

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Judiciary Committee October 15, 2020  
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**LATHROP:** Laurie, we're ready to start. Good morning, everyone. My name is Steve Lathrop. I am the state senator from District 12. I'm the Chair of the Judiciary Committee. We're here this morning on three separate but related legislative resolutions. The purpose of this morning's hearings is to have a hearing on police community relations, broadly speaking. We will-- LB383 [SIC LR383] I'll introduce kind of as a part of my introduction in a few moments, but we'll also have Senator Pansing Brooks introduce LB377 [SIC LR377] and Senator Matt Hansen introduce LB417 [SIC LR417]. Before I go into sort of the ground rules and a little bit about our undertaking this morning, I'll start by having the committee members introduce themselves and I'll start with Senator Wayne.

**WAYNE:** Senator Justin Wayne, District 13.

**DeBOER:** Hi, I'm Senator Wendy DeBoer. I'm from District 10, which is northwest Omaha and Bennington.

**BRANDT:** Senator Tom Brandt, District 32: Fillmore, Thayer, Jefferson, Saline, and southwestern Lancaster County.

**PANSING BROOKS:** Patty Pansing Brooks, Legislative District 28, right here in the heart of Lincoln.

**CHAMBERS:** Ernie Chambers, District 11, Omaha.

**SLAMA:** Julie Slama, District 1, extreme southeast Nebraska.

**LATHROP:** OK. Assisting the committee today are Laurie Vollertsen, our committee clerk, and Josh Henningsen, one of our two legal counsels. And we do have two pages here today, John Otte, OK, and Kennedy Zuroff. If you're planning to testify today, please fill out one of the yellow testifier sheets at the back of the room and hand it to the page when you come up to testify. Today's hearing is going to be a combined hearing. We will begin with the opening statements by the introducer of each of the three interim study resolutions, followed by public testimony on the three resolutions combined. We will start with one hour of testimony from those advocating for reform and then we will have an hour of testimony from law enforcement and city officials who wish to be heard on the topics that will be brought up this morning. We'll continue to alternate until everyone has had an opportunity. Just judging from the committee hearing room, it looks like we have just a-- maybe three people here to testify in the first hour. And so if you're intending to testify in the second hour, you probably want to get here. We'll be using a three-minute light system.

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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 up, we ask you to wrap up your final thoughts and stop. As a matter of committee policy, we'd remind everyone the use of cell phones is not allowed during public hearings. At this time, I'd ask everyone to look at their cell phones and make sure they're turned off or in the silent mode. With that, I'm going to make a few remarks and, and this can be by way of introducing LR383, my own resolution. This is a, a broad resolution that covers anything within the jurisdiction of the Judiciary Committee. And certainly, when we started the year out and began the process of having hearings and legislating, we had an interruption not just with COVID, but the developments that grew out of George Floyd's death up in Minnesota, the protests that followed, even our own experience in Omaha and in the state of Nebraska, which shone a light, I think, on the need for a discussion about relationships between law enforcement and the communities they are employed to protect. Today-- and I should add that this committee, in June, held two days of hearings. And they were a little unusual in that they were neither a resolution, nor a hearing designed to draw proponents or opponents of a particular bill, but an opportunity to get feedback from the community. This committee sat through two days of hearings where we didn't ask questions and that was by design. It was an opportunity-- we called it a listening forum. And we, we heard from nearly 200 individuals who came forth to tell us what their experiences were with law enforcement and in some cases, what their experience were as they protested as a consequence of George Floyd's death and other events that were taking place across the country. Those forums, I think, enlightened the committee to the need for a broader discussion and a dialog on the topic of community-- police and community relations. That's the purpose of our hearing today. That's the purpose of LR383. I would say today is an open forum and an opportunity for people to be heard, not just people who have concern, but also law enforcement to come before the committee and share their concerns, ideas about what they'd like to see, different changes they'd like to see made, and also an opportunity for law enforcement to come in, have a forum to tell us what the state of law enforcement is with respect to the very issues that people expressed concerns about when we took two days to hear from the public. We have two specific resolutions, one offered by Senator Pansing Brooks, who will introduce that momentarily, and another by Senator Matt Hansen. The idea today is to have all three resolutions introduced and then effectively open the mike up for testifiers to come in. I'm deliberately having all three introduced at the front end so that we don't have to have three separate hearings and have people come up

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three separate times. The committee is, of course, free to ask questions from the testifiers and we will adhere to the light system as we, as we do in hearings before this committee. And with that, that will be my version of an introduction to LR383 and we will have Senator Pansing Brooks next introduce LR377. Senator Pansing Brooks.

**PANSING BROOKS:** Good morning, everybody. Thank you, Chair Lathrop and fellow members of the Judiciary Committee. For the record--

**LATHROP:** Can you pull that down, maybe see if it can catch a little more?

**PANSING BROOKS:** Yeah, I can take this away. There, how's that?

**LATHROP:** Better, better for me.

**PANSING BROOKS:** OK.

**LATHROP:** Thank you, Patty.

**PANSING BROOKS:** I am Patty Pansing Brooks, P-a-t-t-y P-a-n-s-i-n-g B-r-o-o-k-s, representing District 28, right here in the heart of Lincoln. I am here today to introduce LR377, an interim study to review and identify policing reforms in Nebraska and opportunities to establish improved oversight and accountability of law enforcement across our state. I brought LR377 after the Judiciary Committee's listening sessions in June. At these listening sessions, we heard passionate testimony from Nebraska citizens regarding systemic racial injustices throughout our criminal justice system. The hearing today provides another opportunity for the committee to listen, but it also provides an opportunity to move forward toward solutions. We need to hear from law enforcement on how they have or have not responded to the events that have occurred both nationally and in our state. In addition, we also need to hear tangible ideas for how we can help law enforcement do better. We must all acknowledge that solutions won't be found by taking defensive postures or refusing to change. We must also acknowledge the fact that the vast majority of our police officers are very good people who are trying to serve the public and keep us safe, too often at great risk to themselves. What we heard at the listening sessions cannot end there. We know there is systemic racism, racism throughout our criminal justice system. This is unacceptable. It is clear we must all do better. The Legislature now and historically is also culpable for contributing to the systemic racism in the justice system. In that light, my office is setting up an advisory council with other legislative offices to encourage the young leaders of Black

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Lives Matter movement to get involved in looking at Nebraska laws and informing senators where change is necessary. In addition, I brought LR377, which seeks to examine ways to improve oversight of law enforcement agencies. Marshall Lux, the former State Ombudsman, submitted a letter for the record today-- for today's hearing, which offers some important perspectives on independent oversight of agencies. That letter has been submitted to each of you and he says in part, quote, From my many years as Ombudsman and from observing the behavior of public officials and employees in action on the job, one of the most important lessons that I have learned is that while most public officials or employees are capable of handling power responsibly, there are nevertheless some, a significant minority, who are simply constitutionally incapable of using the prodigious powers that they have been given by the state judiciously and reasonably. And whenever someone who cannot handle their power judiciously is given the power of a police officer, the consequences, as we have seen, can be dire, unquote. I believe most people believe that oversight is good. The disagreements come over what that oversight looks like. The State Ombudsman's Office, being an organization answerable to the legislative branch, maintains a level of independence from the agencies they investigate. They are able to offer counsel and recommendations free from internal political or organizational pressure. I believe advances toward this level of independent accountability is what is needed across the state. It's a best practice that can induce better performance in organizations. I believe the Lincoln community has a lot to offer to this discussion, as Lincoln has taken a different approach than other communities across the state. So I have invited Lincoln Chief Jeff Bli-- Lincoln Police Chief Jeff Bliemeister to come today and testify before the committee. I have also invited community leaders and advocates, including Ishma Valenti, director of the community engagement at the Malone Center here in Lincoln, and Karen Bell-Dancy, the executive director of the Lincoln YWCA, to help us examine constructive solutions to these issues. ACLU of Nebraska will also be offering some national best practices that we might be able to institute in our state. I also look forward to listening to the-- to all who have-- who come today. I want to thank each person for being here and for helping us to move for-- from the listening phase of this discussion toward action and solutions. Each perspective is important in helping inform legislation for next session. Together, we can and must do better. We need to work to value and support the good men and women who are working to implement high standards and best practices in law enforcement. We also need to work to embrace diversity, those different from us. We need to work to eradicate prejudice, literally

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prejudging others, prejudice. We need to work to erad-- we need to work to abolish discrimination, which is prejudice plus power, prejudging others plus power. And we need to work to eliminate racism, the system of advantage based on race that is embedded in our hearts, our minds, our souls, and our laws. With that, I close. Thank you.

**LATHROP:** Thank you. Let's see if there's any questions before you step back. I don't see any. Thanks, Senator Pansing Brooks.

**PANSING BROOKS:** Thank you.

**LATHROP:** Next to open would be Senator Matt Hansen on LR417. Good morning, Senator Hansen. Welcome to the Judiciary Committee.

**M. HANSEN:** Thank you. Thank you and good morning, Chairman Lathrop and members of the Judiciary Committee. For the record, my name is Matt Hansen, M-a-t-t H-a-n-s-e-n, and I represent Legislative District 26 in northeast Lincoln. I'm here today to introduce LR417, which is an interim study to examine the existing policies on the use of force by law enforcement in the state. I want to thank the committee for taking the time to hold this hearing and for all of you-- for all that you have done so far this year on this issue. Earlier this summer when Nebraskans and people around the world began protesting in the wake of the murder of George Floyd, I was contacted by constituents who were upset with law enforcement conduct, both before and during the protests. Unfortunately, it was not always clear what policies and guidelines are currently established that outline what officers are supposed to do when they determine that the use of force is necessary or what a citizen's recourse is when they think there has been an inappropriate use of force. For me, the transparency is key. If there is not a clear public policy on the appropriate use of force, then it would be impossible for the average person to know when an officer fails to follow those policies. Additionally, if there are to be established evidence-based policies, law enforcement will be better available to do their jobs with the trust of those they serve. At the same time this summer, the national 8 Can't Wait campaign highlighted their project that aims to promote targeted policy proposals and evidence-based best practices on potential reforms. Key to this interim study, that campaign has started a database on major cities' use of force policies, comparing them to these best practice. It is my intent for this interim study to help create a similar understanding of the use of force policies from law enforcement agencies across Nebraska. I would like to thank Chief Bliemeister and the Lincoln Police Department, who reached out to me to meet with me and discuss their recent efforts-- LPD has made to promote transparency in their

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departmental policies and I'm very appreciative of that effort. They've already independently made several changes following constituent concerns and have made those policies available on their website. Again, I'd like to thank them for their work so far. I'm excited that Lincoln could be possibly a model for transparency for other departments across the state. Overall, as we prepare for the next session, we will almost certainly see several bills on this subject and I wanted to ensure that we have a baseline of our current policies that would allow for those involved a chance to update us on any progress so far. I look forward to listening today. I want to thank-- again, thank the committee for their time on the subject. With that, I'll close and be happy to take any questions.

**LATHROP:** Thank you, Senator Hansen. Any questions for Senator Hansen? I don't see any.

**M. HANSEN:** Thank you.

**LATHROP:** We'll begin to take testimony and I, I know that we have a number of people who are law enforcement and city officials. I think the committee would be well served to hear from the people who are-- first who are here to advocate or to speak for some form of change or reform. And so if you don't mind, let's let those folks testify first and then we'll get a law enforcement or a city official perspective. And with that, we'll take the first testifier.

**KAREN BELL-DANCY:** Good morning.

**LATHROP:** Good morning. Welcome to the Judiciary Committee.

**KAREN BELL-DANCY:** Thank you.

**LATHROP:** Because we're all wearing masks, I'll ask you to get kind of close to that mike if you can--

**KAREN BELL-DANCY:** Sure. I'm going to hold it right here.

**LATHROP:** --so we can all hear you, please.

**KAREN BELL-DANCY:** Good morning again to the members of the Judiciary Committee. I am Karen Bell-Dancy, executive director of the YWCA Lincoln. I apologize, I did not have copies. The-- tech was working on our copier this morning and I will forward those electronically. I'm representing myself as a private citizen as well as the executive director of the YWCA Lincoln. I meant to spell my name, K-a-r-e-n B-e-l-l-D-a-n-c-y. The YWCA has the mission of the elimination of

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racism and the empowerment of women. The YWCA is a movement working for the empowerment, leadership, and rights of women, young women, and girls in more than 100 countries. The members and supporters include women from many different faiths, ages, backgrounds, beliefs, and cultures. We have been engaged in this movement for over 134 years here in the state of Lincoln, Nebraska. Our advocacy work consists of making Lincoln, Nebraska, a better community, one family at a time. I'm here today in response to systemic racism that prevails in Lincoln. Racism comes in various forms. The recent police killings, or I should say those that have been videotaped, of residents across the country are part of a longer history of fatal police killings against black people in America and they require action immediately. Due to the murder of George Floyd, it has shed a light on the level of police brutality, violence, and misconduct by law enforcement. Abusive police practices, coupled with devastating violence, is consistent with brutality and fatality upon black people since our nation's founding. Nebraska is no stranger to this effect. Additionally, too often, police killings involve officers with a history of misconduct and complaints. The police administration should require information about misconduct histories of officers before hiring them, which underscores the need for a national public registry of law enforcement officers that compiles the name-- those who have been terminated, decertified, and involved in misconduct. After-- this publicly available database would permit law enforcement administration access to necessary data to inform hiring decisions and would allow the public to know the employment histories of the officers who would work in their communities, after which appropriate training for orientation and on-- should be ongoing and implemented, effective immediately. Hiring culturally sensitive and competent officers will work to build trust for the community they are charged to serve. I am demanding public policy that incorporates statements and directives from public institutions such as the Unicameral, the mayor's office, offices from across the state, health department, school systems, etcetera. Here are some recommendations that I shared this summer during the listening session, session. We must have an end to racial profiling. Officers must wear and deploy body cameras. We must identify with gerrymandering and demand an end to it. Prison reform is a definite must. We need to address felons' voting rights, funding to educate black and brown citizens specifically. We need training for culturing, training to ensure diverse administrations, boards, and management bodies, training for trauma informed. And we also need tenants' rights and the list continues. And as a member of the general community, I will be glad to be part of the solution. Thank you.

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**LATHROP:** Very good. Before you get away--

**KAREN BELL-DANCY:** Yes. Oh, I'm sorry.

**LATHROP:** --let's see if anybody has any questions for you, all right?  
Senator Pansing Brooks.

**PANSING BROOKS:** Thank you for coming today, Ms. Bell-Dancy.

**KAREN BELL-DANCY:** Yes.

**PANSING BROOKS:** I was wondering, number one, I'd like to get a copy of your testimony, so if you could-- maybe the page-- you can hand it to the page and they'll get copies for us, if you don't mind--

**KAREN BELL-DANCY:** Oh, sure.

**PANSING BROOKS:** --because I'd like to have a copy of your list of, of ideas. So thank you for coming. I, I really appreciate it. You're an amazing, wonderful force in our community for good. Thank you.

**KAREN BELL-DANCY:** Thank you.

**LATHROP:** I see no other questions. Thanks for coming down today.

**WAYNE:** No, I have a question.

**LATHROP:** Oh, I'm sorry. Senator Wayne.

**WAYNE:** Do you think it should be a crime for police if they lie on a, a police report?

**KAREN BELL-DANCY:** Yes, I do. I think they should be held to the same standard that the general citizen is being held to.

**WAYNE:** Thank you.

**LATHROP:** OK. Thank you for your testimony and being here today. We appreciate your thoughts.

**KAREN BELL-DANCY:** Thank you, Senator Lathrop.

**LATHROP:** Next person to testify, please. Yeah, and I didn't say this at the beginning, I appreciate everyone social distancing and wearing a mask. If you're thinking about coming down here to join us for this hearing, we're going to ask that you social distance and wear a mask in the room. And with that, welcome.



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**SPIKE EICKHOLT:** Thank you. Good morning, members of the committee. My name is Spike Eickholt, S-p-i-k-e, last name is E-i-c-k-h-o-l-t. I'm appearing on behalf of the ACLU of Nebraska as their registered lobbyist and we are testifying on these three interim studies. As Chairman Lathrop indicated before, this summer, across the country and across the state, there was unprecedented civil rights demonstrations and action and voices from people of color and young people that demanded changes to our criminal law system, criminal justice reform, and police reform. And the experiences that you've heard from people in Nebraska at the listening sessions in June were very moving or very insightful and like the Chair and Senator Pansing Brooks indicated before, really prompted this hearing today and these interim studies to look further at this issue in a constructive way. While these interim studies focus on police reform and changes in police accountability, I would just like to point out that a discussion regarding this needs to be a little more general, not just a police reform, but as Senator Pansing Brooks indicated before, really criminal justice reform altogether and in addition to some other policies that the Legislature and other policymakers implement. In other words, police can only really enforce and they're given the duty to enforce the laws that are passed by this body. They are acting according to the authority that is directed to by this body. And because of other issues, many times, police are forced to do certain things that they're not necessarily best suited for, like be, for instance, de facto social workers or deal with people who are suffering mental health crises. And you probably will hear some of those things before or later on today, but these studies do look at police reform and police accountability. And I distributed a copy of my written testimony. It's lengthy. In there, I do identify some proposed areas that the Legislature and this committee could consider. I'm not going to read those. I don't have the time. But I would just sort of touch on some of the main points. One this committee could do is implement some sort of model act with respect to civilian oversight over police agencies or in the alternative, perhaps direct the Crime Commission to create a model act regarding oversight-- body-- civilian oversight bodies. The Lincoln-- the city of Lincoln and the city of Omaha do have entities that provide for civilian oversight, but for a variety of reasons, we would argue that those are not sufficient. The state-- or the Legislature could also just implement statutory reform with respect to the use of force. And, you know, look at statutes 28-1409 through 1416 that provides the authority that police have under law to make arrests and enforce the law. Senator Chambers introduced a bill and got it passed this year dealing with racial profiling and we could-- I would urge the committee and this

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Legislature to consider additional reforms to reduce the racial disparity that is rampant throughout the criminal justice system, from traffic stops all the way to imprisonment. The racial trends flow one way against people of color in the criminal justice system. And frankly, we would urge-- encourage the Legislature to consider perhaps an exclusionary rule in statute that would provide for a check when law enforcement exceeds authority or when the police overstep their bounds that, that would not allow for the admission of evidence to be used in subsequent criminal proceedings. I think that would be a good tool to curb abuses. And I just encourage the committee to read the letter that I submitted. I'll answer any questions that you may have.

**LATHROP:** OK. Thanks for your testimony. Any-- Senator Brandt.

**BRANDT:** Thank you, Mr. Eickholt, for testifying today. Is it your opinion that the State Crime Commission does not work in its current form?

**SPIKE EICKHOLT:** No, I think it does, but the Crime Commission does have some authority over certified law enforcement officers. And what I was going to propose was this-- the mayor of the city of Omaha issued an executive order to create a civilian review commission. There's some, some would argue, deficiencies in that system. It's not open to the public. I think recently, a modified executive order to provide for the opportunity for them to issue reports, but the public can't attend and view what the commission does and that sort of thing. If you consider the points that Marshall Lux mentioned in his letter and what others mentioned, that there are certain best practices for having meaningful civilian oversight. And one thing the Legislature could do is create, like Senator Wayne proposed in LB1222 during last session, like, a model act for the cities to follow or in the alternative, I suggest that perhaps, like the Legislature has done in a few other areas, the Crime Commission develop a model act to suggest to law enforcement agencies since they do work with law enforcement agencies on a regular basis now.

**BRANDT:** I guess my concern is that a lot of our problems this last year were in our urban areas.

**SPIKE EICKHOLT:** Right.

**BRANDT:** And obviously, outside of those urban areas and in rural Nebraska, we, we didn't see as large or, or much of a problem to begin with. And as you get to the smaller municipalities, to create a civilian commission would be a burden on the infrastructure in a lot

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of these smaller towns and, and cities. And I guess I just want to sort of keep that in mind when we, we go forward with this stuff and I don't know if you have an opinion on that.

**SPIKE EICKHOLT:** No, that's, that's a, that's a fair point. I mean, you might not have-- you may have a regional sort of entity that oversight-- oversees some of the rural law enforcement agencies. But you're right, if you have a five or six-member civilian oversight committee, something like that, and you've got a three or four-person police force, that's not really very effective or efficient. That's valid.

**BRANDT:** All right, thank you.

**LATHROP:** Senator Wayne.

**WAYNE:** So I think you heard me earlier ask the other, other individual who testified. So if I give false reports or if a cop pulls me over, police pull me over and I give a false report, most of the time, that's a misdemeanor. Actually, most of the time in Omaha, they charge a felony. Sometimes you can be charged with a misdemeanor. Do you think there should be some type of specific crime for police officers who lie on police reports?

**SPIKE EICKHOLT:** I think it's certainly something worth considering. I mean, in theory, a police officer that falsifies a report in a material manner could be charged with false reporting and that's a Class I misdemeanor. I suppose if that officer were to author a report and then sign an affidavit offering that as a probable cause affidavit or some similar thing, then you have a felony charge of perjury. But as you know from practicing, what-- the law enforcement officers, particularly the first officers involved in a case, what they report in a written report really controls the boundaries of where that case goes beyond that. It's offered many times as probable cause to justify setting a bond. It's offered or sent to insurance companies for companion civil cases and it just is-- it's so difficult, as a practical matter, to undo things that are put in there that aren't true. You're going back in time. It's just logistically impossible. And law enforcement have such influence over the criminal justice system. Judges rely on those and they set bonds. Prosecutors rely on those reports when they make charging decisions and defense attorneys rely on those reports when they advise their clients on what to do on the case. And if you have a problem or if you have a situation where an officer is-- in a material manner, not just if they get a name wrong, something like that-- but I'm talking they falsify a report,

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misrepresent something that matters in that case, that's a real problem and I think it should be. I don't think the system should accommodate that. That should be prosecuted.

**WAYNE:** And the reason I'm asking because, again, we, we hold the general public, if a police officer pulls them over, to be truthful. Otherwise, you're charged with a felony. But we oftentimes don't hold the officers to that same standard who are trained to fill out those reports. What do you think about some type of penalty or, or crime for police officers who release information about ongoing investigation to the general public or-- we see a lot now on social media even about arrests and let me give you the context. In the context of as an attorney, I have an ethical duty to not-- and actually a specific rule to not make any public media statements about a ongoing investigation as an officer of the court or anything that could influence the jury. And there has been disciplinary decisions, particularly in western Nebraska, for defense attorneys who have said, hey, my-- what they said is a lie.

**SPIKE EICKHOLT:** Right.

**WAYNE:** And, and they try to balance equaling out what the prosecutor says and what-- at the end of the day, you have an ethical duty not to comment on the case publicly to the media. What do you think about imposing that same standard to police officers?

**SPIKE EICKHOLT:** I think that's certainly worth considering because, like you said, there's a disciplinary rule on attorneys to not say things publicly about a case in an effort, or at least with the consequence of influencing a fact-finder or a jury. And the theory is the jury might read about that in the paper, but then with the rules of evidence and what the court-- trial court deems admissible, the jury may never hear that fact so what they're trying to do is bypass that. And I think because police work so closely, so closely with the prosecution side in criminal cases, that's something that they should be held to a standard to. And I think that's something that really, as a practical matter, the supervisors, the law enforcement agencies would like, right? They don't want their individual cops on social media talking about a case. If those cops were witnesses, then they should simply wait until it's their time to testify in court and then testify. Why create issues for defense counsels [INAUDIBLE] raise and jeopardize the prosecution of a case? I think that would make sense as a matter of policy and I think that's, that's a good idea.

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**WAYNE:** What-- so oftentimes, and this is what we hear about with the court system, is the officer of the court and, and police are oftentimes-- we are excluded from that. But when it comes to community police relations, I don't think we can just put it all on the police. What role do you see-- and I guess I'm trying to expound on maybe there should be some limitations on the district attorney. What-- how does the district attorney and prosecutor impact, from your opinion, the police community relations?

**SPIKE EICKHOLT:** I mean, there's a lot of different--

**WAYNE:** And the reason I'm--

**SPIKE EICKHOLT:** Sure.

**WAYNE:** I'm going to give you time. The reason I say that is, it's, it's no secret I was involved in the Scurlock case.

**SPIKE EICKHOLT:** Right.

**WAYNE:** They're, they're, they're-- the public is confusing community police relationships with the prosecutor. And when I talk to officers who are doing their job, doing a great job, they're frustrated because what-- "bitching" somebody, adding a habitual-- it's not a curse word-- is a prosecution decision, not a law enforcement decision. And so when you say either take the plea deal or we're going to "bitch" you, the police are often reflected in that saying it's the police being hard on crime, it's the police causing these problems. But in reality, this is the prosecution. And the police have already did their job, have concluded, but they're all being lumped together. So I just want you to explain to the committee who doesn't practice maybe every day how that affects the police community relationship role.

**SPIKE EICKHOLT:** You know, that, that affects at a number of levels. And just like I tried to explain before, that's why you just can't always focus on just police reform and talk about what's unfair or not right about the system. That's a good example. And I've had instances where-- I mean the police just investigate a case. They just cite somebody, maybe they arrest them, and they take them to jail. Sometimes in drug cases, officers may indicate, either through me or through my clients, that they'd like to talk with them to see if they would want to provide information to cooperate. But then you have the prosecutor who shows up, decides what to charge with. And like you said, the example of habitual criminal reform or habitual criminal threat, my experience-- and I've got a case right now I can talk about

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with anyone if they want to later on-- the prosecutors raise that for the simple fact of how much work they have to do to get a conviction. Not necessarily what the law enforcement agency wants, plus, not best for my client-- what is not, not necessarily what's best for the alleged victim in a case. It's really the amount of work or nonwork the prosecutor wants to do. And as far as reforming that, one way-- to create, like, a system, might be for some sort of prosecutorial transparency, some sort of idea of reporting requirements so we know if there is a policy regarding prosecutors, individual offices know how to charge cases and what that policy is, whether people can weigh in on that. Maybe limits on-- and you know in Lincoln and Omaha, you have overlapping prosecutors. You got city attorneys, you got county attorneys and sometimes they double-charge. Sometimes they work together. Sometimes they overcharge. Maybe some sort of limits on what those individual prosecutors can do. That might be something worth considering. And that's something that law enforcement is blamed for, but to their credit, they don't have anything to do with that. That's not up to them.

**WAYNE:** Thank you.

**LATHROP:** Senator Chambers.

**CHAMBERS:** Thank you for coming today. I'm on what is referred to colloquially as my last rodeo. What I say will not make much difference to people here because they know I will not be back in January to do anything to back up what I've said. But for the record, there are prosecutors who will not prosecute misbehaving officers. The officers know it. Courts have said that when a person is being interrogated, police can lie to that person and do it with impunity. There are command position officers who know that those under their province are lying and will not do anything about it. So there is a distrust toward the police, which I myself have. Lying is something they do. Nobody holds them to account. One of the most egregious-- and then I'm working up to a question-- one of the most egregious matters that I saw was where the State Patrol had stopped the person by the side of the road. The person was outside the car. A trooper came up and hit that person with the butt of the rifle. Down with the person and the State Patrol apparently couldn't do anything about it. The prosecutor refused to file charges. Fortunately, the U.S. Attorney brought a federal charge against this brutal cop. There are criminals on the police force wearing uniforms. This so-called blue wall of silence means that there are officers who lie and they will not tell when they have seen other cops do wrong. They are the ones who will often say there are a few bad apples, but they do not do anything to

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weed them out. When I was in the military, which is different-- infantry in the Army, which is the lowest level, socially speaking, of the military. Everybody's above the Army: the Navy, Marines, Air Force, everybody. The lowest level in the Army is infantrymen. That's what I was. The lowest position in the infantry is Rifleman, which is what I was. But here was the difference. The sergeant would tell everybody in that platoon, the captain would tell everybody in the company, don't mess up. You might think you can make me look bad by messing up, but you cannot make it as hard on me as I can make it on you. And there was-- I don't know whether you call it pride or what, but the commanding persons, whether they were noncommissioned or commissioned officers, were not going to tolerate misbehavior by those below them because it reflected, it reflected negative-- negatively on them. In the police, which is a paramilitary operation, there is not this sense of pride because you don't have to meet any standards. There can be things on paper, but these cops know that there's nobody who is going to bring them to book. When that happens, they are malicious, vicious. And in my community, not just mine as Ernie Chambers living in Omaha, but of black people, the cops enforce the requirements of racism and white supremacy. They are rude. They are abusive. They want you to speak to them, if you're a grown man, as though they're your father. What they need to understand is that when young black children see their parents mistreated by the police, they don't like that. They don't like the police mistreating their parents. A father does not want to be humiliated in front of his children. This is why I said and I'll say it again, white people-- one senator wanted to get the right to carry guns in bars and taverns. When I asked him, as a member of the committee before which he testified, what do white people fear when they go to these taverns and there are white people? Well, he said there is international terrorism. There is al-Qaeda. There is-- and he mentioned a particular group that everybody seems to fear, ISIS, the Islamic State in Syria. I told him, you all fear somebody outside this country who will not harm you. Well, my ISIS is the police. Oh and that created an uproar. And I pointed out ISIS has never done anything to black people. The cops are the ones who do it to us. They and other white people apparently don't understand an analogy. The fear that white people profess to have of ISIS, which is not going to hurt them, is the fear we have of the police. So if you have this fear of ISIS, understand our fear of the police. They pretended and the media misreported it that I said the police do what ISIS does. I didn't say they cut people's heads off. I didn't say that, but that's the way the white media reported it. When it went on Fox News nationally, then that made the locals latch onto it. It made the senators, under the leadership of Beau McCoy, say that I owed the

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police an apology. I did not give an apology and I never would. I was attacked by Police Chief Schmaderer in Omaha. I was attacked by Mayor Stothert. I was attacked by the Governor. I was attacked by Fortenberry. I was attacked by various senators for several days running. And I didn't run and hide. I came to the Chamber every day and I stood there and I faced them down and I spoke up for myself because I don't have any fear of them. My obligation is to be an example to all men of how we need to stand and stand against mistreatment, whether it's in a uniform, a politician's title, or anybody else. And since this is my last go-around, I want the record to understand that I have not changed. I meant what I said and I mean it now. I had objected when the Lincoln Police Department, to their credit, had two officers who had used excessive force. There had been an internal affairs investigation, action was going to be taken. And they knew they'd be fired, these two cops, so they quit, which is what cops do. Then they don't have the record of being fired. Lancaster County Sheriff hired one of them. The State Patrol hired the other. And I wrote what I called a treatise on law enforcement-- getting it out now will prevent me from having to say it to each person who comes up here-- that when these men have committed violence and it has been determined to be excessive force by their own internal affairs and they quit, when the Sheriff hires these people and the State Patrol, that is something that can undermine the morale and lower the standards because it says that force, unlawful force, excessive force, documented on camera is allowable. And when knowing that these cops have done it, they're hired. I had said that it's going to infect these agencies. It's going to be the standard. And when people see that the hierarchy of law enforcement protects these people, then there are people in this society who are going to take matters into their own hands and you're going to see the police being attacked. And that is what's happening. And some people want to blame me as though what I said caused the police to be attacked. It's what they do and they are not held accountable by anybody. So the police need to understand that there are different types of people who are growing up now. They can legally get weapons. It's very easy in my community to get weapons illegally. When I talked to the chief about it, the FBI, State Patrol, all levels of law enforcement, federal, state and local, nobody was interested. And I said, if these young people know where to get these guns, the police know where they're getting them. But as long as they're used only in our community, nothing will be done. So I believe the police have something to do with the ready availability of firearms, illegal firearms, illegally possessed firearms in my community. I want that on the record. And when these weapons start being turned on the police, then my comment is you sow the wind, now



