



# THE NEBRASKA SHERIFF

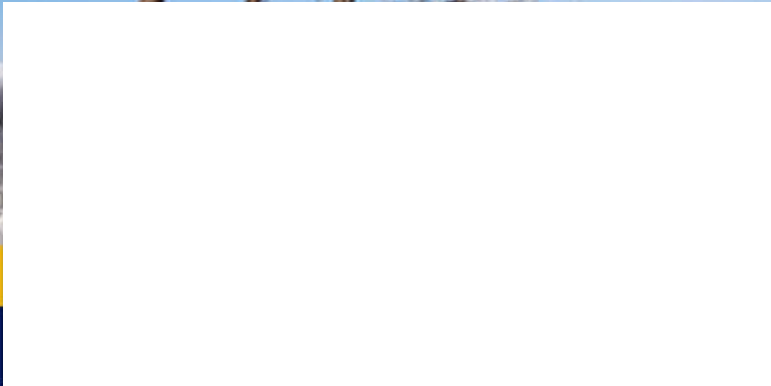
Vol 82, No 2 • Fall - Winter 2011

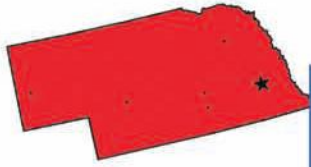
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## *Season's Greetings*



2011 NSA/POAN Conference Award Winners  
pages 32-33





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## THE Nebraska Sheriff MAGAZINE

FALL-WINTER 2011 • VOL 81, No 2



Official publication of the  
Nebraska Sheriffs' Association

PO Box 81822,  
Lincoln, NE 68501  
800.775.2469 • 402.434.3785

Published 2x yearly.

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The Nebraska Sheriffs' Association,  
established in 1894, is the oldest organization  
of its kind in the nation.

Nebraska Sheriffs' Association  
President: Sheriff Bill Burgess  
Executive Director: Amy Prenda  
[www.nesheriffsassoc.org](http://www.nesheriffsassoc.org)

### MISSION STATEMENT

To provide continuing education to Sheriffs' Offices,  
youth, and the public in general.

### THE NEBRASKA SHERIFF MAGAZINE

PO Box 27071, Omaha, NE 68127-0071  
402.592.0823

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Contributors' names are listed with their articles and do not necessarily represent the opinions of the Nebraska Sheriffs' Association or imply their endorsement.

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Please feel free to contact us with any questions or suggestions on the magazine and the Website.

Be sure to visit us at

[www.nesheriffsassoc.org](http://www.nesheriffsassoc.org)

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## THE Nebraska Sheriff MAGAZINE

### The Nebraska Sheriff Magazine Policies

- Only submitted articles pertinent to law enforcement/ criminal justice and NSA members will be featured.
- The magazine will no longer feature a gallery of photos of Sheriff deputies and office staff.
- We will accept articles from law enforcement agencies, their representatives, or related fields to be considered for publication in the magazine.
- Photographs of minors must be accompanied by verifiable permission to publish and list their names, whether the photo is emailed or sent through USPS.\*
- We reserve the right to edit all submittals for content or space.
- We apologize for any errors or omissions. Please let us know about them.

All articles and letters sent to the Nebraska Sheriff must be accompanied by the author’s correct, legal name and are assumed to be unconditionally assigned for publication and the Nebraska Sheriff reserves the right to edit for content and/or available space. Articles and letters will only be considered if they conform to the boundaries of good taste.

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**Dave Heineman**  
Governor

## STATE OF NEBRASKA

OFFICE OF THE GOVERNOR  
P.O. Box 94848 • Lincoln, Nebraska 68509-4848  
Phone: (402) 471-2244 • dave.heineman@nebraska.gov

December, 2011

Dear Friends:

Thank you for your service to our state. I appreciate the work of our sheriffs, who help keep Nebraska safe and the special place it is to live, to work and to raise a family. With the holiday season upon us, it is particularly important for Nebraskans to celebrate the holiday season by staying safe and sober.

My wife, Sally, serves on the National Mothers Against Drunk Driving Board, and we are pleased to announce that Nebraska has been awarded a five-star rating for adopting and following drunk driving countermeasures.

Highway safety is a partnership. It is vital that drivers and passengers commit to staying safe, sober, focused and buckle every time they are in a vehicle. I encourage every Nebraskan to do whatever it takes to help ensure the safety of their families and fellow travelers. We want you to arrive safely to your destinations this holiday season and all year long. The work you do every day is more than keeping roads safe and your dedication to our state is appreciated. Thank you for your work this holiday season and year round to keep Nebraskans safe.

Merry Christmas and Happy Holidays.

Sincerely,

A handwritten signature in black ink that reads "Dave Heineman".

Dave Heineman  
Governor

# A Very Important Message from Bill Burgess, 2010-2011



**Fillmore County Sheriff  
Bill Burgess**

**President  
Nebraska Sheriffs'  
Association**

*“I believe it is time for our federal legislators to put state and local law enforcement back in the foreground and restore some of the funding necessary to protect public safety.”*

## Nebraska State and Local Law Enforcement Takes Another Big Budget Hit

Over the last several years, state and local law enforcement has experienced a significant decline in the resources necessary to protect and serve the citizens of our cities and counties.

In the FY2012 spending package signed into law on November 18, 2011, commonly referred to as the “minibus,” state and local law enforcement took another big hit. The following is a list, obtained in part from the Nebraska Crime Commission, detailing some of the FY2012 reductions contained in what is now Public Law No. 112-55:

Regional Information Sharing Systems (RISS): **cut by 40%**  
(MOCIC is the regional RISS center serving Nebraska)

Byrne JAG Formula Grant Program: **cut by 17%** (on top of last year’s 17% reduction)

COPS Hiring: **cut by 43%**

SCAAP (State Criminal Alien Assistance Program): **cut by 12%**

NICS (National Instant Criminal Background Check system): **cut by 71%**

Second Chance Act programs: **cut by 24%**

Border Prosecution Initiative: **cut by 65%**

RSAT (Residential Substance Abuse Treatment): **cut by 60%**

Paul Coverdell Forensic Science programs: **cut by 59%**

JABG (Juvenile Accountability Block Grant): **cut by 35%**

(Note: all cuts are measured from FY2011 funding appropriations)

In the past few years, federal criminal justice funding has given state and local law enforcement a back seat priority. While I understand that this is a difficult economy, I can’t believe the best solution is one that increasingly jeopardizes the safety and security of American citizens.

Today’s criminal is increasingly mobile and much more technologically savvy, and is not necessarily confined by jurisdictional boundaries. But it continues to be the boots on the ground work of state and local law enforcement that is best able to identify and effectively combat the criminals that operate in our individual cities and counties. We are the ones best able to recognize that something is amiss and better able to gather the evidence and intelligence located in our respective jurisdictions and on Nebraska soil.

I believe it is time for our federal legislators to put state and local law enforcement back in the foreground and restore some of the funding necessary to protect public safety. The homeland isn’t going to be secure unless the hometown is secure.

**continued on next page**

## NSA President: *We need to be heard on Capitol Hill!*

We all know that this economy led to a tremendous reduction in local resources. This situation is compounded as more and more money is being sent to Washington, with fewer and reduced resources being returned to states like Nebraska to protect and serve its people.

We hear about federal money being spent to replicate proven and trusted systems, initiatives, programs, and resources that already exist. State and local law enforcement is repeatedly asked to support multiple newly created or developing systems, strategies, and networks, with little assurance that they will receive any of the benefits they already get from what they already successfully use.

I will use the RISS program as just one example. This resource has been around for more than 30 years. It provides agencies all over the nation with proven and trusted information-sharing and investigative resources that save Nebraska agencies time and money. This nationwide, secure information-sharing network is available to all levels of law enforcement, provides secure communication capabilities, and already serves as the communications backbone and infrastructure for many systems and programs. In addition, each RISS center provides regionally responsive, full-spectrum services that assist law enforcement from the initial investigation of a crime to the ultimate arrest and prosecution of the criminal. It is truly a one-stop shop for law enforcement for a federal investment that equates to less than \$1 million per state. Even this proven, successful, and cost-effective resource was cut by 40%.

***We need to help ensure that  
state and local law enforcement officers  
have the resources and support they need  
to keep the public safe by being heard.***

We need to tell our Nebraska Senators and Representatives how important it is for them to ensure that state and local law enforcement officers have the resources and support that they need to keep the public safe. Law enforcement has an important voice that needs to be heard on Capitol Hill. In Nebraska and around the country, state and local law enforcement officers can share their unique and critical perspective with their Representatives and Senators, who will ultimately make the decisions about criminal justice funding.

In the next column is a list of the two Senators and three Representatives who represent Nebraska in Washington, DC. I have included the Congressional website and the

Washington, DC office telephone number for each of them. You can easily send an e-mail to them directly from the website by following the appropriate contact links. They each have one or more district offices, in addition to their Capitol Hill office, and those phone numbers can be obtained from their website as well.

---

**Senator Ben Nelson** ([bennelson.senate.gov](http://bennelson.senate.gov))  
Washington, DC, Office: (202) 224-6551

---

**Senator Mike Johanns** ([johanns.senate.gov](http://johanns.senate.gov))  
Washington, DC, Office: (202) 224-4224

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**Representative Jeff Fortenberry** (1st District)  
([fortenberry.house.gov](http://fortenberry.house.gov)) Washington, DC, Office:  
(202) 225-4806

---

**Representative Lee Terry** (2nd District)  
([leeterry.house.gov](http://leeterry.house.gov)) Washington, DC, Office:  
(202) 225-4155

---

**Representative Adrian Smith** (3rd District)  
([adriansmith.house.gov](http://adriansmith.house.gov)) Washington, DC, Office:  
(202) 225-6435

---

I encourage you to contact them and share your thoughts on this important issue. We all swore an oath to protect and serve the people of Nebraska. Let us make sure Nebraska's Congressional representatives know what resources and services we need to be able to keep that promise.

Sincerely



William L. Burgess, Fillmore County Sheriff  
2010-2011 NSA President

(This article, along with the list above, can be found on the NSA website with a link on the home page. You will be able to click on the web addresses on the list to be taken directly to each person's website, or on their name to generate an email to them.)

## NEBRASKA SHERIFFS' ASSOCIATION 2010-2011 BOARD OF DIRECTORS

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burgess@fillmore.nacone.org

Deputy Paul Vrbka • York County  
402.362.4297 • thev913@yahoo.com

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402.762.3528 • 930@dataacc.net

Deputy Gary Norseen • Dawson County  
308.324.3011 • gnorseen@hotmail.com

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402.727.2702 • shespen@68025.com

Deputy Kevin Schuller • Platte County  
402.564.3229 • pcs her02@megavision.com

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308.458.2396 • gc992@nebnet.net

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#### Secretary/Treasurer

Deputy Gary Norseen • Dawson County  
308.324.3011 • gnorseen@hotmail.com

## NSA Legislative Summary for the 2012 Legislative Session

Submitted by Cutshall & Nowka

In an effort to prepare for the 2012 Legislative Session, the NSA Legislative Committee has prepared a summary of the NSA's Legislative Agenda for 2012. The summary includes and overview of legislative issues and the positions of the NSA. We strongly encourage you to discuss these legislative issues with your Senator(s), especially NSA proposed legislation. If you have any questions, please do not hesitate to contact anyone on the NSA Legislative Committee.

### Current Legislation

---

#### LB 66 (Cornett)

##### Change provisions relating to DNA collection

Legislative Bill 66 was introduced at the request of the NSA and clarifies that probation officers are responsible for taking DNA samples from convicted felons who are placed on probation and who will not enter into a prison, jail, detention facility, or institution. During the 2010 Legislative Session, Senator Avery's priority bill was LB 190. The purpose for the bill was to make DNA collection and testing mandatory for all individuals convicted of any felony and certain specified misdemeanors. LB 190 went into effect on July 15, 2010.

While the statute requires a probationer have his or her DNA collected in a detention facility, it does not say who should have to collect the sample. In an effort to clarify the statute and to equitably split the case load of complying with the DNA collection provision, the NSA proposed that sheriffs would be responsible for those felons committed to their respective detention facilities and probation officers would be responsible for those placed on probation. However, the Nebraska Supreme Court/Probation strongly opposes this legislation.

**NSA position:** LB 66 (DNA collection) was introduced on behalf of the NSA and the NSA supports LB 66.

**Action requested:** LB 66 is on General File and will be the first bill discussed when the Legislature returns in January 2012. Please contact your Senator(s) and let them know the need for this legislation to pass and to reaffirm that Probation does not need any additional funding.

