

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Urban Affairs Committee July 31, 2020

**WAYNE:** Good afternoon and welcome to the Urban Affairs Committee. My name is Justin Wayne. I represent Legislative District 13, which is in North Omaha and northeast Douglas County. I serve as the Chair of Urban Affairs. We will start off having members introduce and comm-- and committee members and staff members introduced, starting with my right-- well, my left now, Senator Arch.

**ARCH:** John Arch, Papillion, La Vista. It's District 14 in Sarpy County.

**LOWE:** John Lowe, District 37, the southeast half of Buffalo County.

**CRAWFORD:** Good afternoon. Sue Crawford, District 45, which is eastern Bellevue, eastern Sarpy County.

**BRIESE:** Tom Briese, District 41.

**TREVOR FITZGERALD:** Trevor Fitzgerald, committee legal counsel.

**HUNT:** I'm Megan Hunt and I represent District 8 in Midtown Omaha.

**M. HANSEN:** Matt Hansen, representing District 26 in northeast Lincoln.

**ANGENITA PIERRE-LOUIS:** Angenita Pierre-Louis [INAUDIBLE]

**WAYNE:** And for those that didn't hear, that's Angenita. She is our new committee clerk. And so her first hearing will be a marathon hearing, so we will push the buttons. We did some-- some dry runs, and I'm sure she got ahold of it, everything. But usually our first committee hearings are like cleanups, and so it's pretty simple. It's just Trevor and [INAUDIBLE] testifying, so this is going to be a lot more intense. Also assisting the committee are our committee pages, John Otte, a political science major from UNL; Ashton Krebs-- did I say that right?-- a political science major from UNL; and Kennedy Zuroff, political science and psychology major at UNL. This afternoon, I want to make sure we take some time to listen. And I know I'm going to have to go outside and repeat this, and I'm going to have to repeat this a couple of times, but I just want to make sure people are clear on how this is going to proceed. This afternoon, we will be hearing one bill, LB1222. On each of the tables in the back of the room will be blue testifier sheets. If you are planning to testify today, please fill out a blue sheet and hand it to Angenita when you come up. I'm going to change that. Put it in the box. I'm going to try to limit as much con-- interaction as I can. Please make sure you use and spell your name correctly and hopefully-- and use print so we can make sure we

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correct anything for the journal. If you are not here testifying, please exit and watch this online. Due to social distancing, we are just trying to make sure 20 at a time for those who are going to testify. Please note, if you wish to have your position listed on the committee statement for this particular bill, you must testify during that position. And how this is going to work is 20 proponents, 20 opponents, 20 in the neutral, and we'll continue to rotate until everybody's heard. If you do not wish to testify but just want to have your position recorded, please fill out the gold sheets in the back of the room. I also want to note that the Legislature policy for all letters must be turned in by 5:00 p.m. the day prior to the hearing. Due to COVID, I will announce multiple times throughout the day that during this hearing, if you sign in on the gold sheet because you have to leave, you have to-- for whatever reason, but because of COVID and the restrictions, we know this is going to take a little longer. As long as the committee is still going and you sign that sheet, you can submit an email up until Monday and we'll include it in the record. And I'll make sure the committee knows that. But you have to be here and sign that sheet. I just want to make sure people are clear on that. All right. So first we'll start with proponents, then we'll move to-- for one hour, then we'll move to opposition of the bill for one hour, followed by those speaking in neutral capacity for one hour, and then we'll keep repeating until this is complete. We ask that you begin testimony by first giving your first name and last name and spell it for the record. We normally use four minutes, but due to this and COVID, we want to make sure we get many people to testify without waiting in line. We are going to use a three-minute system today. It'll be green. Once you're at one-minute warning, it'll be yellow; and then red will be-- I ask you to wrap up your thoughts. The committee will ask questions, but the committee is also aware of the COVID situation, so they might not ask as many questions. So know who's in front of you and if you want to follow up with email to them directly or to the committee, please do so. We're not trying to limit the interaction, but we're trying to be respectful of people who are out in the hallway and standing due-- for COVID reasons. Also, for COVID safety precautions, first request that if you're in the hearing room, please wear a mask. If you do not have a mask, we will have a mask. We have a small number of masks that the pages can hand out. Second, the seats are marked off. I see everybody's sitting there so I don't have to read that. Thank you to the Red Coats and those who are helping with that. Now, under ordinary circumstances, I will sit in that testifier and I will turn over the hearing to Senator Hunt. Due to COVID and due to the nature of this, because I'm going to keep running out in the hallway and explaining the same rules, I want to be consistent, and I want to make sure everybody is understanding the

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rules. I will be chairing this hearing. I will not be asking questions unless something absolutely prompts me to, but I don't see that happening. And I will try my best to committee members not to ask questions, but I just want to make sure it's orderly. And it's nothing against Senator Hunt, but I don't feel I should be sitting there and then every time somebody walks down, and I'm going to have to keep explaining these rules over and over and over to each people who come in. So I remind you, everyone, including senators, to please turn off your cell phones. And with that, we will open the hearing on LB1222. Good afternoon, Vice Chairwoman Hunt and members of the Urban Affairs Committee. My name is Justin Wayne, J-u-s-t-i-n W-a-y-n-e, and I represent Legislative District 13, which is North Omaha and northeast Douglas County. In the aftermath of the national-- nationwide protests following the death of George Floyd in Minneapolis, and at the Judiciary Committee listening session last month, many of those protesting and testify-- and testifying have cried out for a wide-- wide range of criminal justice reforms. Committee members should have received an email or an editorial that I passed out earlier-- huh? Do I have it? Oh, sorry-- from Marshall Lux, who served this body as Ombudsman for 37 years. In the editorial, Mr. Lux argues that perhaps the most important reform that we should consider is to establish meaningful external oversight of our policing agencies. LB1222, which would adopt the Municipal Police Oversight Act, is intended just to do that. As introduced, the bill will require each city who employs full-time police officers to appoint a citizen police oversight board to monitor, investigate, and evaluate police standards and practices. The city would have to appoint the board, comprised of seven members of the public who represent a cross-section of residents of the city, on or before January 1, 2021. Board members would have to appoint-- be appointed by the mayor with the city council approval. Individuals who are affiliated with or previously affiliated with law enforcement would not be able to serve on the board. Investigations conducted by the oversight board would be conducted independently from the police department and follow a staff investigator-- and staff investigators for the board could not previously be affiliated with the police department. Investigators would be empowered with a full range of investigation powers, including subpoena powers. While both the city of Omaha and the city of Lincoln have formed-- have formed some type of police oversight board, these boards tend to be more and advisory in nature, rather than independent oversight. In 2000, Omaha created an independent police auditor to investigate citizens' complaints against Omaha Police. But the auditor was fired by the mayor then, in 2006, after releasing a report that was critical to OPD. In the short time since I introduced this legislation-- and I do want the proponents and opponents to hear this so I'll kind of repeat this a

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couple of times. Since I introduced this legislation, my office has been flooded with a broad spectrum of feedback on the provisions of the bill. For example, there are many municipalities that have paid police departments, many more than we anticipated, although, according to the Crime Commission, there are 106 municipalities which employ full-time police officers, many of which have smaller police departments than the actual oversight of the board. Advocacy organizations for victims of domestic and sexual assault have raised concerns about the sensitivity of some documents that could be gathered during an assault investigation, could actually be improperly made public due to various provisions in the bill. There are a couple other provisions in the bill that deal with subpoena. And the municipalities often contract with sheriffs, so my bill wouldn't cover that. So there are just a lot of technical issues that we are going to continue to work through here, through this hearing, because there's going to be more that come up and later that we're going to have to address immediately. My point of raising these issues is that the bill is far from perfect. I know there's very little time remaining in the session. So if-- if nothing else, unlike the Judiciary hearing, I want to make sure I hear from both sides. I want to make sure we have a constructive conversation about how we move policies forward, because this may turn into a broader bill or bills going into next year. But while this is a hot topic, I felt it was important we have this hearing, no matter what, to make sure we get both sides and we craft something that maybe can be done this year, but more importantly, it's the right thing for everybody across Nebraska. So with that, I will answer any questions from the community-- or from the community-- from the committee. I've been doing so much community talking-- from the committee. Any questions? Senator Crawford.

**CRAWFORD:** Thank you, Chairman.-- Chairman Wayne, and thank you for your attention to this issue. I just wondered if you wouldn't mind just stating what you have in mind when you talk about adequate resources.

**WAYNE:** As far as the police department themselves?

**CRAWFORD:** Well, the-- the-- I think the-- the bill talks about the importance of the investigator and board having adequate resources.

**WAYNE:** So one of the issues that the independent auditor had in Omaha was they often had to rely on the police themselves to perform investigations and come back and talk to the independent auditor. Although the independent auditor had a very small staff, it was still so reliant on the police department to oversee themselves. And so one of the things we wanted to make sure in this bill, that there was

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adequate resources for a board to actually be able to do their job and not be hamstrung by whether city council or the police department relied-- were relying on them. So that was the thought about it. So I don't have a number. And again, part of why we wrote it a little broad was to figure that out. But like, for example, Imperial, Nebraska has four police. The committee would be bigger than the police department, and adequate resources for Imperial will be completely different what Lincoln is, so we were just trying to make sure they had their own independent resources.

**CRAWFORD:** Thank you.

**WAYNE:** Senator Lowe.

**LOWE:** Chairman Wayne, thanks for bringing the bill. Wouldn't a city council or city board perform the same duties? Aren't they of the public?

**LOWE:** Yes and no. They are from the public. There is the issue of collective bargaining agreements and whether-- if a city official who later may have to rule on that could actually be a part of the investigation, so there's some contractual due process issues that could arise. And so-- and the other part of it is, is quite frankly, our citizens have been demanding that, more transparency. And I get it coming from the other side of the table where I was on management side, where most of the time we're talking about personnel issues and you can't hardly ever release those things anyway. So we're trying to find that balance, and that's why we had it appointed by the mayor and approved by the city council, so there's still some level of accountability at the city council level. But the reality is they could, but I think there's some conflicts of interests dealing with the due process side of having the city council oversee it. Any other questions? Seeing none, thank you. First, we will have the first proponent please step on up.

**JOHN KREJCI:** My name is John Krejci, K-r-e-j-c-i. I come in support of this bill. And thank you, Senator Wayne, for introducing this. My senator is here, Senator Hansen, and we-- we communicated a couple of days ago. Three minutes, I'm going to have to really talk fast. Old people, you know, we-- we can have a hard time saying. This is the week of Senator John Lewis in Selma. I was at Selma and I-- I didn't march. We were just camped up in a-- in a church. I slept in the pews of that church. And it was the first-- when the media had an impact on the police, that beating up of John Lewis event was on TV, and immediately Martin Luther King and his friends called the clergy and the young people down to come the next week because they were not

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going to let TV show, you know, dogs and clubs and whatnot. So oversight of police is ex-- that started very early on. But you're right. Omaha and Lincoln have not had good oversight boards. And I-- I do have-- is that Marshall Lux's editorial that you-- I'm really just reiterating that because that's the-- the center of-- of what I think we should be doing. And to do this bill now, please, don't lawyer this thing to death, you know, because, as you said, there's a lot of this and that and whatnots there, because this is the-- you know, the time is right. And-- and the old maxim, nemo iudex in causa sua, no one is the judge of his own case, police are not able to police themselves and hardly anybody is. I have a letter here, and I won't read it and don't have time anyway. We-- we have a discussion group. This is-- this is the octogen-- thank you, young people, for all you've done. You know, you-- I can't demonstrate anymore. I can damn near not walk. But this is a letter from-- we have about eight or ten octogenarians who discuss issues. On Wednesday, we have lunch, but we haven't had lunch for awhile, but we talk on the phone. So what it does is it-- it says what Marshall Lux said. We need a full review board with teeth, with legislation, with-- with oversight. And he's also got a couple of draft bills. Did you say you had those? So-- so I'm just really reiterating what-- what he said. And I couldn't be any-- feel more strongly about it. When I came back from Selma-- I'm a, you know, privileged white guy, police are your friends, blah, blah, blah. When I came back from Selma after being harassed for three, four days by the police, I was at a meeting in the Near North Side, where I was stationed at that time, and when police came to the door, I felt myself jump. So I know something about the talk and how African American people can feel because the police is not your friend.

**WAYNE:** I'm going to ask you to--

**JOHN KREJCI:** And we have wonderful [INAUDIBLE]

**WAYNE:** I'm going to ask you to wrap up, sir.

**JOHN KREJCI:** I'm out of time. OK.

**WAYNE:** I-- I-- well, you-- I know Senator Hansen has talked well about you, so we will-- you can follow up with me and him any time, sir. But if there's any questions-- stay right there. Any questions from the committee? I want to say thank you, and thank you for your--

**JOHN KREJCI:** OK. Thank you very much.

**WAYNE:** Thank you for your advocacy.

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**JOHN KREJCI:** And I'm glad I could go first because, you know, old people, we don't last very long, so God bless all of you.

**WAYNE:** Thank you so much.

**JOHN KREJCI:** Can I stay until-- for a couple more hearings, or do I have to go out?

**WAYNE:** No, you have to stay, actually, until we clear out the--

**WAYNE:** OK.

**WAYNE:** Well, you can leave, but nobody else can come in. If you want to stay, you can. And we'll just do 20 at a time, in and out, so that way, we've got time to clean everything. So before the next person comes up, they will wipe down and clean everything. But I'll also tell you to please keep your mask on. Next proponent. Not everybody look at each other at once. Welcome to your Urban Affairs Committee.

**MICHAELA CHAMBERS:** Hello, Senator Wayne. Thank you so much, all, for allowing us in the community to speak. My name is Michaela Chambers. That's M-i-c-h-a-e-l-a, last name C-h-a-m-b-e-r-s. I reside at 9611 North 29th Street. Senator Wayne, you are my representative elect. Fifty-one years ago, my great uncle, Ernie Chambers, was arrested. On Saturday, 2020, I was arrested in the exact same manner. I am a proponent and a supporter of LB1222. However, I believe that this is a slap in the face to those of us who were arrested, and I believe it's not enough. I believe that this is the tip of the iceberg, and I believe that you, as our elected officials, can do and should do more for us to protect us as your citizens, to allow us to have our right to freedom of speech, and for that right to not be taken away by the brutality and the aggression shown by sworn officers who made an oath to protect us as citizens. That is their only job, and they did not do that. Not only that, but me, personally, when I was taken to Douglas County Corrections on Saturday evening, I invoked my right to silence and I stated that I would like to speak to a lawyer. In doing so, I was taken to a prison cell, prison cell number 30, and I was forced to sit in a room with a transient woman who was there on a domestic abuse charge. That was my gift for peacefully demonstrating that black lives matter. We need to do more, and I hope you all are brave enough to do more for people like me and for this city. Thank you for your time.

**WAYNE:** One second, Ms. Chambers. Any questions for her?

**MICHAELA CHAMBERS:** Thank you.

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**WAYNE:** Seeing no questions, thank you for coming down and testifying today.

**MICHAELA CHAMBERS:** Thank you, Senator.

**WAYNE:** Next proponent, as-- wait for them to clean first.

**HUNT:** Hold up, hold up.

**WAYNE:** And normally we have people move to the front and do all that and we can know who's next, so I'm-- I'm hoping people are kind of looking around and maybe saying you're going next with your hands up or something so we can kind of, sort of--

**KIERAN WILSON:** Ooh, this is comfy. [LAUGHTER] This is much better than the-- than the city council. We just got to stand there. It's uncomfortable. I like this. My name is Kieran Wilson. As you can see, I've been attending the Black Lives Matter marches.

