

CITY COUNCIL PROCEEDINGS

February 22, 2023

The City Council of the City of David City, Nebraska, met in open public session at 7:00 p.m. in the meeting room of the City Office at 490 "E" Street, David City, Nebraska. The Public had been advised of the meeting by publication of notice in The Banner Press on February 16th, 2023, and an affidavit of the publisher is on file in the office of the City Clerk. The Mayor and members of the City Council acknowledged advance notice of the meeting by signing the Agenda which is a part of these minutes. The advance notice to the Public, Mayor, and Council members conveyed the availability of the agenda, which was kept continuously current in the office of the City Clerk and was available for public inspection on the City's website. No new items were added to the agenda during the twenty-four hours immediately prior to the opening of the Council meeting.

Present for the meeting were: Mayor Jessica Miller, Council President Bruce Meysenburg, Council members Kevin Woita, Pat Meysenburg, Jim Angell and Keith Marvin. Also present were City Attorney Jacqueline Pueppke, Interim City Administrator/City Clerk Tami Comte, and Deputy Clerk Lori Matchett. Council member Tom Kobus was absent.

Also present for the meeting were: Police Chief Marla Schnell, Mitch Arps with Arps Red-E-Mix, Jerry Kosch, Rick Schneider, Part-time Police Officer Devin Betzen, and Ethan Joy with JEO via Zoom.

The meeting opened with the Pledge of Allegiance.

Mayor Jessica Miller informed the public of the "Open Meetings Act" posted on the west wall of the meeting room and asked those present to please silence their cell phones. She also reminded the public that if they speak tonight in front of the Council that they must state their name and address for the record.

Council member Pat Meysenburg made a motion to approve the minutes of the February 8, 2023 City Council meeting as presented. Council Member Keith Marvin seconded the motion. The motion carried.

Jim Angell: Yea, Tom Kobus: Absent, Keith Marvin: Yea, Bruce Meysenburg: Yea, Pat Meysenburg: Yea, Kevin Woita: Yea
Yea: 5, Nay: 0, Absent: 1

Mayor Jessica Miller declared the public hearing open at 7:02 to consider a replat of 11th Street between "A" Street and "F" Street (Nebraska Central Railroad) and properties adjacent thereto.

Interim City Administrator presented a map of 11th Street from 1920 and stated that there were problems with the street. The City Council tried to fix the problems in the 70's but they had not accomplished what they had hoped. This is an effort to try to have a permanent solution for all the problems along 11th Street from "A" Street to the Nebraska Central Railroad tracks.

Hearing no further comment, Mayor Jessica Miller declared the public hearing closed at 7:06 p.m.

Council member Keith Marvin introduced Ordinance No. 1430 considering a replat of 11th Street between "A" Street and "F" Street (Nebraska Central Railroad) and properties adjacent thereto.

Council member Bruce Meysenburg made a motion to suspend the statutory rule requiring that an Ordinance be read on three separate days. Council Member Pat Meysenburg seconded the motion. The motion carried.

Jim Angell: Yea, Tom Kobus: Absent, Keith Marvin: Yea, Bruce Meysenburg: Yea, Pat Meysenburg: Yea, Kevin Woita: Yea
Yea: 5, Nay: 0, Absent: 1

Council member Bruce Meysenburg made a motion to pass and adopt Ordinance No. 1430 implementing a replat of 11th Street between "A" Street and "F" Street (Nebraska Central Railroad) and properties adjacent thereto. Council Member Pat Meysenburg seconded the motion. The motion carried.

Jim Angell: Yea, Tom Kobus: Absent, Keith Marvin: Yea, Bruce Meysenburg: Yea, Pat Meysenburg: Yea, Kevin Woita: Yea
Yea: 5, Nay: 0, Absent: 1

ORDINANCE NO. 1430

AN ORDINANCE ACCEPTING AND APPROVING THE FINAL PLAT OF THE 11TH STREET ADDITION TO THE CITY OF DAVID CITY, BUTLER COUNTY, NEBRASKA, BEING A REPLAT OF MILES 7TH ADDITION, EAST HALF OF BLOCK 4, EAST HALF OF BLOCK 5, EAST HALF OF BLOCK 6 AND THE EAST HALF OF BLOCK 7, ALL IN MILES 3RD ADDITION, VACATED 11TH STREET AND PART OF 11TH STREET IN THE CITY OF DAVID CITY, BUTLER COUNTY, NEBRASKA; REPEALING CONFLICTING ORDINANCES AND SECTIONS; AUTHORIZING THE FILING OF A SUBDIVISION PLAT, PROVIDING AN EFFECTIVE DATE; AND PROVIDING FOR PUBLICATION OF THE ORDINANCE IN PAMPHLET FORM.

WHEREAS, the City of David City (the "City") desires to correct and conform existing lot lines and rights-of-way along the west side of 11th Street within the City; and

WHEREAS, to achieve that objective, the City has prepared measurements and documentation and given notice to the owners of the affected property consisting of:

LEGAL DESCRIPTIONS

and created a Final Plat (the "Final Plat") in accordance with the foregoing.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF DAVID CITY, NEBRASKA:

Section 1. Approval. The City hereby accepts and approves the Final Plat, attached hereto as Exhibit A and incorporated as if fully set forth herein.

Section 2. Recording. Owner shall record the Final Plat with the Office of the County Clerk of Butler County Nebraska, pay all recording fees and provide one (1) copy of such recorded Final Plat to the City Clerk. Owner shall record the Final Plat within 30 days of the City passing this Ordinance.

Section 3. Subdivision Effect. The Final Plat shall become effective as of the date Owner records the Final Plat with the Office of the County Clerk of Butler County.

Section 4. Conflicts. The City hereby repeals any ordinance or section of any ordinance passed and approved prior to the passage, approval and publication or posting of this ordinance and in conflict with its provisions.

Section 5. Invalidity. If any section, paragraph, clause or provision of this ordinance shall, for any reason, be invalid, such invalidity shall not affect the validity of the remainder hereof.

Section 6. Effect. The City shall publish this Ordinance in pamphlet form and the Ordinance shall be in full force and effect from and after its passage and approval as provided by law.

PASSED AND APPROVED this 22nd day of February, 2023.

Mayor Jessica J. Miller

City Clerk Tami L. Comte

EXHIBIT A

Final Plat



A REPLAT OF MILES 7TH ADDITION
 E1/2 BLOCKS 4, 5 & 7 MILES 3RD ADD.
 VACATED 11TH STREET, DAVID CITY
 BUTLER COUNTY, NEBRASKA

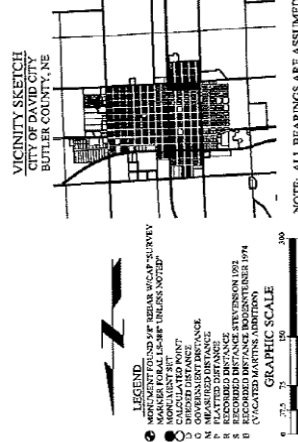
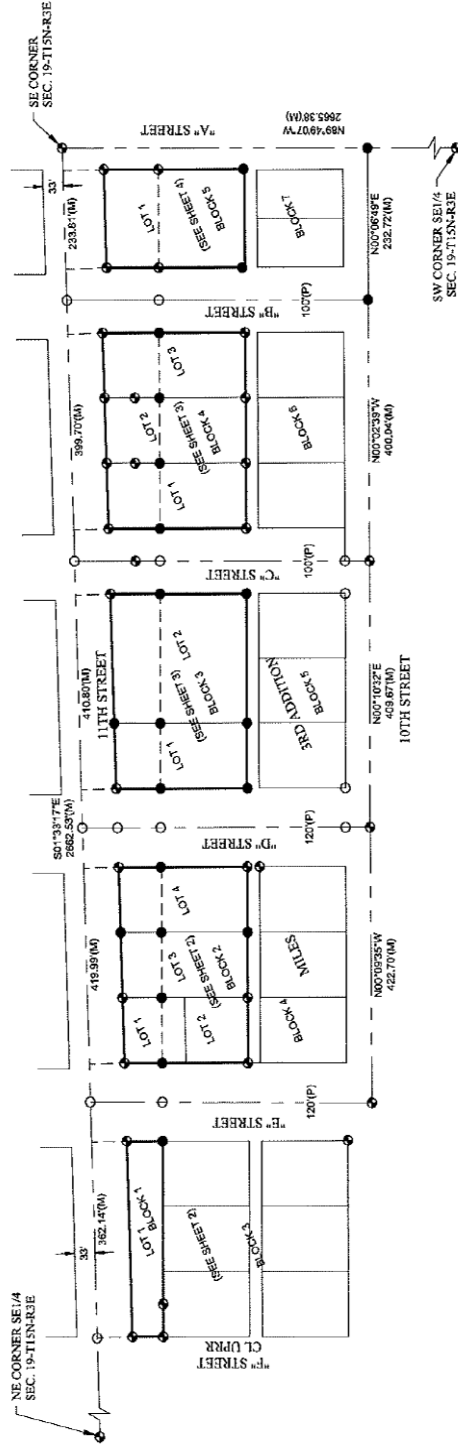
11TH STREET ADDITION

PROJECT NO. 211141
 DATE 8/20/2022
 DRAWN BY ANH
 P.L.C. MAKE 2/18/2024
 FIELD BOOK D.C.#17
 FIELD BOOK BF
 SURVEY FILE NO. 2021-182

1 OF 8

FINAL PLAT 11TH STREET ADDITION

A REPLAT OF MILES 7TH ADDITION,
 EAST HALF OF BLOCK 4, EAST HALF OF BLOCK 5, EAST HALF OF BLOCK 6
 AND THE EAST HALF OF BLOCK 7, ALL IN MILES 3RD ADDITION,
 VACATED 11TH STREET AND PART OF 11TH STREET
 CITY OF DAVID CITY, BUTLER COUNTY, NEBRASKA



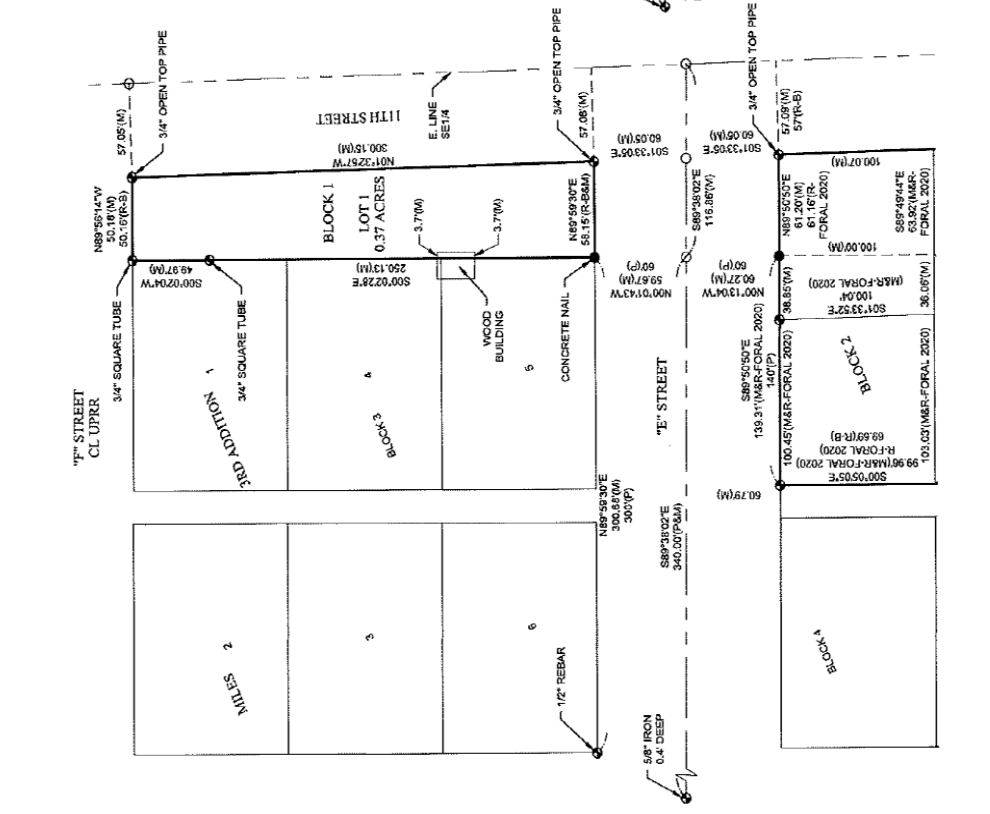
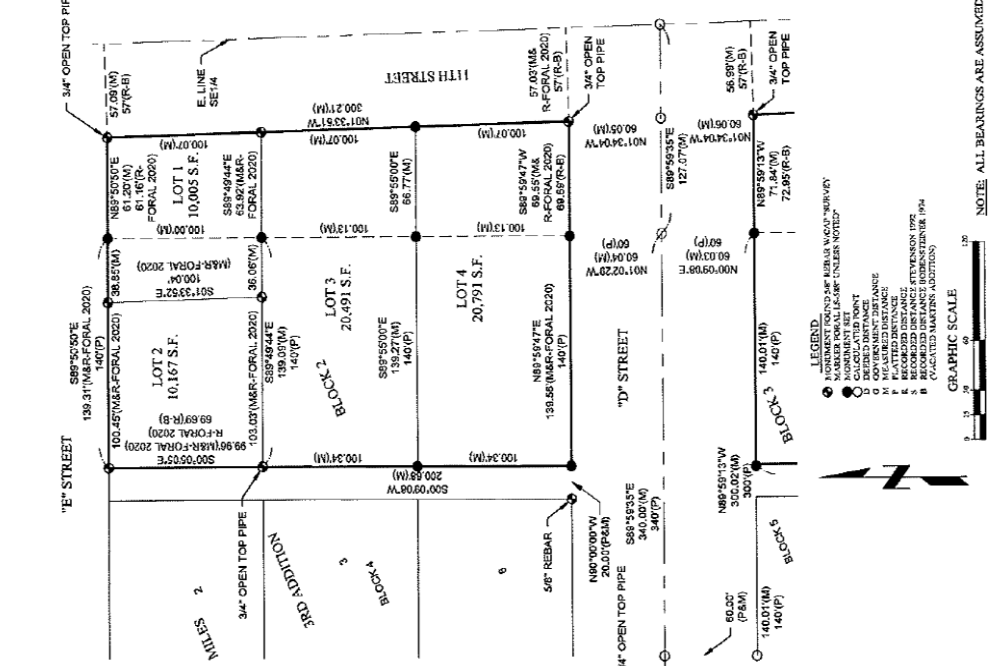
SURVEYOR'S STATEMENT:
 BRIAN J. FORAL, A REGISTERED LAND SURVEYOR, DO HEREBY CERTIFY THAT "11TH STREET
 ADDITION" HAS BEEN SURVEYED BY ME AND THAT THE LEGAL DESCRIPTION OF THE BOUNDARY OF
 "11TH STREET ADDITION" IS AS STATED IN THE PERIMETER DESCRIPTION. PERMANENT
 MONUMENTS HAVE BEEN SET AT ALL LOT CORNERS.