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you're reaping the whirlwind. Now people are talking about the number of cops who were attacked and shot, but compared to how many people the cops routinely-- especially black people, even women, there is no parity. Relatively few cops have had anything happen to them. And when they can be shown on camera misbehaving, they'll be exonerated. The rare chief who will take action will sometimes be overturned when he fires that person through arbitration. There is an arbitration industry. The police unions know who these particular arbitrators are. They call them in and the arbitrators go along with putting these cops back on the force. Any police officers who have any integrity, who have any pride, should be the ones weeding out these so-called bad apples. When they see one of their fellow officers violating the law, an arrest should be made, but it won't. I know it, they know it. Law enforcement in black communities is not just a mockery, it is a type of oppression. They enforce the tenets of white supremacy and racism. They insult women. They proposition young girls and there are cops who know that because they've done it. But they all say, well, we're being lied on. You're not going to hear what I'm saying, for many people, on the record. But I want mine to be on the record. And what the police unions are starting to do and police agencies, because so much racism is manifested on camera, now the spokesperson for the police has a black face. The Omaha police union has a black sergeant who speaks for them and he is not respected in the black community. Nobody in the black community respects him. He speaks up for the police and there's discrimination against police officers on the police force on the national level. When cops have been shown on camera doing the wrong thing, they will have a black command officer and the face of the police department now, when it comes to their wrongdoing, is a black face. Black only in the sense of that person being African-American or Latino, but not when it comes to looking out for the welfare of their own people. And I won't, I won't have much to say unless some officer comes up here and is particularly provocative, but I wanted that on the record during this hearing. And I believe there are gonna be more attacks on the police. And I believe there are people who are going to use the police tactics against them. They're going to give a call and when they answer it, they're going to walk into an ambush. There are going to be officers who will park their cars and want to harass young black people or proposition young black women. Somebody may approach the car and while the cop is looking over here, then somebody from over there is going to take revenge. I am not advocating. I am giving warning. And if they won't take warning, they won't take advice-- I don't carry a gun. I don't threaten anybody, but I'll speak up for myself in this final example. I was arrested numerous times when I was much younger because I was not afraid of the police and I spoke out. I

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would look at them. I didn't talk to them like they're my father. So I was on the barbershop steps where I worked, private property. A cop pulled up and parked in the bus stop zone, which if a private citizen did, that person would have been arrested. So we watch the cops violate the laws that they punish other people for. I was looking at the cop and to make a long story short, I was arrested for looking at the cop. When we were down-- driving to the station, I said what are-- am I under arrest? He said, no. I said, then take me back where you picked me up from. He said, well, you are under arrest. I said, for what? He said, disturbing the peace. I said, what did I do that disturbed the peace? He said, you disturbed my peace. He had parked there and his friend had gone into a fish shop a few doors down from the barbershop to buy sandwiches. So I was placed under arrest. I went downtown. I didn't spend any time in jail. And then I went onto-- on trial. I went to trial for that. And a person after whom a mall in Omaha is named, Gene Leahy, was a judge. He was a judge before he was the mayor and he presided. And when the cops testified, it was clear I had done nothing that violated the law. And when my lawyer asked about this interfering with an officer-- that's what I was also charged with-- what was the officer doing that he interfered with? And the judge cut him off. He said that's irrelevant. We're not going to go into that. Well, that's the charge. And for those who doubt me, I have the transcript. And anybody who want it, I will send it to them. But it's not gonna make any difference. And after being arrested all of those times, charged with-- by the cops-- carrying a concealed weapon, dismissed. Interfering with an officer, dismissed. Disturbing the peace, dismissed. Suspicion of armed robbery, dismissed. Assault, which allegedly occurred in the barbershop on a day when I wasn't there, went to trial, dismissed. I have a long arrest record, but had I been convicted of those things, I couldn't even be in the Legislature. I do have bitterness. And if a white person had gone through-- from black people what I went through with white people, that person would have been like Timothy McVeigh. He would have gotten some explosive and blown up the Murrah Building in Oklahoma City. But I didn't. I came to this low-- this place. I graduated from the Catholic university, which supposedly had a high academic standing, didn't even attend classes. But the professors at that level were glad. And I didn't flunk a test, didn't flunk a class, and graduated. I carried 18 hours a semester. I didn't know that was a lot. Because it's easy for me, but it was hard for the white students. I went to their law school, got a law degree, everything that they said we couldn't do, I did it. And I didn't attend classes when I went to law school and I did and some of them flunked out. I came to this Legislature. I learned their rules. I have lived my life according to

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the rules laid down by these white people who I know hate me and hate my people. And I've shown that it doesn't matter what you do as a black man, what achievement you make as a black man. You still are not an American citizen. I have an honorable discharge. I have a letter of commendation for when I was in the Army. It means nothing. If I were a citizen, there wouldn't have to be special laws so that I can vote. I wouldn't see people like me having their vote suppressed at all levels and by all levels. You talk about a revolution. There have been revolutions for far less than what is happening to us in this country right now. The Americans, when they revolted against England, committed treason against their king, did not have as much as we have. They talked about taxation without representation. They were not being murdered. They were not being falsely arrested. Their women were not being raped. They were not enslaved. And yet that revolution is lauded. When I just use words, using the white people's laws, then I am the threat. They ought to pattern their conduct after me. And with that, I'm going to listen to what people say, but I wanted it on the record. I want it a part of our official record because these white people need to have somebody tell them not everybody is going to be patient forever. We see white people arming. We see where a white woman can call the police, she's walking her dog, and say an African-American man here is about to attack me, he's about to assault me. And he wasn't even close to her. Well, because it went all over television, she fell into the clutches of the law. And you know what they're going to do with her? Give her some community service. Suppose a black woman had accused a white man. First of all, the cops wouldn't have even responded. But turn it around and let black people do what white people are doing to us. Let a black cop shoot a white kid 16 times. That's happened to a black kid in Chicago and he-- that cop be justified. And in that instance, the cops who saw it lied because they never thought that the video would be released. The cops had said that he was going to attack them. He was moving away from them when the fusillade took place. These cops are cowards. They have no morality. How can they watch crimes, don't arrest the perpetrator because he's one of them, make false reports, swear out affidavits, which are false and get away with it? This is a rhetorical question. What is a black man such as myself supposed to do? A white man can get off the boat from anywhere in this country, go through whatever rigmarole they have, and become an American citizen, first class. Although there is no definition of second- and third-class citizenship in the Constitution, he or she will have rights that I don't have right now. They don't have to pass a law that say if you come from Italy and you become an American citizen, then these are the things that will apply to you. If you come from Wales, Scotland, Ireland, any of the

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Scandinavian countries-- we have been in this country longer than most of the white people; 1619 is when the first slaves came, but there were black people with some of the explorers. I'm not a citizen now. I thought being born in this country made you a citizen. Were I a citizen, I wouldn't have to have laws passed saying that a black man can get a sandwich here. A black man can ride the bus. They don't put that into the special laws for these white people who get off the boat. I don't know what it would take for me to be a citizen. I pay my taxes. I've been arrested falsely numerous times. I served in their military, honorably discharged, went to their university and went to their law school, sat in their Legislature. And you know what I get condemned for in this Legislature as a black man? Using the rules that they wrote. And then when their rules that they wrote cannot stop me, you know what they do instead of learning their rules? They change them. They will alter the rules. And because as a person, I conducted myself in such a way that the people who would vote for me, voted time and time again, without me campaigning, without me begging. So, you know, what the white people in this state said? The only way we can get him out of the Legislature is to change the Constitution. So in the same way that the Legislature enshrined me in their rules in a way that's shameful, to shut one black man up, the white people changed their Constitution to get one man out of the Legislature. And they got him out. But despite them, after he sat out four years, he came back and served eight more years. And the Legislature went about rewriting the rules to shut him up and they couldn't. How am I not to feel superior to white people? They're not my betters. They're not smarter than I am. So I'm superior to white people based on their standards. But do you know how I conduct myself? On the basis of knowing what it means to be mistreated because of what you are, not that you've done anything wrong, not that you chose to be what you are. And you know how it makes you feel. So when I look out and I see a Jew mistreated, I see a woman mistreated, I see a gay person mistreated, I see poor white people mistreated, I see farmers messed over, I come to their aid. And the funny thing is, I'm the one called a racist. But I don't do like white people and say, OK, you called me a racist, I'm not going to do anything. I know what I'm dealing with. I know how white people are. So I'm not going to refuse to help those white people who need the help that I, as a senator, should give because they got some other ignorant and hateful white people that I deal with. If you are the one who did something to me, I'm not going to do something to him or her. Now I do things for teaching purposes. I am taking this time because as a member of this committee, I can do it. I can hold white people captive for this short time. And they might think I shouldn't do that, but they can get up and walk out if they want to. And this

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hearing is going to end at some point, but when I walk out of this room, I still am not a citizen. When I excel, I'm still not a citizen. They can avoid listening to me. I cannot avoid the racism everywhere that I go. I'm wondering how many men in this room could have been falsely arrested as many times as I did and reached the levels-- I'm going to not be falsely modest-- excellence that I have and pass laws and help these white people write laws that are fair to the people, which laws would not be in the shape they're in if I didn't take all of that time to read these bad bills, to offer amendment after amendment after amendment, come here in session, out of session, because I gave my word when I took this office that I would discharge the duties to the best of my ability. And my ability must be much more than theirs because I come down here even now and I don't require anybody to do what I do. I do it because I believe it. And what I ought to do when I get through talking is walk out of this room, but I'm going to stay here. I'm going to listen to these police officers and I'm going to hope that they say some things on the record that others can use to demonstrate what they ought to be doing, but they don't do. They should be making arrest-- arrests of these misbehaving officers. They should be more offended by these officers than I am, but they're not and I know it. And we're going to hear a lot of fluff this morning. We're going to hear talk about hurt feelings. Now they're-- they carry the guns. They kill us. Then somebody doesn't like them and their little feelings get hurt. They're talking bad about us. They want to defund the police, do to the police what they do to us. That's all we ought to do. We should let them set the standard. We will not do anything to police that they have not done to us, which means if one is just doing his duty, you can shoot him like they can shoot me if I'm driving my car and obeying the law. Their women can be propositioned, they can be raped, and then they'll say, nobody's going to believe you. There was a woman, she was a prostitute and a cop arrested her and he made her give him a blow job. You all know what these terms are-- you're all adults-- made him suck her-- made her suck his penis and he ejaculated in her mouth, a white cop. But she knew what she was dealing with, so you know what she did? She held his semen in her mouth and he didn't arrest her. And she had a credit card and she spat his semen on the card because it's plastic. And naturally, the lie was told, but then she submitted the DNA evidence. That should have been sexual assault, but they put it at a lower level. He was fired and people came to his aid and one professor at UNO talked about what a great officer he was. That's what happens to us. I wonder how many cops in this room would have done anything to stop that or correct it when it's not-- you all don't know what your ratty colleagues do to us or you pretend not to know or you have no

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ethics whatsoever. There's no way that I, as a black man, would watch a black man abuse a young white girl. I'm through. Mr. Eickholt, I'm going to say, not as an apology, that I victimized you because you understand that I'm subject to go off the rails at any time and it will not cause you to have conniptions or hot flashes. Mr. Chairman, I'm not going to do this on every person, perhaps. But if I change my mind, who's going to stop me? I'm trying to give you an object lesson by the way I'm conducting myself of what can happen when things are going on that you think maybe shouldn't, but there's nothing you can do about it. You have to just go along. You have to accept it. I haven't cursed at any of you. I haven't punched any of you, yet you're probably deeply offended at my mere words. If my words can offend you to such an extent, why are you shocked when your misconduct in uniform is offensive to us? We're not even allowed to be upset about it. I hope the day comes when people will give back to the police what the police give to us. If they conduct themselves properly, show them the respect, advocate the respect for those who behave themselves. But those who don't, give them back what they give. If you know there's a murderous cop, there should be somebody like the days of the Italian families who knew how to handle cops, who did things like that, then the cops knew which people not to bother. I'm through.

**LATHROP:** Any other questions for Mr. Eickholt? I see none, thanks for being here today. Next testifier. Good morning and welcome to the Judiciary Committee. I'm going to ask people that testify and, and panel members as well, try to get that mike close to you--

**JASMINE HARRIS:** OK.

**LATHROP:** --because we're all wearing masks and it's muffled to start with and just so that people that are watching on TV or those who transcribe the record can capture everything you have to say.

**JASMINE HARRIS:** Thank you.

**LATHROP:** With that, welcome.

**JASMINE HARRIS:** Thank you for the welcome. Good morning, Senators. My name is Jasmine Harris, J-a-s-m-i-n-e H-a-r-r-i-s. It's great to see you all again. I just wanted to come today and kind of follow up on some of the comments that I made at the listening sessions back in June. One of the things that I did over this summer, I took a intensive course with the Pretrial Justice Institute that really allowed me to dig into how our pretrial justice system works here in the state of Nebraska and to use my position as the director of policy

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and advocacy at RISE to begin those conversations with stakeholders on how do we move forward with pretrial justice reform in our state. After taking that course, one of the things that I did was to issue a survey to different stakeholders and asking them about different aspects of the pretrial justice system and how they believe it operates in the state of Nebraska. Some of the questions that I looked at, one: community members have a wide range of opportunities to provide input and feedback about the pretrial justice system, majority of them said there are no opportunities available to their knowledge. Policymakers are responsive to calls to action from the community about the pretrial justice system, majority of them said they are not responsive to my knowledge. So that opened up those conversations of how do we begin to ensure that community members have that opportunity to talk to policymakers and be able to start putting in their comments for reform? And I thank you all for those listening sessions and the hearings today. We know that our-- how our communities are set up and how they interact with law enforcement is based a lot of-- on public health issues. And we're talking about behavioral health needs and homelessness and things like that. From that standpoint of me being a public health expert, we have to begin to look at how we address this situation through public health policy and foundational skills of that matter. One of the other questions that we talked about in this survey that looked at, and it showed clear, was that people did not believe that there was enough funding when it came to the behavioral health needs and why we see the continuous interactions with law enforcement. And how do we continue to keep seeing those same people over and over again interacting with the law enforcement? And my light is yellow, so that means I don't have a lot of time, but one of the programs that I talked about was law enforcement-assisted diversion, which since the murder of George Floyd, they have changed their name to let everyone advance with dignity, which shows that they are really listening to people in the community. They know that the law enforcement has the initial contact. And what this program is set up to do is to divert individuals from the continuous contact with the police officers, as they continue to see people who they call frequent fliers all the time. Are there community resources and how do we do that? So knowing that their funding is existent, but not sufficient in the-- those issues that we continue to see people interact with the law enforcement, we have to begin looking at how do we get that money down to that level and putting in programs that have the law enforcement being able to divert individuals into these programs, where there are case managers, where there are people who can meet people where they are. Do you need food? Do you need to be put here with this resource? So that way, individuals' needs are being met. And I can get you more

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information on that program because what they see is that 58 percent of individuals who have gone through this program do not come back in contact with the law enforcement. And this is the program based out of Seattle. I mean, with that, my light is red, so thank you.

**LATHROP:** OK. Let's see if there's any questions--

**JASMINE HARRIS:** Yes.

**LATHROP:** --before you step back. Senator Pansing Brooks.

**PANSING BROOKS:** Thank you for coming, Ms. Harris. I would definitely like-- I think everybody would like to get information on that program.

**JASMINE HARRIS:** Yes.

**PANSING BROOKS:** So if you can for sure get it to us--

**JASMINE HARRIS:** I will.

**PANSING BROOKS:** --that would be great.

**JASMINE HARRIS:** Thank you.

**PANSING BROOKS:** Thank you very much for your testimony and for coming a few times before us.

**JASMINE HARRIS:** Yes, thank you.

**LATHROP:** Very good. Thanks for being here, Ms. Harris.

**JASMINE HARRIS:** Thank you.

**LATHROP:** Always good to see you. Next testifier, please. Good morning and welcome to the Judiciary Committee.

**ISHMA YUSAF VALENTI:** Good morning. Thanks for the time. Ishma Yusuf Valenti, the first, that's I-s-h-m-a Y-u-s-a-f V-a-l-e-n-t-i, here to speak in support of LR377. Quickly, I would just like to recognize everyone here for your time and, and thank you for giving me the time to speak. Senator Chambers especially, I am upset that I was late to hear all of what you say, but it's always a teaching moment, so I appreciate your words always. Quickly, some jobs, I believe, that police are asked to do makes them socioeconomic police. I think that being able to go through a hearing to access and talk about these things with more counsel would be a great and a very positive thing to



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do. Police are and must be more than just law enforcers, in my opinion. And many people that I talked to, the community, collect-- protect and serve is more than just enforcing certain laws that we know so many times have been unjust towards certain parts of the community. We can learn, I think a lot, from listening to each other and especially from listening to police when it comes to what they even think that they should and shouldn't do. And sometimes the way that we are set up is putting, I believe, police into situations that continue to bring stress and unneeded battles, if you would say. I think that another big issue to look at this and I continue to be asked the question, how do we continue to work with community and police and how do we continue to stop the issue of race and the only functional racism in America is white supremacy? That being said, looking at the real root cause of the problems, how can we-- the police don't show up with white supremacist ideas after they're-- gone through police training or they don't become racist after they become police. This starts very early, starts when we walk in. I work in almost every high school in Lincoln. We walk in every high school in Lincoln and we have a, a Thomas Jefferson figure, a, a human trafficker that says it's OK to treat black people as such. So if we continue to educate ourselves like this, then we'll continue to breed white supremacists or racists that then go into every single compartment of our community, not just police. Really quick, we all know 50 percent of-- or many may know that 50 percent of the complaints to the community advisory or police advisory board, the committee, are from black people. We're 5 percent of this population in Lincoln, so we know that there's a need for some type of change. Again, when we look at things in a, in a very big scope, I think in the macro sense, we know that we can do better. I don't personally believe in the, in the eye-for-an-eye type thing. So I've been treated horribly on many accounts by police officers, but I, and I think many of the people who like me, who are with me, and who support me and who work with me daily, are not in a, in a sense of hating the police or anti-police. We're just anti-police brutality. And that being said, a motion, a resolution like LR377 to be able to get the allotted time and the allotted resources to see how we can fix these problems is very necessary and I think vital if we want to continue to-- if we want to really protect and serve. And really quick, I know my time is, is coming to an end, but I want to recognize Chief Bliemeister, Luke Bonkiewicz, and other people on the LPD force that have worked diligently to work toward solving these problems with the TRACE and HCA initiatives. And I know that just because we've worked so hard, we do need this because later on, there will be things that need to continue to be done. And just because we have some great people right

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now working from the top down doesn't mean that we always will. So I think it's very important to move on with the resolution.

**LATHROP:** OK.

**ISHMA YUSAF VALENTI:** Any questions?

**LATHROP:** Yeah, Senator Pansing Brooks.

**ISHMA YUSAF VALENTI:** Please.

**PANSING BROOKS:** Thank you for coming, Mr. Valenti. Could you just let people know a little bit about what you're talking about with the program with Chief Bliemeister and what happened here in Lincoln and also, what, what your position is right now?

**ISHMA YUSAF VALENTI:** Sure, most definitely. Thank you. Again, thank you for the invite as well. I appreciate that, Senator. I am the team director at the Clyde Malone Community Center, historically, the African-American Community Center in Lincoln. And this June, on mounting things that happened, but of course with George Floyd-- and, and again, I want to, I want to give another quick reference to-- Senator Chambers mention-- mentioned Laquan Daniel-- McDonald out of Illinois. And I think a lot of times, we get this big stigma of why do these people keep doing these things or why are people protesting so much or why are songs like "16 shots" made? And it's a response to the ills that have been done. And so in response to the ills nationally, Lincoln has stepped up to have the "Hold Cops Accountable" agreement. Again, Chief Bliemeister and, and other law enforcement leaders came to the table to say, yes, we recognize that syst-- systematically throughout the country, white supremacy has been a huge problem and, and it has affected policing. And so we have come together to make a-- an agreement that brings the community and the police to the table once a month to be able to express directly to the police officers from the community and to other law enforcement what exactly the problems are, according to the citizens. That has braided into the TRACE committee and the TRACE committee works with five subcommittees that have been set up: the language subcommittee, the policy subcommittee, the social and economic disparities committee, and various other committees I haven't written down. I'm not going to go my phone. They work to-- work towards the equity in the justice and policing system to make sure that the communications are happening and continue to happen to make this policing better. Now we understand that that's a, a start. Right now, it has no funding. It's all volunteers and we're making great strides. The, the policy committee

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has given out a use of force recommendations to-- the, the chief has it and, and the captains and they gave back great feedback to move forward and are going to present it at their next-- I forget exactly what it's called, but the place where they make the new recommendations for their policies of the-- the, the committee on community engagement has three active events that they're doing right now that have brought together the community and the police. And, and there's more work going on that completes, I think, the, the whole circle of what community policing should look like in our opinion. And so we're moving forward with that but things like that, that are showing success are happening just with volunteerism or happening without real backing. And so to get something like this where we can get more studies, more backing, and more programs and projects like this to enhance all of our quality of life here, I think is, is a big push in the right direction.

**PANSING BROOKS:** Thank you.

**ISHMA YUSAF VALENTI:** Thank you. Any other questions?

**LATHROP:** Senator Brandt has one for you.

**ISHMA YUSAF VALENTI:** Please, sir.

**BRANDT:** Thank you, Chairman Lathrop. Thank you, Mr. Valenti, for testifying today. It's always eye opening for somebody like myself. As a leader of minority youth in your community, would you encourage them to join the police department to change it, to make a difference?

**ISHMA YUSAF VALENTI:** I'm so glad that you asked that question, actually, because I wanted to, to speak on it before my time was up, so thank you for that question, seriously. I would most definitely encourage youth to do whatever makes them happy and they find a calling in. That being said, I have gone through a good portion of the, of the Citizens' Police Academy and through that, I've found a lot of, a lot of great things. One thing, after I was finished doing, I think the active shooter training, one of the officers said, hey, you would be a great candidate. You should come out for the police. My personal and cultural beliefs, I don't cut my hair, I don't shave, and these are things that are cultural-- culturally important to me that goes directly against, I believe it's code 15-- 1450, with the dress code and grooming codes in LPD policies. And so many of the youth that I work with that have locks like mine and even aspire to grow up to, to look maybe as I do, top hat and all, they would be not only discouraged, but would have to make a decision between their cultural

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significance and being a police officer. And so, again, I think it's a great question because I would definitely encourage anyone to go make a difference in the arena that they can do so to make our world better. But there would be young men and young women I know right now that would not be able to do so because of something like the dress code. So again, that's something that the policy committee is, is looking at and is going to be working towards. So again, I think this just brings the significance to how important something like this is to continue to solve these problems that go even as, as, as-- I think as important as that, as would you encourage these young black kids to become cops?

**BRANDT:** OK. Thank you.

**ISHMA YUSAF VALENTI:** Thank you.

**LATHROP:** I have a couple of questions for you--

**ISHMA YUSAF VALENTI:** Please, sir.

**LATHROP:** --if I can. The, the forums that you described, it sounds like the community sitting down with the police chief, is that something that's come along in the last six months?

**ISHMA YUSAF VALENTI:** This is true. This is something that came up-- well, let me hold-- back up a little bit. There's been a, an amazing relationship that's been forged between myself, the police chief, Jeff Bliemeister, and other law enforcement leaders, leaders. Because of that relationship, I think honestly, the leaders in the police department have been able to come not only to me, but, but reach out to folks like me as well and say, what do we need to do to help change? And so, yes, George Floyd was most definitely a spark. His murder was most definitely, I would say, even a, a catalyst to bringing about this-- more change. But this change is seeded in the relationships that have been made, the honest and trustworthy relationships that have been made between leadership and myself. Please.

**LATHROP:** Can you speak for the community in answering this question: Is there more trust between the community and law enforcement because of the, the forums that you're involved in with the police chief?

**ISHMA YUSAF VALENTI:** I can speak towards the people that I've talked to personally that have seen not just words, but some action come out of things like, oh, the policies are really up for play and really able to make change. Those people have shown tremendous confidence

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that we are able to make strides like this. And a whole, I would say the community-- and the community and, and policing trust-- the community trust of the policing is tough when they continue to be brutalized. When I continue-- three nights ago, I was, I was followed for over three miles because I made eye contact with the police officer. I made a pact to make eye contact and to smile at police officers because, again, I don't believe in the eye for an eye, right? But the confidence in the people I've talked to that have been a part of the progress and that have been able to see the messaging from the progress of these collaborations, community initiatives have definitely had much more trust and, and willingness, I think, to trust the police.

**LATHROP:** Is it-- does the trust in law enforcement extend beyond the participants? So if you and I don't know how many people from the community meet with the chief, but let's say-- how many, how many folks are involved in this?

**ISHMA YUSAF VALENTI:** It varies from month to month, but we-- the subcommittees-- there's about five to six members on each subcommittee. There's five subcommittees, about 30.

**LATHROP:** So about 30 people?

**ISHMA YUSAF VALENTI:** Um-hum.

**LATHROP:** Does the trust in law enforcement-- it-- first, does it improve trust with law enforcement in your community, with Lincoln Police, and does that extend beyond the 30 people that are participating?

**ISHMA YUSAF VALENTI:** Most definitely, it improves trust. All transparency improves trust. And this was-- it's a-- this is a big move towards transparency. And when we add the messaging that shows not only cops are coming to the table, but policies are for play, we've heard a wide, a wide range of support and newfound trust and in, in just thing-- things as simple as comments on, on Facebook to the Malone Center page. But definitely, found new-- newfound trust in the community with these initiatives. And it is my direct belief that by braiding, by growing these initiatives and making more of them, making them have stronger teeth, if you will, that that trust will continue to grow.

**LATHROP:** Good. I really appreciate the fact that you came here to testify today--

**ISHMA YUSAF VALENTI:** Thank you.

**LATHROP:** --and the message you brought us--

**ISHMA YUSAF VALENTI:** Most definitely.

**LATHROP:** -- and everybody in the room, I think. Any other questions or thoughts? Senator Pansing Brooks.

**PANSING BROOKS:** Thank you. I, I really appreciate your testimony too. I, I knew how articulate and brilliant and thoughtful you are and I'm grateful for your leadership in this community as well.

**ISHMA YUSAF VALENTI:** Thank you, thank you.

**PANSING BROOKS:** As Vice-Chair, Senator Lathrop and I have discussed the way that this hearing would go and we discussed about having citizens first and then law enforcement, but I think that on, on second thought, I think it's good to merge. And I'm glad that I see police officers and law enforcement here because I do feel that it is important to come together, rather than still being seen as separate. And so I think in the future, I hope that we will do a good job of bringing everybody in together. And if it's one person, one person and somebody wants to speak to something somebody said, I think that's OK. I think we have to bring the communities together. And I'm grateful that it worked out so that people were able to come in here together and listen to one another. And we'll hear from law enforcement, but your testimony was powerful today. Thank you.

**ISHMA YUSAF VALENTI:** Thank you. I appreciate you guys, everyone. Any one? Thank you, everyone.

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

**ISHMA YUSAF VALENTI:** Thank you. Have a good day.

**LATHROP:** The next testifier, please. Welcome to the Judiciary Committee.

**KASEY MOYER:** Thank you. You all know that I get pretty nervous doing this, so bear with me.

**LATHROP:** You're gonna have to speak up a little bit--

**KASEY MOYER:** OK.

**LATHROP:** --and we'll start by having you share your--

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**KASEY MOYER:** Name.

**LATHROP:** --name with us, although most of us know you--

**KASEY MOYER:** Yeah.

**LATHROP:** --and spell your name for the record.

**KASEY MOYER:** All right. Good morning. Thank you for the opportunity to present. My name is Kasey Moyer. It's K-a-s-e-y M-o-y-e-r. I'm with the Mental Health Association of Nebraska, where we assist people living with mental health and/or substance use issues to gain and maintain recovery by offering peer support, informed choice, advocating, promoting wellness, and encouraging hope throughout MHA services. MHA has collaborated with the Lincoln Police Department since 2011, so I can only speak on my relationship with the Lincoln Police Department. The Lincoln Police has also worked hard to build a number of other collaborations, including TASC, which is targeted adult service coordination or case management, CenterPointe, Region V Systems, Families Inspiring Families, and the local cultural centers. These community partners provide them with valuable resources in assisting community members who are struggling with mental health, substance use, poverty, diversities, disparities, trauma, medication assistance, and all sorts of other barriers. LPD doesn't choose just to train certain officers on these issues. All officers are given the opportunity to attend these trainings. MHA, in collaboration with LPD, has also provided a lot of trainings on mental illness, substance use, peer support, prison reentry, what it's like to hear voices, and we've spoke to all types of people in our community, including community providers, landlords, policymakers, bankers, students, college faculty. And we have been even recognized nationally with the National Association of Case Management, CIT International, and the National Dialogues on Behavioral Health Issues. LPD facilitates, along with Region V, the behavioral health threat assessment training and has for the last 11 years, which on average, trains about 50 to 60 officers a year. The training is a four-- full four days training and interacting with police officers, community providers, peers, or people like myself with lived experience. And then we have psychiatrists and pharmacists and everybody gets together and we discuss mental health and the, the issues that people face. LPD has been actively involved in building all these relationships and facilitating trainings in both the adult and the youth system. We all know that there are areas for improvement and we have discussed those with LPD also, such as workforce shortages, racial disparities within the criminal justice system, and the ongoing issue of trying to address mental health in

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the overwhelmed, underfunded system. Please look at the work that they have been doing and learn from what has been, what has been put in place, what's been working, what's not working, and what is still needed. I understand that you're looking at law enforcement efforts across the state, but I really believe that the Lincoln Police have done a great job in trying to get input from the community on all sorts of issues, but me specifically, I know about the mental health and substance use and prison reform. So thank you.

**LATHROP:** I don't see any questions, but I think a number of us have had an opportunity to meet you, tour your facility in Lincoln. What you do on the peer-to-peer work with folks coming out of-- that are law enforcement involved is, is terrific work. We, we appreciate your testimony and your thoughts today.

**KASEY MOYER:** Thank you so much.

**LATHROP:** Yeah, thanks, Kasey. Any other testifiers before we get to law enforcement and city officials? I see none. We will take the first or the next testifier, which would be, I think the chief was going to testify. Good morning.

**JEFF BLIEMEISTER:** Good morning to members of the committee. My name is Jeff Bliemeister, B-l-i-e-m-e-i-s-t-e-r, and I appreciate the opportunity to be in front of you today. The Lincoln Police Department is committed to the sanctity and preservation of human life. Our agency is composed of about 500 professional commissioned and civilian staff who really work every single day to be part, but not all, of the safety and security of our community. We embrace the spotlight of accountability and we really are committed to data-driven, evidence-based practices. Most importantly, we and myself personally, recognize that it's our responsibility to earn the trust of the residents through every interaction and bolster our decades-long commitment to community policing. This forum does not allow for a deep review of the concepts described in the interim studies and I really would encourage each of you to visit our web page and go to Lincoln Police Department's transparency hub to thoroughly examine how we address the issues raised in the interim studies and also critical issues facing policing. When we talk about accountability, the cornerstone of that is really meeting the expectations of those in Lincoln. Our policies, practices, strategic planning, external oversight via the Citizen's Police Advisory Board that's been discussed today are grounded in the input and voices of our citizens. Since 1989, we have exceeded the high standards set forth by the CALEA accrediting body and we're less than 5 percent of police agencies



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nationally that meet the rigorous standards. I'll get back to the data and the evidence-based strategies. The best practices are central to every facet of our operation. Our crime analysis unit, internal research unit, collaborations with university scholars are analyzing and helping trying to develop fair, impartial, and well-researched practices. Data and research to implement these objective and foreign policies and key to improving both LPD and our profession as a whole. Since 1975, we have been working towards instilling the values of community-based policing. We do not police our citizens, but instead work in partnership to identify, solve, and really prevent in a manner so we can positively impact with so many others, some of which have testified today, the quality of life in Lincoln. We strive for flawless service, but recognize that we are imperfect public servants tasked with the most complex social issues. Community engagement is a big part of the work that we do and have done and some of those things have been discussed today. With limited time, I-- the interim studies are important. They address uncertainty, public concern, and calls for reform caused by systemic, structural disadvantage, institutional bias, including in policing and the criminal justice system. LPD and our employees are committed to these data-driven, evidence-based reforms that meet the expectations of those in Lincoln working to improve trust and enhance the quality of the services we provide. I am proud of the work of the women and men in our agency and I'm proud to be part of the policing profession. And I'm committed to improving both, recognizing that that opportunity is in front of us. And with that, I'll take any questions you may have.