---

**continued on page 8**



## The New Year Brings New Opportunities

Written by Amy Preda, J.D., NSA Executive Director

By the time you read this, the NSA/POAN Conference 2011 is probably a distant memory. However, I would like to personally thank the Conference Committee, the vendors, the Younes Conference Center, and the City of Kearney for a wonderful conference experience! Surveys submitted by the attendees provided positive feedback on the training, networking opportunities with vendors and peers, and the venue.

The committee for the 2012 conference knows it has some pretty high standards to live up to, but they are well under way to planning an excellent event for next year. Tentatively scheduled are two nationally recognized speakers: **Jack Enter, Ph.D.**, an expert on leadership skills that will help you become more effective in your work and personal lives; and **Lt. Col. Dave Grossman** (retired), one of the foremost experts on human aggression and the root of violence and violent crime. **Please mark your calendars to attend the NSA/POAN Conference 2012 slated for October 28-31!**

### Driving Simulators Available

The NSA would also like to remind everyone that we have two driving simulators available for your use, given to us by **AAA-Nebraska** and **Cornhusker Auto Club Foundation**. This generous gift provides you with an effective training tool that will allow you to share with the people in your counties, especially your youth, a safe and effective way to become responsible drivers. Driving simulators can increase drivers' knowledge about impaired and distracted driving along with allowing them to practice potentially dangerous scenarios in a safe environment. As law enforcement, you will now have the opportunity of having a learning moment with impaired and distracted drivers after a "virtual crash" rather than having to have that moment after their first real one.

If you are interested in using one of the simulators, please contact Sheriff Shawn Hebbert (Grant County) who has one of the simulators at his office. You can also contact me since the second simulator is at the NSA office in Lincoln.

### Fatal Vision Goggles

The NSA has purchased new fatal vision goggles that are also available to NSA members. Each district has two pairs of goggles, one to simulate intoxication during the day and one to simulate intoxication at night. Each district Vice-President has a pair, so please contact them if you are interested in using the goggles: Jeff Franklin (Clay County/South Central District); David Weeks (Greeley County/North Central District); Steve Hespen (Dodge County/Northeast District); Shawn Hebbert (Grant County/Panhandle District); or Bill Brueggemann (Cass County/Southeast District).

### Legislative Session

Finally, with the beginning of another year, the NSA will become involved with another legislative session. Please talk to your Senators about issues that are important to the NSA and to you. The NSA is your voice in the capitol, but the Senators vote for what is best for their constituents.



**Amy Preda, J.D.**

Executive Director  
Nebraska Sheriffs'  
Association

PO Box 81822,  
Lincoln, NE 68501  
800.775.2469  
402.434.3785  
apreda@windstream.net

We have two driving simulators available for your use, given to us by **AAA-Nebraska** and **Cornhusker Auto Club Foundation**.

Fatal vision goggles are also available to NSA members.

## NSA Legislative Summary ... continued from page 4

### LB 216 (Coash)

#### Provide for special interest motor vehicle plates

Legislative Bill 216 creates a special interest (car club) motor vehicle license plate. A special interest motor vehicle is only required to display one license plate and requires the plate to be attached to the rear of the vehicle.

**NSA position:** The NSA did not take a position on LB 216, because the association determined that like historical cars, it would not result in an incredible amount of motor vehicles with a single license plate. The NSA opposed LB 182 (Senator Hansen—Change provisions relating to the issuance of one license plate for farm trucks and commercial motor vehicles) and LB 185 (Senator Fulton—Provide for one vehicle license plate on all motor vehicles).

**Action requested:** No action is requested.

---

### LB 415 (Wallman)

#### Change provisions relating to contraband in a detention facility or providing an inmate with contraband

Legislative Bill 415 was introduced at the request of the NSA and provides the offense of providing or possessing contraband in a county detention facility. LB 415 would make it a Class I misdemeanor for an inmate to possess or to provide an inmate with an article prohibited by law, regulation, or order of the detaining authority (e.g., cell phones, cigarettes).

The ACLU opposes this legislation as being too broad. However, LB 415 was drafted to be similar to an existing statute that currently only applies to the Department of Correctional Services.

**NSA position:** LB 415 (contraband in jails) was introduced on behalf of the NSA and the NSA supports LB 415.

**Action requested:** LB 415 is currently on General File and will be discussed at the beginning of the 2012 Legislative Session. Please contact your Senator(s) and let them know the need for this legislation to pass.

---

### LB 658 (Karpisek)

#### Change the fee for obtaining a handgun certificate

Legislative Bill 658 was introduced at the request of the NSA and changes the application fee for obtaining a handgun certificate from five dollars to ten dollars.

**NSA position:** LB 658 (increased handgun permit fee) was introduced on behalf of the NSA and NSA supports LB 658.

**Action Request:** LB 658 is held in the Judiciary Committee. The NSA is also considering asking a Senator to introduce legislation that would increase all of the existing statutory fees in an effort to assist sheriffs in recovering the actual cost of performing their statutory duties. Please let your Senator(s) know that the current fees do not cover the administrative costs associated with your statutory duties.

---

## Proposed Legislation

### Law Enforcement Retirement

It is unclear whether legislation will be introduced at this time as the NSA continues to discuss this with Senators and other law enforcement agencies. The NSA supports helping deputies build their retirement fund so they don't have to work once they are over 65 years old. This position is not only for quality of life, but also because of the increased workers' compensation claims that continue to increase as the age of deputies increases. Better retirement benefits may also be helpful in recruiting and retaining employees.

**NSA position:** NSA supports legislation that would enhance retirement benefits for deputies.

**Action requested:** Please speak with your Senator(s) about law enforcement retirement and the benefit enhanced retirement plans would have in your office.

---

### Writ of Replevin/Order of Delivery

In Platte County, the Sheriff's Office had some complications with returning property under the replevin statutes (§§25-1093 to 25-1098, 25-10,109, and 25-10,110) within the 20-day delivery requirement.

Senator Paul Schumacher has agreed to introduce legislation that would amend §25-1096 to provide some flexibility in the 20 day requirement: The return day for the order of delivery shall be twenty days after its issuance unless a later date is specified in the order of delivery, in which case the return date shall be the date specified in the order of delivery. (New language is underlined.)

**NSA position:** NSA supports this legislation.

**Action requested:** While this legislation will not likely result in opposition, it is helpful to let Senators know that sheriffs support this legislation.

---

**continued on next page**



Be sure to notify the Nebraska Sheriffs' Association when a member who was an active or retired sheriff, deputy, chaplain, corrections officer, or member of the support staff dies.

They will be enrolled in the NSA Memorial Society and listed in the magazine and online.

Send the names to: Amy Prenda, NSA Executive Director  
PO Box 81822, Lincoln, NE 68501  
800.775.2469 • 402.434.3785  
aprenda@windstream.net

## NSA Remembers Nebraska Sheriffs, Deputies, and Chaplains who have died this past year. May they rest in peace.

### **Ronald Byrd**

Chief of Police, Fairbury  
Jefferson County Sheriff's Office

### **Charles Headley**

Hall County Sheriff's Office

### **Merle Hesser**

Lancaster County Sheriff's Office  
Chief of Police, Beatrice  
Crime Commission Director 1975-78

### **Bob Holloway**

Hamilton County Sheriff's Office

### **Dan Schneiderheinz**

Sheriff Merrick County

### **Ernest Mackey**

Douglas County Sheriff's Office

### **Dave Nelson**

Sheriff Cuming County

### **Jerry Rosendahl**

Platte County Sheriff's Office

### **Floyd Stahr**

Deuel County Sheriff's Office  
Past NSA President

### **Patrick Thomas**

Sarpy County Sheriff's Office  
Past NSA President

### **Doug Taylor**

Chaplain and Deputy  
Cass County Sheriff's Office

### **Don Trimm**

Jefferson County Sheriff's Office  
Fairbury Police Department

[www.nebraskasheriffsassoc.org](http://www.nebraskasheriffsassoc.org)

## NSA Legislative Summary

*continued from previous page*

### **CLE for Law Enforcement Officers**

The ACLU is interested in having legislation introduced during the 2012 Legislative Session that would require continuing education for all law enforcement officers. The PSAC drafted a proposed rule and regulation that would require CLE for law enforcement; however, the rule and regulation has not been enacted because the Governor was concerned with the additional cost to cities and counties.

**NSA position:** NSA supports CLE for law enforcement as long as it is drafted similar to the proposed PSAC rule and regulation that was presented to the Governor. The NSA opposes any legislation that would require a specific number of hours in a specific subject area.

**Action requested:** Please speak with your Senators about CLE for law enforcement.

## Nebraska State Patrol Crime Lab

*Backlog information, services and updates*

The Nebraska State Patrol Crime Laboratory services, backlog information, and updates are available on the Nebraska State Patrol website under the "Investigative Services Division":

<http://statepatrol.nebraska.gov/InvestigativeServices.aspx>

The Crime Laboratory also provides updated information via their quarterly newsletter *The Lab Report*. Current and past issues can be accessed at:

<http://statepatrol.nebraska.gov/LabReportNewsletter.aspx>

Please take a look at the information and feel free to contact the Crime Laboratory with any questions you may have.

Pamela Zilly, Crime Laboratory Director  
1233 Arapahoe Street, Lincoln, NE 68502  
(402) 471-8967  
Pam.Zilly@nebraska.gov



By the late 90's, the Northwest Shuttle System had grown to include all of Washington, Oregon, Idaho, Montana, North Dakota, South Dakota, parts of California, Arizona, Nebraska, Nevada, Wyoming, Colorado, Minnesota, Illinois, Utah, and has since expanded into parts of Texas.

There are no federal laws or state statutes that govern shuttle business, only the goals of financially responsible fugitive return and the cooperative efforts and communication of each agency.

## Northwest Shuttle System

Written by Captain Joe Lefler, Lancaster County Sheriff's Office - Special Services Division

All of us are aware that the current economic climate stresses our resources to the max when dealing with State mandated services. Duties like Civil Process, Court Security, and prisoner extradition, all mandated by State Statute, become increasingly difficult to fund with shrinking budgets and increased cost. The fees associated with these State mandated services rarely cover the cost, and how many times have any of us recovered the cost an extradition from a prisoner picked up out of state?

Since 2000, the Lancaster County Sheriff's Office has participated in what is known as the Northwest Shuttle Service. In the past few years, our Office has become much more dependent on this service in order to alleviate some of the cost associated with prisoner extradition, and would encourage all to consider what this service may be able to do for your agency.

### What is the Northwest Shuttle Service?

In 1979, a deputy in the State of Washington first came up with the idea to cooperate with other agencies in Washington State to more efficiently move prisoners and not duplicate effort within the state. This idea worked so well that it soon blossomed to include surrounding states and the Northwest Shuttle Service was born. In September of 2011, the Shuttle will be celebrating 30 years of service without an escape or serious incident, while moving tens of thousands of prisoners.

The Northwest Shuttle is a cooperative agreement between participating agencies that moves prisoners across the western

United States at no cost. Prisoners are relayed from one agency to another until they reach their final destination. Participants are only required to be willing to assist, on occasion, to keep a prisoner moving should they be coming through your jurisdiction.

### How the Shuttle System Works

A suspect is arrested in San Diego, CA on an arrest warrant out of Nebraska. California has in-state shuttle buses that run the length of the state and the agency from Nebraska makes a request to have the prisoner put on the bus to northern California. The prisoner is then transported up to Oregon and from Oregon they will be started east through Idaho, Utah, Colorado, and then Nebraska. There are certain hubs along the way that the requesting agency faxes the prisoner information to, as the prisoner is sometimes housed at these hubs before the next leg of the transport.

The requesting agency knows in advance where and how a prisoner will be returning and it is simply a matter of faxing Shuttle paperwork to the cooperating agencies. You are not billed for any portion of the trip unless a prisoner would need medical care at a hospital.

The Shuttle service has strict guidelines on who may be put on the Shuttle. For example, no one who is suicidal or has a history of escape can be put on the shuttle. On average it takes two to four weeks to bring someone back to Nebraska depending on where they are arrested.

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## **How do I get involved in the Shuttle?**

There is no application process or secret password. All an agency needs to do is indicate a desire to be part of the Shuttle by contacting a Northwest Shuttle state coordinator. In Nebraska that is either the Lancaster County Sheriff's Office or Scotts Bluff County Sheriff's Office and we will be happy to get you started. You may never be called upon to assist in the Shuttle but I know it will save you thousands in airline tickets, hotel reservations, and car rentals when you have to go out-of-state. On the occasions you are called upon, it may be to hold a prisoner overnight or meet another agency on the I-80 corridor with a prisoner in your custody.