BRIAN J. FORAL, L.S. 588 _____ DATE _____



A REPLAT OF MILES 7TH ADDITION
 VACATED 11TH STREET &
 PART OF 11TH STREET, DAVID CITY
 BUTLER COUNTY, NEBRASKA

PROJECT NO. 211441
 DATE 8/29/2022
 DRAWN BY AVH
 FILE NAME 11th_23/20
 FIELD NO. D.C. #17
 FIELD DATE 8/29/22
 FIELD TIME 10:00 AM
 BY AVH
 CHECKED BY BF
 DATE 2/22/23



LEGEND:
 ● MONUMENT ORIENTED AND MEASURED BY SURVEY
 ○ MONUMENT NOT ORIENTED AND NOT MEASURED
 ○ CALCULATED POINT
 ○ MONUMENT SET
 ○ ADJUTANT POINT
 ○ ADJUTANT DISTANCE
 ○ FLAT ADJUTANT
 ○ RECORDED DISTANCE
 ○ RECORDED DISTANCE AND EXTENSION 1972
 ○ RECORDED DISTANCE AND EXTENSION 1974
 ○ CALCULATED MONUMENT
 ○ CALCULATED MONUMENT ADDITION

GRAPHIC SCALE
 0 30 60 90 120

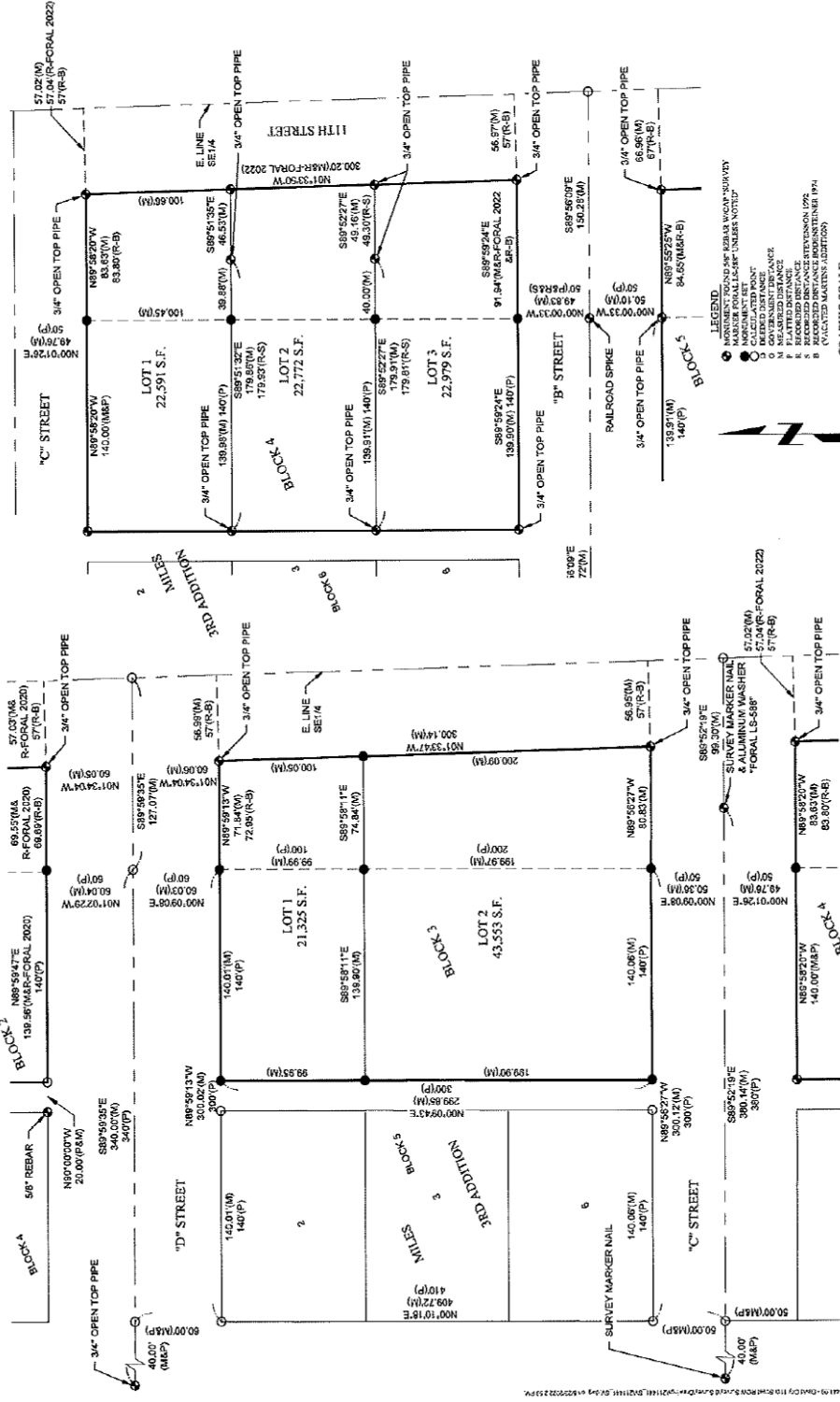
NOTE: ALL BEARINGS ARE ASSUMED.



A REPLAT OF MILES 7TH ADDITION
 VACATED 11TH STREET &
 PART OF 11TH STREET, DAVID CITY
 BUTLER COUNTY, NEBRASKA

11TH STREET ADDITION

PROJECT NO. 211441
 DATE: 8/29/2022
 DRAWN BY: ANH
 P.L.C. NO. 7143.37/04
 FIELD BOOK: D.C. #17
 RECORD DISTANCE MEASUREMENT 1922
 SURVEYER: RICHARD W. BROWN
 LICENSE NO. 0021-02



LEGEND
 MONUMENT: INDICATED BY BEARING AND DISTANCE
 MARKER: INDICATED BY BEARING AND DISTANCE
 CALCULATED POINT
 GOVERNMENT SURVEY
 GOVERNMENT DISTANCE
 PLATTED DISTANCE
 RECORDED DISTANCE MEASUREMENT 1922
 RECORDED DISTANCE MEASUREMENT 1922
 (VACATED MILEAGE ADDITION)

NOTE: ALL BEARINGS ARE ASSUMED.
 GRAPHIC SCALE
 0 10 20 30 40 50 60 70 80 90 100
 FEET

Plat prepared by Richard W. Brown, Surveyor, License No. 0021-02, 8/29/2022.



A REPLAT OF MILES 7TH ADDITION
 PART OF 11TH STREET, DAVID CITY,
 BUTLER COUNTY, NEBRASKA

11TH STREET ADDITION

PROJECT NO. 311441
 DATE 5/29/2022
 DRAWN BY AVH
 FILE NAME 311441.dwg
 PLOTTED BY D.C. #17
 PLOT DATE 02/22/2023
 SHEET NO. 38
 TOTAL SHEETS 192

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PERIMETER DESCRIPTION:
 MILES 7TH ADDITION TO THE CITY OF DAVID CITY, TOGETHER WITH THE EAST HALF OF BLOCKS 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, AND VACATED 11TH STREET LYING EAST OF BLOCKS 3 AND 7, ALL IN MILES EAST OF BLOCKS 4, 5, 6 AND PART OF 11TH STREET LYING EAST OF BLOCKS 3 AND 7, ALL IN MILES 3RD ADDITION TO THE CITY OF DAVID CITY, BUTLER COUNTY, NEBRASKA.

APPROVAL OF THE CITY COUNCIL OF DAVID CITY, NEBRASKA:
 THIS PLAT OF "11TH STREET ADDITION" WAS APPROVED AND ACCEPTED BY THE CITY COUNCIL OF THE CITY OF DAVID CITY, NEBRASKA THIS _____ DAY OF _____, 2022.

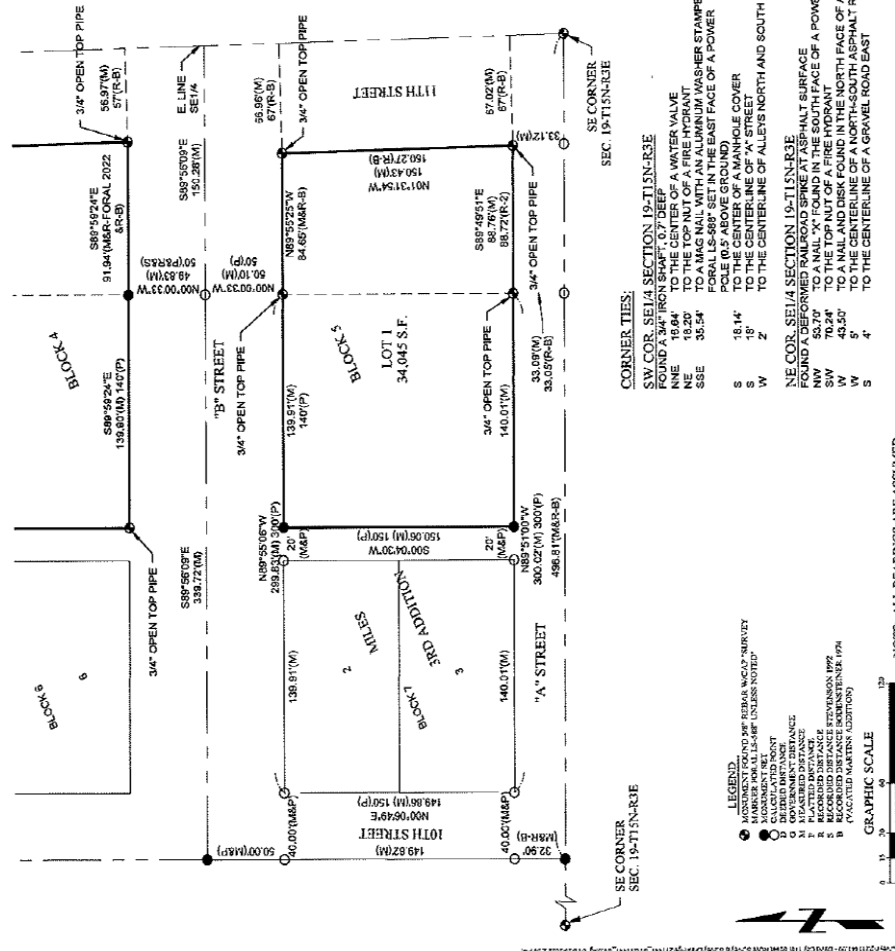
CITY CLERK

MAYOR

APPROVAL OF THE CITY PLANNING COMMISSION OF DAVID CITY, NEBRASKA:
 THIS PLAT OF "11TH STREET ADDITION" WAS APPROVED BY THE CITY PLANNING COMMISSION OF DAVID CITY, NEBRASKA THIS _____ DAY OF _____, 2022.

SECRETARY

CHAIRMAN



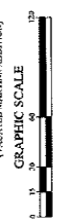
CORNER TIES:

- SW COR. SE 1/4 SECTION 19-T15N-R3E**
 FOUND A 3/4" IRON SHARP 0.7' DEEP
 NNE 19.64' TO THE CENTER OF A WATER VALVE
 NE 18.20' TO THE TOP NUT OF A FIRE HYDRANT
 S 35.54' TO THE CENTER OF A MANHOLE COVER
 S 18.14' TO THE CENTER OF A MANHOLE COVER
 W 18' TO THE CENTERLINE OF ALLEY NORTH AND SOUTH
- SE CORNER SECTION 19-T15N-R3E**
 FOUND A DEFORMED RAILROAD SPIKE AT ASPHALT SURFACE
 NW 53.70' TO A NAIL "X" FOUND IN THE SOUTH FACE OF A POWER POLE
 SW 70.24' TO THE CENTERLINE OF AN ASPHALT ROAD SOUTH
 W 5' TO THE CENTERLINE OF AN ASPHALT ROAD SOUTH
 W 5' TO THE CENTERLINE OF A NORTH-SOUTH ASPHALT ROAD
 S 4' TO THE CENTERLINE OF A GRAVEL ROAD EAST

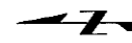
CORNER TIES:

- SE CORNER SECTION 19-T15N-R3E**
 FOUND A RAILROAD SPIKE AT ASPHALT SURFACE
 WNW 62.70' TO A POWER POLE (LIGHT POLE) ABOVE GROUND
 NW 51.11' TO A CHISELED "X" FOUND IN THE TOP WEST END OF A 15" RCP
 N 23.62' TO A CHISELED "X" FOUND IN THE TOP EAST END OF A 15" RCP
 NE 43.82' TO A NAIL "X" FOUND IN THE SE FACE OF A GUY POLE (2' ABOVE GROUND)
 SE 47.72' TO A NAIL "X" FOUND IN THE SW FACE OF A POWER POLE (2' ABOVE GROUND)
 SW 58.84' TO A NAIL "X" FOUND IN THE NW FACE OF A GUY POLE (1.5' ABOVE GROUND)
 W 5.5' TO THE CENTERLINE OF AN ASPHALT ROAD SOUTH
 W 18.5' TO THE CENTERLINE OF AN ASPHALT ROAD SOUTH
 W 5' TO THE CENTERLINE OF AN ASPHALT ROAD EAST
 S 4' ON RANGE OF CENTERLINE OF A CONCRETE STREET WEST

NOTE: ALL BEARINGS ARE ASSUMED.



- LEGEND:**
- 1. MARKER FOR ALL 15-48" UNLESS NOTED
 - 2. CALCULATED POINT
 - 3. DELETED MARKER
 - 4. SPARSIFIED DISTANCE
 - 5. RECORDED DISTANCE
 - 6. RECORDED DISTANCE
 - 7. RECORDED DISTANCE
 - 8. RECORDED DISTANCE
 - 9. VACATED MARKER (ADDITION)





A REPLAT OF MILLS 7TH ADDITION
 VACATED 11TH STREET &
 PART OF 11TH STREET
 BUTLER COUNTY, NEBRASKA

11TH STREET ADDITION

PROJECT NO. 211441
 DATE 02/22/2023
 DRAWN BY ANH
 FILE NAME 21144_07149
 FIELD NO. D.C. #17
 FIELD ORDN. 2021-182
 SHEET NO. OF 50

5 OF 8

DEDICATION:
 I, DONALD W. HENRY, THESE PRESENTS: THAT THE CITY OF DAVID CITY, JOHN CARSTEN KLOSTERMAN
 AND LUK ELIZABETH KLOSTERMAN, FRED J. OSBORN, BEVERLY F. GISSLER, MARILYN K. NICOLAS,
 DOUGLAS M. OSBORN, NANCY J. OSBORN, WENDELL E. OSBORN, WESLEY M. OSBORN, ANDREW
 OSBORN, ERIC J. BETZEN, LONNIE L. DAVIS AND JUDITH A. DAVIS, JASON G. CAMPBELL AND CORINNE
 N. CAMPBELL, BERTHA HERNANDEZ ISLAS, DOUGLAS S. JONES AND KATHRYN L. JONES, KENNETH A.
 PROFFERS OF SAID LAND DESCRIBED WITHIN THE PERMETER DESCRIPTION AND EMBARSED
 WITHIN THIS PLAT, HAS CAUSED SAID LAND TO BE SUBDIVIDED INTO LOTS AND BLOCKS, TO BE NAMED
 AND NUMBERED AS SHOWN, SAID SUBDIVISION TO BE HEREAFTER KNOWN AS "11TH STREET
 ADDITION", SAID OWNERS HEREBY RATIFIES AND APPROVES OF THE DISPOSITION OF THEIR
 PROPERTY, AS SHOWN ON THIS PLAT.

 LUK ELIZABETH KLOSTERMAN

STATE OF NEBRASKA)
 COUNTY OF BUTLER) SS

BEFORE ME, A NOTARY PUBLIC QUALIFIED IN SAID COUNTY, PERSONALLY CAME JOHN CARSTEN
 KLOSTERMAN, PERSON WHO SIGNED THE FOREGOING INSTRUMENT, AND
 ACKNOWLEDGED THE EXECUTION THEREOF TO BE HIS VOLUNTARY ACT AND
 DEED.
 WITNESS MY HAND AND NOTARIAL SEAL ON _____ DAY OF _____, 2022.

NOTARY PUBLIC _____ MY COMMISSION EXPIRES _____

STATE OF NEBRASKA)
 COUNTY OF BUTLER) SS

BEFORE ME, A NOTARY PUBLIC QUALIFIED IN SAID COUNTY, PERSONALLY CAME LUK ELIZABETH
 KLOSTERMAN, KNOWN TO ME TO BE THE IDENTICAL PERSON WHO SIGNED THE FOREGOING
 INSTRUMENT, AND ACKNOWLEDGED THE EXECUTION THEREOF TO BE HIS VOLUNTARY ACT AND
 DEED.
 WITNESS MY HAND AND NOTARIAL SEAL ON _____ DAY OF _____, 2022.

NOTARY PUBLIC _____ MY COMMISSION EXPIRES _____

STATE OF NEBRASKA)
 COUNTY OF BUTLER) SS

BEFORE ME, A NOTARY PUBLIC QUALIFIED IN SAID COUNTY, PERSONALLY CAME ANDREW OSBORN,
 KNOWN TO ME TO BE THE IDENTICAL PERSON WHO SIGNED THE FOREGOING INSTRUMENT, AND
 ACKNOWLEDGED THE EXECUTION THEREOF TO BE HIS VOLUNTARY ACT AND DEED.
 WITNESS MY HAND AND NOTARIAL SEAL ON _____ DAY OF _____, 2022.

NOTARY PUBLIC _____ MY COMMISSION EXPIRES _____

ERIC J. BETZEN

STATE OF NEBRASKA)
 COUNTY OF BUTLER) SS

BEFORE ME, A NOTARY PUBLIC QUALIFIED IN SAID COUNTY, PERSONALLY CAME ERIC J. BETZEN,
 KNOWN TO ME TO BE THE IDENTICAL PERSON WHO SIGNED THE FOREGOING INSTRUMENT, AND
 ACKNOWLEDGED THE EXECUTION THEREOF TO BE HIS VOLUNTARY ACT AND DEED.
 WITNESS MY HAND AND NOTARIAL SEAL ON _____ DAY OF _____, 2022.

