lausten will explain the need to add the language in LB1241 to the definition of training academy on page 4 of the bill. I now would like to review the proposed amendment to LB1241, which was provided to the committee. The purpose of the amendment is to further expedite the reciprocity process. On page 9, line 12, the proposed amendment would add language to state that after an application for reciprocity is submitted to the Police Standards Advisory Council and requirements for the reciprocity program are complete, the application shall be approved or denied by the council within 45 days of completion of the application as provided in this section or the

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application shall be deemed accepted. This language provides a definite time frame to enable law enforcement agency-- agencies, as well as the applicant, to plan accordingly. To expedite the reciprocity program in Nebraska, the proposed amendment also would insert a time frame on page 10, line 30 after the word "test" to require PSAC to develop a study guide for reciprocity test within three months after the effective date of this act and provide this study guide to applicants. Utah's successful reciprocity waiver process is available for PSAC to use as a template. Undoubtedly, there are other states with similar study guides for PSAC to consider in developing Nebraska's study guide. Thank you for your thoughtful consideration. I'd be happy to answer any questions.

PANSING BROOKS: Thank you so much, Chief Spencer. Does anyone have any questions for the chief? I guess I have a question. Could you just explain about the-- the amendment, the first amendment?

KEVIN SPENCER: Yes.

PANSING BROOKS: And that it should be approved or denied by the council within 45 days of completion of the application? Can you just go into that a little bit more detail why you were needing that?

KEVIN SPENCER: Yeah, we thought that was a reasonable amount of time. Once the application is submitted and all the requirements are met for them to review the curriculum of whatever state they're coming from and their training and make a determination. So it just puts a deadline on that so it has to be done.

PANSING BROOKS: So it doesn't go on and on forever, right?

KEVIN SPENCER: Yes. Yes.

PANSING BROOKS: OK, thank you. Wonderful. Any other questions? I don't see any. Thank you for coming here today.

KEVIN SPENCER: Yep. Thank you.

PANSING BROOKS: Next proponent. Proponent. Welcome, Chief.

NEIL MILLER: Good afternoon, Senator Pansing Brooks, members of the Judiciary Committee. My name is Neil, N-e-i-l, Miller, M-i-l-l-e-r. I am the Buffalo County Sheriff and I am also testifying for the Nebraska Sheriffs Association. I would like very much to tell you about that, what Chief Spencer said about the line I'm supposed to talk to you about. However, I came to the meeting late from a 911

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meeting at the Public Service Commission, so I have not had a chance to review that. I'm hoping someone behind me can do that--

PANSING BROOKS: OK.

NEIL MILLER: --so we can talk about that particular section. What I would like to tell you is that the Nebraska Sheriffs Association, the Police Chiefs Association, Police Officers Association, Nebraska Police Officers Association of Omaha and the FOP have all worked together looking at different models of how reciprocity can work in other states and, in our opinion, be more efficient than what Nebraska's is. A lot of what you have in front of you came from Utah, and we were very impressed with the information that we got from the Utah Post in that they were able to take advantage of those states next to them where officers were looking to go somewhere else and were able to be brought into the state of Utah in an expeditious manner, with good background being done with-- with all the things necessary to make sure that we are not hiring someone who's leaving or fleeing another state because they've gotten themselves into trouble or in bad standing. So I think that based upon what we've done with this and how this-- this bill looks, there's a lot of consideration been given to-- to making sure that we're not getting someone from somewhere else that's a problem, but that we are doing everything we can to bring law enforcement officers who want to move someplace else into the state of Nebraska. I said earlier, this is my third time. I apologize, but we have a crisis and we're looking as a group to try and do anything we can to make sure that we have law enforcement in all of the communities in Nebraska so that they can feel safe by having people there. So with that, I would answer any questions that anyone might have.

PANSING BROOKS: Senator DeBoer. Thank you, Sheriff.

DeBOER: Thank you very much for being here. So do you have any idea about how many officers currently are coming in through reciprocity?