## **Conclusion**

In these days of doing more with less, it is imperative we all cooperate and collaborate. The Shuttle is one way to stretch our shrinking budgets. In the first seven months of this year our Office has used the Northwest Shuttle on fourteen out of thirty-one extraditions. The average costs of these extraditions are approximately one fourth the cost of traveling out of state on extraditions. We average twice-a-month trips to North Platte to meet Scotts Bluff County, and always send two deputies, which is where our costs come from. Many times these trips are combined with local warrants, picked up elsewhere in the state, and we rarely come back with a vacant seat on our van. Your participation in the Shuttle Service assists us in coordinating prisoner movements in Nebraska which is the benefit we receive from our participation.

Interested in finding out more about the Northwest Shuttle?  
Contact the Lancaster County Sheriff Special Services Division:  
402.441.8877  
or e-mail: Captain Joe Lefler [JLefler@lancaster.ne.gov](mailto:JLefler@lancaster.ne.gov)

## **Capitol Watch**

Capitol Watch is an electronic newsletter published by the National Sheriffs' Association Government Affairs Division covering the latest federal legislative activity important to sheriffs and other criminal justice professionals.

Download each issue at [www.sheriffs.org/government/NSACapitolWatch.asp](http://www.sheriffs.org/government/NSACapitolWatch.asp)

You can also find a link to these on the Nebraska Sheriffs' Association website at [www.nesheriffsassoc.org](http://www.nesheriffsassoc.org)

## **Grant Programs**

The Crime Commission offers a variety of federal and state grant programs. Each program has different purposes and requirements. Check them out at [www.ncc.state.ne.us/crime\\_commission/pamphlet.htm](http://www.ncc.state.ne.us/crime_commission/pamphlet.htm)

## Invite Someone to Become an Honorary Member of the Nebraska Sheriffs' Association (NSA)

If you're reading this and are not a member of the Nebraska Sheriffs' Association (NSA), please consider joining today. If you're already a member, whether as law enforcement or an Honorary Member yourself, please invite someone you know to join.

For just \$25 (per person, per calendar year), you can boost our membership numbers and help maintain the programs the NSA sponsors.

### What does my membership help support?

The Association funds many worthwhile programs and would like to build upon them. For example:

- NSA has partnered with AAA-Nebraska and Cornhusker Auto Club to be able to provide two **Driving Simulators** for use by NSA members at schools and in the community. These effective tools increase driver awareness about the dangers of distracted driving.
- **Fatal Vision Goggles** are also available to members. One pair simulates intoxication in the daylight and another pair simulates intoxication at night.

- "Deputy Bob" is an air ventilated Walkaround® mascot that can be comfortably worn for community events. You might even convince a real deputy to climb into one.
- The NSA has **Legislative Watchdogs** that keep the Sheriffs abreast of important legislative actions that will affect their communities and the performance of their duties.

### What does my membership do for me?

Besides the previously mentioned items available to members, you will receive a window cling and a membership card naming you/your business as an Honorary Member. You may also be listed online and in the magazines. If you like, your business name can be a link to your business website.

You will also receive both issues of *The Nebraska Sheriff* magazine and all eNews sent during the year (if you so choose).

### Not bad for a \$25 membership fee!

So sign up yourself or someone else today by using the form below. You can also find this form online at [www.nesheriffsassoc.org](http://www.nesheriffsassoc.org).

Questions? Contact Amy Prenda at 402.434.3785 • 800.775.2469 • [aprenda@windstream.net](mailto:aprenda@windstream.net)  
Mail the form below to: Amy Prenda, NSA Executive Director, PO Box 81822, Lincoln, NE 68501

### 2012 • Nebraska Sheriffs' Association (NSA) Honorary Membership Application Form

- YES!** Please add me to the Honorary Membership Roster. I am happy to support my local Sheriff's Office and the NSA.
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- List my name on the website/magazine.       Please keep my name anonymous-do not list me or my business.

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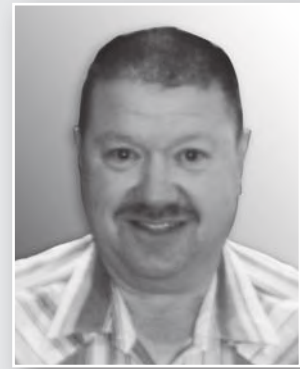
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## Otoe County and the Sheriff's Office Covers Costs of Expensive "Pork"

Written by Ron Goodrich

In late September 2011, Otoe County Sheriff's Deputies received a call about possible animal cruelty on the John Maahs farm. Upon arrival, the deputies noticed the odor of decomposing animals. Further investigation revealed that there were many dead animals in the fields. Hundreds of dead pigs were found on the property, as well as dead goats.

Otoe County Sheriff James Gress requested assistance from the Nebraska Humane Society. Necropsies were performed and it was determined that the animals died from starvation. Some pigs had to be euthanized because of their condition.

Maahs was soon charged with 10 felony counts of animal cruelty. Sheriff Gress believes this is the largest case of its kind in the state of Nebraska to-date.

"After the investigation was complete and charges were filed ... well, then the dirty work began," explained Sheriff Gress. "I had to get the county to dig a large pit and then hire contractors to place the remains in the pit and cover them up. This project had to be overseen by my deputies."

The animals that were still alive on the farm had to be fed and

watered at an expense to Otoe County and the Sheriff's Office.

"We had 83 pigs and 56 goats to look after," Gress said. "The county commission took over this task, but it cost the county \$70,000 in clean up costs and a minimum of \$5,000 in additional expenses for my deputies."

The remaining animals are going to be sold and the money will go to the courts for distribution. The Sheriff was going to place a lien on the property but has been advised that the property already has two liens against it.

"If a farm animal is killed on a state highway, the county is required to remove the animal and have it buried at county expense," Gress said, "but Otoe County has never seen anything of this magnitude."

BLAINE



**Sheriff Timothy Sierks**

**Blaine County Sheriff's Office**

Blaine County Courthouse  
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308.547.2222  
308.547.2228 FAX  
timsierks@yahoo.com

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BOYD



**Sheriff Cory A. Beverly**

**Boyd County Sheriff's Office**

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402.775.2419 FAX  
boydsheriff963@gmail.com

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With the sudden illness of Sheriff Dave Derickson vacating the position and Deputy Chuck Wrede filling in as Interim Sheriff, the Boyd County Board of Supervisors has appointed Cory Beverly as Sheriff. Beverly will fill a 3-year term.

Just prior to redeployment back to the U.S. from Iraq, a friend, Deputy Greg Taylor from Kimball County, Nebraska, advised Beverly that there was an opening on the Nebraska Law Enforcement Training Center website for Boyd County Sheriff. Beverly submitted an application with a resume and was appointed by the Boyd County Board of Supervisors on November 15, 2011.

Beverly has an impressive list of law enforcement credentials. He was Deputy Sheriff in Butte County, Idaho; a Police Officer for the City of St. Anthony, Idaho; and a Deputy Sheriff in Custer County, Idaho.

Beverly also served as Senior Probation and Parole Officer for the Idaho Department of Corrections, Idaho Falls, Idaho, where he was also Correctional Sergeant, Facility Hearing Officer, Arrest Techniques Instructor, and responsible for supervising a staff of six.

Other responsibilities at this time were managing felony adult

inmates and safely managing offenders, providing opportunities for offenders to change, and successfully returning offenders to communities.

As a Military Police Staff Sergeant/Squad Leader, U.S. Army National Guard, Burley, Idaho, he was responsible for supervising and training 12 Military Police soldiers and for the maintenance and accountability of equipment assigned to his squad worth in excess of 3 million dollars.



**The Nebraska Sheriffs' Association**  
keeps diligent watch over the Unicameral  
for legislative actions that will affect your county  
and of special interest to law enforcement.

See pages 6, 8-9 for a current listing.

**It pays to be a member!**



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 402.387.1440 • 402.387.0719 FAX  
 papstein@threeriver.net

(No photo available)  
**Sheriff Bruce Papstein**

**See pages 57-64  
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 Sheriff's Office and the NSA.*

Brown County Sheriff Bruce Papstein, after winning last year's election, no longer wonders what to do to keep busy. After spending 30 years with the State Patrol, three of them as an investigator, Papstein saw his opportunity and went for it.

Papstein and his wife, Katherine, have been married for 37 years, so she wasn't surprised by his decision or his vision for improving the Sheriff's Office service to the citizens.

"I'd like to upgrade our service to an excellent rating by employing good investigative techniques and maintaining quality personnel," he said.

In a county that spreads out over 1,800 square miles with a population of just over 3,000, that's no easy task. "We have three main cities," Papstein said, "Ainsworth, Long Pine, and Johnstown. The county is primarily Sand Hills, cattle country, and farmland, and everyone deserves the same level of service."

Even with his busy schedule, Papstein has time for family. With four grandchildren, a daughter and one son, both married, and another son in the military, Papstein finds time to relax. His favorite pasttime is hunting and fishing with his sons and grandkids.

**2012 NSA MEETING SCHEDULE**

|  | Day        | Time               | City         | Committee                                |
|--|------------|--------------------|--------------|--|
| <b>Jan</b>                                     | 19         | 1000-?             | Lincoln      | Legislative<br>(conference call ability) |
|  | 20         | 1000-1200          | Lincoln      | Board                                    |
| <b>Feb</b>                                     | 10         | 1000-1200          | Lincoln      | Board                                    |
| <b>Mar</b>                                     | 9          | 1000-1200          | Lincoln      | Board                                    |
| <b>Apr</b>                                     | 13         | 1000-1200          | Lincoln      | Board                                    |
| <b>May</b>                                     | 23         | 1000-1200          | Kearney      | Board                                    |
| <b>LECC May 23-25</b>                          |            |                    |              |  |
| <b>June</b>                                    | 13         | 1000-1200<br>NLETC | Grand Island | Board                                    |
| <b>July</b>                                    | 11         | 1000-1200<br>NLETC | Grand Island | Board                                    |
| <b>Aug</b>                                     | 8          | 1000-1200<br>NLETC | Grand Island | Board                                    |
| <b>Sep</b>                                     | 12         | 1000-1200<br>NLETC | Grand Island | Board                                    |
| <b>Oct</b>                                     | 28         | tbs                | Kearney      | Annual Mtg.                              |
| <b>NSA &amp; POAN Conference October 28-31</b> |            |                    |              |  |
| <b>Nov</b>                                     | No meeting |                    |              |  |
| <b>Dec</b>                                     | 12         | 1000-1200          | Kearney      | Board                                    |
| <b>NACO Conference December 12-14</b>          |            |                    |              |  |



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## Buffalo County Employs New TeleHealth Program for Inmates in November, Opens New Justice Center/Jail in December

Buffalo County opened its doors in early December to a new Justice Center. The \$24.5 million project was the result of a successful bond passed in 2008. The newly constructed building contains a new jail, three courtrooms, and two hearing rooms.

Although the new 200 bed jail may end up making Buffalo County some money, that wasn't the goal officials initially had in mind.

The former facility was dangerous to the workers and the general public. The old jail also had approximately 60 beds for inmates and cost the county to transfer inmates in and out of court and house them elsewhere.


Due to overcrowding, the county previously spent thousands of dollars each week to send extra inmates to Dawson County. Now officials say that they are using their extra space to house out-of-county inmates.

In the older facility, it was extremely dangerous to have inmates that were within touching distance of anyone in the public. Now inmates can actually be moved through separate corridors from where the judges and public are, and the technology in the building has a security check comparable to that of an airport.


Earlier, in November 2011, a new TeleHealth program allowed Buffalo County jail inmates to begin seeing a mental health professional without ever leaving the jail. Although behavioral health services via TeleHealth technology have been used in the Kearney area since 1995, the system at the Buffalo County Sheriff's Office is new.

The service is provided through collaboration between the Buffalo County Sheriff's Office, Good Samaritan Hospital, Richard Young Hospital, and Region 3 Behavioral Health Services.

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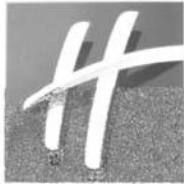
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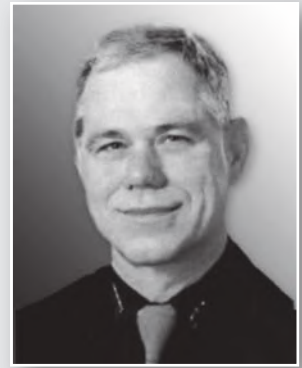
### Buffalo County Sheriff's Office

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308.236.8555  
308.236.1295 FAX  
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## Son Of A Scout

Written by Sgt. Winston Cavendish, Sun Police Department (Retired)

"Be prepared," to read this article and see if scouting is relevant today in police work. Are we just too grown up for scouting principles? Have we forgotten what was written 94 years ago when this great scouting movement started, dedicated to the principles of molding young boys into young men around a simple camp fire? One never forgets his Scoutmaster who really cared about him, and how important he was to his life.

What does scouting have to do with law enforcement? Maybe we should look back in time when some of us were lucky enough to be in Scouts. Now it's time to explore if any of the things we learned are relevant in policing today.

