

*Indicates written testimony submitted prior to the public hearing in accordance with the Legislature's guidelines on ADA testimony.

DeBOER: Good afternoon, everyone, and welcome to the Judiciary Committee. My name is Senator Wendy DeBoer. I'm from Bennington, representing the 10th Legislative District, and I serve as vice chair of the committee. The committee will take up bills in the order posted. This public hearing is your opportunity to be part of the legislative process and to express your position on the proposed legislation before us. If you are planning to testify today, please fill out one of the green testifier sheets that are on the table at the back of the room. Be sure to print clearly and fill it out completely. When it is your turn to come forward to testify, give the testifier sheet to the page or to the committee clerk. If you do not wish to testify, but would like to indicate your position on a bill, there are also yellow sign-in sheets back on the table for each bill. These sheets will be included as an exhibit in the official hearing record. When you come up to testify, please speak clearly into the microphone. Tell us your name and spell your first and last name to ensure we get an accurate record. We'll begin each bill hearing with the introducer's opening statement, followed by proponents of the bill, then opponents, and finally by anyone speaking in the neutral capacity. We will finish with a closing statement by the introducer if they wish to give one. We'll be using the 3-minute light system for all testifiers. When you begin your testimony, the light on the table will be green. When the yellow light comes on, you have 1 minute remaining, and the red light indicates you need to wrap up your final thought and stop. Questions from the committee may follow. Also, committee members may come and go during the hearing. This has nothing to do with the importance of the bills being heard. It is just part of the process as senators may have bills to introduce in other committees. A few final items to facilitate today's hearings. If you have handouts or copies of your testimony, please bring up at least 12 copies and give them to the page. Please silence or turn off your cell phones. Verbal outbursts or applause are not permitted in the hearing room. Such behavior may be cause for you to be asked to leave the hearing. Finally, committee procedures for all committees state that written position comments on a bill to be included in the record must be submitted by 8 a.m. the day of the hearing. The only acceptable method of submission is via the Legislature's website at nebraskalegislature.gov. Written position letters will be included in the official hearing record, but only those testifying in person before the committee will be included on the committee statement.

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Also, you may submit a position comment for the record or testify in person, but not both. I will now have the committee members with us today introduce themselves, starting on my left.

HALLSTROM: Welcome. Bob Hallstrom, representing Legislative District 1, southeast Nebraska counties of Otoe, Johnson, Richardson, Nemaha, and Pawnee.

STORM: Good afternoon. Jared Storm, District 23: Saunders, Butler, Colfax County.

STORER: Good afternoon. Senator Tanya Storer. I represent District 43, 11 counties in north central Nebraska, Dawes, Sheridan, Cherry, Brown, Rock, Keya Paha, Boyd, Garfield, Loup, Blaine, and Custer.

HOLDCROFT: Rick Holdcroft, District 36, west and south Sarpy County.

McKINNEY: Terrell McKinney, District 11, north Omaha.

DeBOER: Also assisting the committee today, to my left is our legal counsel, Tim Young. And to my far right is our committee clerk, Laurie Vollertsen. Our pages for the committee today are right over here, and if they'll introduce themselves.

TREY QUICK: Hi, I'm Trey Quick, a second-year political science student at UNL.

ALBERTO DONIS: I'm Alberto Donis. I'm a first-year political science major at UNL.

DeBOER: All right. Thank you very much. With that, we will begin today's hearing with LB277 and our own Senator McKinney. Welcome, Senator McKinney.

McKINNEY: Thank you. Welcome to the biannual Senator McKinney and the Police Day. Good afternoon, Vice Chair DeBoer and members of the Judiciary Committee. I am Senator Terrell McKinney, T-e-r-r-e-l-l M-c-K-i-n-n-e-y. I represent District 11 in the Legislature, which is in north Omaha. I am here to discuss LB277, a bill that changes provisions relating to grand juries in cases of death during apprehension or custody. LB277 will strengthen public trust and accountability and investigations of death. This bill addresses a very serious issue when someone dies during an encounter with police or

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while, while in police custody. These situations create, these situations create deep wounds in our communities, especially when families and the public are left with unanswered questions or when investigations appear biased or incomplete. LB277 does one important thing. It ensures that any time someone dies while being apprehended by or in the custody of law enforcement, the case will be handled with the highest level of fairness and transparency. Under current law, it's our county attorney who may work closely with the very police department involved who oversees these sensitive cases. This can, this can give the impression of a conflict of interest or whether intended-- whether intended or not. It risks eroding public confidence in the investigation. For example, in a recent death that happened in Omaha, the county attorney came out prior to the grand jury investigation and made a statement that he didn't think pretty much that charges needed to be filed prior to the grand jury investigation. And he's the one that's supposed to present the case. LB277 solves this by requiring a special prosecutor to be appointed in these cases. A special prosecutor is an experienced attorney who is independent and, and not a part of the local county attorney's office. The, the special prosecutor will be tasked with overseeing the investigation, making sure it is thorough and impartial. To support this process, the special prosecutor will select a team of homicide investigators with at least two, two of them coming from outside the community where the death occurred. This means fresh eyes, objective perspectives, and no ties to the, to the department involved. This bill also requires that the grand jury, which is a group of citizens deciding whether charges shall be filed, be called quickly within 30 days. Importantly, officers or detention staff involved in a death will not be allowed to return to duty until this process is complete. This is not about assigning guilt prematurely, it's about protecting the integrity of the investigation and ensuring that the community trust is maintained during a difficult and emotional time. Another example: after one of these situations, a death of a man in Omaha, one of the officers involved was let back onto the force while the grand jury investigation was going on. The officer in question was then involved in another situation that was involved with a death, and the community was outraged by, one, the officer being back on the force. They moved him from north Omaha to south Omaha. The, the police never notified the community that the officer was back on the streets at all. Opponents may worry about how this impacts law enforcement, but I urge you to see this bill as a support-- supportive of both public and

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police. Officers are often put in challenging and dangerous situations. When something goes tragically wrong, they too deserve a process that is transparent and respected by all sides. By having independent prosecutors and outside investigators, we are protecting officers from unfair accusations of favoritism while giving grieving families confidence that the truth, whatever it may be, will come out. At the end of the day, LB277 is about fairness. It's about making sure every life is valued and that no case is swept under the rug due to local relationships or systematic blind spots. This bill fosters trust between our community and law enforcement by showing that Nebraska takes accountability serious. Thank you and I'll answer any questions.

DeBOER: Thank you, Senator McKinney. Are there questions for Senator McKinney? I don't see any. Thank you so much. We'll have our first proponent, please. We'll move to-- next to opponents. Welcome.

DON KLEINE: Good afternoon, members of the committee. My name is Don Kleine, K-l-e-i-n-e. I'm the Douglas County Attorney. I'm also a representative of the Nebraska County Attorneys Association in opposition of LB277. We don't have to speculate about what would happen if this change was made. It was made before by the Legislature in 2002, where they said, we'll have to have special prosecutors to grand juries on situations where an officer where law enforcement is involved in the apprehension of or death of an individual who dies while in custody. In 2010, the Legislature realized that was a big mistake, and they went back to the way the system is now because of the great cost to the counties to appoint special prosecutors who really aren't experienced in this kind of work, and the county has to pay for all the special prosecutors, any kind of special investigators. And it really turned out to be somewhat of a disaster in those 8 years, and the Legislature changed back to the way the law is now, where county attorneys handle the grand juries and have the expertise to handle those grand juries. The other thing that's happened in that-- in this recent time period is in 2020 in 29-1407.01, we came in and said-- before everything was secret, now, by law, the transcript, all the exhibits, everything that took place in the grand jury is public. So anybody can come in and see what took place in that grand jury, what the evidence was, what the exhibits are and has an opportunity to oversee or look at what went on between the county attorney and the grand jury at those particular hearings. And, you know, I really have faith in that system, because the citizens are the ones who do that investigation. And, in fact, I've done many,

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many, many of these grand juries and they do an excellent job. And there isn't any bias or prejudice that takes place on a county attorney's part in dealing with these grand juries. The citizens are the decider whether there's probable cause to file a criminal charge. And, again, we've gone here before, that was happening in 2002. The Legislature then reversed itself in 2010 and said, yes, it's better if county attorneys do this from, from all kinds of-- all-- for all kinds of reasons. Basically, most importantly, the experience that county attorneys have in showing the jurors, the grand jury, the investigations that take place in these cases. During that process, the grand juries get to ask questions. They get to ask me or whoever's doing it if they, if they want us to hear from other witnesses, anything like that. So it's a very open process. And, again, there's a transcript that's done that anybody can look at, media looks at, citizens can look at, any person can look at to see how those processes went. And I've never heard anybody since that law has taken place say, wow, this was a, a bad job that was done by a county attorney in that kind of situation. So with that, I'm in opposition and strongly oppose this, this bill and would be happy to answer any questions of the committee.

BOSN: Questions for this testifier? Senator Hallstrom.

HALLSTROM: So you believe that the transparency and disclosure that Senator McKinney was suggesting is already inherently in the existing system?

DON KLEINE: Well, it exists. Yeah, we, we-- except in 2020 you said why aren't we and other folks-- I think, Pansing-- was a Pansing Brooks's bill that she started. We came in and helped amend it because there were some issues about when there was a true bill, meaning there was a criminal charge, if those could be made public before that person went to trial and we adjusted that. So now anybody can see after the process is completed, there's a transcript done of that, that grand jury, all the grand jury testimony and any exhibits that were involved. So anybody can see that. So there's-- I think it's very public right now.

HALLSTROM: Thank you.

BOSN: Senator DeBoer.

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DeBOER: Thank you. So who were they appointing to-- if-- do-- if you know, during 2002 to 2010, who were they appointing to be the special prosecutors?

DON KLEINE: Well, there was, there was a, there was a criteria. I think it's had to be somebody that had some experience in trying cases, 5-years experience. So somebody usually in private practice, private attorneys, and they would get appointed to do the grand jury. Most of them had never done anything like that before. So it took them more time just reviewing records, all those things that the county had to pay for all that time that they put in.

DeBOER: What about--

DON KLEINE: So that's who was appointed.

DeBOER: Could you do it where you had a different county attorney? Like, if the situation happens in Hall County than you have-- you go there or you, you know what I mean, could there be something like that where we did-- you know?

DON KLEINE: I suppose you could do that, but I don't know that that would be a very efficient way to handle it, because the county attorney in that county knows the different people who are going to be involved in the investigation. If you look at the statute currently also, the county attorney is supposed to immediately get other people from other agencies to participate in the investigation. So like Omaha police don't just investigate Omaha police, they have maybe the sheriff's office or the State Patrol come in. So whatever agency the incident occurs with, they have-- we have other people appointed as investigators. It's the investigation that's the important part.

DeBOER: But that's kind of what I'm saying, maybe you could do something like that with the county attorney. And this is spitballing and, you know, but maybe there is something where, like, you would get a different group. You know, you go to the sheriff if it's in the OPD and if sheriffs then you maybe go to OPD and, I don't know, the La Vista police or something, whatever you do.

DON KLEINE: Sure, well, that's, that's the way it's done already. I mean, we get-- we have other parties. Usually, if it's an OPD case, there's-- they'll begin the investigation and they have other, usually

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State Patrol or somebody comes in or, or the sheriff's office comes in to be part of the investigation. We also do grand juries for Douglas County Department of Corrections where we have people die in custody. Also Omaha Corrections, which is by the airport there, which is a state facility. So there, there's-- it's not just law enforcement officers. We do a grand jury if, say, somebody calls and it's a despondent person and maybe they're, you know, going through a divorce or whatever, and so the police go and they surround the house. And during that time period, the person kills themselves, we do a grand jury for that. Even if the officer has never fired a gun, but that person's really kind of in custody or attempted to be apprehended to stop them from hurting themselves and that, in effect, causes a grand jury to be held for that case. So in every one of those, at least we're familiar from the standpoint of the death certificate, the coroner, the, the forensic pathologist that might be involved, all those kinds of things in our jurisdiction.

DeBOER: Do you understand the appearance of impropriety that Senator McKinney is worried about?

DON KLEINE: No, I don't.

DeBOER: OK. I think what I heard him say in his introduction was that if it appears that there's sort of teamwork between the county attorney and the, the police for the area.

DON KLEINE: You know, that's a, that's an interesting thought process. But one of the things with the grand jury is, is we, we understand that too. We want to make sure that they don't think anything like that so it's they get to ask questions. They get to ask what witnesses might be involved. Mr.-- Senator McKinney also made a comment about me making a statement about, I believe it's the case he's talking about, Gardner/Scurlock, involved a death where I came out and, and told the public what my decision was. There wouldn't have been a grand jury in that case. It wasn't a law enforcement involved death. So that, that's my job to make that determination, and I did. But so that's, that's, that's his statement to say, well, he said something when he knew there was going to be a grand jury, well, there wouldn't have been.

DeBOER: OK. Thank you.

DON KLEINE: Sure.

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BOSN: Other questions? Seeing none, thank you for being here.

DON KLEINE: Thank you.

BOSN: Next opponent?