NOTARY PUBLIC _____ MY COMMISSION EXPIRES _____

LONNIE L. DAVIS _____ JUDITH A. DAVIS _____

STATE OF NEBRASKA)
 COUNTY OF BUTLER) SS

BEFORE ME, A NOTARY PUBLIC QUALIFIED IN SAID COUNTY, PERSONALLY CAME LONNIE L. DAVIS,
 KNOWN TO ME TO BE THE IDENTICAL PERSON WHO SIGNED THE FOREGOING INSTRUMENT, AND
 ACKNOWLEDGED THE EXECUTION THEREOF TO BE HIS VOLUNTARY ACT AND DEED.
 WITNESS MY HAND AND NOTARIAL SEAL ON _____ DAY OF _____, 2022.

NOTARY PUBLIC _____ MY COMMISSION EXPIRES _____

STATE OF NEBRASKA)
 COUNTY OF BUTLER) SS

BEFORE ME, A NOTARY PUBLIC QUALIFIED IN SAID COUNTY, PERSONALLY CAME JUDITH A. DAVIS,
 KNOWN TO ME TO BE THE IDENTICAL PERSON WHO SIGNED THE FOREGOING INSTRUMENT, AND
 ACKNOWLEDGED THE EXECUTION THEREOF TO BE HIS VOLUNTARY ACT AND DEED.
 WITNESS MY HAND AND NOTARIAL SEAL ON _____ DAY OF _____, 2022.

NOTARY PUBLIC _____ MY COMMISSION EXPIRES _____

02/22/2023 11:05:05 AM 11/11/2023 11:05:05 AM 11/11/2023 11:05:05 AM



A REPLAT OF MILES 7TH ADDITION
 SOUTHWEST 1/4 OF SECTION 8
 T4S, R10E, S12W
 PART OF 11TH STREET, DAVID CITY
 BUTLER COUNTY, NEBRASKA

PROJECT NO. 211441
 DATE 02/09/2022
 DRAWN BY AMH
 FILE NAME 11TH ST/ANG
 FILED 03/01/23
 REC'D BY
 COUNTY FILE NO. 2022-192
 6 OF 8

KENNETH A. PICKETT _____ TRACY E. PICKETT _____
 }
 STATE OF NEBRASKA } SS
 }
 COUNTY OF BUTLER }
 BEFORE ME, A NOTARY PUBLIC QUALIFIED IN SAID COUNTY, PERSONALLY CAME KENNETH A. PICKETT, KNOWN TO ME TO BE THE IDENTICAL PERSON WHO SIGNED THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED THE EXECUTION THEREOF TO BE HIS VOLUNTARY ACT AND DEED.
 WITNESS MY HAND AND NOTARIAL SEAL ON ____ DAY OF _____, 2022.

NOTARY PUBLIC _____ MY COMMISSION EXPIRES _____
 STATE OF NEBRASKA } SS
 }
 COUNTY OF BUTLER }
 BEFORE ME, A NOTARY PUBLIC QUALIFIED IN SAID COUNTY, PERSONALLY CAME TRACY E. PICKETT, KNOWN TO ME TO BE THE IDENTICAL PERSON WHO SIGNED THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED THE EXECUTION THEREOF TO BE HIS VOLUNTARY ACT AND DEED.
 WITNESS MY HAND AND NOTARIAL SEAL ON ____ DAY OF _____, 2022.

NOTARY PUBLIC _____ MY COMMISSION EXPIRES _____
 STATE OF NEBRASKA } SS
 }
 COUNTY OF BUTLER }
 BEFORE ME, A NOTARY PUBLIC QUALIFIED IN SAID COUNTY, PERSONALLY CAME
 TRACY E. PICKETT, KNOWN TO ME TO BE THE IDENTICAL PERSON WHO SIGNED THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED THE EXECUTION THEREOF TO BE HIS VOLUNTARY ACT AND DEED.
 WITNESS MY HAND AND NOTARIAL SEAL ON ____ DAY OF _____, 2022.

MAYOR OF DAVID CITY, NEBRASKA _____
 }
 STATE OF NEBRASKA } SS
 }
 COUNTY OF BUTLER }
 BEFORE ME, A NOTARY PUBLIC QUALIFIED IN SAID COUNTY, PERSONALLY CAME
 TRACY E. PICKETT, KNOWN TO ME TO BE THE IDENTICAL PERSON WHO SIGNED THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED THE EXECUTION THEREOF TO BE HIS VOLUNTARY ACT AND DEED.
 WITNESS MY HAND AND NOTARIAL SEAL ON ____ DAY OF _____, 2022.

JASON G. CAMPBELL _____ CORINNE N. CAMPBELL _____
 }
 STATE OF NEBRASKA } SS
 }
 COUNTY OF BUTLER }
 BEFORE ME, A NOTARY PUBLIC QUALIFIED IN SAID COUNTY, PERSONALLY CAME JASON G. CAMPBELL, KNOWN TO ME TO BE THE IDENTICAL PERSON WHO SIGNED THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED THE EXECUTION THEREOF TO BE HIS VOLUNTARY ACT AND DEED.
 WITNESS MY HAND AND NOTARIAL SEAL ON ____ DAY OF _____, 2022.

NOTARY PUBLIC _____ MY COMMISSION EXPIRES _____
 STATE OF NEBRASKA } SS
 }
 COUNTY OF BUTLER }
 BEFORE ME, A NOTARY PUBLIC QUALIFIED IN SAID COUNTY, PERSONALLY CAME CORINNE N. CAMPBELL, KNOWN TO ME TO BE THE IDENTICAL PERSON WHO SIGNED THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED THE EXECUTION THEREOF TO BE HIS VOLUNTARY ACT AND DEED.
 WITNESS MY HAND AND NOTARIAL SEAL ON ____ DAY OF _____, 2022.

NOTARY PUBLIC _____ MY COMMISSION EXPIRES _____
 STATE OF NEBRASKA } SS
 }
 COUNTY OF BUTLER }
 BEFORE ME, A NOTARY PUBLIC QUALIFIED IN SAID COUNTY, PERSONALLY CAME
 CORINNE N. CAMPBELL, KNOWN TO ME TO BE THE IDENTICAL PERSON WHO SIGNED THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED THE EXECUTION THEREOF TO BE HIS VOLUNTARY ACT AND DEED.
 WITNESS MY HAND AND NOTARIAL SEAL ON ____ DAY OF _____, 2022.

BERTHA HERNANDEZ ISLAS _____
 }
 STATE OF NEBRASKA } SS
 }
 COUNTY OF BUTLER }
 BEFORE ME, A NOTARY PUBLIC QUALIFIED IN SAID COUNTY, PERSONALLY CAME BERTHA HERNANDEZ ISLAS, KNOWN TO ME TO BE THE IDENTICAL PERSON WHO SIGNED THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED THE EXECUTION THEREOF TO BE HIS VOLUNTARY ACT AND DEED.
 WITNESS MY HAND AND NOTARIAL SEAL ON ____ DAY OF _____, 2022.



A REPLAT OF MILES 7TH ADDITION
PART OF BLOCKS 4, 5, 6 & 7
PACATED 11TH STREET &
BUTLER COUNTY, NEBRASKA

11TH STREET ADDITION

PROJECT NO. 211441
DATE 02/22/22
DRAWN BY ANH
FILE NAME 211441.dwg
PLOT NO. C. #17
PLOT ORG
MUNICIPALITY BF
2023-192

DOUGLAS M. OSBORN }
STATE OF NEBRASKA } SS
COUNTY OF BUTLER }
BEFORE ME, A NOTARY PUBLIC QUALIFIED IN SAID COUNTY, PERSONALLY CAME DOUGLAS M. OSBORN,
KNOWN TO ME TO BE THE IDENTICAL PERSON WHO SIGNED THE FOREGOING INSTRUMENT, AND
ACKNOWLEDGED THE EXECUTION THEREOF TO BE HIS VOLUNTARY ACT AND DEED,
WITNESS MY HAND AND NOTARIAL SEAL ON ____ DAY OF _____, 2022.

NOTARY PUBLIC _____ MY COMMISSION EXPIRES _____

NANCY J. OSBORN }
STATE OF NEBRASKA } SS
COUNTY OF BUTLER }
BEFORE ME, A NOTARY PUBLIC QUALIFIED IN SAID COUNTY, PERSONALLY CAME NANCY J. OSBORN, KNOWN
TO ME TO BE THE IDENTICAL PERSON WHO SIGNED THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED
THE EXECUTION THEREOF TO BE HIS VOLUNTARY ACT AND DEED,
WITNESS MY HAND AND NOTARIAL SEAL ON ____ DAY OF _____, 2022.

NOTARY PUBLIC _____ MY COMMISSION EXPIRES _____

WENDELL E. OSBORN }
STATE OF NEBRASKA } SS
COUNTY OF BUTLER }
BEFORE ME, A NOTARY PUBLIC QUALIFIED IN SAID COUNTY, PERSONALLY CAME WENDELL E. OSBORN, KNOWN
TO ME TO BE THE IDENTICAL PERSON WHO SIGNED THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED THE
EXECUTION THEREOF TO BE HIS VOLUNTARY ACT AND DEED,
WITNESS MY HAND AND NOTARIAL SEAL ON ____ DAY OF _____, 2022.

NOTARY PUBLIC _____ MY COMMISSION EXPIRES _____

WESLEY W. OSBORN }
STATE OF NEBRASKA } SS
COUNTY OF BUTLER }
BEFORE ME, A NOTARY PUBLIC QUALIFIED IN SAID COUNTY, PERSONALLY CAME WENDELL E. OSBORN, KNOWN
TO ME TO BE THE IDENTICAL PERSON WHO SIGNED THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED THE
EXECUTION THEREOF TO BE HIS VOLUNTARY ACT AND DEED,
WITNESS MY HAND AND NOTARIAL SEAL ON ____ DAY OF _____, 2022.

NOTARY PUBLIC _____ MY COMMISSION EXPIRES _____

FRED J. OSBORN }
STATE OF NEBRASKA } SS
COUNTY OF BUTLER }
BEFORE ME, A NOTARY PUBLIC QUALIFIED IN SAID COUNTY, PERSONALLY CAME FRED J. OSBORN,
KNOWN TO ME TO BE THE IDENTICAL PERSON WHO SIGNED THE FOREGOING INSTRUMENT, AND
ACKNOWLEDGED THE EXECUTION THEREOF TO BE HIS VOLUNTARY ACT AND DEED,
WITNESS MY HAND AND NOTARIAL SEAL ON ____ DAY OF _____, 2022.

NOTARY PUBLIC _____ MY COMMISSION EXPIRES _____

BEVERLY F. GISSLER }
STATE OF NEBRASKA } SS
COUNTY OF BUTLER }
BEFORE ME, A NOTARY PUBLIC QUALIFIED IN SAID COUNTY, PERSONALLY CAME BEVERLY F.
GISSLER, KNOWN TO ME TO BE THE IDENTICAL PERSON WHO SIGNED THE FOREGOING
INSTRUMENT, AND ACKNOWLEDGED THE EXECUTION THEREOF TO BE HIS VOLUNTARY ACT AND
DEED,
WITNESS MY HAND AND NOTARIAL SEAL ON ____ DAY OF _____, 2022.

NOTARY PUBLIC _____ MY COMMISSION EXPIRES _____

MARILYN K. NICOLAS }
STATE OF NEBRASKA } SS
COUNTY OF BUTLER }
BEFORE ME, A NOTARY PUBLIC QUALIFIED IN SAID COUNTY, PERSONALLY CAME MARILYN K.
NICOLAS, KNOWN TO ME TO BE THE IDENTICAL PERSON WHO SIGNED THE FOREGOING
INSTRUMENT, AND ACKNOWLEDGED THE EXECUTION THEREOF TO BE HIS VOLUNTARY ACT AND
DEED,
WITNESS MY HAND AND NOTARIAL SEAL ON ____ DAY OF _____, 2022.

NOTARY PUBLIC _____ MY COMMISSION EXPIRES _____



A REPLAT OF MILES 7TH ADDITION
 112 BLOCKS 4, 5, 6 & 7 MILES 3RD ADD.
 VACATED 11TH STREET &
 PART OF 11TH STREET, DAVID CITY
 BUTLER COUNTY, NEBRASKA

11TH STREET ADDITION

PROJECT NO. 211441
 DATE 8/29/2022
 DRAWN BY AVH
 FILE NAME 211441.DWG
 PLOT BLOCK, C. #17
 PLOTTED BY
 DATE 2/21/23
 SHEET 8 OF 8

LAURA KOBEZA _____ ROBERT KOBEZA _____
 STATE OF NEBRASKA } SS
 COUNTY OF BUTLER }
 BEFORE ME, A NOTARY PUBLIC QUALIFIED IN SAID COUNTY, PERSONALLY CAME LAURA KOBEZA,
 KNOWN TO ME TO BE THE IDENTICAL PERSON WHO SIGNED THE FOREGOING INSTRUMENT, AND
 ACKNOWLEDGED THE EXECUTION THEREOF TO BE HIS VOLUNTARY ACT AND DEED.
 WITNESS MY HAND AND NOTARIAL SEAL ON ____ DAY OF _____, 2022.

NOTARY PUBLIC _____ MY COMMISSION EXPIRES _____
 STATE OF NEBRASKA } SS
 COUNTY OF BUTLER }
 BEFORE ME, A NOTARY PUBLIC QUALIFIED IN SAID COUNTY, PERSONALLY CAME ROBERT KOBEZA,
 KNOWN TO ME TO BE THE IDENTICAL PERSON WHO SIGNED THE FOREGOING INSTRUMENT, AND
 ACKNOWLEDGED THE EXECUTION THEREOF TO BE HIS VOLUNTARY ACT AND DEED.
 WITNESS MY HAND AND NOTARIAL SEAL ON ____ DAY OF _____, 2022.

DOUGLAS S. JONES _____ KATHRYN L. JONES _____
 STATE OF NEBRASKA } SS
 COUNTY OF BUTLER }
 BEFORE ME, A NOTARY PUBLIC QUALIFIED IN SAID COUNTY, PERSONALLY CAME DOUGLAS S.
 JONES, KNOWN TO ME TO BE THE IDENTICAL PERSON WHO SIGNED THE FOREGOING INSTRUMENT,
 AND ACKNOWLEDGED THE EXECUTION THEREOF TO BE HIS VOLUNTARY ACT AND DEED.
 WITNESS MY HAND AND NOTARIAL SEAL ON ____ DAY OF _____, 2022.

NOTARY PUBLIC _____ MY COMMISSION EXPIRES _____
 STATE OF NEBRASKA } SS
 COUNTY OF BUTLER }
 BEFORE ME, A NOTARY PUBLIC QUALIFIED IN SAID COUNTY, PERSONALLY CAME KATHRYN L.
 JONES, KNOWN TO ME TO BE THE IDENTICAL PERSON WHO SIGNED THE FOREGOING INSTRUMENT,
 AND ACKNOWLEDGED THE EXECUTION THEREOF TO BE HIS VOLUNTARY ACT AND DEED.
 WITNESS MY HAND AND NOTARIAL SEAL ON ____ DAY OF _____, 2022.

NOTARY PUBLIC _____ MY COMMISSION EXPIRES _____

NOTARY PUBLIC _____ MY COMMISSION EXPIRES _____

Mayor Jessica Miller declared the public hearing open at 7:08 p.m. to consider the application of Mason Samek dba Par Iv Restaurant and Lounge for a Class C Liquor License (Beer, Wine, Distilled Spirits On and Off Sale).

Interim City Administrator Tami Comte stated that he had a liquor license at one time but it had expired and the David City Golf Club had the license in the interim. He's now applying for a new license.

Discussion followed.

Hearing no further comment, Mayor Jessica Miller declared the public hearing closed at 7:10 p.m.

Council member Kevin Woita made a motion to approve the application of Mason Samek dba Par IV Restaurant and Lounge David City, Butler County, Nebraska, for a Class C Liquor License (Beer, Wine, Distilled Spirits On and Off sale). Council Member Jim Angell seconded the motion. The motion carried.