### Did you ever swear the oath below?

On my honor , I will do my best

To do my duty to God and my country and to obey the Scout Law;

To help other people at all times;

To keep myself physically fit, mentally awake and morally straight.

Are these laws simply no longer relevant today? I say no, they are more important today than the day they were written.

The eagle soaring in the clouds stands for freedom and courage, and that's what being American is all about. Somewhere in America in a small village, town, or city, a young man becomes an Eagle Scout. What an honor it is. He will never forget those 12 laws that make him a scout.

A scout is trustworthy, loyal, helpful, friendly, courteous,

kind, obedient, cheerful, thrifty, brave, clean and reverent.

Interesting words with so many meanings for a young man, and, yes, a police officer on the street. In his or her daily duties they might be surprised what a wonderful bridge to community relations this can be.

Scouting has been a greater part of my life. My father, Major Redevers Cavendish, British Army (Gurker Rifles) was a scout in Lord Baden Powell's first troop in England at the age of 7. I was a Scoutmaster in the Mountain Road district out of Canmore, Alberta, Assistant Scoutmaster in Lafayette, Louisiana's Scout Troop 140 and a Scoutmaster with Law Enforcement Explorer Scouts with the St. Tammany Parish Sheriff's Office, Covington, Louisiana. We had 167 scouts, one of the largest troops in the south. Many of my former scouts went on to great things and I was so lucky to help them on their way.

I believe in scouting with all my heart. I have been scouting for 19 years. My wife, Margaret, has been in Girl Scouting for 30 years. Helping young people is a very rich and rewarding field.

Some people think that volunteering wastes their time. I say to those that don't help young people ... you are missing a lot out of life...

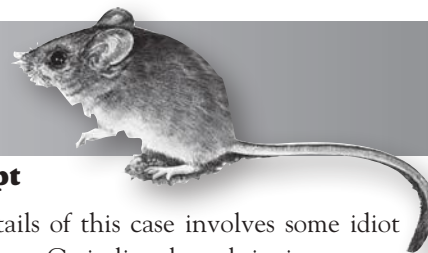


## Search A Cell Phone? No Problem. Touch A Mouse? Violate 4th Amendment.

from the 4th-amendment-law-is-confusing-to-civilians dept

Julian Sanchez points us to a bizarre 4th Amendment ruling.

We've seen courts often allow things like warrantless wiretapping and tracking individuals via their phones without a warrant. In this case, the court ruled that touching a mouse pad, thereby taking a laptop out of screen saver mode, constituted a "search" and was subject to the 4th Amendment. While I'm happy to see courts actually recognizing the importance of the 4th Amendment, and the need for law enforcement to obtain warrants, I'm having trouble understanding how this is a 4th Amendment search when those other -- much more invasive -- actions are not.



The details of this case involves some idiot who posted a threat to Craigslist about bringing a gun to a mall. Police tracked this guy down at his house. While there, one of them touched his mouse pad, changing the screen from the blank screen saver mode to fully on, displaying some information that was used to arrest the guy. Since stuff seen in plain sight is not considered a search, the question is whether or not this uncovered things that were not in plain sight, and thus constituted a search.

Used with limited permission: [www.techdirt.com](http://www.techdirt.com) 10-4-2011

## Cherry County Sheriff's Office

PO Box 49, Valentine, NE 69201  
402.376.1890 • 402.376.1892 FAX  
chcoso@hotmail.com

Rusty Osburn finally reached his goal: be elected Sheriff of Cherry County, Nebraska.

Born and raised in Valentine, Osburn began his law enforcement career on the Valentine Police Department in 1983. He then joined the Cherry County Sheriff in 1987 as a deputy and worked his way up from there.

Now, as the new Sheriff, he really has his hands full. With a population of 6,900, Cherry County covers 6,010 square miles - the largest county area in Nebraska.

"Besides covering so much ground on a regular basis," Osburn said, "we just opened a new 30-bed jail in February where we currently house six to eight on a daily basis. I'd really like to keep that count low."

Osburn really likes the area and the people he serves. "Cherry County is a great place to visit and enjoy, especially if you're looking for somewhere with a slower pace," Osburn shared. "It's also a great place for families."

Osburn and his wife of 26 years, Marsha, have raised their family here and are the parents of five with one grandchild on the way.

"All my children have grown up in the area and have stayed pretty close by. In fact, one daughter will soon be marrying a neighboring rancher."

When he has time to relax, Osburn enjoys the outdoor life and especially likes hunting coyotes and fishing.

(No photo available)  
**Sheriff Rusty Osburn**



2011 Member

CHERRY

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## Former Sheridan County Man Credited in the Capture of Killer Charles Starkweather in Wyoming

Have you ever heard the name Robert "Red" Ainslie, a noteworthy citizen of Sheridan County? Born in 1928 in Kilgore, Nebraska, Ainslie served as a special deputy in Chadron, Nebraska for several years and then as a patrolman on the Chadron Police Department.

In 1952 he became a patrolman in Douglas, Wyoming and then served as Chief of Police in Douglas between 1955-1975.

In 1987, Mr. Ainslie moved back to Hay Springs, Nebraska, in Sheridan County, where he bought a bar, naming it Bob's Bar and Grill. In 1999 he sold the establishment and retired.

Sound like a normal life? Although Red Ainslie had a noteworthy career in law enforcement, one with major accomplishments, the incident he was involved with that went into the history books is where he is credited with being instrumental in the capture of notorious Charles Starkweather in Wyoming in 1958. He received commendations from the governors of Nebraska and Wyoming and the FBI, to name just a few.

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**Sheriff John Jensen**



**2011 Member**

## Cheyenne County Sheriff's Office

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 sheriffj@cheyennecosos.org

John Jensen started working in law enforcement with a specific career path in mind. He set his sights on the Office of Sheriff of Cheyenne County, wanting to serve in the midst of the people he loves.

Jenson's career began in 1995, when he was certified as a Reserve Officer in the Sydney Police Department. He then moved to the Cheyenne County Sheriff's Office, working from the ground up as a jailer, deputy, investigator, and finally Chief Deputy before running for office when the current Sheriff retired.

"I really enjoy serving the hard working people in my home county," Jenson shared, "and I hope to continue promoting the current level of information sharing between my Office and the people on the problem of drugs and other public safety issues."

Also an advocate of continued in-service training for his staff, Jenson will assure they can all provide up-to-date, solid law enforcement. He has recently created Cheyenne County's first K-9 Unit.

"Colonel is a two-year-old German Shepherd, trained and certified in narcotics detection, searches, and tracking," Jenson explained. "Colonel works with his handler, Sgt. Adam E. Frerichs. This is something the county has really needed." (See the bottom of page 21 for photos of Colonel and Sgt. Frerichs.)

"My wife of 23 years, Amanda, has always been there for me," Jenson said, "and I have great kids (including my daughter-in-law) who are all very supportive and understand what the job requires."

Jenson and his wife are the parents of two, a married son, 21, and a daughter soon to be 17. They are looking forward to the birth of their first grandchild in April.

**See pages 57-64**  
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**Sheriff Jeffrey Franklin**

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CLAY CENTER

### Cheyenne County Sheriff Adds K-9 Unit to Aid in Fight Against Drugs



Cheyenne County Sheriff John Jenson has recently created Cheyenne County's first K-9 Unit.

"Colonel is a two-year-old German Shepherd, trained and certified in narcotics detection, searches, and tracking," Jenson explained.

Pictured are Colonel and his handler, Sgt. Adam E. Frerichs.

Colonel and Frerichs conduct daily training exercises and are ready on a moment's notice.

DAWES



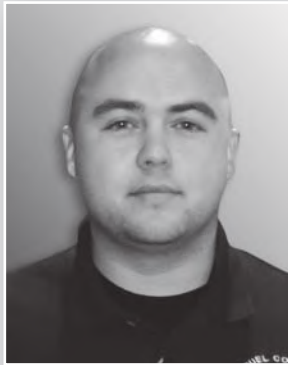
Sheriff Karl Dailey

Dawes County Sheriff's Office

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Chadron, NE 69337
308.432.3025
308.432.0115 FAX
sheriff@dawescountysheriff.com

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DEUEL



Sheriff Adam Hayward

Deuel County Sheriff's Office

PO Box 565, 3rd & Vincent, Chappell, NE 69129
308.874.3305 • 308.874.2994 FAX
deuelsheriff@hotmail.com

Deuel County Sheriff Adam Hayward hopes to make the county a safer place to live. With only 800 people, two incorporated towns, and a 500 square mile area, you'd think this wouldn't be such a difficult task.

"For a small county, we have one of the largest truck stops in the state," Hayward explained. "This creates many problems for law enforcement on a regular basis."

Elected Sheriff of Deuel County in 2010, Hayward wants to make major changes in the overall service provided by his office. And safety is his primary concern, with his wife and two small children residing in the area.

"By bettering the quality of how we protect and serve, we'll automatically make the county a much safer place to live."

Hayward has worked in law enforcement for seven years. He learned the ropes as a deputy and feels ready to handle whatever comes his way.

When he's not actively on the job, Hayward enjoys hunting and fishing and relaxing with his family.



2011 Member

Burgie's advertisement including address (145 Vincent Ave., Chappell, Nebraska 69129), phone (308-874-3000), owners (Roy and Wendy Burgman), and hours for Summer and Fall/Winter. Also lists services like Daily Specials, Great Food, Bowling, and Meeting/Banquet Room.

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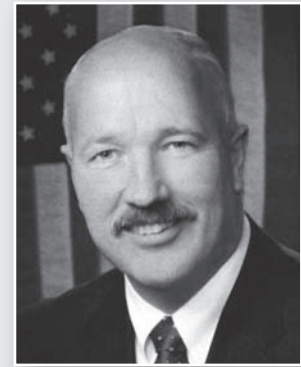
## Dodge County Sheriff's Office

428 N Broad St.  
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402.727.2700  
402.727.2714 FAX  
shespen@68025.com

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**Sheriff Steven Hespen**

DODGE

## Retired Deuel County Sheriff Floyd Stahr Contributed Much to Nebraska Law Enforcement and the County



Retired Deuel County Sheriff Floyd H. Stahr of Chappell, Nebraska passed away Tuesday, October 11, 2011 at Bryan LGH East Hospital in Lincoln. Stahr was 85.

Born on November 17, 1925 on the family farm at Chappell, Nebraska, he attended grade school at District 17 and graduated from Deuel County High School in Chappell.

Floyd was drafted into the army in February, 1945, and took basic training at Fort Riley, Kansas. He was in the last Calvary class that trained with horses before the division was disbanded. He was sent to the Philippines as a medic and became Registrar of the 80th General Hospital at Manila. He was transferred to the 155th Hospital and discharged in August, 1946. His first job was parts man for Lloyd Rudel at International Harvester.

Floyd married Catherine C. Lechman on August 22, 1948. The couple had seven children: Dianne, Betty, Patty, Daniel, Gregory, Arlene, and Yvonne. All of their children graduated from Chappell High School and went on to the University of NE - Lincoln or Kearney State College.

After working at International Harvester, Floyd started his own hay and straw baling business until he won the election for Deuel County Sheriff and took office in 1963. He was re-elected for 7 terms and certified through the Law Enforcement Training Center.

After becoming Sheriff, Floyd was also the County Civil Defense Director, as well as the County Health Officer. He was a Volunteer Fireman for 27 years, and Assistant Fire Chief for 22 years.

Floyd was a lifetime member of Zion Lutheran Church (LCMS), the VFW, and the American Legion, in which he was the current Commander of Post #217. He was a Cub Scout Scoutmaster for 12 years and a charter member of the Jaycee's.

Floyd was President of the Nebraska Sheriff's Association in 1969 and inducted into the NSA's Hall of Fame in 1989.

Floyd was appointed to the Police Standards Advisory Council by Governor Norbert Tiemann in 1972, reappointed twice by Governor J.J. Exon, and once by Governor Charles Thone. In this position, he was instrumental in the building of the new Law Enforcement Academy at Grand Island and was Chairman of the Board of the Association of County Officials.

Floyd was a Charter Member of the Nebraska Civil Defense Directors Association, serving as President of the Association in 1971. He coordinated County Wide Law Enforcement, the use of 911, and the Dare Program in Deuel County.

Floyd was a life long farmer and was still farming until his illness in May. His hobbies were woodworking, gardening, entertaining, fishing, and maintaining one of the most elegant yards in Chappell.

PHOTO AND BIOGRAPHY COURTESY OF  
HOLECHEK FUNERAL HOME, CHAPPELL

## A Line of Duty Injury is NOT Part of the Job

Written by Mike Dyer, Attorney at Law

As a Nebraska attorney for over 20 years and having retired very early from NYPD due to a work injury, I've had the honor of representing law enforcement officers injured in the line of duty from over 25 Nebraska agencies. Having spoken at the Nebraska State Fraternal Order of Police's Annual Conventions about the rights of injured police officers, I enjoy the opportunity to provide my legal and personal experience to other Cops.