**WAYNE:** Can you spell your name?

**KIERAN WILSON:** Oh, I'm sorry. Kieran, K-i-e-r-a-n, last name. Wilson.

**WAYNE:** Go ahead.

**KIERAN WILSON:** Yes, and so, as you can see, I've been attending the Black Lives Matter marches in Lincoln. It was very interesting for me. When I first went out, it was kind of this abstract concept of, you know, I'm not aware of exactly what I'm fighting locally, but I know what I'm fighting in a broader-- in a broader setting. And then that first night I went out, we were assaulted; we were brutalized; we were harassed. I mean, you can make excuses and say that there were individuals causing problems, being violent. But for someone who isn't to be assaulted as well, is that not problematic? So when we-- when we talk about this issue, of course, I'm in support of LB1222. But it's-- it's important that we also acknowledge all the hindrances that already exist in place. You know, we have issues in Nebraska where the-- the State Patrol recently, like, lowered their-- the accessibility based on the Dep-- Department of Justice's like recommendations. And so now to submit a complaint through the State Patrol is far more difficult. We have counties in Nebraska in which there isn't even a means to-- to send in a complaint to the police department. There's a-- a means to send in a compliment to the police department, but there's no means to send in a complaint. In the state of Nebraska, police disciplinary actions are not publicly accessible documents. And so when we talk about setting up this civilian



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oversight, it's important to acknowledge that there have been so many walls built in place to prevent things like this from functioning in the first place. I mean, you're talking about civilian oversight. Is me not marching civilian oversight? When I go out to my courthouse, stand outside and demand justice with my hands up, saying that you need these problems to be solved, and I'm met with tear gas, is that not an unfair response to civilian oversight? I don't understand why we expect these individuals to listen to a group of civilians that have formal power when they don't listen to us in the formal power that we already have. You know, my-- my tax money is what pays them. I-- I like the officials of my government. And so I think it's just important that, as those who spoke before me said, it's so very important that we do more. We have to do more. When you were elected to these positions, I assume that you expected to move mountains and bring about change and-- and support the people in your community. And I want you to understand that you are starting that process, but this is only the beginning. This is the bare minimum. And so when I speak to you, I want you to see this-- this looked on my face, this con-- hear this conviction in my voice. We are demanding more. And you will hear and see this from other people. And I want you to remember it. I wanted to haunt you in your dreams. I want you to remember my hands that I told you I had above my head when I was tear-gassed. I want you to remember the fists that we raised-- raised above our heads as we marched. And I just want you to think about that every single night, every single day when you come into work, and keep fighting. Please. We need this. We need this. Thank you.

**WAYNE:** Thank you. Hold on, don't leave yet. Any questions from the committee? Seeing none, thank you so much for coming out today.

**KIERAN WILSON:** Thank you, sir.

**WAYNE:** Welcome to your Urban Affairs Committee.

**JENNIFER HENNING:** Good afternoon. My name is Jennifer Henning, spelled J-e-n-n-i-f-e-r H-e-n-n-i-n-g. I'm testifying today in support of LB1222. I request my support be added to the record. Senator Wayne, you are my senator. On May 12, 2020, I sustained a chemical burn to my eye and face as a result of an untrained, unlicensed person not following the laws of our great state. My friend called the police for help. When officers arrived, they refused to help and instead escalated the situation. Four male police officers stood over us, acting like bullies, taunting us, calling us names, and threatening to arrest me for asking for a supervisor. The police continued to mock us and claim there was no crime. After 48 minutes of abusive behavior, one of the officers asked to look at my eye for the first time. After

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realizing the severity of the injury, he Googled eye injuries. That was the first time he showed compassion. A supervisor then arrived who agreed all officers violated department policy. He claimed that he would have a talk with the officers. My friend initiated contact with my senator, Justin Wayne, regarding the behavior of these police officers. She specifically wrote: I think we need to set up a meeting with Chief Schmaderer. I think he needs to know what happened and how the officers treated her. How she was treated was unacceptable and isn't addressed to the chief now, one day, there will be a similar incident here as there was in Minneapolis and several other cities. I believe these incidents start small, like what happened to Jen, and escalate over time. Mind you, George Floyd was killed just a matter of a day-- within days. This was right before the death of George Floyd. After my friend complained to internal affairs, charges were pressed against the woman by the Omaha Police Department. Additionally, DHHS and the Attorney General took up a case against the woman in the business. I was informed all parties would be interviewed and that I would receive follow-up communications regarding the officers' behavior from internal affairs. After a month of no communication, I followed up with the deputy chief of professional oversight. The head of police oversight claimed via email that the investigator spoke to my friend, that she is unable to discuss the specific content of the interview, and that all interviews had been-- been completed. After speaking to my friend, I was informed this was certainly not the case. No one from the Omaha Police Department initiated contact with her, nor was she ever interviewed. My friend responded to the email, to the deputy of professional oversight, very angrily, calling her out for lying. Within minutes, the Omaha Police Department internal affairs division initiated contact with my friend, requesting an interview for the very first time. Please note, this was after the email riddled with dishonesty from the head of professional oversight. Imagine the person in charge of policing the police is lying. When she was called out, there was no apology. There wasn't even an explanation. How's that for integrity? How many times has the department lied in an investigation or not done their job as they claim to have done? How can we expect officers to be honest when those in leadership are not demonstrating honesty in dealing with the public? Imagine if my friend and I were minorities, low income, or if we didn't have resources. As officers escalated matters, threatening to arrest us, I felt crippled anxiety and unbearable pain from the injury. What if I had reacted to being taunted? What if I was having a mental health crisis? What if my friend was not there to tell them to stop or continue recording? Our community should be able to trust that police will deal with things fairly and effectively. Unfortunately, we've seen, time and time again, that this is simply not the case. We cannot expect the police

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to police themselves, no matter how big or small an incident is. And oversight is a checks and balance that our community so desperately needs. I strongly support LB1222. Thank you, Senator Wayne committee, for your consideration

**WAYNE:** Any questions from the committee? Thank you for coming down.

**JENNIFER HENNING:** Thanks.

**WAYNE:** Welcome to your Urban Affairs Committee.

**MORGANN FREEMAN:** Thank you. My name is Morgann Freeman. It's a pleasure to sit in front of you again. I testified at the Judiciary Committee meeting shortly--

**WAYNE:** Spell your name, please.

**MORGANN FREEMAN:** Oh, sorry.

**WAYNE:** [INAUDIBLE]

**MORGANN FREEMAN:** Morgann is spelled M-o-r-g-a-n-n, Freeman, F-r-e-e-m-a-n. I testified at the Judiciary Committee meeting shortly after the protests on May 29 and May 30 were met with police brutality at a police brutality protest. And I've seen what happened recently this past Saturday in Omaha, Nebraska. And most concerning to me is that the Omaha Police Department, the sheriff's department, and all of our local law enforcement agencies seem to be more concerned with falsely reporting how they are meeting these protests that are peaceful protests. They're meeting their civilians and they're brutalizing them, and then they're building false statements and false time lines to justify it. And after having experienced the brutality on the streets that taxpayers pay for, after watching children and families getting gassed, watching children and families getting beaten, watching videos from this past Saturday of my friends and loved ones being literally beaten by police shortly-- two blocks away from where they would have departed, it's devastating to see that this is state-sanctioned violence and that there has been no collective response from our leadership to directly address this. There is no injunction. There's no steps being taken to stop them from continuing to brutalize their citizens, their taxpayers. And in addition to that, this is the most necessary, basic step towards accountability that we have not had. And for it to be met with the vitriol that it's being met with, specifically from law enforcement, is really telling. And I look at the urgency of this bill, especially for me. Just yesterday, the Omaha Police Officer's Association listed my name and two other

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activists in the community, publicly doxing us, publicly putting a target on our backs with false information, and then not taking any accountability for it. Instead, actually, the president of this Officer's Association replied back that he looks forward to a lawsuit. Instead of actually taking accountability for the fact that there could be misinterpretation of facts, it could be that maybe he was wrong or any of that, any-- instead of any accountability, he instead believes that he is so above reproach that there will be no accountability that he has to meet other than in a court of law. I don't know of any firmer evidence that this is a necessary and urgent next step when it comes to police accountability that we have to have as a community than that, because my life and all of my family members' lives are on the line.

**WAYNE:** Thank you. Thank you for being here today.

**MORGANN FREEMAN:** Thank you.

**WAYNE:** Senator Hunt.

**HUNT:** Thank you, Chairman Wayne. Thanks for being here, Ms. Freeman. So you-- you'd say that the police union shared your name and the name of some other activists and advocates.

**MORGANN FREEMAN:** Yes.

**HUNT:** Was that on Facebook?

**MORGANN FREEMAN:** Yes.

**HUNT:** Had you been arrested when they made this post, or had you been charged with anything?

**MORGANN FREEMAN:** No. And to give context, it was a post specifically referring to last Saturday night's protest. And in the post, they stated that there was three organizers. They listed me as one of the organizers that were inciting violence, inciting or encouraging the assault of police officers and the destruction of property.

**HUNT:** Did you-- did you destroy any property?

**MORGANN FREEMAN:** I was at work.

**HUNT:** You weren't-- you weren't there?

**MORGANN FREEMAN:** I was literally not even at the protest--

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**HUNT:** OK.

**MORGANN FREEMAN:** --and was publicly included and outed as an organizer of a protest I didn't even know was happening at the time.

**HUNT:** Did that-- did that make you feel targeted by the police union?

**MORGANN FREEMAN:** Absolutely. And in addition to that, I've-- this isn't my first time that I've felt targeted by this police department. I mean, my entire family has had a history of being targeted by the Omaha Police Department and by the Douglas County Sheriff's Department, like this is not a new incident for us. This is the first time that they have publicly-- publicly taken that step, and that's the most concerning, not just for me but for others.

**HUNT:** OK, thank you.

**WAYNE:** Any other questions? And I do want to say to you publicly that I did not respond because I asked if you had hired a lawyer and I didn't want to publicly conflict out before we talked, and I know you have somebody now, so I-- I greatly appreciate it, but I wanted to tell you that publicly.

**MORGANN FREEMAN:** Thank you.

**WAYNE:** Any other questions? Seeing none, next proponent.

**MORGANN FREEMAN:** Thank you.

**WAYNE:** Welcome to your Urban Affairs Committee.

**COLE CHRISTENSEN:** Hi. Thank you for letting me speak. My name is Cole Christiansen, C-o-l-e, Christensen, C-h-r-i-s-t-e-n-s-e-n. I live at 5906 South 140th Ave., Omaha, Nebraska, 68137. I'm here obviously speaking in favor of this. Power corrupts; absolute power corrupts absolutely. This is supposed to be a system of checks and balances and-- and I will, I guess, personally only attest to my city. There is a supreme amount of unbalance right now. Saturday night was my second arrest, protest-related or just ever. And the initial reports released by the Omaha Police Department and then quickly parroted by the local media news organizations were that only one pellet-- excuse me-- pepper pellet was fired. I alone, on my back, have three still-open wounds from that, and I have three others on the front of my body from it. It was improperly discharged at my spinal column from a point-blank range, which, per the manufacturer's instructions, is not how it's supposed to happen. Although I was not singled out as

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unjustly as Morgann was, I was after I contacted Mayor Stothert's office. It is my belief that after informing her that she would be held accountable via the national news-- news media that a few of us had managed to garner and that would be a form of accountability for her and her inaction in the police department's brutality on that evening, that she-- or then it seemed very coincidental that two hours later I was specifically named in the Omaha Police Department statement released on Facebook, as well. And although that night I was designated as an instigator, which I take as a point of pride, I was not an actual organize-- organizer of that event. I do work with The Culture House specifically around the Don Kleine protest, but this was one that I was just attending to show support. There needs to be some accountability here. We should not need to fight to have to get national news media attention to get people to actually listen to us, because that is not something that is always going to be able. And as the city that has the largest police budget in this nation, and it has just been increased by Mayor Stothert yet again, we need some kind of oversight for this. And so, yes, there are parts of this that are not great, but it is a step in the right direction and absolutely necessary because this weekend and many other instances have proven that they are willing to lie and say whatever it is to cover their tracks. They have-- they have walked back statements on multiple specific members, including myself, three or four times now as the public pressure has been mounting and video footage has been showing up. This is not something that we are going to let go. So it-- this needs to happen now or we can continue to go through this, but it's not-- we're not going away, so thank you.

**WAYNE:** Thank you for coming down today. Any questions from the committee? Seeing none, thank you for coming. Next proponent. Welcome to your Urban Affairs Committee.

**MAGGIE BALLARD:** Thank you. Thank you, Chairperson Wayne and members of the Urban Affairs Committee. My name is Maggie Ballard.

**WAYNE:** With your-- with your mask, you're going to have to speak a little louder, just to make sure that the transcribers hear everything you say.

**MAGGIE BALLARD:** Oh, I-- I was going to get louder as I talk more.

**WAYNE:** Oh, OK. [LAUGHTER]

**MAGGIE BALLARD:** That's how I go.

**WAYNE:** Go ahead and spell your name. Thank you.

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**MAGGIE BALLARD:** My name is Maggie Ballard, spelled M-a-g-g-i-e, last name B-a-l-l-a-r-d, and I am testifying-- testifying strongly in favor of LB20-- LB1222 today. I want to thank Senator Wayne for introducing this legislation to prevent more deaths like George Floyd or the dozens upon dozens of other unarmed black men and women. While it pains me to say this, I have no idea that more unarmed citizens will be unjustly killed at the hands of the police in our nation. But LB1222 can help ensure that if that happens somewhere here in Nebraska, that justice will be served and the police will be held-- held accountable. And I put "unarmed" in quotation marks because as any Second Amendment supporter should point out but usually don't, if Ahmaud Arbery, for instance, if he had been shot in the back and a gun had been found in his pocket, he would not have been unarmed, but his murder would not be any more justifiable, so we need to get that clear, but I digress. I wish I could testify today that we have just reached this point in our history in which it has become necessary to adopt a Municipal Police Oversight Act, to appoint a board to monitor, investigate and evaluate police practices. The fact is, though, that we have always needed these checks and balances. Make no mistake, the unacceptable actions of police officers, they didn't stop once the Civil Rights Act was passed or once black stop-and-frisk practices were outlawed. Police brutality continues. I wonder if anyone else remembers the year 2014 when we thought that putting cameras on police officers or in cruisers would prevent the use of excessive force, because I remember that. I remember it was actually my first Omaha 360 meeting where Chief Schmaderer explained that body cams were already in the works for the Omaha Police Department and they were simply figuring out how the footage and data would be collected and stored. And I remember feeling proud that what happened to Michael Brown that year would not happen in Omaha. So fast-forward three years, and Zachary BearHeels, a name that I hope no one ever forgets, he taught us that something very similar happened-- did happen in Omaha. So George Floyd couldn't breathe. Zachary BearHeels couldn't breathe, and I can't stand it. And that's why I'm sitting in front of you today, because if we are going to form a society that stops placing our value for law enforcers above our value for the law, we need to make sure that our law enforcers, our law enforcement officers, answer to the citizens that they serve. We must stop looking at law enforcement to provide law and order and instead to serve and protect. Thank you, and I'd be happy to answer any questions.

**WAYNE:** Any questions from the committee? Seeing none, thank you for coming today. Next proponent. Welcome to your Urban Affairs Committee.

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**KEVIN ABOUREZK:** Thank you, Chairman Wayne and Senators, for this opportunity to speak before you. My name is Kevin Abourezk, first name K-e-v-i-n, Abourezk, A-b-o-u-r-e-z-k. I'm an enrolled citizen of the Rosebud Sioux Tribe and a longtime journalist residing here in Lincoln, Nebraska. Today, I want to talk to you about a 29-year-old Rosebud Lakota and Kiowa man named Zachary BearHeels. I want to thank Maggie for sharing his story as well, but I want to tell maybe a little deeper, who, on June 5, 2017, encountered four Omaha Police Officers at the Bucky's convenience store at 16th and Center Streets. Despite the fact that Zachary had committed no crimes that evening, those four off-- officers proceeded to shock him 12 times with a Taser, strike him 13 times in the face, and take turns putting their full weight on his back while he lay face down on the pavement with his hands zip-tied behind his back. When they turned him over to put him on a gurney that night, Zachary was gone, but we are expected to believe this unarmed, mentally disabled man died not from the gauntlet of abuse he suffered at the hands of these public servants, but rather from an obscure medical condition called excited delirium, which only seems to be applied by county coroners examining in-custody deaths and is not recognized by a single professional medical association. From the lack of crisis intervention training given to the four officers and their criminal misuse of their Taser guns to the incestuous relationship between the Douglas County Coroner's Office and Omaha law enforcement, Zachary's death should serve as a clarion call to all who seek to ensure justice is served in Nebraska. Are we to believe that county coroners, who receive much of their funding from contracts with local law enforcement agencies, will deliver independent autopsies when it comes to in-custody deaths? Indeed, I believe Nebraska should be willing to fund independent autopsies that are requested by families that have lost a loved one to police violence or, at the very least, require that such families are made acutely aware of their rights to request such independent autopsies. Another systemic failure that has plagued efforts to hold the officers who murdered Zachary accountable is the right of officers to appeal their firings to independent arbitrators who ultimately get to decide whether fired officers get their jobs back. In the case of the four officers involved in Zachary's death, all of whom were fired by Omaha Police Chief Todd Schmaderer, three will get to patrol the streets of Omaha again, a cold reality for Native people living in our state's largest city and a sad testament to our inability to hold our police accountable. I truly believe Zachary's murder won't be the last at the hands of police officers who know all too well the protections that are afforded them, including well-funded police unions, binding arbitration requirements, and the lack of independent oversight. It is for those reasons that I wholly support Senator Wayne's bill, because



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I am hopeful that knowing their actions would be scrutinized by independent citizen review boards will force any officer considering violence against a citizen to pause and reconsider his or her actions. And it is in the hope of such a moment of contemplation that I placed my faith in LB1222. Wopila tanka. Thank you. Any questions?