AARON HANSON: Thank you, Madam Chair and members of the Judiciary Committee. My name is Aaron Hanson, A-a-r-o-n H-a-n-s-o-n. I am the Sheriff of Douglas County. You know, I, I appreciate Senator McKinney bringing this bill. I understand what he is trying to achieve, but I think sometimes we take for granted when we have a, a public policy or a process here in Nebraska, that it is already on the higher level of the spectrum when it comes to protective and transparent. I can tell you that when I go to conferences around the nation and speak with my peers in other major counties across the nation, and I tell them that an in-custody death in Nebraska triggers an automatic grand jury, they're surprised because that doesn't happen in their jurisdictions. The county attorney, the district attorney essentially has the, the first and last say in terms of determining the facts of the case and charges or lack thereof. And so when they ask me, well, geez, how can you be OK with this process? Well, you know, for whatever reason, it works for us here in Nebraska. My point is, I don't think it's broke and there's no need to necessarily fix it. Senator DeBoer brought up a great point here recently when she was asking Don Kleine about if other agencies could investigate other agencies, and we do. Routinely, my agency will assist the Omaha Police Department with in-custody death investigations. We actually have contractual relationships with smaller communities in Douglas County to handle their in-custody death investigations. But when Senator DeBoer brought up La Vista police, for example, why couldn't La Vista police investigate Omaha or Douglas County? They're not qualified to do so. They do not have as high level of expertise in investigations, or as broad and diverse of a bench of investigators that we do in an agency the size of Douglas County Sheriff or Omaha Police Department. And to that very point, that's why we want to keep the best attorneys, prosecutors that deal with these issues day in and day out from a dispassionate perspective, as that tip of the spear in terms of which prosecutor, which attorney is going to guide these grand juries. In my opinion, especially in this modern day of social media and, you know, instant alternative news, the best attorney to lead these grand juries and to stay focused on the facts and not emotion or politics is a duly elected county attorney who is chosen by the people every 4 years, and definitely not someone who is

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not obliged to the people who could be swayed by public opinion or sentiment, because maybe they earn their money through private practice. I'll take any questions that you might have.

BOSN: Questions for this testifier? Seeing none, thank you very much.

AARON HANSON: Thank you.

PATRICK DEMPSEY: Good afternoon. My name is Patrick Dempsey, P-a-t-r-i-c-k D-e-m-p-s-e-y. I'm here on behalf of the Omaha Police Officers Association as an opponent to LB277. LB277, in simplicity, takes the power away from someone that has been elected by the people of the county. Someone that, collectively, the people have elected to make these decisions. Someone that they believe to be confident in their duties and put it in the hands of someone that does not do what he does for a living, or she does for a living, and what they were elected to do, someone that can-- it's also someone that can be held accountable for their actions like an elected county attorney. If we want to be blunt about it, this is solely aimed at Don Kleine, who has continuously been elected by the people of Douglas County and has done a great job. He hasn't-- if he hasn't done a great job, then why he's not been voted out? Enacting legislation because of dislike for one individual should not be the intention of the Nebraska state legislators. In Nebraska, our grand jury process, in my opinion, is one of the fairest processes in the country when it comes to investigating clearing officers for an in-custody death of a civilian. Regardless of the prosecutors, 16 civilians are tasked with making the decision on whether or not the officer acted reasonable or not. It should also be noted that within the Omaha Police Department, we do have other agencies on our officer-involved teams. Bellevue and Douglas County helps. I believe there might be a La Vista cop on there as well. But we do have at least two surrounding agencies who oversee that investigation every time we have an in-custody death. The second part of this legislation does not allow for officers to go back to work until the grand jury process is completed, which is also unreasonable. I know that there's a 30-day clause in this bill, but oftentimes it takes 12 to 18 months before an officer can go back to work if this were enacted--I'm sorry, before grand jury is convened. So if we push legislation that would not allow these officers, one, it would leave us short, but, two, a lot of these officer-involved investigations aren't shootings. It's not an officer discharging his weapon. Like Sheriff Hanson alluded to, we do a lot where people

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commit suicide when we're knocking on their doors to effect warrants, especially in domestic violence situations. If somebody has a medical emergency, it is a grand jury. If we let these officers off the streets and not allowed to come back to their jobs, this would be detrimental to our policing, our police department, as we are already short staffed. With that, I'll take any questions.

BOSN: Thank you. Questions for this testifier? I have just a couple, and I probably could have asked these of Mr. Kleine, but I came in late, so I'll ask them of you. Omaha's obviously the largest police department in the state of Nebraska, but are you familiar that a lot of the police departments outside of Omaha and Lincoln have much smaller police forces than, say, Omaha and Lincoln, you would agree with that?

PATRICK DEMPSEY: Yes.

BOSN: Are you aware whether or not-- I guess, can you speak a little bit to the last part that you've touched on, what the impact it would have on a police force if two officers are called to an investigation like this, they may be the only two officers who are on duty that day, and now they're having to sit out, they shall not return to duty, so you may be of a town that only had five or six police officers, and you've now lost a third of your force until the grand jury has completed its investigation. Can you speak a little bit about what the impact that would have on those communities?

PATRICK DEMPSEY: Yes, it would be a huge impact on the community as some of the-- even surrounding Omaha have four or five officers in some of these smaller agencies like Bennington, we'll say. If you were to take two of them out of service for this bill says 30 days, but I'm not sure that that's possible to convene a grand jury within 30 days of this incident, because it takes-- sometimes when investigated before it's even turned over to a county attorney to start to appoint a grand jury, but this would be detrimental to the smaller agencies. Also, a lot of these incidents that take place specifically in Omaha is there's four or five, six, eight cops there, if it's a standoff situation or these suicide situations, you could potentially take six officers out of duty who are all witnesses to this, who all would have to go before a grand jury, you would take those six officers off the streets until the grand jury was convened.

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BOSN: Senator DeBoer.

DeBOER: So if we could find a way to differentiate and say-- you know, so it's not those situations that you've described, which I appreciate, that I didn't realize that there was a grand jury convened in those kinds of scenarios where there's a suicide. But if there was a way to word this where it was just officer-involved shootings, you know, discharge of a weapon and someone is injured in that way, and we limited it to those specific circumstances where it was an officer's weapon that caused the injury. And we said in that instance that the officer, you know, had to stay off of duty until something happened. How would you feel about that particular scenario?

PATRICK DEMPSEY: I don't think you can differentiate an officer involved-- someone dying in an officer's custody. Whether it's from suicide, whether it's from a health condition, or us discharging a weapon, it needs to go between a full grand jury and have the same process because they died in our custody.

DeBOER: I mean, I think you could-- I think we could say that in statute--

PATRICK DEMPSEY: Yeah.

DeBOER: --somebody who's-- I mean, I think we could differentiate it enough to say if an officer discharges his service weapon and, you know, a person is injured by that service weapon then this particular statute would go into place. Would you oppose having someone who discharges a weapon that leads to an injury kept off the force until at least a grand jury can be convened or even maybe just for 30 days or something like that?

PATRICK DEMPSEY: I think in theory of limiting that because we don't know, obviously it's county by county, everybody operates a little bit differently. But if there's potential for an officer to be on, you know, desk duty for-- or in this case, completely off the job for a year, I think that creates a huge problem, especially in smaller agencies.

DeBOER: And that, that makes total sense to me.

PATRICK DEMPSEY: One thing I didn't touch on is one of the things that came up in the opening was about an officer who discharged his weapon

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and then came back to work. I just want it to be known that when he came back to work, that was saving a hostage. He didn't just randomly shoot somebody, he was saving a hostage.

DeBOER: OK. I'm not familiar with that particular case. I guess the concern that Senator McKinney illustrated in his, his opening that I don't know if we have found a way to answer yet, is this concern that the community has when there's an officer-involved shooting, and the community feels like they would like more information about that before the officer returns to duty, and that the community is the one that we're trying to police and, therefore, you know, there does seem to be some concern there if the community is trying to police and doesn't have confidence in an officer because they don't have the full, you know, sort of story about what's happened with that officer. So in those kinds of officer-involved shootings, would a 30-day break be unreasonable?

PATRICK DEMPSEY: I wouldn't say unreasonable. I would say most agencies probably give them at least 2 to 3 weeks, because a lot of times they have to go before psych doctors before they come back to work and--

DeBOER: Well, I would imagine if you're an officer-- I mean, I would imagine that it would also be very hard on the officer and the officer would need some time. So if we could mandate some sort of period of time that they would be off of the force to try to at least answer the question of the community and also maybe look out for our officer, would you be concerned about that?

PATRICK DEMPSEY: I think it's a discussion to be had, but I think that putting any limit on when they come back to work, I know a lot of officers who are involved in a very critical incident, whether it's any type of in-custody death, who really look forward to getting back to work, when they're stuck at home, they sit there and stew about it, whether it's about a lot of times they think that they didn't do enough, they couldn't help that person and they, ultimately, had to discharge their weapon, it leads to a lot of mental health issues. As the President of the Association, I've had a couple of guys who have been involved in these critical incidents who call my phone every day asking when they're going back to work, it's a way to get their mind off things.

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DeBOER: OK, I think we probably need to have a little more discussion about it then at some point other than when I'm about to get on a plane, so I'll let you--

BOSN: Any other questions? Seeing none, thank you for being here.

PATRICK DEMPSEY: Thank you.

BOSN: Next opponent? Any other opponents? All right. Any neutral testifiers? Anyone here in the neutral capacity? Welcome.

CONNOR HERBERT: Hello. My name's Connor Herbert, C-o-n-n-o-r H-e-r-b-e-r-t. I'm testifying in the neutral position mostly because I'd just like to draw attention to the fact that I think a lot of communities, whether that's in Nebraska or elsewhere, have this feeling that, oftentimes, if you die in a custody situation, that you're more than likely, perhaps, guilty of the crime that you were committing. And I think something like this would probably be very useful for assuaging community values and also maybe teach people more about, you know, procedure with detainees and, and things like that. And I also think that, you know, if, in fact, it is costly or it's something that, you know, might add a lot of effort for police agencies, there's probably a little bit of-- there's probably more benefit than there is detriment to having something like this. But, regardless, I just wanted to draw attention to that fact. Yeah, just the general public feeling of probably, like, guilty before proven guilty, you know what I mean? So I don't think that's necessarily a good thing. And something like this could, potentially, you know, teach a lot of community members about policing which would be public good. So, yeah.

BOSN: Any questions for this testifier? Seeing none, thank you for being here. Any other neutral testifiers? All right, while Senator McKinney makes his way up, I would note for the record, there were 10 proponent comments submitted, 10 opponent comments, and no neutral comments. Welcome back.

McKINNEY: Thank you. Just to clear some things up, so in my opening, when I talked about the county attorney in Douglas County making a statement prior to the grand jury investigation, it wasn't the Scurlock situation. But since you bring up the Scurlock situation, you elected not to charge. But then a special prosecutor was appointed and

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a special prosecutor did elect to. But I was talking about the Cameron Ford situation where he was killed because of a no-knock warrant, and he came out prior to the grand jury investigation and said he would not charge. And I don't understand how you don't see any type of bias in that if he is the one presenting the case, and that's the frustration the community has, and that's what I think is being lost. And then the other point is you're talking about the mental capacity for the officers that want to get back to work. What about the community that is in fear of that officer? Because I've talked to many community members at many community meetings about that officer that was let back on the force and, and they don't feel safe, they didn't feel safe. And, and was, was really, I saw women and moms crying that they had to find out randomly at a community meeting that that officer was back on the force. So I'm, I'm not introducing these bills because I don't like people. I'm introducing these bills because I care about my community. I care about the safety of the people I represent, and I care about the people that look like me who end up in these situations. And, and that's why I think the change needs to happen, because unless-- and, and maybe the change just needs to be he can't come out with a statement saying he won't, he won't charge. That is-- to me, that is automatic bias. How can you present a case and come out to the news media and say I'm not going to charge, but then, yeah, I'm going to go present this to the grand jury. What type of confidence does anybody have in that process? Believe me-- like, come on, let's, let's just be honest here, nobody felt confident that any charges was coming out of that situation because they didn't, because he came out prematurely before the grand jury investigation and said I'm not going to charge, nobody have any faith in that process. That's the problem this is looking to address. Thank you.

BOSN: Thank you. Any questions from the committee? Senator Hallstrom.

HALLSTROM: Senator McKinney, have, have you ever been interviewed before a legislative bill goes through the committee hearing process and indicate that you've got a position taken on a bill?

McKINNEY: That is apples and oranges.

HALLSTROM: OK. Thank you.

BOSN: Thank you for being here. That will conclude our hearing on--

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McKINNEY: No problem.

BOSN: --LB277. And next up, we have our committee hearing for LB73 with Senator DeKay. Do you miss us?

DeKAY: What's that?

BOSN: Do you miss us?

DeKAY: I miss you.

BOSN: Welcome, Senator DeKay.

DeKAY: Thank you. Good afternoon, Chairwoman Bosn and members of the Judiciary Committee. I am so happy to be here today. I miss this place. For the record, my name is Senator Barry DeKay, spelled B-a-r-r-y D-e-K-a-y. I represent District 40 in northeast Nebraska. I'm here today to introduce LB73, a bill which would reduce the number of hours that are required for annual law enforcement training with counties having populations under 40,000. I have handed out a map highlighting the counties that would be exempted under this bill. In 2012, the Legislature passed legislation which required each law enforcement officer to attend at least 20 hours of continuing education each calendar year. At that time, everyone agreed that if barbers or real estate sales persons having continuing education requirements, law enforcement officers should have them as well. In 2021, Senator Lathrop was able to pass LB51, which increased the amount of continuing education each for law enforcement officers across the state must take each calendar year to 32 hours. LB51 was brought to try and improve law enforcement standards in Nebraska following civil unrest responding to police violence across the country over the summer of 2020. At the public hearing on LB51, several testifiers warned that additional training requirements in LB51 would reduce officer availability for patrol and call response activities, or will require budget increases to accommodate additional overtime pay for officers to attend additional training in smaller counties and smaller municipalities, primarily in the rural part of the state. I believe Jon Cannon with NACO summed it up best 4 years ago when he said LB51 appeared to be a one-size-fits-all approach for county government, law enforcement, law enforcement structure that 93 different sheriff's offices that each have different levels of staffing. From what I am hearing in my legislative district and across

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much of the state, the 32-hour continuing education requirement is negatively impacting many rural law enforcement agencies, particularly in the smaller staffed offices. The testifiers behind me will elaborate more on this, but the concerns raised in 2021 are indeed occurring today in many parts of rural Nebraska. LB73 offers one solution to try to deal with rural staffing shortages by reducing the statutory continuing education requirement from 32 hours back to 20 hours for law enforcement officers serving in counties under 40,000 people. In cases where a law enforcement officer is not employed but wishes to maintain a professional status, then a number of continuing education hours required, required would be based on the officer's county of residence. I will add that my amendment that I just handed out, AM36, was brought at the request of the State Patrol and would keep State Troopers at the 32-hour requirement as well. I want to stress again that I do believe law enforcement officers should have continuing education and training. Lancaster County, Douglas County, and the State Patrol have been able to handle this transition to the 32-hour requirement relatively well. This is not necessarily the case in parts of greater Nebraska, where one person can represent a tenth or, or a quarter of the available personnel for a law enforcement agency, that one person may be gone for a week or more because they are down in Grand Island for training. LB73, is an attempt to try and recognize that we need to reevalu-- reevaluate the one-size-fits-all approach that LB51 imposed. With that, I would be happy to try to answer any questions. Thank you.