**LATHROP:** Very good. Senator DeBoer.

**DeBOER:** Thank you so much. Let's see if I-- all right. Thank you so much for being here. Thank you for testifying. A couple of questions because we didn't have the opportunity to hear as much from you all this summer. And I was not in that hearing during the short, what we call the COVID session, so I, I was doing something else and wasn't able to, to listen to that. Could you go through with me-- if a citizen has a, a problem with a-- how a stop was conducted-- say I'm pulled over and I feel that I was improperly treated in that stop. What would the process for a complaint be for me as a citizen in that situation?

**JEFF BLIEMEISTER:** And Senator DeBoer, I'll speak specifically to the Lincoln Police Department's practice. And so the reality is there's two different pathways initially that that can happen. One is you can call our dispatch center. You can email us. And each and every complaint that is brought forward by a citizen is then investigated

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depending on the level of the complaint. Whether that is rudeness versus an unlawful arrest or unlawful or excessive use of force, that kind of--

**DeBOER:** Sure.

**JEFF BLIEMEISTER:** --starts an internal pathway. The second part is that we have a citizen's police advisory board and have since the 1970's that have independent investigative authority. Those-- members of that panel are, are appointed by the mayor and they have investigative authority, as provided by code-- municipal code. And you can choose to go down that particular path. So those are two that directly involve the Lincoln Police Department. But there is others, right? And so there-- if you believe that you were unlawfully arrested as part of this hypothetical, you have the city attorney or the county attorney and you also have the civil processes that are in place through the civil courts, specifically in many of these circumstances, the, the U.S. Department of Justice.

**DeBOER:** OK. So imagine that in my scenario, let's say I was-- the use of force was improper or I think it was improper on me. So I've made a complaint to the Citizen's Police Advisory Board. Let's say that they do their investigation. They've talked to me. They've talked to the officer, whatever they've reviewed-- do you have body cams here in Lincoln?

**JEFF BLIEMEISTER:** We do.

**DeBOER:** OK. They've reviewed that, whatever other information they can, and they find that improper use of force was in fact what happened. Then what happens next? If the Citizen's Advisory Board discovers that, is there any repercussion or how would that-- what would be the next step?

**JEFF BLIEMEISTER:** Absolutely. Great question. And so if you go forward first to the Citizen's Police Advisory Board, which is fine, that initiates a separate and completely distinct internal investigation. So the Citizen's Police Advisory Board is going to investigate it. We're going to investigate it internally. And to your point, the Citizen's Police Advisory Board, if they make a determination that the force was excessive, they will be able to bring that forward. But I-- anticipating your next question, they have no disciplinary authority over that. They have recommending authority--

**DeBOER:** OK.

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**JEFF BLIEMEISTER:** --and that recommending authority does come directly to me and to the mayor and-- but we still have the other-- even if you didn't go to internal affairs where that would land, there would be the potential to address it there and would be investigated thoroughly. In addition, that recommendation could definitely be part of the civil suit for excessive force as part of the allegation.

**DeBOER:** So what would you do if you got a recommendation from your Citizen's Police Advisory Board that a use of force was excessive? So it's gone through the internal affairs process. Let's say they disagree. Let's say the internal affairs process-- and I'm-- I'd like to go-- maybe let's, let's step back a second. Let's go through what is the process for investigation that happens in the internal affairs in Lincoln? So there is a complaint brought, an investigation is opened. Who does the investigating?

**JEFF BLIEMEISTER:** The internal affairs sergeant for the Lincoln Police Department does that.

**DeBOER:** OK.

**JEFF BLIEMEISTER:** So we're, we're dealing with these hypotheticals. And first, I can tell you in the last four and a half years that there has not been this discrepancy as described--

**DeBOER:** OK.

**JEFF BLIEMEISTER:** --where one agency believes it's one thing and one believes that there is the other. And so I, I am working on these hypotheticals.

**DeBOER:** Yes, sorry.

**JEFF BLIEMEISTER:** The first thing on an excessive force complaint that would come forward is there is a determination. Is there a potential that the conduct was criminal? If that conduct is potentially criminal in nature, assault, false arrest, to Senator Wayne's point earlier, some type of lying that was going on, we are providing that to the Lancaster County Attorney's Office.

**DeBOER:** OK.

**JEFF BLIEMEISTER:** So that's another distinct element of it. But if we determine that it's not criminal, we are working through-- the internal affairs sergeant is reviewing the reports. They're doing interviews. And in policing, and I think that this is an often

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misunderstood thing, I can order an officer to make a statement. In criminal courts or in the Citizen's Police Advisory Board, you cannot make that request. You have the right to not self-incriminate, but that doesn't exist within the confines of our agencies. And if they choose not to, that is a separate--

**DeBOER:** Disciplinary--

**JEFF BLIEMEISTER:** --a violation of policy that they can be disciplined for. And depending on the egregiousness of that, it could certainly lead to termination and then the cascading effects of termination, which today are a report to the Crime Commission of misconduct to investigate the certification of that particular officer.

**DeBOER:** OK. So the process goes through the sergeant for internal affairs. They-- the sergeant for internal affairs makes a determination. Let's say the sergeant determines no excessive use of force. Does that get reported then to you or what's the next step that that would go into if the sergeant says everything's OK here?

**JEFF BLIEMEISTER:** Great, great-- another great question. The sergeant makes a recommendation to me based upon the totality of their investigation, which includes review of body one camera, in-car camera, external surveillance camera, interviews of the particular aggrieved party, the officer, any other witness officers that there may be, all of that, digital records that we have as far as automatic vehicle locators, all of those things are reviewed and they make that recommendation. I can choose to accept that recommendation or I can choose to say nope, we need more review done or I can say no, I don't agree with this and we are going to sustain, in the hypothetical, a excessive use of force.

**DeBOER:** So ultimately, while there is an investigatory officer, the discretionary function is entirely in the chief, is that correct?

**JEFF BLIEMEISTER:** Can you repeat that, please?

**DeBOER:** Sorry. While you may have an investigatory officer, the discretionary function, so determining what ultimately is the, the outcome of the complaint or what the, the decision on the complaint is, is that entirely with the-- with you, with the chief?

**JEFF BLIEMEISTER:** In that particular circumstance, yes, but once again, I have to point back to there are other independent--

**DeBOER:** Other place, sure.

**JEFF BLIEMEISTER:** --avenues to explore, whether that's Citizen's Police Advisory Board or the federal courts in what I would describe as a 1983 suit.

**DeBOER:** And how would you communicate your decision to the person who filed the complaint?

**JEFF BLIEMEISTER:** Yeah. There is very structured feedback loops, including written correspondence that discusses what steps have been taken and what determinations were made.

**DeBOER:** And then when you send out that information that says here was our internal affairs investigation and this was ultimately the result of that investigation, is there and, like, do you send out a form letter to that person? Do you give them sort of information about what other avenues they might talk, talk to or participate in if they don't like what they have-- what the result was? I mean, is there something like that? Is there-- I'm, I'm asking if there's an appeal process, but I don't know how to describe it here.

**JEFF BLIEMEISTER:** Another great question. So the letters both for disposition and notification-- so when you come forward and, and you make an allegation of excessive force and I'm using that because there's a difference between that and rudeness.

**DeBOER:** Sure.

**JEFF BLIEMEISTER:** --or-- but immediately when we're saying, hey, we received your complaints, we are going to do this investigative process, you have the option-- and that is part of it. We tell them right upfront. You can also go to the Citizen's Police Advisory Board, so--

**DeBOER:** OK. So that's my first question.

**JEFF BLIEMEISTER:** OK.

**DeBOER:** If you had-- let's imagine that we have a magic wand and we suddenly find some money in the couch cushions of the state and we have some money to give more police training. I assume that you would be in favor of more police training, is that correct?

**JEFF BLIEMEISTER:** I definitely would be in favor of more police training, especially training that has been studied, is evidence based, and there are proven outcomes that show that it, it works. I have to say that-- so larger agencies such as ourself--

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**DeBOER:** Yeah.

**JEFF BLIEMEISTER:** --of the 500 employees that I spoke about, we are authorized to have 358 in our agency and we are responding to 500,000 incoming calls on an annual basis, 120,000 calls for service, and so we have to find that particular balance because just because we're training and taking people off-line, we still have to meet the needs that are coming forward to us. And when you are trying to train 358 employees, all that have Tuesday, Wednesday, Thursday, Friday off, you have to cover those shifts. So it's not only the cost of the training, it is the cost of the backfill, which is probably, not probably, is much more costly. It's the overtime costs--

**DeBOER:** Sure.

**JEFF BLIEMEISTER:** --that are associated with that. So yes, good, high-quality training that is rooted in evidence is something we would welcome.

**DeBOER:** And so my question is, imagine that you had five more hours of training to give. What would you give them in? What-- if you had-- we worked all the other things out, you could pay the overtime, you could make it work-- so this is just a magic world, right, but--

**JEFF BLIEMEISTER:** Yeah.

**DeBOER:** --if you join me in my magic world, what would you spend those five hours training on?

**JEFF BLIEMEISTER:** It would vary from year to year because I recognize that there are many different concepts that absolutely must be addressed on an annual basis. And what I liken it to is many of the things that are brought forward here today are these very low frequency, all but too often, but high-risk scenarios. And whether that is ways to deal with those in mental health crisis, whether that is addressing the awareness of implicit biases, of explicit biases, whether that is some type of critical skill in communication of de-escalation, it would be these core skills that are repeated on an annual basis for the five hours in the hypothetical that we're talking about. And I think it's-- to your point, or at least what I am assuming you're looking at, is it's doable. I mean, we can create these curriculums. The state can mandate this, but we just have to be so cognizant of it comes from this body in a place with so much pressure on municipalities--

**DeBOER:** Sure.

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**JEFF BLIEMEISTER:** --and counties to fund that.

**DeBOER:** Yeah. No, I mean, I-- it's a magic world and obviously, it doesn't bear out in the real world and so I'm just trying to understand maybe what some priorities might be.

**JEFF BLIEMEISTER:** Yeah. And those would definitely be some of the priorities, as I just discussed: bias training, critical skills in communication, dealing with those in crisis, and, and I also really believe that police officers-- that the profession is asked to do this wide variety of skills. So we're not experts in any one particular thing and many of those don't revolve around our traditional views of policing and enforcement. That's probably less than 10 percent of the things that we're doing. It's all of these other social services that no one else has the willingness or the responsiveness to be able to pick up and, and take ownership of.

**DeBOER:** If this body could do one thing to improve trust, help with some of that mission creep, something like that, what would you have us do?

**JEFF BLIEMEISTER:** Great question and one that I didn't anticipate, so thank you for--

**DeBOER:** Sorry.

**JEFF BLIEMEISTER:** --the challenge coming forward. But there's been discussion today about the role of the Crime Commission and there has been, since 2018 and LB791, the strengthening of removing those individuals who do not need to be in this profession. So one thing that we could do is-- I truly believe-- is look at that to try to further prevent officers that have egregious acts from being part of our profession. So I, I believe that, but that's on the back end. That's right-- you know, something bad has already happened. And what else could we do, is mandate these standards, which may not be-- are expensive, whether that is more thorough review from psychologists on the front end, on the hiring process, from the polygraph that is part of our agency standards. And once again, when you start talking about it across the state of Nebraska, expensive endeavors, but one that I believe prevents tragedy and that's-- honestly, preventing people from being in this profession who should not be in this profession should be a priority.

**DeBOER:** And then one last one, which-- if you think back to this summer and the protests this summer, if there were one thing that you

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could change or maybe you already have changed it, but then this would be the opportunity to let you talk about that, what would you change about the way your response was or what already have you changed to the way you all responded this summer?

**JEFF BLIEMEISTER:** So there has been a very in-depth review that has been completed. And that is an existing part of our processes and has been for decades as far as the thorough quality assurance measures on any type of use of control. What would I change? I would change the fact that how we communicate, not just through the police, but through the community, through individuals like Mr. Valenti here, that to voice your concerns, but to not respond with property damage and violence, which then invokes a reciprocating response on the part of law enforcement, which becomes the focus. And so with the benefit of reflection, those communication processes need to be better.

**DeBOER:** OK. I mean, I assume we can all always do better at something, so that's a, that's a good place to start, I think, with communication.

**JEFF BLIEMEISTER:** And I subscribe to that philosophy, too, that-- and I-- as I stated in my testimony--

**DeBOER:** Yeah.

**JEFF BLIEMEISTER:** --I am not perfect. We are not perfect as a profession and we do strive to be better.

**DeBOER:** Well, I thank you so much for coming and answering all these questions that maybe some of them were even not that straightforward, but thank you very much. That helps a lot.

**LATHROP:** Senator Pansing Brooks.

**PANSING BROOKS:** Thank you so much for coming, Chief. We really appreciate it. I am pleased, because I'm so proud of the Lincoln Police Department, that I was pleased to be able to ask you to come. I-- so one thing sort of took me, the-- what you said, preventing people from being in the profession who shouldn't be there. How are-- that's surprising that you're looking to us to do that.

**JEFF BLIEMEISTER:** When-- so here's, here's why I bring that forward. Agencies like the Lincoln Police Department, and this is described in this transparency hub that I talked about, we walk through it in detail. We have the opportunity and the resources to send each and every one of our candidates to an interview with a police psychologist



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who has no affiliation, other than the contract and I'm never gonna argue the fact that there's going to be a paid contract for them, to review. Not all agencies in Nebraska can do that. Not all agencies in Nebraska can, can and do have a polygraph examination done and so that structure may be an opportunity.

**PANSING BROOKS:** That's, that's really helpful. Thank you. And so is that something through the Crime Commission? Is that what you're suggesting? Is that-- because you mentioned the Crime Commission just before that.

**JEFF BLIEMEISTER:** Well, when the Crime Commission-- that, I guess in my view, is while they assist in model policy and procedure across the state and they are a collector of data, they also have this oversight as provided by LB791 and-- where it says if an individual officer does this type of misconduct, then the police chief or the sheriff has to report that. So that's on the backside. I really haven't given a lot of thought on whether the Crime Commission would be the appropriate entity on--

**PANSING BROOKS:** OK, I'm sorry. I just heard them sort of spoke about the same--

**JEFF BLIEMEISTER:** Yeah.

**PANSING BROOKS:** --paragraph of testimony. So also, I'm interested-- the questions that, that-- the, the very good questions that my colleague, Senator DeBoer, just asked, you answered on behalf of the Lincoln Police Department, not necessarily on behalf of law enforcement across the state, is that correct?

**JEFF BLIEMEISTER:** Yes.

**PANSING BROOKS:** So law enforcement offices across the state may have different procedures, different ways that they do this, partly because they don't have as many people as, as Lincoln and Omaha do or-- so is that correct that-- I mean, those questions could and probably should be asked of every law enforcement person who comes up here to see how people are handling this issue, all these issues.

**JEFF BLIEMEISTER:** So to your point, correct. Some communities may not have the financial resources or the expertise to do some of these vetting processes as described, but also-- because I've worked in both different environments, both urban and rural, and the expectations of the citizens-- it's so important to meet the expectations of those citizens and they may differ from across the state. And so that has to

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be taken into account, in my belief. And then when we talk about one other thing, there is a large, large difference between urban policing and rural policing and just the high volume of contacts that are occurring on a daily basis. And as I mentioned, you know, Lincoln Police Department's 500,000 incoming calls, leading to 1 million-plus interactions on an annual basis between our staff, that isn't uniform across the state either.

**PANSING BROOKS:** I would agree with that. Of course, Lincoln could look rural to New York City, so--

**JEFF BLIEMEISTER:** Yes, ma'am.

**PANSING BROOKS:** --when you think about that, the fact that you are taking what you have and putting resources toward connecting with the Malone Center and, and others in the community that are having issues, you are an example of what's possible. Yes, of course, it's different levels, but you are a positive example of what is possible and good-- using best, best data and resources, so thank you for that. I appreciate your time today.

**JEFF BLIEMEISTER:** Thanks.

**LATHROP:** Senator Morfeld.

**MORFELD:** Thank you for coming today, Chief. Can you just explain a little bit about the transparency hub and what is-- excuse me-- and what is-- what exactly is, is on that and, and how that is accessible to the public?

**JEFF BLIEMEISTER:** You betcha. Thank you for the opportunity to talk about that. So throughout my tenure at the Lincoln Police Department since 2016, we continue to have a lot of questions, many of which were addressed on our web page in different areas. Whether that's crime data, whether that are our policies and procedures on discipline, whether-- or on how to make a complaint, whether it is about our community engagement, body-worn cameras, all of these different things, they are-- what we tried to do is provide a one place where you can go, gain access to this information, and then be able to follow that up with, OK, we have questions about this particular policy or this particular procedure and then just to refine that a little bit further. And this is evolving. I want to give a lot of credit to so many people within the Lincoln Police Department that worked on this particular topic. And we think it's good, but we know it can be better and so we're taking all of this feedback and trying

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to continuously change it. And I'll make sure and follow up with all of you and provide a link to it. There's a lot of information there, but once again, when you read the interim studies that have come forward between Senator Pansing Brooks, Senator Lathrop, and Senator Hansen, it does address all of those different topics.

**MORFELD:** Thank you.

**JEFF BLIEMEISTER:** Yeah.

**LATHROP:** Senator Chambers.

**CHAMBERS:** Chief, thanks for coming. At the risk of ruining your reputation and impairing your effectiveness, I've heard some good things about you. Do you have a training manual that you use for training your officers?

**JEFF BLIEMEISTER:** We do and so I'll try to address that in a couple of different ways, Senator Chambers. The Lincoln Police Department has our own academy, per se, and so we have to meet the minimum-- so we have to meet the requirements, as for the Nebraska Law Enforcement Training Center in Grand Island. But that curriculum is very detailed and once again, publicly available. We make the curriculum, at least the concepts, not all of the different-- I don't know what the word is. It's escaping me right now. But overall, it shows what the hours are, what the concepts are that are talked about, annual training-- and I think this goes back to what one of Senator DeBoer's questions, is that we have core things that we absolutely must address on an annual basis. Some of that is driven by rule and reg and statute, some of which you've been part of, of passing, and most recently, implicit bias or bias and cultural competency as an annual training requirement. And I think that's a good thing. So yes, we have those documents that address what the training is and I'm-- if that effectively answers it for you.

**CHAMBERS:** Do you ever consult with the county attorney or the-- I don't know if you have a city prosecutor in Lincoln who will update the department on court rulings that might have some impact on standards that police officers must comply with? Is there that back-and-forth conversation on a regular basis?

**JEFF BLIEMEISTER:** There is. And so once again, this kind of goes back to a difference that we described. The Lincoln-- the city of Lincoln does have a city attorney's office and that is a difference at our agency in that a representative of the city attorney's office,

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employed by the city attorney, is legal counsel for the Lincoln Police Department. One of the roles that Tonya Peters provides is this constant education or update, which is much more often than on an annual basis, right, because there's a constantly changing case law. And so there is that back and forth to address formal court rulings that change policy, practice, the law. That also occurs with the independent elected county attorney, Pat Condon, and his staff who have made themselves-- availed themselves to be part of both academy training and annual in-service training. And that occurs every, every academy class and every year for the remaining class.

**CHAMBERS:** OK and so you don't have to go beyond, that answers my question. Thank you.

**JEFF BLIEMEISTER:** OK.

**LATHROP:** I do have a question as long as you're up here. And I-- for those of you that are waiting, I don't anticipate the other witnesses will take as long as you have-- or the testifiers. But I do have a question about you brought up that one of the things that's important in your profession is trying to identify those people that shouldn't be in the profession and making sure they're not. What's-- what is in place currently? And I'm going to use a hypothetical and it's not to suggest that, that it's a real case, but what-- if you have somebody that is charged with excessive force, can they leave and go try to get on at the Broken Bow Police Department? And is there anything, some registry, something that you as a prospective employer can consult to say, hang on a minute, this guy's got a, a problem in Lincoln and Broken Bow doesn't need this guy policing in Custer County?

**JEFF BLIEMEISTER:** Yeah, that, that is a great question and so I'll describe what would occur today. If there is-- so we have this review. Is it criminal? There's a determination it's not, but a sustained internal affairs investigation that someone has used excessive force-- and this isn't hypothetical, Senator, because this has happened at the Lincoln Police Department during my tenure. The Crime Commission, through LB791, I am required to fill out a report of agency misconduct by this officer. So even if the person quits, because this happens--

**LATHROP:** Before the determination.

**JEFF BLIEMEISTER:** Before the determination, so there's a allegation. I truly believe that every individual deserves the due process, but sometimes they do decide to quit and that's happened. We finish that internal affairs investigation. There is a finding, as described. I

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would fill out an agency report of misconduct that is forwarded to the police standards, to the Nebraska Law Enforcement Training Center, which is a subsidiary of the Crime Commission, and that initiates another process for review of their certification. And so the intent of that is onefold; to prevent that officer from going to another community and being hired. But there's another portion of that that exists that passed in 2018 in that I, as an agency head-- no matter where I'm at in Nebraska, I have an affirmative obligation. So even if-- I don't know, the, the internal affairs investigation isn't finished or they quit and it just gets lost in the shuffle of paper, I have to go actively and say, well, Jeff Bliemeister, you're coming from the Lancaster County Sheriff's Office. I need to see your personnel file. And that is a requirement that we go through. So a registry, as you determine, absolutely. If, if the officers are afforded this--

**LATHROP:** Absolutely, we already have one or absolutely, we need one?

**JEFF BLIEMEISTER:** I think absolutely it can be streamlined because-- both locally and nationally. And there are components of that that already exist, but I think that's-- and it exists in Nebraska.

**LATHROP:** Now that's my next question. What if the guy's headed to Sioux Falls, South Dakota, or Casper, Wyoming?

**JEFF BLIEMEISTER:** It is not as clear then. But I can, I can only testify what we would do. And if we're getting an officer from out of state, which we do, right, that happens, we are, one, having them fill out a waiver to open up their hiring file. Sometimes in other states, there are legalities that prevent that from occurring. But that doesn't dismiss the fact that at least at the Lincoln Police Department, they're still going, well, tell us about this particular incident. Have you ever used excessive force? Have you ever had sustained discipline? They have to fill that out. And you ask, well, they could lie. They could, but those questions are also asked in the polygraph and it's been my experience that they would not pass the polygraph in the circumstance.

**LATHROP:** Is a polygraph as part of the admission to your agency the standard?

**JEFF BLIEMEISTER:** Yes.

**LATHROP:** I mean, across the state?

**JEFF BLIEMEISTER:** No.

**LATHROP:** And you do a psych evaluation as well?

**JEFF BLIEMEISTER:** Yes.

**LATHROP:** Is that the standard across the state?

**JEFF BLIEMEISTER:** I don't believe so. I, I don't know the answer to that question.

**LATHROP:** Oh, that's fine. And, and I have one more question and then I'm done. Do you do any psych evaluations during the tenure of a law officer or is it just at the front end?

**JEFF BLIEMEISTER:** Some. So today, we have specialty units within the Lincoln Police Department that have to go through that psychological exam on an annual basis, not all of our officers. So I would ask the question of why, why does that not occur? And it's cost. It is cost that is so preventative. Those are extremely expensive types of things to occur. And so whom are we subjecting those additional ones to? The ones that we believe are at the-- the most likely of encountering these high-risk, low-frequency type of occasions.

**LATHROP:** OK. I appreciate your answers to those questions. Senator Pansing Brooks.

**PANSING BROOKS:** Thank you. So along those lines, how difficult is it to be trained to give a polygraph test?

**JEFF BLIEMEISTER:** It is very difficult, a very large time commitment.

**PANSING BROOKS:** OK.

**JEFF BLIEMEISTER:** And then depending on how that goes, you are providing that individual with an advanced skill set that is not possessed across the country.

**PANSING BROOKS:** OK.

**JEFF BLIEMEISTER:** You are making them a much more marketable individual--

**PANSING BROOKS:** Yes.

**JEFF BLIEMEISTER:** --to go to other places.

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**PANSING BROOKS:** OK. So this isn't something where we could just say, OK, let's buy polygraph tests for every law enforcement office across the state, that's not possible?

**JEFF BLIEMEISTER:** I don't think that that is possible based upon the cost and the training, but I also-- I, I really need to emphasize it is one component of the vetting process. It is not an end-all, be-all. You have to combine that with the psychological exam, the extreme background into their finances, into where they lived, and did they pay their bills and-- which is all part of it.

**PANSING BROOKS:** OK.

**JEFF BLIEMEISTER:** It has to be comprehensive in that approach.

**PANSING BROOKS:** OK and I presume the mental health exams are not happening across the state either, correct? Is that what you believe?

**JEFF BLIEMEISTER:** I, I, I will get that answer back to you.

**PANSING BROOKS:** OK.

**JEFF BLIEMEISTER:** I'm not certain. I don't know.

**PANSING BROOKS:** And that would be with outside-- you could use outside help, right?

**JEFF BLIEMEISTER:** We do and I would imagine-- I, I would believe that most agencies would because--

**PANSING BROOKS:** Similar to Ms. Moyer, Kasey, right, because she works with the police department?

**JEFF BLIEMEISTER:** No, Kasey doesn't-- we contract with Kasey Moyer, but that-- is Kasey still here? We-- that is to serve other individuals in our community.

**PANSING BROOKS:** OK, not with the police?

**JEFF BLIEMEISTER:** No, we contract with a psychologist from Omaha that helps us in our prescreening and then-- and I guess I should have-- I think this goes back to Senator Lathrop's question, I apologize, there-- if we believe or have evidence to show that an officer is not fit for duty, we would also utilize it in that particular circumstance.

**PANSING BROOKS:** Thank you.

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**LATHROP:** I think that's it. Thank you for your testimony today. We appreciate your time and your input. Next testifier. Good morning.

**DWIGHT LIVINGSTON:** If I may, before I get started, Police Chief Dan Hudson of North Platte Police Department was going to testify today as well. However, an incident came up in North Platte and he had to leave back to North Platte last night. So I apologize for that. OK.

**LATHROP:** Let's start with your name--

**DWIGHT LIVINGSTON:** Oh, yes,--

**LATHROP:** --if you would, and spell it for us.

**DWIGHT LIVINGSTON:** --that would probably be good, wouldn't it?

**LATHROP:** Yeah.

**DWIGHT LIVINGSTON:** Senator Lathrop, thank you. Members of the Judiciary Committee, my name's Dwight Livingston, D-w-i-g-h-t L-i-v-i-n-g-s-t-o-n. I have been the mayor of North Platte for the past eight years and I'm testifying as president of the League of Nebraska Municipalities. I served as a military police officer in the U.S. Air Force, including Vietnam. I worked for the North Platte Police Department for over 38 years, holding every rank from patrol officer to interim police chief. After retirement, I was appointed to the Civil Service Commission, which has statutory duties as provided by in Chapter 19, Article 18. Our officers take an oath to protect and serve all citizens. They go to work every day knowing it might be their last tour of duty. Police officers in Nebraska and across the nation work diligently to uphold the oath, even with calls to defund the police. Let me be clear, Black Lives Matter. What happened to George Floyd is shocking, unacceptable, and unconscionable. The officers involved have been appropriately charged and will be prosecuted. I am proud of our police department, especially the successful efforts by Police Chief Dan Hudson, to assure that the two protests in our city involved hundreds of citizens were peaceful and without incident. Following the protest-- protests, Reverend Michael Broome attended a city council meeting to present Chief Hudson and the police department a plaque on behalf of the African Coalition of America, which reads: Thank you for your service and being fair to the African-American citizens of North Platte. I have provided you with a copy of Chief Hudson holding that plaque, which I would like to have included in this official record of this hearing. Every police department should strive to improve training, accountability, and how



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to best protect and serve all of our citizens. Anything the Legislature can do to provide municipalities with more revenue for training would greatly be appreciated. However, legislation mandating additional oversight is not needed. Civil service commissions and review boards work diligently to ensure how those few officers deserving of termination or discipline are dealt with quickly and, and justly. Their role follows a complete investigation by an appropriate law enforcement agency. These thorough investigations give the commission and board members the in-depth report of actions being reviewed and allowing them to make qualified decisions of discipline or termination is warranted. Members of the Civil Service Commission review boards accomplish their mission without pay and without officers' personal information or certain information regarding allegations of police misconduct becoming public. To do so would jeopardize the willingness of victims and witnesses to come forward to provide valuable information to law enforcement. It might also compromise willingness of a police officer to report the unprofessional or inappropriate behavior by another police officer. As you develop any legislative proposals for the 2021 session, please know that the Nebraska League of Municipalities is prepared to provide information and work with your committee. Thank you for your consideration.

**LATHROP:** Thank you, Mayor. Any questions for this testifier? I see none. Thanks for being here today. We appreciate that.

**DWIGHT LIVINGSTON:** Thank you for having me.

**LATHROP:** The fact that came in all the way from North Platte, too.

**DWIGHT LIVINGSTON:** Well, thank you. I appreciate that.

**PANSING BROOKS:** Thank you.

**LATHROP:** Good morning and welcome.

**JIM MAGUIRE:** Think it's still morning. Good morning, Senators. 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. The FOP represents 4,000 law enforcement professionals in every corner of this great state. Personally, I've been a law enforcement officer for nearly 29 years and I'm currently employed as a police officer within the city of Omaha. We're here to talk about improving policing in Nebraska. We don't have to do police reforms because we've been doing them for years. The FOP is committed to improving policing, whether it's through passed legislation on

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body-worn cameras, eyewitness ID, and most recently in 2018 with the passage of LB791, which was the decertification bill. We're here to improve law enforcement. The FOP will be presenting a bill during the next session that will continue with additional police improvements. The bulk of the bill is going to be about training. Currently, state law requires law enforcement officers take 22 hours of training every year. Two hours of those are going to be for implicit bias training. The other 20, there's, there's no real requirement on what it is, you can do 10 hours of Internet-based training. What we feel is-- that's important is that it is specific training. What am I talking about? I'm talking about four hours or so of, of-- four hours of, of-- let me get where I'm at, of legal updates. I apologize, for legal updates. We believe that we have to have specific training requirements on, on this type. Because you as a body, you pass laws all the time. Yet, there are court rulings and it can be a little confusing on what the intent was. And we need to have city prosecutors and city-- and county attorneys come in and provide us the actual legal updates on this so that we are fully informed and enforcing the laws that you pass in a, in a way that is abiding by the law. One of the other things that we need more training on is mental health. But most importantly, we need scenario-based training. It is desperately needed for law enforcement officers. We need to-- we're, we're asking the state to invest in these virtual training simulators, make them available to all law enforcement officers. To my knowledge, there are only three of the simulators in Nebraska: Omaha, Bellevue, and Lancaster County. We're fortunate that Omaha Police Chief Schmaderer allowed the FOP access to their simulator. We presented it to a couple of Nebraska state senators and I felt that it was beneficial to everyone involved. Having sound policies regarding police force, use of force is vital. And, you know, as a street cop for, for nearly 29 years, we have to, we have to know the policies so that we abide by them. So everybody's on the same page. So that's why if, you know, during the protests, which I was down, we probably had eight different agencies at, at the same, at the same center of 72nd and Dodge. So you may have different agencies that are going to have different policies. So that's why it's important that, that everybody, all the, the police chiefs, that they have sound policies that we can abide by. With that, I'll answer any questions.