NEIL MILLER: You know, I don't-- I don't think we're tapping the reciprocity spigot because the process is only two classes a year. We're just not-- we're not tapping that. I think that there's too much time that has to go by. You know, if an officer says, I'm ready to go and I want to go to another state, boy Nebraska, you look really good. How do I sit for five months with a certified officer from another state and wait for them to get in to be able to go through the reciprocity program? So I think that part of us being able to see some numbers from reciprocity are going to come from some type of a law

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like this LB introduced to give us a faster track to get them in, get them trained to Nebraska law, and get them out on the street serving the communities.

DeBOER: So this is not primarily focused on shortening for those who are already going through the reciprocity. This is to try and get some more to take advantage of the reciprocity.

NEIL MILLER: This is streamlining the process and it's a part of what we have as our recruitment and retention package that we wanted to bring before you this year.

DeBOER: OK, great. Thanks.

PANSING BROOKS: Senator Brandt.

BRANDT: Thank you, Vice Chair Pansing Brooks. Thank you, Sheriff, for your testimony. Today, the reciprocity class is 5 weeks and full training is 16 weeks. Would that be correct?

NEIL MILLER: I'm going to ask for some assistance with that. Five weeks?

BRANDT: Five weeks for reciprocity, right? And that's offered twice a year, and this bill would shorten that, or it would still stay the same?

_____ : [INAUDIBLE] certification [INAUDIBLE]

PANSING BROOKS: We can't. I'm so sorry, We'll wait for you.

BRANDT: I will-- I will wait to ask--

PANSING BROOKS: We'll wait for the--

NEIL MILLER: I don't want to misspeak on that. So I'm going to-- I'm going to let--

BRANDT: Wait to ask that question. Last question. And you should be able to-- to give me some insight on this. You know, you get a Nebraska driver's license. You drive to any other state, doesn't make any difference, your driver's license is kind of the same in all the other states. The laws are the same. Law enforcement certification, if you got an applicant from Hawaii or you got an applicant from Maine or you got an applicant from Kansas, are they similar?

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NEIL MILLER: I think that they are. They're the rules of the road. One of the things that we make that even more sort of Nebraska's rules of the road compared to another state's rules of the road. When you look at the curriculum that is being taught in these training academies across the United States, you'll see that they're very similar. It's very similar training that goes in. But then you have those state-specific trainings that you need to cover so they understand what the rules are for a particular state that would be for Nebraska, and that's what would be in this bill.

BRANDT: All right. Thank you, Chair.

PANSING BROOKS: Thank you. Thank you. Also, thank you for being here, Sheriff Spencer [SIC] and I was wondering, you talked about all the different police and sheriffs organizations that have worked together on this. And I think you mentioned a couple rural chiefs since we just had the issue where the rural chiefs were clearly not feeling-- and you are a rural sheriff. Well, not really, Scottsbluff, but anyway. So has-- has that been really communicated across the spectrum to the more rural departments?

NEIL MILLER: And I'm the-- as the president of the Nebraska Sheriffs Association, let me tell you that there is not agreement here. I wish that there were.

PANSING BROOKS: There is not.

NEIL MILLER: No, there is not. We've agreed with the different groups, police chiefs, police officers, Omaha group, we've all-- we've all tried to work together. I think that what happens here is there is so much hurt in these smaller agencies that they're-- they're worried about staffing. They're worried about how am I going to fill a shift tomorrow to be able to provide law enforcement to my community? So their-- their needs and then what they have going on are different than what mine are in Kearney.

PANSING BROOKS: Yeah.

NEIL MILLER: As the Buffalo County Sheriff, it's-- it's different.

PANSING BROOKS: I'm sorry, I thought Scottsbluff.

NEIL MILLER: That's OK. That was Chief Spencer. And he was-- he was--

PANSING BROOKS: Oh, you're right.

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NEIL MILLER: That's OK.

PANSING BROOKS: You're Sheriff Miller.

NEIL MILLER: Chief, Sheriff, it's OK. It's OK.

PANSING BROOKS: OK, got it. Yeah. I'm sorry.