When a Cop puts on a uniform and goes to work, he or she is empowered with the legal ability to do police work. As such, police officers are held to a higher standard and may even lose their job for reasons a civilian would not. While cops have a raised level of accountability, they have the same rights as everyone else when it comes to receiving compensation for their work-related injuries. Additionally, if a Cop is hurt by a drunk or negligent driver, hurt by a perpetrator resisting arrest or hurt by any other act of negligence, the person who hurts a Cop is responsible to compensate that Cop for the damages done. In many cases, there is insurance available. Even though police work is an inherently dangerous job, getting hurt in the line of duty is not part of the job that is included in a Cop's regular paycheck.

### Workers' Compensation

The majority of Cops understand the basic benefits of workers' compensation -- getting the medical bills paid and being paid for time off of work. However, there are other benefits and factors that injured Cops need to be aware of in order to maximize recovery and benefits from a work injury.

If a Cop is injured in the course and scope of employment, the injury is covered under workers' compensation. Course and scope refers to being at work doing your job and has been interpreted by the Nebraska Supreme Court to include any time between when a worker gets out of his/her vehicle to walk into work until the worker gets back in his/her car to go home. If a Cop slips in the parking lot walking into work, that injury can be compensable. Covered damages include virtually every injury you suffer while at work, with some exceptions like an officer's own willful negligence, horseplay or drug or alcohol impairment.

There are some steps that must be taken in order to ensure that Cop's rights under workers' compensation are protected. Typically, the first thing that an injured officer must do is report the injury to his/her superior. Workers' compensation laws are very clear on this point. An injured worker has a duty to report

an injury as soon as is practicable. Failure to do so may result in outright denial of the claim.

The next thing an injured cop must do is seek medical treatment.

The burden to prove a work injury is on the cop who is making the claim. In order to substantiate an actual injury, the injured worker must have evidence of the injury, and the best evidence is supporting medical documentation. If a cop needs treatment but fails to go to the doctor within a reasonable time after the injury, the injury may not be covered under workers' compensation. There is no set time in which a police officer must seek treatment, but the longer they wait, the less likely coverage will be available.

There are doctors in Nebraska that market themselves to workers' compensation insurance companies as being able to get the injured worker back to work quicker. This is particularly appealing to insurance adjusters whose job it is to save the insurance company money. However, it is critical for injured workers to understand their rights regarding medical treatment. An injured Cop can be treated by his/her own doctor or by the doctor of any immediate family member. This is the Cop's right to exercise or to waive. A Cop does not necessarily have to treat with the doctor that the workers' compensation insurance company has provided or referred.

If an employer participates in a Managed Care Plan, different rules apply. Under a Managed Care Plan, the employer/insurer has to provide the injured worker a list of all the doctors in the plan so that the injured worker can choose a doctor. Doctors who are not on the list can complete the necessary forms to become a plan provider. If a referral is made to a specialist under a Managed Care Plan, that specialist must also be chosen from the list provided.

In addition to having the medical expenses covered by the workers' compensation insurance, the injured worker is also compensated for medical-related mileage. The rate at which mileage is reimbursed is frequently changed by the Court. Current and past reimbursement rates are posted on the Court's website.



continued on page 27

### Douglas County Sheriff's Office

3601 N 156th St.  
Omaha, NE 68116  
402.444.6640  
402.444.6065 FAX  
timothy.dunning@douglascounty-ne.gov



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Sheriff Tim Dunning

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402.887.4224 FAX  
acsd@frontiernet.net

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FILLMORE



Sheriff William Burgess



2011 Member  
Current NSA President  
2010-2011

### Fillmore County Sheriff's Office

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Geneva, NE 68361  
402.759.4441  
402.459.4429 FAX  
burgess@fillmore.nacone.org

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### "Deputy Bob" Celebrates in Geneva Fourth of July

"Discover Geneva Patriotism" is a celebration held in Geneva, Nebraska on July 2nd, 3rd, and 4th each year. The three-day event celebrates our nation's birthday and the "Heart of the Heartland." A parade, activities for the kids, a free street dance, hamburger feeds, bake sale, mechanical bull, motorcycle poker run, and a fun run/walk/bike are just some of the highlights of this three-day celebration.

"Deputy Bob" joined the festivities this year, participating in the parade and meeting the people of Fillmore County as they passed by.

Want to have "Deputy Bob" participate in an event or activity in your community? Contact Amy Prenda for details.

Amy Prenda  
402.434.3785  
800.775.2469  
aprenda@windstream.net



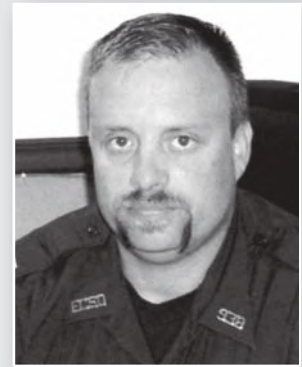
**Furnas County Sheriff's Office**

PO Box 430  
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 308.268.2245  
 308.268.2345 FAX  
 furnasso938@yahoo.com

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**Sheriff Kurt Kapperman**

FURNAS

**Gosper County Sheriff's Office**

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 308.785.2306 FAX  
 goperso@atcjet.net

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2011 Member



**Sheriff Dennis Ocken**

GOSPER

**A Line of Duty Injury ... continued from page 24**

Once a doctor places an injured worker at maximum medical improvement, commonly referred to as being "as good as you are going to get", additional benefits may be owed. Depending on the injury and treatment, a doctor may assign an injured worker with a percentage of permanent impairment and/or permanent restrictions.

Nebraska statutes make a distinction between a body as a whole injury or an injury to a scheduled member such as an arm, leg, shoulder, knee, foot, etc.. A body as a whole injury provides for 300 weeks of benefits; the permanency benefits for a scheduled member are determined based on the location of the injury and the statutory formula established.

If a body as a whole injury leaves a Cop with permanent work restrictions, it is possible to have a Loss of Earnings Evaluation (LOE) done. An LOE factors in such things as age, training, education, skills and job requirements to come up with a percentage of Loss of Earnings. This percentage is then used to determine benefits which may be owed.

When the injuries suffered make it impossible for an injured worker to return to the same or similar type of work for which

the worker has previous training and/or experience, workers' compensation can also provide vocational rehabilitation. A Vocational Rehabilitation Specialist can provide services ranging from job placement to college education. For the time period that the injured worker participates in an approved vocational rehabilitation plan, the worker is entitled to monetary benefits. The goal of the workers' compensation laws is to keep injured workers financially stable while recovering from work-related injuries, and then ultimately get the injured person back into the job market.


Workers' compensation benefits require action on the part of the injured worker. If no action is taken, valuable benefits could be lost.

**Third Party Liability**

If someone negligently or intentionally hurts a Cop, general damages of pain and suffering can be sought through a claim against the negligent third party's personal insurance. An injured Cop may pursue a workers' compensation claim and a claim for personal injury against the negligent third party.

**continued on page 40**

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## Making our Decisions with a Little Compassion

Written by Deputy Jon Howard, Greeley County Sheriff's Department

I often have a chance to visit with young folks about a criminal justice career. I talk to them about compassion in law enforcement, which is too often forgotten. Sometimes it's easier to just write a ticket or make an arrest than to be involved personally with the people we deal with.

Yes, we as officers are human and don't always want to take the time for strangers. It's always easier to make the charge and let the county attorney and judge make the ultimate decision. But where did the compassion go when we made our decision?

We need to challenge ourselves as officers to look at the whole picture. It doesn't mean I won't write the ticket or make an arrest. But, sometimes the folks you deal with really do have a legitimate problem. If that's the case, let's not make them sit in jail, see the judge, or have a criminal record just because it's the easy way to do it. Let's take the time to listen to the whole story.

There are times when a ticket and arrest are needed to protect the public. There are also special occasions, when you have a chance to lend a helping hand. I urge you - please do. You will find your job more satisfying and rewarding knowing you really can make a difference. After all, isn't this why we got into law enforcement?

I challenge all officers to find the compassion which is so often lost in the shuffle. I personally put this badge on everyday to help, serve, and protect. I like to go home with a feeling of pride because, "I really did make a difference today!"

Recently, I had the opportunity to visit with a transient, a young man I will call "Jake". Jake left Oklahoma, on foot, and was heading north for parts unknown. I asked Jake if he was going to see family for the holidays. He told me he had been living with his grandmother and she passed away; that he didn't know where his mother or father were living.

"They left me with my grandmother and I haven't seen or heard from them for some time." Jake informed me he was just moving on, heading nowhere in particular.

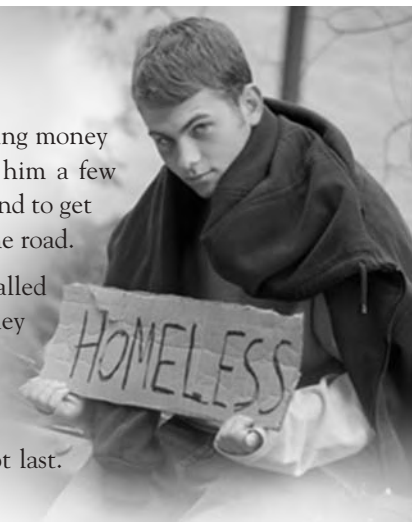
During our conversation, Jake said he had been checked out approximately ten times by law enforcement officers since his journey began. When I asked how many over the past two days Jake replied, "four officers, including you."

As we visited, I asked Jake when he last ate. I was not surprised when he told me it had been a couple of days. I happened to have my dinner in the patrol vehicle and I gave it to Jake. He needed it far more than I did.

I asked him if he had any traveling money and he said he did not. I gave him a few dollars in case of an emergency and to get a little something to eat down the road.

No ... I'm not a sucker! It's called compassion. I figure it was money well spent just to hear a small part of the story of his life. In my heart, I ached for Jake and knew what I had done would not last. But I hoped it helped a little.

As sworn officers taking an oath to serve and protect, I ask you to please make a real difference. To those officers who took the time to check Jake out to see if he had warrants, I challenge you to go a step further next time and make the decision to use that same authority and help a stranger. Your pride and integrity will be strengthened and your cup will be full as you return home to a family you're so lucky to have.



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**Sheriff Shawn Hebbert**

### Hall County Sheriff's Office

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**See page 45**  
*for a short biography of retired  
Hall County Sheriff Chuck Headley  
who died in October.*

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# 2011 NSA/POAN Conference and Expo

**A**



## Award Presentations

### A. 2011 HALL OF FAME AWARD

Gary Norseen (center), Dawson County Deputy and NSA Board Secretary/Treasurer, was inducted into the NSA Hall of Fame for his years of service to the Board and his county. Pictured with Gary are Frontier County Sheriff Dan Rupp (left) and NSA President and Fillmore County Sheriff Bill Burgess (right).

### B. 2011 ABOVE AND BEYOND AWARD

President Bill Burgess presents the "Above and Beyond Award" to Sarpy County Sheriff Jeff Davis for his service to the NSA Board and his role as Chair of the NSA Legislative Committee.

**B**



**C**



## Passing the President's Gavel

PHOTO LEFT: Current NSA President (left) Bill Burgess, Fillmore County Sheriff, presents the President's Award to incoming NSA President (right) Jeff Franklin, Clay County Sheriff. The ceremony included the symbolic passing of the gavel. Sheriff Franklin will take over as NSA President in January 2012.



## - Awards Presentation Is Highlight of Conference

### C. 2011 OFFICER OF THE YEAR AWARD

During a confrontation, Douglas County Deputy Tom Flynn (middle left) was shot in the lower left side of his back while in close proximity to the offender and had the presence of mind to exercise good “officer survival skills” by becoming a “moving target”. This action probably saved his life.

During the same confrontation, Douglas County Deputy David Heins (middle right) was severely bitten by a DCSO K-9 that was on the scene. He showed exceptional courage by returning fire, despite his severe injuries after assessing the situation and determining that the lives of his fellow deputies and his own were in imminent danger.

Deputy David Heins and Deputy Tom Flynn have been nominated to receive the Nebraska Sheriffs’ Association “Certificate of Valor” and “Officer of the Year” Awards.

### D. 2011 POAN/NSA LAW ENFORCEMENT TECHNOLOGY AWARD

Presenting a special Law Enforcement Technology award to Michael Overton (middle left) are (left to right) Past POAN President and Fremont Deputy Chief of Police Jeff Elliott, Mike Overton, Buffalo County Sheriff Neil Miller, and NSA President Bill Burgess.