**LATHROP:** I may have a, a couple. I don't see questions yet. But-- so you're on the Omaha Police Department, but you represent-- or you're president of the FOP. Is that right?

**JIM MAGUIRE:** Yes.

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**LATHROP:** And is the FOP primarily like county sheriffs and smaller town law enforcement?

**JIM MAGUIRE:** We have-- yes, we, we have-- Omaha and Lincoln police have their own associations. The State Patrol has their own association. The FOP-- essentially we represent everybody else.

**LATHROP:** So they, they would have like Bellevue,--

**JIM MAGUIRE:** Yeah.

**LATHROP:** --Broken Bow, North Platte.

**JIM MAGUIRE:** Yes.

**LATHROP:** Some of the smaller communities. In fact, they have some that are just two or three or four police officers in a, in a town.

**JIM MAGUIRE:** Correct.

**LATHROP:** I asked the question of the chief, before you sat down, about what, what do we-- what happens when somebody leaves the department? Can they get on somewhere else? So let me ask it in the context of the smaller community. So somebody's out in-- and I'll pick on Broken Bow and they, they get in trouble there and they-- they're thinking well, I'll just quit and run up to Valentine. Do, do we effectively stop that from happening?

**JIM MAGUIRE:** You do with the passage of LB791. Before, before that bill-- say you had an officer that was in trouble and they felt like they might be, they might be terminated. So one of the things that they were able to do previously is that they would just quit, maintain their certification, and then go to another department. And that's-- I don't want to say that it was happened a lot, but it did happen. With, with the new passage, they-- they're essentially-- for, for lack of another term, they're blacklisted. They can't, they can't go from one job to the next anymore.

**LATHROP:** Can they go from--

**JIM MAGUIRE:** There are, there are certain--

**LATHROP:** --can they come from Wyoming? A cop, let's say he's got a problem in Casper, accused of excessive force--

**JIM MAGUIRE:** It is--

**LATHROP:** --and he wants to get on at North Platte?

**JIM MAGUIRE:** No, it's,--

**LATHROP:** No.

**JIM MAGUIRE:** --it's still, it's still a requirement from-- any, any person that wants to get hired as a law enforcement officer in Nebraska had to-- has to abide by these rules. And they have to, they have to allow the, the HR department, the police chiefs, and sheriffs access to their personal files.

**LATHROP:** So, Mr. Maguire, is it easy to hire law enforcement in these smaller communities?

**JIM MAGUIRE:** No. No.

**LATHROP:** OK. So the, so the smaller communities are sometimes shorthanded and sometimes looking for people and they have positions they can't fill.

**JIM MAGUIRE:** Yes. Yeah.

**LATHROP:** So can they not ask guys coming from Casper, Wyoming, and jeez, we need a cop where, you know, we should have five and we're down to three?

**JIM MAGUIRE:** Before 2018, the answer would have been yes. Now, I would say no. The, the dilemma that the smaller agencies have is that the law enforcement officers might be going to another department that has better wage and benefits. So they're, they're constantly moving. Some of them might start out west because they just want to be certified law enforcement officers and eventually try and make it to a Lincoln or Omaha type of area where it's pays a little better, family might be on this side of the, of the state. But there, there is a problem with the smaller agencies maintaining their employees.

**LATHROP:** I have one more question from me anyway.

**JIM MAGUIRE:** Um-hum.

**LATHROP:** And that is the lead-off law enforcement person was the chief from Lincoln, and he talked about these regular meetings with community leaders and setting up sort of this dialogue where it wasn't just complaint driven, but there was some-- I'll call it a forum or some collaboration with the community.

**JIM MAGUIRE:** Sure.

**LATHROP:** How many law enforcement agencies do, do things like that, that are, you know, that have law enforcement in the FOP? Is that uncommon or is Lincoln sort of out there doing this themselves or are other communities doing that as well?

**JIM MAGUIRE:** There are other communities that are doing it. It would be-- I couldn't give you a, a straight answer saying, well, I've got 20 different agencies that do this. I do know in the Omaha metro area they do this. Obviously, and Lincoln is doing it. There's, there's a police chief here from one of the Sarpy County cities. He might be able to explain that better than I would ever be able to.

**LATHROP:** OK, thank you. And I appreciate that.

**JIM MAGUIRE:** Sure.

**LATHROP:** Senator DeBoer.

**DeBOER:** Thank you so much for being here today.

**JIM MAGUIRE:** Sure.

**DeBOER:** I appreciate your comments on the, the training.

**JIM MAGUIRE:** Yeah.

**DeBOER:** The word was--

**JIM MAGUIRE:** Yeah.

**DeBOER:** --out of my head for a second. And I especially was interested that the-- so the three simulators, I was one of the folks who went through their, their simulator. And I thought that was very helpful.

**JIM MAGUIRE:** Yeah.

**DeBOER:** The three folks-- or the three places are in basically the eastern part of the state. Is that correct?

**JIM MAGUIRE:** Correct.

**DeBOER:** OK. So, yeah, I mean, it would be interesting. And how much did those things cost again?

**JIM MAGUIRE:** Well, they're not cheap.

**DeBOER:** No.

**JIM MAGUIRE:** And there, there are grants available, but they're about \$400,000 each. But there's, you know, like I said before, I've been doing this job for a very long time as just a street cop. And there is nothing at this current time that provides scenario-based training like this can-- like these simulators do. Obviously, I'd be dating myself, but I remember because of the cost for a lot of this stuff, you know, you would literally do some training and you would just have a blank gun and you'd say, bang, bang. And now you've got this kind of a simulator that provides you an opportunity for so many different scenarios that you would possibly be exposed to. The one thing that I love about this is that, you know, before a lot of the scenarios would always end in, in essentially the bad guy being shot. In these scenarios, if you do everything that you're supposed to be doing, a lot of them don't-- they don't end with, you know, you using force. And that's what we need to get to.

**DeBOER:** That's, that's really great to hear. I, I would like to ask, is there a subscription cost to-- you said that there are sort of new scenarios that come out. And, and just, just so I recall, you said that these scenarios are, are generally based on something that is happened in real life somewhere, I suppose, in the United States?

**JIM MAGUIRE:** Yes.

**DeBOER:** OK. So from time to time, you all get new scenarios. Is that correct?

**JIM MAGUIRE:** Yes.

**DeBOER:** And is there a subscription cost to get those-- you know, to sort of get those new updates on the machine and the, the new scenarios and that sort of thing?

**JIM MAGUIRE:** I can only assume that there is.

**DeBOER:** OK.

**JIM MAGUIRE:** I don't know what the actual cost would be.

**DeBOER:** I'll ask someone else.

**JIM MAGUIRE:** You know, there's-- the companies aren't in it just for-- they don't do it for free.

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**DeBOER:** Right. Right.

**JIM MAGUIRE:** So I'm, I'm sure that there-- there's going to be a cost, but the cost is worth it because this is the, this is the best game in town right now. So, you know, it's all about improving policing and using less force and in being a good decision maker. And that's what this does.

**DeBOER:** So a couple of other suggestions that have been brought up today. I was looking through-- there's a number of them from the ACLU.

**JIM MAGUIRE:** Um-hum.

**DeBOER:** The duty to intervene. Is this something that is already in place in Nebraska? How would your members feel about a duty to intervene, of some sort of legislation in that direction?

**JIM MAGUIRE:** We wouldn't be opposed to a duty to intervene. It's-- a lot of departments already have those, those things already built in place. So this isn't something that is wildly new. You know, it's just a matter of, of enforcing it more than anything else and making sure that, you know, the coworkers know that you can't do that. Sergeants have to be, be on top of things. As a law enforcement professional, the last thing I want to do is be around a bad cop, because not only they are going to get me in trouble, they might jeopardize my pension and my freedom. So, you know, rooting out bad cops is, is not-- it's, it's good for everybody. It's not just for the citizen, but it's great for the street cop.

**DeBOER:** All right. Thank you. That's what I had.

**PANSING BROOKS:** Any other questions? Thank, thank you very much,--

**JIM MAGUIRE:** Thank you.

**PANSING BROOKS:** --Mr. Maguire, appreciate it. Next testifier.

**GREG GONZALEZ:** Good morning, honorable Senators.

**PANSING BROOKS:** Welcome.

**GREG GONZALEZ:** My name is Greg Gonzalez. Glad to be back. The chief couldn't make it this morning, so here I am. Last name is spelled G-o-n-z-a-l-e-z. I'm assistant chief with the Omaha Police Department. And we all know the stakes are high, that the community expects, expects great policing in the 21st century. And we're always willing

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to have a seat at the table and listen. So we appreciate that. I want to just kind of reaffirm that we're an accredited police department in Omaha, since 2001. We just finished our, our sixth reaccreditation. And so we have a team of experts that look at policy and procedure every day. That's what they do. We have one whole crew that looks at best practices. We believe in best practices. Since the death of George Floyd, we-- all our 900 police officers went to an in-service on various topics as it relates to suicide by cop, implicit bias, review of our use of force policies, duty to report, duty to intervene, and many of the best practices that are going to be talked about today and so many of those policies already incorporated in our policy. So we're probably ahead of the curve, and that's the whole goal of being accredited. We want to be ahead of the curve. So I can get everybody a copy of that. But just a few of them needed [INAUDIBLE] explicitly prohibited the Omaha Police Department duty to intervene and report when officers use excessive force is subject to termination. And we emphasize de-escalation techniques, and all the best practices that are probably mentioned here before. Transparency builds trust in our community. We know that. We, we outfit our whole department with body-worn cameras. We have a mental health correspondent program, that's very robust and nationally recognized. We increased our CIT officer program and we've, we've expanded our less lethal options within a police department. But really, we know that diversity at the core is a hallmark of any great organization. We've hired 3-- over 350 police officers in the last 8 years and increased our diversity at every rank, especially at the police officer level because we want police officers that not only look like community but speak the same language that can solve crime. We know that crime reduction and community policing go hand-in-hand. And so if we're doing our job and we're working with the community then, then we'll get-- it's gonna pay dividends. And that's exactly what it does in Omaha. We have a lower homicide rate. Our clearance rates are high above the national standard. We, we brought some props today, but we aren't-- we weren't able to bring them in here. Well, I'll just tell you that we're doing a great job. And we felt those are indicators of great police-community engagement. Our police athletic league serves over-- it's a free league, serves over 6,000 youth in our community and many thousands of families. Among all the stakeholders that we work with and partnership with, I could talk about it for an hour. Many of you know the programs and the relationships we have in our community. But the reality is we just want everybody to know today, because I know there are gonna be many questions, is that we are, we are not reactive in Omaha. We're proactive and we follow best practices. And we just want to let you know all the good work that our



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men and women are doing at the Omaha Police Department. So I'm here to answer any questions.

**LATHROP:** Senator DeBoer.

**DeBOER:** Unsurprisingly, I have a question.

**GREG GONZALEZ:** Yeah.

**DeBOER:** I want to kind of ask some of the questions that I asked of the chief of the Lincoln Department. And if you don't know that, that's fine.

**GREG GONZALEZ:** Sure.

**DeBOER:** So were you involved in some of the protests over the first couple of-- I think it was the end of May, beginning of June, in those first couple of days, were you involved in those?

**GREG GONZALEZ:** I was. We-- all our executive team were on the street. So, yes, I was.

**DeBOER:** That's great. So I guess the same question I asked to the Lincoln chief. If you all had it to do over again, what would you do differently or maybe what you have put in place already to do differently?

**GREG GONZALEZ:** And, and that's a great question. Hindsight is 20/20, but being prepared first and foremost. Nationally, we've never seen a movement quite like that of civil unrest. And so we embrace peaceful protests. But when, when they start to go a little bit beyond that, then those are things that takes a lot of training and you need to be prepared for. And I think maybe that's a, a sign of good police work. At least in Omaha, we, we know that today that preparation is key. And training, in my opinion, had really led to a lot of, of the misfortunes that occurred in Minneapolis. And so many of those tactics and things that police officers are trained, we prohibit. And I know that we talk about it all the time, but good police work and the message you send from the top down. So I think leadership is very important because if you have great leadership and you follow best practices, generally, can prevent many of the unfortunate incidents in policing.

**DeBOER:** Do you think that the policing response to the protests were successful this summer?

**GREG GONZALEZ:** I can speak for Omaha.

**DeBOER:** That's what I'm--

**GREG GONZALEZ:** Yeah.

**DeBOER:** --yes, sorry, specifically to Omaha.

**GREG GONZALEZ:** We, we, we are just finishing up a comprehensive report that the chief has every police commander doing so every use of force incident, everything that occurred is gonna be-- is documented. I, I happen to be the chairperson for the committee for use of force in Omaha. So all those yearly use of force incidents usually come across my desk, absent them going to internal affairs or they're more egregious. But we are compiling a report, it is complete. And the chief's gonna be briefing the city council and the mayor on that report. And I'm sure everybody in this body will get a copy of that report on our findings on the good things that occurred and some of the training necessities that we felt are important in the event this happens in the future.

**DeBOER:** Well, then I don't want to take, you know, the thunder away from that report, but I, I will kind of sort of press you on. Is there, is there something-- some specific area that you have, have noticed, maybe specifically you or something that you can speak to us about that, that you all would like to focus on sort of improving? I mean, I know it was sort of an issue of first impression for you all to have that size of a protest, that kind of passion behind it, that sort of thing. So having gone through that experience now, is there something that you think could be changed?

**GREG GONZALEZ:** One thing that I noticed, and I've worked hundreds of protests in the city, we've had Westboro Church in Omaha for years. Maybe some of the most vile comments have been made in our community at different protests. And one thing that I noticed different about some of the unrest that did occur, and not all of it was unrest, was that many of the individuals did not want to speak to law enforcement. And communication is very key, so I'll send that message out. And we tried to, to, to everybody is we, we respect any sort of peaceful protest and we've had thousands in our city. But what's gonna be important is if you know the ground rules and the expectations up front, it's generally gonna be a, a recipe for success. And so I would just like to see those dialogues open as it relates to communication in the event they do want to protest.

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**DeBOER:** Do you think that community members have gotten better at communicating than they were, let's say, on the first night of protests?

**GREG GONZALEZ:** It, it, it was-- we were able to quell a lot of the protests within a few days and a lot that had to do with the way that we had to adjust with some of our plans. But we were lucky in Omaha, you know, for the fortieth largest city in United States, we were lucky compared to a lot of big cities. And I attribute that to the community relationships that we have, because, as you all know, many of the inner city protests did not occur from inner city individuals. In fact, I can't think of one protest that occurred out of south Omaha where I grew up. And so when we think of brown and black folks and I really, I really take it personal, if we're not doing our job as police officers and then we're not, we're not communicating. So I attribute to a lot of the good work to those relationships that we have with our community organizations.

**DeBOER:** Do you think that you'll be prepared if there were massive protests again? Do you feel that the department is prepared or is there something that could be-- something that either the, the city or the state could help to assist you all in being prepared for those sorts of things in the future?

**GREG GONZALEZ:** I think it's been mentioned a little bit, training equipment is very important. Less lethal options are very important, you know, especially a lot of smaller jurisdictions that do come to help. We found out that we had to call mutual aid because we only have so many officers working on a shift. So we're very thankful that some of the smaller jurisdictions did come and assist. But identifying those officers on who they are so they're not misidentified as Omaha police officers and vice versa is very important. And I think that was eloquently mentioned earlier, training, multi-jurisdictional training for police officers, but also outreach to the community to let individuals know exactly, you know, what we expect and what police officers are gonna do on a daily basis, especially when it comes to protest. And so I can give an example, just media alone. Many of the media outlets in Omaha would watch TV and they thought they could be in the middle of maybe the fray because that's legal. Because this hit us very fast and rapidly, some of the media folks-- or some of the police officers didn't understand that that there was right-- the right of the media to be in the middle of the fray, especially as it related to the incident. So that was a teaching moment for our police officers where we had to go back and there was a journalist that was arrested and then those charges were dismissed. And then we had to

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make it right with all the media outlets. So those little teaching moments in training and we're not perfect. We had to adjust on the fly to make sure that everybody was acceptable and that we know when we do something wrong that we own up to it. And so a lot of that really had to be, you know, really put out the good, bad, and the ugly and communicate and I think that's what-- that's why we were able to end additional protests, if you will. So relationships are important.

**DeBOER:** That's so true. So I guess my, my last question for you is if-- other than the training since we've talked about that a little bit, is there anything else that you would have this body do to assist you all in maybe building trust levels, in being prepared for future opportunities where things might get difficult again or something like that? Is there anything you would have this body do to help you all in your work?

**GREG GONZALEZ:** Invite us to the table, really. I think that's-- there's a lot of good work that the police officers and departments are doing, you know, around the state of Nebraska. And obviously I'm speaking for Omaha, but it's a very noble profession and I know we're not perfect, but there's a-- we, we take it personal in Omaha to make sure, like I mentioned, we're ahead of the curve in training. I oversee our training unit. And I oversee our use of force incidents as it relates to what comes across our desk. And I think Chief Schmaderer has done a pretty good job of being transparent and terminating officers swiftly when they've violated the trust of the public. So I think that, you know, there's work to be done, but I think open dialogue is very important, too.

**DeBOER:** Thank you.

**GREG GONZALEZ:** Yeah.

**LATHROP:** Senator Pansing Brooks.

**PANSING BROOKS:** Thank you.

**GREG GONZALEZ:** Thank you, Senator. How are you?

**PANSING BROOKS:** Thank you so much for being here. How are you Deputy Chief? One of the things that made me feel so happy today is that you said you are chair for the use of force committee--

**GREG GONZALEZ:** Um-hum.

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**PANSING BROOKS:** --in Omaha. So I can't think of any more excellent person to be in charge of that. I appreciate your-- we've worked together on the school resource officer bill, as well as juvenile justice reform. So I appreciate you significantly and your willingness to find some good common ground and help inform the Legislature on, on your ideas on how to move forward. So because of that, I'll ask some of the questions I probably should have asked to Chief Bliemeister, too. What about the issues of-- I mean, I'm hearing the, the training on mental health and those types of areas. I'm not hearing training about strangleholds, no-knock warrants. You know, the, the stuff that we are hearing about because of Breonna Taylor, because of George Floyd, all of that. I mean, we're talking excessive force, but, but there's certainly more to it than that.

**GREG GONZALEZ:** Sure.

**PANSING BROOKS:** Again, some of the racial profiling, just-- and also the militarization of police. There's the whole load of everything for you. So--

**GREG GONZALEZ:** So I'll talk with no-knock search warrants and a court authorize--

**PANSING BROOKS:** OK.

**GREG GONZALEZ:** At least in Douglas County when I was working narcotics and undercover for many years, there's very strict requirements as it relates to, as you all know, there's a lot of attorneys on this committee, to actually get one approved, signed by a judge. But we are overhauling that, that whole policy. The chief has ordered the deputy chief in charge of the Criminal Investigations Bureau to look at that, and I think that you're gonna see some changes. But we are already very strict on that. And so that's a good question. And obviously some departments are very-- and jurisdictions are very loose. And, and that also relates to nighttime search warrants. And so I can tell you that every jurisdiction is different, but we have strict requirements as it relates to no- knock search warrants. And so you're gonna see some policy changes on that issue alone. Your other question was--

**PANSING BROOKS:** To tighten down the ability to use it?

**GREG GONZALEZ:** Yeah, I think there's gonna be some-- I can't tell you exactly what they're gonna be, but I think that you're gonna see some potential restrictions on that--

**PANSING BROOKS:** OK.

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**GREG GONZALEZ:** --if not additional justification on even wanting to apply for a court-authorized no-knock.

**PANSING BROOKS:** And will that be made available to the public?

**GREG GONZALEZ:** I'm sure. Yes.

**PANSING BROOKS:** OK.

**GREG GONZALEZ:** Yeah.

**PANSING BROOKS:** Thank you.

**GREG GONZALEZ:** All our policy, by the way, I didn't mention it. About three years ago, we put all our policy and procedure for the Omaha Police Department online for transparency purposes, absent any sort of tactical information. You know, and some of those are tactics, you know, as you know. And so we have to be very mindful of tactics, releasing that to the public for officer safety. But generally speaking, the majority of our policy and procedure is online and accessible to the public.

**PANSING BROOKS:** OK. And so are, are you looking at the, the strangleholds?

**GREG GONZALEZ:** The-- that's-- you know, we prohibit chokeholds. Obviously, we never allow an individual, and we talk about deadly force encounters. But CALEA, the accreditation right now is looking at prohibiting to make sure that any sort of neck restraint is absent deadly force. It's just prohibited. OK, so that's actually been under review as we speak. And so I think you're gonna see that. And I'll-- we also could talk a while on neck restraints and what we did in relation to neck restraints and, and the neck restraint that we teach. But we, we don't use neck restraints much, I think less than a handful of times we used it last year and didn't have one, one incident, one injury. We take it very serious and but, but that particular neck restraint was new. It's about two years old. And the one before that, the lateral back of the neck restraint and the unilateral, we no longer teach and we no longer teach that neck restraint because we found that there was some potential issues with it. So we're no longer teach that, that neck restraint. So-- but we prohibit chokeholds. And so I think what happens oftentimes, what happened in some cities when, when your neck, when your arm goes across the trachea or larynx and you can crush it, that's problematic and people die. So that's, that's not what we train.

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**PANSING BROOKS:** Thank you. And then just also about the militarization that seems to be going on with police. I think that a lot of people contacted me after the things that happened in Lincoln because there were some giant-- there was a giant vehicle that looked very military like-- I don't know, I, I think that was from the county is what I heard, but there, there were people that were very upset that that kind of, of force was being used against our citizens.

**GREG GONZALEZ:** Sure. Are you referring to when you talk by militarization, are you talking about the armored vehicles?

**PANSING BROOKS:** The armored vehicles,--

**GREG GONZALEZ:** Yeah.

**PANSING BROOKS:** --the, the--

**GREG GONZALEZ:** [INAUDIBLE]--

**PANSING BROOKS:** Yes, uh-huh.

**GREG GONZALEZ:** --and different vehicles like that. You know, I'm gonna defer to, to, to the chief on that question, because, honestly, we, we really don't that I know of have a lot of military surplus equipment. We do have a SWAT vehicle, you know, that's an armored vehicle. And we could talk about all the safety. So there's more than-- you know, there's a lot different topics in relation to that. And I think the chief would agree with you that the less that we can appear to be militarized, the better, because perception is reality. And trust me, we have those conversations because there have been a lot of things that we talk about. We meet three days a week at a minimum, and we talk about these issues that, how does it appear to the public if we do this? And so what the final decision will rest, obviously, at the chief on that. And I, and I-- I'm just not at liberty to discuss because I don't know-- I'm not informed enough to know exactly all that equipment that we have.

**PANSING BROOKS:** Well, I appreciate it, Deputy Chief. And you are an amazing person in law enforcement. And we're just very grateful for your-- for the work that you do for the profession and keeping us all safe and, and helping to inform the Legislature multiple times. Thank you for being here.

**GREG GONZALEZ:** Thank you. Appreciate it, Senator.

**PANSING BROOKS:** Julie has a question.

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**LATHROP:** Oh, Senator Slama.

**SLAMA:** Thank you, Chairman Lathrop. And thank you, Deputy Chief, for coming down to testify today. I'm grateful that so many people took time out of their days to come and provide their perspective on this hearing. So we've talked a lot today about the events of this last summer. And I think that's definitely a valuable subject to hit on when we're talking about this issue and the issues we're dealing with in this hearing. And I wanted to get your opinion on just a quick question for me. Do you think we need more legal protections in place to protect our law enforcement officers and private citizens from those who take advantage of an otherwise peaceful protest to turn to violence against our law enforcement officers, private citizens, and their property?

**GREG GONZALEZ:** I-- it's-- I think I touched a little bit on it earlier as far as those [INAUDIBLE]. So, you know, that's-- your constitutional right is very sacred to people.

**SLAMA:** Um-hum.

**GREG GONZALEZ:** You know, and, and we, we understand that as law enforcement. In fact, whenever we have planned events, that's one thing that we talk about when we have a briefing is, you know, the importance to preserve, you know, the integrity of a peaceful protest and somebody's constitutional right. And so they value that. So, yes, I think it's important for all police officers to be trained on that yearly. Whenever there is a protest, it's very important because once we violate someone's constitutional right, that's, that's a problem, right, and the--

**SLAMA:** Sure. Sorry, my question has more to do with on the other side,--

**GREG GONZALEZ:** On the protester's side?

**SLAMA:** --those whose choose to take advantage of the situation and invoke violence against police officers. So on the other side, folks attacking you, folks attacking otherwise law-abiding citizens.

**GREG GONZALEZ:** Yeah. You're talking about police officers attacking?

**SLAMA:** No, the other way around.

**GREG GONZALEZ:** OK. I, I couldn't hear you very well. I'm sorry.



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**SLAMA:** Sorry, it's a new world with the masks. So do we need more legal protections for our law enforcement officers--

**GREG GONZALEZ:** Oh, gotcha.

**SLAMA:** --and private citizens--

**GREG GONZALEZ:** Gotcha.

**SLAMA:** --against those who hijack an otherwise peaceful protest to commit violent acts like attacking law enforcement officers, destroying property, like some of the things we did see in the events of the summer.

**GREG GONZALEZ:** In different cities. And I would say that, yes. I, I can only tell you and this is kind of-- I'm gonna, I'm gonna tell you my personal opinion on how it relates to recruitment and retention in police officers. When police officers are assaulted, OK, and, and the police officers are out there trying to do their job and do it well, and that happened in Omaha. We had individuals that were throwing urine on police officers and projectiles and officers were hurt and there was property damage. That's a problem. All right. And we, we, we need to make sure that both sides understand, you know, that we have a job to do, police officers, and that hurts recruitment. And so we're right now trying to recruit police officers. And so when we want police officers that come from the inner city and we want to attract police officers and individuals and we had an eloquent individual appear earlier absent the dress code, great candidate. Right? But we're working on those things with tattoo's and trying to come into the 21st century police recruitment. It's very tough when individuals don't want to work and become a police officer. And so, yes, I would say there's more than meets the eye when it talks to legalities and protections for police officers and but police officers are also expected to protect your rights as an individual. And I think that's kind of what my point was and I apologize. I couldn't hear you very well. But I would say on both sides, we're all equal. Right? Everybody treats each other the same and have respect for each other and we'll have a good day.

**SLAMA:** Thank you.

**GREG GONZALEZ:** Sorry about that.

**LATHROP:** Senator Wayne.

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**WAYNE:** Thank you. You just said something that triggered some questions for me--

**GREG GONZALEZ:** Sure.

**WAYNE:** --which would be we're all equal. And I think when we talk about police and community relations and trust, I think we got to start-- and I guess I'm asking you would agree with start with the premise that we're all equal before the law.

**GREG GONZALEZ:** Absolutely.

**WAYNE:** Whether you put on a police uniform or not, you're, you're still equal before the law.

**GREG GONZALEZ:** No question.

**WAYNE:** So underneath that, we're all equal before the law. If I give a false statement to an officer, I'm charged with a felony. However, if an officer puts a false statement in a police report, they're not charged. You would-- would you agree with being equal before the law that there should be some provisions that treat police the same as the general public when it comes to lying on a police report?

**GREG GONZALEZ:** My personal opinion is I have no problem with that. Yes, if you're lying and we're held to the same standard, you're providing false information.

**WAYNE:** And, and earlier, I said-- I mean, I'm asking basically the same, same question. So to, to officers or anybody who came up and testified. So their part of it is, is do you view yourself as an extension? I'm gonna say you, the police officers, as an extension of the criminal justice system as in officers of the court?

**GREG GONZALEZ:** Yes, and the community.

**WAYNE:** So in the, in the eyes of police relations and community trust relations, then I'm suggesting you would also be in favor of having some type of gag law or duty for officers during an investigation not to reveal anything about that investigation at all.

**GREG GONZALEZ:** Yeah. In fact, I think that we already really almost-- I'd have to go back to our union contract, but would be-- that could be construed already as unbecoming of an officer. We've had officers in trouble, not only for running individuals, you know, somebody's girlfriend or somebody's boyfriend or ex-boyfriend on the computer and

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they've been terminated. And I think it goes the same with trust. Right?

**WAYNE:** Right.

**GREG GONZALEZ:** If you're violating the trust of the public, regardless of what you're doing and you hold the civilians to the same standards. And I think that's what your question is, we should be held to a similar standard.

**WAYNE:** Right. And, and so going along the lines of, of standards and being a part of that trust, do you think it helps or hurts community relations when police officers criticize sentencing and sentencing of judges, particularly an African-American judge in Omaha as being a light "sentencer?" As being an officer of the court, do you think that helps or hurts the community's relationship?

**GREG GONZALEZ:** If, if, if that individual is acting as a police officer, then they have to be very mindful that they're acting that way.

**WAYNE:** And I'm glad you brought that up because you-- not just you, but cops hold the idea that you're on duty 24 hours. So why is that any exception because I make a social media post?

**GREG GONZALEZ:** That's a good question. But, you know, and I think that's the debate. You know, and I'm not, and I'm not taking sides.

**WAYNE:** No, I understand that.

**GREG GONZALEZ:** You're right, because it's a legit question. And that's the debate is when, when are you beyond kind of the scope of a police officer? And should you really engage in a lot of the social media bantering? Definitely something to discuss.

**WAYNE:** And when we talk about community trust and, and I deal with a lot of this when we talk about working to solve crimes. I mean, some of my own clients won't, won't reveal information that even if I believe they have it, they just don't trust the police. Right?

**GREG GONZALEZ:** Um-hum.

**WAYNE:** It's just that trust. When we talk about trust, pre-- pretextual stops are legal. You can pretext stops. But if you keep, if you keep stopping people for not legitimate reasons or there's just interaction with law enforcement that they're always picking on me.

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And if you look at the number of stops, east Omaha is heavily patrolled. There's a lot of crime, so there's a, there's a toss up between how we can have a conversation. But if you look at pretextual stops, which are legal for a lot of times don't reveal or results in anything, then how do we expect those same people in those cars to work and trust the police when they're continuing to pick on them?

**GREG GONZALEZ:** Yeah.

**WAYNE:** Like, what's your opinion on that?

**GREG GONZALEZ:** Yeah. And that's, that's a, that's a legit question and we hear that. And it's what I tell people. You know, if they call me personally. I tell them, you know, today's society is different then it was when I was a cop in 1993, and that is, we have GPS on vehicles, so we know where you're at all the time. And those police officers are held accountable for having their-- and that's policy, by the way, for having their body-worn cameras on for any sort of citizen contact. And I, I instruct them that the various five different ways and make a, a police complaint. And the only way to really root out that bad apple is to make a complaint and make it formal because we can't act on it if we don't know about it. And so that's, in my opinion, maybe that's not the remedy that you're looking for. But from a police manager, that's the only way for us really to investigate those types of complaints. And I-- whether I'm the-- whether its the chief's up here or me, he's gonna tell you the same thing. We have to know about it whether to, to take action. And I would agree with you. But if you don't have probable cause for a stop, when you talk about pretext, you better have probable cause for the, for the traffic stop. And, you know, there's a 30-second buffer on our in-car cameras--

**WAYNE:** Right.

**GREG GONZALEZ:** --and everything. That's all gonna be caught. OK. So, you know, transparency is very important. And so at some point, you're gonna have to own up to that video and that traffic stop whether it's in a court of law or internal affairs or both. And I, and I would agree that we-- if we're gonna say accountability then we need, we need to preach it.