BOSN: Thank you. Questions for Senator DeKay? All right, are you-- oh, I'm sorry, Senator Storer.

STORER: You can't get off that easy. Thank you, Chairwoman Bosn. Just for, for reference, what is the average size of the police force in, in your district?

DeKAY: The average size of--

STORER: Yeah,--

DeKAY: I think--

STORER: --like, how many employees would they have on average?

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DeKAY: County Sheriff Don Henery will be coming up behind me, but I think it's-- in Knox County, we have one sheriff and two or three deputies. And the last time I visited with him, we were at least one staff person-- deputy short of what we would like to have in Knox County. Other counties in the rural sector of the state probably see the same problems.

STORER: Thank you.

BOSN: Senator McKinney.

McKINNEY: Thank you. And thank you, Senator DeKay. I was here during LB51, and I understand the issues with kind of making sure smaller counties have enough officers or sheriffs. The conversation kind of got to, if I remember right, trying to make sure that we didn't have--and it's not that this-- I'm saying this and I'm not trying to come off disrespectful-- trying to make sure we don't have different levels of policing and trying to keep everybody to the same standard. And that was, like, the conversation.

DeKAY: We-- I mean, I've talked to people about that before coming into the hearing. And we understand-- I understand the parameters involved with Omaha Public-- or Omaha Police Department, Lincoln Police Department and the challenges that they face. So-- but the challenges out in rural Nebraska probably aren't equivalent to what the situations that Omaha, Grand Island, and Lincoln face with different types of crimes or different types of situations that come up. There are instances where more severe crimes do take place, but at-- not at, potentially, the level that we see in the city.

McKINNEY: I think the conversation was more of a person from, let's say, somebody from Omaha traveling across the state, interacting with an officer across the state like that, that-- those type of interactions, not the, the crime level difference, but making sure, like, there's-- the same standard of officer is the same across the state because somebody from Omaha or Lincoln or somewhere else that making sure the officers have the same amount of training regardless, because people still travel across the state.

DeKAY: Well, I appreciate that, but I, I do feel and I would be upset, but I, I hope that people out in the rural sector and somebody coming and visiting our towns, we need people traveling to our towns. So I

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hope that anybody coming from the city to the rural sector feels welcome and respected and treated the same way that they would treat people that they have coffee with on a daily basis. And that's the way I try to see people when people come into my area of the state, that when I'm home on the weekends.

McKINNEY: All right. Thank you.

DeKAY: Not a problem. Thank you.

BOSN: Senator DeKay, do you-- I mean, sort of following up on Senator McKinney's point, there's nothing in the bill that precludes a department from internally requiring additional hours above and beyond the 20 hours or the 32 hours. This is the floor, not the ceiling. Is that fair to say?

DeKAY: Absolutely.

BOSN: Do you happen to have any statistical comparisons of other professions as to what they require for continuing education on an annual-- I mean, I can speak from an attorneys standpoint, it's 10 hours of continuing education and prosecutors have 20. But what are dental hygienists and ophthalmologists, you know, other areas, what do they require for continuing education?

DeKAY: I can't answer that. In regards to, in regards to law enforcement from other states, in South Dakota, and I was going to touch on that a little bit in my closing, you know, South Dakota and Iowa require 18 hours of continuing education. Some are more, some are a little less. But-- and when it comes to continuing education, I would not want to be able to have it done totally online because you still have to do your skills test with it and, and handling evidence, handling a firearm that I don't see how that can be done online. So that's got to be in-person training. So that's still going to be part of the protocol.

BOSN: Thank you. Any other questions in light of that? Are you staying to close?

DeKAY: Yes, I will.

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BOSN: All right. Before we get started with proponents, can I see a show of hands, how many individuals are planning to testify in some capacity on LB73? One, two, three. All right. Thank you. Proponents?

DON HENERY: Greetings from Knox County again. This time you guys whooped us on the snow, I'll just tell you that. Almost 5 hours to get here. My name, if you remember, is Don Henery, D-o-n H-e-n-e-r-y. I'm the Knox County Sheriff. I'm here in support of president or president-- Senator DeKay's LB. I don't have a lot of time so here we go. When I started in 1981, Knox County had almost 30 full-time officers, and every town had at least 2-plus officers in it. Fast forward today, Knox County now contracts with 4 of those towns and villages, and there are a total of 11 full-time officers in Knox County. I've had to absorb them and not be able to increase the manpower to match what we had in 1981. The reason this is important is because my officers have more pushed on them and less time to specify things out in the county, we're working villages, we're work towns. All that equates to spending a lot of time a little bit of everywhere. And so when it comes to training, yes, training is good, 20 hours is what it used to be, and we were able to whip that out. Again, like you said, 20 hours is a minimum. That's not saying that's all we're going to do. In our case, we have a double homicide case going on right now. The investigation part is mostly done, but I have to do security. Every time there's a court hearing, I have to pull officers in for that. As you can see, the overtime mounts up. And so that's all I'm going to touch on that. Training online versus classroom. Even if I have my guys training online, which I've done, a couple things happen. I'm an hour or two into a 3-hour block, I get called out, I come back, that thing's gone. I lost 2 hours of my life I'm not going to get back and have to start over. The other thing is, if I'm training online, I have to have somebody cover him. Now, if the guy doing the training is on overtime, that's great, but if he's on regular time, the guy covered is on overtime. I don't have the officers out there to be able to split that up. What we tend to do is we tend to train in the classroom. We have, and the advantage of that is we're training as a team. We're not training one on one. We're bouncing ideas off each other. We're laughing together. We're arguing together. Sometimes crying together. But that makes us a team, not a one on one. I got a light. The last thing I want to touch on is this overtime thing. Have you guys ever thought, it's not just a budgetary thing, it's a family thing? Every time my guys are on overtime away from their family, that

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family pays the price too, not just, not just them, that family. 41 years at the sheriff's office, I've been divorced twice. That was because I probably spent more time with the job than with the personal life. That's, that's what I chose to do. But that overtime took me away from that family life, too. So you need to, you need to think about that. The families do count, not just the officers. So by the more you guys demand, the more the family pays, too. I beat it. Questions?

BOSN: Questions for this testifier? All right. Well, thank you very much for being here.

DON HENERY: Thank you.

BOSN: Appreciate it. Next--

DON HENERY: Again, I apologize if I'm emotional, but I believe in it.

BOSN: Next proponent?

AARON HANSON: Madam Chair, members of the committee, my name is Aaron Hanson, A-a-r-o-n H-a-n-s-o-n. I am the Sheriff of Douglas County, and I'm in support of, of this bill because I think it's, I, I think it's a balanced approach that's worth, that's worth a try. You know, I, I try to keep in good touch with my peers in, in the rural parts of the state and listen to their challenges. And many times those challenges are similar, just on a different scope and-- to what we're dealing with in, in the largest county in the state. I can tell you, in Douglas County, I've got a dedicated staff of four full-time deputies, one sergeant, three deputies, that their full-time job is training. And although currently the minimum number of annual hours of continuing ed for law enforcement is 32, I can tell you, on average, we provide 80 hours a year of in-service training to our sworn staff. And in addition to those sworn members, we also have an administrative lieutenant who has to split the duties between all the administrative paperwork duties of supporting that training staff, but also one full-time civilian law enforcement tech that also handles the documentation of that training. The point is, it's very work and time intensive. And talking to my peers across the state, I do believe them that when they say that this 20-hour standard is essentially the new floor, but for the most part, I believe it's their intent to provide additional training above and beyond that 20. I take them at their

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word on that. When it comes to scheduling manpower and personnel needs, it, it is, it's taxing on any agency, big or small. Between making sure that you have enough deputies on patrol or on duty, whether someone is sick or taking vacation leave or gone for training or other special duty, it, it is a tough balancing act, for sure, to juggle that, but I am confident that my peers in the rural parts of the state can navigate a 20-hour standard while still maintaining the high level of professionalism. And to Senator-- Madam Chair, to your question, registered nurses have 40 hours of continuing ed, occupational therapist, 20 hours, respiratory therapist, 20 hours, physical therapist, 20 hours of continuing ed, LPNs and RN's, 20 hours a year of continuing ed, and real estate license, they have 12 hours, and engineers and architects, 24 hours or 30 hours. So I think, in any event, whether we're at 32 hours or 20 hours, I think we're, we're pretty close to licensed industry standards when it comes to continuing education.

BOSN: Thank you. Questions for this testifier? Senator Hallstrom.

HALLSTROM: Yeah, just a question with regard to-- I talked to some of the officials in my, in my district, and it seems like you're trained for anti-bias and implicit bias training in the certification process. And then there's an absolute minimum of 2 hours. And there was this concern that, you know, as we do all too often, it's the same refresher course every, every year. And something like that, like, would that be something that could take off the, the pressure that if we, we didn't require that every year to minimize that or do you see the, the benefit of getting the same, same training over and over and over again?

AARON HANSON: You know, this is just my opinion as the Sheriff of Douglas County, which probably is one of the most diverse counties in the state, obviously my deputies, my agency, we have great value from that type of training. And we do like to keep it fresh. We do like to mix it up because we do want, we do want them to take the diversity training to heart. I can't speak to what that training-- every law enforcement professional should have that type of training. But I-- I'm, I'm not an expert in, in what that translates to in rural counties, I can only speak to my experience in Douglas County.

HALLSTROM: Yeah, and, and my question wasn't to minimize that type of training, it was just to make sure, and I appreciate you saying that

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you try to freshen it and refresh it so that you're, you're learning new, new issues.

AARON HANSON: Correct.

HALLSTROM: Thank you.

BOSN: All right. Thanks for being here. Next proponent?

BRENT DEIBLER: Good afternoon.

BOSN: Good afternoon.

BRENT DEIBLER: Brent Deibler, B-r-e-n-t D-e-i-b-l-e-r. I'm the Brown County Sheriff, Ainsworth, Nebraska. I'm proponent for LB73. I do firmly believe in doing continuing education. I've been a law enforcement officer for 20 years now. Worked for multiple agencies, state and local county, both. And I think all of us strive to do a minimum of 20 or 32 and usually it's, it's higher than that. In rural Nebraska, there are-- Ainsworth, we try to get together with surrounding counties and do hands-on training and the anti-bias training is one of them that we do, three or four counties get together. We try and do slideshows on the Internet, and we do discussions with it and try and freshen that up. We'll do handgun, tactics training, all that stuff. The problem with it is, is when you have an agency as small as mine, I-- if I was fully staffed, I'd have five full-time deputies and currently I only have three. So when we're training as a group somewhere, somebody has to stay home and take calls and guard the county. Obviously, that's what we're required to do by law. Well, when the group is training, then that individual, individuals that have to stay back, didn't get the same training the rest of us did, and then they have to be sent to another county, Grand Island training academy, somewhere to make that up. And the more hours we do, the harder the requirement is to meet for us smaller counties that are struggling to stay staffed as it is. And I'm, I'm one of those small counties. It's hard enough to compete with our neighboring eastern counties for the pay. So when we do get good employees, we want to keep them and keep them happy. And I believe the 20 hours would benefit rural counties a lot better, so.

BOSN: Thank you.

BRENT DEIBLER: Any questions?

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BOSN: Any questions for this testifier? Senator Storer.

STORER: Thank you, Chairwoman Bosn. Can't let you get out of here without questions. Thank you, Sheriff Deibler, and thanks for driving all the way to Lincoln to, to testify on this issue. I was just going to ask, I guess, a question. Senator McKinney expressed some concern, which is, you know, which is it creates some, generate some good thought about the unique needs of training for different parts of our state, for our law enforcement officers.

BRENT DEIBLER: Yes.

STORER: And, and I, I would-- I don't think anybody would really argue that there's probably unique things that law enforcement officers in our metropolitan areas deal with that, that our more rural counties don't necessarily deal with. Would it be the true-- would the same be true, though-- would there be unique things that our rural officers may deal with that our officers in metropolitan areas would not?

BRENT DEIBLER: Absolutely.

STORER: [INAUDIBLE]

BRENT DEIBLER: Absolutely.

STORER: OK.

BRENT DEIBLER: And I, I do appreciate your words. I did think a lot about that, Senator, when you speak. One tool we have to help with that is right here. Our body cameras, we can-- staff management can review all the body cameras to make sure everybody is getting treated equally. And that's very, very important to me as a sheriff. We have a diverse county living with the industry there, the people who do work there who do deal with people speaking different languages and different backgrounds and cultures. As when our rural people come to Omaha or Lincoln and travel, they have a completely different lifestyle, different background, so on and so forth, and are treated, maybe, different when they get there because their viewpoints are different or their appearance is different. And that, that obviously works both directions. And that's why we do have the body cameras to review everything, make sure everybody is getting treated equal. And that is brought up if need be during our training sessions and we, we train as groups. So, yes, Senator, it's very important to us.