Mike Overton has been with the Nebraska Commission on Law Enforcement and Criminal Justice for 25 years and has been an advocate for, a facilitator to, and an initiator in providing law enforcement with the data sharing and information that we need to do our jobs of protecting the public’s safety.



*Congratulations to all the honorees!*



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**Sheriff Thomas Dow**

**Hayes County Sheriff's Office**

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HITCHCOCK



**Sheriff D. Bryan Leggott**



2011 Member

**Hitchcock County Sheriff's Office**

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308.334.5351 FAX  
sheriff967@mccook.net

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HOLT



**Sheriff Ben Matchett**

**Holt County Sheriff's Office**

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402.336.2885 FAX  
holtsheriff@morcomm.net

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**Let Us Know About Deceased NSA Members**

Be sure to notify the Nebraska Sheriffs' Association when an NSA member who was an active or retired Sheriff, Deputy, Corrections Officer, Chaplain, or member of the support staff and served in the Sheriff's Office dies. They will automatically be enrolled in the NSA Memorial Society and listed in the magazine and online. Send the names to: Amy Prenda, NSA Executive Director, [aprenda@windstream.net](mailto:aprenda@windstream.net)

**Visit us at [www.nesheriffsassoc.org](http://www.nesheriffsassoc.org)**

## Hooker County Sheriff's Office

PO Box 213  
Mullen, NE 69152  
308.546.2290  
308.546.2490 FAX  
nicholslaw@hotmail.com

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**Sheriff Lynn Nichols, Jr.**

HOOKER

## On the Lighter Side ...

### Real stories of the Highway Patrol and others ...

A police officer had a perfect hiding place for watching for speeders and used it quite often. But one day the officer found traffic surprisingly tame. After a long while, the officer found the reason: A ten-year-old boy was standing on the side of the road with a huge hand painted sign which said "RADAR TRAP AHEAD!" A little more investigative work led the officer to the boy's accomplice, another boy about 200 yards beyond the radar trap with a sign reading "TIPS" and a bucket at his feet, full of money.

The above and "No photos please!" taken from <http://www.humorbin.com>

### Not your typical motorist assist!

This happened to a buddy of mine and it just illustrates the stupidity of the criminal mind. This officer was driving around and came across a motorist whose car had run out of gas. Fortunately they were close to a gas station so he pushed him to the pumps and left him to gas up. A few minutes later a call comes out dispatching officers to a theft of gas which just occurred at the same station. The suspect vehicle? The same one my buddy just pushed in there! We caught up to the guy and my friend responded there, too. He's normally a pretty calm, professional guy but I heard he might not have been so much that day! I think the dumbest part of the story was the thief was a security guard for a local company. Dumb, dumb, dumb....

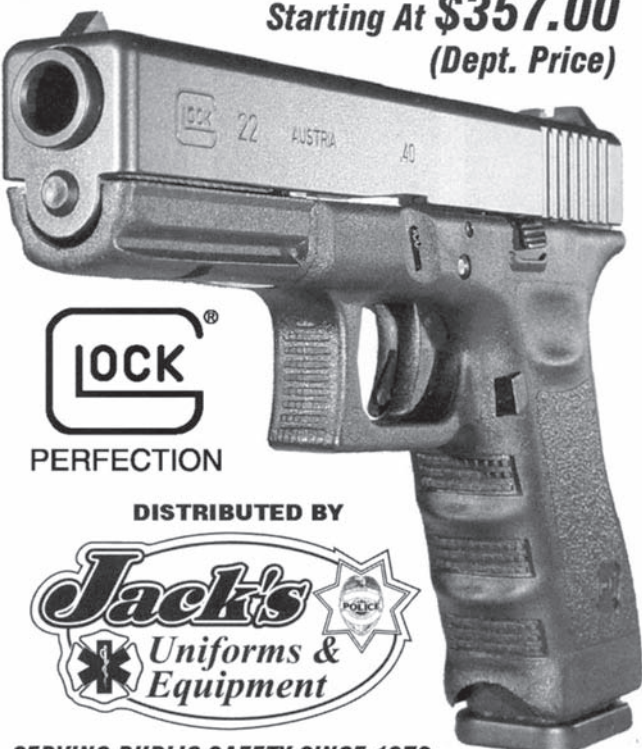
Used with permission from

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### No photos, please!

A motorist was caught in an automated speed trap that measured his speed using radar and photographed his car. He was mailed a ticket for \$40, and a photo of his car. Instead of payment, he sent a photo of \$40. Several days later, he received a letter that contained another picture ... of handcuffs. He sent a check immediately.


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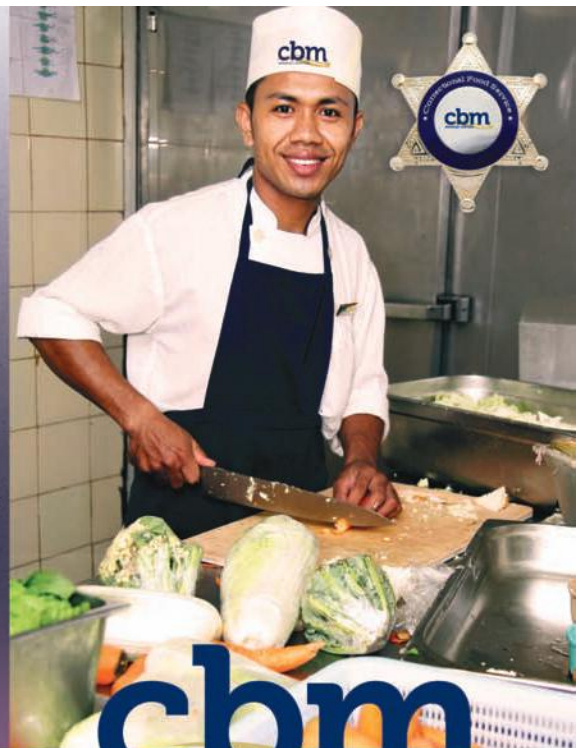
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## METH LAB INVESTIGATIONS AND THE IMPORTANT RESPONSIBILITIES OF A SITE SAFETY OFFICER

Written by Chief Deputy Matthew J. Schultz,  
Jefferson County Sheriff's Office

I started law enforcement in August of 2000 with the Garden County Sheriff's Office. One of the first classes I attended was a Highway Drug Interdiction class taught by the Florida Highway Patrol. It was here that I first got a taste for illegal narcotic enforcement.

Many of the skills I learned in that class went hand-in-hand with what we dealt with in Garden County. Highway 26 runs through the county and it was a good pipeline for hauling illegal drugs. One of our main duties was traffic enforcement and on any given day, you could find drugs in a vehicle if you were willing to look. I know of one State Trooper that I worked with who found at least a marijuana pipe in a vehicle, every day that he worked, for two weeks straight.

I soon became involved in the investigation of illegal drug manufacture and sale in the area. I spent a week working with the WING Task Force and received first hand training from one of their officers. I began to learn the skills of intelligence gathering and worked with them in the bust of a methamphetamine lab and a marijuana grow operation in rural Garden County.

### FINDING METH LABS IN JEFFERSON COUNTY

Coming to Jefferson County in 2002, I applied the information that I had learned out west. I started with small time traffic stop busts and worked with Officer David Schmehl and then Chief Rick Carmichael of the Fairbury Police Department. We began to develop intelligence files on many of the individuals in the area who were believed to be cooking and selling methamphetamine as well as selling other illegal narcotics. I was sent to methamphetamine lab technician school in Lincoln and within two weeks of completing that class, I worked my first meth lab investigation in Steele City, Nebraska. After that, there was a snowball effect.

For the next two and one-half years, it seemed that the three of us were working at least two meth labs a month. Some were outside Jefferson County in Gage and Fillmore Counties. To find these meth labs, we needed to develop confidential informants and rely on information often supplied by individuals arrested for manufacture of meth. It involved a lot



of man hours and a lot of nights sitting in the dark waiting for something to happen that often never did.

### PATIENCE REQUIRED DURING INVESTIGATION

I learned that the investigation of narcotics takes patience, something that needs to be stressed to new officers who would otherwise get discouraged investigating of these types of crimes.

Confidential informants will promise you the world, getting you excited and expecting the bust to go down. Most of the time it doesn't go that way. "Don't give up," I tell them. "Wait it out and let things happen."

If you really want to find the meth lab, confidential informants can help, but most of the time, it's you that has to apply the small amount of information that you have on the suspect. If you wait long enough, the information needed to get the search warrant will usually fall into your lap.

I also tell new cops, "don't be afraid to write the search warrant, serve it, and not find exactly what you were looking for." Even if you only find a marijuana pipe in the residence, it is still a win for law enforcement. If you don't find anything - well then - things just didn't work out for you on that day. In my experience, this only allows the suspect to know that he is being watched, making him more nervous and more likely to make mistakes. Keep investigating these individuals. When you get the next search warrant, you may find the "holy grail of narcotics" and make a huge case.

### CERTIFIED SITE SAFETY OFFICER

It was also during this time that I became a Site Safety Officer for methamphetamine labs, as well as completing a class on Basic Narcotic Investigations and classes on Undercover Operations and Survival. When I take narcotic investigation classes, I find that they are only a guide on how to conduct

continued on page 51

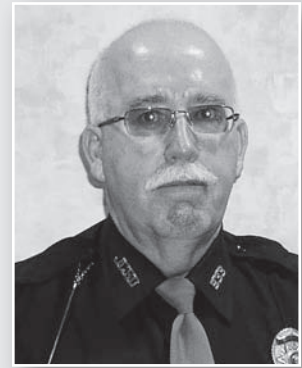


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Sheriff Jeffery Stevens

KEITH

Keith County Sheriff Jeffery Stevens knew when he was hired as a deputy that he wanted to be the Sheriff. Joining the Keith County Sheriff's Office in 1995, Stevens worked part-time as a reserve and worked his way up through the ranks from there.

"Both my wife, Jennifer, and I were born and raised here," Stevens shared. "In fact, Jennifer's mother's family goes back 100 years, right here in Keith County."

Boasting the largest lake in the state, Lake McConaughy, Keith County consists of 1,100 square miles and has a little over 8,000 people, with Ogallala as its county seat.

When asked what vision he had for his term in office, Stevens replied, "I'd like to improve the level of service we provide and offer fair and honest law enforcement to all our citizens."

Married for 21 years, the Stevens are parents of five children: Curtis -18 (UNL); Syndi -14; Conner - 10; Savanna -7; and Sara, who is one-year-old. Besides spending time with his family, Stevens enjoys hunting, fishing, and carpentry work.

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## A Line of Duty Injury ... continued from page 27

Some Cops express reservation at pursuing a workers' compensation claim when there is a third party at fault for the injuries because the Cop does not feel it is appropriate to burden their employer's workers' compensation insurance carrier by pursuing payment for injuries that were caused by third-party negligence.

However, most Cops do not realize the worker's compensation insurance carrier retains a right to be paid back by the at-fault third party's insurance for the expenses incurred on the injured Cop's behalf.

Under the third party liability scenario, the workers' compensation coverage becomes an invaluable asset to the cop. While any payment from a third party insurer may come months or years down the road, the workers' compensation payments are usually paid immediately. It is as though the workers' compensation insurer is fronting the money that the worker needs right now, with the understanding that there may be a payback down the road.

### Uninsured/Underinsured Motorist Coverage

It also may be possible for a Cop to collect from his/her own personal uninsured/underinsured motorist coverage if they are in a car crash and the person who hit them does not have insurance or does not have enough insurance to cover all of the damages. Uninsured/underinsured motor vehicle insurance is designed for just that purpose and is a common part of many car

insurance policies. The uninsured/underinsured motor vehicle insurance carrier would "stand in the shoes" of the negligent party for the purpose of providing coverage, and the benefits would be available to the policy holder regardless of any related workers' compensation claim. Each policy is different so it is critical to understand your own auto insurance policy and the benefits it provides. Many people who buy insurance for their car do not have a true understanding of what they are buying. Many opt to get the least expensive option. However, Cops are on patrol during the worst weather, at the most dangerous times for drunk drivers to be on the road and for many more hours than most people. This increases a Cop's chances of a car crash. Adequate personal automobile insurance can be critical to the full recovery of damages. Higher limits may cost more in premiums, but that expense pales in the face of the prospect of six-digit medical bills with no meaningful source from which to pursue compensation.

Most people would not risk their lives for a million dollars, but Cops do so for much less every day. It is a Cop's right to seek reimbursement for all damages incurred due to an injury on the job. It takes some simple action to protect a Cop's rights. I encourage all injured Cops to pursue what is rightfully owed to them.