**WAYNE:** Any questions from the committee? Seeing none, thank you for coming today.

**KEVIN ABOUREZK:** Thank you.

**WAYNE:** Next proponent. Welcome to your Urban Affairs Committee.

**TERRELL MCKINNEY:** How you doing, Senators? My name is Terrell McKinney, T-e-r-r-e-l-l M-c-K-i-n-n-- M-c-K-i-n-n-e-y. I come here today to stand with the people in support of LB1222, which is the Municipal Police Oversight Act. The death of George Floyd opened our country's eyes to what many in my community have been complaining about for years. If not for a global pandemic, I'm not sure that I would be sitting here today. Still, I wonder if many in our state care to hold police accountable, which is why it's important to get this bill out of committee and placed on the floor before this session ends. In 2017, three officers in-- on the Omaha police force assisted in killing Zachary BearHeels but have been allowed back on the force. How does that happen? Just scroll on your social media and you will see countless videos of police force-- of the police force brutalizing individuals in our community. I had a friend that was legally observing that was subsequently arrested for illegally observing. How does that happen? I was tear-gassed during the initial protests this year. It wasn't pleasant. But I can also speak to other occasions where officers have hopped out of cars and just [INAUDIBLE] searched me or my friends for no reason. I also have permanent scars on my head from being assaulted by police. As a kid, our home was raided and I watched the police talk to my mother like she was less than human. I was also awakened with AR-15s in my face. I was nine years old and I still think about that. Police accountability is needed. Our state cannot sit on the sidelines while our country burns and does nothing, setting a precedent. Yes, time is limited in this session. But as a black man in America, my time has always been limited. We have an-- we have an overcrowding issue in our state. But I can't think of one officer that's currently in that population that's been held accountable for their actions. Police should be held to a higher standard and they are not, and it's sad. The police budget in Omaha since 2005 has ballooned 85 percent. We're spending more on police than poverty. My community has worsened since my childhood. But instead of addressing these issues, we're over-policed. The police

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budget has been risen to \$162 million, but they operate with no accountability. Vote yes on LB1222, move this bill out of committee, and get it passed on the floor. Police oversight is needed in this state right now. If you-- if you claim to say that black lives matter, you have to prove it as a legislator. Thank you. All power to the people.

**WAYNE:** Thank you, Terrell-- sorry, Mr. McKinney, I know you personally, so it's hard. Hold on-- hold on. Is there any questions? I do apologize for calling you by your first name. I just--

**TERRELL MCKINNEY:** Oh, yeah.

**WAYNE:** I know you very well, so I appreciate it. Next proponent. Welcome to your Urban Affairs Committee.

**BRIAN MOUM:** My name is Brian Moum, B-r-i-a-n M-o-u-m. So I paint a target on myself because I feel that it was-- it was what was needed at this time. I've been who I've been for a long time and I've been standing up for people for a long time, not my brothers, not my sisters, but as the recent events have happened, I've had to stand up. And at this-- what I want to talk about are the things I've seen that nobody, nobody's children should ever have to see. I saw friends of mine that are in here get shot at. I saw them get shot. I was shot. I've been tear-gassed five times. I was hit with a baton twice. The first time I was hit, I was sitting against a garage door with my hands up like this, saying I'm a peaceful protester. I can't repeat what he said. But he basically hit me in my side, told me to stand up and move. I wasn't moving fast enough for him, so he decided to hit me again. And then, without swearing, I walked through a ten-foot radius of tear gas, looked back at him and told him, I didn't speed up for you, I'm not speeding up for this, and continued to walk through that tear gas. I will stand and I will fight every one of you, all of you, even if that means I die, because this is very important. This is a very small step, but small steps are important. It's what we need. It's what we want. Listen to your people. Thank you.

**WAYNE:** Thank you, and thank you for coming today. Any questions from the committee? Seeing none, I appreciate you being here today and telling your story. Next proponent. How many people do we have left testifying? I'm just-- OK. Thank you. Welcome to your Urban Affairs.

**KACIE WARE:** Thank you. My name is Kacie Ware, K-a-c-i-e W-a-r-e. I'm testifying in favor of LB1222. I live in preg-- in Omaha. As you may have noticed when I walked up, I'm pregnant. And I've been unable to exercise my First Amendment right because I do not trust that law

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enforcement will enact-- enact violence against me, no matter the peacefulness or caution with which I protest. Beyond the once-in-a-lifetime fear of COVID, I want to protest the lifetimes of fears our community members have had about law enforcement. My fears in going out to the street are to be sprayed with tear gas or shot in the stomach with rubber bullets and I may lose my baby. And as we all know, so many people in Nebraska will champion rights of babies and talk about our pro-life state and the allow the friggin' LIFE Runners to have a booth in our lobby of our Capitol Building, for goodness' sake, but what you may not be aware of is tear gas may cause miscarriage. And we can't study pregnant bodies because that's unethical, but I can't go out on the streets safely to exercise my rights because I'm pregnant and I want to protect my family. The-- the few things that I want to get on the record is that I sought via-- via my participation and then online is that police officers seem to be comfortable with violations such as standing on the median or marching in the street all of a sudden, until at the end of the protest, when they seem to get bored and choose to escalate. There have been several situations when people have been trapped in, either in the Target parking lot or on the 480 bridge, that the tech-- the police are using a technique called "kettling" in which they trap participants in a confined area in order to try and control them, as opposed to encouraging people to police-- to peacefully disperse. When they are in a confined area, they're subjecting people to violence and not giving clear commands as to what to do or how to handle it. One of the things that is currently available to Omaha residents is filing complaints against the police department, but you have to have a badge number in order to do that. The riot gear does not display a badge number. And even if there were a badge number that will-- were plainly vis-- visible, if I were getting shot, like these people you've heard from, with pepper balls, I may or may not be able to record a badge number in making my complaint. And then finally, although it's not in my written testimony, I want to make sure it gets on the record. As you heard from Morgann and another individual that the Omaha Police Officer's Association complained about them publicly on their Facebook page, they've also done this to your colleague, Senator Tony Vargas, making similar false statements about the fact that he was lying about events and also showing that he was a-- a-- a threat to the police department. Sorry.

**WAYNE:** Thank you. And thank you for wrapping up. I appreciate it. Any questions from the committee? Seeing none, again, thank you for being here today. Next proponent. Welcome to your Urban Affairs Committee.

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**AMANDA BOONE:** Thank you. My name is Amanda Boone, A-m-a-n-d-a B-o-o-n-e. I'd like to first echo the sentiment of a lot of my fellow proponents that this is a great start, but please do continue to work. You have a lot more to do. I'm here today to support LB1222. However, I have some concerns over some sections of the bill. They are as follows. Section 5, the language of this bill states, "No person may serve on an oversight board who, at the time of appointment, during the term for which appointed, or at any time prior to such appointment, is or was affiliated with or employed by any law enforcement agency, department, or office of the city for which the oversight board was created or of the county in which the city is located." As currently written, this language leaves room for former law enforcement individuals to serve on an oversight board in a different city or county than the one in which they were employed. I'm not against an occasional law enforcement officer being involved with the oversight board; however, they should never make up the majority of the membership. Please amend this section to state that at no point shall this committee be comprised of a majority of individuals that are or were employed by any law enforcement agency, department, or office, period. Section 7, as currently written, the over-- the oversight board may dismiss a grievance or complaint without investigation when certain criteria are met; however, no notification will be sent to the complainant if the committee decides not to investigate. Please amend this bill to stipulate that if the committee does not investigate, a notification will be sent to the complainant informing them of the reasoning. Please also include a provision to allow the complainant a process of appeal which should-- should their complaint not be investigated by the oversight committee. Section 8, the section also needs to include a provision that shall-- that at no point shall the majority of dedicated staff investigators be comprised of individuals that are or were employed by any law enforcement agency, department, or office. And Section 11, please amend the list of recipients of the results of the investigation to include the complainant. Again, I am in support of this bill, but I do think it can be stronger if the listed amendments above are made. Thank you for your time and consideration.

**WAYNE:** Thank you for coming out. Any questions from the committee? Seeing none, thank you. I really appreciate it. Next proponent.

**MIKE LEE:** Thank you guys for letting us come before you. My name is Mike Lee, M-i-k-e L-e-e. So I come before the committee as an active citizen of Nebraska. I find it odd that we believe in accountability in most aspects of our lives. For example, we expect doctors to save lives and perform procedures correctly and responsibly. So why isn't

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it the same for the police? Police oversight shouldn't be seen as a burden, nor does it negate any good that police do. Instead, it should be seen as a tool to ensure that they live up to their simple motto to protect and serve, something that my community, specifically North Omaha, sees as them just being hypocrites. So I support the bill fully. I just wanted to say like these people are here for a reason, like a hurt dog hollers, like that makes sense to me, like why aren't we asking for people just to simply make sure that they're just doing their jobs correctly? You know, that's all that I have.

**WAYNE:** I appreciate it. Any questions from the committee? Seeing none, thank you for coming out today. Next proponent. Welcome to your Urban Affairs Committee.

**BIANCA SWIFT:** My name is Bianca Swift, B-i-a-n-c-a S-w-i-f-t, like quick, fast, in a hurry. I would first like to say that I'm very excited that bill has been suggested. Thank you so much, Senator Wayne. And though I believe this bill is not at all enough, I am also not one to ignore this for what it is, which is most certainly a step in the right direction. So my name, again, is Bianca Swift, and I'm a university student, as well as a member of the recently created policy committee headed at the Malone Center. As a community member and as someone who has been and, most likely, will continue to be discriminated-- discriminated against by the society at-large, and unfortunately by our governing systems and often sometimes by LPD, I think it is first important to state that my bias leans towards the community which I'm a part of and the people not here today, which I hope to protect. It is with this that I say that to the best of my knowledge, I'm not sure how an oversight committee can do anything but good things for Nebraska. Every good system needs checks and balances. That is how democracy works. And if you don't ensure that our police force answer to someone other than themselves, how can we expect them to work within-- with-- with, instead of against, the communities they are so often in? I have recently gone to a Hold the Cops Accountable meeting. These are held at the Malone Center. And the injustices that so many community members face made my skin crawl. I think possibly the worst part of it was this meeting went on for two hours and still people had more to say. It becomes interesting to me then how there does not seem to be a large record of discrimination or harm done within the LPD when it's so evident at those meetings. I honestly believe that if we want a community that is able to trust the police department, then we need the community to have a say in how they protect us. I can see no negative effect of this bill. No one is harmed by more oversight. If anything, I believe this would remove a lot of the animosity that has been building towards police officers

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and perhaps even take some of the weight off of our police officers if we have a committee that can speak for us and what the community believes it needs, I would like to entreat you to vote for the communities you are a part of, because they are begging to be heard. They've been quiet for so long. And I would like to leave you with a quote from Charles Chesnutt, an African-- a prominent African-- a prominent African American writer who wrote *The Marrow of Tradition*, who said there is time enough, but none to spare. Everyone's eyes are on you right now and the community is tired of waiting. Thank you very much.

**WAYNE:** Thank you. Any questions from the committee? Seeing none, thank you for coming today. Next proponent. I'm just going out to make the same announcement for emails and those kind of things because we're down to our last five or six testifiers on this side and it's [INAUDIBLE] so Senator Hunt will take over.

**HUNT:** Welcome to your Urban Affairs Committee.

**JEANNETTE EILEEN JONES-VAZANSKY:** Good afternoon. Thank you, Senator Justin Wayne and the members of the Urban Affairs Committee. My name is Jeannette Eileen Jones-Vazansky, J-e-a-n-n-e-t-t-e E-i-l-e-e-n J-o-n-e-s, hyphen, V-a-z-a-n-s-k-y. It is indeed a long name. It is my pleasure today to testify on behalf of the Lincoln alumni chapter of Delta Sigma Theta Sorority, Incorporated, in favor of LB1222, adopt the Municipal Police Oversight Act. For well over a century, the use of excess-- excessive force by law enforcement, specifically in matters involving black people, has created an environment of distrust and anxiety between the officials and the communities they have sworn to protect and serve. Over the short course of the 21st century, we have witnessed the killing of unarmed African Americans, most recently Breonna Taylor and George Floyd, by police officers. While these incidents did not happen in our state, they speak to the ways in which the policing of black bodies and the overpolicing of black communities can have fatal consequences. We have also seen, in the recent protests across the United States and in our own state of Nebraska, state-sanctioned violence aimed at peaceful stakeholder-- protesters from all backgrounds. And we heard from some of the youth and citizens who were involved in the protests this past weekend. These situations, taken together, underscore the need for stakeholders to join forces, to create strategies and support legislation that meaningfully addresses implicit bias in law enforcement and excessive use of force. As a chapter, we support our sorority's recommendation for the creation of a citizen review board. And we read over the legislation and we are in favor of it, believing that it is "a step" in the right

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direction; however, we have a couple of questions, and I'll just name three of them, if permitted. One, in terms of the makeup of the board, what are the specific criteria for becoming a board member? There's a lot about what you can't be or what you should not have. But what is the criteria? What is meant by cross-section demographically, given that the disproportionate contact between law enforcement and minoritized communities is often fatal or at least falls in the realm of police brutality and we have seen that across the nation? And then lastly, how will the mayor and the city council ensure that the board itself is truly representative-- representational of the diversity of a given city, whether that's Lincoln or Omaha? And so that-- in closing, I just want to say I agree with everyone. This is a step in the right direction, but there are still some questions that needs to be answered. Thank you.

**HUNT:** Thank you, Dr. Jones-Vazansky. Any questions from the committee? Seeing none, thank you so much for coming today.

**JEANNETTE EILEEN JONES-VAZANSKY:** Thank you.

**HUNT:** Next proponent. Welcome to your Urban Affairs Committee.

**SHAKUR ABDULLAH:** Good afternoon, committee. My name is Shakur Abdullah, S-h-a-k-u-r. I testify today on behalf--

**HUNT:** Please spell your last name for me, too.

**SHAKUR ABDULLAH:** A-b-d-u-l-l-a-h. I testify today on behalf of the Community Justice Center. It is headquartered here in Lincoln, Nebraska. It is a restorative justice public safety agency. The agency, the CJC, is in support of LB1222. You know, somebody mentioned tip of the iceberg. I believe that this is what this bill represents is a tip of the iceberg. From a science standpoint, they say that 25 percent of the iceberg is visible, that is the tip, but 75 percent of it is underwater, not seen. I think that's where we probably are as a country. We talk about accountability. Scattered throughout the ten prisons operated by the state of Nebraska is over 5,000 individuals. They have been seemingly held accountable. That is what this bill attempts to do, is to create some accountability. I think the bill's creation is really above and beyond that, really about perspective. I heard somebody mention that the police motto in many jurisdictions across the United States is to serve and protect. That becomes a matter of perspective. And communities that get that, that get to get service, that get the good protection, cries like defunding the police make absolutely no sense whatsoever. It's outside of their experience. In communities where they get no service, no protection, more like

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surveillance and punishment, a call for defunding the police makes all the sense in the world. People do not want to be dehumanized, demeaned, marginalized, and potentially, ultimately, killed and paid for through their tax dollars. I think one thing regarding the bill that needs to be looked at, in addition to the other things that have been mentioned, is just the composition of the committee. Why-- why can't these seven individuals be elected? If this is truly a citizen oversight board, then why shouldn't the citizens be electing those officials that comprise that board? Ultimately, if we look at things like being put in a washing machine, you put the water in, put the detergent in, put the dirty clothes in, and you expect the clothes to clean. The one major component in that washing machine that gets that job done is the agitator. Without the agitator, the clothes are not going to get clean. I would urge you to vote this bill out of committee. Thank you very much.

**WAYNE:** Thank you for coming, and I appreciate it. I know all the time I don't always get back to you right away on e-mail, but I-- I do read them, so I do appreciate it. Any questions from the committee? Seeing none, thank you again for coming. Next proponent. And as she's coming up, I want you to-- the committee to know there are probably an hour left of opponents. I made the announcement that I'm going to leave the record open. You can come up. I'm going to leave the record open if they fill out a blue testifier sheet. And because we don't have an overflow room, it's kind of uncomfortable. So if they turn in their blue sheet to the-- to the Red Coats, we're going to put it in a separate pile and they have until Monday-- I'm going to leave the record open-- to submit their testimony. That did disperse a couple more people out there, so we probably only got ten more proponents after that. So it's-- and we do have a lot of emails that you guys will be getting, so I do appreciate the community who's watching who sent in emails, rather than came down, because of the COVID. I do appreciate it. Thank you, ma'am. Go ahead.