**WAYNE:** So like-- and I'm gonna give a fact pattern and then I'm gonna ask you one more question.

**GREG GONZALEZ:** OK.

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**WAYNE:** So the fact pattern is simply like-- let's say, somebody gets pulled over, comes out the car, whatever, emotions get high, cop slams him against the car. He turns around and in doing so throws an elbow. He's charged with obstruction of, of an officer-- assaulting an officer. But hit the-- the officer's reaction is higher or more aggressive than need to be. He only gets maybe disciplined. He's not charged. My question is, do you think they should also be charged if we're all gonna be equal before the law?

**GREG GONZALEZ:** Yeah, you're talking about the police officer?

**WAYNE:** Correct.

**GREG GONZALEZ:** And, and, obviously, we talked a little bit about those hypotheticals. I, I would like to see it because we'd have those situations, you know that. And we look at those videos and our use of force, and really, you know, and intent, you know, as an attorney, that, that intent's got to be there, really was there intent of somebody and, and having all the details and talk about it. I would only tell you that police officers have to be accountable for everything they do.

**WAYNE:** Internally, but not to the criminal system. And I think that's part of the--

**GREG GONZALEZ:** Yeah, whether it's internal or in criminal. We've had police officers charged criminally, too. So, you know what I mean, it's hard to really say that every situation is different. But I will only tell you and, and I believe the chief would also support me on this. We have investigators that will investigate something if it's criminal. OK, that's gonna be different than an internal affairs process. And if there's an allegation of criminal, which happens at the Omaha Police Department, it has to be investigated. And those decisions are not just vetted by us, as you know, those will go to the city prosecutor or the county attorney, whether it's a misdemeanor or a felony. And then you would be investigated. So if we felt like that and I've done it before, we will pass that video along to internal affairs and we pass along to detective bureau to send on-- to, to look at for criminal invest-- or criminal violations of the law.

**WAYNE:** So-- and this is unfair, but I'm gonna ask you because I have to, he's also a friend of yours and friend of mine.

**GREG GONZALEZ:** Yeah.

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**WAYNE:** I mean, do you think it helps police and community relations when officers call Senator Vargas a liar from being shot with pepper sprays, pepper bullets?

**GREG GONZALEZ:** Yeah, you know, those-- Senator Vargas and I, you know, we-- he is a friend of mine. And I, I do feel like as an ambassador for the police department, I, I have to reach out and look at all the facts. But what I tell everybody all the time, I wasn't there. There's two sides of every story. And we really need that. I really felt like I'd rather be the one to kind of bringing people together to look at-- to be a fact finder. So having not been there, but, yes, just like we would take it personal, he took it personal. And, and--

**WAYNE:** And I'm not so much talking about Senator Vargas, but I'm talking about the community he represents.

**GREG GONZALEZ:** Yeah.

**WAYNE:** I mean,--

**GREG GONZALEZ:** Sure.

**WAYNE:** --is, is social media the place for this is where, is where I'm, I'm trying to-- where I'm trying to hammer home.

**GREG GONZALEZ:** That's, that's, that's the million dollar question because you know this as well as I do. And I'm-- there's so many different privileges and rights that an individual has. And it's been kind of settled in court, you know, in different, different levels. I really can't comment on that on, on just kind of a generic situation. I will only tell you this, we've had situations with police officers that we've had to take their rights from social media if they're misrepresenting the police department. And that we, we also feel because it also, and I think it came up today, you know, if we have somebody saying things that can impact the whole department or make us look bad as managers, then we have a duty to address it. How's that?

**WAYNE:** Thank you.

**LATHROP:** I don't see any other questions. Thanks for being here. We always appreciate--

**GREG GONZALEZ:** Senator Chambers, this might be your last hurrah to get me for--

**CHAMBERS:** I couldn't understand you. You--

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**GREG GONZALEZ:** This might be the last time you can get me before, you know, unless it's on the [INAUDIBLE]. [LAUGHTER] You're making me nervous.

**CHAMBERS:** Open the gate. I saw where Bellevue was looking for a chief.

**GREG GONZALEZ:** Yeah.

**CHAMBERS:** A man from whom I have a great amount of respect applied for the job and I don't have an iota of religion, but I gave a prayer that he wouldn't get the job because he's needed where he is.

**GREG GONZALEZ:** Amen. Amen.

**CHAMBERS:** And he's still there.

**GREG GONZALEZ:** Amen.

**CHAMBERS:** So maybe prayer does work. [LAUGHTER]

**GREG GONZALEZ:** Amen. We'll leave it, we'll leave it on a good note.

**LATHROP:** Good to see you.

**WAYNE:** Appreciate it.

**LATHROP:** How many people that are in the room still intend to testify? With the committee's indulgence, I think we're just gonna plow ahead unless someone has a significant objection. OK. I know we're going through the lunch hour, but I think in an effort to get people home sooner, we'll just keep going. Good afternoon.

**ANTHONY CONNER:** Good afternoon. Good afternoon, everyone, my name is Anthony Conner, A-n-t-h-o-n-y C-o-n-n-e-r. Thank you, Chairman Lathrop and members of the Judiciary Committee for allowing me to speak here today. Like I said, my name is Sergeant Anthony Conner, president of the Omaha Police Officers Association and a 20-year veteran of the Omaha Police Department. In my 20 years as an Omaha police officer, I have been part of a department and a culture that is constantly striving to improve and to better meet the public safety needs of our city. In many respects, our department has been a model for the nation. We have made tremendous strides towards diversity, community relations, and our methods of policing. We have maintained our national accreditation through independent commission of accreditation for law enforcement agencies, considered the gold standard of public safety ratings for nearly two decades. Not too long ago, the Obama

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administration recognized our department for our reputation of service and our work in the community service work. What that means to you is that our officers are committed to the city and the work that we do daily to reduce crime and build relationships and trust with the, with the citizens. As you may be aware, the OPOA and city of Omaha has reached a tentative agreement on a new labor contract with Omaha police officers. Before negotiating on this agreement, I personally sought the advice and counsel of civic leaders like Councilman Ben Gray and others and the black community to understand their concerns on policing and our contract. I will speak to what we learned in this process and the process we've made. In response to the community input we received, our labor agreement now makes it easier for citizens to file complaints. The previous agreement required citizens to make a complaint to the-- in, in front of an internal fair sergeant at the police precinct. Now citizens will have the ability to sign a notarized complaint at the Human Rights and Relations Office and Citizen Complaint Review Board. Another change in our new agreement increases probation time for new officers. A decision by the CIR had reduced new hire probation by 12 months, meaning that after the academy and field training, the probationary period for new recruits will be less than four months. Chief Schmaderer encouraged and extended probationary period to monitor performance of recruits beyond their supervised training. The new labor agreement now adds one year to probation for all recruits at the conclusion of their FTO training. We also work to fix deficiencies in our reprimand process. Reprimands are the first level of discipline used to address violations of policy. Previously, our officer appeal process was bureaucratic and lacked transparency. Instead, the new labor agreement now extends the response-- expands the responsibility of the Citizen Complaint Review Board, to hear these appeals giving a citizen a larger voice and officer discipline. The OPOA also recognizes the struggle and challenges we face with recruiting specifically in the black community. Chief Schmaderer is committed to strengthening a culture within the department that helps to recruit and retain black officers so that we may better reflect a community we serve. And here, we have made tremendous progress. Before applying to the Omaha Police Department, a family member of mine, who I admire strongly, advised me against applying. But 20 years later, I sit before you as the first black president of the POA and as a sergeant. Our department has made strides. However, of course, we recognize the challenges of recruiting black officers. A challenge made more difficult by today's political environment. And so our organization fought to ensure that the city of Omaha recognizes Juneteenth as an official holiday for all officers to, to commemorate the end of slavery in the United States. And the



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OPOA will be the first bargaining group in Omaha to officially recognize the Juneteenth holiday in our labor agreement. What I have communicated here to-- here today are just a few of the meaningful and reformative changes that our police department has made in the spirit of cooperation and collaboration with the community that we serve. I ask respectfully that the Legislature resist the hyperbole of the national conversation and recognize that here at home we're listening, we are chat-- we are changing, and we're a model for the country. Thank you, and certainly am here for any questions.

**LATHROP:** Any questions? Senator Wayne.

**WAYNE:** I'm asking every-- kind of everybody the same so you've heard the questions from deputies, so you shouldn't be caught off guard by them. I'll cut to the chase, so, again, if somebody lies to a police officer, it's a, a, a felony, could be charged as a misdemeanor if it's a nonmaterial fact. But if it's a material fact, it's often charged as a felony. Do you believe that police officer should be held to the same standard?

**ANTHONY CONNER:** Yes.

**WAYNE:** And then also-- I guess I do have a different question. What do you see as the role of police in our community?

**ANTHONY CONNER:** Well, first of all, our, our goal is obviously to reduce, reduce crime, reduce the fear of crime. We also are public servants, and our, our job is to create relationships with the communities that we serve.

**WAYNE:** And then how do--

**LATHROP:** Pardon me for just a second, can you talk into the mike--

**ANTHONY CONNER:** I'm sorry.

**LATHROP:** --when you're answering his questions. It's really hard for me--

**ANTHONY CONNER:** Yeah, the mask doesn't help with it, I'm sorry. Apologize.

**LATHROP:** Thank you.

**WAYNE:** And then how do you feel about some type of gag order or-- I mean, I hate to have a judge do it, but a, a professional standard

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where no comments on investigations, even investigations that are concluded, even public followings to a certain point where if there is gonna be a trial that you could in, in place like officers of the court could improperly influence the jury. How do you feel about that?

**ANTHONY CONNER:** Well, I think that there's a public-- there's a public record standard or public standard that everyone follows. So as long as the police officers are following that standard. For example-- I'm sorry.

**WAYNE:** No-- well, I'm just gonna say that, that actually attorneys and courts have a different standard. A judge is not supposed to comment. And attorneys, even if it's a public record, are not allowed to comment on facts of cases which are potentially pending litigation. I would like to impose that same standard on, on anybody, officers of the court. And I, I think in my head, that police officers are officers of the court, that they shouldn't be allowed to comment, make posts, or anything that could improperly influence the jury.

**ANTHONY CONNER:** Well, if you allow me to expand,--

**WAYNE:** You got to talk into the--

**ANTHONY CONNER:** --if you allow me to expand, Senator Wayne.

**WAYNE:** [INAUDIBLE] so hard.

**ANTHONY CONNER:** I apologize. I like the face-to-face conversations. So I, I apologize. But if I can expand a little bit. One of my concerns with that standard that Senator Wayne's explaining, I look at-- I look back at officer-involved shootings where our chief is standing in front of the camera explaining the incident of an ongoing investigation. He's explaining the details of that incident. I think that you will run into transparency issues where the public is expecting transparency from the police chiefs, from the department. So we've got to be very careful where that goes. And certainly I think these conversations deserve a deeper dive and, and potentially having lawyers on both sides looking into this, Senator.

**WAYNE:** And I'll give you an opportunity to respond to the Senator Vargas post.

**ANTHONY CONNER:** Um-hum. Oh, just leave it open like that. OK. Senator Vargas made a social media a post about the unrest down in The Old Market. One of his comments were inflammatory against police officers. It wasn't true and it wasn't true because I spoke directly to the

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police officers that were there that day. I personally am friends with Tony Vargas. He is one of the first senators when I got elected president who reached out to me, him and Senator McDonnell. We sat down for coffee, considered him a friend. That's why we were-- that's why I followed him on Facebook. I personally made a comment to his post and said, Senator, this, this just isn't true. And as an elected official, I think it's important that you tell the truth of what was going on down there, because if you don't tell the truth, you're misleading the public. I reached out to him. He never responded. He edited his post. The post still was criticizing, blaming the police officers for the unrest. That just wasn't true. So that's when I, as, as a police association president, I do have some rights to speak a little more publicly than, than other police officers do. And I publicly spoke out against his, his untruthful social media post.

**WAYNE:** And this is also somewhat of an unfair question, but it's along the same lines. At, at what point do the politics of a union damage the police community relationships if, especially in this day and age when Trump, Biden, the national contexts that you said you hope we don't get involved in the hyperbole, but at the national scene, the police union who are made up of officers of, of Omaha Police Department are engaging in the national scene, which causes more division. Like, at what role-- or how do you feel that builds community relations within the community while at the same time telling us not to engage in the hyperbole of the national but the police union at this point I see is? I'm asking the question kind of broken up, but I think you get the gist of what I'm asking.

**ANTHONY CONNER:** Well, it's, it's real simple. And everyone understands that if you're standing next to someone and supporting a candidate that the majority of the public supports and likes, they're OK with the picture. They're OK with the, with the support. The minute you're standing with someone they don't like, they don't like that post. And unfortunately, we're living in a political world that is literally 50/50 in this country where 50 percent of people like certain candidates, 50 percent like the other candidate. So the reality is, if I'm standing next to certain candidates, certain people, everyone's happy, everyone's cheering me on. If I stand next to someone else, someone's not happy. And the same thing goes back to years ago, I sat in front of the front line in Council Bluffs, Iowa, took pictures with Barack Obama. My wife just became an American citizen in 2012 and was, was happy to vote for Obama and he actually kissed her on the cheek. She was actually happy about that. We posted those pictures on social media. The reality is that some people like it. Some people didn't like it. And that's just a reality of our political environment,

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unfortunately. So as an association, and if you look at the candidates that we've endorsed because we post those candidates, we're, we're endorsing on both sides now because we're not endorsing specifically on a political party. And we're, we're endorsing the candidates that support law enforcement and our issues.

**WAYNE:** I guess that's kind of my question, though. At what point-- I mean, at what point does the Legislature or the city or somebody, because we can't say you guys are officers 24 hours and then engage in things that can cause more division. And I'm not saying I want to take away people's rights or nothing like that, but as an attorney, there are certain things that I just can't do. Like I-- there are actually laws in other states where judges can't even be Facebook friends with attorneys. There's just certain things you can't do because of the ethical or I guess integrity of the system. And when those things tend to fail, the Legislature steps in and says, now we're gonna, we're gonna pass like in Minnesota, that you can't even be friends on Facebook with judges. I mean, that's where I'm, I'm afraid we're, we're getting to because officers are getting more and more involved in everything else, which is their right. But we're still part of this system in which the community has to function and have trust in. So how, how do you guys balance that internally as a union?

**ANTHONY CONNER:** Well, first of all, I'm very proud of the community service work that we've done. And I can tell you a story. Just recently, the Korean community at 48th and Boyd had a lot of issues with getting-- building relationships with that community. Our, our gang unit sergeant got-- Sergeant Martin had actually approached our association and said what can we do to get-- build relationships in that community because those refugees from their country have a really, really deep distrust for the police, because their police abuse them, take money from them, steal, and do a lot of things in their country. We got an ice cream truck there, had a relationship built with that community, with that refugee community, and it, it has helped. We've done a lot of things when it comes to building relations in the community. And once again, I'm proud of the work we've done in the community. But that doesn't mean that tomorrow I'm not gonna, I'm not gonna stand next to a candidate someone don't like. I'm not gonna be with-- I don't know, let's say, the Governor, for example, someone don't like that. That's just, that's just a reality of, of the politics right now. And there's no way to truly ever satisfy 100 percent of the people. And that's what we, we all see in elections. I mean, I was elected. I didn't get 100 percent support in my association. So that's just a reality of, of politics now. So--

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**WAYNE:** No further questions.

**LATHROP:** Senator Slama.

**SLAMA:** Thank you, Chairman Lathrop. And thank you, President Conner, for coming out here today. I just wanted to quickly correct the record or at least make the record clear. We've had several back and forth today where officers have characterized their role as being on occasion officers of the court and some comparisons of law enforcement. The, the role of law enforcement of being similar to the judicial branch. And while law enforcement does have a unique role in our system, they're not part of the judicial branch, are they?

**ANTHONY CONNER:** No, we're not.

**SLAMA:** No, you're part of the executive branch. I, I just wanted to have that be on the record and--

**ANTHONY CONNER:** Thank you.

**SLAMA:** --be correct.

**ANTHONY CONNER:** Yes, that's correct.

**SLAMA:** That's all I had.

**LATHROP:** You look like you want to ask another question.

**WAYNE:** I'm very-- I mean, at no point did anybody suggest that they're part of the judicial branch. But neither is a prosecutor. They are, they are, part of the executive branch. But we were talking about officers of the court being in the context of the entire judicial system, the criminal justice system. So if that was confusing, I apologize. Thanks.

**LATHROP:** I think that's it. Thanks for coming down today. We appreciate your testimony.

**ANTHONY CONNER:** Similar to Deputy Chief Gonzalez, Senator Chambers, I get nothing. I'm a little disappointed. [LAUGHTER] Thank you.

**LATHROP:** You're really not. [LAUGHTER] Before you sit down, if you don't mind, our process was going to be an hour of the citizens, an hour of law enforcement and city officials. I just want to see if there's anybody who came down here to offer a, offer a perspective other than a law enforcement or a city official perspective that

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wanted to be heard. OK. Just wanted to make sure we're not breaking all the ground rules I set early on. Welcome and good afternoon.

**SCOTT LYONS:** Hi. Chairman Lathrop and the members of the Judiciary Committee, my name is Scott, S-c-o-t-t, Lyons, L-y-o-n-s. Police chief for the city of Papillion. I'm also representing the United Cities of Sarpy County: Bellevue, La Vista, Gretna, and Springfield. I appreciate the opportunity to testify today. The overwhelming majority of Nebraska police officers welcome open dialogue about improving accountability and practices. I hope that the open discussion and dialogue promotes transparency and legitimacy in order to best serve and protect all citizens. Papillion Police Department is one of seven law enforcement agencies with advanced accreditation in CALEA in the state of Nebraska. Accreditation does not prevent all negative outcomes. However, it does promote-- it produces a tool for ongoing review and accountability. Each CALEA agency must undergo reviews of external and independent assessors annually. That is done by remote and then every four years, which is a site-based review. In 2012, the Papillion Police Department received its initial advanced certification and reaccreditation in 2015 and 2018. Although it is a financial commitment, including program fees, software demands, and dedicated personnel, it would be more of a struggle without it to keep abreast of all the contemporary policing best practices. CALEA is a premier credentialing body in the United States requiring adherence. In our case the 356 of 459 standards that addressed all aspects of policing organizations to include but not limited to use of force, early warning systems, bias-based policing, citizen complaints, the law enforcement role, limits of authority, recruitment selection, and many other topics. For instance, the Papillion Police Department follows a use of force policy that is in line with CALEA standards and exceeds by incorporating an investigation by a supervisor and managers for every use of force incident, reviewing all reports, witness statements, photographs, in-car video audio and-- in-car video and audio, and body cameras. And this comprehensive perspective assists us in a number of things, such as compliance with policy, Supreme Court decisions and state statute, and evaluate the performance of police officers and identify any type of disciplinary issues or even project future training needs. Some use of force investigations do result in discipline, training remediation, and/or identify issues for the next training evolution. Earlier this year, I served on a CALEA regional advisory board that is already reviewing proposed revisions to standards and practice for the upcoming release. And many of these address some of the issues of national concern. This is also happening on another committee that I sit with, with IACP, the Patrol and

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Tactical Operations Committee, of which I will be the chair this upcoming year. Another area where the police department meets or exceeds even the performance when compared to local and state and national peers is that almost all police, police officers and civilians within our agency are trained in how to deal with the mentally ill. Most of our officers attend mobile crisis intervention training, 40 hours, while some employees attend the mental health first aid course. And then we have a lot of people that have attended both. There has been a standard practice for this police department, even prior to me being the police chief for almost a decade. For many law enforcement agencies in Sarpy County, we have partnered with Heartland Family Services for many services such as mobile crisis response, victim assistance, and many others. Effective law enforcement agencies must continually assess their, their adherence to standards and best practices resulting in policy revisions and providing their officers with the best available training.

**LATHROP:** OK, Chief, let's have you give us your last thought. We're on a light system here. To be fair to everybody behind you, I want to make sure we are enforcing that evenly.

**SCOTT LYONS:** Yes. I want to thank you for your time, and I thank you for your service.

**LATHROP:** OK.

**SCOTT LYONS:** If you have any questions.

**LATHROP:** We appreciate your testimony. I-- this is the worst job of being chairman of a committee, is enforcing the light system. And then everybody sitting behind you is like, well, how come he let that guy talk to the red light. So it's not the most difficult part of the job, but it's maybe one of the more unpleasant parts of that. Are there any questions for the Chief? I do have a question for you. You mentioned a standard, and was it CALEA or PALEA?

**SCOTT LYONS:** CALEA.

**LATHROP:** CALEA?

**SCOTT LYONS:** CALEA, Commission on--

**LATHROP:** That's an acronym?

**SCOTT LYONS:** Yes.

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**LATHROP:** And it stands for what?

**SCOTT LYONS:** The Commission on Accreditation for Law Enforcement Agencies.

**LATHROP:** And is this the one we heard someone else testify to earlier, that only 5 percent of the jurisdictions qualify?

**SCOTT LYONS:** Yes.

**LATHROP:** So if you're not an accredited law enforcement agency, what's the difference between that agency and yours? What are we gonna, what are we gonna see as a practical matter in review of that law enforcement agency that's not accredited?

**SCOTT LYONS:** I think what you're gonna see is, is that you're gonna see a lot, a lot longer of a turnaround into best practices. And what I mean by that is, is the ability of an agency to turn on a dime. The ability of an agency to retrain its staff. The quality of their training, which reinforces policy and best practice. And it happens so fast. Our whole society is moving more rapidly. But I also think what you're gonna see is you're gonna see that there are some things that are done in a community that become longstanding practice and it becomes hard to move those things because that's the way it's always been and CALEA forces agencies to, to move a lot faster and against the grain, even if it has been ingrained in the culture for a long period of time.

**LATHROP:** OK, so my next question is, why do we not have everybody be CALEA certified agents?

**SCOTT LYONS:** I think there are other types of accreditation that are out there. CALEA is just one. It's pretty much the premier. There are states that have tried to do it, California being one. Missouri tried right after Ferguson. But one of the things that I think that you're gonna find is, is that it costs a lot of money to invest into that. We have two staff members that's probably right somewhere around a neighborhood of \$200-- \$200,000 just in salary benefits. And we have software investments for, for training, how we capture training, how we record training, how we issue policies, how the police officers can see those in the cars and sign those prior to shift, how we maintain compliance documents. And then there's all kinds of annual reports and reviews that take place of command staff. And sometimes those things result in more people for your agency where, where small agencies and even large agencies aren't able to do that. There are a lot of



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mid-sized agencies in CALEA. But there's also some very large ones. And you've seen two today, Lincoln and Omaha in our state.

**LATHROP:** Did you say Papillion and Omaha?

**SCOTT LYONS:** Yes, Papillion is accredited. Omaha is accredited. Lincoln is accredited. And you also have Douglas County Sheriff's Department, UNO, and the Union Pacific Railroad. And I'm missing one.

**LATHROP:** So after, after-- and I'll just use the death of George Floyd. Did that organization change any standards with respect to use of force?

**SCOTT LYONS:** Almost immediately overnight, the conversation started changing about looking at how we can incorporate things such as duty to intervene. From my own experience, we are going through, and, and we have that in policies and we also have that in our oath, oath that we take. But we're being more transparent and moving it into policies where it's sitting beside things such as use of force. We have already been training about once you use force and somebody is injured seriously or, or even minor that we move to intervene and provide medical treatment when the scene is stable and when the situation is able to be dealt with, there's no more threats. And so I think there's more clear language that's been talked about and there's more positioning of that where the public can see that in our policies and procedures a lot more clearly.

**LATHROP:** So if-- were there specific guidelines that came down from that organization to your department that if you want to maintain compliance, for example, you can't use the chokehold any longer?

**SCOTT LYONS:** If it's-- with particular to the chokehold, there's the-- that conversation was captured really clearly by Deputy Chief Gonzalez. That is, that is something that is being actively talked about in CALEA and IACP about--

**LATHROP:** But so far that, that--

**SCOTT LYONS:** Right.

**LATHROP:** --directive or that new standard hasn't come out of the organization?

**SCOTT LYONS:** No, those-- CALEA issues them and, and releases the ones coming up. And that's going to be in there. But they're-- the conversations are already taking place inside our, our managers. And

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with IACP, we have a conference next week, which is virtual. And that's-- there's a lot of those issues being discussed at that. I think there's already a number of white papers and also best practice policies that are being developed.

**LATHROP:** OK, thank you. That's all the questions I have. Anyone else? I see no other questions. Thanks for being here, Chief. We appreciate it. Good afternoon and welcome.

**DAVID BLACK:** Good afternoon. Thank you. David Black, D-a-v-i-d B-l-a-c-k, mayor of the city of Papillion, also here representing United Cities of Sarpy County. Actually, was just gonna talk about, Senator Lathrop, is the question you're asking is the dialogue I did want to start. The CALEA accreditation from a layman's perspective, the Crime Commission for Nebraska's kind of the base-level standard everybody has to meet. CALEA, in my perspective, would be the gold standard. So you're going into Best Buy, you want good, better, or best. It's kind of the scenario I use. So walking in, most people are not gonna go to best. You want the quality, but you can't afford it. And it's kind of the reality, I think, of the towns in Nebraska. CALEA is expensive. You mentioned some of the numbers. It takes quite a commitment from the elected officials to support that as well. And when we could get contention of other departments wanting things and property taxes, very serious discussion. So it's probably not realistic to say, hey, Nebraska, just go to a CALEA standard. That wouldn't be right. But I think what's important is since we do have some agencies, not just-- it's not just Omaha or Lincoln that are CALEA, we have some unique insight. And as Chief Lyons mentioned, he has the ability to participate in national level conversations almost a real time. And he's sitting on some of those committees. So as you're doing your work, I just want to raise the awareness that we are involved in the national level conversations. And so as you're working and dialoging and struggling with solutions, we very much want to be part of those conversations. I just want to thank you for that and raise the awareness and we are a resource. The other thing is we strive for continuous improvement. And that's one of the reasons we did CALEA. We want continuous improvement. One of the other things we've done, though, is and we learned this from the city of La Vista, we implemented the National Citizen Survey, which is part of the-- it's issued by the National Research Center and ICMA. And it's a survey that municipalities can do that they've been doing. I'm gonna guess about 12 years. So very refined questions, national standards, questions change based on what the dialogue is going nationally and it's a, a scientific survey. Kind of like Gallup would do. And we participated in that for a couple of years. And one of the-- number of

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questions are asked around public safety, policing being part of that. And from a Papillion perspective, 94 percent of our citizens considered policing excellent or good. So, again, when we talk about community relations, city relations, we do take that serious and we've got some data to share if people are interested.

**LATHROP:** OK.

**DAVID BLACK:** Thank you.

**LATHROP:** Any questions for the Mayor? I see none. Thanks for being here.

**DAVID BLACK:** Appreciate it.

**LATHROP:** Welcome.

**BOB LAUSTEN:** Thank you. Chairman Lathrop and members of the Judiciary Committee, my name's Bob Lausten, B-o-b L-a-u-s-t-e-n. I'm a 36-year law enforcement veteran having served with the city of La Vista for the past 30 years, including the last 18 as chief. Today, I'm also representing the United Cities of Sarpy County. I served on the Police Standards Advisory Council from 2008 to 2016. During that time, I learned a great deal about statewide law enforcement standards. And I'm here to offer you my perspective on four topics we need to look at changing. Number one, it was brought up earlier with Chief Bliemeister, psychological examinations. Every peace officer candidate should be evaluated to determine if the candidate is free from emotional or mental conditions that might adversely affect him to be a cop. Not all Nebraska law enforcement agencies do prehire psych tests. Many do, including the Sarpy agencies, OPD, Lincoln, the State Patrol. However, there is no state requirement for police psychological examinations for a police recruit. Currently, the admission criteria for law enforcement certification in Nebraska only includes a provision on the applicant that the applicant check a box on the state's medical history form that says, quote, do not have a past that's indicative of physical, mental, or emotional incapacity. That's it for the psychological. When they take their medical test, there's nothing that covers the psych test that has to be done separately. Secondly, force investigations. The Sarpy County attorney and Sarpy law enforcement agencies are in the early stages of creating a countywide force investigation team. The mission for the newly constructed team would focus on officer involved incidents where an officer uses deadly force for where a suspect or officer is injured from any type of force. We believe a multiagency investigative

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approach promotes public trust by conducting professional and consistent multi-jurisdictional force investigations, as well as consolidating and sharing the skills of the most experienced supervisors and investigators that we have in our county. This probably could be set up regionally across the state with this type of system. We're using a Las Vegas model and working with Las Vegas who went through some mandated federal changes back in 2012 to 2014. Number three, working without certification per Nebraska statute 81-1414, new hires must be certified within one year of appointment by their agency. This means that an agency could hire somebody today and have a year to certify them. They can put them on the street with a gun, a badge, and the ability to make arrest without having them certified. This happens in the western part of the state. It happens because they don't have the ability to hire and get enough people. So right now we have men and women that could potentially that are-- work in the streets that haven't been certified. You have to-- a tattoo artist has to be certified to be able to work. We have that currently in place in Nebraska. Finally on accreditation, I'm gonna go to the other side of it. The only option for law enforcement right now is CALEA. As a former CALEA accredited agency, La Vista saw the early value of the program. But it did come at a cost both in time and money. CALEA is not a silver bullet in itself. There should be consideration to establish an option for a statewide law enforcement accreditation. In 1998, an initiative of the police standards-- or the Police Chiefs Association of Nebraska established a state accreditation process that gave departments that couldn't afford the national accreditation the opportunity to acquire recognition for adhering to national and state standards. The concept was active but lost momentum over the years and eventually the state accreditation program ended through PCAN. Many states: Florida, Texas, New Mexico have accreditation programs and the cost varies. Many agencies use state accreditation as a stepping stone to get to CALEA as it provides the opportunity and the experience without getting overwhelmed by the cost. That's something that could be developed in Nebraska, again, with help from the Crime Commission. But it will take funds to do that. Lastly, on pre-79-- on LB791 in 2018, it was, it was mentioned that the bad cops that are out there, there has to be a background. There's a form that sent to the Crime Commission. We still have officers that are pre-LB791 prior to the law that went into effect, that were terminated from agencies that are still trying to apply. We had one such individual that left our department and under resignation in lieu of termination pre-7-- pre--LB791, he went to another agency and they did not do a background. We called them and said, you need to come up and look at this guy's personnel file. He went to another city

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of the first class, and they didn't want to do a background on him. That individual subsequently left that agency and he's trying to get a, a promotional position in another first class city. And they had called and talked and looked at our background during this. So we still have those cops that are out there. So something still needs to be done with the decertification that's taking place in Nebraska.

**LATHROP:** Does LB791 only apply prospectively? And so somebody who was terminated or left in lieu of termination doesn't come under LB791.

**BOB LAUSTEN:** Currently,--

**LATHROP:** Is the way I understand it.

**BOB LAUSTEN:** --currently, they come in they're under LB791 after 2018 when the law went into effect. So if you have somebody that left in 2014, for example, unless that agency is doing a background, which you would hope everybody does a professional background on anybody that they hire, including a polygraph, they, they can slip through the cracks and they still do.