Jim Angell: Yea, Tom Kobus: Absent, Keith Marvin: Yea, Bruce Meysenburg: Yea, Pat Meysenburg: Nay, Kevin Woita: Yea
Yea: 4, Nay: 1, Absent: 1

Council member Kevin Woita made a motion to approve Pay Estimate #2 for M.E. Collins Contracting Co., Inc. in the amount of \$237,330.00 for the RV Campground. Council Member Keith Marvin seconded the motion. The motion carried.

Jim Angell: Yea, Tom Kobus: Absent, Keith Marvin: Yea, Bruce Meysenburg: Yea, Pat Meysenburg: Yea, Kevin Woita: Yea
Yea: 5, Nay: 0, Absent: 1

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PROGRESS ESTIMATE

Date: 31-Jan-23
 Project: David City RV Parking Campground
 Collins Project No: 222647

To: City of David City

Contractor Estimate No.: 2
 Original Contract Amount: \$ 483,774.00

Attn: Dave Henke

Item	Description	Contract Qty	Qty To Date	Unit Price	Amount
<u>GROUP B - CAMPGROUND SANITARY SEWER SERVICE</u>					
2	BONDING AND INSURANCE	1	LS	1.00	\$ 2,101.00
3	8" PVC SANITARY SEWER MAIN, SDR 35	725	LF	725.00	\$ 58.00
5	48" DIA. CONCRETE MANHOLE	49	VF	49.00	\$ 860.00
8	CONNECT TO EXISTING MANHOLE	1	EA	1.00	\$ 1,468.00
9	8" x 4" WYE, PVC	20	EA	20.00	\$ 306.00
10	4" PVC SANITARY SEWER SERVICE, SDR 26	950	LF	950.00	\$ 36.00
11	CAMPSITE SEWER HOOKUP	20	EA	20.00	\$ 1,188.00
<u>GRADING AND SITE WORK</u>					
1	MOBILIZATION	1	LS		\$ 1,576.00
8	6" CONCRETE PAVEMENT	500	SY		\$ 88.00
<u>GRADING AND SITE WORK</u>					
9	24" RCP, CLASS III	65	LF	68.00	\$ 103.00
10	STORM SEWER INLET, TYPE A	1	EA	1.00	\$ 5,033.00
11	10' x 8' STORM SEWER JUNCTION BOX	1	LS	1.00	\$ 16,442.00
12	54" RCP, CLASS III	608	LF	610.00	\$ 292.00
<u>GROUP D - RESIDENTIAL SANITARY SEWER SERVICE</u>					
2	BONDING AND INSURANCE	1	LS	1.00	\$ 2,101.00
3	8" PVC SANITARY SEWER MAIN, SDR 35	750	LF	760.00	\$ 58.00
6	8" x 4" WYE, PVC	4	EA	4.00	\$ 425.00
7	4" PVC SANITARY SEWER SERVICE, SDR 26	200	LF	196.00	\$ 42.00
8	48" DIA. CONCRETE MANHOLE	26	VF	26.00	\$ 902.00
ADDED	RIP RAP TYPE B	1	LS	1.00	\$ 1,500.00

Previous Requested Amounts:
 Estimate #1: \$202,173.00
 Estimate #2: \$237,330.00

TOTAL EARNED TO DATE: \$ 439,503.00
 Retainage 0% \$ -
 Other Deductions \$ -
 NET ESTIMATE TO DATE: \$ 439,503.00
 Less Previous Requests: \$ (202,173.00)
 TOTAL DUE THIS ESTIMATE: \$ 237,330.00

Estimate Prepared by :

Joel Schommer, Vice President

2-Feb-23

Council member Pat Meysenburg made a motion to Appoint the Downtown Revitalization Committee consisting of Dana Trowbridge, Tom Kobus, Gary Meister, Bob Wright and Greg Aschoff. Council Member Bruce Meysenburg seconded the motion. The motion carried.

Jim Angell: Yea, Tom Kobus: Absent, Keith Marvin: Yea, Bruce Meysenburg: Yea, Pat Meysenburg: Yea, Kevin Woita: Yea
 Yea: 5, Nay: 0, Absent: 1

Council member Keith Marvin made a motion to approve the mandatory policies and procedures for the David City Police Department. Council Member Jim Angell seconded the motion. The motion carried.

Jim Angell: Yea, Tom Kobus: Absent, Keith Marvin: Yea, Bruce Meysenburg: Yea, Pat Meysenburg: Yea, Kevin Woita: Yea
 Yea: 5, Nay: 0, Absent: 1

Policy # 25.01 ACTIVE SHOOTER	Related Policies:
<i>This policy is for internal use only and does not enlarge an employee’s civil liability in any way. The policy should not be construed as creating a higher duty of care, in an evidentiary sense, with respect to third party civil claims against employees. A violation of this policy, if proven, can only form the basis of a complaint by this department for non-judicial administrative action in accordance with the laws governing employee discipline.</i>	
Applicable Nebraska Statutes:	
DATE: 03-01-2023	

Policy: The David City Police Department in an order to save innocent lives recognizes the need for officers to act swiftly and decisively during active shooter events. Responding officers are authorized to take immediate action to contain and if necessary, neutralize active shooters.

DEFINITIONS:

- A. Active Shooter-** An active shooter is an individual actively engaged in killing or attempting to kill people in a confined and populated area; in most cases active shooters use firearm(s) and there is no pattern or method to their selection of victims. (Definition Homeland Security)
- B. Immediate Action Rapid Deployment** - The swift and immediate deployment of law enforcement personnel and resources to ongoing, life threatening situation where delayed deployment of personnel could otherwise result in death or great bodily injury to innocent persons. Immediate action rapid deployment tactics are not a substitute, nor the same as conventional response tactics to a barricaded gunman. Active shooters situations are very unpredictable and evolve rapidly. The immediate deployment of Law Enforcement is required to stop the shooting. Active shooter

situations are mostly over within a 10–15-minute time frame and sometimes can be over before Law Enforcement arrives.

- C. Soft Targets** - For example, a soft target would be an automobile, a house or assembly of people. Hardening a soft target can be achieved by employment of active security elements such as the presence of armed security or law enforcement officers; physical barriers, and locking systems. Soft targets selected by active shooters most often include public schools, colleges and universities, malls and major retail.
- D. Suicide-by-COP** - Is a suicide method in which a criminal actor deliberately acts in a threatening or destructive way towards a law enforcement officer or others, with the intent of provoking a lethal response, such as being shot to death. Similar phrases include death-by-cop, suicide-by-police, and officer-assisted-suicide.
- E. 540 Degrees of Awareness** - A tactical deployment concept where officers are aware of the necessity to observe their surroundings 360° horizontally, and 180° overhead. Having the effect of observing to their front, sides, rear, and overhead as they move tactically or otherwise known as “check your 6”.

DISCUSSION: It is not unusual for tactical teams to arrive at the scene of a barricaded incident and find that patrol personnel have contained the suspect within a secure perimeter. There is generally time for the tactical team to deploy their personnel without serious concern of the suspect(s) escaping. Once the incident has been isolated, time enables patrol and/or tactical personnel to formulate a structured and deliberate plan.

However, there are scenarios that require immediate action and rapid deployment of patrol personnel prior to the arrival of the tactical team. In these cases, delayed deployment could have catastrophic consequences. These scenarios often involve an ongoing . . . shots fired or downed officer/citizen rescue. It may also necessitate the immediate and rapid deployment of armed personnel to contain or prevent the escape of an armed and dangerous person(s).

Over the past several years the world has experienced a growing trend of mass homicide violence committed by individuals. These episodes have come to be termed active shooter-killer incidents and are unique in that the behavior of the suspects is very different from that typically associated with other violent behaviors. Suspect(s) generally begin to shoot at or stab numbers of people without warning. In planning their attack, the active shooter-killer will select soft targets. The motives for these behaviors include political and religious agendas, rage, vengeance for perceived wrongs, and mental dysfunction.

The incidents experienced across the country suggest that the typical law enforcement response involving containment, isolation, and negotiation is not adequate. Unlike most criminals, active shooters-killers are likely to continue to use deadly physical force until intervention occurs or until the shooter-killer decides to stop.

Unlike most law enforcement calls for service, an active shooter-killer calls and response, requires rapid response, quick evaluation of the situation, formulation of a plan, and tactical response to locate and contain the shooter. Initial officers arriving at the scene, will most often move to locate and contain the shooter-killer, and rely on other arriving officers to rescue, move, and treat victims. The goal of intervention in active shooter-killer incidents is to:

- a. Neutralize the threat(s) by neutralizing the shooter;
- b. Limiting access to potential victims; &
- c. Rescuing injured persons or potential victims.

These goals can be achieved by various means, up to and including, the timely and effective use of deadly physical force.

The active shooter response concept represents a shift in patrol response tactics, equipment needs, and command protocol. These situations require the initial officer responders arriving on the scene to have the authority and the capability to take aggressive action without waiting for command staff or for the arrival of specialty units such as SWAT or Crisis Negotiators. David City Police Officers will and have the authority to take aggressive action immediately and not wait for command staff.

CHARACTERISTICS OF AN ACTIVE SHOOTER:

A. The following is a list of characteristics commonly associated with active shooter-killer suspects. This list was compiled from descriptions of past active shooters-killers and not meant to be a comprehensive list describing all active shooters-killers. Each active shooter-killer situation is unique; however, it is helpful to know that an active shooter-killer:

- a. Prepared for the event. Some will “fantasize” about the incident or draw out maps or make notes.
- b. May be prepared for a sustained confrontation with law enforcement or security officers. Most will have a large quantity of ammunition so look into history of purchases or getting/buying guns.
- c. Choose soft targets where there is a perception that people are disarmed and cannot effectively respond.
- d. Choose locations where potential victims are close at hand, such as schools, colleges, shopping malls, churches, theaters, and concerts,
- e. Is intent on killing a number of people as quickly as possible.
- f. Present a first indication of their presence when they begin to assault victims.
- g. May act in the manner of a sniper, assaulting victims from a distance.
- h. May also engage multiple targets while remaining constantly mobile.
- i. Are not deterred or susceptible to containment or negotiation tactics.
- j. Typically continue their attack despite the arrival of emergency responders or run out of ammunition or victims.
- k. Are often better armed and prepared than security and law enforcement officers.
- l. Are not limited to the use of firearms in accomplishing their attacks on victims. They may use bladed weapons, vehicles, explosives, booby traps, body armor or any tool that, in the circumstance in which it is used, constitutes deadly physical force.
- m. Historically have not attempted to hide their identity or conceal their attacks.
- n. May employ some type of diversion. May call in “false” report to get law enforcement away from their location.
- o. May be indiscriminate in their violence or they may seek specific victims.
- p. Usually have some degree of familiarity with the building or location they choose to occupy. In the case of school and college shootings, almost always attack fellow classmates. May research, visit or find maps of their location the choose.

- q. Active shooter events are dynamic and may go in and out of an "active" status; a static incident may turn into an active shooter event or an active shooter may go "inactive" by going to a barricaded status without access to victims.
- r. Escape is usually not a priority of the active shooter but officers should not assume the shooter may try to escape.
- s. Active shooters may be suicidal, deciding to die in the course of their actions either at the hand of others or by self-inflicted wound. The original plan contemplates . . . suicide-by-COP.

TACTICS:

The following tactical are set for general tactical response guidelines for an active shooter incident. Again, these incidents are sufficiently unique such that their effective handling cannot be totally reduced to step-by-step procedures. This tactical discussion is not meant to limit conventional tactics which might be appropriate to a crisis situation. The significant factors regarding these that they represent a means of intervention available to officers when there is an elevated risk to bystanders and officers. The risk is acceptable in light of the potential these tactics have for saving lives.

Another significant aspect of the active shooter tactical doctrine is that officers arriving at the scene of an active shooter incident are authorized to intervene immediately, prior to the arrival of command personnel or special units. David City Officers are authorized to do so.

Goals - The overall purpose of these tactics is to save lives and limit serious injuries. Important goals for law enforcement response to an active shooter-killer event are neutralization of the attacker, denying access to additional victims, and rescuing injured victims and potential victims.

Assume Tactical Responsibility – Upon arrival the first officer at the scene must take charge of the incident. If more than one officer arrives simultaneously, or as the scene develops, tactical responsibility may be based on rank, expertise, or seniority. However, it must be made imminently clear to both communications centers and other officers, who are in-charge. An officer of superior rank who is on scene and fully briefed may ultimately assume incident command. Any change in incident command will be made known to dispatch and others immediately. The responsibility of the first officer is to neutralize the threat. David City Police Officers are authorized to enter the location of the active shooter and locate the active shooter and use any means necessary to stop the shooting.

Situational Analysis - The officer taking charge must, based on what information is available, make a rapid situational analysis. The analysis will be continuous, taking into account new information as it is received. The first decision is whether the situation is an active shooter-killer event, whether an opportunity exists for immediate intervention leading to accomplishment of one of the goals listed above, and how responding resources should be employed at the scene. By their very nature, these decisions will need to be made within a few seconds or minutes, with incomplete data, and often unreliable and confusing facts. Officers placed in such a position, are simply expected to do the best they can with what is handed to them.

Incident Command - The first officer arriving on scene will initiate incident command. He/she will initiate the situation analysis and determine initial deployment of responding resources. This may involve deployment of resources as they arrive, by radio. Command personnel en route to

the incident will monitor the radio to gain information, but shall not obstruct ongoing intervention. Any command personnel must be on scene and fully briefed before assuming responsibility of *incident command*.

First Responder Tactical Intervention - When responding to active shooter incidents, the concept of first responder tactical intervention applies. It is critical that all officers, supervisors, and command personnel are familiar with the definition of an active shooter as well as the tactics deemed appropriate for active shooter response and intervention. The traditional uniform responses of contain, isolate, evacuate, and wait for SWAT and crisis negotiators is not adequate in an active shooter incident. The first deputy on scene will need to consider the following:

Containment - First responder intervention is based on opportunity. Tactical intervention is the primary component of an active shooter response. Individual action is discouraged, as it is usually counterproductive to a coordinated, focused response to an active shooter-killer event. However, in instances where officers are arriving at intervals, individual deployment and coordination via radio is the only practical option.

Active Shooter Site Security - No location associated with an active shooter will be considered secure until the incident commander declares it is so. Officers assigned to security functions will maintain positions until properly relieved.

Special Weapons and Tactics (SWAT) - When SWAT units are prepared to deploy, the initial responding officers may be relieved or redeployed by SWAT. David City Police Department will use the Nebraska State Patrol SWAT team. Dispatch will be advised to notify Nebraska State Patrol immediately.

DEPLOYMENT CONSIDERATIONS – ACTIVE SHOOTER VS. HOSTAGE/BARRICADE EVENT:

Attempt to distinguish the difference between an active shooter and a hostage/barricade situation. At first glance a hostage/barricade and an active shooter call may look and feel very similar, but there are distinct differences for responding officers.

The main difference is that victims are currently being killed or attacked during an active shooter event, while a hostage/barricade event is more static. Take care, as an active shooter situation can become a hostage/barricade event quickly and without warning and vice-versa. Here are some tactical considerations, if and when the situation changes:

A. Hostage/Barricade Patrol Response: A practical patrol response to a barricade/hostage situation is defined with the 5-Cs:

- **Contain;**
- **Control;**
- **Communicate;**
- **Call SWAT and negotiators; &**
- **Create an Immediate action plan.**

B. Time is also a critical factor. When dealing with a barricaded suspect or hostage taker

elongating the event can increase the chances of a negotiated settlement.

Once this is accomplished, gather intelligence and prepare for transition to tactical operations. In such operations with good organization, time is generally on your side.

C. Active Shooter Patrol Response:

The concepts and principles of patrol response to an active shooter (homicides in progress), are based around the concept of inserting a team into a hostile environment with limited to no intelligence, and getting the team to the exact location of the shooter as soon as practical. The team must thereby insert itself and move past un-cleared areas while providing team security from counter strikes. Guiding principles during these operations are based upon the following team movement axioms:

- Stay together as much as possible;
- 540° of coverage
- Communication;
- Work the angles;
- Threshold evaluations; &
- Move only as fast as you can shoot accurately and think

The rapid response of patrol officers to an active shooting has several advantages. By overwhelming the suspect(s) with effective tactics, the first responder(s) can:

- Isolate the suspect(s) from additional victims;
- Distract the suspect's attention away from innocent victims, & place the suspect under duress; &
- Neutralize the suspect(s) as a threat.