NEIL MILLER: But the-- the needs and the problems that they have are a little bit different than what mine are. And so we are all trying to get together on the same page. Will we always be able to make everybody happy, depending on the size of the agency? Probably not. But we can work towards coming together to try and make things better.

PANSING BROOKS: OK, so I have another question, Sheriff Miller, and I do know because you've done a lot of work in broadband, so I do know that. I'm sorry.

NEIL MILLER: That's OK.

PANSING BROOKS: So I'm wondering, this bill we were hearing came mostly from Utah, and they have-- they have vast rural areas or smaller communities and must have similar problems that we do of trying to get people into the-- into the smaller communities to work there. Have they solved the issue that you're speaking of that we're going to hear about? Or have you looked at Utah and how they're-- how this-- this legislation is helping their smaller communities?

NEIL MILLER: Yes. And they have seen their numbers go up. They have recruited and they've trained a number of officers, I would guess, a lot more than what Nebraska had. And that's one of the reasons we looked at Utah was because they were very similar to Nebraska and large population areas, but relatively a rural state. And when I tell you that not all are on the same page, I'm talking about they are all on the same page, I believe, for this particular LB.

PANSING BROOKS: OK.

NEIL MILLER: I think everyone supports that.

PANSING BROOKS: OK. OK.

NEIL MILLER: Where we find our difference of opinion is whether or not LB51 is keeping people from coming in the front door. And so that that ends up being where we don't necessarily agree.

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PANSING BROOKS: OK, wonderful. Thank you. Thank you very much, Sheriff. Any other questions? No, I don't see any. Thanks for being here today.

NEIL MILLER: Thank you very much.

PANSING BROOKS: Next proponent.

MARK MONTGOMERY: Afternoon.

PANSING BROOKS: Good afternoon. Welcome.

MARK MONTGOMERY: Senator Pansing Brooks, thank you. Members of the Judiciary Committee, I'm Mark Montgomery, M-a-r-k M-o-n-t-g-o-m-e-r-y. I'm the Chief of Police at the Cozad Police Department, a position which I've held the last five years after serving three years as the Chief Deputy at the Dawson County Sheriff's Office. I also was the Cozad Police Chief for nine years before going to the sheriff's office. In short, 14 of my 33 years in law enforcement have been as the Cozad Police Chief on two separate occasions. I'm testifying today in strong support of LB1241 and the proposed amendment on behalf of the Cozad Police Department and the Police Officers Association of Nebraska, which I'm a board member. I want to sincerely thank Senator Lathrop for introducing LB1241 and Speaker Hilgers and Senator Pansing Brooks for cosigning the bill. In addition to my experience as a law enforcement officer with the city and county government, I was also privileged to serve on the Police Standards Advisory Council, commonly referred to as PSAC, for eight years. PSAC serves the Nebraska Crime Commission and is responsible for establishing the standards, rules, and training for the certification of law enforcement officers in Nebraska, including the reciprocity process. Law enforcement officers and their respective organizations across the state sincerely appreciate the dedication, hard work of the directors and staff of the Nebraska Law Enforcement, excuse me, staff of the Nebraska Crime Commission and the Nebraska Law Enforcement Training Center. Those people work very, very hard. The law enforcement community of Nebraska is in a crisis and you guys have heard that multiple times today. The reason we're saying that is because it's true. Due to the lack of qualified candidates to fill critical law enforcement positions, LB1241 is critically important. We need more than two five-week classes a year for reciprocity training of our officers from other states who want to continue their law enforcement careers in Nebraska. The current reciprocity process does not allow for an easy transition of law enforcement from states, excuse me, from other states to become part of the state of Nebraska law enforcement. LB1241 would make much

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needed changes to the current reciprocity process. LB1241 would allow Nebraska agencies to easily recruit from surrounding states and further and help fill the vacant positions in Nebraska with qualified enforcement officers. LB1241 is supported by the Police Chiefs Association of Nebraska, Police Officers Association of Nebraska, Nebraska Sheriffs Association, Nebraska FOP, and many others. All of the professional police organizations have come together to support LB1241, along with NACO and the League of Nebraska Municipalities. This is a positive step towards opening a pathway to recruit others to the great state of Nebraska. Please advance LB1241 with the amendment to General File. Thank you for consideration and I will take any questions you may have.