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STORER: So it, it would be-- I'm just imagining it would be, it would be challenging to try and make it 100% comprehensive for all officers in both metropolitan and rural areas to have the kind of training that they are, they're totally prepared for the opposite cultural [INAUDIBLE].

BRENT DEIBLER: It, it would be very challenging, yes. We, we do the best we can. I have worked in state law enforcement prior, so I have been able to work in the urban areas. So I feel I have a good feel for what you're asking. And a, a law enforcement officer that has only worked in a rural setting, yes, is going to have different viewpoints and challenges, and you're not going to get them exactly the same for the urban setting, that's correct. We do the best we can. Yes.

STORER: Thank you.

BOSN: Any other questions for this testifier? If not, thank you very much for being here.

BRENT DEIBLER: Thank you for your time.

BOSN: Next proponent? All right, we'll move to opponents. Anyone here in opposition to LB73? Neutral testifiers? All right, while Senator DeKay makes his way back up, I will note there were two proponent, seven opponent, and one neutral comment submitted for the record. Welcome back, Senator DeKay.

DeKAY: Thank you. There's a couple questions asked about continuing education hours, and some of them were touched on here, but a couple more of them are, like, a dental hygienist has 15 hours of continuing education a year, medical doctors have 50 hours every 2 years, with 3 hours of that dedicated to opioid, opioids and a half-hour dedicated to prescription drugs, cosmetologists have 8 hours every 2 years, and CPAs have 8 hours-- 80 hours every 2 years. Senator McKinney, you are correct about LB51 to being sought to have a uniform standard across the state. The issue we have is manpower, especially in rural Nebraska, and it adds potential public safety concerns if deputies are off for training instead of covering their jurisdictions. And, and, like I said, if everyone is gone for training, one person might be covering hundreds or might even thousands of square miles by, by themselves. And I'd like to thank Knox County Sheriff, Douglas County Sheriff, and Brown County Sheriff for testifying today. And I would

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close by saying I want to reiterate that when we passed LB51 4 years ago, we created a one-size-fits-all approach when it comes to mandating law enforcement continuing education. I'm just trying to find a more workable solution for rural parts of the state. South Dakota to the north of me requires 40 hours of training in a 2-year period, which is 20 hours a year. Iowa to the east of me requires 18 hours of training per year. I don't have a problem with continuing education. All I am saying is that there is an increasing compliance burden on the further away you get from the metropolitan areas. LB73 is an attempt to address an issue that I am hearing in my district and in wider rural Nebraska. I would be happy to work with members of this committee and the people who testified here today to see if there's a potential path forward to move LB73. With that, I would like-- I would be happy to try to answer any questions and thank you for having me today.

BOSN: Questions for Senator DeKay? Seeing none, thank you very much. That will conclude our hearing on LB73. Next up, we have LB301 with Senator Ibach. This is like the reunion of the Judiciary [INAUDIBLE].

HOLDCROFT: [INAUDIBLE] today.

BOSN: We got empty chairs.

HOLDCROFT: Is it warm in here?

BOSN: Yes. I will make an announcement that I was provided a note that says the HVAC unit is down and being worked on, and I know a guy who could fix it, but I haven't called and asked him to come and help with that.

IBACH: Reinforcements.

BOSN: But I am willing to do so if it gets much warmer.

IBACH: Well, I will be really brief, so if that's any help. I'm here to help you out on the situation. Good afternoon, Chairman Bosn-- Chairwoman Bosn and members of the Judiciary Committee. My name is Teresa Ibach, T-e-r-e-s-a I-b-a-c-h, and I'm here to open on LB301. For background, I introduced LB301 this year as a result of a commitment that I made to former Senator Justin Wayne and stakeholders who supported Senator Wayne's amendment to allow individuals who, who had Deferred Action for Childhood Arrivals to

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obtain law enforcement certification after the amendment was removed from legislation that I introduced last legislative session. Over the interim, I worked with stakeholders interested in the topic and, thus, LB301 was formed. LB301 would have allowed any individual who was authorized to work by the federal government within the United States to be allowed to obtain a law enforcement certification should a city, county, or state law enforcement agency choose to hire them. And, additionally, that would include the benefits that would come with such position. Because of my prior commitment, I introduced this legislation. However, based upon recent actions taken by the federal government, pursuing this legislation at this time could have massive, unforeseen consequences that could affect federal funding to our state and local governments. As a result, I fully understand this legislation is not going anywhere anytime soon. Therefore, out of respect for your time, I'm asking the committee to indefinitely postpone this legislation. And with that, I thank you for your time.

BOSN: Any questions?

HOLDCROFT: Question.

BOSN: Senator Holdcroft.

HALLSTROM: Do you really want us to IPP it or do you just want us to hold it in committee?

IBACH: You can IPP it because I don't think it's going anywhere. Thank you.

BOSN: All righty.

IBACH: Thank you.

BOSN: Do you have any-- or are there any individuals to testify on this bill based on that? Oh, OK. Yes, sir.

SCOTT THOMAS: [INAUDIBLE]

BOSN: We'll, we'll take testifiers then, I was wanting to--

IBACH: OK.

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BOSN: --see if you wanted to waive close then, but we'll, we'll take testifiers. Anyone in support of LB301?

IBACH: I will waive closing, though, and go back to Revenue.

BOSN: Got it.

IBACH: Thank you.

BOSN: Thank you.

***TANYA ENCALADA CRUZ:** I support this bill.

BOSN: Any opponents to LB301? Welcome.

SCOTT THOMAS: Good afternoon, Judiciary Committee. My name is Scott Thomas, S-c-o-t-t T-h-o-m-a-s, with Village In Progress, USIDHR, testifying against Senator Ibach's bill. We're against having noncitizens enforcing laws. You have some potential human rights issues come into conflict on these issues. Article 15, Section 1, right to nationality; Section 2, no arbitrary deprivation of that right. Article 9, no arbitrary detention, arrest, or exile. Article 6, right to legal recognition and subsequent entitlements. Article 3, the right to life, liberty, and the security of person. Additionally, Article 17, 1, is right to property; and Section 2, no arbitrary deprivation of property. The only thing that comes close to even pointing towards this in the Human Rights Declaration would be Article 21, Section 1 is the right to participation in government in your country; Section 2 is the right to equal access in public service in your country; and Section 3 is the will of the people shall be the basis of the authority of government expression through election. Donald Trump campaigned extensively on citizenship. It was a cornerstone issue and he won every battleground state. There's constitutional potential violations, Fourth Amendment, Fifth Amendment issues. And so I would just say today I was at McDonald's a couple hours ago, and there was a homeless man in there talking to himself when we were ordering. I watched an officer come in and she went to the bathroom. She came out, and then she approached the man and another officer joined her, and they asked him if he would just be fine leaving, he was done eating. And they said we got a call that, you know, some people reported that you were in here using vulgarities, but they showed up on the scene to observe before they

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even interacted with the man. You know, they could have pushed for a disorderly, but they chose not to. They deferred to that. I was at Mike Flood's town hall on Tuesday, there was a lot of people, very boisterous expressions of, you know, people's positions on various issues. And Platte County Sheriff was in attendance, Columbus Police Department, they didn't intervene in anybody's expression of speech. They ensured that there was no conflicts, no violence, kept the peace. When LB77 passed, we called and made contact with Lincoln Police Department to follow up to make sure that there weren't unnecessary contacts being made with citizens who were in compliance with LB77 if that was the only thing that they were doing was possessing a firearm, and there was nothing else reported that we made sure that-- and we got the feedback that generally officers respond to those situations and they'll observe before they interact unless there's a necessary an immediate safety threat. So I would advise against this and I would ask you not to push it out of committee, but it sounds like the senator has no intention of that, so. Any questions from the senators?

BOSN: Questions for this testifier? Thank you for being here.

SCOTT THOMAS: Thank you so much.

BOSN: Any other opponents? Neutral testifiers? All right. I will note for the record, there were 5 proponents, 74 opponents, and no neutral testifiers. The Judiciary Committee did receive ADA testimony on this bill, LB301. It will be included in the official hearing transcript and will be included on the committee statement if one is generated. This testimony in support was received from Tanya Encalada Cruz of Lincoln, and that will conclude our hearing on LB301. Next up, we have LB222 with Senator McKinney.

McKINNEY: Thank you. Good afternoon again, Chair Bosn and members of the Judiciary Committee. My name is Terrell McKinney, T-e-r-r-e-l-l M-c-K-i-n-n-e-y, and I represent District 11, which is in north Omaha. I'm here to discuss LB222, a bill representing a necessary and evidence-based step forward for Nebraska. This legislation is about enhancing public safety, strengthening constitutional protections, and ensuring that traffic enforcement serves its true purpose keeping our roads safer than being the tool for unnecessary and sometimes harmful police encounters. The people of Nebraska expect and deserve a justice system that is fair, effective, and accountable. Yet, nonsafety related traffic stops have resulted in preventable tragedies, fostered

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distrust between law enforcement and the communities they are sworn to serve, yet have failed to improve road safety. The data is clear, nonsafety related traffic stops do not reduce crime or enhance public safety. They, unfortunately, do disproportionately impact black and Latino drivers and increase the likelihood of unnecessary or sometimes fatal police encounters. LB222 ensures that law enforcement resources are used efficiently, preventing officers from being tied up with stop for minor nonsafety related infractions, while ensuring that actual threats to public safety violations remain a top priority. LB222 aims to modernize Nebraska's approach to traffic enforcement by limiting stop for minor infractions that do not pose immediate risks to public safety, such as expired registration tags, a broken tail light or headlight, or misdemeanor warrants. This bill also introduces a requirement for written consent before an officer conducts a search of a vehicle when there is no probable cause, ensuring that Nebraskans understand their constitutional-- constitutionally protected rights and their searches are conducted transparently. LB222's goal is simple: reduce unnecessary traffic stops, prevent tragic confrontations, relieve unnecessary burdens, and allow law enforcement to focus on serious threats to public safety. Traffic stops are the most common way Nebraskans interact with law enforcement, and far too often they escalate into, into deadly force incidents. Steven Phipps, a 22-year-old black male, was fatally shot by Omaha police in October 2024 after fleeing from a traffic stop initiated for expired plates. A minor violation. He was shot eight times while running. This is not about opinions, it's about data. Mr. Phipps's death occurred in Douglas County, where a 2022 report by the Nebraska Crime Commission found that black drivers were pulled over 2.6 times more than their white counterparts. The report also found that in Lancaster County, black Nebraskans were 3 times more likely to be pulled over, Hall County, twice as likely to be pulled over, and Buffalo County, 3.5 times as likely to be pulled over. This occurs despite similar driving behaviors between black drivers and white drivers. If LB222 had been law at the time of Mr. Phipps's death, it probably could have been prevented, and going forward, LB222 will, will prevent other deaths like, like it by ensuring that traffic stops and low-level offenses do not lead to unnecessary police encounters that will pose potential danger to those being pulled over to the law enforcement officers conducting a stop and to civilians in the area. Minimizing this over-- overused practices, is a goal that will protect all stakeholders. The number-- the numbers tell us that nonsafety related traffic stops

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disproportionately target communities of color without any meaningful impact on crime or safety. Out of 300-- 325,000 traffic stops reported in Nebraska in the Crime Commission's 2022 report, only a tiny fraction led to arrests for serious crimes. The Wisconsin Law Review found similar results when analyzing data from other states. In 20-- 2019, California police recovered firearms in just about 0.3% of stops, North Carolina officers found illegal weapons in just, in just about 0.1% of stops. In 2022, Chicago police conducted over 1,400 stops daily, yet less than half a percent lead to weapons or drug recoveries, about 6 out of the 1,400 per day. Nonsafety related infractions have led to tragic consequences for citizens and law enforcement. LB222 aims to defuse potentially dangerous situations. It seeks to redirect law enforcement's focus on real threats, not minor infractions that can be addressed in other ways. Finally, LB222 aims to improve public trust in law enforcement, for we not only serve our constituents, but all Nebraskans. Thank you and I welcome any questions.

BOSN: Questions for Senator McKinney? Senator Hallstrom.

HALLSTROM: Maybe I need to read it into this bill more, Senator McKinney, but you're suggesting that there's no ability to stop someone for a driver's-- operator's license that's suspended or revoked. How is the officer going-- wouldn't that normally involve a stop and a review of the driver's license and then you determine that it's suspended or revoked after you've made the stop and identified who the driver or operator of the motor vehicle is?

McKINNEY: Yes and no because-- I mean, you can probably read the plates. So that's a yes and no probably.

HALLSTROM: Yeah, and I, I--

McKINNEY: Yeah, probably [INAUDIBLE].

HALLSTROM: --it seems incongruous to me unless I don't understand.

McKINNEY: I mean, maybe-- I mean, if the driver-- I guess if the driver's license, if the driver's license is suspended and the car is registered to the person, I guess they can run the plates and see that as well.

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HALLSTROM: OK. And then I've been picked up while driving my wife's car for not registering it in a timely fashion. There used to be a pretty hefty fine if it went over 30 days. Those are still violations of law for which this bill would say don't stop them. Could that result in people just saying, well, I won't register my car if, if they're not going to stop me for, for what's clearly a violation of the law?

McKINNEY: No, I don't think so. I don't because, I, I mean, I, I would, I would say no.

HALLSTROM: OK. Thank you.

McKINNEY: No problem.