The first responding patrol officers to an active shooter scene realize that it is not a realistic objective to save everyone trapped inside. The number one goal must be to mitigate the damage and save as many lives as possible and in order to do so officers must find the shooter and stop the killing.

The initial response of 2 or 3 officers to the scene to form a single Contact Team to enter the structure, must understand the inherent risks of doing so. Although this should not be your first typical response, first responders should be empowered to make the decision based upon the information available to them at the time.

The minimum number of officers to form a Contact Team is two (2). The recommendation is to have a back-up, make sure that the 540° of coverage is secured. The maximum number of officers on a Contact Team should not normally exceed five (5). If there are more than 5 officers on scene, then there should be an additional Contact Team or Rescue Team formed.

All Teams consist of forward and rear security at all times, to support the 540° coverage concept.

D. Team Movement:

1. Speed of Movement (Determines Formation Used)

2. Stealth/Deliberate - There are two scenarios in which this speed is useful:

- First responders do not know the location of the suspect(s) and are conducting a deliberate search.
- First responders start to get close to the area where the suspect(s) may be located but the exact location is still unknown.

Stealth/Deliberate speed is not used when shots can be heard or the team has specific intelligence about the location of the suspect(s).

3. Dynamic/Direct to Threat - This speed of movement is used when the team has information as to the location of the suspect(s). Move as fast as you can shoot accurately and think, as a unit. The team must get to the shooter quickly to stop the killing.

4. Putting It All Together:

- USE ALL available resources for rapid deployment to stop the killing;
- If neutralization of the threat is impossible, move to contain and isolate;
- Control the scene and gather Information;
- Communicate your actions and information gathered to all parties involved; &
- Direct responding officers to aid in rescue of wounded victims and hostages.

5. David City Police will annually train with the local schools, Fire Departments and Rescue.

<p>25.02 Biased Based Policing Racial Profiling/Implicit Bias</p>	<p>Related Policies: Stops, Search & Arrest; Motor Vehicle Contacts; Suspicious Persons</p>
<p><i>This policy is for internal use only and does not enlarge an employee's civil liability in any way. The policy should not be construed as creating a higher duty of care, in an evidentiary sense, with respect to third party civil claims against employees. A violation of this policy, if proven, can only form the basis of a complaint by this department for non-judicial administrative action in accordance with the laws governing employee discipline.</i></p>	
<p>Applicable Nebraska Statutes: R.R.S. Neb. §20-501; §20-502; §20-503; §20-504; §20-505; §20-506 Nebraska State Accreditation 02.5 Statutorily Required Policy</p>	
<p>Date 03-01-2023</p>	<p>Review Date:</p>

Purpose: The purpose of this policy is to prohibit the use of race, ethnicity, gender, sexual orientation, or national origin as a reason to restrict liberty, or exercise any other police power upon an individual, except in those cases where one of the classifications above is a descriptive factor concerning a suspect.

Policy: The policy of The David City Police Department is to respect the rights of all persons who officers come into contact with during any law enforcement operation.

Definitions:

- A.** Biased-Based Policing - using race, ethnicity, gender, sexual orientation or national origin as a reason to restrict a person's liberty where race, ethnicity, gender, sexual orientation or national origin is not a descriptive factor relating to a suspected criminal event.
- B.** Disparate Treatment – means differential treatment of persons on the basis of race, color, or national origin;
- C.** Motor vehicle stop means any stop of a motor vehicle, except for a stop of a motor truck, truck-tractor, semi-trailer, or towed vehicle at a state weighing station; and
- D.** Racial profiling means detaining an individual or conducting a motor vehicle stop based upon disparate treatment of an individual.

Procedure:

- E.** All contacts made by members of this agency with any person must meet the requirements of the United States and Nebraska Constitutions.
- F.** No officer shall engage in racial profiling.

G. Preventing Perception of Bias:

- a.** David City Police Officers should act with courtesy and professionalism on all stops and contacts.
- b.** At the outset of a contact, where feasible, officers should introduce themselves and inform the person of the reason for the stop. This introduction is not required where the introduction would compromise the safety of the officer or any other person.
- c.** Officers should continue the contact for only that time which is necessary to meet the objectives of that which justified the stop to begin with. i.e., if the stop is for a traffic violation, officers should not prolong the stop beyond the time it takes to write a citation. Where reasonable delays occur, the officer should keep the person informed of the reason for the delay.
- d.** Officers should answer questions posed by the persons stopped to the extent that is possible.
- e.** Provide his or her name and identification number when requested.

H. Documentation- The department shall record:

- a.** The number of traffic stops;
- b.** The characteristics of race or ethnicity of the person stopped. The identification of such characteristics shall be based on the observation and perception of the law enforcement officer responsible for reporting the motor vehicle stop and the information shall not be required to be provided by the person stopped.
- c.** If the stop is for a law violation, the nature of the alleged law violation that resulted in the motor vehicle stop;

- d. Whether a warning or citation was issued, an arrest made, or a search conducted as a result of the motor vehicle stop. Search does not include a search incident to arrest or an inventory search; and
- e. Any additional information that the State of Nebraska or this agency deems appropriate.
- I. **Complaints regarding bias:** All complaints regarding bias, as defined by this policy shall be handled in accordance with the Citizen Complaints and Administrative Investigations Policy of this agency.
 - a. A copy of each allegation of racial profiling shall be forwarded to the Nebraska Commission on Law Enforcement and Criminal Justice.
 - b. The commission shall also be provided with a written notification of the review and disposition of the allegation.
- J. The David City Police Department shall receive training for all personnel on this policy annually as part of the annual continuing education requirements.

25.03	Related Policies:
Body Armor	
<i>This policy is for internal use only and does not enlarge an employee's civil liability in any way. The policy should not be construed as creating a higher duty of care, in an evidentiary sense, with respect to third party civil claims against employees. A violation of this policy, if proven, can only form the basis of a complaint by this department for non-judicial administrative action in accordance with the laws governing employee discipline.</i>	
Applicable Nebraska Statutes:	
Date Implemented: 03-01-2023	Review Date:

Purpose: The purpose of this policy is to provide David City Police officers with guidelines for the proper use and care of body armor.

Policy: It is the policy of the David City Police Departments to maximize officer safety through the use of body armor in combination with prescribed safety procedures. While body armor provides a significant level of protection, it is not a substitute for the observance of officer safety procedures.

Definitions:

K. Field Activities: Duty assignments and/or tasks that place or could reasonably be expected to place officers in situations where they would be required to act in enforcement rather than administrative or support capacities.

Procedure:

L. Issuance of Body Armor

- a. All body armor issued must comply with protective and related requirements prescribed under current standards of the National Institute of Justice.
- b. All officers shall be issued agency-approved body armor or have their personal body armor documented in their personnel file.
- c. Body armor that is worn or damaged shall be replaced by the agency. Body armor that must be replaced due to misuse or abuse by the officer shall be paid for by the officer.

M. Use of Body Armor:

- a. Officers shall wear only agency-approved body armor.
- b. Body armor shall be worn by officers while engaged in field activities both on duty and during off duty employment unless exempt as follows:
 - i. Officers that are assigned to the uniformed function are required to wear body armor during their shift while engaged in field activities. In addition, all officers must wear protective vests during high risk and/or tactical situations. Examples of “high risk” or “tactical” situations include but are not limited to, search warrant executions, drug raids, initial crime scene response, and serving felony warrants.
 - ii. When an agency-approved physician determines that an officer has a medical condition that would preclude wearing body armor;
 - iii. When the officer is involved in undercover or plain clothes work that his/her supervisor determines could be compromised by wearing body armor; or
 - iv. When the agency determines that circumstances make it inappropriate to mandate wearing body armor.

N. Inspections of Body Armor:

- a. Supervisors shall be responsible for ensuring that body armor is worn and maintained as required by this policy through routine observation and periodic documented inspections.
- b. Annual inspections of body armor shall be conducted for fit, cleanliness, signs of damage, abuse and wear.

O. Care, Maintenance and Replacement of Body Armor

- a. Officers shall routinely inspect personal body armor for signs of damage and for general cleanliness.
- b. As dirt and perspiration may erode ballistic panels, each officer shall be responsible for cleaning personal body armor in accordance with the manufacturer’s instructions.
- c. Officers are responsible for the proper storage, maintenance and care of body armor in accordance with manufacturer’s instructions.
- d. Officers are responsible for reporting damage or excessive wear to the ballistic panels or cover to their supervisor and the individual responsible for the uniform supply function.
- e. Body armor will be replaced in accordance with guidelines and protocols established by the National Institute of Justice.

<p>25.04 Body Worn Video Recording (BWV)</p>	<p>Related Policies: Duty to Disclose; Mobile Video Recorder</p>
<p><i>This policy is for internal use only and does not enlarge an employee’s civil liability in any way. The policy should not be construed as creating a higher duty of care, in an evidentiary sense, with respect to third party civil claims against employees. A violation of this policy, if proven, can only form the basis of a complaint by this Office for non-judicial administrative action in accordance with the laws governing employee discipline.</i></p>	
<p>Applicable Nebraska Statutes: Legislative Bill 1000 2016 - in blue type. Nebraska State Accreditation O2.5 Statutorily Required Policy</p>	
<p>Date Implemented: 03-012023</p>	<p>Review Date:</p>

Purpose: The purpose of this policy is to direct officers and supervisors in the proper use and maintenance of **Body Worn Video Recorders (BWV)** as well as directing how video will be utilized as a quality control mechanism and evidence.

Policy: The policy of the David City Police Department is to provide officers with body worn video recording devices in an effort to collect evidence to be used in the prosecution of those who violate the law, for officer evaluation and training, and to provide accurate documentation of law enforcement and citizen interaction. The use of a BWV system provides persuasive documentary evidence and helps defend against civil litigation and allegations of officer misconduct. Officers assigned the use of these devices shall adhere to the operational objectives and protocols outlined herein so as to maximize the effectiveness and utility of the BWV and the integrity of evidence and related video documentation.

Definitions:

- P.** Body-worn camera means a device worn by a peace officer in uniform which has the capability to record both audio and video of and interaction between a peace officer and a member of the public but does not include any device used by a plain clothes officer.
- Q.** Law enforcement agency means an agency or department of this state or of any political subdivision of this state which is responsible for the prevention and detection of crime, the enforcement of the penal, traffic, or highway laws of this state or any political subdivision of this state, and the enforcement of arrest warrants. Law enforcement agency includes a police department, an office of a town marshal, an office of a county sheriff, the Nebraska State Patrol, and any department to which a deputy state sheriff is assigned as provided in section 17 84-106; and
- R.** Peace officer means any officer or employee of a law enforcement agency authorized by law to make arrests.

Procedure: It is the intent of this policy and the David City Police Department that all officers who will be using BWV equipment shall be trained on the manner in which the BWV shall be tested, maintained, used and how the recorded events will be properly documented and maintained as evidence in future judicial proceedings.

- S. It shall be the responsibility of each individual officer to test the BWV equipment at the beginning of each tour of duty. Officers equipped with the BWV will ensure that the batteries are fully charged prior to the beginning of their shift or special event. In the event that the equipment is found to be functioning improperly, the officer shall report the problem immediately to their immediate supervisor so that the information can be documented, and arrangements made for repair.

Uniformed officers assigned Body Worn Video cameras will wear them at all times while on duty in any type of uniform.

- T. BWV will be worn as directed by the manufacturer of the particular device to optimize the video/audio perspective of the device. Watchguard VISTA is the manufacturer.
- U. Officers are authorized to overtly record any law enforcement event when the officer is a party to the conversation.
- V. David City Police Officers will activate their body worn camera when receiving a call for service and prior to arrival at the scene.
- W. Uniformed officer who are assigned BWV are required to record with audio and video the following incidents:
- a. All calls for service in which citizen contact is made
 - b. All traffic stops
 - c. All citizen transports (excluding ride-alongs)
 - d. All investigatory stops
 - e. All foot pursuits
 - f. Arrests of any persons
 - g. Searches of any kind
 - h. Seizure of any evidence
 - i. Requests for consent to search
 - j. Miranda warnings and response from in custody suspect
 - k. Statements made by citizens and defendants
 - l. K-9 searches of vehicles
 - m. Issuance of written violations
 - n. Field Sobriety Tests
 - o. When arriving at law enforcement events and/or citizen contacts initiated by other officers
 - p. Other incidents the officer reasonably believes should be recorded for law enforcement purposes

- X.** Officers will make every reasonable effort to ensure that the BWV recording equipment is accurately capturing events. A reasonable effort includes:
 - a.** Activating the video/audio recording as soon as the officer makes citizen contact or the law enforcement event begins
 - b.** Activating the video/audio when the officer arrives at a street encounter, or citizen contact initiated by another officer
 - c.** Positioning and adjusting the BWV to record the event to the extent this can be accomplished without compromising officer safety.
 - d.** Officers shall not erase, alter, modify or tamper with BWV recordings
- Y.** The recording shall continue until the law enforcement event or citizen contact is completed and the citizen involved departs or until the officer, who is recording the event through a BWV discontinues his or her participation in the law enforcement event.
- Z.** IF an officer deems it necessary to stop recording during the event, he will make a verbal statement citing his intentions to stop the recording and his reason.
- AA.** When a BWV recording is being entered into the property and evidence storage and management area of the agency the chain of custody log shall include, but need not be limited to:
 - a.** Case tracking number
 - b.** Date recorded
 - c.** Date submitted
 - d.** Officer submitting the media
 - e.** Hold for evidence indication
- BB.** If an officer assigned BWV equipment, participates in a law enforcement event or citizen contact and becomes aware that the event was not recorded using the BWV equipment, the officer shall notify the supervisor as soon as practical.
- CC. Officer Review of Video Prior to Making Statements:**
 - a.** Officers shall be allowed to review the audio/visual recordings of an event prior to preparing official reports and documents or answering questions pertaining to the recorded law enforcement encounter.

Issues Related to Privacy:

- DD.** The BWC should not be activated when the officer is on break or otherwise engaged in personal activities or when the officer is in a location where there is a reasonable expectation of privacy, such as a restroom or locker room.
- EE.** For safety and confidentiality reasons, encounters with undercover officers or confidential informants should not be recorded.
- FF.** Undercover contacts or plainclothes contacts are exempt from this policy where utilizing a camera may create a dangerous situation or otherwise diminish the investigative success of the operation.
- GG.** BWC activation is limited to situations involving official police activities authorized by law or court order, including consensual citizen encounters and investigation of law violations.

- HH.** When entering a residence, there is a heightened degree and expectation of privacy. Officers should normally inform the resident that he or she is being recorded.
- II.** The purposeful-intentional activation of BWCs during personal conversations between officers and between officers and supervisors involving counseling, guidance sessions, or personnel evaluations is prohibited by this policy unless all parties present agree to be recorded.

Recording of Juveniles and Release of Materials.

- a.** Access to a person's juvenile crime records is much more restricted than access to adult crime records. Most juvenile crime records are confidential and access will be denied to the public and media. Access to juvenile records is usually only granted to certain persons and organizations such as: Local, state and federal law enforcement, Prosecutors, Court officials, Parents, The juvenile's attorney. Recordings that capture criminal activity involving juvenile offenders will not be released to media or the general public.
- b.** No recordings of Juveniles captured through the use of the Department's BWV/MVR will be released to the public or the media; this includes but is not limited to images and voice recordings of Juvenile Victims and Juvenile Witnesses.
- c.** School Resource Officers (SRO): Students are protected from release of records by the Family Educational Rights and Privacy Act. The Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. § 1232g; 34 CFR Part 99) is a Federal law that protects the privacy of student education records. The law applies to all schools that receive funds under an applicable program of the U.S. Department of Education. SRO's that capture video and audio recordings of students during educational and extra-curricular school activities are subject to FERPA.

Electronic storage

- JJ.** Original digital files from BWV will be downloaded and stored on a designated network server or other electronic storage.
- KK.** Officers shall download video/audio files before the end of each shift.
- LL. In accordance with Nebraska Legislative Bill 1000 (2016):** Recordings created by body-worn cameras shall be retained for a minimum period of ninety 90 days from the date of recording. Such recordings shall be retained for more than ninety days if required by the following circumstances:
 - a.** Upon notice to the law enforcement agency of a criminal or civil court proceeding in which the recording may have evidentiary value or in which the recording is otherwise involved, the recording shall be retained until final judgment has been entered in the proceeding;
 - b.** Upon notice to the law enforcement agency of a disciplinary proceeding against an employee of the agency in which the recording may have evidentiary value or in which the recording is otherwise involved, the recording shall be retained until a final determination has been made in such proceeding; and
 - c.** If the recording is part of a criminal investigation that has not resulted in an arrest or prosecution, the recording shall be retained until the investigation is officially closed or suspended; and

d. A procedure governing the destruction of recordings after the retention period has elapsed.

e. If a recording is used in a disciplinary action resulting in suspension or termination against an employee, the recording shall be held for a minimum of three (3) years from the completion of the disciplinary action.