**JANET GOODMAN BANKS:** My name is Pastor Janet Goodman Banks, P-a-s-t-o-r, Janet, J-a-n-e-t, Goodman, G-o-o-d-m-a-n, Banks, B-a-n-k-s. I am here in support of LB1222. Our country is at a crossroads regarding the culture of policing. Lincoln, Nebraska, is not exempt. Policing oversight, like body cameras, are a must to keep black and brown people safe while encountering police or in their custody. For far too long, we have witnessed the opposite regarding these demographics, which include, but are not limited to, unprofessionalism, brutal beatings, and even death. We are five times more likely to be racially profiled, given citations, or arrested by police than whites. This is wrong and I am here to say that police



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oversight is way overdue. The oversight needs to be-- needs to require access to all complaints made by people and an external board made up of citizens appointed by the mayor, working with police departments' internal affairs, not just separately, in order to bring about justice. I am here to state that Lady Justice must remove the blinders over her eyes which has led to many barriers that has promoted racism to exist in every police department across our city and nation. I say no more and respectfully ask that you advance this bill so that steps can start in the healing process and true justice can be had by all. Might I add that I know that the bill, some have stated that it needs to go further and that hopefully in the future it will. I think the future is now because qualified immunity needs to be on the table. I'll bring that elephant out. Qualified immunity needs to be on the table and it needs to be discussed now. I grew up during the Civil Rights Movement. So we're here now and I support all the youth. They've been doing a wonderful job here in Lincoln and in Omaha and really across the country. I'm not tired yet, though, and I'm not going nowhere.

**WAYNE:** We appreciate you being here. Thank you for what you do in the community. Any questions from the committee?

**JANET GOODMAN BANKS:** I have one. How many of you--

**WAYNE:** How do you get-- we're supposed to ask you questions  
[INAUDIBLE]

**JANET GOODMAN BANKS:** Oh. OK.

**WAYNE:** I'm-- I'm intrigued now. Go ahead.

**JANET GOODMAN BANKS:** OK. OK. Excuse me, Senator Wayne. This is my first time here.

**WAYNE:** You're fine, you're fine.

**JANET GOODMAN BANKS:** OK. I want to know from you all, how many of you have had that talk? You know the talk. I'm not talking about those ladies on CBS. With your children, with your grandchildren, your nieces, your nephews, how many of you here have had that talk?

**WAYNE:** We're going to count that as a rhetorical question, so I-- I really appreciate it. We-- we-- we're-- typically, we're the ones who ask questions. But I-- I appreciate the question.

**JANET GOODMAN BANKS:** Thank you all so much.

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**WAYNE:** Thank you. Next proponent. Welcome to your Urban Affairs Committee.

**PEYTON ZYLA:** Hello. Thank you for having me. My name is Peyton Zyla, P-e-y-t-o-n Z-y-l-a. I do want to apologize ahead of time in case I slip up or make any jumbles. This is my first time public speaking and I came here speaking extemp-- extemporaneously. I am a livestream community reporter off of social media, off of Facebook, and as well as I am a core organizer of ProBLAC. I'm here today to speak on my experiences as a media person in the protests in the last two months. From the very first night, when I did not expect to be streaming for thousands of people, I witnessed brutality at the hands of the police that I never thought that I would see here in Omaha or up in Omaha a day in my life. I was tear-gassed for the first time as-- as-- as pretty much-- as I'm pretty sure we all were for the first times in our lives, tear-gassed at least eight-- eight times, or at least I choked eight times that Friday night. Saturday night, Saturday evening wasn't any better. Police both nights came prepared to agitate. And that is something that each and every single one of us there knew. The police had no regard for our peacefulness. They did not care what we were there for. It seemed as though their intention was to only shut us down. Quite literally, an organizer from the first night's protest was literally told if-- they're going to be shut down. There were no ifs, ands, or buts about it, and their concern was traffic, as it always is, is traffic. And I just want to say the police have continued to act in the way they are because nobody has said anything to-- to stop them or say that it's wrong. In Omaha, our mayor has not done anything but support; our city council chose to do nothing but support. And it seems as though the Omaha Police union is its own gang with its hands on every single politician in our city. Oversight is desperately needed, especially in Omaha. It is out of control, all the Omaha Police. So I stand here to say thank you, Senators. Thank you, Senator Wayne, for proposing this bill. There are a lot of things that need to be tweaked with it, but I am happy that it is here. I'm happy that we are going to be voting on it. Thank you.

**WAYNE:** Thank you, and thank you for coming. Any questions from the committee? Seeing none, thank you for being here today. Next proponent. I usually don't see you in front of this committee. Welcome to your Urban Affairs.

**PAUL FEILMANN:** The things that I'm passing out are actually from the videos that I sent in the email. I don't know-- can I have a show of hands, anybody who's able to see the videos? If you get a chance, the-- these will outline the videos that I sent on the case that I'm

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discussing today. My name's Paul Feilmann, F-- as in Frank-- e-i-l-m-a-n-n. I'm a licensed mental health therapist, retired currently. And the-- the situation that I wanted to talk about today, I've given you a couple of handouts I'll talk through real quickly, but it has to do with a 23-year-old gentleman named Micah Taylor. He's currently serving 50 years in Nebraska State Penitentiary with a bullet residing in his spine, in the lower upper spine, because they can't get it out. He was involved in a traffic-- well, what-- the situation that occurred was-- I looked at a lot of the evidence in the case. What happened was he got caught up in a sting operation. The gang unit for Omaha Police set up a sting to try and sell marijuana to him or buy marijuana from him, which they did. And then they proceeded to follow him in a helicopter and a marked cruiser followed him down Interstate 75 and pulled him over there. And from there, you get to see what happened on the left, the packet on Micah Taylor. But before I go to that, I wanted to talk real quickly-- I gave you a comparison packet, and this is what I-- the oversight committee should be looking at, is these kinds of things, because in this situation two things could have easily happened. A police officer could have been killed. He came six inches from having his own unmarked police cruiser hitting his head, if you watch the videotape, that he could have easily been killed. And Micah Taylor has a bullet in the back of his neck and he could have easily been killed. So oversight requires accountability and gives feedback to the police. This textbook of a felony traffic stop shows exactly how a felony traffic stop is supposed to occur. It shows two police officers in tandem, in cars, staying back with their guns drawn, ordering commands for the individual to get out of the car. And then they were taken-- he's taken into custody. That's shown in the videotape and also here. Micah Taylor case shows what happened. A single police officer stopped him, even though he had felony warrants which warranted a felony traffic stop, so you should take all those precautions. He did not. He proceeded to talk to the-- to the individual at his window, got into an argument with him, got mad at him, because you can hear it on the-- on the dash cam, and then he proceeded to go into the vehicle and try and rip him out of the vehicle to make an arrest. He fell back out of the vehicle, lost his balance and reached into his-- reached for his revolver and fired three shots, two as he fell backwards away from the car, as the car took off, and one of the rounds went through the back of the headrest, which you can see in the video. It went through the back of the headrest and into his neck. So what I-- what I don't understand is why the procedures were not followed for a felony traffic stop. And-- and the feedback that that would provide, an oversight committee would provide that feedback to the police department and maybe for other officers may not fall into that circumstance. So thank you.

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**WAYNE:** Thank you. Any questions from the committee?

**PAUL FEILMANN:** I encourage you to watch the videos. They're very telling in terms of the risks to both officers and the public if procedures aren't followed. Thank you.

**WAYNE:** Thank you for being here today. Next proponent.

**SPIKE EICKHOLT:** She's already got my light on today.

**WAYNE:** Yeah, we-- we're trying to cut you off a little bit.

**SPIKE EICKHOLT:** That's right. Good afternoon, Chairman Wayne and members of the Urban Affairs 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, in support of LB1222. You know, I've testified, not so much in front of this committee but in front of you many times on different bills, and the last time I was here testifying during the committee hearings that we had in January and February. And really, since we've had our recess, what's happened since the death of George Floyd is that there has been widespread, sustained, and persistent demands for police reform and police accountability. And that's really eclipsed many of the issues that I was last here testifying in committees on. You've heard a whole variety of different issues that people have been asking about. And the protests have been focused and they've been consistent on these issues. One is funding of police. Another issue is use of force of police. Another issue that someone mentioned today is qualified immunity for police officers, school resource officers in schools where there's police training. But one of the components that people have talked about is civilian oversight over police departments. And like Marshall Lux explained in his editorial, in many respects, that is a very good systematic change in the sense that it will create a dedicated vehicle, if you will, to provide for civilian oversight and civilian accountability of police departments. And this model act that Senator Wayne drafted is very good. And we do have a civilian accountability-type board in Lincoln and Omaha. But if you compare those boards with what's in this act, I think you'll see that this is far superior. First, this act provides for independence of the board in the sense that it is appointed by the mayor, approved by a city council. But the board acts independently of the police department and somewhat independently of the other agency, the city board. Additionally, this also has some independence or some investigative authority that can investigate and look at claims. What you have in both Lincoln and Omaha is you have a complaint is filed. The police officer will deny it. Both of those boards have very limited access to

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any kind of police reports. They have no ability to compel witnesses or question witnesses or do their own research. You also have transparency with this act in the sense that the meetings that the board has are public. The records they produce are public records. And you don't have that in Lincoln and Omaha. Couple of things to answer what Senator Lowe asked somebody earlier, I think, Senator Wayne. What about the civilian oversight that city councils presumably have? And we do have, at least at this point, in theory at least, we have civilian oversight of the police. We don't live in a police state. I think because you see the sustained protests, what we have now is not sufficient. Because you have people showing up here today testifying, demanding change, whatever we have now, the apparatus isn't working. And more importantly, I think it would show to the people who are demanding a response that you are going to dedicate a civilian group or part of a government agency to actually look at this and focus on it on a full-time basis, so urge you to consider this bill or something very similar to it.

**WAYNE:** Any questions from the committee? Senator Lowe, then to follow by Senator Briese.

**LOWE:** Thank you. And thank you, Mr. Eickholt, for coming today. One lady brought up having an elected board as opposed to an appointed. What are your-- your views on that?

**SPIKE EICKHOLT:** I think that's a good point. I think you ought to look at the members, whether-- how they're elect-- how they're selected, either by election or if they are appointed, perhaps to make sure that the members who are appointed are responsive to those people who are demanding change, and by sense-- by those people, I mean young people. I mean, you see just so many young people. This is a new generation, people I'd never recognize or-- and I'm involved in advocacy-type circles, and so I'm like, many of the people who have come to the forefront, both here in Nebraska and nationally, are younger people. I think having people of color on the board is also very important because I think those two demographics, the younger people and people of color, are more likely subject to sort of the business end of policing in this country.

**LOWE:** Also, if-- if a board is appointed, what will be the difference if the people don't agree with the board's view on that also?

**SPIKE EICKHOLT:** Well, if they are, according to-- if they are appointed by the mayor, they have to be approved by the city council or some sort of city or village board or some similar thing. Those things are public. People can testify, for or against. Just like any

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kind of confirmation hearing, people from the community can come and testify, for or against, possible appointees, so you-- at least they have that check. And maybe it would be better to have an elected-type board. Either way, you want to have something that is responsive and accountable to-- to the community.

**LOWE:** Thank you.

**WAYNE:** Senator Briese.

**BRIESE:** Thank you, Chairman Wayne. Thank you for your testimony. We've heard a lot of stories or a lot of concerns about what's going on in Lincoln and Omaha. Do you have an opinion as to the need or usefulness of what we're talking about here in outstate Nebraska?

**SPIKE EICKHOLT:** I think Senator Wayne mentioned this in his opening. I mean, you have some-- I just think of like-- I think Broken Bow might have a police department, but I don't think they have seven members on it. Right? So you-- you might not want to have either some sort of maybe exception or accountability for those smaller police departments across the state. I think that's probably a valid concern. What you could have, perhaps, is perhaps some sort of district, if you will, for some of those other cities where you have a board, a civilian board, either sort of-- to have some sort of oversight over a portion of the state instead of the individual community. I think that would make some sense.

**BRIESE:** OK. Thank you.

**WAYNE:** Any other questions from the committee?

**CRAWFORD:** I have one.

**WAYNE:** Senator Crawford.

**CRAWFORD:** Thank you, Chairman Wayne. And thank you, Mr. Eickholt, for being here today. One of the concerns that we've heard raised multiple times is a concern about the training of people who would be on this board. And so I wondered if-- I know you've done quite a bit of work in oversight and investigation, so I just wondered if you have any thoughts about the necessity of training or the kind of training that might need to be required.

**SPIKE EICKHOLT:** Yeah, I heard that criticism. My first response is, and I don't mean to be disrespectful, but when you were elected to this post, sometimes you're dealing with subject matters you just

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don't know. Right? I mean, that's sort of the nature of a democratic system. You have people who are-- are sort of put in positions of power that may not necessarily have the expertise for what you're governing over. That's-- that's not unique. That's not unusual at all in appointed or elected government. That's one response. One thing I noticed. I went to one public meeting at the Lincoln civ-- civilian-- or Citizen Police Advisory Board, and I wasn't there for this earlier meeting, but they clearly had had some sort of event or meeting where the chief of police and some of his-- some of his people who work with him-- he explained to their board basic police practices, certain restraint holds and that kind of thing. And I could tell that the-- the CPAB, the Lincoln board, that they gained perhaps an appreciation, if you will, or at least an understanding, maybe, why police would do that. And in some respects, that might be good. In other words, having a civilian oversight board does not necessarily mean it's always going to be constantly criticizing police. I mean, that's not what you have. What you have is you make sure that you don't have this entrenched, self-serving, self-protective system with your police force; you can have a civilian check. So that's one thing. I think there'd be a learning process and I think that would be appropriate to do, just like you have when you've been serving here for eight years.

**CRAWFORD:** Thank you.

**WAYNE:** Any other questions from the committee? Seeing none, thank you for coming today.

**SPIKE EICKHOLT:** Thanks.

**WAYNE:** Was that the last proponent? All right. We'll ask the proponents to please step out as we let the opponents come in. Colleagues, I'm going to make the same announcement, not to see if I can get more people [INAUDIBLE].

[BREAK]

**WAYNE:** [RECORDER MALFUNCTION] everybody's on the same page. Were you all watching at all when I made the general announcements of how this is going to work? I'm looking to see if anybody's shaking their head no. So you'll have three minutes: the green, yellow, and red. I will ask you to wrap up on your red. You are allowed to leave, but once you leave, you're not allowed to come back due to social distancing. We are doing an hour-- an hour, roughly; 20, 21 people is kind of how we're doing it. Although I introduced the bill, I'm not sitting there because of COVID and we'll just kind of go from there. And first proponent--

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\_\_\_\_\_ : Opponent.

**WAYNE:** Oh, opponent, sorry. We are on opponents now. First opponent. No wonder why nobody got up. Welcome to your Urban Affairs Committee,

**ROBERT KLOTZ:** Am I on?

**WAYNE:** Yes, sir. Please spell your-- spell your name for the record.

**ROBERT KLOTZ:** Robert Klotz, R-o-b-e-r-t K-l-o-t-z, 600 West Broadview Drive, Lincoln, Nebraska. I would suggest that this bill be ignored for this year. There's too much involved in it for it to be effectively put together and do justice for the state of Nebraska. I'd rather see that the cities be left to do things their own way. They know their own communities. And maybe you could suggest things for them to do, but to start a new bureaucracy, which costs money and they never turn out well, I don't see that as a good thing. I probably spent 40 hours of researching this problem, and I didn't even read my emails, and I-- I saw systemic racism by police as one of the issues. But yet what is systemic racism? If I get picked up, it's not racism. If I'm black, it is racism. And so there needs to be a scientific look at what is systemic racism. What happened in Nebraska cities was rather interesting, 34 cities [INAUDIBLE] affected. I think there was three that had riots, all on the east side, and that begged the question of-- in my mind-- was there a coordinated violence here coming into Omaha so they could spread out to Lincoln, back to Omaha, and up to South Sioux City? Grand Island had 300 protesters and no problems there, and Grand Island is over twice as big as South Sioux City. So I see the violence as a problem. I wondered why there was violence. And I-- I looked at things like universities and how they affect us and what they say and do, and it was kind of interesting. It's all in my report there, if you want to read it. I looked at how they view racism. I also looked at Marxism, how that plays into it, and I thought that was rather interesting, came up with some conclusions. But before I say that, I talked to some police and they said they would quit if this bill goes through as is, because they would feel like they would be opening their family up to a lot of looking into their lives, as well. Even though they thought about quitting because of the riots, they said they chose to serve these communities. So I'd hate to see this wind up as a left-handed way of getting rid of the police departments because they're just all going to quit and then we have this bureaucracy. Small cities neither need your help in this matter, nor necessarily want it, was one conclusion. There is a systemic perception that there is systemic racism, not necessarily evidence for sys-- systemic racism. The peaceful



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protesters-- I see I'm out of time, which is OK. If you're interested, just read the thing.