BOSN: I guess my question is, doesn't-- and maybe it's similar to Senator Hallstrom's-- this proposal suggests that there are certain violations of the law of which law enforcement will no longer be able to stop the individual if they're in their car? If you're walking down the street and you have a misdemeanor warrant, I could-- if I was a law enforcement officer and you had a misdemeanor warrant, I could recognize you and arrest you for your warrant. But if you're in your car, this would say I cannot stop you and effectuate the law.

McKINNEY: It's a good thought to think about. That's a good thought.

BOSN: OK.

McKINNEY: Yeah.

BOSN: Any other questions? All right. I assume you're staying to close because--

McKINNEY: Yes.

BOSN: --you're the next bill? Can I see a show of hands, how many individuals wish to testify in some capacity on LB222? One, two, three, four. Latecomer, we'll see if we let him testify. All right, any proponents to LB222?

JASON WITMER: Brought you a lot of material, if that helps. Thank you, Chair Bosn and Judiciary Committee. I am Jason Witmer with the ACLU, and we are here in support of LB222 for two main reasons. First, every

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Nebraskan deserves equal protection under the law. Second, law enforcement should focus their time and resources on actual threats to public safety, things like drunk driving and cars spinning out of-- like, in a March blizzard. But right now, Nebraska's outdated traffic enforcement practices do not fully meet that task. Nebraska's Crime Commission statistics show that enormous amount of law enforcement resources that are poured into traffic stops have only about a 1% chance of resulting in arrest. Nationwide, it's a similar story. That's why nationally, there is no-- there has been no increase in crime in jurisdictions that have reduced nonsafety stops. Implementing LB222 will not interfere with officers' ability to stop crime. Instead, it redirects law enforcement resources and efforts towards addressing dangerous traffic violations such as drunk driving, reckless driving, etcetera. One of your handouts that I have shared, it's a one-pager, looks like this, is the results of a new survey of Nebraska voters who agree with the substance of LB222. 70% stated that they are unconvinced minor traffic stops are necessary to make communities safer. 77 said-- 77% said that they would like officers to focus on dangerous driving behaviors. 56% believe that ensuring drivers' constitutional rights should be a more significant factor in how we practice traffic stops. So let's talk about how a driver feels. Nebraska-- Nebraskans do not need to add stress over inability to pay to fix a broken taillight or a loud muffler while they're driving to their second job in order to pay for over-- overpriced groceries to feed their children. Black and brown Nebraskans who are two times, two to three times more likely to be stopped and searched than their white counterparts, despite contraband being found less often, would also feel safer when they're driving across town to attend their son's wrestling match. And I believe that there is a large portion of law enforcement who do not show up publicly at these hearings for whatever reason, who would prefer not to enforce nonsafety related traffic laws that cause more damage to Nebraskans who are struggling paycheck to paycheck when they could pour their efforts into addressing actual criminal behavior in dangerous circumstances. This isn't about taking away police authority, it's about using it wisely. When law enforcement focuses on serious violations, the public safety, the public safety improves, community trust strengthens, and constitutional rights are upheld. We ask that the committee advance LB222 to General File. Thank you.

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BOSN: Questions for this testifier? Can you-- you started at the beginning and spoke of our outdated traffic stop laws, and I don't see that in this handout so I was hoping to hear more about what you think our outdated traffic stop laws are specifically.

JASON WITMER: Well, we, we delegated, I guess you could say, a lot of these to the law enforcement to the point that it's hard for our minds to wrap around that maybe law enforcement is not the best one to be regulating nonsafety related traffic issues. And then on the frequently asked question one where it list the, the things, if you look like a traffic-- broken tail light, a police officer needs to pull a person over for a broken tail light. We feel like that's normal, but that's because we was taught it was normal. Why would officer-- why would we use officer resource for that when drunk drivers are a problem? Reckless driving is a problem. There's, there's crimes, actual criminal actions to do this. A lot of these are noncriminal actions, they're fines and fees-- I guess you wouldn't say noncriminal but we criminalize them-- that would do no harm if they was addressed in another way which that's where the-- these innovative community resources come in that we come up with. Is that answering your question? You're looking at me, like, um, Jason, redirect.

BOSN: Well, I guess when you say outdated traffic stop laws, I'm not sure-- so your solution to that is law enforcement shouldn't enforce nonviolent or noncriminal--

BOSN: Nonsafety related. So that's not true.

BOSN: Well, let me push back there because you've now said that a couple times and I would push back and say a tail light out is a safety risk. Otherwise, why would we have tail lights? I mean, if the reality is that tail lights don't provide some degree of safety to those behind you that see that your tail light goes on and turns red when you're stopping so they don't smash into you, their safety is dependent on you having those. And I've had an officer pull me over and say did you even know this? I said, no. I got a fix-it ticket. But God only knows how long I could have driven-- I never-- I'm never behind my car while I'm driving it so it brought my attention to the fact that I had a tail light out, right, and they give you a-- I think, it was 10 days, don't quote me on that, to fix it-- to fix the, the tail light on that car. But it, to me, is a benefit to public safety to have someone bringing that to your attention so that you

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don't cause an accident, someone else doesn't get injured, and then we don't have further situations. So those are the traffic stop laws that I don't think are outdated or needing to be adjusted.

JASON WITMER: Well, it's not taking it out of the law, it's making a secondary offense. So it's-- by not being a primary offense, it's not what you would pull somebody over for. But if you pulled somebody over for an appropriate offense, that could be a, a ticket or whatever they discern that to be. I will push-- I will say-- not push back, but I will say-- that was your words, sorry-- it does matter that the racial disparities because a traf-- a, a tail light means I'm going to get pulled over because they think I'm doing something and then it could escalate into something else. Which is why when people say why would somebody run, it just feels like natural instinct to flee the police when you're thinking, like, what did I do now? I don't know what I did, which I know because 3 years ago, my house got circled by 3 police sheriffs for a warrant on somebody that didn't live there, and they covered my camera. And then when we finally got rational, they were just like, oh, we should have a picture of some guy. I wanted to run out the back door when I walked to the door because nobody knocked, I just heard somebody on my porch. And then there was the police on my porch, and I seen one disappear around the side. So what I'm saying is, moving it in a secondary is not making it illegal. We can find resources in the community despite people not believing in that, that can address these issues without the police doing them, which I would think once we can wrap our minds around that, we don't need the police to do every single thing that they would appreciate, like, yeah, I don't want to be somebody enforcing fines and fees on the public for things that are non safety, because I'm here with a gun and a badge for a dangerous situations to protect citizens from dangerous situations. But when it comes to traffic, yes, that involves reckless drivers. That's an immediate threat that involves just numerous things and then a nonsafety-- well, this is a safety issue as this storm has come. I fully understand why officers would be out there in this winter storm trying to help traffic. But the thought that we have to pull people over for a tail light for something in their rearview mirror, for their, their windows are tinted, because their muffler is making too much noise. That's all poverty driven, a lot of that, because I'm going to fix my tail light because I have means right now as soon as I know it. All I need to do is be noticed-- notified, not by a traffic stop. I promise you, I'm not making it up

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when I say if a, if a police pulls up behind me, my heart is racing because I don't know what happened, and I also know that my life is in danger. And I would love to be somebody that doesn't feel like that, because now I get to wear suits and whatnot, but it, it don't matter what I have on. When the police pull me over, my heart is racing because I don't know what's happening, and I don't know where this could go because if he has a bad day, I'm likely to have a bad day no matter how good I try to make the situation. So that is an interest to me and an interest to ACLU and, hopefully, an interest overall into the overall public, because that's where the public's-- the public trust is going down. That's where we feel like when we bring these bills that it's us against them, but it's not. We want the police to be in line with us, too, so that we don't feel this way. We as in black and brown people, but we prefer if we're going to say we're all just Nebraskans or Americans or whatnot, that we could align some of these things that are extremely dangerous for a young man running. And people can make all the excuses, but why are so many black men killed for running away? That is not a threat. They're chased until somebody says they can see a threat and then they kill them. And so this is not directly me go on, it's just frustrating because at some point we can all get on the same-- if we was all to get on the same page, I feel like we'd have resolutions that would help our community and the overall society's community. But we are embedded with these thoughts that law enforcement need to be part of everything. I think that this, if you guys are not set on this, this is something that could be worked on. We can work-- we could, we could talk, McKinney could talk. The chief of police, maybe she can come and talk, [INAUDIBLE] all the chief of police. What is the issues that we have? Because as what we want from you, I would expect you would want from me and any of us is when I say something, be open enough that you might be like, oh, that's a different perspective I haven't taken into consideration.

BOSN: Any other questions? Senator Storer, followed by Senator Hallstrom.

STORER: Thank you, Chairwoman Bosn. I am-- my question is very specific, and you've said this a couple times, that your suggestion is we find alternative ways to deal with the nonviolent or nonrisky, you know, tail lights, failed to use a blinker. What-- I'm trying to imagine what those alternatives might be if it's not law enforcement?

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JASON WITMER: OK. I'll try to keep it short because I hurt myself. For, one, illegally parked car is a ticket, and we don't use police officers to go around and put tickets. And for, two, an example that I would ask you to connect because it's not necessary, the real program run through mental health association, literally use people who've been through mental health concerns, who've been incarcerated, who've been all, all of this, got training, learned to live a different life, and the law enforcement was coming to them to, and still is, to, to basically just refer somebody that they've been dealing with in hopes that this connection here will take them out of the picture. So in this part, I'm saying, like, who would have thought of that before? Who'd ever said, well, law enforcement's having a problem with this person over here that has domestic violence, which we are seeing is escalating out of control, which it always is, but I'm not going to use the police to talk to them, like that's the police that does that. We do that. They've been doing that for 15-plus years, probably. And it has worked to the point that now they're pulling in therapists and whatnot to do the kind of the same thing. It could be the same way with traffic, the same way we got people driving around looking for people with parking tickets, they can also try to address that, and it doesn't require pulling somebody over. We are-- we have identifying markers on our car with license plates, you know, or whatever it is.

STORER: But wouldn't that still, in essence, be a version of law enforcement, even--

JASON WITMER: Unarmed individual, a society is going to adjust quickly that unarmed individuals are not potentially a threat and don't have a record of killing some of our communities, repeatedly, unarmed and having no consequences behind it.

STORER: So the difference-- and I'm just-- the difference is you would suggest an unarmed police officer or an officer of the law, what-- whatever we want to call them. I mean--

JASON WITMER: I mean, that's a thought, but I would suggest a division or something. This is-- so this is not all my cup of tea, I'm just spinning. I would suggest something that does not reflect it's the police. Why? Because that's just, you know--

STORER: And we all come with very unique perspectives, which is what makes these dialogues fruitful, I think, quite frankly.

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JASON WITMER: Right.

STORER: But when-- and, and you're coming from clearly a perspective based on your experience and in a more metropolitan area. And when I-- when we look at these things, for the most part, most of the, most of the laws passed in the state of Nebraska, unless there are some very specific exception, are to apply to the state of Nebraska. You heard, I don't know if you were in here, when some of the officers earlier talking about hours for training were testifying, a very large portion of our state is operating with a police force of less than five people.

JASON WITMER: Yeah, I lived in them communities, several of them.

STORER: So, so in this, and, and bear with me, in your scenario, if this were to, in effect, become law, we don't have enough police officers in much of our state, and rural areas in particular, to cover the hours of the week as it is, this would require, yet, a whole nother division. So you see where I'm going. I mean--

JASON WITMER: Yeah, well, that might have been one of my ideas, but it could be an officer that's not working. They-- I see them at the, I see them at the-- downtown at the bar acting as bouncers and they don't-- many of them don't have a pistol on them.

STORER: Thank you.

JASON WITMER: But they, they also have the right to carry a pistol if they're legal. I'm just saying we shouldn't feel like it's the police pulling us over, and the police also shouldn't feel like they have to pull us over in these situations that have occurred, and there's always this--

STORER: [INAUDIBLE]

JASON WITMER: --there's alternatives.

STORER: We're, we're dealing with shortages in many parts of the state today and--

JASON WITMER: Yeah.

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STORER: --this recommendation as you-- as thoughtful as it is really sort of just complicates that problem. Thank you.

BOSN: Senator Hallstrom.

JASON WITMER: Thank you.

HALLSTROM: Yeah, I, I, I don't intend to or mean to question the issues that you've raised regarding disproportionality, that's for some other discussion and continuing discussion. I appreciate that. But I'm just trying to wrap my head around how this would operate in practice. Senator Storer has mentioned the manpower issue. And you, you earlier said if it's a, if it's an offense for which an arrest is not required. But my question would be, aren't these other things that we've discussed violations of law and, thus, criminal conduct for which some type of citation, if not an arrest, would be required?

JASON WITMER: Well, preferably it'd be the level of a traffic ticket because we only escalate this. We have one of the countries building up the most full prisons because we over incarcerate, over prosecute, overcharge and that, and people say that's soft on crime, then why is not everybody doing that?

HALLSTROM: And, and I, I understand and appreciate your concern. But for the vast majority of transactions where the only thing that happens is a violation of law and the issuance of a citation, this bill to me says you can't stop them and give them the citation.

JASON WITMER: That would be a small portion of the population that just doesn't, at least at that time in their lives, don't respect that. And to, to not get me on that population, we remove the other 90% of the population that are doing it, just like we talked about the small percent of juveniles, and we need this bigger law. But what about all them kids that were doing it, same thing with this? Most of us, I don't want traffic tickets. I don't want to pay \$100 fee. I don't want, you know, so I don't do that, including my, my daughter doesn't do that. My-- you know, I have family members who have never been in trouble with the, the-- because they don't-- they-- so it does have a deterrent effect because otherwise-- are you going to start speeding?

HALLSTROM: And I don't disagree.