PANSING BROOKS: OK, thank you very much, Chief Montgomery. Any questions? Yes, Senator DeBoer.

DeBOER: Thank you for being here. Have you had an experience where someone wanted to come from a different state and then couldn't get in either to, the class was far off or something? Is this something that you've experienced firsthand?

MARK MONTGOMERY: I have not. I do have an officer that did go through the reactivate, I'm sorry, the reciprocity process. And for the most part, I actually talked to him today about his experience and it went pretty well for him. It was a long, drawn-out process. The one thing you've heard time and time again today is with LB51 and the 80 hours, you're a little bit limited on how soon you can use that officer. I have many opinions on that, but that's probably for another day. But Sheriff Miller talked about the Utah process, and reviewing that, it is very simple. And I really think this bill will help us fill some of these positions.

DeBOER: That's great. How big is your department?

MARK MONTGOMERY: I have eight officers, and that includes me.

DeBOER: And how many do you have right now? I mean, is eight, how many you are supposed to have?

MARK MONTGOMERY: I have eight.

DeBOER: How many should you have?

MARK MONTGOMERY: Eight.

DeBOER: OK.

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MARK MONTGOMERY: I have one waiting to go to the training center.

DeBOER: OK. All right, thank you. That's it.

PANSING BROOKS: OK, any other questions? I don't see any. Thank you for being here today, appreciate it.

MARK MONTGOMERY: Thank you.

PANSING BROOKS: Welcome.

BOB LAUSTEN: Thank you, Senator Pansing Brooks, members of the Judiciary Committee. Bob Lausten, B-o-b L-a-u-s-t-e-n. I'm the chief of police in La Vista. Today, I'm also representing the United Cities of Sarpy County. I'm here to testify in support of LB1241. The proposed changes to the reciprocity process are long overdue. As you've heard, the process for out-of-state laterals is outdated and overly cumbersome. I'm one of those who came to Nebraska from out of state. I lateraled from Los-- the Los Angeles area in 1990 and the certification process was one and a half days at the time. Our training was compared to Nebraska-- to what Nebraska required. There was four of us in the class. We were in a classroom setting for a day. We took several tests. The next day, we qualified on the range. Then we went back to our agencies and we followed up with our in-service training with our agencies, de-escalation, defensive tactics. Everything else was done back at the agency. Now, to get into the reciprocity process in Nebraska, you have to take a test just to get into the process. If you fail that test twice, you can't go through reciprocity. You got to go through the state academy. That's just to get in. When I was on PSAC, I asked to see that test and I wanted to take that test and I wasn't allowed to do that. I wasn't allowed to see the testing that was even done that PSAC approved. We weren't able to see it. Now it's the five-week program at Grand Island. You could take up to a year to get somebody certified because of the scheduling that they got. The old school thinking the decision makers at the NLETC have there needs to change. And this bill hopefully forces that. We need to open up the transfer portal for police officers. We need cops, not long snappers. We're losing two guys, two officers to OPD next month. We just lost somebody to the U.S. Marshals. We have five people in the academy right now in La Vista, so we're, in essence, will be 8 officers down out of 40. And that's a lot. We pay well, too. So what we're going to do, we're going to try to get laterals from other agencies. Omaha has taken ours, our lateral portal. We're going to-- we're going to draw from the other agencies and it's a dropdown effect. This bill will help Omaha be able to get laterals from out of