MM. This agency will maintain a duplicate electronic file of recordings submitted to other agencies for court or other purposes.

NN. All recording media, recorded images and audio recordings are the property of this agency. Dissemination outside the agency is strictly prohibited without specific authorization of the Chief of Police or designee.

OO. Malicious destruction or deletion of video and audio files is prohibited.

PP. All video and audio files are subject to open records request as allowed by state law.

QQ. Electronic media will be stored in a manner designated by the agency.

RR. Electronic Media is subject to review by the Chief of Police or their designees.

SS. Video shall not be reproduced for purposes which are outside the scope of authorized uses under this policy without the express authority of the Chief of Police or their designee.

TT. First line supervisors should review at least one BWV recording every 90 days for each officer supervised for policy, training and legal compliance. After review, the supervisor will document the review and any supervisory actions taken. Supervisors should meet with individual Officers to provide guidance, training and correction when required. Supervisors will initiate formal counseling or internal affairs procedures as the need arises. When corrective action is taken, a special review may be implemented for that particular officer for a set duration in order to ensure compliance with the corrective action.

BWV Evidentiary/Administrative Procedures:

UU. When an officer becomes aware that a BWV recording contains potential evidence of a criminal or administrative matter, the officer is required to ensure the video is uploaded to the network server (or other storage medium) and document such recording via police report and/or other procedures established by this office/department.

VV. When a BWV related to evidence of a criminal or administrative matter is recorded, the evidence custodian will ensure the video is uploaded to the network server and disseminate per department procedures.

WW. Where there is any indication that the BWV may contain “*Brady*” material, that recording must be saved and turned over to the prosecutor assigned to the case in accordance with the “Duty to Disclose” policy of this department.

XX. Civilians shall not be allowed to review recordings except as approved by the Chief of Police or their designee, through the process of evidentiary discovery and/or proper public records request.

II. Training: Training will be provided to David City Police officer who will use a body-worn camera and to any other employee who will come into contact with video or audio data recorded by a body-worn camera.

25.05 CHOKE HOLDS	Related Policies: Use of force
<i>This policy is for internal use only and does not enlarge an employee's civil liability in any way. The policy should not be construed as creating a higher duty of care, in an evidentiary sense, with respect to third party civil claims against employees. A violation of this policy, if proven, can only form the basis of a complaint by this department for non-judicial administrative action in accordance with the laws governing employee discipline.</i>	
Date: 03-01-223	Review Date:
Nebraska State Accreditation O2.5 Statutorily Required Policy	Nebraska State Accreditation O2.5 Statutorily Required Policy

Purpose: The David City Police Department will follow the statute pertaining to Choke Holds.

81-1414.16.

Law enforcement officer; chokehold prohibited; carotid restraint control hold prohibited; exceptions; report required.

(1) Except when the use of deadly force is authorized, a law enforcement officer shall not intentionally use a chokehold on any person.

(2) A law enforcement officer shall not intentionally use a carotid restraint control hold on any person unless:

(a) Either:

(i) The officer reasonably believes that the person will otherwise cause death or serious bodily injury to any person, including a law enforcement officer or noncertified conditional officer;

(ii) The person is actively resisting arrest in a manner that poses a risk of bodily injury to the officer or any other person; or

(iii) Deadly force is otherwise authorized; and

(b) The officer has been trained on the use of such hold.

(3) Following use of a carotid restraint control hold, a law enforcement officer shall create a report of the incident that articulates in detail the events leading to and following the use of such hold.

(4) For purposes of this section:

(a) Bodily injury has the same meaning as in section [28-109](#);

(b) Carotid restraint control hold means utilizing bilateral pressure to the sides of a person's neck, restricting the flow of oxygenated blood to the brain;

(c) Chokehold means intentionally applying pressure to the front of the throat and cutting off air flow for a sustained amount of time; and

(d) Serious bodily injury has the same meaning as in section [28-109](#).

Source

- [Laws 2021, LB51, § 15](#).

Policy # 25.06 Duty to Intervene	Related Policies: Ethics Response to Resistance - Use of Force
<i>This policy is for internal use only and does not enlarge an employee's civil liability in any way. The policy should not be construed as creating a higher duty of care, in an evidentiary sense, with respect to third party civil claims against employees. A violation of this policy, if proven, can only form the basis of a complaint by this department for non-judicial administrative action in accordance with the laws governing employee discipline.</i>	
Applicable Nebraska Statutes: Nebraska State Accreditation O2.5 Statutorily Required Policy	
Date: 03-01-2023	Date:

PURPOSE: It is the purpose of this policy to explain the legal and moral obligation members have regarding their duty to intervene. This duty is embodied in the law enforcement officer's code of ethics, and in the law. David City Police Department members shall have a clear understanding of this department's expectations pertaining to conduct and activities while on and off-duty.

A law enforcement officer has an affirmative duty to intervene on behalf of a citizen whose constitutional rights are being violated in his or her presence by other officers.

Officers of this department also have a duty to intervene when they observe or hear conduct by a fellow member of this department that is un ethical, clearly violates the law, or violates department policy.

Protection: The David City Police Department is committed to protecting officers who report any action by a member of this department that is undertaken in violation of a federal, State, or unit of local government law or rule; is an abuse of authority; violates the public's trust or expectation of his or her conduct; is of substantial and specific danger to the public's health or safety; or is a gross waste of public funds.

DEFINITIONS:

- A. Intervene** – To come between, whether verbally or physically, so as to prevent or alter a result or course of events.

DUTY TO INTERVENE

- B.** David City Police Officer shall have an affirmative duty to intervene to prevent or stop another officer in his or her presence from using any unauthorized force or force that exceeds the degree of force permitted, if any, without regard for chain of command.
- A.** An officer who intervenes shall report the intervention to the Chief immediately. The report required must include:
- a.** The date, time, and place of the occurrence;
 - b.** The identity, if known, and description of the participants; and
 - c.** A description of the intervention actions taken and whether they were successful.
- B.** An Officer of the David City Police Department shall not discipline nor retaliate in any way against any officer for intervening as required or for reporting unconstitutional or unlawful conduct, or for failing to follow what the officer reasonably believes is an unconstitutional or unlawful directive.
- C.** Officers of the David City Police Department must recognize and act upon the duty to intervene to prevent or stop any member from conducting any act that is unethical, or that violates the law or a department policy (e.g., excessive force, theft, fraud, inappropriate language, sexual misconduct, harassment, falsifying documents, inappropriate behavior, etc.). Intervention may be verbal and/or physical. Failure to intervene may subject an officer of this department to disciplinary and or legal action.

REQUIRED ACTION – Department Member

- D.** Officers should take a preventive approach toward misconduct. When an officer observes behavior that suggests another officer is about to conduct illegal, unethical or inappropriate behavior the officer should intervene verbally or physically, depending on the circumstances. If able to officers should activate the BDW camera to visually document the behavior and inform the Chief that BWC video footage is available.
- a. EXAMPLE:** While conducting a motor vehicle stop for a minor traffic violation, you notice the primary officer raising his/her voice and becoming increasingly agitated with the driver, despite the driver's cooperative demeanor. In an attempt to de-escalate the situation, you could get the officer's attention to break his/her agitation, walk up next to the officer and ask a follow up question of the driver to slow down the interaction and give the primary officer a chance to collect him/herself, or ask the officer to come speak to you away from the car in order to diffuse the situation.

- E. If verbal interventions are not sufficient to stop the act, come between the offending member and the other individual involved.
 - a. **EXAMPLE:** You observe an officer using a prohibited chokehold while restraining a subject during an arrest. Based on your training and department policy this use of force is unreasonable. You tell the officer to “get off his neck”, but the officer continues to apply the hold. When it is safe to do so you should intervene by pulling the officers arm away from the neck area and assisting in the handcuffing. The arrestee should then be placed in a recovery position that facilitates breathing i.e., sitting, standing or on the side.
 - b. Notify a supervisor after conducting any type of intervention, when safe to do so.
 - c. When a physical intervention was performed, document the incident in writing.
- F. **Render Aid:** If any person is injured and requires medical attention, officers of this department will render aid in accordance with their training and request medical assistance, when necessary, from the David City Volunteer Fire and Rescue.
- G. **Chief/Supervisor Responsibilities:**
 - a. Once learning of an incident involving an officer intervening with another officer, separate all officers involved in the incident.
- H. Conduct a preliminary investigation to gather any pertinent information that would coincide with the reason for the intervention (e.g., witnesses, BWC footage, videos, area canvass, etc.).
- I. Ensure all parties involved in the incident complete a report detailing the circumstances that led to the Intervention and what, if anything, occurred once the member intervened.
- J. Determine whether the actions leading to the intervention constitute misconduct, unethical behavior, or potential criminal conduct and create report.
- K. If appropriate, consider making a recommendation that the member who intervened receive recognition for his/her actions.
- L. Report misconduct to the Nebraska Training Academy using the Misconduct of an Officer forms located on the NLETC website.

25.07 OFFICER MISCONDUCT	Related Policies:
<i>This policy is for internal use only and does not enlarge an employee's civil liability in any way. The policy should not be construed as creating a higher duty of care, in an evidentiary sense, with respect to third party civil claims against employees. A violation of this policy, if proven, can only form the basis of a complaint by this department for non-judicial administrative action in accordance with the laws governing employee discipline.</i>	
Applicable Nebraska Statutes: R.R.S. Neb. § 60-6,114 Nebraska State Accreditation O2.5 Statutorily Required Policy	
Date: 03-01-2023	Review Date:

Purpose: The David City Police Department will abide by the Following Code of Ethics:

As a Law Enforcement Officer, my fundamental duty is to serve mankind; to safeguard lives and property; to protect the innocent against deception, the weak against oppression or intimidation, and the peaceful against violence or disorder; and to respect the constitutional rights of all people to liberty equality and justice.

I will keep my private life unsullied as an example to all; maintain courageous calm in the face of danger; scorn or ridicule; develop self-restraint; and be constantly mindful of the welfare of others. Honest in thought and deed in both my personal and official life. I will be exemplary in obeying the law of the land and the regulations of my department the David City Police Department. Whatever I see or hear of a confidential nature or that is confided to me in my official capacity will be kept a secret unless revelation is necessary in the performance of my duty.

I WILL NEVER ACT OFFISOUSLY OR PERMIT MY PERSONAL FEELINGS, PREJUDCES, ANIMOSTITIES, OR FREIDNSHIPS TO INFLUENCE MY DECISIONS WITH NO COMPROMISE FOR CRIME AND WITH RELENTLESS PROSECUTION OF CRIMINALS. I WILL ENFORCE THE LAW COURTEOUSLY AND APPROPRIATLEY WITHOUT FEAR OR FAVOR, MALICE, OR ILL WILL, AND NEVER EMPLOYING UNNESSACARY FORCE OR VIOLENCE OR ACCEPTING GRATUITIES.

I recognize the badge of my office as a symbol of public faith, and I accept it as a public trust to be held so long as I am true to the ethics of police service. I will constantly strive to achieve these objectives and ideals, dedicating myself before a God of my choosing to my chosen profession—Law Enforcement.

Policy: Conduct unbecoming of a Police Officer

The David City Police Department will conduct themselves in such a way as to not reflect badly on themselves or the David City Police Department or the City of David City. The conduct an employee on or off duty will reflect on your creditability with the public, co-workers, courts and relationships with other Law Enforcement Agencies.

Definitions: Police misconduct encompasses **illegal or unethical actions** or the violation of individuals' constitutional rights by police officers in the conduct of their duties.

A. INTEGRITY

The quality of being honest and having strong moral principles: moral uprightness. The public demands that the integrity of its law enforcement Officers and employees be above reproach, and the dishonesty of one single department member may impair public confidence and cast suspicion on the entire department. David City Police Department officers must always hold themselves accountable and not compromise the integrity of the department and they are obligated to report any dishonesty of others to the Chief.

Procedure:

B. Standards of Conduct:

David City Police Department Officers will be courteous in the performance of their duties. The practice of being courteous in public demonstrates an understanding of being fair and impartial to anyone you may be in contact with. David City Police Officers will be loyal to the citizens of David City. Officers will use their discretion and good judgement even in situations where the loyalty of their oath of office and code of ethics may be contested. David City Police Officers will be faithful to the Oath of Office and to the principals of police service. David City Police Officers will not use personal motives to dictate their conduct.

C. Examples of police misconduct:

- i. Use of excessive force.
- ii. Tampering with evidence.
- iii. Police brutality.
- iv. Mishandling evidence.
- v. Coerced confessions.
- vi. Sexual assault.
- vii. Lying on police reports.
- viii. False imprisonment or arrest

D. Violations:

The David City Police Department will follow the Nebraska Law Enforcement Training Center procedures for Officer Misconduct. Any and all officer misconduct complaints from the public or other law officers will be directed to the Chief. All forms will be filled out and an internal investigation will be done, and if the need for an outside agency to investigate the Nebraska State Patrol will be contacted.

(LB 51, NLETC Agency 791Report).

25.08 USE OF FORCE	Related Policies:
<i>This policy is for internal use only and does not enlarge an employee's civil liability in any way. The policy should not be construed as creating a higher duty of care, in an evidentiary sense, with respect to third party civil claims against employees. A violation of this policy, if proven, can only form the basis of a complaint by this department for non-judicial administrative action in accordance with the laws governing employee discipline.</i>	
Applicable Nebraska Statutes: 28-1412	
Date: 03-01-23	Review Date:

Necessary Force: The David City Police Department will at times in the normal course of any police action may have to use force necessary to execute his or her legal authority. Officers are at times confronted with situations where control must be used to effect the arrest. All care will be given by David City Police Officers to avoid physical force if reasonable alternatives are available.

Definitions: DEADLY FORCE: "Force which the actor uses with the purpose of causing or which he knows to create a substantial risk of causing death or serious bodily harm. Purposely firing a firearm in the direction of another person or at a vehicle in which another person is believed to be in constitutes deadly force. A threat to cause death or serious bodily harm, by the production of a weapon or otherwise, so long as the actor's purpose is limited to creating an apprehension that he will use deadly force, if necessary, shall not constitute deadly force." (Neb. Rev. Stat. §28-1406(3)).

NON-DEADLY FORCE: Any force applied that is not likely to cause death or serious bodily injury (including less-lethal force techniques).

REASONABLE BELIEF: When facts or circumstances the deputy knows, or should have known, are such as to cause an ordinary and prudent person to act or think in a similar way under similar circumstances.

OBJECTIVELY REASONABLE: An officer's actions are reasonable in light of the facts and circumstances confronting him/her, without regard to his/her underlying intent and motivation.

ACTIVE RESISTANCE: Any physically aggressive or defiant behavior undertaken by a subject in an effort to defeat the Officer's ability to establish custody or control, including any behavior that creates a potential risk of injury to a person, including the actor. Does not include mere verbal objections or arguing.

DE-ESCALATION: Using listening and calm communication techniques with an agitated person in order to understand, manage and resolve the conflict, with the aim of reducing the immediacy of threats, safely stabilizing the event, and avoiding or minimizing the need to use physical force.

SERIOUS BODILY HARM/INJURY: The term serious bodily harm/injury means something more serious than mere physical injury:

- a. A substantial risk of death;
- b. Extreme physical pain, more than a minor or superficial injury;
- c. Protracted and obvious disfigurement; or
- d. Protracted loss of impairment of the function of bodily member, organ, or mental faculty.

ELECTRONIC CONTROL DEVICE (ECD): A portable device capable of immobilizing, inflicting pain and able to disrupt the central nervous system of the body by means of an electrical current.

IMPACT WEAPON: A baton, club, night stick, ASP, riot stick or another hard instrument used to strike or hit a subject.

INTERVENTION: The act of interfering with the outcome or status especially of actions to prevent harm.