**LATHROP:** OK. Any-- anybody else have questions? I see none.

**BOB LAUSTEN:** Thank you.

**LATHROP:** Thanks for being here.

**BOB LAUSTEN:** Appreciate it.

**LATHROP:** Good afternoon.

**STEVE HENSEL:** Good afternoon, sir. My name is Steve Hensel, H-e-n-s-e-l. Senators, thank you for allowing me to testify. I'm Crete's chief of police and the current president of PCAN, the Police Chiefs Association of Nebraska. I represent both today. The topics of study are certainly worthy of consideration. The police chiefs appreciate your desire to improve policing in Nebraska and for giving us the opportunity to participate in the discussion. We wish to listen, be open to new possibilities, and support positive change. A law enforcement officer's duty to intervene is a legal and moral obligation. Protecting life, upholding the rights of others, and helping people in need are central aspects of police work. Officers must intervene to prevent or stop instances of excessive force and then report it. Crete, along with 140 other Nebraska communities, as a member of the League Association of Risk Management, membership offers access to training materials, model policies, and legal updates. And

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with these, administrators of small agencies may better craft policies and procedures and then put them into practice. One such model policy is explicitly devoted to duty to intervene. I've personally used these elements of this policy to expand intervention beyond use of force incidents to also include any illegal or unethical behaviors. Now I'm finished with what I was planning to say. I want to talk about everything, blue wall of silence, early engagement systems, training. What if somebody comes from Wyoming? LB791. You have tasked the Crime Commission with a process for decertification, but you didn't fund investigators. So the Crime Commission is using instructors from Grand Island to be dual headed as investigators. So they're not focusing on training because they're investigating. They can't do both. Now investigation slows down, training suffers, funding. I grew up in LA County. My dad was LAPD. I understand the blue wall of silence. I understand it, don't support it, but I understand it. We need to hold ourselves to account. We can't police the community, if you want to use that term, if we can't police ourselves. If we need such oversight, we're, we're wrong on so many different levels. We need to be better. We need to work on improving ourselves and look internally. Best practice. Those are terms. Evidence based. We need to follow that. But small agencies in Nebraska where it's one or two officers, they struggle. They have a hard time. They need help. Funding is useful. Guidance, more so. I'm willing to answer any questions you have.

**LATHROP:** Senator Brandt.

**BRANDT:** Thank you, Chairman Lathrop. Thank you, Chief, for being here.

**STEVE HENSEL:** Yes, sir.

**BRANDT:** You represent the largest city in the 32nd district, Crete.

**STEVE HENSEL:** Yes.

**BRANDT:** You're also one of only two actual police departments in, in our district. But I think Crete is very representative of, of PCAN. Is it not? I mean, it's a typical sort of a small town, big town through the state of Nebraska. And I think you've got a very good grasp because you're president of PCAN on, on what we're trying to look for in possible legislation for next year. So we've, we've talked to Omaha and Papillion and, and Lincoln and the very large cities. And now you have an opportunity as a, a small town chief to tell us what do you want to see in this legislation, because it's getting driven by the big urban communities. And yet we've got 90 outstate counties that are

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going to be affected by whatever we pass. So what's important that we include or don't include in future legislation?

**STEVE HENSEL:** Well, as, as a leader of people, don't expect them to do things that it's impossible for them to do. Don't do that. I, too, was in the infantry and understanding that point that you have to be able to give people tasks that they can perform, laying down legislation that applies specifically, directly, and applicably to Omaha, but can't be done in a tiny Nebraska city. That's an impossible situation. So the legislation itself needs to take that into account. A lot of ideas have been shared here. There are some things, though, that transcend all of that. And one of them is ethics. A second would be training. Focus on the heart and soul of what it means to be a law enforcement officer and drive that into the hearts and minds of all of our young recruits so that they grow into the types of officers that we want them and need them to be. And that sounds very hopeful and pie in the sky, but it's what I heartfelt believe in.

**BRANDT:** And as a follow-up question, and I'm gonna sort of switch gears here, Crete is a very unique community in that you're probably about one-third minority.

**STEVE HENSEL:** Yes.

**BRANDT:** And we've as-- and I read the paper every week, it's one of six papers that I get. Through all the protests and everything, I didn't see any issues there. Do you have a perspective on that?

**STEVE HENSEL:** It's been said before, community engagement. It may not take the same formal setting that you've heard. It's one on one. It's being on the street. It's going to those meetings where people are meeting them where they are at. And we found that very successful in our community. Surveys ran-- past surveys that the, the city of Crete Police Department isn't targeting people of color. Well, that's very nice to hear. As the administrator, it would be quite alarming if I had heard that. But the engagement, we also have a civil service commission that's representative of our community. One member, Reverend Wayne Reynolds came to our department at our last department meeting and shared some examples of his experiences in Omaha growing up so that our officers could understand better what it means to-- and you've heard some stories here today and have them feel that, not just get it in a book, read it in a training outline, or see it in a PowerPoint, but understand deeply how police affect the lives of people and how fair and unbiased policing is a must.

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**BRANDT:** OK. Thank you, Chief.

**STEVE HENSEL:** Yes, sir.

**LATHROP:** Senator DeBoer.

**DeBOER:** I just wanted to ask a couple of clarifying questions. The, the duty to intervene model policy that you-- this is what you've been working on with the league of-- or the-- yeah, who, who have you been working on that model policy with?

**STEVE HENSEL:** No one.

**DeBOER:** OK.

**STEVE HENSEL:** The model policy itself is available through the, the entity LARM that I-- that the city of Crete is involved with. And the legal and liability-- all these acronyms, Legal and Liability Risk Management Institute supports them with training materials and, and model policies and such. And as the, the comment earlier about turning on a dime, well, they have. And those model policies are out, available, read. And the author of one, Jack Ryan, Duty to Intervene Duty to Render Aid, I, I read it immediately. Saw that we could do better in our policy because I had it just in our use of force policy. Well, unethical behavior, unlawful acts.

**DeBOER:** Right.

**STEVE HENSEL:** So I created an entire new policy based on that that's already in place in the city of Crete.

**DeBOER:** So you've, you've put that in your policy in the city of Crete now. Is that correct?

**STEVE HENSEL:** Yes, I have.

**DeBOER:** And in your position in PCAN, have you worked with other organizations to try to do something with any of these policies, but including the duty to intervene.

**STEVE HENSEL:** When we share-- we, we have one annual meeting-- bringing all the chiefs together at any one time, it's-- that's-- well, we've heard it--

**DeBOER:** Yeah, can imagine.



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**STEVE HENSEL:** --time, money, people. A lot of the chiefs are the only people watching their city. Getting away is, is difficult. Technology has helped. We talk through issues. Our last meeting that we had was in Kearney just a few weeks ago, and it was two hours of rapid fire. It was a topic brought up, but we didn't have time to, to delve into it. I have no statutory or regulatory authority within PCAN to be passing out--

**DeBOER:** Sure.

**STEVE HENSEL:** --here Crete's policy. I do, I do see great value in the League of Municipalities, LARM, other, other memberships that our municipalities can be members of. As I said, 140 other villages and cities in Nebraska with Crete. We have access to all this and it's being pushed at us. You have to open it up and read it. It's, it's not that, that difficult. But then turn around and make that into reality. It takes time and it takes effort and it takes qualified staff watching the streets so you can, as an administrator, can take those moments and make that happen. So for small agencies, it can be quite difficult to find that time.

**DeBOER:** So if we as the state set up a duty to intervene using best practices, properly informed from a number of different sources, would that be something that would be difficult on smaller forces?

**STEVE HENSEL:** No. And I think you, you heard it before, Senator, with an answer given, they would support that. An officer, as I described the ones we need, would shake their head at we need a policy to stop and help somebody. Isn't that what we do? Most people would, would just instantly agree. Yes, we're, we're all behind that.

**DeBOER:** OK. Thank you.

**STEVE HENSEL:** Yes, ma'am.

**LATHROP:** Senator Pansing Brooks.

**PANSING BROOKS:** Thank you. Thank you so much for coming, Chief Hensel. You've been amazing and been working with us on various pieces of legislation and I appreciate your, your input and your help, particularly on the school resource officers. So thank you for that. I, I just am interested taking, taking it one step farther. I mean, then that's good. If officers could handle, and PCAN could handle a duty to intervene, what about a, a ban on chokeholds and stranglehods?

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**STEVE HENSEL:** Well-- and we're, we're back to different, different positions on what is a chokehold, what is a, a neck restraint and how is it-- I've already banned those in the city of Crete. It just didn't seem necessary in all of our use of force instructors. And by the way, we don't rely on outside instruction. We send people away to become instructors because that's cost efficient. So these people-- there are other ways to deal with problems. We don't need to do those things. So we just eliminated it. So would other agencies feel like I feel? I don't know. I can't speak to that. The ethical point of duty to intervene, that's, that's almost instant. The tactical application of force, case by case, I'm not sure. I haven't asked anybody. So I, I wouldn't know.

**PANSING BROOKS:** So strangleholds, some do think are, are highly necessary.

**STEVE HENSEL:** Well, as, as a question?

**PANSING BROOKS:** That is a question. Do some police believe that strangleholds are necessary?

**STEVE HENSEL:** No. I've not heard anyone say that a stranglehold is necessary for police work to be effective.

**PANSING BROOKS:** OK. But what are you, what are you saying that you're telling me that you can't talk about or that you can't give an opinion on?

**STEVE HENSEL:** There are the, the very views of use of force, a neck restraint versus a chokehold. There are thoughts that those are different things.

**PANSING BROOKS:** Can you explain that to me?

**STEVE HENSEL:** No. No, I-- lateral vascular neck restraint as brought up, we don't train that anymore. We don't use that anymore to, to restrict blood flow temporarily to cause incapacitation. And I'm-- I am not a use of force expert by the way. That's different than blocking airflow. A chokehold would be blocking airflow. The neck restraint, restricting blood flow temporarily. Now, the, the general public would probably not see much difference in that-- in the, in the--

**PANSING BROOKS:** I would agree, most people would say you're talking semantics there. But, you know, that-- I do think that it's interesting about the duty to intervene and that I agree shouldn't

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have to be legislated. But that seems like that's what's happening across this country right now. So I don't know. I, I, I appreciate all of your help and input on this and no further questions. Thank you.

**LATHROP:** I think that's it. Thanks, Chief.

**STEVE HENSEL:** Yes, sir.

**LATHROP:** Next testifier. You're getting stiff?

\_\_\_\_\_ : A little bit.

**LATHROP:** Welcome. Good afternoon.

**TERRY WAGNER:** Oh, good afternoon, Senator Lathrop and members of Judiciary Committee. Thank you for having me. I appreciate the opportunity. My name is Terry Wagner. I'm sheriff of Lancaster County, and I'm here before you today representing the Nebraska Sheriff's Association in joining law enforcement organizations to provide information pertaining to the three legislative resolutions before you. All three of these resolutions seek to examine policies and procedures of law enforcement agencies, oversight, use of force, hiring, training, and all of the laws under the purview of the Judiciary Committee on the topics of the hearing. And I really welcome the opportunity to explain the whys and wherefores of our policies. One of the things that I sort of focused on was the oversight that other professions have. And I looked at the medical profession, for example. In the medical community, there are 27 or 28 oversight committees that make up there-- that are made up of perhaps one citizen and then professionals in that particular field of endeavor. So the majority of the members of an emergency physicians board are emergency room physicians, a majority of the audiologist board are audiologists. Likewise, with the oversight committees for lawyers and judges. And I think the state Supreme Court establishes those committees to handle discipline and oversight for lawyers and judges. The majority of their members are either lawyers or judges prospectively with some citizen involvement. The state already has a Police Standards Advisory Council, which I think Chief Lausten alluded to. He and I served certain that council at the same time together. Other representatives of state, county, city, law enforcement agencies, and a citizen at large. The Police Standards Advisory Council set the training standards for the state, examining those best practices across the nation, and how that fits with Nebraska law. They also handle complaints from citizens and decertification requests. Sheriffs' offices in counties above 25,000 people likewise have the

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Merit Commission, which is the same as civil service on the municipal side. The Merit Commission is comprised of members set by the county board, by the, by the presiding judge at District Court and by the Deputy Sheriff's Association. But they set the local standards for testing, hiring, promoting, disciplining, and conditions of employment for sheriff's deputies. You really have to look at individual agencies and if laws are being passed to make them broad enough to where they can be applied regardless of the size of agencies in the state. And I think that, you know, to Senator Brandt's question earlier, when we served on PSAC, we always had to look at how the rules and regulations for the training standards affected the smallest agencies in the state because they couldn't afford it or couldn't comply with the regulations that were being proposed. So it's really important that, that legislation not dictate policy, but dictate the oversight for us to develop those policies that fit our individual agencies and locales. With that, I would answer any questions the committee might have.

**LATHROP:** Senator Brandt.

**BRANDT:** Thank you, Sheriff Wagner, for appearing today. This is sort of along those same lines that, that I asked Chief Hensel. So we have an elected sheriff probably in most, if not all 93 counties. I know some counties out far west they combine that, that position. But these are the smallest of the small in a lot of our counties. In fact, three of my five counties, the sheriff's department is law enforcement for the entire county. And I think that's pretty typical in most of our, our counties, there are no more police agencies in any, any of our county seats, the, the sheriff runs, runs the whole county. So-- and I know you're in one of the bigger counties, you're sheriff here in Lancaster, but keeping in mind those individuals, what do they want to see in, in this legislation going forward or what don't they want to see in this legislation going forward? What, what are the things that come to mind? The top one or two things?

**TERRY WAGNER:** Well, it's like Chief Hensel said, I, I think our employees would find it when you shake their head that we need legislation for a duty to intervene. That just-- that's common sense. It, it doesn't seem like we need legislation to do that because that's what-- that's what's right and that's what should be done. You know, I think training-- somebody mentioned training earlier, training is huge. But it's not just the training that's important. And right now, we have 22 hours of, of state- mandated training for law enforcement agency-- or for law enforcement officers in Nebraska. But it's the backfill. It's the time away from their agencies. And, and while-- you

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know, we can have employees trained as trainers as can Chief Hensel. There might be agencies out west, so if they have a three-person department and one of their people are gone for, for training, it's very difficult for them to provide coverage for their, for their areas of responsibility. So you really look at-- need to look at those kinds of things. The training is, is huge. And right now we, we have a number of mandated training, state-mandated training. You know, the implicit bias that Senator Chambers introduced last year, that, that is in effect for this year. We have pursuit driving requirements, domestic violence training requirements, and there might be another that I can't remember. But there are a number of required training topics that we have to address every year. So when you, when you carve out those items, it leaves you little time for other more pertinent objects. So, yeah, training is a huge issue. And I think Senator DeBoer's magic purse with unlimited funding, I think training would be the key.

**BRANDT:** OK. Thank you, Sheriff.

**LATHROP:** Senator Chambers.

**CHAMBERS:** Sheriff, I had mentioned earlier of your having hired an Omaha-- a Lincoln police officer against whom the Lincoln Police Department had made through their internal investigation a finding of excessive force having been used and he quit rather than be terminated. Would you hire such a person today again?

**TERRY WAGNER:** Senator, if the fact pattern is the same as the person I hired, I would.

**CHAMBERS:** You would?

**TERRY WAGNER:** Yes, sir.

**CHAMBERS:** OK. That's all I have, that's for the record.

**LATHROP:** OK. I think that's it.

**TERRY WAGNER:** OK. Thank you.

**LATHROP:** Appreciate it. Thanks. Next testifier.

**BRANDON LORENSEN:** Good afternoon.

**LATHROP:** Good afternoon.

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**BRANDON LORENSEN:** My name is Brandon Lorenson. I'm the past president of the Police Officers' Association of Nebraska, also known as the POAN.

**LATHROP:** Can you spell your name, please?

**BRANDON LORENSEN:** Oh, I apologize.

**LATHROP:** Yeah, it's fine.

**BRANDON LORENSEN:** It's B-r-a-n-d-o-n, last name is L-o-r-e-n-s-o-n. I want to thank the Judicial [SIC] Committee for holding this hearing as a part of the interim study on various issues that are affecting today's law-- Nebraska law enforcement agencies. LR377 oversight mechanisms. While large agencies have internal controls that investigate complaints against officers, smaller agencies rely on their governing boards. Depending on the type of complaint the mayor and council can do-- can and do make inquiries requesting specific information regarding a complaint that they have received. It becomes the agency head responsibility to report back and provide the information requested. Depending on the seriousness of the complaint, outside agencies can be requested to conduct the investigations. In the event an outside agency is requested to investigate, all needed evidence, relevant information, etcetera, is provided so that a complete investigation can be made. However, with an independent board, what level of experience and training will they have to conduct investigations? And what is the cost going to be to the municipalities? With today's requests or requirements of transparency, often the public are told of officers being reprimanded, suspended, or terminated as a result of the investigation. However, not all disciplinary actions should be made public. I believe the examination of various use of force techniques as described in LR377 can be addressed in LR417. The analysis of the use of force policies across the state of Nebraska that include metropolitan first class, second class, and village agencies would be beneficial. Comparing those agencies-- or comparing those policies to other agencies that are addressing the same issues as identified would ensure that the common components are present and as it relates to the types of tools, training, and techniques that law enforcement officers are using and when they can and are being used. Currently, Title 79, Chapter 8 outline the requirements for a person to become a certified law enforcement officer. I know that many agencies, including smaller agencies, exceed the minimum requirements using polygraphs and psychological examinations prior to being hired. From personal experience when seeking a qualified candidate, this has been helpful

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in deciding. Improvements in training. Improvements in training is an always ongoing matter. New techniques, programs are being provided to both officers, both at the department and academy levels. Training is constantly evolving to meet the standards of present day and of the future. It is understood that reform of police practices throughout the United States is being called for. It has helped that these findings of the interim study will show that Nebraska law enforcement are being-- or sorry, are using the best practices in all areas of law enforcement. Thank you.

**LATHROP:** What group did you say you were with?

**BRANDON LORENSEN:** I'm with the Police Officers' Association of Nebraska, POAN.

**LATHROP:** OK. And how's that different from the OPO-- or pardon me, the FOP?

**BRANDON LORENSEN:** We--

**LATHROP:** Is it similar?

**BRANDON LORENSEN:** We're more similar to PCAN, Chief Hensel represented. We represent officers from across-- on the municipal side, across the state of Nebraska. Sheriff Wagner represents the Nebraska State Association. I represent the police officers.

**LATHROP:** OK. So are these mostly sheriffs or small town law enforcement?

**BRANDON LORENSEN:** Mainly small town and other-- all, all cities, but mainly smaller towns throughout Nebraska.

**LATHROP:** OK. Somebody testified earlier about certification of law enforcement. Does every law enforcement officer, even in small towns, have to be certified before they are a sworn officer?

**BRANDON LORENSEN:** No. You can become a sworn officer and within one year trend-- attend the academy-- police academy.

**LATHROP:** OK, so I can, I can carry a gun, wear a badge, and enforce the law in small town Nebraska-- I'm, I'm not talking about the municipi-- the big municipalities, with no-- not going through the training academy at Grand Island first?

**BRANDON LORENSEN:** That is accurate.

**LATHROP:** And they can, they can have me on the job enforcing the law in whatever community I'm hired to, to protect without ever having been through the academy?

**BRANDON LORENSON:** True.

**LATHROP:** Is there any, is there any educational requirement? Can I come from-- and I, and I don't mean this to sound like it's going to, but can I come from Burger King to flipping burgers to being a sworn police officer in a small community for a year before I go to the academy and, and then become certified?

**BRANDON LORENSON:** As long as you have a high school education or GED equivalent, yes.

**LATHROP:** What, what percentage of communities hire people for a year before sending them to the academy?

**BRANDON LORENSON:** I honestly could not tell you.

**LATHROP:** It is commonplace?

**BRANDON LORENSON:** I've heard of it, but I don't know how common it is.

**LATHROP:** OK. You've answered my questions, so thank you. Senator DeBoer.

**DeBOER:** Are, are you a police officer?

**BRANDON LORENSON:** I am. I'm a detective with the Fremont Police Department.

**DeBOER:** In Fremont. OK.

**BRANDON LORENSON:** Yes.

**DeBOER:** And where did the-- so where does the Fremont-- where do you train? You train in Grand Island?

**BRANDON LORENSON:** We get trained-- our, our initial training is in Grand Island, yes.

**DeBOER:** And then when you're doing your updated training, is that-- do you ever go to Grand Island again?



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**BRANDON LORENSON:** We have before or we also have individuals that are certified trainers within our department or we go to outside agencies to further our training.

**DeBOER:** And this is more a question for your association than your Fremont work. Do you know-- do other folks in smaller departments yet that maybe couldn't have those trainers-- Fremont's probably big enough to have them, do they go for those 22 hours we hear about, do they go to, to Grand Island? Is that where they go or--

**BRANDON LORENSON:** I believe between that or other agencies nearby that have that training going on. The agencies will work together to allow other agencies to come get the training needed at their departments.

**DeBOER:** So do you sometimes have other folks with you guys at Fremont?

**BRANDON LORENSON:** We have, yes.

**DeBOER:** OK. What kind of training in, in-- would be most helpful to you all in Fremont? Like what topics? What, what sort of thing would be most helpful? We, we heard that there's a certain amount that there's already blocks of training that are spoken for.

**BRANDON LORENSON:** Um-hum.

**DeBOER:** So what additional training would be helpful to you? What, what block or what topic?

**BRANDON LORENSON:** I think de-escalation training or mental health, more mental health, is always-- training is always gonna be needed.

**DeBOER:** And that's dealing with folks who are in a mental health crisis or just folks who maybe aren't in crisis but have other mental health issues or, or--

**BRANDON LORENSON:** I'd say both probably.

**DeBOER:** OK.

**LATHROP:** Senator Brandt.

**BRANDT:** Thank you, Chairman Lathrop. Thank you for appearing today.

**BRANDON LORENSON:** Yes.

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**BRANDT:** This is maybe a little clarification because we experience this in my district. First of all, the classes in Grand Island are scheduled every two months, I believe. Does that sound about right?

**BRANDON LORENSEN:** That sounds about right.

**BRANDT:** Two or three months and the cost is like \$8,000, \$12,000 to send an individual through that training.

**BRANDON LORENSEN:** The initial training that an officer gets, it, it is expensive and it is now three-- every three to four months. However, for an individual class, let's say like domestic violence, like Senator DeBoer was discussing, those are much cheaper--

**BRANDT:** Right.

**BRANDON LORENSEN:** --to have an individual to go to one training.

**BRANDT:** But what I'm talking about is the raw recruit off the street.

**BRANDON LORENSEN:** OK.

**BRANDT:** So we take our Burger King guy, and usually what happens in our, in our small communities or our small counties is we need some-- we need a body in the opening.

**BRANDON LORENSEN:** Um-hum.

**BRANDT:** You've got to have a body in the opening. And everybody's a little leery because what we are is we are the training ground for the rest of the state because Jefferson County or Thayer County or Fillmore County, we're gonna invest this money in this guy or woman. And six months after they're trained and come back, they take off for greener pastures and we still have an opening. So it seems sort of common among some of the law enforcement agencies is a little bit to try it before you buy it.

**BRANDON LORENSEN:** Um-hum.

**BRANDT:** Let's find out if the guy's a good fit. Let's find out if he owns a house here, if his family's happy, if he wants to live in Fairbury or Hebron or Geneva. And, yeah, you could give a guy a gun and a badge and say, go out and catch the bad guys. But the reality of the situation probably is he's gonna be paired up with somebody that knows what they're doing. They are just, just gonna send somebody

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green out there to do that because that has a lawsuit probably written all over it. Would that be a correct statement?

**BRANDON LORENSON:** Yes.

**BRANDT:** OK. That's really all I've got on that. Thank you.

**BRANDON LORENSON:** Um-hum.

**LATHROP:** Senator Slama.

**SLAMA:** I, I wanted to thank Senator Brandt, Senator Lathrop for their line of questionings because I think it does point to a pretty large issue that we're facing in rural Nebraska, which is recruitment of officers getting those folks in the door who are even interested in being law enforcement officers, whether it be on the county side or even for towns which are getting fewer and fewer who have a, a municipal police force to get those recruits in. So I wanted to give you just an open-ended chance to talk about some of the recruitment issues we're facing in rural Nebraska, because it is a significant problem that Senator Brandt and I have faced in our districts and we're facing across the state.

**BRANDON LORENSON:** I think lower pay in the western side is always harder. And forgive me for not remembering the specific class of city or number of citizens in the jurisdiction, but there are some agencies that are not required to pay overtime. So the officers are working 60, 70, 80 hour weeks and not making any overtime. And they're also making that money at a lower wage. They're not getting time off to be with their families, which leads to maybe after six months of a year that officer going, you know what, I can move over to another county and make overtime, a better wage, and I'm gonna get time off vacation time, not be burned out and not be willing to-- or be willing to want to work for an agency like that.

**SLAMA:** And a lot of that unpaid overtime comes from just not having the number of people you need in your department. Is that correct?

**BRANDON LORENSON:** Yes.

**SLAMA:** That's all I had. Thank you.

**BRANDON LORENSON:** Um-hum.

**LATHROP:** I'll just say this. The thing that, the thing that is concerning to me and it, and it's a broader topic than, than these two

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resolutions, really, about the use of force, but may be related. I can't understand how somebody who has-- literally they graduate high school, they flip burgers for a couple of years, and then they try to get on a police department. And now we expect them to be in a position to make a judgment call about things that I spent a, a semester learning about in law school like probable cause and those kind of procedures. There's a lot of things that, that, that are involved in protecting an individual's constitutional rights that a law enforcement officer needs to know before they strap a gun on their hip and put a badge on their chest and this may be the most concerning thing I've heard today.

**BRANDON LORENSON:** I also should mention you have to be 21 years of age. I neglected to say that earlier.

**LATHROP:** Oh, that, that makes me feel a little bit better, but, but you get the point.

**BRANDON LORENSON:** I do.

**LATHROP:** And I understand, I understand the, the, the concern that Senator Brandt and Senator Slama expressed, which is we don't want to pay eight grand to send them to the academy and have another jurisdiction poach them.

**BRANDON LORENSON:** Um-hum.

**LATHROP:** I don't know what the solution to that is, but I, but I do have some concern about somebody with no background in criminal procedure and the constitution getting a badge and spending a year seeing if he likes it. And, you know, are those people getting a fair break in the town they, they-- I don't even know how they learn about all the possible criminal activity or even the rules of the road coming out of a job at Burger King.

**BRANDON LORENSON:** A lot of times the sheriff or the chief, whoever is-- whatever agency they're with, they will kind of try to help them along and show them. But ultimately, if you're in a two officer, smaller city, that chief can't be there all the time with that person. And so a lot of the training falls on the person themselves or other agencies to maybe help that person along until they can get into the law enforcement academy for that initial training.

**LATHROP:** Maybe one last point, and that is, this would include how to shoot a firearm straight or well.

**BRANDON LORENSEN:** Yes.

**LATHROP:** Senator Pansing Brooks.

**PANSING BROOKS:** Thank you so much for coming to speak about this. And I agree with Senator Lathrop, this is one of the most concerning things I've ever heard. I would call this a crisis of law enforcement in our state of Nebraska and maybe it's happening elsewhere, but it shouldn't be happening. And if small communities cannot afford this, then the state needs to come into help to-- in my opinion, help to train officers who are carrying weapons that are able to shoot and kill people. And for that-- for this-- for us to say, oh, well, you know, we just don't have the money in these communities. We just have to hire somebody that's 21 that has never had any of this training. This is, this is shocking to me. And I-- we would never say, well, there aren't enough doctors. So we're just gonna let this guy from the street open up somebody and, and start. I mean, it's just-- we don't allow teachers, even if, even if the communities don't have money, we don't allow teachers not to be certified. So if this is a crisis of law enforcement in our state that we haven't realized the state needs to buck up and get some money to that and get training for all of our law enforcement that are representing the state and, and the communities. I, I am dumbfounded by this revelation today. So I will-- we will need to continue this discussion. Thank you for coming today and--

**BRANDON LORENSEN:** Yes.

**PANSING BROOKS:** --bringing this information to us. And we-- that's-- that means we support law enforcement. We want to make law enforcement better. We want to get the training. That's not a criticism. If it's a reality, then we cannot sit here and allow small communities to just move forward blithely without any kind of, of full training and hoping that they pick up enough from their other one person that's handling law enforcement to presume that, that they have enough to, to work. I don't care if, if they are-- they have the same kind of arguments about teachers. Oh, if you get teachers trained, they're gonna move to the next one. Well, that's always true. And it happens in Lancaster County and the state with the prison guards. That's always reality. But that doesn't give us the, the authority or the right to allow law enforcement to be uneducated, unprepared, and unable to meet the requirements of, of their every day job and duty across our state. I know that you're not saying that, but I, I just feel very strongly. Thank you for coming today, Detective.

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**BRANDON LORENSEN:** Thank you.

**PANSING BROOKS:** Appreciate it.

**LATHROP:** Senator Chambers.

**CHAMBERS:** Thank you, Mr. Chairman. The Legislature is able to set standards. Were I coming back in January, this is one of the first things I would undertake. It does us no good to sit when we have the authority to set the standards. And if nobody in the Legislature undertakes to do that, then they should frankly pass a law saying that any small community and maybe they could say a community of a population below such and such who must hire a person who is not trained will not be liable if that person does not meet the standard of competency that a trained person would. In other words, to put it now in a statement. Anybody who is authorized to enforce the law, arrest and everything else, should have to meet all of the standards, unless you're going to say explicitly those standards do not apply here. This person need not know how to shoot a weapon. This person need not know what is basis for making a lawful arrest and so forth. It sounds ridiculous that this would happen, but the Legislature can correct it and you all who are coming back have an obligation and a responsibility. Had I been aware of this when I was here, I would have done something. When I got speeding tickets, I would challenge those tickets. And at one of my trials, I faced the officer who issued the ticket, the legal counsel for the State Patrol, the captain who commanded that officer, and a representative from the manufacturer of the radar equipment. The trial lasted several days. I defended myself. The judge wrote a number of items on one of those legal pads, it's called foolscap for some reason. He said, we have had this trial for however many days it was, I have listened to the testimony and I have not heard anything that would substantiate a legal basis for the issuance of this ticket. And therefore, I dismiss the ticket. I won cases against radar, vascar, aircraft clocks. The officers were not properly trained. They did not understand what they were supposed to do to make a legal stop. They had not tested the equipment and some of those who had performed a test used a means of testing, which itself has not been shown to be accurate. I had the knowledge to knock these tickets down. I was hoping that by winning these cases, it would do something to upgrade the training of officers. And I was asked, why would I want that when I could win tickets, win-- defeat tickets that were given to me by untrained officers? I said it may be naivete on my part, but I would hope that if officers were properly trained, they would not give those kind of tickets that were not justified. But at least the standards should be in place. There was a city prosecutor

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named Marty Conboy who worked for Omaha, and he said when he would go to these seminars that they had, he was invariably asked, who is this senator who wins all these traffic tickets? And he gave a little background on me. When you have a case before a state Supreme Court, that case is reported the outcome. That's how people knew all over the country. I had gotten a law that would at least require sheriffs to have training or give training in radar and so forth. It was a long time ago. But as I listen at these hearings, it makes me regretful that I'm leaving at a time when what I brought to the Legislature seems needed more than ever before, but now I'm just an ordinary citizen. I have to watch these things happen. I have to lament it, but there's nothing I can do. And this, my friend, I'm using you as a sounding board, is a plea to my colleagues, soon to be former colleagues, who will be here to do something that the Legislature can do about all of these deficiencies that we've heard discussed here today. But when I was there, people left it to me and they said, well, Ernie will do it. But I couldn't do everything. Now I can do nothing. And I believe that nothing will be done. And what lawyers should consider is where the liability will rest if one of these untrained people commits an act for which somebody is liable. Will it be on the officer? Will it be on the-- I guess you call it municipality that hired the officer for putting an untrained person out there and endangering the public? Those are questions that need to be asked. And for that reason, if no other one, I appreciate your having come here today, answered the questions, and lay everything out. There's no more you can do. You've done your job. And if it makes any difference, I'm gonna put a star on this piece of paper and maybe I'll mail it to you. But I appreciate what you told us today. Thank you.