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state and-- and help us not have to take from other people also. The other part of this bill goes to defining a training academy. As you know from the LR173 testimony in 2018, in Sarpy County and Douglas, we started and self-funded at over \$200,000 a year our own police academy. We've had over 120 recruits graduate since '18, but we're held to the exact Grand Island curricula, unlike Omaha, Lincoln, and the State Patrol. We believe the intent of the change in the state law will give agencies who bound together through interlocal cooperation agreements and have their academy certified by the Police Standards Advisory Committee to be treated as such. It's bizarre that the Lincoln and Lancaster Sheriff's Department, who work side by side and share the same building, have to send their deputies and police officers to different places. Lancaster deputies can't train with Lincoln police when they have an academy. Neither can the UNL police department. You have to use the Grand Island curriculum if they wanted to do that, which really doesn't make sense. We hope this is a mechanism to correct how Grand Island and PSAC interprets Title 79, Chapters 14 and 16. It was changed in 2006 because they're afraid that an academy would be developed out west and they would be a rogue academy, even though they'd have to be under the standards. That was the intent, and they still feel that way today. We're still under the same guise after three-- three years of the Grand Island curriculum. As an example, we take 10-plus marked cruisers from the Omaha area out to NLETC track. We can use Omaha Police Department's track through a contract with OPD, but we're required to drive all the way out to Grand Island, pay the per diem, pay the lodging, have two cars escort, you know, 20 recruit police officers driving, marked police cars, but we have to have an escort because they have no police powers. It doesn't make a lot of sense, and you've heard about how bad the track is at Grand Island. We also have a proprietary defensive tactics program that Grand Island teaches that nobody else in the metro teaches that we have to teach and then we have to unteach it, get rid of the training scars and teach the training program for defensive tactics that we teach in the metro area. So--

PANSING BROOKS: Chief Lausten, I'm sorry. The--

BOB LAUSTEN: Gotcha.

PANSING BROOKS: Let me see if there's some questions. Yes, I'm sorry. We have to sort of stick to--

BOB LAUSTEN: [INAUDIBLE]

PANSING BROOKS: --everybody [INAUDIBLE]. Senator DeBoer.

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DeBOER: Thank you. Thank you for being here. Can I-- can I ask you to repeat or clarify what I think I heard you said? So if Lancaster County and Lincoln and UNL wanted to sort of train together and develop their own little training academy, they would have to use the Grand Island curriculum?

BOB LAUSTEN: They would have to enter into an interlocal agreement.

DeBOER: Yes.

BOB LAUSTEN: They would have to be certified by PSAC as an academy. And the way currently, they would have to use Grand Island's curricula, even though Lincoln police have had their own academy for years.

DeBOER: Can you-- can you say to me, can you explain to me what the Grand Island curriculum entails like they tell them these are the classes you have to teach at this amount of time or is there more to it than that?

BOB LAUSTEN: There's-- there's different standard points that you have to meet with lesson plans. And again, defensive tactics, for example, we're required to teach a PPCT arrest and control program developed out of the '90s that none of the agencies in the metro area teach. I don't know what Lincoln and Lancaster do. Then you have to reteach it. The lesson plans are taught and I don't know how updated they are. We update our stuff to be contemporary with what we're doing to meet the guidelines by the state. It's just there's different teaching points that academies teach and ours goes longer than the state because we have some extra stuff that we want to talk about. We want to talk about helicopters, we want to talk about active shooters and get more detailed, detailed into that. At Grand Island with 50 recruits, the number of repetitions you may get in a training scenario, you may not get a lot because they have 50 seats. When you have 20 people in academy, you can redo and do multiple training exercises with them. We have a mandatory PT program. Grand Island doesn't. So there's a number of different things.

DeBOER: So even if the difference was you have the curriculum in your interlocal agreement, the police academy that Grand Island has, but then you add additional things, would that--

BOB LAUSTEN: That's what we currently do.

DeBOER: Would that be, like could I-- OK. So all you have to do is you-- not all, I'm sorry. What you have to do is you have to offer

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their curriculum. You're saying we offer in La Vista some additional things and that works. So Lancaster, Lincoln, could they follow that model where they offer the Grand Island curriculum but then offer additional?

BOB LAUSTEN: The problem with how we're inter-- we have to teach it exactly that the way they do.

DeBOER: Gotcha.

BOB LAUSTEN: It's a strict interpretation. You heard about the one sheriff that was up here talking about a T and an X that wasn't crossed and this guy was pushed out. There's a literal interpretation that it borders upon.

DeBOER: And in this bill that-- that-- what changes are made to these, to this in this bill?