PROCEDURE

FACTORS TO CONSIDER IN THE USE OF FORCE. In determining the appropriate force option(s) the Officer will consider the following factors, along with others that contribute to the level of force that is reasonable under all of the circumstances (*Graham v. Connor 1989*):

- a. The severity of the crime or subjected offense.
- b. Whether the subject poses an immediate threat to the safety of the officers or others.
- c. Whether subject is actively resisting or attempting to evade arrest by flight.

FORCE OPTIONS: Officers have several force options that will be dictated by the circumstances and the actions of the subject.

- a. **Command Presence-** Visual appearance of a deputy where it is obvious to the subject due to the Officers uniform and/or identification that the Officer has the authority of law.
- b. **Verbal Commands-** Voice communication by the Officer directing the subject as to the Officer's expectations.
- c. **Soft Empty Hand Control-** Officers use of bare hands to hold or restrain the subject in order to achieve desired results.
- d. **Hard Empty Hand Control-** Officers use of punches or other physical strikes in an attempt to mentally stun or disrupt subject's physical motor functions.
- e. **Less Lethal Alternatives-** Generally used when other methods of control have failed, or there is an urgent need to control an escalating situation. Less lethal weapons are

chemical sprays, electronic control devices, K-9 bites and holds, and impact weapons, which are designed to temporarily incapacitate, confuse, delay, or restrain a subject.

- f. **Lethal Alternatives-** Used as a last resort when an Officer believes it is necessary to protect his or her live or the life of another, and may include use of firearms, and techniques that restrict the breathing of the subject or that restrict blood flow to the brain of the subject.

DE-ESCALATION: When feasible, prior to using physical, non-deadly and/or deadly force, Officers will attempt to use de-escalation techniques to decrease the likelihood of a need to use force, with the goal to increase the subject's compliance and cooperation.

- a) David City Police Officers will attempt, when reasonable, effective communication to engage with individual(s) who are not compliant with commands by establishing a rapport, using listening techniques, appropriate voice intonation, and providing alternatives to defuse conflict and achieve voluntary compliance before resorting to force options.
- b) David City Police Officers should try to determine whether an individual's failure to comply with lawful commands is a result of one or more of the following factors:
- Medical conditions
 - Mental impairment
 - Development disability
 - Physical limitation
 - Language barrier
 - Drug/alcohol impairment
 - Behavioral crisis
 - Other factors beyond the individual's control
- c) After quickly assessing whether the individual's failure to comply with a lawful command is based on one or more of the listed factors, the deputy must determine whether physical force is justified and what level of force is necessary to appropriately resolve the situation in a safe manner.

Use of force is not justifiable unless:

1. The arrest is for a felony; and
2. The Officer making the arrest is authorized to act as a peace officer or is assisting a person whom he/she believes to be authorized to act as a peace officer; and
3. The Officer believes that the force employed creates no substantial risk of injury to innocent persons; and
4. The Officer believes:
 - a) The crime for which the arrest is made involved conduct including the use or threatened use of deadly force; or
 - b) There is substantial risk that the person to be arrested will cause death or serious bodily harm if his/her apprehension is delayed. (Neb. Rev. Stat. §28-1412(3))

SPECIFIC POLICIES FOR CERTAIN TYPES OF DEADLY FORCE:

A. CHOKEHOLDS/NECK RESTRAINTS (including vascular neck restraint and positional asphyxia)-

- a) **An Officer shall not use a chokehold or neck restraint, or any other type of physical or mechanical restraint that restricts respiratory airway or blood flow to the subject's brain in the performance of his/her duties, UNLESS DEADLY FORCE IS JUSTIFIED.**
- b) Officers may use reasonable force to lawfully seize evidence and prevent evidence destruction. However, Officers will **not** use a chokehold, neck restraint, or any lesser contact with the throat or neck area of another that restricts respiration in order to prevent destruction of evidence by ingestion.
- c) In particular, an Officer will not sit, kneel, or place any weight on the back or chest area of an individual during an arrest or after restraints and control has been established.
- d) In particular, Officers are prohibited from placing a restrained individual in a prolonged face-down position.

B. FIREARMS

- a) Only weapons approved by the Chief of Police and will be carried for on-duty purposes.

Only ammunition provided by the David City Police Department will be carried for on-duty purposes.

C. Firearms MAY be discharged under the following circumstances:

- a) At an approved firing range.
- b) To destroy an injured or dangerous animal when other disposition is impractical, and the destruction can be accomplished without danger to human life.
- c) When the Officer reasonably believes that deadly force is necessary to protect his/her life or the life of another.
- d) Officers may use deadly force to affect the capture of or prevent the escape of a subject if the Officer has probable cause to believe the subject has committed a felony crime involving the use or threat of deadly force and the subject poses a significant threat of death or serious physical injury to that of another **and only if the following circumstances exist:**
 - **The Officer has made a reasonable attempt to make known his/her official identity and the intent to arrest**
 - **All other reasonable methods of apprehension have been exhausted**
 - **The Officer believes that the discharge of his/her duty weapon can be done without substantial risk of injury or death to innocent persons**
 -

Firearms **MAY NOT** be discharged under the following circumstances:

- a) When intended as a "warning shot"
- b) When the Officer is presented with an unreasonable risk to innocent person(s) that does not involve threat of serious bodily harm or death.

- c) When involving firing into a crowd.
- d) When involving firing into a building or through doors or walls when the subject is not clearly visible, unless being fired upon and with the reasonable belief that return fire will not jeopardize the safety of innocent bystanders.
- e) From a moving vehicle.
- f) At a moving vehicle, ***unless the Officer has reasonable belief that an occupant of the vehicle poses an imminent threat of death or serious injury to the Officer, other officers, or another person(s), OR, the Officer has a reasonable belief the occupant is using the vehicle in a manner that poses a threat of death or serious injury to the Officer, other officers, or another person(s)***

Seizures at Gunpoint

- a) Officers will not point their firearms at or in the direction of a person unless there is a reasonable perception of a substantial risk that the situation may escalate to justify deadly force.
- b) Officers are authorized to draw their weapons when they reasonably believe there is a current and active immediate threat of death to themselves or another person.
- c) Officers must consider the following factors when pointing a firearm at another:
 - The seriousness of the alleged crime
 - Reasonably believes the subject(s) poses an immediate threat to anyone

Discharge of a Firearm

In the event an Officer accidentally or intentionally discharges his/her duty firearm, the Chief Of Police is to be notified immediately and the following procedures will be strictly adhered too.

- a) Determine if any injuries exist, and as soon as possible, provide medical assistance.
- b) If injuries exist contact emergency medical services.
- c) Secure the scene and evidence evident at the scene.
- d) If a David City Police Department Officer is involved in a shooting, an investigation will be made by the Nebraska State Patrol or assigned outside law enforcement agency. All reports will be forwarded to the County Attorney and Chief of Police.
- e) Officers involved in the shooting will fully cooperate with the agency assigned to the shooting investigation.
- f) Officers involved in the shooting will not discuss the contents of the investigation with anyone except Chief, immediate supervisors, investigating agency, County Attorney, Critical Incident Debriefing Team Members, or to a counselor.
- g) If the Officer is injured and/or unable to report or make a report, the next responding Officer on the scene will be responsible for making notifications of the shooting.
- h) If a Officer discharges his/her duty weapon that results in an injury or a death, the Officer will relinquish his/her weapon as soon as practical to the Chief Of Police. A training weapon will be assigned to the deputy involved in the shooting to carry until such time the details and circumstances have been investigated.

D. ELECTRONIC CONTROL DEVICES (Taser)

- a) Electronic control devices shall be worn on the Officer's weak-side, in either a weak side hand drawn or cross draw position in an agency approved electronic control device holster or on their outer vest carrier.

- b) Electronic control devices will be clearly and distinctly marked to differentiate them from the duty weapon and/or any other weapon.
- c) Officers are responsible for ensuring that their issued electronic control device is properly maintained and in good working order at all times. Electronic control devices will be deployed in a dry stun mode at the beginning of the Officers tour of duty to test if the device is correctly functioning. Officers will document test in the daily check out procedure/log for use of Taser for beginning of shift. Tasers will be checked back in at end of shift.
- d) Electronic control devices will not be considered for a passively resistant subject. **Active Resistance** shall be required.
- e) Flight from an Officer alone is not justification for deployment of an electronic control device. Officers need to consider the nature of the offense subjected, and the risk of danger to others if the subject is not immediately apprehended.
- f) Officers are encouraged to minimize the successive number of deployments against an individual. Multiple device deployments against an individual may increase the risk of an injury to the subject. This agency recognizes in cases where back-up is unavailable, multiple applications may be necessary to gain control of a combative individual.
- g) No more than one Officer should deploy an electronic control device against a single individual at the same time.
- h) The back is the prime area for probe contact on a subject, but this may not always be possible. Should frontal targeting be necessary, the deputy should aim lower center of mass, intentional deployment to the chest area should be avoided as much as possible.
- i) Officers who is aware that a female subject is pregnant should not use the electronic control device unless deadly force would be justified. The danger exist that secondary impact or muscle contractions could lead to premature birth.
- j) Officers will make reasonable efforts to avoid deployment to the head, neck, or genitals area.
- k) A verbal warning of the intended use of the electronic control device should precede its application, unless it would otherwise endanger the safety of officers or when it is not practicable due to the circumstances. A warning allows a reasonable opportunity for voluntarily compliance as well as alert other officers and others that the electronic control device may be deployed.
- l) Electronic control device will not be used for punitive measures, such as to torture, torment, elicit statements or to punish.
- m) Electronic control device will not be used on anyone for the intent of horseplay.
- n) Electronic control device should not be used against a person who is in physical control of a vehicle in motion unless deadly force is justified.
- o) Electronic control device will not be used on a handcuffed person to force compliance.
- p) Officers must consider the location and environment, i.e., is the subject elevated; roof, bridge, cliff, stairwell, tree, etc., such that deployment of the device could cause injury from secondary impact.
- q) Officers must be aware that a subject's heavy clothing may impact the effectiveness of the device.
- r) Officers must consider if combustible elements exist such that deployment may cause an ignition and fire.

- s) Electronic control devices should not be used on the very young or the elderly if the subject is frail or small in stature.
- t) Officers should not deploy, or continue deploying, an electronic control device on a person after he or she has knowledge that doing so would be particularly dangerous for that person, unless deadly force is justified.
- u) Any and all persons who have been the subject of electronic control device deployment shall be cleared medically and monitored for a period of time with a focus on physical distress. Any person who appears to be in physical distress following a deployment of a device shall be transported to a medical facility for examination. Studies have shown some people react differently and may not show signs of physical distress immediately and onset of medical issues may occur a period of time after deployment.
- v) The transporting officer will alert jail personnel of electronic device deployment.
- w) No probes will be removed from the skin of a subject unless the deputy is trained in proper probe removal. A deputy removing probes must ensure that such removal can be accomplished without causing further injury to the subject. If it is determined the probes cannot be safely removed by the deputy, emergency medical services shall conduct the physical removal.
- x) Deployed probes will be treated as a biohazard.

Factors to Determine Reasonable Use of Electronic Control Device

- a) Individual's conduct perceived by the deputy as being active resistance or active aggressive.
- b) Deputy/Individual factors; size, relative strength, skill level, injury, exhaustion, number of law enforcement present.
- c) Influence of drug and/or alcohol.
- d) Mental capacity.
- e) Proximity of weapons.
- f) Availability of time permitting other options.
- g) Potential threat to public, deputy, and subject.
- h) Other exigent circumstances.

E. Mandatory Medical Clearance

- a) Subject struck in sensitive areas; eyes, head, genitals or a female in the breasts.
- b) When probes have been penetrated the skin and cannot be safely removed by the deputy trained in probe removal.
- c) When deputy observes unusual physical distress, or the subject does not appear to fully recover after deployment.
- d) Necessary to meet a correctional facility's "fit to confine" requirements.
- e) A subject who is vulnerable; juvenile, elderly, pregnant female.
- f) A subject with a pre-existing medical condition.
- g) Any subject who received more than one deployment.
- h) The subject is under the influence of drugs or alcohol.
- i) The subject requests medical treatment.
- j) Medical records and/or information indicating tetanus immunization needs updated.

F. Documentation

- a) All deployments of an electronic control device will be documented including cases where the electronic control device was not deployed but used in a show of force.
- b) All affected areas of a deployment will be photographed after the probes are removed.
- c) Deployed probes will be seized, logged, and stored as evidence.
- d) Officers involved in the deployment, or who witness a deployment, will record in writing the series of events.
- e) Electronic control devices retain a data of weapon usage, after every deployment the electronic device data will be downloaded and maintained as evidence. Data recovery will not be required after testing the weapon prior to tour of duty, but all other instance of usage data will be retained.
- f) Deploying Officer will complete a use of force report form along with report to ensure all information contributing to the use of the electronic control device is recorded.
- g) Chief of Police will be notified of any deployment and will review all deployments to ensure policy compliance and document review.

Training

- a) All Officers assigned an electronic control device will be trained through agency approved training before being permitted to carry or use an electronic control device while on duty.
- b) Officers carrying an electronic control device will attend ongoing mandatory annual training after initial certification. Annual training will be conducted by a certified electronic control device instructor, and will include the following:
 - Officer knowledge of device
 - Officer practical skill in deployment
 - Agency policy review
 - Target area considerations
 - De-escalation techniques
 - Removal of probes
 - Inspection of electronic control device and how to download the computerized history from the electronic control device
 - Successful completion of a written exam

A. IMPACT WEAPONS

- a) All impact weapons must be agency approved.
- b) Officers will be trained and certified to use agency approved impact weapons.
- c) Officers will not use impact weapons on anyone restrained.
- d) Officers will not target the head, throat, neck, spine, genitals, or kidneys unless deadly force is justified.
- e) Flashlights will not be used as impact weapons, unless there is an immediate need to strike and the Officer is precluded from using or cannot feasibly use an approved impact weapon.
- f) All impact weapon application must be justified and documented.
- g) Officers are required to report any use of impact weapon regardless of whether the subject was struck.
- h) Officers will annually train on agency approved impact weapons:
 - Officer knowledge of the impact weapon

- Officer practical skill in deployment
- Agency policy review (done annually)
- Target area considerations
- De-escalation techniques

MONITORING AND RESPONDING TO MEDICAL STATUS OF A SUBJECT FOLLOWING USE OF FORCE

- a) As soon as the subject is handcuffed and under control, Officers of the David City Police Department will begin monitoring the subject's vital signs and provide medical assistance as needed.
- b) After properly being secured, the subject should be placed in a sitting position or in the recovery position (laying restrained individual in a prone position on their left side).
- c) If the individual begins to experience breathing difficulties, or appears to be severely injured, transport to the Butler County Hospital and have David City Fire and Rescue to be dispatched to the scene, and continue to monitor the person's breathing and provide first aid or emergency medical care as appropriate for the injury.

REPORTING USE OF FORCE

- a) Officers who become involved in an incident requiring a mandatory use of force report, as described below, will notify the Sheriff as soon as practical after the incident and before or in conjunction with the completion of the written report.
- b) All members of this agency should generally complete an incident report as soon as practical after involvement in a use of force incident, even if only present when other officers used force...
- c) Use of Force written reports are mandatory when the incident involves:
 - Electronic Control Devices (ECD)
 - Hard Hand Control
 - Impact Weapons
 - Pointing a firearm
 - Discharging a firearm
 - The provision of medical care to the subject
- d) A report concerning use of force must include:
 - Date/time of incident
 - A description/identification of all use of force technique(s) used, and by whom they were used
 - A reasonably detailed description of the reason(s) for the use of force and selection of type(s) of force
 - What medical services were rendered and by whom, or if no medical services were required, the reason(s) that they were not required

MANAGEMENT REVIEW OF CERTAIN USE OF FORCE INCIDENTS

- a) Every use of force incident requiring a mandatory written report, will be reviewed by the Chief of Police to evaluate agency policy compliance. Such review will include

examination of all documentation/reports, all video/audio recordings, and any necessary follow-up with witnesses.

- b) Should the Chief of Police determine on review that a use of force incident violated agency policy, or if allegations of excessive force are advanced outside of a litigation context, the Chief of Police will request an additional investigation of the event through an agency investigator or outside investigating resource, and all findings and materials associated with such investigation will be forwarded to the County Attorney.
- c) In the event of a use of force resulting in a mandatory report, a copy of all materials generated, collected, and/or produced in connection with any internal or outside investigation of the incident will be retained and preserved with the agency for a period of at least four years and five days.