**BRANDON LORENSON:** Thank you very much.

**LATHROP:** OK. Thank you for being here.

**BRANDON LORENSON:** Yes, thank you.

**LATHROP:** We appreciate it. Good afternoon and welcome.

**BRUCE FERRELL:** Hi. Thank you, Chairman Lathrop and members of the Judiciary Committee, for allowing me to testify today in regards to LR377, LR383, and LR417. My name is Bruce Ferrell, B-r-u-c-e F-e-r-r-e-l-l, and I am the chief of police for the City of Wahoo. In January of 2021, I will become the second vice president for the Police Chiefs Association of Nebraska, which you've already heard of, PCAN. Yeah, I bring a unique perspective and experience to this-- to this profession. I retired from the Omaha Police Department in a

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variety of different functions. I was the background investigator for the city of Bellevue, primarily investigating and determining the suitability of hiring police officers for the city of Bellevue. And now I'm the chief of police for the city of Wahoo, which has approximately 4,700 citizens with 7 full-time officers. You've heard a lot of different comments today about best practices, model policies. I'll just reiterate what Chief Hensel said. The larger agencies tend to use IACP or the-- or PERF, which is the Police Executive Research Forum, along with some that are able to have the staff to do CALEA. What smaller agencies are trying to use is working with the League of Municipalities, with LARM and the sheriff's departments using NIRMA both as a risk, liability, and management mechanism, but also to determine and implement best practice or model policies. Most recently, we-- we've heard a lot about duty to intervene. So what LARM did in-- in conjunction with LLRMI was within four days of George Floyd's death, they put out a training video on duty to care and duty to intervene and within three weeks came up with model policies if agencies wanted to implement them. And as we've seen, that model policy also has been expanded not to just duty to intervene as relationship to officers and conduct, but use of force and other issues. Each of these group work with-- with each other, as well as being able to have oversight and also compatibility with the Nebraska Crime Commission, Nebraska Law Enforcement Training Center, and the PSAC, which helped provide oversight and direction for the-- some law enforcement-- the law enforcement agencies in the state of Nebraska. We've also talked about LR791, which is-- already provides disclosures about disciplinary actions regarding the hiring and firing and also decertification of officers within the state of Nebraska. Our biggest-- big-- I'm-- one of my concerns, and we've heard a little bit about it already, is de-escalation. The Omaha-- Wahoo Police Department has tapped into crisis intervention training, which is run through Heartland CIT. Five of my seven officers have gone through that and we will continue that until they're able to do that. I was previously an instructor with CIT with the Omaha Police Department when it came to techniques for dealing with people in crisis and the mentally ill. So I find the value in that. I think this training would be invaluable for helping not only mentally ill, but also in de-escalation, if it could be expanded across the state. I know that Heartland CIT is looking at expanding some of its training to the central and western part of the state. But if it's going to go on a larger function, it needs probably some assistance with funding and resources. Again, I-- I don't want to take up too much more of your time for any questions that you may have. But again, I just would tell you that I've traveled across this country and I've trained over



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25,000 officers and some-- and community people in a variety of topics. I've seen how other agencies work. While Nebraska can always use improvement, we always strive to be the most professional we can, we by far are doing a really-- what I feel, a good job in trying to stay ahead of the curve and be proactive when it comes to being the best we can be professionally and with model policies. And any questions you have, I'd be happy to answer at this time.

**LATHROP:** Very good. Senator Chambers.

**CHAMBERS:** I'm going to show Chief Ferrell why people almost everywhere I go dislike me being there. First of all, the legislators say a flag salute every day before the session. People got offended when Colin Kaepernick took a knee during the national anthem and said it disrespects the flag, all of that. What I have seen happen at football games is a huge flag that would be as wide almost as the field. They would have police officers, military people, and sometimes players, who would take that flag and unfurl it. The U.S. Code has provisions about the proper display of the flag. Those people who are upset with the players who took a knee were not upset when the flag was improperly displayed in the way I mentioned. The U.S. Code says the flag should never be displayed horizontally. It should never be laid out. It also says that it should be no part of an athletic uniform. The NCAA and the NFL will have that flag on helmets and on various parts of their uniform. That violates. It says the flag should never come in contact with the ground. When a player has a flag on his helmet and his uniform and he's tackled, then the flag comes in contact with the ground. In other words, and I'm going to undertake some of this when I'm no longer in the Legislature, the National Collegiate Athletic Association, NCAA, should ban the use of the flag on any athlete's uniform so that they're complying with the United States Code relative to the proper display of the flag. This is not criticizing you, but that flag on your right sleeve is displayed improperly. The field of stars is known as the Union because the number of stars will change as the number of states in the Union would grow, or even diminish at some point. When a person is looking at the flag, the Union is always supposed to be to the left of the person looking. So that flag is backward. The flag on the side of Marine One, the helicopter that flew the President to Walter Reed Hospital from the White House, had the flag displayed backward. The Union was to the right, as it is on your sleeve. There are certain military craft where it's properly displayed. It's to the left. So I'm going to write to the commissioner of the NFL, to the governing board or whoever is in charge of the NCAA, to address the issues that I mentioned. And each person-- by the way, there is a specific exemption when it comes to

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wearing a flag on a uniform, and that relates to law enforcement officers. I wouldn't expect you to be aware of the improper display because it would seem that flags should not be manufactured in that fashion. They are not to be a part of any advertisement. They are not to come in contact with any product that is being advertised, yet you see them on the side of garbage trucks, on the side of buildings, and other commercial displays which are improper. So all of my colleagues in the Legislature who were saying that flag salute all the time don't even know enough or care enough to find out about the flag. But because I am offended every time I hear them say "the land of the free," I'm not free, "the home of the brave," white nationalists and Ku Klux Klanners who in mobs blew up churches, synagogues, houses, terrorize people, are certainly not brave, but they're the President's people. That's what I have to contend with as a black man. I read. I don't make the federal law, but I can read what it requires. So before anybody condemns a player for taking a knee during the national anthem, tell the NFL to get those flags off the uniforms of the referees, flags off the uniforms of the players, certainly off the helmets which are going to put it in contact with the ground. Now those players who took the knee did not put the knee on top of the flag. They didn't put their foot on top of the flag. They did not burn the flag. But all those white guys who are so patriotic, when they were tackled and their helmet touched the ground, they put the flag on the ground, but they don't even know. And I have to watch this. And I listened to some of my colleagues on the floor of the Legislature who talk about Americanism, patriotism, and it's a lot of B.S. It means nothing. I pay more attention to their constitution than they do. I pay more attention to their laws than they do, and yet I listen to what they say and what they do and they get offended when I don't want to go along with their ceremonies. Chief, I am in no way impugning your integrity, your professionalism, because you did not manufacture that flag. The flag should not be manufactured in that fashion. But Americans are hypocritical. They don't know anything. They're not held to a standard. But I, whose people have been here for 401 years in the status first of property and now third-class citizens, and all the talk about the necessity of voting, and I've talked to young people about this, and we see Republicans and the Governor trying to suppress our vote, stop us from voting. I listen to white people tell me how rotten all of you all are. All of you are rotten. You know why I say that? Because I read how when you're campaigning, you tell me how rotten that one is, then that one tells me how rotten you are. So you drop your guard during the campaigns. You're liars. You're thieves. You accept illegal contributions. And it's all laid out there by white people telling me on white people. I look at some of these things the

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Republican Party puts out. They had to-- they were ordered to stop making robocalls because they were in violation of Nebraska's law. That was the Republican Party. There were some leaflets and things they were handing out that they had to stop distributing. But what am I supposed to do when I'm not a citizen and I'm condemned and my so-called betters are telling me how rotten all the white people are? I haven't said things about white people that these campaigners say about other white people.

\_\_\_\_\_ : That's true.

**CHAMBERS:** They call them names. They make false accusations. They state outright lies. And it's all white people talking to me about white people. Does this mean I should believe they're telling the truth or that all of them are liars? And if they're not all liars and the truth is that all these white people are rotten, they're low down, they're unworthy of being in office, then why do you get upset with me when I talk about what white people do? And I can document it. I want some of these things in the record and I want some of you all to think about it. And if I were coming back to the Legislature, which I'm not, and there's great joy throughout the land because I'm not, I would fulfill that instructional function, try to make people aware of what it is they're saying, what it is their children are looking at on television, what their children are hearing being said about the supposedly best people in this country, the ones who are going to make the laws, the ones who are going to enforce the laws, the ones who are going to determine who has healthcare and who doesn't, whether your children will be allowed to eat or not, whether a woman will be allowed to make choices. And the children sit back and watch, and children imitate what they see. And I think what I'm seeing is some pretty poor stuff, and I think white people are inferior. They are so inferior that they don't have sense enough to realize how they're telling everybody in the world how inferior they are. And nobody can counter what I'm saying and indicate that I'm lying, but I can show where people have lied about me and others. They have no principles, but they say vote for them for office. It's a tough situation for somebody such as myself, and yet I've never shot anybody. I have never waylaid and hit somebody upside the head with a club. I've never harmed anybody's child, and in fact, I do what I can to prevent that from happening to any child, and yet I'm held to a higher standard than everybody else. I am the one who supposedly am inferior, but I'm expected-- expected to operate at a higher level. I'm supp-- expected to use better English. I'm expected to know and explain the law. I'm expected to know the rules of the Legislature. I'm expected to know the provisions of the State and the Federal Constitution. I'm expected

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to be familiar with the leading U.S. Supreme Court decisions on all of the major issues, and yet I'm supposed to be inferior. My children, when they go to school, are given things that demean them, that degrade them, things that are designed to make them inferior. This last thing: Children in public schools are required to honor George Washington, who was a slaveholder. A bill came before us in the Legislature and I pointed out the slaveholders, how they had unwanted sex with female slaves of every age. And I knew the Legislature would not want to do away with old George because they like sex traffickers as long as the ones being trafficked are black women. Several of the Presidents, a Chief Justice of the Supreme Court, Roger B. Taney, who said a black man has no right that any white man is bound to respect, was a slaveholder, and in his conduct he established that. Patrick Henry said, "Give me liberty, or give me death!" was a slaveholder. Thomas Jefferson, supposedly the main writer of the Declaration of Independence, "all men are created equal," was a slaveholder and had concubines, black. And when I wanted to bring a modicum of honesty to the system of education and say don't honor George Washington; if you must have a holiday or a recognition, call it Presidents' Day, Senator Slama was able to persuade my colleagues to say, no, leave George Washington's name there, "Honor Roll" George, the slaveholder, trafficker. That man whose signature was bigger than anybody else's, John Hancock, was a slave smuggler. And what white people don't know, when Paul Revere and William Dawes made that famous ride, it wasn't to warn the countryside that the British were coming to fight them. The British were setting up a way to capture John Hancock, the slave smuggler. That's why Paul Revere made his ride and William Dawes made a parallel ride, which they don't even know. Then Senator Slama and the Legislature will get credit for that so-called Americanism trash that they put in the law. Captain, who is now a chief, and I don't know if your rank is captain and I'm not trying to demean you, you probably have had an opinion about me, and now you can see why maybe you had that opinion and why other people have that opinion. They don't think people like me should be in the Legislature and they changed their State Constitution to make sure that I didn't stay in as long as maybe I wanted to. But there will be others. And not every white person is vicious. Not every white person is of the ilk who would do the kind of things that I'm talking about. If that were the case, America would have ceased to exist a long time ago. But they haven't made their voice loud enough. They will go along with the flag salute in the Legislature to get along. And if they would just stop and try to put themselves in the shoes of somebody who's been the victim of their racism, their hatred, their terrorizing, you wouldn't tolerate white churches being burned the way black churches even today

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are burned. The trafficking that everybody is so concerned about that that Epstein and guys like him were doing continues where young black girls are concerned because our girls are not deemed to be human. And I can see why you'd believe that, because we were owned as trap-- as property, just like I own these eyeglasses, and this country has not ceased to see us as property. But I'm going to say what that chief said: I am a man. And while I've got a captive audience, there was a man, he was called the "Elephant Man." And I'm not going to give you his name. You can research that. But he had this disease that caused these tumors that made his skull and face misshapen, large knots and growths. And he was not unintelligent, and the curse was that he was intelligent. So they made this sack-like covering for his head with eye holes in it. He was put in freak shows and dehumanized when those who were doing the dehumanizing were less human in their conduct than he was through no fault of his own. They made a movie about him. And he was in this train station and he had this covering. And some children saw him. They began to chase him and do the things that they do. And he was trying to get away and he brushed against this little girl and she fell, just as the so-called monster in Mary Shelley's Frankenstein was accused of having murdered a child and they went after him, and he said, beware, lest you make me the monster that you say that I am. John Merrick didn't-- the Elephant Man didn't say that, but he was trying to get away. And when he knocked this little girl down, because he was chased by these kids pelting him with stones, the mob began to chase him, and he ran. And he saw a slight incline and he went down that incline, and it was an unloading zone for trucks. So when he got to the bottom, there was a door behind him and he was enclosed on three sides. And these people came up and somebody snatched that hood off and they shrank back in horror. And he knew what they were looking at and why they were doing it. And all he could get out was: I am a human being, I am a human being. And when he said that, everybody fell back. And I guess he touched them in a way that nothing else would, because if they were human beings and he's a human being, why would they do to him what they're doing to him as though he is a thing? Well, I'm not John Merrick. I'm Ernie Chambers. I am a human being, and I'm not going to let anybody walk on me. I'm not going to let-- let anybody make me take low. I'm not going to let anybody make me feel I need to apologize for who I am or what I am. And I will condemn all these things that these white hypocrites are doing that they get credit for. George Washington was a slaveholder, and Senator Slama said you should keep his name so that these children can honor him because he is what America is about. White men should own black people and be able to rape black women whenever and however often they choose. Then when I wanted to get my colleagues understand

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what I'm talking about, and I said if Senator Slama was enslaved and the same thing was done to her, how would you feel then, and they said I was saying Senator Slama ought to be raped, the Republican Party. That's not what I said. I said it because she did not have enough sensitivity to understand what it means for a black woman to-- black man to see black women trafficked, owned as property by old George, Thomas Jefferson, Patrick Henry, Andrew Jackson. James Madison, our good friend Roger B. Taney, who was a Roman Catholic, John Hancock, and a host of others who owned-- they called it owning us-- by "us," I mean black people-- auctioned us like cows, pigs, and chickens, deliberately had sex with black women and produced babies that they in turn sold, their children. They sold their children and they had sex on these women who could not defend themselves. And then Senator Slama's going to get credit for saying keep a slaveholder's name out there for the children to honor? You all are the ones who get your kids in trouble because you won't tell them the truth. But I will tell you the truth. And you're fortunate that I don't go out and get me a high-powered automatic rifle and go where I see a lot of white people in school and mow down those children like white men have done; get in a hotel room in Las Vegas and see a lot of white people having fun and then just kill as many of them as I can. That's what white people do: go into a church where there are white people having a prayer meeting and they invite me to join them in the prayer meeting, and I sit down with them and I stay there for a short time, then I take out my guns and I kill nine of them, as the white guy did. Or I'm a clean-cut black guy. I cut my hair. I shave. I've got my honorable discharge because I was in the military, and I look the part probably of a military person, and I have that military bearing, so nobody is suspicious of me when I go to rent a Ryder truck. Nobody is suspicious of me at all and they don't think anything's up when I park that truck near a federal building in Oklahoma City. Then it's detonated. Grown people are killed. Children who were in a day-care center in that building were killed. That was Timothy McVeigh, a former military man, a white man. The one who set off a bomb during the Atlanta Olympics was a white man. All those who have done the mass shootings at these schools were white men. Then I have to be in a Legislature where white people cannot come to grips with what history actually was and at least tell the truth about it. They don't even want the truth told about it. But they want to prettify it and act as though it never happened. And there was a bill that dealt specifically with human trafficking, so what I did was to draft an amendment to that bill which would set up a place that honored the most renowned sex traffickers. And I'd pick ten of the best-known, high-ranking, honored white men in American history that I could come up with and call them

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the top ten. And then if there were others who should be in that number, their names could be submitted, like this Epstein person. But that amendment would go nowhere, and I knew it, but I had it printed in the Legislative Journal so that if anybody's leafing through it, they may not be looking for it, but they'll say, what is this naming all these Presidents and so forth? Then they'll see that it had to do with the traffickers. I'm getting my last hits in as I leave this Legislature, and I'm going to leave it the same way I came in: trying to stir people's minds so that they will be better than what they think they are. If I didn't think that you all could be appealed to, even Senator Slama-- and she knows that I don't have a lot of regard for her and it's not because she's a woman, but I watch her participate in a character assassination, and now I see white people writing about it in the paper, but when I said something about it, they said I should be kicked out of the Legislature. But let that be as it may. It would be stupid for me to talk to that desk and say, you ought to stand upright and talk like a human being, or like these glasses and expect them to walk across this table. If I didn't think you white people had something in you that still approximates human dignity, decency, do you think, with all the intelligence that I know I have-- I don't need anybody to tell me I'm intelligent. I know what intelligence is and I've got it. And if I didn't have it, I wouldn't have been able to survive. If I didn't think there was something that could be reached, why would I waste my time talking to you? As much as I try to defend mountain lions, I don't go out there and try to talk to mountain lions and say, be cool, hide from them so they can't see you. I can't reach a mountain lion like that. Those mountain lions, if they saw me in the wrong setting and they felt threatened, they would do to me like anybody else. They don't know that I've tried to protect them. I must see something in you all that I at least think is salvageable. I must see something that I think is at least a spark of human decency that maybe I can fan into a flame. Otherwise, I'd be as crazy as you all's conduct shows you to be. And maybe I am what they used to call me in the old days in this Legislature, that optimist of some kind who's always believing that things can be better than they are, that people can do more than what they do. But mine is not just a belief. Mine is knowledge. I hear you all dealing with other issues. You manifest intelligence, understanding, the ability to think and reason and use logic. But then you have that blind spot when it comes to over 30 million people in your midst that you cannot acknowledge. You cannot even acknowledge our humanity. I'm trying to tell you all, over and over and over, that you should pay attention to what your Bible says, that God made of one blood all nations of man to dwell upon the face of the earth. I'm the one who quotes those things,

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trying to reach you all. I'm the one who, from time to time, will quote John Donne's: No man is an island entire unto itself, each is a part of the main. I'm concerned because I'm a part of humanity. Therefore, seek not to know for whom the bell tolls, it tolls for thee-- why should I say that to you all if there's nothing in you? Maybe there isn't. Maybe I am blind and maybe I'm substituting hope for logic and reality. Maybe you all are savages who wear a different clothing, who carry yourself in a hypocritical way that hides your savagery, that you're doing the best you can because God created you of an inferior mold and water cannot rise above its level. And that's why it's left to a black man who is superior to you to try to lift you out of your degraded state. But I won't be here to do that. I don't know whether the person who takes the seat that I never sat in will take the time that I've taken. And I don't know if I will tell him to do that. And the young man that I endorsed, I didn't put it in the context of what I'm telling you all, but I told him, you are not me, don't try to be me, don't let anybody tell you you are to be me. Your name is Terrell. My name is Ernie. You be Terrell and you do what your mind tells you to do. And if somebody wants to compare or contrast you to me, tell him or her, that was him, he's not here, I'm here; if you want to talk to me, talk to me, but don't try to tell me I'm to be somebody else because the one you're telling me I should be like is the very one who told me, don't let them try to make you into me. Do you all have any concept of what I'm trying to say to you? Do you have an inkling of what I spent all of these decades trying to get across to you? Did I ever come in the Legislature and not comply with the rules? Wasn't I able to give a rule for everything that I did? And when you all changed the rules, did I say, I quit? I just found a way to get around it, to try to focus your attention on the things that are important. Stop praying. Every prayer ever uttered in this place since I was here was the type that we could respond to and answer if we would do what we're supposed to do and what you all swore to do and I gave an affirmation that I would do. We're going to take care of the poor. We're going to tend to the widows, to the orphans, the marginalized, those who are dealt with as though they're not human, the LGBTQ community. Everything born of a man and a woman is our brother and our sister and we indeed are to be our brothers' and our sisters' keeper to the extent that we can. And I listen to you all, every day, pray. And all we would have to do on that day is suspend the rules and allow the introduction of a bill that addresses the problem of the day that we were dealing with, set a hearing and do everything according to the rules, bring it out as soon as we could, pass it unanimously; if the Governor vetoed it, override. You know what I had to fight for? To try to get medical care, postnatal care



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for poor women in a so-called right-to-life, pro-life Legislature, poor women who had those babies. And I'd hear sometimes people say, well, if they couldn't support the little bastard, they shouldn't have had him, then they say, we're against abortion. I have to listen to this, watch the contradictory things, and it's different from my being on the street where people may be drunk or crazy and they say things. I'm in a Legislature where we have the power to minister to people who have needs. We can bind up the wounds. We can heal the broken-hearted. We can feed the hungry. We can provide medical care for the sick. Those who are mentally ill don't need to be put in closets; they don't need to be shunned, made fun of, because, to quote what Christians do, and I don't understand it, there, but for the grace of God, go I. How can it be grace on the part of God to put somebody in that situation? Then I can be thanking God that it's him or her and not me. I'm doing what I wouldn't do during the session, and that's extending a hearing and taking all this time. But I have to be true to what it is that I am. And in order to let you all get through, I'm going to leave, not because I'm upset with what's happening, but I wouldn't be able to sit here and not launch into another one of these, whatever you want to call it, that I'm giving. And I will leave this place and I will have regrets that I couldn't do a better job of opening you all's hearts, because you all allegedly have them, of somehow persuading you to listen to the words you say every morning and come to a determination that you're going to act in accord with them and do what you have the power to do. You have a Governor who will not extend more food, food to people in this state where you have the good life. And the federal government says, just, look, take this money and feed those hungry children, feed those hungry adults, feed anybody who wants the food, and he says, no, I'm not going to do it. But when it comes to the big corporations and the giveaways, they must be attended to, and the Legislature has gotten more credit from the Governor for putting together that-- I guess they call it a masterpiece of legislation, where the tax benefits, credits, however you label it, will go to the corporations and the big companies. But Medicaid, which the people wanted to see extended to those of our brothers and sisters who need it, he said, no, it will not be done on my watch. Well, will you feed the hungry children if the government pays for the food? Not on my watch. Well, what are you going to do? I will invite the NRA to come here and have their convention if the others don't want it. The First National Bank wanted nothing to do with them. LaPierre is found to have been corrupt and the NRA can be done away with. He loves them. But to feed the hungry, to clothe the naked, to provide shelter to the homeless, the answer is no, and that's what I've heard for 46 years of being among my colleagues who would be deemed my betters, who were

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supposed to be the example for me. I could not lower myself to that level. And it's regrettable that I had to be the example for my betters, try to be the example. Which of you have I ever come to, to ask for anything? Lobbyists couldn't feed me. I wouldn't accept it. And it's only because of my continuing to humiliate the Legislature that Senator Scheer said no longer will the lobbyists be allowed to feed because then I started offering legislation and resolutions against the senators sponging off lobbyists, and yet I'm the one that the white people wanted to get out of the Legislature. I never ate with the lobbyists. I never took campaign contributions. Everybody always knew what my position was, but I'm the one they got rid of, because I think there's something, it might be primitive, that told them, that man you hate is better than you. And rather than have to face that, they said, then rather than we becoming better, we'll get him out of the way. Chief, you gave me this opportunity. I'm going to start my weight lifting program. I'm going to take care of my health. I'm going to start eating more healthfully. I'm going to live four more years, and I'm going to come back here just to spite them. So for having-- you having inspired me, and for this purpose came you to the Legislature-- you didn't know it, but you bore silent witness, and I picked up on what you brought here. So if you all want to blame somebody--

**LATHROP:** Right there.

**CHAMBERS:** --blame Chief. That's all that I have.

**SLAMA:** Senator Lathrop.

**LATHROP:** Senator Slama.

**SLAMA:** I'll be very brief. And I apologize. We're going off into a rabbit hole here that has nothing to do with policing. I'm going to very briefly read the definition of sexual harassment in the workplace from the U.S. Equal Employment Opportunity Commission. It is unlawful to harass a person, an applicant, or employee because of that person's sex. Harassment can include sexual harassment or unwelcome sexual advances, requests for sexual favors, and other verbal or physical harassment of a sexual nature. Harassment does not have to be of a sexual nature, however, and can include offensive remarks about a person's sex. For example, it is illegal to harass a woman by making offensive comments about women in general. Although the law doesn't prohibit simple teasing, offhand comments, or isolated incidents that are not very serious, harassment is illegal when it is so frequent or

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severe that it creates a hostile or offensive work environment. This is from the EEOC's website, and I will leave it at that. Thank you.

**CHAMBERS:** I didn't understand a word she said.

**BRUCE FERRELL:** If you have any other questions regarding training or backgrounds or anything, I'd be happy to take those questions.

**LATHROP:** I don't see any.

**BRUCE FERRELL:** OK.

**LATHROP:** Thanks, Chief.

**BRUCE FERRELL:** Thank you.

**LATHROP:** He's going to sanitize that if you--

**AARON HANSON:** Oh, jeez.

**LATHROP:** --give him just a second.

**AARON HANSON:** I'm already-- I come presanitized.

**LATHROP:** [LAUGH] Yeah, but we don't know about the last guy. Welcome and good afternoon.

**AARON HANSON:** Good afternoon. Chairman Lathrop and members of the Judiciary Committee, my name is Aaron Hanson, and I am the legislative liaison for the Omaha Police Officers Association, here to speak very briefly on behalf of LR417, LR383, and LR377. As a 24-year veteran of-- of the Omaha Police Department, of law enforcement, I've-- I've been a witness to the-- the type of progressive police department that the city of Omaha has. Even before it was a national push, the police department was always reassessing its policies, its training, and trying to be more inclusive and understanding of the community. We're fortunate, especially with our-- our current leadership. You saw an example, Deputy Chief Gonzalez, today; Chief Schmaderer; Deputy Chief Kanger. They push us to do that careful balance between community engagement and focusing on violence prevention. That became even more real to our members with the terrible death of Detective Kerrie Orozco. We had to do an inventory of ourselves, looking at how committed she was to not only her job but the community. And I think that's why you see a lot of officers today committing, not only on duty but off duty, to trying to make the community better. For purposes of the Omaha Police Officers Association, President Conner

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has also pushed us and challenged us to be more engaged with our community in terms of being members of the POA. The-- the last thing I'm going to bring up was-- there was some testimony earlier today, a question posed to President Conner, and then he gave some testimony in response which I think is-- is illustrative of not only the challenge but also hopefully the solution, and that was the question with regard to a disagreement that President Conner had with Senator Vargas with regard to the protests and some of the activities downtown on that first Saturday night. A lot of the discussion was focused on the disagreement between those two gentlemen. They were two individuals and had a perspective. They both had an experience that occurred in the city of Omaha that day and that night. They both had their own truths and they spoke of it. And because those perspectives were so different, initially there was conflict between those two gentlemen and it spilled out publicly. That's the challenge part. That's the problem with problem solving. But here's the good news. Those two gentlemen eventually came together, not once but in multiple occasions, one of which I had the opportunity to witness and be a part of, and what started off as a challenging conversation ended up very productive and very positive. And there was agreement that there's some things that we may never agree on; however, we were able to talk about our perspective, the things that we can do to help problem solve. We talked about like the single-parent, problem-solving court that Senator Vargas felt was important. We talked about how people struggle with expensive SR-22 insurance, being a single parent or someone who's trying to get a job. We found common ground. And I think through similar discussion moving forward on issues that these legislative resolutions focus on, I'm convinced that we can do the same on many of these challenging issues that we're speaking about today. And I'll take any questions that you may have.

**LATHROP:** Senator DeBoer.

**DeBOER:** So for the record, I have gone on a couple of ride-alongs with Sergeant Hanson and have seen the work that he does. I think he is an excellent representative for us to talk to today from Omaha, because I think he does a great job. Sergeant Hanson, you were around during the protests earlier this summer and were an active participant in the police force sort of working on-- during that time, right?

**AARON HANSON:** I was.

**DeBOER:** And can you tell me, do you think that overall the policing done was successful during that time period?

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**AARON HANSON:** Yeah, Senator, I want to be careful because I know there's-- there's pending litigation on-- on that situation, so I'm going to try to speak generally.

**DeBOER:** OK.

**AARON HANSON:** But-- but generally, I would agree with a lot of what Deputy Chief Gonzalez said earlier, and that is every day was a learning experience. There was adjustments and modifications made every day based on the previous day. There was adjustments made in real time based on situations that would pop up and occur in real time. There was a lot of patience. And unfortunately, there had to be times where tough choices had to be made-- made and the police officers had to engage in-- in enforcement actions. In my professional opinion, again, just from one perspective, were-- were things perfect? No, of course not. No one is. But I think that-- I think there was a lot of good police work done during that situation. Unfortunately, you know, it-- there was also unfortunate encounters where people had different perspectives about the-- that effort.

**DeBOER:** And if there were something on a systemwide level that you were going to put into place to try to sort of focus and-- and amplify the good police work and maybe try to root out some of the not quite as good, what-- what might it be? What would you do to-- if you had it all over again, what would you do to--

**AARON HANSON:** Well, I'm going to-- I'm going to echo what a lot of the-- the expert testifiers previous to me, most of which outrank me, said. In my 24 years of experience, scenario-based training is-- is some of the best training that you can have. I spent 14 years on the canine unit and had a dog that did narcotics detection and apprehension work, and we were constantly training weekly, different scenarios-- what happens if this happens? what are you going to do if this happens?-- not only training the dog but training yourself and your responses. Scenario-based training is-- is probably some of the most valuable training that you will-- that you'll encounter because it-- it helps prepare you in advance for that very adrenalized, high-stress scenario, and your-- your brain and your body is ready to deal with it.

**DeBOER:** Do you think that the-- just from your on-the-ground perspective, and obviously, you know, you don't have the-- the same kind of operational understanding that maybe a chief or assistant chief would have, but do you think that-- that OPD could handle

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another situation if another situation came up where there was wide-scale protesting?

**AARON HANSON:** Well, and-- yes, and I think we have. I think if you look at-- the protests did not cease after that initial sequence of protests. They continued. And as I said previously, there was a constant process of debriefing and briefing and learning what we could from the previous one, trying to get an outcome that would allow for the exercise of First Amendment rights while ensuring that there's a good, healthy counterbalance of public safety and-- and minimal impeding into nonprotester citizens' lives.

**DeBOER:** And then I'll ask you finally--

**AARON HANSON:** They just didn't make the news as much, so-- sorry, I didn't mean to interrupt you.

**DeBOER:** Right. Well, look, slow news days are good days, right?

**AARON HANSON:** Right.

**DeBOER:** You know that particularly in your profession. If there's nothing to report, that's good.

**AARON HANSON:** I love slow news days.

**DeBOER:** So I've asked a number of folks, and-- and I'll ask you as well, if-- if you all had five more training hours, what would you specifically say let's do it on that? It doesn't have to be five, but a number of training hours, what would you-- what would you put it into?

**AARON HANSON:** I think that's always going to be a moving target, Senator, because today's issue may be mental health-- we're dealing with someone who is struggling with-- with a mental health crisis-- and next year's issue might be dealing with a protest, and the year after that might be a completely different issue. So you never want to get pigeonholed into-- into one training scenario because things change, cultures change, and the challenges change, so-- but I think that, to your point, dealing with-- with protests, dealing with mental health issues, de-escalation and problem-solving skills, those are all good scenario-based trainings to be able to-- to focus on.

**DeBOER:** So other than training, is there anything else that we as a body could do to improve sort of the relationships with the community

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and the police, to improve your work life, you know, what it's like for you all? What-- what can the state do to help? Is there anything?

**AARON HANSON:** That's a-- that's a tough one. I-- again, as a-- as a 24-year vet of law enforcement that's had to engage in problem-solving quite frequently, I think sometimes the best medicine is good, healthy dialogue. Sometimes I think we find ourselves talking at each other more than we do with each other, and maybe that's the product of social media and, you know, the news cycle clips and "gotcha" moments. But I think if-- if we-- if-- if there is a way for this body to help push actual discussions, to help both law enforcement understand the perspective of people that maybe have a grievance with law enforcement and then also help citizens to understand better how law enforcement works, I think that-- that would be just one of-- of probably many things that would help take some pressure out of that balloon.