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JASON WITMER: You know what I mean?

HALLSTROM: I don't disagree with you. But if you're telling us that you're not going to be stopped, not you personally,--

JASON WITMER: Right.

HALLSTROM: --but individuals are not going to be stopped for those offenses, you've taken away the deterrent to make them conform to what the law requires.

JASON WITMER: But then why don't they just park illegally all the time if it's-- all it is is tickets? They don't because people are deterred by having to-- capital-- we're a capitalistic society for a reason. We love money. Money deters people. Some people will keep their behavior for a while, I agree, but it will change. It'll change, or something else will. If they, if they can't change for that, then they might evolve into something else which would involve the police, but.

HALLSTROM: You've also suggested making these secondary offenses. But I, I don't read any-- and I appreciate we could do that-- I don't read anything in the bill that makes them secondary offenses. Am I misreading it?

JASON WITMER: I'm-- yeah, I'm pretty sure you're misreading it.

HALLSTROM: OK. Thank you.

JASON WITMER: They're all secondary offenses is what they're asking.

HALLSTROM: OK.

JASON WITMER: [INAUDIBLE]

HALLSTROM: I'll read it a little closer.

JASON WITMER: And then I'll follow up, I'll read it again to make sure that I'm not misleading you.

HALLSTROM: OK.

JASON WITMER: But--

HALLSTROM: No problem. Thank you.

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BOSN: Any other questions? All right. Thank you.

JASON WITMER: All right. Thank you.

BOSN: Next proponent? Any other proponents? All right, opponents. Anyone here opposed to LB222? Welcome back.

AARON HANSON: Thank you, Madam Chair, members of the committee. My name is Aaron Hanson, A-a-r-o-n H-a-n-s-o-n. I am the Sheriff of Douglas County. This is quite the, quite the interesting theoretical stream of consciousness here on this topic. I definitely do appreciate trying to find a better way to balance and counterbalance the trust of the public with the law enforcement officers who serve them. I just don't know if this is the appropriate approach. April 15th of 1995, a lone trooper in the middle of Oklahoma stops a yellow Mercury sedan with an improper plate. It's a traffic stop, finds a single male, the single male is in possession of a concealed weapon, a handgun that he did not disclose. He was taken into custody for that weapon. That man was Timothy McVeigh, who within hours before that had blown up the Oklahoma City Federal Building. That is one of many, maybe hundreds of thousands, if not millions of examples of serious, significant criminal arrests and investigations that have occurred in our nation, both locally and around the country, which started with a routine traffic stop, which started with an improper plate, which started with a broken tail light. Chairwoman Bosn, one thing I think you brought up that was, that was a great point is why do we even have these underlying equipment laws if, if they're not an important safety issue? And that's true. If you've ever been behind a vehicle with a broken tail light with the white light shining right at your eye, you'll remember it. It can be disorienting. It's disorienting, especially at night. And if those tail lights malfunction to the extent that you don't know if someone's applying the brakes, it can be deadly to you. Loud mufflers. Sure, it could be an indicator of someone who's hard work working the can't afford to get their muffler fixed. Could be someone who lives in a poor neighborhood, a middle-class neighborhood, any of them. But I can assure you that down the street from that person is probably a single parent, a single mom, a grandma who gets woken up by that loud, loud muffler at 1:00 in the morning like clockwork every night, who hopes a law enforcement officer will take enforcement action. I understand the intentions, but the reality is this is a law enforcement function. Can you imagine a world where everyone has to report with their vehicle to the

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government office once every 6 months to a year to do a complete bumper-to-bumper inspection to make sure that everything is working appropriately? That doesn't work for a multitude of reasons. Thank you. Take any questions.

BOSN: Questions for this testifier? Senator Hallstrom.

HALLSTROM: I just appreciate your stream of consciousness on this issue.

AARON HANSON: Thank you.

HALLSTROM: And, and, you know, another issue, would, would, would you agree would be an ag or a construction carrying lumber hanging out the back end of a, of a pickup that doesn't have a red flag on it?

AARON HANSON: For sure.

HALLSTROM: And that may or may not rise to the level of an imminent, serious threat to public safety if driving in town. And that, that becomes a question of fact, how do you determine whether it's a serious or whatever the standard is that we put in this bill.

AARON HANSON: Without a doubt.

HALLSTROM: Thank you.

BOSN: Thank you for being here.

AARON HANSON: Thank you.

BOSN: Next opponent? Welcome back.

PATRICK DEMPSEY: Thank you. My name is Patrick Dempsey, P-a-t-r-i-c-k D-e-m-p-s-e-y, and I'm here on behalf of the Omaha Police Officers Association as an opponent to LB222. Law enforcement is a very dangerous job and it's a calling for most. I think this committee last week heard the cries from us, the cries from moms about our spike in violent crime. There was two victims of murder. Their mothers came before this legislative body to discuss how dangerous our city is at times with the dangers that law enforcement put in. By limiting law enforcement's ability to stop vehicles for nonmoving violations, such as headlight violations or registration violations, it takes one more

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tool out of the toolbox to help stop crime as we know it. These nonmoving violations are not just traffic stops for a broken taillight or no headlights on, these traffic stops lead to the arrest of a lot of DUI drivers, seizures of large amounts of narcotics and illegal weapons. By supporting this legislation, we're giving criminals the green light, as long as they can stay in their lane and stop at stop signs, the ability to continue to roam Nebraska streets drunk and continue to drive with no fear of consequences for their actions. Second part of this bill addresses searching vehicles and restricts law enforcement's ability from asking to search a vehicle unless something is in plain view that would warrant an arrest. The smell of marijuana, which is still illegal in Nebraska, is not a plain view search. The question then comes how does this mingle with the Fourth Amendment? I'm not a legal scholar, so it's beyond my knowledge and expertise. But a probable cause exists to search a vehicle, we should follow the case law that is put in place. The alternative which is proposed would be to get a warrant. This is not only cumbersome for law enforcement, but also the party in question. It would take a roadside search for maybe 10 minutes to have law enforcement then tow the vehicle, secure the car in facility, write a warrant, take it before a judge, and execute the warrants. This would prevent someone from potentially having their car for days, as it would be in an impound lot and waiting for law enforcement to search it. As a representative of the OPOA, I encourage this committee to vote no on LB22 [SIC]. With that, I'll take any questions.

BOSN: Thank you. Questions for this testifier? Seeing none, thank you for being here.

PATRICK DEMPSEY: Thank you.

BOSN: Yes. Next opponent? Neutral testifiers? Welcome back.

SCOTT THOMAS: Thank you, Judiciary Committee. Scott Thomas, Village In Progress, USIHDR, S-c-o-t-t T-h-o-m-a-s. Don't know how many T's I had in there. We're not going to outright oppose Senator McKinney's LB222, because I believe the senator's well intention, he's thoughtful, and I recognize the intention of the bill. I don't think anybody wants to see somebody who's an otherwise law-abiding citizen in a financial predicament where you're having trouble paying for your tags and you have to go to work. But at the same time, I don't think this is the right way to approach it. Compromise is accountability. To Senator

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Bosn's point, Chair Bosn, excuse me, the, the law is a guide. You might not know you have a tail light out. And the idea that we roll back accountability in the law is the wrong approach. So I understand the intention of it. But like I said, I just don't think it's the right way to go about it. Any questions from the senators?

BOSN: Thank you. Questions? Thank you for being here.

SCOTT THOMAS: Thank you.

BOSN: Any other neutral testifiers? All right, while--

HOLDCROFT: Wait.

BOSN: Oh, sorry.

SPIKE EICKHOLT: [INAUDIBLE]

BOSN: Neutral.

SPIKE EICKHOLT: OK. Good afternoon, Chair Bosn and members of the committee. My name is Spike Eickholt, S-p-i-k-e E-i-c-k-h-o-l-t. I'm appearing on behalf of the Nebraska Criminal Defense Attorneys Association in a neutral capacity. We just had this bill to monitor, but since others have been coming up here on the record and giving a stream of conscious sort of type of testimony I thought I would just jump in too. I heard the question earlier to the proponents and opponents. And one thing I just wanted to say on behalf of our association, just-- if it's not obvious to everybody, all traffic infractions are criminal, there's-- they're infractions, at least most of them are infractions, those are all criminal in nature. A couple of categories of those infractions, the Legislature has affirmatively said should not be the reason for the stop. And that's seatbelt usage, at least for adults, and phone usage. There's a bill in Transportation that would change that. And let's hope it stays there.

BOSN: Nope.

SPIKE EICKHOLT: But anyway, but that's an affirmative decision Legislature has made. And if you pass a traffic infraction, that gives law enforcement the authority if they observe the violation to stop any vehicle and contact the driver. If you look at the Crime Commission data, when-- law enforcement has been required, I think for

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about 20 years now, to record when they stop somebody either to issue a warning, issue a citation, some information about the driver, and some general information about the reason for the stop. And that's demographic information. And what you see consistently is like a racial profiling tendency. You see people of color more likely to be stopped, more likely be cited, more likely to be arrested. My own opinion, I don't necessarily think that the vast majority of law enforcement are deliberately stopping people because of the color of their skin. I just don't. What I think is happening is that so many of those traffic infractions have some sort of a nexus to kind of an economic impact on your ability to drive or how your car is on the road. In other words, you see older cars with no bumpers. You see cars sometimes that have got the license plates tucked in-- into the windshield. That's a violation. And I think that you just have law enforcement enforcing these traffic infractions of all types. Some of them have sort of an, an impact on those who are just less, less economically advantage. And I think that portion of the population is just more likely to be people of color. That's what I think is, is this scenario. And I think perhaps that's what Senator McKinney is trying to get at, make a distinction between some of those traffic infractions that are truly a risk to the public and need to stop that person and get them off the road or cite them somehow. And those are where law enforcement is just sort of doing some sort of a car-by-car, vehicle inspection type service. I understand it's so fundamental that we expect law enforcement to do that, but if you-- you know, the parking [INAUDIBLE] that go around here, that's not cops. They don't have the power to arrest. And if you get a citation for it or a tow ticket or your car's towed, that's not a criminal thing. You don't have to disclose it if you apply for a job or those kind of things. I'll take any questions if anyone has any.

BOSN: You can finish your thought.

SPIKE EICKHOLT: That's kind of-- I, I was done, kind of rambling, but that's what I just wanted to kind of put on the record.

BOSN: Senator Hallstrom.

HALLSTROM: And I appreciate your stream of consciousness on, on this issue.

SPIKE EICKHOLT: Thank you.

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HALLSTROM: It occurs to me, and, and I, again, don't want to downplay some of the tragic things that have happened when you don't have de-escalation and some of the things that other witnesses have talked about, but it, it seems to me that the essence of your suggestion that a lot of these are poverty related or economic related also tends to play into the statistics that were cited earlier, that people of color are more likely to have a disproportionate, and it may not necessarily be that they're not committing the offenses, but poverty may lead to, to more offenses being, being committed because there's being stopped for legitimate violations of the law.

SPIKE EICKHOLT: That's right.

HALLSTROM: OK.

SPIKE EICKHOLT: [INAUDIBLE], that's, that's the point I was trying to make. It's not necessarily I don't think in all situations cops looking to pull over people of color, they're just driving around enforcing traffic infractions.

HALLSTROM: And I appreciate that.

SPIKE EICKHOLT: And, and that's what I think is, is trying to get at. Now other states, they make a distinction in their code. Not all traffic infractions in other states are criminal in nature, they're civil. That's going to be important because I'm going to mention it next week when I'm testifying against Senator DeBoer's bill regarding license plate readers that some of these things can be done and other states have done it that way. So--

BOSN: We'll look forward to that next week then.

SPIKE EICKHOLT: I've already told her so it's no secret.

BOSN: Well, I hate to speak of her while she's not here. All right. Any other questions for Mr. Eickholt? Thank you for being here. Next neutral testifier? OK, now I think we're ready for you. While Senator McKinney makes his way up, I will note there were 29 proponent, 16 opponent, and no neutral comments submitted for the record. Welcome back.

McKINNEY: Thank you. LB222 is a bill in attempt to try to address some issues that have just been prevalent and addressing, like, people

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getting pulled over for, you know, expired tags and those type of things. I understand we might need to clean up the bill, but the, the purpose of the bill, I think it's twofold, because a lot of times you hear law enforcement say they're short on staff and those type of things. So it would take away-- I would say it would save them some time from pulling people over for expired plates. Yes, I understand situations when where you might catch somebody that did do something bad, yes, that potentially can happen. But those situations, I would say, are not the norm, I would, I would say. And I, I just think, you know, anytime we can limit police encounters the better, especially with communities that have been disproportionately, you know, represented in the data the better, and we can find a way to make it work. I'm, I'm open to it. Anybody have any suggestions, I'm open to that as well, because I do think it's important that we limit interactions. I'm not saying people shouldn't be held accountable or people should escape the law and not, you know, fix their lights or not pay their registration and those type of things. And you bring up, like, the license plate thing. I lived in St. Louis when I was in college, and they, they have the license plate thing in St. Louis, if you run the light or you make a right on accident at the wrong time, the thing flashes and then you get a letter in the mail that says, hey, you got to pay this citation or whatever it is. So I think there's practical ways to kind of address it in a way. I don't know, we probably have to think it through. But that's why I brought the bill, because I think it's something we, we could address to limit the interactions for some, some things, maybe not everything that's discussed in the bill, but some of these things I think we could limit. With that, I'll take any questions.

BOSN: Questions for Senator McKinney? Seeing none, thank you very much.

McKINNEY: No problem.

BOSN: That will conclude our hearing on LB222. And next up, we'll take up LB276.