*Mike Dyer holds an undergraduate degree from Long Island University and a law degree from Creighton University School of*

*Law. He has also studied at Tulane University and Suffolk County Community College. He is licensed to practice law in Nebraska, New York and Connecticut.*

*A native of Long Island, New York, Mike is a former New York City police officer who retired after four years of commitment due to a work-related injury. He relocated to Omaha in 1987 to study law and establish a practice dedicated to helping victims of automobile accidents and work-related accidents. Mike is a tireless advocate for the victims of drunk driving.*

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Injured in the line of duty, Mike Dyer proudly served as a member of New York City Police Department

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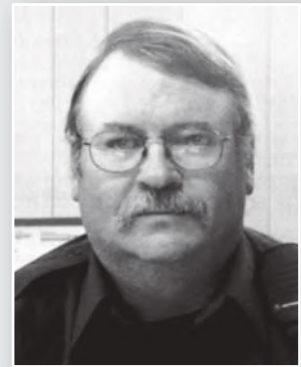
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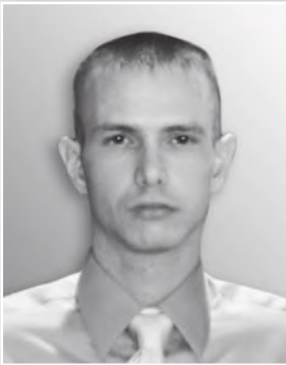
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## Lincoln County Inmates Care for Adopted Cats

### Animal Planet and a French Television Network to Air Lincoln County Adopt-a-Cat Programs in 2012

This past August, Lincoln County Sheriff Jerome Kramer brought two new “inmates” to the county jail, cats Nemo and Sarge, adopted from the North Platte animal shelter. Mug shots were taken and the cats were assigned to cells. Nemo has been relegated to the work release cell block and Sarge is in the minimum security area.

Studies have shown that taking care of an animal reduces stress in inmates, helps them pass the time, and makes them feel more at ease and less destructive.

The human caretakers follow rules posted for the animals' care. Some of the rules are: cat must be fed and watered; litter box must be kept clean; fur brushed daily.

Sheriff Jerome Kramer doesn't see a downside to this program.

“Some inmates have volunteered to work at the animal shelter, cleaning up and caring for the animals held there. There's also a waiting list to care for the ones we have here.”

#### Animal Planet Films Cats and Inmates

At the same time, the cable network channel, Animal Planet,



was at the Lincoln County jail, filming the cat story. This feature will air sometime in March or April 2012.

A French television station has also produced a segment about the popular “inmates”, and this will be aired in early 2012.

The Lincoln County “adopt-a-cat program” has also been mentioned on the *NBC Morning Show* and the *Tonight Show with Jay Leno*.

#### No Cost to Taxpayers

Recently, another cat was brought in for the women inmates. Food is donated and the female inmates use two donated sewing machines to make blankets and pet beds that they sell for the funds to care for the animals. The entire program is run at no cost to the taxpayers.

## Former Hall County Sheriff Charles F. Headley Dies at Age 80

Headley, 80, died at his home in Broken Bow. He served as Sheriff from 1970 until 1978. According to the Hall County Sheriff's Department's website, Headley was one of "the most progressive sheriffs since the 1800's." When he took office, there were four deputies, and he increased that staff to include 12 deputies and three secretaries by 1978. He also created the criminal investigation division, a warrant division, and a road patrol division.

According to Independent archives, Headley served on the Nebraska State Patrol for nine and a half years and was a police officer in Auburn for two years. Part of his duties as Sheriff was

to oversee the Hall County Jail. After losing a primary election to one of his former deputies, Charles Fairbanks, Headley launched a write-in candidacy. After Fairbanks became sheriff, Headley announced his appointment as a vice president and branch manager of the nationwide investigative agency Baker and Associates.

In February 1980, he served as a private investigator for the attorneys for Charles Jess Palmer, who was charged with murdering a coin dealer in Grand Island.

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"There's lots of beautiful, wide-open country with residents living miles apart," said Milo Cardenas, Morrill County Sheriff. And with a population of around 5,000 residing in 1,400 square miles, Cardenas certainly has his work cut out for him.

But Cardenas is used to open country. A Nevada transplant, he knows how to connect to people both in cities and in rural areas.

Careers in law enforcement run in the Cardenas family, with a brother in law enforcement in Nevada and other family members also serving in the same field in Nevada and Florida.

Before becoming Sheriff in 2011, Cardenas worked in security enforcement for six years in the military. He then earned his degree in Criminal Justice and was hired as a deputy sheriff for Morrill County. He also served as Chief of Police in Bridgeport, Nebraska, but since 2000, he knew he wanted to be Sheriff.

"I'd like to offer better services, quicker response time, and better law enforcement to the people of Morrill County," Cardenas said.

A single dad to Samantha - 18 and Mia - 10, he enjoys spending time with his daughters and working out at the gym.

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RED WILLOW

**Use of Mobile Radar Units Decreases Number of Accidents throughout Red Willow County**

Using a grant of a little over \$1,200 awarded by the Nebraska Office of Highway Safety, Red Willow County Sheriff's Office has purchased and installed two mobile radar units for their cruisers.

"All deputies have been trained to use these devices," said Chief Deputy Alan Kotschwar, "and we've already seen positive effects."

According to Kotschwar, the units are used on highways, city streets, and county roads. "Red Willow Sheriff's Office is contracted with the cities in the county to enforce traffic laws and city ordinances."

Since their installation, the units have been effective in reducing the number of violators and accidents.

**MINI-GRANTS**

Mini-grant applications are available from the Nebraska Office of Highway Safety (NOHS) for the items listed on the website. The mini-grants are applications, which must be approved by the NOHS prior to the applicant making any expenditure. The mini-grants are typically for the purchase of a specific item, or a short-term (not longer than 30 days) activity. To check out availability and other information on grants, go to:

<http://www.dor.state.ne.us/nohs/grants/mgd.html>



**Sheriff James Anderson**



**2011 Member**

### **Rock County Sheriff's Office**

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Rock Sheriff James Anderson decided to seek office after long-time Sheriff Willis Haynes retired. Chief Deputy since 1987, Anderson knows the county better than almost anyone.

"With a little over 1,500 people to watch over in a 1,012 square mile area, getting to them in an emergency is our primary focus," Anderson said. "I'd really like to bring us up to speed by improving our 911 system. We could

better our response time by using the GPS on their cell phones. This is the technology I'd like to initiate."

Anderson and his wife, Carla, also know the lay of the land in Rock County. Avid motorcyclists, they relax by traveling together. They are parents to three adult children, son Greg and twin daughters Krissa and Melonie.

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**"James Bond" Technology in our Future? ... From legalmatch.com**

**Facial Recognition & Iris Scanning devices:** New facial recognition technology would allow police to take a snapshot of someone's face in public from as far away as five feet. They could then quickly scan the photo using a device that attaches to an iPhone, which compares the results to criminal databases. The device can also be used to scan a person's iris for recognition purposes.

Some say that such "facial profiling" can lead to more accurate identifications and minimize practices like racial profiling. However, many also feel that facial profiling is dangerous and the equivalent of nabbing someone's fingerprints in public without their consent.

**GPS Tracking Darts:** A new device allows police to shoot a small sticky dart containing a micro GPS tracker from the grill of their patrol car (Batman style) onto a suspect's vehicle. This allows both the patrol officer and the precinct to monitor the vehicle's location from a distance, undetected. Police report that it has been hugely successful in apprehending fleeing suspects and smugglers.

The police should have at least some level of reasonable suspicion before using the dart tracking system, which is called the "StarChase Pursuit Management System". The Supreme Court is set to issue a ruling sometime next year regarding the use of GPS tracking without a warrant.



**Sheriff Jeff Davis**



**2011 Member**

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## Wireless 911 Services

### Background

The number of 911 calls placed by people using wireless phones has significantly increased in recent years. It is estimated that about 70 percent of 911 calls are placed from wireless phones, and that percentage is growing.

For many Americans, the ability to call 911 for help in an emergency is one of the main reasons they own a wireless phone. Other wireless 911 calls come from "good samaritans" reporting traffic accidents, crimes, or other emergencies. The prompt delivery of wireless 911 calls to public safety organizations benefits the public by promoting safety of life and property.

### Unique Challenges Posed by Wireless Phones

While wireless phones can be an important public safety tool, they also create unique challenges for emergency response personnel and wireless service providers. Since wireless phones are mobile, they are not associated with one fixed location or address. While the location of the cell site closest to the 911 caller may provide a general indication of the caller's location, that information is not usually specific enough for rescue personnel to deliver assistance to the caller quickly.

### The FCC's Wireless 911 Rules

The Federal Communications Commission (FCC) has adopted rules aimed at improving the reliability of wireless 911 services and the accuracy of the location information transmitted with a wireless 911 call, as part of our efforts to improve public safety. Such improvements enable emergency response personnel to ensure that Public Safety Answering Points (PSAP's) receive meaningful, accurate location information from wireless 911 callers in order to dispatch local emergency responders to the correct location and to provide assistance to 911 callers more quickly.

The FCC's wireless 911 rules apply to all wireless licensees, broadband Personal Communications Service (PCS) licensees and certain Specialized Mobile Radio (SMR) licensees. Mobile Satellite Service (MSS) providers, however, are currently excluded.

The FCC's basic 911 rules require wireless service providers to transmit all 911 calls to a PSAP, regardless of whether the caller subscribes to the provider's service or not.

Phase I Enhanced 911 (E911) rules require wireless service providers to provide the PSAP with the telephone number of the originator of a wireless 911 call and the location of the cell site or base station transmitting the call. *Continued on page 53*

## METH LAB INVESTIGATIONS ... continued from page 38

a narcotic investigation. Every officer will do things a little differently. The best way to become an effective narcotic investigator is to listen to the people who have done it for a long time and learn from the mistakes that you will make. Just get out there and work those cases. The more you work, the better investigator you'll become.

The Site Safety Officer is one of the most important jobs on the site of a methamphetamine lab investigation. The Site Safety Officer is responsible for the overall safety of the take down of the meth lab. He is the person who designates where the hot zone and the safe zones will be. He is the person who is responsible for knowing what is going on and when it is going on. He will monitor how long people have been suited up and he will ultimately decide who is going into the lab site and how long they will be inside of it.

The Site Safety Officer must be aware of what is going on in the meth lab site because the ultimate safety of everyone involved in the take down of the meth lab falls on his or her shoulders. Improper procedures conducted at a meth lab site could lead to the injury of fellow officers, as well as leave the agency and the individual Site Safety Officer open to civil liability.

It's a big job. I always tell people that when taking apart a meth lab, follow all safety procedures that are outlined in their standard operating procedures and follow the guidelines learned at your training classes. These types of investigations and take down operations are not going to take only an hour. Sometimes they can run into the 24-hour range, especially if the weather is very hot, or you have to wait eight hours for a clean up crew to arrive to take care of the waste products found inside the site.

### SITE SAFETY OFFICER TRAINING

The training to become a meth lab technician was not overly difficult. When I first went to the class, I was bombarded with horror stories about how much chemistry you must learn and how hard it was going to be. When I took the class, I found out that it was not any more difficult than most classes that a person will go to. One of the most important parts of the class was when we manufactured our own methamphetamine on site. It gives you a better perspective on how the process actually works and what to look for when you are investigating these types of cases. As part of my certification as a methamphetamine lab technician, I am required to attend eight hours of training every year to keep my certification. With my Site Safety Officer certification, I am also allowed to teach that recertification class.

I feel it's important for every agency to have at least one person certified as a methamphetamine lab technician. Even if you, yourself, are not a certified meth lab technician, having one in your agency can at least teach the other members of the agency what to look for, and the proper procedures of how to handle the situation if one is found. The most important thing they can teach the other officers is that if they find what they think is a meth lab: **BACK AWAY FROM IT, AND LEAVE IT ALONE UNTIL A CERTIFIED METH LAB TECHNICIAN CAN GET THERE AND ASSESS THE SITUATION.**

Methamphetamine is everywhere in the state of Nebraska. If an agency thinks that they don't have a meth problem, then I tell them to look harder. It's there and it's in your town and in your county.

### MORE ABOUT CHIEF DEPUTY SCHULTZ

I was at the Nebraska Law Enforcement Training Center for less than a year. While I was there, my focus was on traffic enforcement classes and driving classes. I helped a little with firearms classes, but only if Bruce Bombeck needed an extra hand that day. I also taught the drugs portion of the academy. The classes I taught while there are as follows:

Patrol Procedures, Vehicle Stops, Traffic Direction and Control, Firearms, Threat Groups, Basic Drug Awareness and Investigation, Nebraska Motor Vehicle Law, Law Enforcement Driving and Emergency Vehicle Operations. I also helped Mark Stephenson with the Physical Training portion of the academy.

I received most of my instructor certifications from the Nebraska Law Enforcement Training Center and I'm a huge supporter of the training offered. It is a great benefit to have an instructor on staff at any agency, especially if they have taken the Instructor Development class that is offered through the training center. The instructor for an agency should take time out of his schedule and review skills with the officers working there as well as do their own work to find something new to teach individuals. It is a good way to find training for your agencies at a low cost.