**DeBOER:** Thank you.

**LATHROP:** I see no other questions.

**AARON HANSON:** Thank you.

**LATHROP:** Thanks for being here today and for your patience. I had no idea when we skipped lunch. We were going to keep going but looks like we're down to two. Welcome.

**RANDY PETERS:** Hello. My name's Randy Peters. Randy is R-a-n-d-y; Peters is P-e-t-e-r-s. I'm currently a risk management/loss control representative with the League Association of Risk Management. You heard them referred to-- you heard us referred to by Chief Hensel, and we do, as-- as the League Association of Risk Management, we provide insurance for municipalities throughout the state. We're an intergovernmental risk management pool. We do not enter-- we do not insure Omaha or Lincoln, so most of our members have the smaller police departments that we've been talking about. We have 170 members. Of those, 30 have police departments. And some of those are one-man departments. We don't insure counties. NIRMA insures counties. And so we just have municipalities. I'm going to-- I-- I-- I wasn't going to do this, but I'm going to give you a little insight into me. I was a Norfolk police officer. I was hired in 1987, went through the Nebraska Training Center just like everybody else. I was hired, however, by Plainview PD. So I'm one of those officers that got hired. I-- I came from Cherry County, got hired by Plainview PD, got certified, and shortly after getting certified I accepted a job with Norfolk PD. So, you know, I was only at Plainview PD a short time. It was a two-man

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department. I wanted more opportunity, ended up in Norfolk where I was able to-- I was eventually a-- a police detective. I was on the tactical team. I was a defensive tactics instructor. Much more opportunity, a little more money, so that's the reason that I left. The reason that I bring that up is because I just-- so that you know what my background is. I also have instructed courses at Norfolk-- Northeast Community College as an adjunct instructor in criminal justice and sociology, so I also have the administrative background as far-- or the academic background, I'm sorry, on criminal justice. Part of LARM-- part of my philosophy, when I talk to police chiefs throughout the state, I tell them Randy's rules. Don't get hurt; don't get sued. That's what I-- that's what I-- my job is. I go out and try to keep them from getting hurt and I don't want them to get sued. That liability on police is huge. We all understand that. And to achieve that or to reduce or mitigate that liability, we provide training. So our members have access free-- we provide access to Lexipol. It's called LocalGovU. You have online access to-- to training. You may have heard of Gordon Graham. He's the one that heads up Lexipol. You also heard reference to LLRMI, and we do provide model policies to our members through LLRMI. Those model policies are--are-- they're-- the ones that we have that we get from LLRMI are unique to Nebraska. When there is legis-- new legislation that's passed that requires additional training, whatever it might be, like in bias or whatever, then-- then we request that change from LLRMI. They-- they change those policies. So those policies are unique to Nebraska, but they're fairly regular throughout the United States. A lot of people rely on those, and those are the models that we provide to our-- to our members. We also provide regional police training at different locations throughout the state. We partner with NIRMA, the-- and-- and we provide training free to everybody, to any police officer. It's not just our members, any police officer. So we have the regional training. We've got the model policies. We've got another one from LLRMI, some additional training that's available called LLRMI Bridge. And there are some short training that's available there that police officers have access to. I think I'm probably about out of time, so I'll just allow any questions if anybody has any.

**LATHROP:** Senator Brandt.

**BRANDT:** Thank you, Chairman Lathrop. Thank you, Randy, for coming today. What are the chances you guys could provide a simulator of all of your police departments, like what they've got in Bellevue, Lincoln, and Omaha--

**RANDY PETERS:** Yeah, we--



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**BRANDT:** --but spread the cost over 140 departments?

**RANDY PETERS:** Our biggest member is probably Fremont, I would think. We just recently-- Ralston is a member now, but La Vista and Papillion, those are not members of LARM, but at that cost, I mean, it's just exorbitant for a cost like that, so we wouldn't be able to provide that. We don't actually provide-- as an insurance-- you know, we're-- we're an insurance pool, so we don't actually provide tools. You know, we're not going to provide guns, badges. We provide-- we-- but we do provide training because that's going to re-- mitigate any legislation-- or litigation that might come down from liability, that sort of thing. But, yeah, I-- I wish we could. I-- I think that's a wonderful tool, but, yeah, we wouldn't be able to do that at all.

**BRANDT:** All right. Thank you.

**RANDY PETERS:** Sure.

**LATHROP:** Senator Pansing Brooks.

**PANSING BROOKS:** Thank you for coming, Mr. Peters.

**RANDY PETERS:** Sure.

**PANSING BROOKS:** So we did hear about the fact that-- that people can get hired in smaller communities without training. And to me, it seems like that would be one of your greatest fears. Is that right? I mean, what do you-- and you do, do training.

**RANDY PETERS:** Certainly.

**PANSING BROOKS:** So what-- is your first priority those people that have not been-- had any kind of training whatsoever or-- and could you please speak to the fact that we have law enforcement officials across our state who have not had training?

**RANDY PETERS:** Certainly.

**PANSING BROOKS:** Thank you.

**RANDY PETERS:** And-- and-- and I know-- as I said, I-- I mean, anybody that comes into law enforcement has to, you know, go to the Training Center at some time. When I got hired, I got hired at Plainview PD, very good chief of police that hired me there. He recognized, you know, there I was-- I had a-- a two-year degree at the time, you know, but that was before I got my bachelor's and my master's, so I just had

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a two-year degree and I was over 21, so I qualified. There was a hiring process, obviously, and-- and some background investigation. But the chief took me out and gave me as much training as he could. But the scenario that you heard is exactly right. Until I could get into the Training Center, which he-- as soon as he hired me, he-- he got me into the Training Center-- or got me registered for the Training Center. I wasn't able to start for a month or two. So during that month or two, I was an uncertified police officer. I had a badge. I had a gun. I had a red light. And-- and I was on the street. And-- and it is concerning. And I think-- I-- you know, it's-- I'm sure the Crime Commission can deal with that in some way, but it would always come down to money, I'm sure, in order for these-- and at the time that I got hired in Plainview, we were in agriculture. We had a small ranch in-- near Wood Lake, Nebraska. And at the time, in '80-- you know, late '80s, the-- the agriculture, you know, the whole agriculture thing took a dump and there was some money available through the state actually to-- to move people from agriculture into other jobs. So my wages and part of my equipment and even my training at the Training Center was paid for out of a grant that Plainview applied for and received. So they-- they were compensated somewhat for that training, but otherwise, you know, there-- there would be no way that they could send me through the Training Center or get me certified prior to my becoming employed. It's just not economically feasible. And-- and-- and to get back to your-- I-- I'm sorry. I circled around there. But to get back to your question, you're absolutely right. We insure them. We know the liabilities out there, nothing we can do about it. When I was at the Training Center init-- for my initial training, there was a fellow there from one of the suburbs of Omaha, doesn't matter which one, and he had already tried to get certified, did not get certified, lost his job because he wasn't certified, got a job with another agency, and was coming through to get certified again. So here's a guy that had been on the street probably in excess of 12 months and yet was still not certified, so there are glitches, there are problems. Now that was a long-- that was 20 year-- 30 years ago, so those probably have been closed up. But-- but it is a-- it is a concern.

**PANSING BROOKS:** Do-- do you have any feeling for why the law enforcement has not come to us and said, do you realize we are not getting training? We-- I mean, we hear all the time about needing body cameras or bulletproof vests or all of those things, but no one has come to the Legislature, as far as I know, to say, we need our officers to be able to be trained, to be able to work in our communities and make sure that they're safe, that people are-- are

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protected, and that their rights are being upheld. I-- I just don't understand why there hasn't been more of a hue and cry from-- from insurers, from everybody--

**RANDY PETERS:** Sure.

**PANSING BROOKS:** --in the community, from the-- from the Attorney General's Office, from-- it-- this should be something that we should have been approached about long ago, in my opinion.

**RANDY PETERS:** Yeah, I-- and I agree, and actually that's why I'm here today, because that is a concern. We don't have a lot of access as an insurance company-- well, we're an insurance pool. We're not technically a company, but as an insurance pool, we don't have a lot of access to willing ears, you know, to-- that might have some way to deal with the problem. So we-- we do try to take advantage of it when we can. You know, as I stated, the Crime Commission has-- regulates most of those sorts of things as far as training. So if we can't-- if we can't get mandated training, and we-- and I'm not sure that we need to mandate more training, but we're-- if we can't do that, then we're going to provide the training. So we do provide training. We-- I looked on our-- on LocalGovU. There were at least five courses of-- of bias training of some sort, you know, and-- and most of those are one to two hours. So a police officer could get his two hours of implicit bias training through our site if they're a member of LARM. We provide that free and they can do that without having to go-- if you're in Scottsbluff or Gering or-- or Morrill, for heaven's sakes, you could get that two hours of training online because they are our members and they wouldn't have to travel all the way to Grand Island. We'd have to invest in better masks from LARM, I guess, but-- [LAUGH] or maybe a head strap. But-- but I do agree with you that-- that, you know, training is always a concern for police. Thirty years ago, when I was a police officer, you know, we-- we-- that's all we talked about is training, we got to get more training, how are we going to get training, how we going to free up the people to get training because we've got to have people on the street, we've got to-- you know, it's-- it's always a problem and it usually comes down to money.

**PANSING BROOKS:** So you just said we should not mandate training of police officers.

**RANDY PETERS:** Well, I-- I'm-- no. I-- I didn't mean it that way.

**PANSING BROOKS:** OK.

**RANDY PETERS:** I-- yeah, you're right.

**PANSING BROOKS:** OK.

**RANDY PETERS:** I did say-- now that you mention it, I did state that-- I'm just-- I'm not sure that we have to mandate all the training because there-- there is a lot of training that police officers get that is not mandated. And-- and if we do mandate or-- I-- I'm not telling you-- you don't-- you don't need me to tell you how to do your jobs. But if we-- if we are going to mandate it, if we could fund it, you know, that would be wonderful too.

**PANSING BROOKS:** Yeah. Thank you,

**RANDY PETERS:** Sure.

**LATHROP:** You are here as a representative of a pool that cities contribute to, to receive liability coverage, is that it?

**RANDY PETERS:** That's correct. Yes, it's-- it's an intergovernmental risk management pool. The other one in the state is NIRMA. It's the Nebraska Intergovernmental Risk Management--

**LATHROP:** OK, and I just want to talk about your organization--

**RANDY PETERS:** Oh, I'm sorry.

**LATHROP:** --for now. And if someone were to be injured as a result of a law enforcement conduct, so if a guy-- a policeman blows through a stop sign without the lights on and hits somebody, then you'd be on the line for that?

**RANDY PETERS:** That's correct.

**LATHROP:** That's what you-- that's kind of your role? And you're training law enforcement, as you said. You tell them, don't get hurt and don't hurt anybody, right--

**RANDY PETERS:** Pretty much. You-- you paraphrased it but that's fine.

**LATHROP:** --because those are the two places where you're going to run into some liability--

**RANDY PETERS:** Right.

**LATHROP:** --work comp and liability coverage. This is a little off topic, perhaps, but maybe not completely. Are you familiar with the

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Moser decision from the Supreme Court a couple of weeks ago where they interpreted the Political-- pardon me, the State Tort Claims Act?

**RANDY PETERS:** No.

**LATHROP:** OK, well, this may be a short conversation.

**RANDY PETERS:** [LAUGH] Yeah.

**LATHROP:** I'll-- I'll-- I'll catch you when we have a hearing on that. I don't have any other questions. I guess that's it. Thank you for coming here today.

**RANDY PETERS:** All right. Well, thank you for having me.

**COREY O'BRIEN:** Good afternoon.

**LATHROP:** Good afternoon.

**COREY O'BRIEN:** My name is Corey O'Brien, C-o-r-e-y O-'-B-r-i-e-n. I'm assistant attorney general here on behalf of Nebraska Attorney General's Office. I know it's been a long afternoon, a long morning. I think it's important, though, the topic and the attention that has been given to the subject matter in the three bills, the three interim studies. I want to address a couple of things. First of all, I think it's important for the committee to know that there is a great deal of police accountability that's being already done. The reason why the Attorney General's Office feels so strongly about it is because our prosecutions are concomitant with the integrity of law enforcement; but even more so, there are good members of law enforcement that wear a badge, that carry a gun, that protect us every day. And it is a disrespect to those good people, the fact that there are people out there that are not doing job correctly. The Attorney General very much wants to be involved in any discussions that go forward in terms of how do we improve upon ourselves. Some of my thunder was already stolen because one of the subjects I was going to bring to this committee's attention was the fact that we have some deficiencies in the fact that certain officers aren't being trained for up to a year until they are being-- I'm sorry, are serving as law enforcement for up to a year and not being trained until that point. It seems like some of the deficiencies where we can be most impactful is on certification and decertification of officers. The Attorney General's Office, just so you're aware, is just one entity that holds police officers accountable. We have internal affairs investigations, citizen police advisory boards, accountability to state executives, mandated grand juries thanks to Senator Chambers, county attorney

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investigations, our investigations, the U.S. Department of Justice. Presently, we are currently investigating up to 20 police officers for various forms of misconduct, ranging from false information to use of force violations. We have six active prosecutions going on. I went back and we have done over 345 investigations, approximately 25 year-- over the last 15 years. Many of those have been prosecuted and several of them have resulted in convictions. The last thing that I wanted to mention is Mr. Eickholt came forward earlier-- it's not easy prosecuting police officers, but we do believe that if there are wrongdoers out there, they should be held accountable. The one thing that Mr. Eickholt mentioned was changing the use of force statutes. While it certainly would be easier if we change the use of force statutes, that's not the be-all, end-all, and one thing that I haven't heard talked about, even nationally, is that the standards allowing for and defining the proper use of force were defined by the U.S. Supreme Court in Graham vs. Connor in 1989. And until that Opinion is changed, I don't see that it's going to become any easier to prosecute law enforcement officers who use excessive force. It was something that hampered me in a-- in a case that I did about two years ago and it's going to continue to hamper until the Supreme Court re-- redresses and modifies that Opinion if they want to at all. With that, I would certainly entertain any questions you have. I know it's been a long day. This is a subject that I feel incredibly passionate about and I can speak about for hours and days, but I won't.

**LATHROP:** I don't see any quest-- oh, I'm sorry, Senator Chambers.

**CHAMBERS:** Mr. O'Brien--

**COREY O'BRIEN:** Yes, sir.

**CHAMBERS:** --what is the doctrine of qualified immunity with reference to police officers?

**COREY O'BRIEN:** As long as they're carrying out a legitimate law enforcement function, then they are immune from civil liability, as I understand it.

**CHAMBERS:** Yes. Now that's a judicially created immunity, isn't it?

**COREY O'BRIEN:** Yes, sir.

**CHAMBERS:** So a Legislature can do away with that if it chose to do so, and that's just for the record. You're saying-- you're saying yes. You're nodding, but you're nodding yes?

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**COREY O'BRIEN:** Yes.

**CHAMBERS:** Thank you. That's all that I have.

**LATHROP:** Well, then maybe I'll ask you if you're familiar with the Supreme Court Opinion in Moser versus the State?

**COREY O'BRIEN:** That one must have slipped past me. I didn't-- I don't know--

**LATHROP:** It's the--

**COREY O'BRIEN:** --if I read that one.

**LATHROP:** It is the-- a recent interpretation by the Nebraska Supreme Court on the Political-- State Tort Claims Act, and it came out of the fellow that was killed by a cellmate.

**COREY O'BRIEN:** Boy--

**LATHROP:** You're not familiar with it?

**COREY O'BRIEN:** I-- I didn't read it, honestly. I focus in on the criminal Opinions, so I--

**LATHROP:** Well, I-- I think we have an issue with the immu-- immunity for deliberate acts, and that-- that we'll have an opportunity to talk about at some point, because literally any-- anything that a police officer does that's-- would otherwise be an intentional tort is now-- is now immunized. The agency could have hired somebody who has a long history of it and-- and still, under this interpretation, which is different than the way the Supreme-- U.S. Supreme Court has interpreted a similar Federal Tort Claims Act, our state Supreme Court has said they have this-- the political subdivision or the state has immunity and it is problematic, in my judgment.

**COREY O'BRIEN:** Will you allow me to say one thing about the certification real quick?

**LATHROP:** Yes.

**COREY O'BRIEN:** So Senator Pansing Brooks asked why we didn't-- the Attorney General's Office didn't bring this to the attention of senators. And while I would say that I-- we-- we have not brought it to the attention of this body, when I started at the AG's Office 15 years ago, there was a-- in my first case, I think, that I handled

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along with Don Kleine, was-- there was a sheriff that got elected in north-- northern Nebraska. He had zero law enforcement experience prior to being elected as sheriff, you-- essentially, as you put it earlier, was working at a Burger King. He had up to a year to be certified. He went to the training academy on three different occasions and couldn't pass the certification. The year passed. He was still serving as sheriff and we needed to get him out of office. And rather than voluntarily resigning, he basically took the police cruiser from the county and stored it in his mom's garage, refusing to step down. And we had to use extraordinary measures through equitable actions to remove him from office-- office, a quo-- quo-- warrant-- warranto. So I wasn't aware that that was still going on until last year. We had an individual out in Dundey County, Nebraska, who was a police officer. He was hired, was serving basically about nine months without any training whatsoever, and tragically, he was out working as a law enforcement officer by himself and he ended up sexually assaulting a woman while on duty. Our office successfully prosecuted him. He's doing significant jail time. When we learned of that, that was foremost on my agenda to bring to this committee in terms of how in the hell can somebody serve as a law enforcement officer unsupervised for a year and not have any prior training. So we would strongly urge this committee to change that, if nothing else  
[INAUDIBLE]

**LATHROP:** Well, I'm glad you brought that up. So I'd like to have this conversation with you before or-- or right in the context of that example. Would you agree that this committee or this Legislature should require that anybody that carries a badge and is a law enforcement officer be certified before they carry a badge and become a law enforcement officer?

**COREY O'BRIEN:** I would say, as somebody that respects people that carry a badge-- or wear a badge and carry a gun, that they should demand it, much less us.

**LATHROP:** Yeah. But I'm-- I'm-- because I-- I don't want to have a bill come in and then have the AG be against it for some reason, I'm asking you today, should we require that anybody who is in law enforcement be first certified before they are allowed to be held out by a community as a law enforcement officer?

**COREY O'BRIEN:** The only reason I hesitate is I don't want-- I have not had the-- the conversation specifically with the Attorney General. However, I do believe that he knew about that case that we talked about, and I think that he would support that notion.



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**LATHROP:** So-- thank you. I have to tell you, of all the things that we've heard today, and-- and there is an awful lot of issues with law enforcement, and what I keep hearing about is the money--

**COREY O'BRIEN:** It's a big deal.

**LATHROP:** --oh, it's a lot of money and, oh, it's a lot of money. We have-- we have some agencies that are doing lie detector tests, psych profiles on people before they invest the money. And we keep hearing from smaller communities, oh, don't make us get these people certified first, because if you do that, we'll have to spend \$8,000 and they may go down to Norfolk or Grand Island or Omaha or Papillion and take their-- take their certification and go on down the road. I really don't care. I mean, to me, if we give somebody a badge and a gun and they don't know the constitution, they don't know what probable cause is, they don't know how to shoot the gun straight. Their-- their training consists probably of shooting some beer cans off a fence post.

**COREY O'BRIEN:** I don't know how I can put them on the witness stand. I mean, I agree with you.

**LATHROP:** But--

**COREY O'BRIEN:** I mean, honestly, you know, when I heard about that, you know, I-- I thought back about the sheriff and I thought, well, that must just apply to somebody applying for a sheriff. And then I found out about this sexual assault case that we had and I was like, really, is that still going on? As far as I know, that is not a widespread practice. I mean, I know that the officer from Fremont talked about hearing about it. The only time that I've heard that it happened was from this Dundy County case. So I'm not saying that it's a widespread practice. However, we all-- we all know that, you know, there are some great law enforcement officers that work in these smaller communities. I mean, by the grace of God--

**LATHROP:** Well, we can still go into that part.

**COREY O'BRIEN:** --they've-- they've got-- they-- they-- but money is an issue. Money is an issue for these counties and they-- you know, sometimes you get what you pay for. And also getting the quality of applicants in those communities is a huge problem, you know, but, you know, we've-- we've had some good ones, but we've had some poor ones and it largely is a-- the fact that they're in a smaller community. They don't pay a lot. They don't get the same quality of applicants.

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And-- and the quality of applicants state-- I mean, I-- I do a lot of training for small agencies as well as large agencies. The quality and number of applicants has gone down dramatically. When I was a young deputy in Douglas County, there would be 5,000 applicants for every opening in Omaha. Now it's about seven.

**LATHROP:** I get it. I get it.

**COREY O'BRIEN:** So--

**LATHROP:** I-- I will-- I will tell you, you used an example of a law enforcement officer sexually assaulting somebody while on duty. If they knew he had the propensity to do that, this Moser case would say no liability, and it's a problem. It's the city of Kimball case and it's a Moser case. And we can't simply say that these guys can engage in intentional acts that the political subdivision could have avoided by a background check and say there's no liability. That-- that just can't stand. You're nodding your head yes, I just wanted-- there wasn't an audible answer and it's important because--

**COREY O'BRIEN:** When you're-- when you're talking--

**LATHROP:** --we'll have this other conversation about--

**COREY O'BRIEN:** --when you're talking about some of these civil issues, they just go way over my head. I'm just a dumb prosecutor, so.

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

**LYNN REX:** Senator Lathrop, would you mind if I-- if I testified for a moment? Would you mind?

**LATHROP:** It--it's what we're here for.

**LYNN REX:** I didn't plan-- well, I didn't plan on it but--

**LATHROP:** You're going to be the wrap-up.

**LYNN REX:** I didn't plan to.

**LATHROP:** And you're familiar with the light system?

**LYNN REX:** I am.

**LATHROP:** OK, good.

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**CHAMBERS:** And as a boon to me, since this is my last, you can ignore it today.

**LATHROP:** What? That's all right. She speaks quickly and--

**LYNN REX:** I do. I do.

**LATHROP:** --oftentimes doesn't use the full three minutes.

**LYNN REX:** Senator Lathrop, members of the committee, my name is Lynn Rex, representing the League of Nebraska Municipalities, L-y-n-n R-e-x. I want to specifically address the issue of what-- why this committee, and perhaps others, have been unaware of-- why haven't others come forward to say shouldn't there be a mandatory requirement to train before you're carrying a gun and being a law enforcement officer in the state of Nebraska, what's been done with respect to try and provide financing. It has been nonstop since 1996. The Revenue Committee, the Legislature, ultimately, passed a bill requiring second-class cities and villages to reduce their levy limit from \$1.05 per \$100 of valuation down to \$0.45 plus 5. In two years-- it was passed in 1986. They had two years. Every second-class city-- bless you. Every second-class city and village in the state of Nebraska was over \$1.05. This was part of the legislative plan to address property taxes. First-class cities were required to reduce from 87.5 cents, down to 45 cents plus 5, which was kind of a nonevent because most first-class cities were not even close to 45 cents. So why does this matter? Because in the same time that that bill passed in 1996-- it was LB1114-- the Legislature also passed, and Senator Warner was Chair of the Revenue Committee, LB299. That bill said you cannot have more than 2.5 percent of restricted funds over the prior year, and basically that took effect immediately, in 1996. Senator Warner thought that would go away in 1998, but unfortunately, he passed away and the Legislature kept that in place, so there's a double lid here. The league has come in repeatedly, with bill after bill. In fact, Senator Hansen had one, LB273, in 2019. That bill would have-- I'll just read you quickly-- would have exempted from the-- the-- from the lid on restrictive funds, which is how much they can spend over the prior year, it would have restricted or would have taken out of that restricted funds budgeted for law enforcement, fire protection, or emergency services. This is one of many bills over the years in attempt to get funding. And why is that the case? Because the Legislature, in contrary to the Syracuse study, the tax modernization study, every other component and study you've had on what you can do to reduce property taxes has been reimburse local governments for the property tax base lost. Instead, the Tax Modernization Committee back

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in 2012 said, what did the Legislature do? Just the opposite of what the recommendation was: eliminated property-- eliminated any reimbursement whatsoever for local governments, specifically not for schools, but for cities, counties, and NRDs. So efforts to-- in the past to amend the lid law to say, could we have funds so law enforcement could fight meth and drugs, the answer? Couldn't even get the bill out of committee. There have been no changes, no flexibility on the lid law, LB299-- I know my time is up here-- on-- or on LB1114. This all ties into-- we can't come forward and say, let's have another mandate, when there is no money. And there was great celebration by some to say, wow, look at the consolidation we had after LB1114 passed because those second-class cities and villages went down from \$1.05 down to 45 cents and now we have a lot of merged departments. All that happened is that we had a number of villages and others who previously could have afforded, and did, to train their law enforcement officers in Grand Island, now are in a position where they could not. A lot of them, frankly, had no law enforcement officers. There was a tremendous reduction in the number of police departments across the state of Nebraska when that happened. Secondly, we still have counties to this day, and I'm not criticizing them-- I know they've got their own issues-- they won't contract with villages and second-class cities. We've gone from some of the smallest communities in this state contracting for law enforcement services with sheriffs who now find out that they're in the position where they can't afford to even do that. And then we have other counties that are saying, we're not going to contract with you, we can't do it, we can't afford to do it either. So we're in this conundrum of, yes, there's a major issue here. People have been made aware of it. There has been bill after bill after bill through the Revenue Committee-- well, it never got out of the Revenue Committee-- to try to allow local government, specifically municipalities, to have some flexibility to fund these types of things. When you look at what is important to Nebraskans, we contract with research associates every three or four years and do a statewide poll. It's not always in this order, but it's always in the top three. Public safety, education and property tax, those are always the top three issues. And so we have been before the Legislature, not your committee. Good news/bad news, you're-- none of you are on Revenue Committee. Good news for you. Bad news? Maybe. I don't know. But at the end of the day, it isn't because people haven't tried to get funding. And then the other only issue is then, what do these small communities do? They try to provide mentorship. I will tell you that when they have maybe two or three police officers, they usually always have somebody with them the first year until they can get funds to send them. The other part of it is, the flip side of it, you can't

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keep cutting the budget for the Grand Island Training Center. I mean, you can't have it both ways. You can't say you've got to have a mandate or the only-- only other option is no law enforcement. So I-- I-- I apologize for going over time.

**LATHROP:** Well, we may create a sense of urgency in the next session--

**PANSING BROOKS:** Yeah.

**LATHROP:** --that you can--

**LYNN REX:** It's a big issue.

**LATHROP:** --walk over to the Revenue Committee and the Appropriations Committee. We certainly don't-- we can't serve on the Appropriations Committee.

**LYNN REX:** I know that.

**LATHROP:** It's a five-day committee.

**LYNN REX:** I know that. No--

**LATHROP:** I don't think anybody on here is on the Revenue Committee.

**LYNN REX:** No, it's-- the-- the-- by definition, you--

**LATHROP:** Well--

**LYNN REX:** --you really can't be. Bu-- but also, we've been to the Revenue Committee. Senator Stinner has put in a bill to try to put some more money into state aid. These were all-- these issues all tie together, is all I'm saying. Everything's interrelated.

**LATHROP:** We've got some questions for you, Lynn. Senator Pansing Brooks.

**PANSING BROOKS:** OK. Thank you, Chair Lathrop. I couldn't help but smile as you talked about all that, because what we're talking about, I mean, when people say, oh, we-- we keep asking for more money but we aren't raising the issue that law enforcement is not getting training, that's like coming in and saying, oh, did you realize that the water system in-- in three-fourths of the state is-- is undrinkable, but we need more-- we need more water power for our fire-- or, I don't know, it's something else less in-- I don't-- fire engines. I mean, it-- we have a critical issue of making sure law enforcement is safe. And I agree that we also have to deal with these levies and-- and these lids

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and the-- the problems with all that. But the specific issue of training law enforcement, to me, is-- is above and beyond anything else that-- it's like saying, well, we're just going to have nonlawyers go to the courthouses because we don't have enough nonlawyers or we're going to have, as I said before, nonmedical-- medically trained people going into the hospitals because aren't enough. We have to figure out how to make this work as a state, just like we've done public power, just as we've done many other things. But to say that law enforcement needs more money across the state does not ring the bell to us that, oh, because they're not getting trained on how to use a gun or how to treat people constitutionally, that-- that-- that just rockets it into a new hemisphere, in my-- stratosphere in my estimation.

**LYNN REX:** No, I fully understand.

**PANSING BROOKS:** So--

**LYNN REX:** I'm just suggesting that the funding element of it, and Senator Stinner had a bill before Appropriations--

**PANSING BROOKS:** Yeah.

**LYNN REX:** --to try to give some money back in state aid--

**PANSING BROOKS:** Well, now that he hears--

**LYNN REX:** --these are all big issues. And by the way, water quality, that's a different committee, too, but don't think the water quality is just--

**PANSING BROOKS:** [INAUDIBLE].

**LYNN REX:** --everything-- that that-- yeah, there are issues across the board. But you have to provide some capacity.

**PANSING BROOKS:** Yeah. I-- I-- I agree.

**LATHROP:** Senator Brandt.

**BRANDT:** Thank you, Chairman Lathrop. Thank you for appearing today. Two questions, and the first one, and maybe Senator Lathrop knows this, let's say we stay with the current model where you hire the guy off the street, and because the training classes are every three months, you can get this individual but you want-- you-- you don't want to keep him employed for two months not doing anything. Maybe you

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don't give him a gun; maybe you give him a badge. But could you contractually obligate him to repay the \$8,000 if he leaves in two years?

**LYNN REX:** Yes, in some-- several cities have done that. They have done that.

**BRANDT:** OK. So that-- that is sort of a solution--

**LYNN REX:** Right.

**BRANDT:** --to the guys that-- that-- and there are a lot of people out there, and my sheriffs in particular tell me this, they get the training from the sheriff's department, and as soon as they're-- they get out of that, in a month or two, they go to greener pastures. And once they get burned on that once or twice-- so I think that's sort of a simpler solution to the current system. And then the second question is, how much do you need back out of that money?

**LYNN REX:** Well, I think there's a couple of things here. First of all, giving more funds to the Grand Island Training Center so that the local governments don't have that-- I mean, don't have--

**BRANDT:** OK. You make the cost cheaper--

**LYNN REX:** --the significant cost of doing it--

**BRANDT:** You-- instead of \$8,000, it could be \$4,000.

**LYNN REX:** --and also the back [INAUDIBLE] Secondly, and again, because it all ties into capacity, is to be able to have-- the-- these smaller communities want to have some law enforcement, especially if the counties are not in a position or won't contract with them, and so to be able to have the flexibility financially to do that. But, I mean, if-- the analogy for you folks would be if the federal government said by two years, within two years, please reduce the amount of-- not the amount of funds you get, but also the rate that you get on income tax and sales tax, just cut it in half and see how well you're going to do, that's what was done to hundreds and hundreds-- we have 380 villages in the state, 529 cities and villages; 380 of those are villages. I mean, that's what was done to them in two years. It was devastating and it has great-- tremendous play and it ties directly into this law enforcement issue because there was a time they did have funds and they did-- they were able to get them trained much faster and the Grand Is-- and the Grand Island Training Center had capacity to train more and more of them. All of these things are interrelated,

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but I really wasn't planning on testifying. I just thought the issue was critical enough to come forward to this committee.

**LATHROP:** OK. Did you have questions? OK, I think that's it.

**LYNN REX:** OK, thank you very much.

**LATHROP:** Thanks, Lynn.

**LYNN REX:** Thank you for your patience today.

**LATHROP:** That'll close out our hearing on the three LRs today.

**LYNN REX:** Thank you.

**LATHROP:** Thanks, everyone, and thanks to our trusty help today for sanitizing and meeting the needs of the committee members. Thanks.