**WAYNE:** I appreciate you respecting the clock. Any questions from the committee? Thank you for coming today. Next proponent. Welcome, Mayor Stothert, to your Urban Affairs Committee. In between, just everybody knows, they are going to clean off and wipe down, so kind of walk slowly as you come up.

**JEAN STOTHERT:** Good afternoon, Senators. Jean Stothert, J-e-a-n S-t-o-t-h-e-r-t, 1819 Farnam. I'm the mayor of the city of Omaha. This summer we are witnessing protests demanding police reform. We are listening and we are responding. Meaningful change requires action. In Omaha, we have already announced a series of initial actions to revise Omaha Police Department policies, require additional training, and strengthen our process for citizen complaints. We do not believe the Municipal Police Oversight Act is a meaningful change. In Omaha, I have created the Citizen Complaint Review Board by executive order in 2014. It provides a process for an independent review of complaints against officers after an investigation by the chief of police. Citizens who file those complaints can appeal for a review of the chief's disciplinary actions if they are not satisfied with his conclusions. This board operates independently and confidentially. We agree, however, with suggestions that the results of the board's reviews should be more transparent. This month, I revised the executive order. Citizens can now make a complaint against an officer directly to the CCRB, and the board will produce an annual report to the public, beginning this year. The Omaha Police Department follows best practices that have been established throughout the country. OPD is accredited by CALEA, which is the Commission for Accreditation for Law Enforcement Agencies, and has repeatedly earned this national honor and recognition since 2002. Only 10 percent of the police agencies in the United States are accredited by CALEA. My goal as mayor is to make a good police department even better. So how do we do that? Training, accountability, transparency, strong leadership, and community partners. For example, through a partnership with Lutheran Family Services, we have now a mental health co-responder program which embeds a licensed mental health professional in each of our five police precincts. These professionals respond to 911 calls with officers when members of our community are in crisis or suffer from chronic-- chronic mental illness. The goal is to divert people from jail or emergency protective custody when their needs can be better and more appropriately met in the community. Our police officers coach youth soccer, baseball, flag football in the PACE athletic program. They know that-- they donate basketballs and hoops to the neighborhood

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kids in Operation NETS program. These programs build relationships and community trust in our police department and in Chief Schmaderer. Chief Schmaderer is a highly respected leader. He is fair, knowledgeable, no-nonsense, forward-thinking police chief, and he is accountable to our community and he is accountable to me. LB1222 creates a citizen board that is accountable to no one. It threatens the privacy of citizens who have been victims of crime and diminishes the authority of mayors and city councils who the voters hold us accountable for the decisions and actions of our police chiefs and the departments that all report to us. A well-respected police department that performs at a high level must be fair to its officers and must be fair to the citizens that it serves.

**WAYNE:** Your--

**JEAN STOTHERT:** I support local control and local solutions and not this statewide mandate.

**WAYNE:** Thank you.

**JEAN STOTHERT:** You bet.

**WAYNE:** Any questions from the committee? Senator Crawford--

**CRAWFORD:** Thank you, Chairman--

**WAYNE:** --followed by Senator Hunt.

**CRAWFORD:** Thank you, Chairman Wayne, and thank you, Mayor, for being here today. I appreciate that. You said that you have made changes now so that citizens can make a complaint directly to this citizen committee.

**JEAN STOTHERT:** Correct.

**CRAWFORD:** Can you just tell us a little bit about what happens after a citizen makes a complaint?

**JEAN STOTHERT:** Sure. The Citizen Complaint Review Board was established, like I said, in 2014. There was a lot of talk whether we should have a police auditor or a review board. I felt very strongly a review board made up of citizens, rather than one person, would suit it the best. How the policy has been in the past, if someone had a complaint against an officer, whatever it may be, it is filed directly with the chief of police and internal affairs. Then, when he comes back with his decision and his discipline, he sends a letter to the complainant and describes what his disciplinary action is. In that

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same letter, he puts in there, if you do not agree or you have an issue basically with what my decision is, you have the right to appeal it to the Citizen Complaint Review Board. The issue with that is that most, the majority of people that were the complainants, were satisfied with what the chief's decision were, so therefore, the Citizen Complaint Review Board never saw all of the complaints that were filed. This way, they can file directly. They could see every one of them. Now they-- to do the investigation, it would go to internal affairs, like it is now, because those are the experts at doing investigations. They would give their results to Chief Schmaderer and then he would come back, as before, with the disciplinary action or whatever his decision might be. So this just gives them the ability to see every one of those complaints coming in. The other thing I asked them to do is every year-- although they give a report to me, I'm going to ask them now, starting this year, to give a report to the community and tell-- talk about every one of the issues that they examined and what their results were.

**CRAWFORD:** Thank you.

**JEAN STOTHERT:** You're welcome.

**WAYNE:** Any other-- Senator Hunt.

**HUNT:** Thank you, Chairman Wayne. Thanks for being here, Mayor Stothert.

**JEAN STOTHERT:** You bet.

**HUNT:** Nice to see you in Lincoln.

**JEAN STOTHERT:** Good to see you.

**HUNT:** I like the citizen oversight-- Citizen Complaint Review Board. I think that was a good move to do that. How many people are on that board now?

**JEAN STOTHERT:** Well, we-- we just-- well, I just changed the executive order a little while ago because we have one for each police precinct and we added a fifth police precinct last year, so there are five and one alternate.

**HUNT:** OK. In 2016, I know that four of the members, which is all the members at the time, resigned because-- well, they said because they felt like they had a lack of authority to address any of the claims. And you've said in your testimony today that you've done some things

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to address accountability. What are some of those things, and will-- will these changes to the board allow them to have any investigatory authority or-- or what are those changes like exactly?

**JEAN STOTHERT:** They-- the-- the board itself, the-- the original one that you mentioned that quite a few of them resigned, one of the main reasons were, and this is probably a good thing for Omaha, is they weren't busy enough because we really do not in Omaha get a lot of complaints filed against our officers, so they did not have a lot of complaints to review. For example, last year, they only had three. There were only three that the complainant appealed to the Citizen Complaint Review Board. This year, so far, there has been five. So they just didn't feel like that they were busy enough, is one of the reasons, too. Now, like I said before, to give them more transparency is-- I wanted to make sure that they saw every complaint come across. Sometimes I feel like that people are maybe hesitant to file directly with the chief of police or the internal affairs but might feel much more comfortable to-- to file directly with a group of citizens. Now did I answer your question or was there one more part of it?

**HUNT:** I was like writing as you were talking, so trying to read my own writing here. I was asking about how-- how the changes that you're making to the-- to the Citizen Complaint Review Board will allow for any investigatory authority or anything.

**JEAN STOTHERT:** Yeah. When they-- if-- if it's appealed to the Citizen Complaint Review Board, that-- that board has all of the information and can get all of the information that internal affairs had.

**HUNT:** OK.

**JEAN STOTHERT:** So they get everything the chief is saying. They get everything internal affairs has-- has-- has seen, testimony, videos-- you know, anything at all that the internal affairs use to investigate it and the chief use to make his decision, they can have access to all of that.

**HUNT:** Are the meetings of this board-- are they public?

**JEAN STOTHERT:** No, they're-- as I said earlier, they are confidential, these meetings, you know, because a lot of the things that they are investigating could violate our labor union contract, for example. We want to make sure that the rights of the officers are protected too.

**HUNT:** Does this board ever issue reports?

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**JEAN STOTHERT:** And I asked them to start doing that this year.

**HUNT:** OK.

**JEAN STOTHERT:** They will do it this year. I asked them to do a report to the public every year and their recommendations, too. And some of the recommendations that they have made to change police policy, the chief has acted on and did change the policy.

**HUNT:** So another question is, I know you re-- you removed somebody from your LGBTQ advisory committee this year.

**JEAN STOTHERT:** Um-hum.

**HUNT:** Are there any measures in place that prevent you from removing somebody from the Citizen Complaint Review Board if they express an opinion that's critical of police, for example, or do they all serve at the pleasure of the mayor?

**JEAN STOTHERT:** If-- it depends on what type of board it is. I appoint about 65 boards and commissions. If it is created by executive order, the mayor appoints and the mayor has the ability to terminate. This-- this was appointed by executive order, this one. But they also make their-- I let each board that I do by executive order create their own bylaws and their own rules and regulations. I do not give any oversight to these committees. I want them to be independent from me. And so I-- that's-- that's-- that's why I wanted it to be very independent, that I don't have any influence over them.

**HUNT:** OK. I have questions for the police, too, so I'm trying to think if I want to ask them to you. Would you know about how much money in overtime the city has spent on-- on police attending and managing these protests?

**JEAN STOTHERT:** Yes, about \$2.5 million.

**HUNT:** OK.

**JEAN STOTHERT:** And, you know, one of the cost-saving measures I put into place due to COVID, because city of Omaha has a-- a enormous revenue shortfall now in our 2020 budget that I'm responsible for. balancing out by the end of the year-- one of the cost-saving measures is I asked the police to reduce as much overtime as they could, and also the-- the fire department as much call-back time, which is their overtime. And then when the protests happened, we had calculated already at least \$2.5 million worth of overtime, which I have to pay.

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So-- so the cost-saving measures that I've put in are pretty dynamic. They've changed.

**HUNT:** OK. And how many-- how many settlements has the city had in the last year or so for police brutality claims or-- or just claims against police that the city had to pay out?

**JEAN STOTHERT:** You know, I would have to get that information.

**HUNT:** OK.

**JEAN STOTHERT:** I don't have that at the tip of my tongue.

**HUNT:** OK.

**JEAN STOTHERT:** But there are very few complaints in Omaha about excessive force and about our police department, our police officers.

**HUNT:** Well, that's something that is interesting to me, because given, I mean, the stacks and stacks of complaints that I have from protesters, especially over the last weekend, that there's only five complaints. It actually raises for me perhaps the need for a board like this. And maybe this bill isn't ideal and it's not in its final form and it's something we can work on over the interim. But, I mean, I've had more than five complaints today.

**JEAN STOTHERT:** Let me clarify, five complaints so far this year that were referred to the CCRB for an appeal.

**HUNT:** OK. OK. All right. Thank you very much.

**JEAN STOTHERT:** Um-hum, yeah.

**WAYNE:** Any other questions from the committee? So those who are watching at home or in offices are probably wondering why I'm not going to ask the mayor questions. We have rules and traditions in this body that the Chairman is not even supposed to chair the committee. And although this is a very important issue and there are tons of questions I want to ask, the long-term benefit of respecting this body is more important than me right now trying to ask questions that, at the end of the day, are going to come out when this bill moves forward either way. As far as the committee makeup of the citizen review board, how things are done, issues that I may have and she may have with the bill; all that will be discussed. But I think it's important for transparency of people who are watching to understand why there isn't a dialogue that's going to happen, although I have tons of questions or ideas. But I think the community needs to know that

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because not a lot participate who are probably watching this, who maybe haven't participated before. So any other questions from the committee? Thank you for coming today.

**JEAN STOTHERT:** You're welcome. Thank you.

**WAYNE:** And for those who know me, for the record, that was very hard to say. Welcome to your Urban Affairs Committee.

**TODD SCHMADERER:** Thank you, everyone. Todd Schmaderer, S-c-h-m-a-d-e-r-e-r, Omaha Police Chief, 505 South 15th Street, Omaha, Nebraska. So good afternoon, and I appear with great respect for this committee. There's going to be a lot of speakers that follow me and they will, no-- no doubt, address some legal concerns, some unintended consequences, a one-plan-does-not-fit-all type of thought process. There will be some practicality limitations, I'm sure they'll get into, in an unfunded mandate. For Omaha, it's over \$1 million associated with LB122. [SIC] I also appreciate and realize it's possible LB120-- LB1222 was designed to get the conversation started. So as such, I want to focus on best practices for police accountability and oversight. As chief, I am a strong, strong proponent of civilian oversight and accountability. It's a tie that we must have with our community. The clearest way for a company or a police department to fail is if the-- is if the CEO or the chief did not have the ability to levy discipline and direct the culture of an agency. The Municipal Police Oversight Act undermines the authority of the chief of police. We're-- we're not even mentioned in the bill. The chief of police or any CEO is ultimately responsible for the direction of all employees and activities. To usurp that ability will have negative consequences. There needs to be a singular, dedicated leader to set a tone. The most effective ways to have oversight is to empower the chief but put a massive spotlight on that chief's decisions through civilian oversight. I feel the Municipal Police Oversight Act misses this fundamental tenet. Experts in the area of police oversight and accountability will cite what I just said, and we have some of the foremost experts in the country in police oversight with the University of Nebraska at Omaha, some currently working, some professor emeritus. So as my time dwindles down, I want to segue into quality of work. When we're investigating an officer-involved shooting, double-digit detectives, with a vast amount of experience, who-- who know how to prepare-- have courtroom-ready investigations, go into that. So I'm-- I'm concerned. I'm concerned with that technical aspect of forensics, interview and interrogation, knowing the rules and laws to prepare for courtroom testimony. I have great concerns that a newly formed group of civilians can-- can pull that

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off effectively, and it may not hit our high standards. So I will close here because I feel my time is dwindling down. When you see that yellow light, you start to-- start to kind of prepare yourself. So I'll-- I'll end this with, you know, a conversation is started here and I'm here to answer questions.

**WAYNE:** Thank you for coming today. And thank you for being respectful of the time. Questions? Senator Arch.

**ARCH:** Thank you. One-- one-- one of the things that we hear at times is-- is perhaps the difficulty of disciplining or terminating an officer after incidents. Can you-- could you respond to that, please?

**TODD SCHMADERER:** Sure. So once discipline is levied, if it's a reprimand or higher, it can be appealed to a-- to an arbitration. And once it goes to the arbitration, there's-- there's been some high-profile cases in Omaha in which the officers have gotten their jobs back. There's also been some cases that haven't reached the forefront of the public's eye in which the officers did not get their jobs back. I-- I will say this, as chief of police: When-- when you make a decision and it-- and it gets overturned somewhere down the road, it does distract from how you're attempting to form a culture within an agency. But that would be outside of the-- the-- the scope of this particular bill. Thank you for that question.

**ARCH:** Thank you.

**WAYNE:** Senator Crawford.

**CRAWFORD:** Thank you, Chairman. And thank you, Chief, for being here today. So what I heard you say is that best practice is to empower the chief and then put a lot of public spotlight on the chief's activities.

**TODD SCHMADERER:** Right.

**CRAWFORD:** So could you explain what spotlight you currently have and perhaps what we could do in that direction in terms of adding accountability?

**TODD SCHMADERER:** Right. Well, first of all, as chief, I realize that there are some rules and procedures in place that-- that make-- make things, how should I say, not as available as we would like it to be. So I try to be transparent within the rules as much as possible. And that can be done. You just have to be cognizant of that as chief. And then once your decision is reviewed, not all decisions of controversy



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will go to the Citizens Complaint Review Board. But let's, in this instance, use that as an example. When it goes there, they have an opportunity to review everything they want to see. And if they have questions or want to address anything further, they can. And I think this is probably a good time for me to talk about subpoena power. Subpoena power is something you hear a lot about when it-- when you hear about police accountability boards, and that-- what that would be is you'd issue a legal document and force somebody to compel testimony. So let's say you issue a subpoena, then, a week later, you'll hear from that officer. The chief of police has ultimate subpoena power. Once-- once I issue a 20-- the need to talk to an officer, they've got a 24-hour period that I have to give them. Once they get inside internal affairs, they have to answer my questions. They have to turn over any property that I want them to. They have to do what I ask them to. Otherwise, they-- they face termination of their employment. So the chief has ultimate subpoena power. And the best way to manage police oversight is empower the chief of police, hold them accountable, ask them to be public, and have a strong civilian review board look at their work and vet it.

**CRAWFORD:** Thank you.

**WAYNE:** Any other questions? Senator Hunt.

**HUNT:** Thank you, Chairman Wayne. Thank you for being here, Chief Schmaderer.

**TODD SCHMADERER:** Thank you.

**HUNT:** I want to ask about the culture, because I do think that this type of bill is part of a package and part of a bigger picture that is a response from lawmakers to citizens who are saying that we do want to change the culture of law enforcement a little bit. How-- how many officers-- and you said that-- that there have been high-profile cases where officers have been fired or disciplined, and then there's been cases that didn't come so much into the news. How many officers have been fired-- fired in the last year for misconduct?

