

Mr. President.

SPEAKER BARRETT: Senator Pirsch.

SENATOR PIRSCH: I would like to set the record straight, too, as far as LB 218. As you know, Judiciary Committee had a great many bills and, quite frankly, LB 218 never came before us to be voted on, so I did want to add that to the record. And, of course, LB 330 was my priority, and that is why it even came up before us. I think that we should remember just a few points. The results of that Minneapolis study showed that when the offender is arrested there are fewer repeat calls to domestic disturbance scenes, that is recidivism is reduced, the person gets the help they need to deal with their anger or their frustration. Nebraska State Statutes 29-404-02, 29-404-03 and 29-427 govern police officers' arrest powers. As long as probable cause exists for an arrest, an officer may arrest regardless of whether he or she saw the misdemeanor offense. What Senator Bernard-Stevens has brought up is the fact that because of county attorneys across the state, because of law enforcement across the state, that they came before the Judiciary Committee and asked that we...well, and for a year before that we were working on this, that we put into that 29-404-02, that kind of instances where they may use their discretion to cool off a hot domestic violence incident. Now a computer cannot replace the police officer at the scene of domestic disturbance calls. It does rely on the officer's senses and they will still determine whether probable cause exists for the arrest of an individual. This just adds the backup that an officer needs when he uses that discretion and supports and confirms the officer who, quite frankly, is very nervous in domestic violence cases. That's one of the toughest calls that a police officer or a law enforcement officer makes. The policy decision then is that we have to decide that if the misdemeanor did not happen in the presence of the officer, but there is probable cause to believe attempting to cause or intentionally, knowingly or recklessly causing bodily injury with or without a deadly weapon or there is the threat in a menacing manner which, as Senator Chambers pointed out, has been identified, it has been defined and there are court definitions on threatening another in a menacing manner, and then goes on to tell who the household members shall be. That is a policy matter if we want to give that police officer that discretion in those times. And while the statistics from the Minneapolis Police Department are inconclusive, the incidence of officer