BOB LAUSTEN: The intent of this bill on line 4 defines a training academy and includes an academy that is put together through an inter local agreement through multiple parties. We believe the intent of that would make-- would make what we need clear. However, having heard from somebody at the training center, they already have their doubts that they would allow that to happen. So it's until we do a change in Title 79, but Title 79 takes 18 months to change just for one line. So we're hoping this is what the vehicle is to give us that [INAUDIBLE].

DeBOER: So what you-- what you want with this is you want to be able to have a training academy with your own curriculum that you've created through Interlocal agreement.

BOB LAUSTEN: We want to have our own curriculum that meets the state standards, just like Omaha, Lincoln, and the State Patrol. Now we'll also give any other agencies that want to bound together, whether in Alliance or in Scottsbluff, in that area that creates an academy, the ability even if we had a probationary period where if you had a new academy and you're on a three-year probationary period, you use the state's academy for three years and then you can do your own. We want to have a way to get these training centers and maybe do it regionally across the state.

DeBOER: Because you can already do this. If-- if-- if I wanted to do this in Ord, Nebraska, I could do it only for Ord. Nobody else can come to it. Obviously, that doesn't make sense, but you could do that right now under existing law, as long as you limit it to just your own academy. Is that right?

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BOB LAUSTEN: Yes.

DeBOER: OK. So this is really just trying to do what is already allowed for your own officers through a more regional or interlocal agreement.

BOB LAUSTEN: Correct. It defines a training academy as not only Omaha, Lincoln, the State Patrol, and Grand Island, but also ones that are created via interlocal government agreement.

DeBOER: I think that's very clear. Thank you.

BOB LAUSTEN: Thank you.

PANSING BROOKS: OK, Senator Brandt.

BRANDT: Thank you, Vice Chair Pansing Brooks. Thank you, Chief Lausten. So if I use this analogy, the University of Nebraska has five campuses: UNMC, UNO, UNL, UNK, and [INAUDIBLE]. You're trying to do the same thing here. We would have one overarching set of standards and we would have five campuses. We would have the Omaha Police Academy, the Sarpy Academy, the Lincoln Police Academy, Grand Island, and a prospect out west to be named later. And they would all be interchangeable that a-- a graduate of any of those academies would have the same training and be allowed to go anywhere in the state of Nebraska. Would that be a fair statement?

BOB LAUSTEN: Yes. There's a minimum state trans-- state standard that you have to meet. All those academies currently meet that or exceed that.

BRANDT: All right. Thank you.

PANSING BROOKS: One thing that I was wondering is can you explain or I should probably ask everybody, can you talk a little bit about the reciprocity differential between Utah and what is happening here in Nebraska today?

BOB LAUSTEN: So the way I understand what Utah does, you apply to the Utah and they're heavily recruiting the Pacific Northwest to get people to come to Utah. You apply the curriculum from your training academy as compared to what Utah standards are. Then you take a certification test. If you pass that certification test, then you're granted certification within that state. Then you go to your agency, whether it's Salt Lake City or United Cities, you become a police officer and you go through their FTO program. In Nebraska, you-- your

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qualifications are compared. You have to take a test to get into our reciprocity process. When it's scheduled in January and September, you go. It's a five-week, on-site class that we have to pay for to get into it. We have to pay for lodging and meals. It includes PT. It includes driving. It's basically a mini police academy. Again, we have people who are already certified and trained and been working, so it's-- it's a very long process that's cumbersome.

PANSING BROOKS: OK. Thank you, Chief Lausten. I don't see any other questions.

BOB LAUSTEN: Thank you.

PANSING BROOKS: Thank you for being here. Next proponent. Welcome.