**TODD SCHMADERER:** It's hard-- it's hard for me to say right here and now, but I-- because you're-- you also have situations where they will leave in lieu of retirement-- resignation, retirement, etcetera. And I-- I look back on my time as chief and-- and I'm just giving a rough ballpark of probably 30 or more. So let-- let me-- we have 902 officers in the Omaha Police Department, and there is a large push across this country to reform police departments; there really is. But there's a lot of distinctions between the Omaha Police Department and

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the Minneapolis Police Department, a whole host of distinctions. And-- and prior to the-- the protest-- or prior to the despicable event that occurred in Minneapolis, the Omaha Police Department was highly regarded. So we really need to-- we really need to-- the attention is the details. We really need to take what's going on nationally and then apply it to what's going on locally, because there's going to be a lot of things that-- that are wanted and desired that you hear from the protests that we already do. And then there are some things that you would expect us to look at and make some changes on, and we've done that. And then there will be some things, moving forward as a progressive law enforcement agency, that I think we need to address this further and constantly review and improve some things that we do. Some of them have played out recently. All of this is an evolving process. But the Omaha Police Department has-- has worked very hard to gain the community's trust, and we feel we have. And I'll be honest with you, I feel the officers work harder because they-- they want to-- they want to help the community. They've been good to us.

**HUNT:** When you say that the officers sometimes resign instead of being fired,--

**TODD SCHMADERER:** Um-hum.

**HUNT:** --do they get to keep their-- their taxpayer pension?

**TODD SCHMADERER:** Well, it-- it depends on where they are on the, the grading scale, how many years they got on.

**HUNT:** Yeah.

**TODD SCHMADERER:** But anytime-- once you put your time in, you get that, whether I terminated you or you resigned. And so that's that. But if you don't have your time in, you-- you retire and you leave in lieu of termination, so you--

**HUNT:** How--

**TODD SCHMADERER:** --you forfeit it.

**HUNT:** What year did you become police chief?

**TODD SCHMADERER:** Been police chief since August 2012, so I'm coming up on eight years.

**HUNT:** OK.

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**TODD SCHMADERER:** And, Senator, I-- I do want to say on all-- all measures, all metrics, from re-- from reduction of crime to increase in diversity to decrease in-- in complaints, we-- now we've had a pretty good uptick here recently-- all metrics associated with the Omaha Police Department are going to-- are going to be very positive. And they've been well "chronolized" and well-- well talked about in the World-Herald, well talked about in the community. There was an epidemic of shootings that we had in our city in 2012. We're not faced with that any longer. And a lot of that is this-- the community and the police departments work together to get that done. So those aren't necessarily our stats; they're the community's stats.

**HUNT:** A lot of-- a lot of citizen complaints do kind of get back to the issue of culture in a-- in any organization, certainly in law enforcement.

**TODD SCHMADERER:** Right.

**HUNT:** And, you know, since you've been chief since 2012, you know about this case from 2013, which was this year brought up again in the World-Herald, happened in January.

**TODD SCHMADERER:** Which one? Which one was that?

**HUNT:** Well, I'll read. It says: In 2013, a white Omaha Police sergeant was part of a crew that was training a rookie patrol officer, a black woman. In a police assembly room, in front of the woman and other officers, the sergeant used a racial epithet to describe his police baton. He referred to the billy club as an "n-word" knocker, and he got--

**TODD SCHMADERER:** Yeah, I do remember-- I do recall--

**HUNT:** Let me-- let me continue. He got a ten-day suspension and eventually a demotion. So a sergeant in uniform says to a black trainee that his baton is an "n-word" bopper [SIC]. He was demoted. He kept his pension, funded by taxpayers. Do you agree with that decision or do you think he should have been fired?

**TODD SCHMADERER:** Well, there are-- there are certain elements of that that you're unaware of. Don't presume to know everything based on a few sentences you read there. There's some other elements to that that-- that played into that decision, but a demotion is a fairly significant event. And within an Omaha Police Department, I can only think of two or three other times that that's occurred. And as I said earlier, probably over 30, maybe more, would have to-- I'd love-- now

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I'm going to actually go back and check that data now-- has occurred ever since I've been chief. I would- I would challenge anybody to check my record on that front.

**HUNT:** What-- so you've said you-- you must perceive a problem because you've talked about reforms and-- and, you know, what works for one city doesn't necessarily work for Omaha, and what works for other states won't work for Nebraska.

**TODD SCHMADERER:** Right.

**HUNT:** It has to be locally focused. What concrete reforms do you support besides, you know, more punitive reforms or more-- more funding for police, like what concrete reforms do you see--

**TODD SCHMADERER:** Right.

**HUNT:** --would be helpful?

**TODD SCHMADERER:** So I think-- I think you can categorize my testimony around the fact that I do think it's very important that you have police oversight. It's that-- it's that necessary tie that we have to have with the community. It really is. And what I'm asking is look at the Omaha Police Department differently than you would look at Minneapolis, just like I-- you wouldn't expect me to look at this board and compare you to one-- a board of my choosing. You're a unique entity. And we're unique states and unique-- unique sets of culture. So as chief, I support progressive reform on so many levels and I-- you're not from Omaha, are you, or are you?

**HUNT:** I'm from Blair, but I've lived in--

**TODD SCHMADERER:** Oh, you're from Blair? OK.

**HUNT:** I've lived in Omaha since I was 18.

**TODD SCHMADERER:** Do you get the-- do you get the World-Herald?

**HUNT:** I do.

**TODD SCHMADERER:** OK, so you probably have seen a lot of our reforms that have taken place over the years. One of the-- one of the reforms is the Citizen Complaint Review Board. And if you would-- if you would indulge me for a minute, I've been very transparent as chief. My style is to get out in front and say what's occurred, and I think I have a track record of doing that. And you're going to have to do that as a CEO and chief of police in this-- in this day and age. No longer are

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you able to be a chief of police and decide who works in the burglary unit and who works in the robbery unit. You now have to be out in front of half a million people, like there is in Omaha, and be transparent and hold your people accountable as much as possible.

**HUNT:** But the question isn't about what have you done. The question is about-- and if you could answer briefly so we can--

**TODD SCHMADERER:** Sure.

**HUNT:** --get to everybody else-- what concrete reforms do you support that we could bring here in the Legislature to keep our people safe in Nebraska?

**TODD SCHMADERER:** Sure. I think if-- we can go to the drawing board and put together some type of board with civilian oversight that can be workable. Like I said, that's-- that's-- that's the big thing. You got to have a Civilian Complaint Review Board, and very few cities probably have that. Omaha does. but we're talking about a State Legislature here and there's going to be-- police oversight is essential. Make no mistake, when I say this was a conversation starter, the author of this bill knew that it was going to start a conversation. I appreciate that.

**HUNT:** OK. Thank you very much, Chief.

**WAYNE:** Senator Briese.

**BRIESE:** Thank you, Chairman Wayne. Thank you for your testimony, Chief. How-- how does the rate of citizen complaints against OPD compare to the rate in other similarly sized departments across the country?

**TODD SCHMADERER:** Right. So first of all, let me-- let me talk about a progression. The Omaha Police Department's number of complaints have declined over the years. It used to be over 100 citi-- citizen complaints a year. We've declined sequentially. But you got to look at complaints, just not as the number of complaints that go to the agency, because complaints can be taken different places. How much-- how much does the NAACP bring to me? How much does the ACLU? How much does the members of our city council? How much do our community leaders bring to the chief of police? You have to consider those, as well. And so when I talk about stats, I will always query, are you receiving complaints as well, because oftentimes-- oftentimes there is a fear to come to the police department and file a complaint. So you can go to a community member; they can get ahold of me. And then I'll

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just authorize the-- I'll authorize the internal, is kind of how that goes. But the Omaha Police Department's complaint and-- and the numbers is-- is going to compare extremely nice. Our comparable cities, there's a been probably about ten of them comparable to our size. I think Minneapolis is one of them. We're going to be far better. We're going to be far better. And-- and when you talk about-- when you talk about culture, you talk about not only reduction in crime but how professional your staff is, and those are not two distinct things. They can work in tandem. Crime can go down and you can have a professional staff.

**BRIESE:** Thank you.

**WAYNE:** Thank you. Senator Crawford.

**CRAWFORD:** Thank you, Chairman. And thank you, Chief, again, for being here. Could you speak to state-level accountability through the Nebraska Crime Commission? What role do they play in helping to hold police accountable? And-- and-- and while you're answering that, one question I had is, if they have any oversight in terms of policies and procedures that police operate, and do they have any-- do-- do they have oversight on policies and procedures related to protest? So that's three things altogether there.

**TODD SCHMADERER:** Sure. So-- so the Crime Commission does-- does have guidance on-- on policies and procedures, and they do have a role in police oversight as it relates to that officer certification. So you're a certified law enforcement officer and the Crime Commission would be the body, the entity that would decertify an officer. So there is-- there is that set of review, and that was en-- that was enhanced on the last session or two ago. I can't recall. So that is their role in police oversight as we sit right now.

**CRAWFORD:** So if there is a complaint, you have a role in terms of firing or demoting, responding to that complaint. When does that go to decertification?

**TODD SCHMADERER:** So if-- if anybody gets fired or they retire or resign in lieu of termination, their-- their information will go to the Crime Commission and the Crime Commission will make a determination if they want to pull that officer's certification or not. So that's what triggers it. Also, at any time, any-- anybody can send it to the-- the Crime Commission and ask for it to be reviewed. I believe that's citizens or anybody,

**CRAWFORD:** Anybody can send what to the Crime Commission?

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**TODD SCHMADERER:** Their complaint and ask the Crime Commission to look at it as far as certification of that officer goes.

**CRAWFORD:** All right. Thank you.

**TODD SCHMADERER:** You're welcome.

**WAYNE:** Any other questions from the committee? Man, it's hard not asking questions. Thank you.

**TODD SCHMADERER:** I know. Can we-- like, we can suspend it just this one time, can't we?

**WAYNE:** Yeah, it's how I got here.

**TODD SCHMADERER:** I-- I appreciate this board. Thank you.

**WAYNE:** No, and I appreciate our conversations offline, so I do appreciate it. Next proponent-- opponent-- geez.

**AMBER PARKER:** Am I supposed to wear this while testifying?

**WAYNE:** You-- you can. We just ask you do, but if you don't want to, that's--

**AMBER PARKER:** You-- I'm sorry?

**WAYNE:** We ask you to, but if you don't want to, that's your prerogative. We just--

**AMBER PARKER:** Oh, you've request--

**WAYNE:** Yeah, we request it.

**AMBER PARKER:** But it's not mandatory?

**WAYNE:** Since I didn't make it-- a notice of it, I got called out legally on it, so that's why we're just requesting.

**AMBER PARKER:** Okay, well, then, yeah, it's hard to hear through a mask, so if it's OK that I remove this?

**WAYNE:** Yes, ma'am, go ahead.

**AMBER PARKER:** OK. Thank you. OK. Today I will start by saying what I have not seen in LB1222--

**WAYNE:** Ma'am? Spell your--

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**AMBER PARKER:** Oh, sorry.

**WAYNE:** Spell your name.

**AMBER PARKER:** Oh. A-m-b-e-r, last name P-a-r-k-e-r.

**WAYNE:** Great.

**AMBER PARKER:** What I'll start by saying, and what I've not seen in LB1222 that concerns me, is accountability measures that limit the powers of the mayor and the seven board members, nor does this bill deem true power to the people to uphold justice and protection for the people. But rather, this legislation, LB1222, lays a foundational groundwork for the people without a choice to surrender power to their mayor and the seven board members the mayor would have power to appoint. We don't even know the power the city council has in this process. Before getting into page four, Section 7 of LB1222, I have questions. Does this legislation prevent anybody who would have a grievance from having a gag order put on them? Gag orders are put on people purposefully not to go to the press, and I would be interested in that. Now I'm going to read Section 7 on page 4. An oversight board may summarily dismiss a grievance or a complaint filed by a member of the public without investigation only when the oversight board determines that: the complainant's interest is not sufficiently related to the subject matter of the grievance or complaint; the grievance or complaint is trivial or frivolous. And I'll stop there. What does that mean? I feel I'm a voice for the people who truly don't understand that legislation like LB1222 is going to set up a foundation to take away their freedom of speech for justice and open a huge door for corrupt mayors and the seven-member board to silence true grievances by giving the mayor power and the seven board members they currently don't have. This is why I'm strongly an opponent to LB1222, because it's surrendering the power of the people who are seeking out justice and true accountability. Page 4, lines 8 and 10, give 100 percent power to the seven board members on whether the case should even be looked at. This should alarm us all. Am I supposed to put this back on?

**WAYNE:** Yes, thank you.

**AMBER PARKER:** I am?

**WAYNE:** Yes, thank you.

**AMBER PARKER:** It's mandatory? [INAUDIBLE].



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**WAYNE:** I appreciate the information. Any questions from the committee? Seeing none, thank you for coming today. I appreciate it.

**AMBER PARKER:** Thank you.

**WAYNE:** And I just want to remind, you can leave the room. You just can't come back in. Welcome.

**JEFF BLIEMEISTER:** Thank you. Good afternoon. My name is Jeff Bliemeister, B-l-i-e-m-e-i-s-t-e-r, and I serve as the chief of police for the city of Lincoln. I appreciate the opportunity to be in front of you to testify and submit information. The Lincoln Police Department is opposed to LB1222. And I believe LB1222 is well-intentioned and meant to improve police accountability. Accountability deserves discussion, in part because of a historic unjust treatment of communities of color, including black communities. LPD embraces the spotlight of accountability on our actions, and incorporating the public into the oversight of our agency is embedded in our culture. However, the bill has several critical flaws, including the disregard for existing local oversight, threats to the integrity of ongoing investigations, the expensive and unfunded mandates, and the lack of evidence supporting the efficacy of such a measure. 1975, the elected representatives from the city of Lincoln passed an ordinance that established the Citizens Police Advisory Board. For the last 45, mayoral-appointed representatives have investigated complaints, influenced the development of policies, and strengthened relationships between police and the citizens of Lincoln. Lincoln CPAB representatives serve without remuneration. Moreover, the ordinances that govern the CPAB are part of locally controlled processes. I believe in these ordinances and the work of the dedicated members of the Lincoln CPAB. Each complaint that's received by the CPAB initiates a separate and distinct internal affairs investigation. The CPAB process, while separate, runs parallel and serves as an independent review. The outcomes of the CPA [SIC] investigations, along with all internal investigations, are presented quarterly in public meetings. The ordinances specify the board shall not have jurisdiction if a civil or criminal action related to the complaint is pending, or if the complainant has filed a civil action based on mis-- police misconduct alleged in that complaint. These rules are designed to prevent compromise of the integrity of active investigations but can be filed afterwards. While existing Lincoln ordinance provides these safeguards, LB1222 does not. The legislation also will inhibit the cooperation of witnesses. Existing state-- existing ordinances state, throughout all complaint hearings and in all reports of the board, the names of the complainants and officers shall remain

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confidential. The public release of information, as described in this bill, may not only jeopardize an individual's constitutional right to a fair trial, but also de-incentivize, which we're not trying to do, the cooperation of complainants and witnesses and undermine public trust to the release of very personal details provided by victims of crime, ultimately released to the media and the public. The effectiveness of review boards, given unchecked authority promised by LB1222, lacks the empirical research that's been referenced. And with that, I'll respect the-- the clock and try to answer any questions that you may have.

**WAYNE:** I appreciate that. That's how we feel when you have red signs behind us. Anyway, any questions from the committee? Yes.

**M. HANSEN:** Thank you, Senator Wayne. And thank you, Chief Bliemeister, for coming here. I'm going to address you kind of as a Lincoln senator. Specific to the Lincoln civic board, your letter and your testimony notes the-- that there's some times where they expressly don't have jurisdiction if there's currently a civil or criminal investigation going on. Are there situations where that kind of creates a loophole where they can't-- they don't have jurisdiction, but at the same time there's not necessarily a civil or criminal investigation that's going to the same completion, the same thoroughness? And can you speak to that?

**JEFF BLIEMEISTER:** Absolutely. Absolutely. And so what I was unable to put in the three minutes is the fact that, while it can't come forward while there is an active criminal or civil complaint that's occurring, what can happen, as soon as there's disposition to either of those, then the oversight, the jurisdiction of Lincoln CPAB is invoked and the investigation can continue. I think it's really important, Senator Hansen, to recognize that. So there may be a civil trial as part of this alleged police misconduct, so that's a review over there. And then once there is a disposition, there can be a secondary review by the CPAB--

**M. HANSEN:** OK, thank you.

**JEFF BLIEMEISTER:** --if that makes sense.

**HUNT:** Any other questions from the committee? Senator Crawford.

**CRAWFORD:** Thank you, Chairman Hunt. And thank you, Chief, for being here; I appreciate it. Do you, in the city of Lincoln, have written procedures for addressing protests?