McKINNEY: Thank you. Good afternoon, Chair Bosn, members of the Judiciary Committee. I am Senator Terrell McKinney, T-e-r-r-e-l-l M-c-K-i-n-n-e-y. I represent District 11 in the State Legislature, which is in north Omaha. I'm here to discuss LB276, a bill that adopts the Municipal Police Oversight Act, requires maintenance of a Brady

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and Giglio list, bans no-knock warrants, and changes requirements on law enforcement officer records. Trust between police officers and the communities they serve is very important. But too often people in Nebraska, especially in bigger cities, feel like they don't have a voice when it comes to how police departments are run. LB276 will change that by giving regular people a say in how their police departments operate. This bill creates a local police oversight board that-- made up of community members. These boards will be responsible for looking into complaints about police officers, including situations where someone feels mistreated, cases of discrimination inside the police department and police shootings. The boards will also watch patterns of bad behavior and recommend changes to improving policing. The boards will be fair and independent. No one on the board can be connected to the police department, and the people investigating complaints will not have worked for law enforcement either. This helps ensure the investigations are honest and unbiased. LB276 also bans no-knock warrants. These, these are situations where police go into homes without a warning. These type of raids can lead to dangerous situations and have, and, and, and have harmed both-- it can harm both officers and innocent people. This will-- this bill will make sure that police always announce themselves before entering. A situation happened in Omaha with a no-knock warrant, and the individual was killed. And I think in under-- I think it was under 10 seconds or maybe 15 seconds, but it was a short time. And I, I think no-knock warrants are dangerous for police and law enforcement. I mean, police and the public and I really, truly believe they should be banned. The bill also makes sure the public has access to information about officers who have been caught lying or doing other things that could affect court cases. City, county, and state attorneys would have to post these lists online so people could see them. This will then-- this will make the justice system more open and trustworthy. Finally, this bill will require police departments to keep full records of officer misconduct and report them to state officials. Right now, some bad, bad behavior can slip through the cracks. This bill makes sure that, that doesn't happen anymore. LB276 is not anti-police. In fact, it will help make police work easier by building trust with, with the community. When people believe that police are being held to a high standard and treated fairly, they are more likely to cooperate and support law enforcement. I brought this bill and I will continue to bring bills like this until I'm gone, because I think we need better police accountability. I think we need independent police oversight,

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especially in bigger cities like Omaha, that are-- because it's-- there's a lack of community trust of the police, and that's just a frank thing, like just being frank about it. And the lack of independence and a lack of trust, it, it makes it hard to build positive community police relations. As, as much as they try, people try to do it, situations happen just like the two incidents that happened last year and I think it was more than two. But those situations happen and then you're back to ground zero because there's a lack of independent oversight. And I know the officers will come up and say this will be a burden, it will hurt morale, and those type of things. But what about the morale of the community? What about the people you're, you're sworn in to serve and protect that feel like there's a lack of trust there? And I think that's something to think about, because this isn't really just not Senator McKinney bringing this bill, it's people in my community asking me and telling me, Senator McKinney, we need independent police oversight. Senator McKinney, can you introduce a bill to ban no-knock warrants? Senator McKinney, can you make sure that officer misconduct is, is more transparent? This is coming from our community, not from my mind all the time. I know people think that, but it's my community. My community is the reason I continue to bring these bills, because they don't believe that we have true police accountability, especially in the city of Omaha. I know police will say otherwise, but I'm just letting you all know the community doesn't feel that. And, and until something changes, that lack of trust is going to be there, which is going to make it hard to ever build true community police relations as much as it has attempted to do so. I'm not trying to attack police. I'm actually trying to create a transparent system where the people can see what's going on, and the police can as, as well, so people can know, like, OK, this situation happened and this is how it was handled, and that's what I'm attempting to do. So with that, I'll take any questions.

BOSN: Questions for Senator McKinney? Seeing none, thank you.

McKINNEY: No problem.

BOSN: First proponent?

SPIKE EICKHOLT: Good afternoon, Chair Bosn and members of the committee. My name is Spike Eickholt, S-p-i-k-e E-i-c-k-h-o-l-t, appearing on behalf of the Nebraska Criminal Defense Attorneys

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Association in support of LB276. I wanted to talk about one section that our, our, our association is in support of and that's Section 17, and that's a requirement that prosecutors keep and maintain a Brady and Giglio list. Senator McKinney explained the purpose of this. But under Brady v. Maryland prosecutors, and that would be city attorneys, county attorneys, and the attorney general have an affirmative duty to disclose favorable evidence to criminal defendants prior to a trial. That's been expanded under the case of Giglio v. United States. These are both U.S. Supreme Court decisions, and Giglio includes a requirement that law-- that prosecutors need to disclose to defense counsel or defendants if they have information regarding the credibility of one of their witnesses, either that could be used as exculpatory information, which is helpful to my defense, or impeachment evidence, which gives an, an advantage, if you will, for me to impeach or confront no witnesses against them or against my client. What the bill would do is it would require the county attorneys and the prosecutors to maintain, and at least keep part of it public, a list of those law enforcement officers who, for whatever reason, have been found by law enforcement or perhaps by a court or by the prosecutors or by a court that doubts their credibility or reliability, and that can be criminal activity by the law enforcement officers or it can be earlier testimony or something the officers have done that substantiates a conclusion that perhaps their credibility or believability is in doubt. Douglas County and, and Omaha do have a Giglio list that they maintain. It's maintained by the city attorney of Omaha. There's a committee that they have, and Tom Riley and I were talking about it yesterday, so I had an accurate understanding of it. But Matt Kuhse and Kevin Slimp with the city attorney's office in Omaha, and a couple of prosecutors in the Douglas County Attorney's Office have a list, if you will, of officers. And then the individual prosecutors will notify defense counsel. Incidentally, there's an officer on this case that's on the Giglio list, and then the defense lawyer can access that list to see exactly why they're on there, and the information about that, at least some information about that. They've got an online portal they can look it up. It's not public like the bill proposes, but it has to be disclosed by the prosecutors and defense counsel can access that. Even if you can access that information, it may not even be relevant. It may not be material in your case. The officer involved could be such a secondary witness that it doesn't matter, if you will. But what this bill does is it sort of creates a system so prosecutors will maintain this list and have it

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available for defense counsel. And that's important to our association. Without the bill at all, and I know the Chair knows as well, the prosecutors have an independent duty under the constitution to disclose Brady and Giglio material. And this would have at least a process that would be available to make it easier for prosecutors to comply with that, and also easier for defense counsel to access that. I'll answer any questions if you have any. And we'd urge the committee to at least consider this part of the bill favorably.

BOSN: I have a few.

SPIKE EICKHOLT: Sure.

BOSN: OK, so having worked not in Douglas County where I was subject to the Giglio list, but having worked in a county, three counties, actually, where we did keep a list, are you implying that they-- outside of Douglas County, we don't keep that list?

SPIKE EICKHOLT: I, I admittedly wasn't aware that you had a list in other counties other than Douglas County.

BOSN: Well, you've had cases where the county attorney has provided you Giglio information.

SPIKE EICKHOLT: I've had information that prosecutors have disclosed about an individual witness that were Giglio in nature. I didn't realize it came from a list, or I thought it was just assumed. I guess it probably would, I guess now that I think about it.

BOSN: Well, how else would they--

SPIKE EICKHOLT: Well, that's true, I guess.

BOSN: OK.

SPIKE EICKHOLT: Yeah.

BOSN: OK. I just thought of it today that officer so-and-so, I mean--

SPIKE EICKHOLT: Well, that's true. I guess I didn't realize that there was-- and, and maybe you could speak to it, I didn't know if Lancaster County has a committee with the city attorney that sort of reviews it regularly.

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BOSN: I don't know that I can speak to that part of it other than to say, I mean, we have-- the, the county attorney, I mean, as you said--

SPIKE EICKHOLT: Right.

BOSN: --is obligated to provide that. And so there's systems in place that trigger, oh, if this is on my list of witnesses that I have to produce to the defense counsel that I-- and this name is on there, if, you know, the name Tim Young is on there, then I have to provide the information that Tim Young is a witness and is also subject to, you know, the requirement. So I guess I'm not sure I understand what Section 17 is attempting other than the public portion of it, which I understand, but it says a lot of things other than just the public portion what it is trying to effectuate that isn't already law?

SPIKE EICKHOLT: Well, at least it has it in statute. So it's a clear statutory process. And it may be different from county to county as far as how it's done now, because right now the Giglio requirement is a constitutional obligation on prosecutors. And this at least puts a statutory framework if we're doing that. I understand the concern about subsection (2) on line-- page 7, lines 24 to 28, the public part. I understand that's going to have some consternation with some of the opposition, I suspect. And I can't speak to that or that Senator McKinney would be willing to, to-- well, I-- if there's any way-- our association is not necessarily asking it to be public as much as we are asking to have a clear statutory process for it, because it is somewhat ad hoc. And I will just tell you, our association has a listserv. There are instances where we will specifically ask about law enforcement officers and that it's not always coming from the prosecutors, whether it's oversight or whatever it might be, or unintentional, it's not always affirmatively disclosed.

BOSN: So give me an-- I'm, I'm sorry, I'm not even understanding, how would you find out then?

SPIKE EICKHOLT: For instance, a couple weeks ago, somebody with Lincoln Police Department is no longer there, does anyone know why? Yes, this is what I heard. Right.

BOSN: OK.

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SPIKE EICKHOLT: But it's not, but it's not coming from-- in other words, if it is a Giglio situation, assuming that this is it was, it's not, it's not a disclosure from the prosecutor. It's simply rumored somewhere that we're sort of hearing about it.

BOSN: Which is a terrible process, I think you would agree is who--

SPIKE EICKHOLT: Right.

BOSN: --defends innocent until proven guilty.

SPIKE EICKHOLT: Right, exactly. And that's why this is helpful. At least you can have some sort of accessible list so we can just sort of see rather than just relying on supposition and guesswork.

BOSN: I'm still not understanding, do you have an example where there was an officer who was-- had a, a violation or some reason to believe that they were under Giglio? I mean, I had a case where the officer had lied on a fishing license 15 years before, and I had to disclose that every time that officer came in. And it was, you know, a fishing license 15 years ago. You probably know who I'm talking about, but--

SPIKE EICKHOLT: I don't, actually.

BOSN: --the reality is, do you have an example of a time where it wasn't produced and it should have been, and you found out about it when it was too late or through some other means? And, if so, what were those means?

SPIKE EICKHOLT: Firsthand, no, admittedly, I don't. I could probably get one and follow up with you later on it.

BOSN: OK.

SPIKE EICKHOLT: I can certainly ask, and perhaps I should have come prepared with one. But I think that's, that speaks to the importance of the bill, at least, so you have a clear process. I don't know how often, I don't know how often these things are sort of how they're maintained internally. Anyway, so that's why we support the bill so, at least, we have something in statute that provides for some system, systemic process and keeping that list current, updated, however, it might be.

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BOSN: OK. Senator Hallstrom.

HALLSTROM: Did I hear you say that you don't necessarily believe it has to be public?

SPIKE EICKHOLT: Right.

HALLSTROM: But the bill does require it.

SPIKE EICKHOLT: Right, I understand that.

HALLSTROM: OK. So you'd be amenable to--

SPIKE EICKHOLT: Yeah, our association would just like to sort of know definitively, promptly, in some way to have it, make sure it's being told to us.

HALLSTROM: And would law enforcement officers include investigators?

SPIKE EICKHOLT: Like, private investigators, you mean?

HALLSTROM: Well, I'm thinking of Kofoed from the--

SPIKE EICKHOLT: Oh.

HALLSTROM: --if I pronounce that correctly, from the Murdock murder trial.

SPIKE EICKHOLT: Yeah, I, I think that would be. I think law enforcement officers as defined would include whatever his role was there.

HALLSTROM: OK. Thank you.

BOSN: Seeing none, thank you. Next proponent?

JASON WITMER: Thank you, Chair Bosn and Judiciary Committee. I am Jason Witmer, J-a-s-o-m-- J-a-s-o-n, forgot my name, W-i-t-m-e-r, and I'm here on behalf of the ACLU in support of LB276. LB276 proposes the creation of citizen police oversight boards in certain cities. These boards would serve as an impartial body to review misconduct reports, investigate use of force, and ensure law enforcement operates fairly. Such oversight mechanisms increase transparency and accountability within law enforcement agencies. By implementing a community-based

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accountability system, Nebraska can ensure that law enforcement agencies uphold the highest standards of professionalism while maintaining public trust. Another critical component of LB276 is the prohibition of the no-knock search warrant. Last year in Omaha, an unarmed 37-year-old black man was shot and killed by Officer Adam Vail during a no-knock search warrant. The victim's name was Cameron Ford. Hypothetically, Cameron could have been Cameron Junior, a child surprised in his home under the same circumstances, with the same tragic result. This incident happened in seconds. However, we do not have to speculate how dangerous no-knock search warrants are. Cameron Ford died without even the minimum protection of due process guaranteed by the constitution. A New York Times 2017 investigation discovered that over a 6-year period, at least 81 citizens and 13 law enforcement officers died in such raids. We can justify our actions by saying, this is not Nebraska, yet this practice of surprising people by bursting through their doors is dangerous to citizens and law enforcement. Does it take a dead officer to end this practice or should we consider preemptive measures so that an officer's family does not have to go through what Cameron Ford's family had to go through? With respect, we ask the committee to advance LB276 to General File.

BOSN: Questions for this testifier? Seeing none, thank you very much. Next proponent? Opponents? Anyone here in opposition? Hello.