JIM MAGUIRE: Afternoon, Vice Chair Pansing Brooks. Senators of the Judiciary Committee, good afternoon. My name is Jim Maguire, J-i-m M-a-g-u-i-r-e. I'm president of the Nebraska Fraternal Order of Police and I'm also here on behalf of the Omaha Police Officers Association in support of LB1241. I will be very brief. We've introduced a number of bills to help with recruiting and retaining officers. This is just one piece of the puzzle. The one thing that I do that I really like in this bill is that currently, if you're going to take the reciprocity test, you have to do that in Grand Island. Now under this proposal, if you're in Scottsbluff, if you're in Omaha, they can proctor their own test to see if they get in and away we go. We're just trying to streamline the process to make it easier because these officers, they're already certified. So we're just-- we're just trying to expedite the process to make it-- to make it easier. It doesn't mean that we are shortcutting the-- the standards. But as you've heard before, we're just trying to be creative in ways to recruit officers not only within Nebraska, but outside the borders. Thank you.

PANSING BROOKS: Thank you. Any questions for Mr. Maguire? OK, thank you for being here.

JIM MAGUIRE: Thank you.

PANSING BROOKS: OK, next proponent. Welcome.

ELAINE MENZEL: Thank you. Vice Chair Pansing Brooks and members of the Judiciary Committee, again, my name is Elaine Menzel here, testifying on LB1241 in support. My name, the spelling of my name is E-l-a-i-n-e M-e-n-z-e-l. I'm here on behalf of the Nebraska Association of County Officials. As you heard from a prior testifier, we are in support of this legislation and essentially I want to just record that support.

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But I would also like to thank the League and Senator Lathrop for bringing this attention-- this issue to your attention, as well as other issues that you have contemplated today. Thank you for your time. And if there's any questions, I'll try to answer them.

PANSING BROOKS: Thank you, Ms. Menzel. Anybody have a question? I don't see any. Thank you very much for being here. Any additional proponents? Welcome.

GREGORY C. LAUBY: Vice Chair Senator Pansing Brooks, it's a pleasure.

PANSING BROOKS: Thank you.

GREGORY C. LAUBY: Members of the committee, thank you for allowing me to appear again. My name is Gregory C. Lauby, G-r-e-g-o-r-y, C as in Christian, L-a-u-b-y, on behalf of SR et tu, a limited liability company. I'm a resident of Wymore, Nebraska, a small town of about 1,300 in Gage County, Nebraska. We or the town is looking for an additional individual to fill out its three-man police force. Wymore is located about a 30-minute drive from Marysville, Kansas. And so anything that would make it more probable that someone from Marysville or the surrounding area in Kansas might consider applying for a position with the Wymore Police Department would be helpful for us in trying to fill that position and I suspect other small towns throughout the state, but also that border other places. One thing I would say, though, I think one of the reasons that this has to be done because it increases the pool of eligible applicants is because there were problems in LB51, not necessarily created by the Judiciary Committee. One is that there was a provision in that bill that allowed for the creation of a fund to be administered by the Crime Commission, specifically to give grants to police departments and other law enforcement agencies to comply with the requirements of LB51. When I talked to the executive director of the Crime Commission, he acknowledged that it was there and that it specifically stated that small departments were to be given priority in the granting process. However, no funds had ever been allocated to it. And I understand that's not within the purview of this committee, but I think those are some of the problems that small towns are encountering.

PANSING BROOKS: Thank you, Mr. Lauby. Does anybody have any questions? I don't see any. Thank you.

GREGORY C. LAUBY: Thank you.

PANSING BROOKS: Thank you. Next proponent. Proponent. Welcome.

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KEN CLARY: Vice Chair, members of the Judiciary, thank you for allowing me the opportunity to speak. My name's Ken Clary, K-e-n C-l-a-r-y, police chief in Bellevue, just here to support all of the arguments made prior to me for this bill. It's extremely important to the city of Bellevue that this actually go through as, well, nearly as written with some minor changes. But been the police chief there just under a year and a half. In the last 18 months, we've utilized reciprocity on 3 occasions. We're currently 105 officers. We're in the process of finishing a hiring process and then we'll open up a lateral hire process. We are talking to two out-of-state officers currently. We have one that just went through reciprocity in January. The timing of those classes in September and January makes it difficult. We've had to delay hiring two of the three people that we've brought into reciprocity. If we hire, if we do a process in April like we're planning, we won't be able to get anybody into the reciprocity until September. Very problematic. So for all of those reasons, you know, if we can test monthly as the bill states, that would help dramatically. And then obviously accept those officers with the training they have. And then obviously the change to allowing the academies to have the full rights, if you will, of the other academies just makes sense. I would put our academy recruits up against any other academies in the state so.