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**JEFF BLIEMEISTER:** We do, yes.

**CRAWFORD:** And do those discuss when tear gas or rubber bullets would be used?

**JEFF BLIEMEISTER:** The general orders that govern incidents of mass rioting, so not necessarily protests, because the protests, we do have documentation that talks about, hey, we're going to do absolutely everything that we can to protect individuals' First Amendment rights to protest. And that has been not only the policy and procedure but the re-emphasized directive, and it's inherent in our agency. And so in addition to that, we have training that exists in response when incidents of protests devolve into criminal acts of property damage or violence.

**CRAWFORD:** And are those policies-- is there any role of the State Nebraska Crime Commission in reviewing those policies? Do they have any role in that?

**JEFF BLIEMEISTER:** So the Crime Commission, while they do have recommending authority on certain policies and procedures, many of that or much of that is embedded within statutes that are passed by this legislative body. I don't know of any specific ones as it relates to protests or protests that, again, go to criminal acts. And I-- I-- I want to re-emphasize, the Lincoln Police Department and every member of our agency supports the right to express your First Amendment rights, and we're going to do that, whether you agree or disagree with our actions, and do our very best to make that a safe environment.

**CRAWFORD:** Thank you.

**HUNT:** Have any LPD officers been reprimanded for not following protocol, for using tear gas or rubber bullets or-- I-- sometimes you don't use the right term, then people jump on it-- well, we weren't using that, we were using this-- but you know what I mean--

**JEFF BLIEMEISTER:** Yeah.

**HUNT:** --like these types of-- of protester "dispersement." Has-- have there been any reprimands for that?

**JEFF BLIEMEISTER:** There has not been. And so for Lincoln Police officers, I can speak specifically. And there has been a very thorough review on multiple different levels, so any deployments of a dispersal agent-- tear gas, I think, is the reference-- or any use of an impact

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munition in response to-- impact munition would be the same thing as a rubber bullet--

**HUNT:** Sure.

**JEFF BLIEMEISTER:** --invokes a very thorough process. So there is a use-of-control report that is mandated to be completed by the employee and their immediate supervisor. That report then is reviewed by that employee's division commander, ultimately, the chief of-- or, excuse me, the assistant chief of police and the management services captain. So every single instance that you're describing is reviewed there. In addition, that employee is-- is creating an investigative report and the investigative reports are compared in contrast. In the incidents that we're talking about since-- from late May into early June, where this unprecedented action, at least for Lincoln, Nebraska, occurred, those reviews have been completed and there has been no discipline issued as a result.

**HUNT:** Is it-- is it protocol to shoot at people's bodies with these things instead of their feet?

**JEFF BLIEMEISTER:** It-- it depends on what type of aggressive action is being taken. Yes, there is targeting locations, but it-- the targeting locations are specified to be from the midsection lower. And what that is meant to do is try to stop individuals, in most circumstances here, that were throwing Molotov cocktails, rocks, bricks, spraying gasoline on our officers and then following up with fireworks.

**HUNT:** OK. Thank you.

**JEFF BLIEMEISTER:** Yeah.

**WAYNE:** Any other questions from the committee? Seeing none, thank you, and thank you for coming out to the office and talking to me prior to this.

**JEFF BLIEMEISTER:** Thank you.

**WAYNE:** Next opponent. And just so the committee knows, there's still one neutral-- neutral testifier and about a handful, six or seven, proponents, so those who canceled all their dinners, you might be able to get them back. Welcome to your Urban Affairs Committee.

**DWIGHT LIVINGSTON:** Thank you. Senator Wayne, members of the committee, my name is Dwight Livingston, D-w-i-g-h-t L-i-v-i-n-g-s-t-o-n. I've been mayor of North Platte for about-- for almost eight years and my--

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and I am testifying as president on behalf of the League of Municipalities, which voted to oppose this bill. I served as a military police officer in the U.S. Air Force, including Vietnam. I began working with the North Platte Police Department in August of 1972, eventually holding every rank from patrol officer to interim police chief. After retiring from the police chief, I was appointed to the Civil Service Commission, which has statutory duties as provided in Chapter 19, Article 18. Our officers take an oath to protect 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 when they-- when the call is to defund 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. The proposed oversight board is not needed. Civil service commissions and review boards work diligently to ensure these few officers deserving of termination or discipline are dealt with quickly and justly. The role of the Civil Service Commission follows a complete investigation by appropriate law enforcement agencies. These thorough investigations give members of our Civil Service Commission and review board an in-depth, complete-- complete description and assessment of the actions being reviewed, allowing them to make qualified decisions of discipline or termination when it's warranted. This bill would allow the personal information of a public-- or a police officer to become public while subject to yet another investigation, possibly putting lives and the lives of their families at risk. These investigations should-- would be in addition to all other investigation for the same allegations of police misconduct ranging from alleged criminal behavior to minor infractions. Members of our Civil Service Commission and review board accomplish their mission without pay and without officers' personal information becoming public, which would jeopardize the willingness of victims and witnesses to come forward and provide valuable information to-- to the police. In addition, it might also compromise the willingness of police officers to report the unprofessional or inappropriate of another police officer-- inappropriate behavior, excuse me. I'm asking all senators to seriously consider the merits of this bill versus the extreme consequences. If it would pass, municipalities would have a difficult time keeping the officer we-- officers we currently have, much less recruiting enough police officers to re-- respond to calls ranging from relatively benign incidents to protecting citizens from assaults, kidnaping, rapes and murders. I spent 38 years of my life responding to these calls. I respectfully ask that this committee to indefinitely postpone LB1222. Thank you for your consideration.

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**WAYNE:** And I appreciate it. Thank you for wrapping up. Any questions from the committee? Seeing none, thank you for coming today.

**DWIGHT LIVINGSTON:** Thank you, sir.

**WAYNE:** Next proponent-- opponent, geez.

**MIKE DOWD:** May-- may it please the board, Mike Dowd, D-o-w-d. I'm here both as a representative of the Omaha Police Officer's Association and as a concerned citizen of Omaha, Nebraska. I've had the pleasure of representing the Police Officer's Association going on two decades. And when I started this work, I was impressed and humbled by the scrutiny that these officers go through in performance of their job duties. It's a, in my opinion, vocation, not a job. The officers, when they come in to work in the morning, face physical injury, civil liability, and possibly criminal sanctions in their effort to go ahead and protect us. My role, just as it was last night, an officer-involved shooting-- which I went in at 9:30 in the evening, got done almost by midnight, this was simply a witness officer-- is a process you have to understand. It's a process I didn't understand when I started this. I knew that when I went down there that evening, the officer would be in front of the either criminal investigation bureau or the homicide department, and they would be asked to sit down and waive their Fifth Amendment rights and either speak with the investigators regarding what happened on that particular evening or waive that right. My role was to go ahead and give them guidance in that regard, because when you're an officer, you do not check in your constitutional rights at the door. You have those same rights that any other citizen has. In this particular instance, if the officer were to go ahead and assert that right to the Fifth Amendment, does that end the process of investigation? The answer is no, because as the chief has explained, the next step in the process is a forced and compelled statement through an internal affairs investigation. They don't have a choice. They have to answer those questions. They even have to submit to a lie-detector test if they're asked to go ahead and do so. The problem that I looked at when I looked at this particular bill was that there was a abrogation of those rights by virtue of the language of this bill. There is a lack of due process where the officer is not even given and afforded an actual right to go ahead and testify in front of this particular board. There is an opportunity for that board to go ahead and access documents that are constitutionally protected by Garrity, and that access of those documents would be under that IA process. They're compelled statements. You cannot use a compelled statement against an officer. It's a deprivation of their rights under the Fifth Amendment. This board, this particular act would allow for

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that to occur. The constitutional deficits in this particular bill, in and of itself, should not allow for its advancement. I know I'm out of time. It would take a day to go ahead and go through all the legal-- legalities of this, but I am here to answer any specific questions you may have regarding that process.

**WAYNE:** Questions from the committee? I'll have to ask you later. I'm trying to be respectful, but I do got a couple of questions for you, so we'll follow up later on. Thank you.

**MIKE DOWD:** Thank you for your time.

**WAYNE:** Thank you. Welcome to your Urban Affairs Committee.

**ANTHONY CONNER:** Thank you. Good afternoon, Senator Wayne and the rest of the members of the committee. My name is Sergeant Anthony L. Conner; last name is C-o-n-n-e-r. I am president of the Omaha Police Officer's Association. My address is 13445 Cryer Avenue, Omaha, Nebraska. As the elected leader of the OPOA, I'm here to speak on behalf of all sworn officers, sergeants, lieutenants, and captains of the Omaha Police Department, in opposition of LB1222. This legislation seeks to investigate officer-involved shootings by giving unprecedented power to an unelected and inexperienced citizens' board, appointed at random with no defined criteria. This legislation also gives this board complete access to police department personnel records containing an officer's address, medical history, spouse information, children's names. Providing this information to a public board at a time when police officers are being targeted, doxed, threatened, or killed just for serving in law enforcement, is wholly irresponsible. Contrary to the narrative today, police officers must operate within the law, their department's policies, and act in good faith to receive qualified immunity. In the last 200 cases where qualified immunity was invoked by an officer, 43 percent of those officers did not receive immunity, so the officer in Minneapolis will not receive immunity, and yet this legislation gives a citizens' board that would investigate officers' absolute immunity from their actions. This is reckless and inconsistent with any other oversight board in this country. Let me be clear. I believe in civilian oversight. I think it's necessary to help improve the strategies and tactics deployed by our department and to help strengthen our relationships in the communities we serve. The OPOA has not opposed our current citizen complaint board, which has been defined by necessary authority, boundaries, and expectations. LB122 [SIC] completely disregards the process-- the progress made by the Omaha Police Department towards community goals and relations. This misguided legislation seeks to solve problems that may exist-- exist elsewhere but simply do not

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exist in Omaha or any other jurisdiction in Nebraska. Among public-sector employees, police are held to the absolute highest standard and accountability. Our department recognizes this fact and has acted accordingly. Every citizen contact is recorded on body and cruiser cameras. Any citizen can already formalize a complaint against an officer, and that complaint is investigated thoroughly. This is-- there is absolutely no de-- demonstrative need to give a board of untrained and inexperienced amateurs, investigate-- investigators the authority to attack our profession in public with full immunity. LB1222 gives the same radical activists we see wreaking havoc everywhere in the country the ability to gain access to an officer's personal record-- personal information and impeach his or her credibility while gaining the officer-- while giving the officer no recourse. There is simply no precedent for this anywhere in the country. Police officers simply must receive the same rights and due process as other public-sector employees. The ability to do our jobs and protect our communities depend on it; therefore, I urge you to vote no on this bill. And I'm also available for any questions.

**WAYNE:** Any questions from the committee? Senator Hansen.

**M. HANSEN:** Thank you, Senator Wayne. And thank you for your testimony. I apologize. I missed your name at the beginning.

**ANTHONY CONNER:** It's Anthony Conner.

**M. HANSEN:** All right. Thank you. Thank you, Officer Conner. You mentioned doxing in your text-- testimony--

**ANTHONY CONNER:** Yes, sir.

**M. HANSEN:** --as a concern of this. Can you explain kind of what that term is, because I know it's kind of a newer term.

**ANTHONY CONNER:** Doxing is where officers' names have been searched through the Internet. They'll find the officer's address and they'll encourage protests and violence at their homes. For example, you-- we've all seen it in the media. Our police chief, his address was posted publicly. He had protests in front of his house. Don Kleine, he had protests in front of his house to the point where protests got violent and I think they were-- people actually trespassing on his property. So that's what doxing is, when-- when you post someone's address and encourage violence.

**M. HANSEN:** OK. I had to bring that up and chose to bring that up because you referenced the term. And again, it's a newer term. I don't



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know if it's 100 percent clear to everyone, so appreciate you clearing that up for the record. And I don't know if you were able to hear in the hallway, but the Omaha Police Officer's Association was criticized for their social media by some of the proponents for doxing, for listing off names and describing actions and details to that. Knowing that-- I don't know if you heard that-- is there anything you'd like to say in terms of your social media policy or address that kind of complaint against you?

**M. HANSEN:** Well, the-- if you noticed-- and first of all, thanks for that question because that gave me a chance to give some context behind the post. The three actors that we highlighted in our social media post, these three actors have organized protests. Every protest they organize, they don't meet with the police. They're not safely done. And then all of a sudden, you have violence and mass arrests after these-- these-- these protests that they organize, these three organize. For example, 72nd and Dodge, on that Friday night and Saturday night, that was organized by Morgann Freeman. The other protests that have happened recently have been organized by the other-- the other--

**WAYNE:** I'm not going to let you put people's names out on the record. Just say one of the people and the individuals. We're not going to walk down that path of accusing people in this setting of an act. So you can-- you can say one of the people there, but we are not going to reference anybody's names.

**ANTHONY CONNER:** I apologize, and-- and yes, sir. So let me-- the people that we know, we identified on our social media pages, they organized the-- the events that were-- they were the most violent that happened, the most property damage that's happened. And once again, they're not meeting with the police. They're not allowing the police to make these places safe. So the people have a right to protest. We all have seen what's going on across the country. We've seen where citizens have turned in front of protests, not expecting it to be there. They-- they panic, hit the gas, and all of a sudden the protesters are getting run over. Now that put officers in a tough spot. Is this person intentionally running these people over because he's upset about the protests or is this someone that just panicked? So how does an officer stop that person? And how do you keep that citizen safe that's in that car and they're turning that corner and all these-- all these protesters are around? So that's what we posted. We didn't post anyone's address. None of those things have posted. And remember, their names have been in every media outlet in the city of Omaha and the World-Herald. Their names have been in-- on KETV.

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They've done interviews announcing that they're giving a protest. Our social media page followed the same rules that any other media follows.

**M. HANSEN:** Well, that's why I wanted to follow, and I originally wasn't going to ask you this question, but you expressed concern about the threats to people just by having their names put on social media while at the same time that's an action you've been criticized for doing.

**ANTHONY CONNER:** Let me be clear. When I talk about doxing of officers that have happened across the country or our police chief or Don Kleine--

**M. HANSEN:** Sure.

**ANTHONY CONNER:** --I'm talking specifically when they put their addresses out there and encourage violence. Nothing in our social media post encouraged any violence. We're pointing out that three-- these three protest organizers, in my opinion, they're using these protests as-- and these protestors that show up expecting a peaceful protest, they're using them as pawns. And they show up expecting a peaceful protest and all of a sudden they don't follow the rules. They're being warned. That last protest recently, a full hour they were warned, a full hour: This is an unlawful gathering; you have to leave. The World-Herald also reported there were citizens that left and actually said, I'm leaving because I heard the officers give the warning, and they're-- they still continued their protest, continued to violate the law, and then the mass arrests occurred. I'll be honest with you, and every police officer will tell you this, I'd rather not make an arrest. I'd rather be coaching PACE football. But the reality is we have to do a-- do a job. And when these organizers organize these type of protests and don't follow the rules, we find ourselves in those situations that we don't even want to be in.

**M. HANSEN:** So when you say don't follow the rules, what rules, like--

**ANTHONY CONNER:** For example, this last protest, they were walking in the street when they were told they couldn't walk in the street.

**M. HANSEN:** OK, and is-- can you walk me through that? They-- so they're not allowed to walk in the street. Were they cited under a jaywalking statute? What were they cited under?

**ANTHONY CONNER:** Most likely jaywalking.

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**M. HANSEN:** OK. So is jaywalking a normal arrestable offense?

**ANTHONY CONNER:** It's a-- yes, typically, yes.

**M. HANSEN:** OK. So most jaywalkers in the city of Omaha get arrested--

**ANTHONY CONNER:** I don't know for sure.

**M. HANSEN:** --when-- when interacting with law enforcement?

**ANTHONY CONNER:** I don't know for sure. I've never arrested anybody for jaywalking in my career, but certainly there's a difference between one person walking across the street and a massive crowd walking across the street, walking against traffic on a one-way street where they can-- once again, we just described the-- I just described the--

**M. HANSEN:** Sure.

**ANTHONY CONNER:** --potential of-- of-- of hurting these-- these protesters.

**M. HANSEN:** OK. Thank-- thank you for your testimony, and thank you for your questions. I was just trying to make sure we-- I understand kind of your interpretation of what kind of the rules and norms were, so thank you for your testimony here.

**HUNT:** Any other questions from the committee? Do people need-- do-- do protesters need to meet with police and let the police make the area safe before they have the right to protest?