For more information, contact:  
Chief Deputy Matthew J. Schultz  
Jefferson County Sheriff's Office  
402.729.2284  
matt.schultz@jeffcolaw.us

## Supreme Court Decisions 2011

<http://www.fbi.gov/stats-services/publications/law-enforcement-bulletin/november-2011/supreme-court-cases>

### **Kentucky v. King, 131 S. Ct. 1849 (2011)**

The Court determined that an exigent circumstance created by the arrival of law enforcement officers at a residence does not negate the emergency warrant exception. A search of an apartment in Lexington, Kentucky, took place after the controlled purchase of crack cocaine outside the complex. The suspect dealer walked into the apartment breezeway and entered a residence. The pursuing police officers did not receive the radio call with the information as to which apartment the suspect entered. The officers stood between two apartments, not knowing which one the suspect had entered, smelled burning marijuana, knocked on the suspect's apartment door, and announced their presence. The residents of the apartment did not respond, but the officers heard noises indicating that the occupants were in the process of destroying the drug evidence. The police officers announced their intentions to enter; made a warrantless, forced entry; and found three individuals smoking marijuana, as well as, in plain view, cocaine. The officers subsequently found crack cocaine, cash, and drug paraphernalia. The original drug suspect later was apprehended in another apartment.

The respondent, Mr. King, one of the three occupants of the first apartment, was convicted of distribution charges and sentenced to 11 years imprisonment. He appealed his conviction. The Kentucky Court of Appeals affirmed his conviction, stating that the entry into the home was justified under the emergency search warrant exception because the police reasonably believed that the drug evidence would be destroyed and that they did not impermissibly create the exigency because they had not deliberately evaded the warrant requirement. The Supreme Court of Kentucky reversed, stating that the police could not rely on the exigent circumstances exception if it was reasonably foreseeable that the investigative technique used would result in the exigent circumstances.<sup>12</sup> Hence, knocking and announcing inevitably would induce the destruction of the evidence.

The U.S. Supreme Court assumed that exigent circumstances existed in this case, meaning there was a reasonable belief that evidence would be destroyed unless entry was made. Because exigent circumstances existed, the only question was whether the actions of the police were allowable. The Court decided that as the officers had not violated or threatened to violate the Fourth Amendment prior to the exigency, the warrantless entry was justified.<sup>13</sup> The likelihood that the police notifying suspects of their presence will result in the

individuals destroying the evidence, thus creating exigency, has no bearing on the validity of a warrantless entry.

### **J.D.B. v. North Carolina, 131 S. Ct. 2394 (2011)**

In this case, the Supreme Court advised that age is a factor when deciding whether to provide the Miranda advice of rights to a juvenile suspect, but clarified that age is not a determining factor. J.D.B., a 13 year old, was pulled out of class and taken to a conference room at his school, where school administrators and a uniformed police officer questioned him about some items stolen from neighborhood homes. J.D.B. eventually confessed to stealing the items.

His attorney later argued that his confession could not be used because he had not received Miranda warnings. The North Carolina Supreme Court rejected that argument.<sup>14</sup> J.D.B. then filed a petition for certiorari in which he argued that because he was a minor, he would not reasonably believe that he was free to leave when confronted by a police officer and, therefore, must receive Miranda warnings prior to being interrogated.

The U.S. Supreme Court reversed the North Carolina Supreme Court. In a 5 to 4 opinion authored by Justice Sotomayor, the Court held that a minor's age can be a relevant factor when determining whether he or she is in custody. The Court reasoned that while the determination of custody is still an objective one, including consideration of a minor's age in that objective determination is appropriate given the psychological differences between adults and juveniles. This is not to say that age is the decisive factor, but it recognizes that age is to be considered given that a reasonable adult may view the circumstances differently than a reasonable juvenile.<sup>15</sup> The case was remanded back to the North Carolina Supreme Court to determine whether the factoring of age into the analysis occurred while J.D.B. was in custody.

#### Endnotes

12 - 302 S.W.3d 649 (2010).

13 -Id. at 1863.

14 - 686 S.E.2d 135 (2009).

15 - 131 S. Ct. 2394, at 2404.

## Scotts Bluff County Sheriff's Office

1825 10th St.  
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 308.436.4794 FAX  
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2011 Member



**Sheriff Mark Overman**

SCOTT'S BLUFF

Scotts Bluff County Sheriff Mark Overman began his law enforcement career in 1979 with the Scottsbluff Police Department. He advanced to Detective in 1985 and was on the SWAT team for 17 years. He also served as Commander of the Drug Task Force.

When the previous Sheriff decided to retire, deputies then approached Overman and asked him to run for the office.


"The timing was right," Overman said. "I've lived in this county since I was 12. My daughter, Angie, and her two daughters live here. My wife, Bev, is a local farmer's daughter. We've got our roots firmly planted."

With a whopping 36,000 citizens in 746 square miles, the landscape can be deceptive.


"People have a misconception about the area," Anderson continued. "They are inclined to believe it's desolate as they drive across the state. But we have a regional shopping center that draws people from Cheyenne County and North Platte, and we're only three hours from Denver and four and one-half hours from great skiing."

Anderson has a few concrete goals while in office. "I want to have my deputies compensated fairly, well trained, and better equipped," he shared. "I'd also like to upgrade the security for the courthouse. Right now, we do our best with the funds available, but there needs to be improvement in these areas."


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### Wireless 911 Services ... continued from page 50

Phase II E911 rules require wireless service providers to provide more precise location information to PSAP's; specifically, the latitude and longitude of the caller. This information must be accurate to within 50 to 300 meters depending upon the type of location technology used.

The FCC recently required wireless carriers to provide more precise location information to PSAP's. As a result, wireless carriers will be required to comply with the FCC's location accuracy rules at either a county-based or PSAP-based geographic level. The new standards apply to outdoor measurements only, as indoor use poses unique obstacles.

**More information at <http://www.fcc.gov/guides/wireless-911-services>**

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**Sheriff Terry Robbins**



**2011 Member**

**Sheridan County Sheriff's Office**

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**Sheriff David Lee**



**2011 Member**

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**“Robocop” Technology in our Future?**

Stockholm and Toronto - 5 December 2011 - Press Release

Motorola Solutions announced that Appear, a specialized vendor of mobile enterprise application platforms, and Ryerson University's Flybits, a research and development group specialized in context-aware computing and activity recognition, have received a Golden-idea Award for an advanced security solution using mobile technologies, augmented reality, and wearable computers.

The Golden-idea contest rewards the most innovative solutions based on Golden-i, the world's first hands-free and wireless headset computer developed in collaboration between Motorola Solutions and Kopin.

The solution revolutionizes the way a security agent or a police officer can interface with computers and intuitively interact with his virtually enhanced surroundings. For example, the agent can automatically and hands-free, directly on his Golden-i device, receive maps with specific points of interests related to his current location, display alerts from motion sensors, call video feeds from nearby surveillance cameras, and even remotely trigger lights or sirens in specific parts of a building.



## Thomas County Sheriff's Office

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**Sheriff Gary Eng**

THOMAS

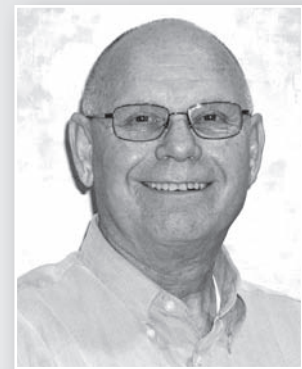
## York County Sheriff's Office

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2011 Member



**Sheriff Dale Radcliff**

YORK

## "James Bond" Technology in our Future?

Based on the initial research implementation, Appear has now launched a Security Edition of its Appear IQ Mobile Enterprise Application Platform, tailored to the needs of law enforcement agencies and private security companies.

Tom Bianculli, Senior Director, Emerging Business, Chief Technology Office, Motorola Solutions, adds: "We have seen user interfaces migrate from textual to graphical and now to natural utilizing gestures, speech recognition, and a blending of the digital and physical worlds by leveraging augmented reality to quickly and simply provide end users with the right information at the right time. We believe that this solution, combined with the Golden-i headset, is uniquely positioned to capitalize on this confluence of technology trends in a way that will revolutionize how field service and public safety workers get access to better, faster situational awareness."

### Automated License Plate Recognition Cameras

Police use automated license plate recognition cameras to find stolen vehicles. The camera snaps a picture of the license plate and runs the photograph through a database of stolen automobiles. These cameras can take pictures from a long distance. Even helicopters can use them. The cameras can also be used at stop lights to record cars that run a red light.

### Shot Spotting

Shot Spotting has helped save 250 lives so far. Since it was installed in Nassau County, New York, gun crime dropped 32%. The Shot Spotting detects the sound waves of a gunshot. GPS receivers then forward the exact location of the gunshot to police. This new technology has helped police and medical help arrive faster.

## GRANT DETAILS

### Rural Law Enforcement Technical Assistance Program

#### Description:

Apply today for FREE assistance from SEARCH for your information sharing technology challenges. SEARCH is offering free assistance to rural law enforcement agencies nationwide, and we encourage your agency to apply today at <http://www.search.org/products/ta>

#### What is it?

SEARCH received funding from the “FY2009 Recovery Act Assistance to Rural Law Enforcement Grant” to help criminal justice practitioners understand how to use technology to share critical information. This award allows SEARCH to provide rural jurisdictions with training and technical assistance to tackle their information sharing challenges. (This funding is provided by the U.S. Department of Justice Bureau of Justice Assistance.)

#### What agencies qualify for the free assistance?

- Law enforcement or tribal jurisdictions in “rural” states (Alaska, Wyoming, Montana, North Dakota, South Dakota, New Mexico, Idaho, Nebraska, Nevada, Utah, Kansas, Oregon, Maine, Colorado, Vermont), except those agencies located in a Metropolitan Statistical Area (MSA).
- Local, county, or tribal jurisdictions (in any state) that serve a population of less than 50,000, whether or not they are located in an MSA.
- Independent cities and townships (in any state) if they have a population of less than 50,000 and the surrounding county(ies) also has/have a total population of less than 50,000.

#### What kind of help can SEARCH provide my agency?

A wide variety of information sharing topics affect rural law enforcement jurisdictions. For example, SEARCH provides expert training and technical assistance on topics like:

- Governance
- Policy development
- Interoperability
- Computer-Aided Dispatch (CAD)
- Records Management Systems (RMS)
- Information sharing with the FBI’s Law Enforcement National Data Exchange system, N-DEXii
- Providing information to the FBI Criminal Justice Information Services Division, CJISiii

We provide this training and assistance to practitioners at no

cost to the jurisdiction. SEARCH’s Systems and Technology Program helps justice and public safety practitioners at all levels of government succeed with information sharing projects and initiatives through effective and efficient use of appropriate technology. Our team has extensive experience planning, designing, implementing, acquiring, and measuring the effectiveness of technology in justice and public safety. A number of rural jurisdictions have already benefited from this free assistance.

#### Examples of SEARCH’s recent work include:

- Oregon: Designing an information exchange that combines NIBRS and N-DEX information into a single submission for Oregon law enforcement agencies.
- Montana, Vermont: Assisting with strategic planning for an information sharing project.
- Maine: Establishing justice information sharing governance among public safety agencies in the state.
- Navajo Nation: Conducting a records management and integration assessment.
- Wisconsin: Assisting with developing

#### For more information, download the factsheet:

[http://gallery.mailchimp.com/eac4f4921f956268a78fcf922/files/Rural\\_LE\\_Info\\_Sharing\\_Assistance.pdf](http://gallery.mailchimp.com/eac4f4921f956268a78fcf922/files/Rural_LE_Info_Sharing_Assistance.pdf)

#### Organization Information:

Organization: SEARCH, the National Consortium for Justice Information and Statistics  
<http://www.search.org>

#### Contact Information:

Mark Perbix  
[mark.perbix@search.org](mailto:mark.perbix@search.org) • 916-712-5918  
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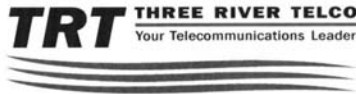
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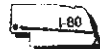
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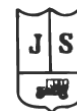
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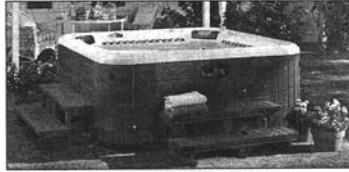
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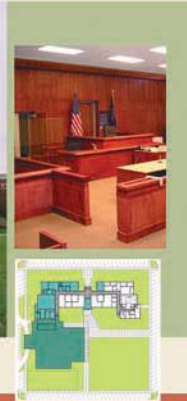


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