PANSING BROOKS: Wonderful. OK, any questions? OK, I don't see any. Thank you, Chief Clary. Any other proponents? Welcome.

LYNN REX: Thank you. Senator Pansing Brooks, members of the committee, my name is Lynn Rex, L-y-n-n R-e-x, representing the League of Nebraska Municipalities. We certainly appreciate Senator Lathrop introducing this bill as the primary introducer and you, Senator Pansing Brooks, and also Senator Hilgers as being cosponsors. One of the things I just want to underscore, I think much has been said and there's no point in repeating it about the crisis that law enforcement is facing in this state. And we hear it on almost a daily basis at the League office because we take technical assistance calls from all over the state. And one of the things I would like to respond to is the language on page 8, lines 8-12. And this deals with the retirement issue and current law says a law enforcement officer is not required to meet the continuing education requirements in the year which he or she fully becomes certified. And then the new language recommended on page 8, lines 8-12 would read "or in the year which the officer retires from service when an officer retires from service, such officer's license shall remain in good standing, even if the officer has not completed the training requirements of this section for the year in which the officer retires from service." We've had entities in

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the state, sheriff's departments, police departments, and others where as an officer decides to retire in January, February and so they take all of those continuing ed hours doesn't seem possible, frankly, as opposed to if someone is retiring in December. Well, that's a different thing, because then they would have had a full year to do it because that date starts in January. So that's the reason for the language. And the reason why it really does matter whether or not you are basically leaving your position in good standing is because a number of these officers go on and do other things, not with the police department, but for example, the League Association of Risk Management, we have three former police officers that run our loss control program. And it's really important for them that they leave their former career in good standing, as you can imagine. So we're happy to work with this committee. We think that this is extremely important. We know that we've got dedicated professionals, both at the Crime Commission and the Nebraska Law Enforcement Training Center. I think the issues brought forward in this bill really underscore the need that we need to do what we can in this state to try to address what really is a crisis with a record number of law enforcement officers leaving the state, not leaving the state, perhaps, but leaving the profession. So again, thank you for the opportunity today, and I'll happy to-- be happy to respond to any questions that you might have.

PANSING BROOKS: Thank you, Ms. Rex. Any questions? I don't see any. Thank you--

LYNN REX: Thank you very much.

PANSING BROOKS: --for being here today.

LYNN REX: Thank you.

PANSING BROOKS: Next proponent. OK, what about opponents? No opponents. Anybody in the neutral? Nobody's in the neutral. And before Senator Lathrop closes, there were four letters, all proponents for this.

LATHROP: So thank you, Vice Chair Pansing Brooks and members of the committee. Thanks for-- for your attention to this bill hearing. You know, I'm glad that this was the last bill of the day because it really gave some context to what we're talking about today. And there is a theme, as somebody noted to-- to today. What we're seeing is difficulty staffing up police departments and sheriff departments, and one of the things that we can do is try to recruit people from outside

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the state. We've referred to it as poaching. But if you're going to try to recruit somebody that you're not going to have to make the same investment in and you're not taking them from some other police agency in Nebraska, it only makes sense to look at the process that's involved in having an officer come in from another state. You'll remember back in LB51 that if somebody coming from another state, they kind of have to open up their jacket, if you will, from this-- the agency from which they came. So we're not getting-- we're not getting somebody else's trouble here and this process just makes sense. We're doing it in so many other areas. I think we have one for teaching this year where to make it easier for people. And a lot of this comes out of Bellevue, where military families move in and the spouse is looking for work and trying to make it easier for people to come in the state and participate in this profession. So I very much appreciate your attention and your support of LB1241.

PANSING BROOKS: Thank you, Senator Lathrop. Any questions?

LATHROP: And my thanks to everyone that's here that testified.

PANSING BROOKS: OK. I see no questions. So that ends the hearing on LB1241. Thank you all for coming. And that ends the hearings for today. Thank you.