**ANTHONY CONNER:** I will say no, but it is-- it is certainly responsible and it's the re-- responsible thing to do. And the ones that have done the responsible thing, you will see that those protests, there's yelling and screaming at the police officers. They can-- they can-- we'll make it safe for you to do that. But it's not safe when you, once again, don't follow the rules, don't even take the time to meet with the police officers. It's not safe and we've seen what happens when these protests aren't safe.

**HUNT:** Who makes it unsafe?

**ANTHONY CONNER:** The protesters that are not following the rules.

**HUNT:** Do you think that your responses to these questions help the police and the police union build trust with the community?

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**ANTHONY CONNER:** My responses to this question is not about building trust with the community. My-- my response is just answering your questions. Now the trust we built with the community is our work with the men's program, our Shop With a Cop program we do every year, our sponsoring the PACE program, our sponsorship with Operation NETS. Those are the things that we do to build relationships with the community. I'm also-- have been-- since I've been elected president two years ago, I attend Omaha 360 as much as I possibly can. I have a lot of connection to the North Omaha community because that's where I'm from. And I-- I've-- we've built a lot of relationships in the community, so we have community trust and the respect of the community.

**HUNT:** Given that--

**ANTHONY CONNER:** The-- the few that-- hold on. I'm-- I'm not quite done yet. The few that shows up and yell and scream aren't necessarily representing the entire community, if we're being honest.

**HUNT:** Given that we know-- we all know in this room that there's a problem with trust in law enforcement in the community, especially in the activist community, especially in the Black Lives Matter community, do you-- do you see part of your role as a law enforcement officer-- do you see an opportunity to build trust or break down trust when you're present at a protest?

**ANTHONY CONNER:** I guess I'm confused on the question.

**HUNT:** When you're present at a protest, isn't it true that that's an opportunity for-- for police officers to build trust with-- with protesters, with people present, or to break down trust? And you say that you don't see it as a role of yours to build trust.

**ANTHONY CONNER:** I-- I see it as a role for a police officer at a protest is to be a neutral party. And our job is to be neutral. For example, say I have a strong opinion-- I'm not giving my opinion, but say I have a strong opinion against abortion and I'm assigned to work an abortion clinic where there's protests. My job is to be neutral at that abortion clinic, not to take my personal beliefs and to act on my personal beliefs. My job is to stay neutral. So that's what police officers should do at all protests, because if the protest is a protest that you don't support, we shouldn't-- certainly shouldn't be-- I don't know if you want to call it marching or doing whatever-- whatever that protest decides to do, we shouldn't be aligning ourselves with those protests. Our job is to stay neutral, in my opinion.

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**HUNT:** OK. OK. Given that this is a civil rights issue, that's-- that's an answer I appreciate from you. This case that I talked about in 2013, where the police officer referred to his billy club as an "n-word" knocker, do you think that he should have been fired or do you-- would you-- do you agree with the decision to let him keep his pension and be on this taxpayer-funded-- funded pension now forever?

**ANTHONY CONNER:** Well, let-- let's also be clear with your comments about the taxpayer-funded pension. Police officers pay into the pension, too. I pay-- 16.1 percent of my pay go into the pension. So it's not-- it's not just a taxpayer-funded pension where we're not paying anything.

**HUNT:** Do you think he should have been fired?

**ANTHONY CONNER:** So we're-- it's a combined pension where both sides are paying an equal amount, so it-- it's-- we earn that pension. And the re-- the way we earn that pension is look at the work that we do as far as the protests, being yelled and screamed at, the vile things, the things that the chief from Lincoln talked about, gasoline being thrown on our officers. We do that work and certainly not for the pay that we should be paid for doing that work.

**HUNT:** Do you think the person who said "n-word" knocker to a black trainee should have been fired?

**ANTHONY CONNER:** I wasn't involved in that case and I don't know all the details of that case. But I do know that there was discipline. If it-- was it fair or not? I don't know yet because I wasn't present at the time.

**HUNT:** OK. Thank you. Any other questions from the committee? Seeing none, thanks for being here.

**ANTHONY CONNER:** All right. Thank you.

**HUNT:** Next opponent to LB1222. Welcome to your Urban Affairs Committee.

**DAVID BLACK:** Thank you. I was going to say "Chairman Wayne," but he isn't the one here. Thank you for the honor of being in front of you. My name is David Black, D-a-v-i-d B-l-a-c-k, mayor of the city of Papillion. I'm also here representing the United Cities of Sarpy County, so I'm representing Bellevue, La Vista, Gretna, and Springfield, as well. We are here in opposition. I want to focus on two things: a lack of accountability and the unfunded mandate. First,

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the legislation would create a nonelected board having unlimited scope, authority, power, funding, and resources with no accountability to either elected officials or to the citizens of the community. The elected city council doesn't even have that kind of power. But I want to give you one specific example of what this bill enables. As written, the board could, on its own, begin investigating a rumor-- look at Section 6.(3), "alleged"-- regardless of whether a formal complaint; issue subpoenas to fact find, Section 9(c); develop a finding, Section 11; find the subject innocent, no truth to the rumor, however, still publicly present the investigation to the media, Section 11(5), all while using public funds, Section 8. The press then writes of the rumor, harming the individual, the department, and the city. And then further, if the board decides not to formally submit the report to the police department, then I don't believe the police department can even respond, Section 12. However, the investigation becomes a public record, memorializing the rumor, Section 14.(1). And the board has complete freedom from civil liability in that process, Section 13. This is not good governance. That doesn't build trust with public safety, local, or state government. I want to jump to unfunded mandate real quick. My administrator, city attorney, and finance director estimated the cost based on our interpretation of the bill, year one, to be \$320,000, \$294,000 the second year. I did hand out our fiscal note so you can see some numbers behind that. Put in another way, biggest issue you're dealing with is property tax. That's the equivalent of 1.25 cent of additional property tax, 2.5 percent increase in sales tax, one or the other. That doesn't include costs related to the additional legal resources and some of the risk and liability burden that we-- we receive. So in closing, we absolutely understand that work needs to be done nationwide to improve the foundation of trans-- trust and transparency associated with many law enforcement agencies across the country. We believe that there are always areas for improvement in everything we do. We're committed to working with others to encourage and provide those opportunities. However, we also need to recognize Nebraska has some excellent departments that can be looked to as models, and they need to be part of the conversation regarding oversight. Papillion can be held up as a model, and just two quick examples as we close. We have a strong community policing philo-- philosophy that our citizens value. We're one of only a handful of agencies in Nebraska that are professionally accredited through CALEA, and that's only 10 percent of the entire U.S. agencies. Accreditation standards are continually updated to ensure they reflect modern law enforcement practices. It pre-- does not prevent all negative outcomes; however, it does provide a tool for ongoing review and accountability, and that includes external and independent assessors with a remote review annually, and every four

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years, a site-based assessment that includes interviews with community organizations and members of the public, including advertised public hearings to provide direct feedback to the assessors.

**WAYNE:** Thank you. Thank you for being here.

**DAVID BLACK:** Thank you.

**WAYNE:** Any questions from the committee? Senator Hunt.

**HUNT:** Thank you for being here, Mayor Black. Would you fire a police officer for using the "n-word" in uniform, on the job?

**DAVID BLACK:** I forgot my hearing aids. Can you speak it a little bit louder?

**HUNT:** Would you fire an officer who used the "n-word" in uniform on the job toward another officer?

**DAVID BLACK:** I'm assuming that's a theoretical because I'm not aware of the situation. If it is, I'm assuming we've investigated and dealt with it. But I-- my basics would be if we took that complaint to be fully investigated, that would not be an acceptable behavior.

**HUNT:** Thank you.

**WAYNE:** Any other questions? Thank you. Oh, Senator Arch.

**ARCH:** Masks-- you forgot your hearing aids. I-- yeah. CALEA, what-- what is CALEA? I'm not familiar with that.

**DAVID BLACK:** So CALEA is a professional accreditation agency. It's the Commission on Accreditation for Law Enforcement. It is a voluntary group. It is made up of-- the advisories, it includes the International Association of Chiefs of Police; it includes the National Organization of Black Law Enforcement Executives; the National Sheriffs Association; the Police Executive Research Forum. And some of the things they're looking at-- I'm reading from a letter the chief gave me, because I was asking a similar question. They-- they continually-- they-- they establish their own standards. So if you think of the Nebraska Crime Commission that's setting standards that all of our agencies have to basically be accredited to, that's a base level that everybody has to meet. If you then say, what is the gold standard nationwide, that's CALEA. And so they're setting accreditation standards at the gold level, and it's absolutely voluntary, very high standards. They're looking at use-of-force reporting. They look at early intervention systems. They look at

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bias-based policing. They look at citizens' complaints and how you handle those, disciplinary systems, law enforcement role and authority, recruiting practices, mental health training. And if you subscribe to CALEA, you actually have to go through and assess and rewrite all of your policies to match that gold-standard accreditation, and then outside assessors come in and-- and match it. I think it took us about three years even to attempt to get accredited. And then once we were accredited, I think it's every three to four years you have to get reaccredited.

**ARCH:** Well, congratulations on that accreditation--

**DAVID BLACK:** Thank you.

**ARCH:** --and for doing that voluntarily.

**DAVID BLACK:** Thank you.

**ARCH:** Thank you.

**WAYNE:** Any other questions from-- Senator Crawford.

**CRAWFORD:** Thank you. And thank you for being here, Mayor. I appreciate it very much. You may not know the answer to this now, but you could maybe get it to us later. What does CALEA consider the gold standard in terms of how citizen complaints are handled?

**DAVID BLACK:** You're probably beyond the de-- level of my detail, and I know there's a couple of chiefs there that are CALEA accredited, so since it's deep into their world, I would defer to them.

**CRAWFORD:** All right. Or you can get us the answer after you talk to your team.

**DAVID BLACK:** And we can get you that policy, actually. We can get you that policy

**CRAWFORD:** That-- that would be great. Thank you.

**DAVID BLACK:** OK, I'll take that as a follow-up.

**CRAWFORD:** Thanks.

**WAYNE:** Any other questions from the committee? Thank you for being here.

**DAVID BLACK:** Thank you.



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**WAYNE:** Next proponent [SIC]. Welcome to your Urban Affairs.

**ANNA COLON:** Good evening, Senators. My name is Captain Anna Colon, C-o-l-o-n, and I've been with the Omaha Police Department for 21 years. I have worked in the Northeast Precinct homicide and gang unit, both as an officer and as a sergeant. I worked in the internal affairs unit, and as a captain, I am the commander of the special investigations section, which oversees domestic violence and sexual assault crimes. I am also the secretary of the local Omaha Po-- Omaha and State Fraternal Order of Police. As a commanding officer on the Omaha Police Department, I have several concerns with LB1222. LB1222 states it'll investigate all officer-involved shootings. I command the team that investigates those incidents. All the detectives on that team have several years of detective experience and they come with recommendations from their lieutenants and their captains. Oversight command includes multiple layers of sergeants, lieutenants, a captain, and a deputy chief. This team has an arduous oversight, not only through the command ranks but also through the Nebraska State Patrol, who responds to each investigation. Nebraska State Patrol watches every interview, and they sit through all of our briefings, and they provide input throughout the investigations. The trooper reports any "biasness" or otherwise errors to the colonel and to the chief of police. Senators, I have a command-- I have command-- commanded this team for two years. And during my tenure, I have never had anyone complain about any of those detectives and their investigation being biased. As I mentioned before, these officers have no favoritism towards their fellow officers with whom they're investigating, not only because they're being scrutinized by senior command but also because they're professionals. Even if made in good faith, a detective risks losing not only their job and their livelihood, but depending on how egregious, they could face criminal charges if they were found to be biased in their investigation. I ask you, Senators, who will ensure that the investigator that this bill will put into place is being fair and nonbiased in their investigations, particularly since LB1222 says that no member can be held civilly liable for any good-faith decision. Who determines that the decisions that they make is in-- is-- has been made in good faith? LB1222 states that the board may publish a written summary and report to the media on their findings from an investigation. I believe that opening up these files and these records not only put an officer in danger of retaliation, but it also will deter any other officer-- officers for reporting that they witnessed a fellow officer intentionally, maliciously, or recklessly violating departmental policy or violating the law. LB1222 also states that the board may dismiss a grievance or complaint without investigation if the board determines that it is trivial, frivolous, vexatious or not

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made in good faith. The Omaha Police Department investigates all complaints, regardless of if they're trivial, frivolous, vexa-- vexatious, or not made in good faith. To not investigate these cases diminishes the integrity of the internal affairs unit and the Omaha Police Department. To not investigate these complaints drives a wedge between the Omaha community and police department, and it chips away at the strongholds that we have built within the community, particularly in the northeast and the southeast section. The mayor has already talked about her Executive Order 25-14, as you-- so I will not go over that again. Besides, my time is about run up. But this board consists of a diverse member from-- from members of the Latino, black American, military and faith-based realms. You already know how that board works, but I will just end by quoting one of the-- the members, Teela Mickles. I hope she's okay with me since I got this off the website. She says, I have seen our city come together in ways I had never seen before. I see how important it is for all people to see the unity in our city. And I'll close with that. Do you have any questions?

**WAYNE:** I don't but-- yes.

**HUNT:** Thanks, Chairman Wayne. Thank you for being here. Who-- who should police-- who should review the actions of the police?

**ANNA COLON:** Well, we already have a process in place. Obviously, we have what's called a chain of command. And the internal affairs unit is consist-- consists of a sergeant, a lieutenant, and is overseen by a deputy chief. And the internal affairs unit is-- since I work there, they are very professional sergeants, and so there is no biasedness whatsoever on any of the interviews that are-- that are being conducted. So once the-- once the case, the interviews are done, everything is then forwarded to the deputy-- the lieutenant and the deputy chief and they review every-- they review the case file. And if there are any concerns that they have, then they will address it there. Did that answer your question?

**HUNT:** Thank you.

**WAYNE:** Any other questions from the committee? Seeing none, thank you for being here today.

**ANNA COLON:** Thank you.

**WAYNE:** Next pro-- opponent.

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**STEVE HENSEL:** My name is Steve Hensel. Chairman, thank you very much for allowing me to testify today. My name is Steve Hensel, H-e-n-s-e-l. I'm Crete's Chief of Police and also the president of the Police Chiefs Association of Nebraska, PCAN, I represent both today. Police accountability is essential and police oversight is a worthy discussion, worthy of action, and we look forward to that as this discussion unfolds. I hold letters, and many copies for all of you, from numerous city administrators, mayors, police chiefs from across the state, all opposing this bill. These letters are from Omaha, Lincoln, Alliance, Beatrice, Blair, Chadron, Columbus, Crete, Fremont, Gering, Hastings, La Vista, Nebraska City, North Platte, Ogallala, Papillion, Plattsmouth, Ralston, Schuyler, Scottsbluff, Sidney, and others from Franklin, Stromsberg, and Wahoo. Representatives are here today. I'll let them discuss their own concerns. I have just one that I'd like to talk about among many of this bill. Section 7 was already read, saves us a little time. This board can dis-- dismiss one of the grievances, any grievance as it finds it to be frivolous or vexatious, not made in good faith, but then, in lines 14 through 18 on page 4, without an investigation, they can retain the information of the complaint. And the word "fact" is used. Now, the purpose of an investigation is to reveal fact and dispel fiction, thereby giving useful information to decision makers. The proposed board would have the authority to pull unverified information which it previously determined to be given in bad faith or merely to create turmoil, and now call it fact, and then be able to attach it to a future action as it desired. We don't think that's good governance. I am available to answer any questions you have.

**HUNT:** Thank you for being here, Officer Hensel. Any questions from the committee? Seeing none, appreciate your testimony today.

**STEVE HENSEL:** Thank you.

**HUNT:** Next opponent for LB-- what is this even-- LB1222. Welcome to your Urban Affairs Committee.

**TERRY WAGNER:** Good afternoon. Thank you for allowing me to be here. Didn't forget my hearing aids [INAUDIBLE] get my glasses. Good afternoon, Senators and members of the Urban Affairs Committee. My name is Terry Wagner, W-a-g-n-e-r. I am the sheriff of Lancaster--

**WAYNE:** Excuse me, sir. Sir, we're going to have to stop the hearing. Everybody, please, send emails. We just got confirmation that somebody in this hearing room has been exposed to COVID, so out of an abundance of caution, I have to cancel this hearing. The hearing will remain open for the record. By Monday, please submit your testimony. I am

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sorry, sir, but I just stepped out to call Speaker Scheer, and that's what he told me I need to do. So you guys weren't necessarily exposed, but I do know the person who was and I don't think he was around anybody, but I do need to make sure that we clear this room. The record will remain open for emails, so let's recess this hearing until Monday. I'll come back in and read all the records on the record and then I'll adjourn it.

**CRAWFORD:** OK. Thank you.

**WAYNE:** Colleagues, if I could see you all. We-- and we'll keep our social distance.