AARON HANSON: Hello. Thank you, Chairwoman Bosn and members of the committee. My name is Aaron Hanson, A-a-r-o-n H-a-n-s-o-n. I'm the Sheriff of Douglas County. You know, I really do appreciate Senator McKinney bringing bills like this, because it's important to have these tough conversations, because the conversations are, are what truly is valued. Oftentimes, these conversations will occur within two very separate rooms. And, and we don't have these, these conversations in a, in a roundtable setting like we are today. So I do appreciate, I do appreciate his intent, and I do appreciate the discussion. I think I'm going to hit on the three points of this bill that I look at the most. Number one, as a, as a law enforcement executive now, one that is accountable to my bosses, the people of Douglas County, I think it's important to keep in mind that when we're talking about disciplinary processes for police professionals that do not rise to the level of serious misconduct such that a license could be revoked, we're talking about a personnel matter, and police officers, deputies, troopers, they are employees of the city, county, and state, no

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different than employees at Walmart, a law firm, any other business, public or private in as much they do have by law, and by case law, personnel privacy rights. Now, those rights can be breached if they engage in, in activity that results in their criminal arrest or them being sanctioned to the extent that they, they lose their licensing, just like any other licensed professional in our community. Currently, that, that activity would be memorialized on a database. But let's keep in mind that we are talking about personnel records. Secondly, when it comes to Brady Giglio, there's a very specific reason why the Supreme Court has Brady Giglio, and I think that Spike Eickholt has laid it out very succinctly. It's not meant necessarily for public consumption, because it doesn't take much to get on the Brady and Giglio list, as Senator Bosn mentioned, even improperly filling out a fishing permit can get you on the list, but it gives the ability of a judge to flesh out and a defense attorney to flesh out the veracity of that testimony. When it comes to no-knock search warrants, look, we've learned a lot over the last few years. We want to keep them infrequent, but it is a tool to have in the toolbox nonetheless. There are situations that are high risk to the officers, to the public, that do necessitate a no-knock search warrant with a rapid entry. But I can tell you as someone that's been doing this for almost 30 years now, I've seen the evolution in my industry, oftentimes, we are seeing what's called a breach and hold where as opposed to the knock and announce law enforcement will breach the door, hold the door, give announcements within the door to try to gain compliance. But even with that new emerging professional tactic, unfortunately there are times in which it's a high-risk encounter that needs to be a situation where a no-knock warrant would be employed. Great topic. I'd take any, any questions that you might have.

BOSN: Questions for this testifier? Senator Storm.

STORM: Thank you, Chairwoman Bosn. Thank you, Sheriff Hanson. So on no-knock warrants, are they pretty much universally used all throughout the country or are there some places that have completely gone away with no-knock warrants?

AARON HANSON: You know, there are some jurisdictions and some agencies that have eliminated no-knock warrants. I would tell you that most of my fellow executives that see that occurring, we see that as a, as a, an unwise move, because you, you don't want to take that tool out of the toolbox.

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STORM: Right.

AARON HANSON: So it is happening in some jurisdictions, but, in my opinion, it's a tool that I don't want to lose from my toolbox.

STORM: So in Douglas County in Nebraska, there's still no-knock warrants in all jurisdictions?

AARON HANSON: There is.

STORM: OK.

AARON HANSON: And it's-- and I would say it's more and more rare, but when you need them, you're very happy that you have the ability to use them.

STORM: So when would be an example of when you'd use a no-knock warrant?

AARON HANSON: Well, a couple examples, and in where it used to be decades ago or in the previous decade, well, prior to 2020, a no-knock warrant would be used in order to prevent the destruction of evidence, or maybe to be able to make rapid entry such that you would take a, a high-risk subject off of their normal thought trajectory and not give them time to arm themselves in order to, to respond. And I think now in the industry, we-- we've leaned more towards the second, especially if there's an innocent person that could be at risk as well. Every single one of these search warrant scenarios are a case-by-case scenario. And so there is no one exact template for if this then this all the time. You could modify a couple slight fact patterns and it may require a breach and hold, as opposed to a, a no-knock search warrant with a rapid entry.

STORM: And one last question. So this comes from a judge? The judge does the no-knock warrant?

AARON HANSON: It does. When you, when you apply for a search warrant, there, there should be, at least there is per policy in our agency, multiple layers of review. So the investigator or the detective will write it, typically a sergeant or their supervisor will review it. And then my, my wish is that a captain or lieutenant will then also review it. But then in addition to that, prior to the judge reading it and signing off on those aspects, whether it's going to be a knock and

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announce or, or a no knock, the, the, the commander of the team that is actually executing the warrant will review it, as well, to make sure that the warrant is in proper form and is going to meet legal scrutiny, but also civil scrutiny in the event that worst case scenario occurs.

STORM: So it's never a case where a judge fills out a warrant, and then law enforcement decides to make it a no-knock warrant?

AARON HANSON: Nope, the judge-- you, you actually cannot modify anything on that warrant once the judge has signed it without actually going back to the magistrate and asking them to approve any changes. So the judge must approve every portion of that warrant.

STORM: OK. Thank you.

BOSN: Thank you. Any other questions? Seeing none, thank you very much.

AARON HANSON: Thank you.

BOSN: Next opponent?

PATRICK DEMPSEY: Good afternoon. I think I'm between you guys and a 4-day weekend. So I will try to make this very quick.

BOSN: More importantly that it's, like, 85, so I apologize for everyone in the room.

PATRICK DEMPSEY: My name is Patrick Dempsey, P-a-t-r-i-c-k D-e-m-p-s-e-y, and I'm here on behalf of the Omaha Police Officers Association as an opponent to LB276. Today in Omaha, Nebraska, we're currently experiencing a staffing crisis, this is making a dangerous job even more dangerous. Officers are worn out, they lack backup, and they're struggling to find individuals who want to do this profession. So when we face a crisis like we have in Omaha, what is, what is a solution? Bad legislation like LB276 is definitely not the solution. LB276 takes the ability of law enforcement to do their job as they have been trained and puts it in the hands of civilians who know nothing about the job. It takes split-second decisions that officers make every day, and puts them in front of boards of civilians who have the authority to then fire officers for making the decision that was reasonable and lawful. Currently in Omaha, if a law enforcement

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officer has been involved in misconduct or has been complained upon by a civilian, we have a group of sergeants who investigate it. They report to a deputy chief and the chief, and if the allegations are sustained, the chief is then tasked with disciplining these officers. If this same officer is found to be unsustained on a civilian complaint, the individual who has complained on the officer has the ability to appeal this decision to a citizens review committee that is made up of civilians from the community to look at the incident. If the intention of a civilian oversight committee is to address officer-involved shootings, then let's look at the grand jury process in Nebraska. Unlike some states who give the county attorney the complete power to deem an officer-involved shooting justified, Nebraska grants that decision to 16 civilians and a grand jury to make that decision. The county attorney does not get to make that decision. It's a civilian oversight board that makes the decision on this. In my opinion, the best way to do things is how we do it here in Nebraska. The second part of this bill that the OPOA is an opponent to is the no-knock search warrants. These are an extremely valuable tool used by our highly trained SWAT team. No-knock search warrants are sometimes the safest way to make entry and to resolve conflict. And simply saying that they can never do them again makes a dangerous job much more dangerous. Last thing I'd like to address is the Brady Giglio list, these officers have either been sustained on serious misconduct or have been convicted of a crime, officers who have maybe made a mistake in their life. Commonly, these officers have lost their specialty position, been suspended for a long period of time, but continue to do the right thing despite a past mistake. Making a Brady Giglio list is now painting a scarlet letter on their backs and publicly shaming them for the rest of their lives. We don't do this in any other profession. We don't do this to teachers. We don't do this to health care workers. It's just not done. With that, I thank you for your time and I'm open to any questions.

BOSN: Questions? Senator Storm.

STORM: Thank you, Chairwoman Bosn. Thank you, Mr. Dempsey, for your testimony. So I got a question about body cams. So is that-- is everyone in Douglas County and Omaha wear-- have, have to wear body cameras and in their cruisers, too?

PATRICK DEMPSEY: Yes. So every, every Omaha police officer is equipped with a body camera. All cruisers have cruiser cameras. There are some

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exceptions to that, some of our command officers don't wear body-worn cameras. But for the most of it, our SWAT team does wear body-worn cameras.

STORM: OK, so then you can go back, and if there's ever a complaint, they, they automatically review their body camera footage, is that how that works or what's the process of something like that?

PATRICK DEMPSEY: So if a civilian makes a complaint against an officer for being rude or using profane language, that, that investigation then goes to our internal affairs unit. Our internal affairs unit is comprised of five sergeants. They each individually get assigned the cases. So then they would take that. They would follow up and interview that citizen. They would review what they wrote, and then they would review all cruiser camera and body-worn camera prior to then bringing the officer in for an interview. With that, officer is compelled to give a statement. That officer will give his side of the story. They'll compare that to the body-worn camera and the complaints and then whether or not that allegation sustained is made by the lieutenant and that goes up the chain of command.

STORM: OK. And do you see, you know, we've heard today from some, this mistrust in the community towards law enforcement, do you see that pretty regularly in Omaha? Is that what you-- on the streets or is that-- do you see that?

PATRICK DEMPSEY: No, I would say an overwhelming majority of people in Omaha support law enforcement, appreciate law enforcement. And there are some who are out there who are very vocal about their distrust because of given incidents, that does happen, but there's an overwhelming majority of them who support law enforcement.

STORM: OK. Thank you.

BOSN: Any other questions? I don't know why I keep looking over here. Thank you for being here.

PATRICK DEMPSEY: Thank you.

BOSN: Yes. Next opponent? Anyone else in opposition? Welcome back.

SCOTT THOMAS: Scott Thomas, S-c-o-t-t T-h-o-m-a-s, Village In Progress. We're going to oppose LB276. You can't ban kick-door

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warrants because Timothy McVeigh is not going to self surrender. Law enforcement in Nebraska has to take into custody Nikko Jenkins, they have to take into custody-- what was his name, Ellis, the guy that snatched a 6-year-old girl from a bus stop, you know, and got the death penalty, Roy Ellis. And all these things you got to take into consideration. Take the Breonna Taylor case, for example. Breonna Taylor was a paramedic, but I think the fault there lies in if, if she was shot during a no-knock warrant and those are exigent circumstances and officers are making split-second decisions and something goes wrong, do you fault the officers or do you fault the boyfriend who caused the kick-door warrant or do you fault the judge who should have drawn a distinction between this is a first responder and this man is not even on the lease, but for whatever reason he had warrants and warrants. I also don't think that's a death sentence. He should be apprehended. But like I said, you might want to question some of the judge's decisions and some of the subjective interpretation that goes on there in the court of law. But I don't think you hinder the officers. I don't think you take it like Hanson said, Sheriff Hanson says they need every tool available in their tool belt, and particularly Douglas County is, what, half of the population of the state. So, yeah, you got to keep those things available and that's all I have. Any questions? Be happy to answer them.

BOSN: Questions for this testifier?

SCOTT THOMAS: I appreciate you, Senator Hallstrom, with the shout-out and a callback to the Murdock case. That was important. I appreciate that. Thank you, guys, for having me.

BOSN: All right. Any other neutral-- sorry, opponents, opponents? Neutral testifiers? All right, while Senator McKinney makes his way up, I'll note there were 22 proponent, 13 opponent, and one neutral comment submitted for the record. Welcome back, Senator McKinney.

McKINNEY: Thank you, Chair Bosn. And thank you, committee. Again, until we get something that holds law enforcement more accountable and creates more trust in the community, I will continue to bring bills like this. The conversation about needing a no-knock warrant as a tool because of the destruction of evidence. I've thought about this and I've thought about this even after the Cameron Ford situation, and I will say two things with that. If you already had the warrant because of a controlled buy, do you really need a no-knock warrant? You

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already caught them doing something. Just catch them walking outside the house. If you have a warrant because of a controlled buy or, or somebody telling on them, I don't understand why you need a no-knock warrant. Two, in that situation, when the police went in because of the no-knock warrant, you couldn't see everything on the body cam because I was there with the family. Well, I was there, but, yeah, I was there and I watched the video with the family. The, the, the shields that the officers had covered up the body cam so you couldn't see the situation in, in full. You see them going in, but you don't see the situation because the body cam [SIC] covered it. And the conversation that police are worn out and morale is down. What about a community that feels like it's being overpoliced and don't have trust for the police? And he, he could say that there's an overwhelming majority of people in Douglas County or Omaha that trust the police, but I would argue that's not in north Omaha. Omaha-- north Omaha is not, is not the majority of Douglas County. So he may be correct, but that's not-- but you can't ignore the minority as far as north Omaha, like just saying north Omaha as a minority, but you can't ignore that. The civilian review committee has no teeth. They barely do anything of substance. It's really-- most people think it's a waste of time. Filing a complaint is really saw as a waste of time as well, because it's rare to see anything come out of those situations when you talk to people. And needing a tool that can potentially, potentially, potentially lead to death, I think we should think about that. And that's just my thing. Maybe-- I know the conversation with Spike about the Brady list and maybe, I argue maybe it should be public, maybe it should. And maybe there could be a better process for people to see it. I'm willing to talk about that. But the officer misconduct records, so with LB51, we created an officer misconduct database, which is on a Crime Commission's website. The problem with the list is it only shows inactive officers. And I've brought this up multiple times. And the previous Crime Commission director, I forget, is it director, he had made a comment that he didn't want to place the active officers on that database. But there's a potential for all active officers to be on that database. And that's it. I guess I'll close there and take any questions.

BOSN: Senator Hallstrom

HALLSTROM: Did you say only inactive officers are on the public list?

McKINNEY: Yes.

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HALLSTROM: OK. Thank you.

McKINNEY: Yep. No problem.

BOSN: All right. Thank you very much.

McKINNEY: Thank you.

BOSN: That concludes LB276 and our hearings for today. I'm super glad the fans came just in time.