ADMINISTRATIVE LEAVE IN THE EVENT OF USE OF FORCE RESULTING IN DEATH

Any Officers involved in a use of force incident resulting in death of any person will be removed from duty assignment and placed on administrative leave, pending management review. The action protects the Officer, and the David City Police Department and the City of David City and the public's interest until review can be finalized and deputy(s) actions are determined compliant with agency protocols.

TRAINING

In addition to any more specific training otherwise required in this policy, all members of the David City Police Department will attend, at a minimum, one quarterly supervisor-approved training session relating to the use of force. Each quarterly training session will include:

- a) Hands-on and practical exercises. (Examples: 1st quarter: soft empty hands, hard empty hands techniques, 2nd quarter: firearms and weapon retention, 3rd quarter: electronic control devices, and 4th quarter: Impact weapons & chemical agents).
- b) Agency's Use of Force policy review annually.

USE OF FORCE FORM

CASE # _____ DATE OF PURSUIT _____

INCIDENT LOCATION _____ TIME OF INCIDENT _____

- **SUPERVISOR IS TO COMPLETE THIS FORM IN DETAIL;**
- **COPY OF COMPLETED INCIDENT REPORT IS TO BE ATTACHED;**
- **ORIGINAL (W/ATTACHMENTS) WILL BE FORWARDED TO THE SHERIFF.**

OFFICER / EMPLOYEE INFORMATION (FORM COMPILED FOR EACH OFFICER USING FORCE)	
NAME	ID#

<input type="checkbox"/> YES* <input type="checkbox"/> NO MEDICAL TREATMENT REQUIRED <input type="checkbox"/> INJURY/WORK COMP. PAPERWORK COMPLETED
* DESCRIBE INJURY
<input type="checkbox"/> TRANSPORTED <input type="checkbox"/> ADMITTED TO HOSPITAL <input type="checkbox"/> TREATED-RELEASED <input type="checkbox"/> EMS <input type="checkbox"/> OTHER
MEDICAL FACILITY/TREATING PHYSICIAN
<input type="checkbox"/> PHOTOGRAPHS TAKEN
<input type="checkbox"/> DUTY STATUS

<input type="checkbox"/> NO INJURY <input type="checkbox"/> COMPLAINT OF INJURY <input type="checkbox"/> VISIBLE INJURY <input type="checkbox"/> MEDICAL ATTENTION <input type="checkbox"/> REFUSED
*DESCRIBE INJURY
<input type="checkbox"/> TRANSPORTED <input type="checkbox"/> ADMITTED TO HOSPITAL <input type="checkbox"/> TREATED-RELEASED <input type="checkbox"/> EMS <input type="checkbox"/> OTHER
<input type="checkbox"/> PHOTOGRAPHS TAKEN

DID ANYONE WITNESS THE RESPONSE TO RESISTANCE? <input type="checkbox"/> YES <input type="checkbox"/> NO STATEMENT (S) TAKEN <input type="checkbox"/> YES <input type="checkbox"/> NO (INDICATE ON WITNESS LINE FOR EACH TAKEN)	
SUBJECT/SUSPECT INFORMATION	
IDENTIFY NAME, ADDRESS, PHONE	
DOB	RACE
WITNESS #1	SEX
CRIMINAL CHARGE (S)	
<input type="checkbox"/> NO INJURY <input type="checkbox"/> COMPLAINT OF INJURY <input type="checkbox"/> VISIBLE INJURY <input type="checkbox"/> MEDICAL ATTENTION	
WITNESS #2 <input type="checkbox"/> REFUSED	
WITNESS # 3	

--

NARRATIVE (ARTICULATE SERIOUSNESS OF OFFENSE SUSPECTED AT TIME FORCE WAS USED/PHYSICAL THREAT TO OFFICER/JAILER AND SUBJECT'S ACTIVE RESISTANCE OR ATTEMPT TO FLEE)

RESISTANCE	
1	VERBAL
2	PASSIVE PHYSICAL
3	ACTIVE PHYSICAL
4	AGGRESSIVE PHYSICAL

5	AGGRAVATED PHYSICAL
---	---------------------

RESPONSE	
1	PRESENCE
2	COMMUNICATION
3	PHYSICAL CONTROL
4	INTERMEDIATE WEAPONS
5	INCAPACITATION
6	DEADLY FORCE

SUSPECT FACTORS:		SUSPECT WEAPONS	
SEX	DRUG <input type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> HANDS	<input type="checkbox"/> FIREARM
HEIGHT	ALCOHOL <input type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> FEET	<input type="checkbox"/> VEHICLE
WEIGHT	UNKNOWN DRUG/ALC. <input type="checkbox"/>	<input type="checkbox"/> IMPACT	<input type="checkbox"/> CHEMICAL
AGE		<input type="checkbox"/> EDGED	OTHER
OFFICER RESPONSES (CHECK ALL THAT APPLY)			
<input type="checkbox"/> COMMAND PRESENCE	<input type="checkbox"/> VERBAL COMMANDS	<input type="checkbox"/> SOFT EMPTY HAND CONTROL	
<u>RESTRAINT DEVICES</u>	<u>ESCORTS</u>	<u>TAKE DOWNS</u>	<u>STRIKES</u>
<input type="checkbox"/> HANDCUFFS	<input type="checkbox"/> FIELD	<input type="checkbox"/> ARM BAR	<input type="checkbox"/> PUNCH
<input type="checkbox"/> CHECK-FIT	<input type="checkbox"/> BENT WRIST	<input type="checkbox"/> BENT WRIST	<input type="checkbox"/> PALM HEEL
<input type="checkbox"/> DOUBLE-LOCK	<input type="checkbox"/> PRESSURE POINT	<input type="checkbox"/> FINGER LOCK	<input type="checkbox"/> HAMMER FIST
<input type="checkbox"/> LEG IRONS	<input type="checkbox"/> FINGER LOCK	<input type="checkbox"/> SHOULDER LOCK	<input type="checkbox"/> FORE ARM
<input type="checkbox"/> HOBBL	<input type="checkbox"/> SHOULDER LOCK	<input type="checkbox"/> HAMMER LOCK	<input type="checkbox"/> ELBOW
	<input type="checkbox"/> HAMMER LOCK	<input type="checkbox"/> CALF STRIKE PULL DOWN	<input type="checkbox"/> KNEE STRIKE
			<input type="checkbox"/> LEG KICK
<u>BATON</u>	<u>CHEMICAL (OC OR OTHER)</u> (CIRCLE APPROPRIATE DEVICE)	<u>BEAN BAG OR COMPATIBLE</u>	
<input type="checkbox"/> FORE HAND STRIKE	<input type="checkbox"/> FULL INCAPACITAION	<input type="checkbox"/> FULL INCAPACITATION # ROUNDS___	
<input type="checkbox"/> REVERSE STRIKE	<input type="checkbox"/> PARTIAL INCAPACITATION	<input type="checkbox"/> PARTIAL INCAPACITATION	
<input type="checkbox"/> CLOSED BATON STRIKE	<input type="checkbox"/> NO APPARENT AFFECT	<input type="checkbox"/> NO AFFECT DISTANCE _____ FEET	

USE OF FORCE

CASE # _____

DATE OF INCIDENT

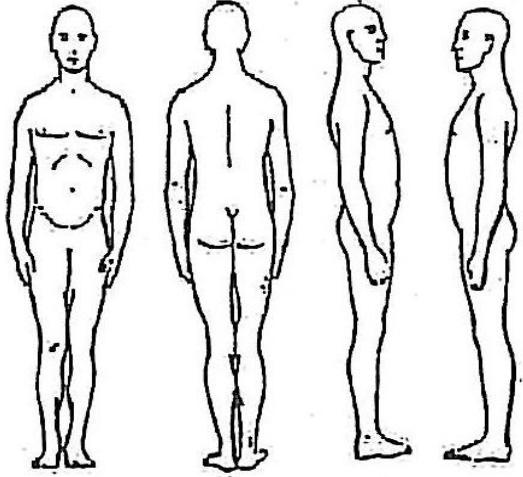
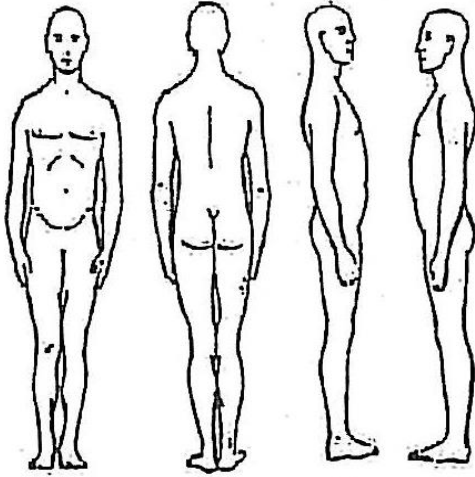
CIRCLE THE AREA (S) OF IMPACT AND/OR INJURY
PHOTOGRAPHS OF INJURIES YES NO BY WHOM _____

M26 / X26 TASER
(CIRCLE APPROPRIATE DEVICE)

DEPLOYED DRIVE STUN
DEPLOYMENT DISTANCE _____ FT NUMBER OF CYCLES _____
 EFFECTIVE NON-EFFECTIVE
 M26 / X26 SERIAL # _____ CARTRIDGE (S) SERIAL #
(S) _____

FIREARM DISCHARGE OR POINTED

PISTOL SHOTGUN LONG GUN
POINTED ONLY _____ COMPLIANCE YES NO
NUMBER OF SHOTS _____ NUMBER OF HITS TO TARGET _____
SHOTS ACCOUNTED FOR _____ SHOTS UNACCOUNTED FOR _____
WEAPON SERIAL # _____

 <p>SUSPECT</p>	 <p>OFFICER</p>
Video Review	
<input type="checkbox"/> Video Available	
<input type="checkbox"/> Video Reviewed by:	
<input type="checkbox"/> Video Preserved	

REVIEWED BY / SIGNATURE / COMMENTS	ID#	DATE
SUPERVISOR:		
ON-SCENE <input type="checkbox"/> YES <input type="checkbox"/> NO		
COMMENTS		
REVIEWED BY / SIGNATURE / COMMENTS Cont'd		
TRAINING OFFICER		
COMMENTS		

<p><i>This policy is for internal use only and does not enlarge an employee's civil liability in any way. The policy should not be construed as creating a higher duty of care, in an evidentiary sense, with respect to third party civil claims against employees. A violation of this policy, if proven, can only form the basis of a complaint by this department for non-judicial administrative action in accordance with the laws governing employee discipline.</i></p>
<p>Applicable Nebraska Statutes:</p>
<p>DATE: 03-01-2023</p>

25.02 FIREARMS TRAINING AND QUALIFICATIONS

1. POLICY

All officers will participate in a regular program of firearms training and will demonstrate proficiency with firearms. Officers must maintain proficiency as a requirement of employment with the David City Police Department.

2. PROCEDURE

Firearms training will be coordinated and conducted by a certified Firearms Instructor. Yearly qualifications will be completed before the anniversary of the Officers hire date. All Officers will be required to qualify with the David City Police Departments issued weapons (hand gun and rifle) within 4 weeks of hire date or prior to their first shift of duty.

The Nebraska State Qualification course will be utilized and officers must show proficiency with their assigned hand gun and score an 80% or better. Rifle qualification will be held at same time as handgun and the officer must show proficiency and qualify with their rifle. Any weapon an officer may carry as a secondary weapon while on duty must qualify with that weapon.

3. RANGE USE

The City of David City has a firearms range which is located at the David City sewer lagoons and is accessible to use during regular business hours or after hours with the permission of the Chief and City Clerk. No alcohol of any kind will be permitted on the firearms range. Officers will wear protective eye wear, body armor and ear protection at all times when on the range. Whatever equipment that is used must be put away and all trash thrown in trash can.

4. FIREARMS OFF DUTY

The City of David City permits officers to take their weapons home with them while they are off duty. ANY and ALL weapons assigned to an officer will be kept and stored in

a locked and secure manner. No duty weapon will be used for anything other than while on duty or in emergency off duty circumstances. ++ Any discharge of an assigned weapon from the David City Police Department will be immediately reported to the Chief. A Discharge of Firearm form will be filled out within 24 hours. ++

5. USE OF FIREARM FOR SICK/INJURED ANIMAL/VICIOUS

The David City Police Department may encounter animals that are sick or injured and need destroyed. David City Police officers will utilize good judgement, and officer discretion when deciding to use their firearm to destroy and animal within city limits.

No officer will discharge a firearm toward a house, toward a street or in the vicinity of the public.

Policy # 25.10 EYEWITNESS ID
<i>This policy is for internal use only and does not enlarge an employee's civil liability in any way. The policy should not be construed as creating a higher duty of care, in an evidentiary sense, with respect to third party civil claims against employees. A violation of this policy, if proven, can only form the basis of a complaint by this department for non-judicial administrative action in accordance with the laws governing employee discipline.</i>
Applicable Nebraska Statutes:
DATE: 03-01-2023

Policy

The policy of the David City Police Department is to respect the rights of all persons who deputies come in contact with during any law enforcement operation in which witness identification will be conducted.

Purpose

The purpose of this policy is to outline the manner in which criminal suspects will be subjected to identification proceedings.

Procedure

In all identification procedures deputies should take steps to ensure that the procedure is not suggestive by the manner in which it is carried out. Thus, deputies should use caution as to the manner in which suspects are presented such that a suspect may later claim that the deputy influenced the witness' identification of the suspect. Each eyewitness who views a drive-by/show-up, lineup or photo spread shall be read instructions before the procedure begins that contain the following information and shall sign form with this information:

1. The suspect might not be in the drive-by/show-up, lineup or photo spread and the eyewitness is not obligated to make an identification.

2. The eyewitness should not assume that the person administering the drive-by, lineup or photo spread knows which person is the suspect in the case.

A. The validity of identification procedures rests on the following considerations:

1. Witness' opportunity to view suspect at the time of the crime.
2. Witness' focus of attention at time of crime.
3. Accuracy of witness' description of suspect(s) prior to identification procedure.
4. Level of certainty exhibited by the witness in making identification.
5. The length of time that has passed between the crime and the identification.
6. Deputies should document the existence/lack of existence of these points when compiling reports on identification process.

B. Drive-By/Show-Up Identification Although the United States Supreme Court has not affixed a duration of time within which these procedures are to be conducted, generally this type of identification occurs within a short period of the crime and within a reasonable proximity from the crime event.

1. Unless an extreme emergency exists, the complainant or witness shall be taken to the location where the suspect has been detained. The movement of the suspect to the witness location may constitute an arrest for which probable cause is required. To the extent that probable cause is lacking without identification, movement may be determined to have been an unlawful arrest.
2. To the extent that an officer may safely do so, the officer should take steps to minimize the suggestive of the identification. The following should be considered:
 - (a) Have the suspect standing outside of any law enforcement vehicle rather than in the vehicle.
 - (b) Have the suspect standing without handcuffs or with handcuffs not visible to the witness.
 - (c) The appearance that suspects maintains his/her freedom will undercut suggestiveness.
 - (d) If items taken or used in the crime have been recovered, do not allow the witness to view or become area of recovery until after identification proceeding is complete.
 - (e) The witness' failure to recognize the subject detained must be documented and included in any materials forwarded to the County Attorney who untimely handles the case. Such evidence may be exculpatory to the suspect who is charged with the crime. As such it must be forwarded to the County Attorney. Additionally, if the witness identifies a suspect in the future, this failure to identify the first subject presented to them may add credibility to their identification.

C. Photo Line-Up

1. The photo line-up must contain at least six photos that are selected to match the witnesses' description of the perpetrator and include persons who are similar in appearance i.e., facial hair, glasses, age, size etc.
2. All photos must include persons of the same race and sex as suspect.
3. Photos will be presented in a way that does not suggest that the subjects in the photos are criminals.
4. When at all possible, the deputy conducting the photo-line up should not be aware of which photo in the line-up is the suspect in the case.
5. During the process, deputies shall not in any way prompt the witness toward a particular photo.
6. Photos will not be shown at the same time as an array, instead the photos will be shown from a stack, held by the presenter and shown one at a time to the witness.
7. If an independent administrator is not available, the investigative officer shall follow the following protocols:
 - (a) Place the suspect phot and filler photos in separate folders. Include four blank folders that contain no photograph for a total of ten folders.
 - (b) Shuffle the folders before giving them to the witness.
 - (c) The investigative officer administering the array should position him/herself so that he/she cannot see inside the folders.
 - (d) Allow the eyewitness to open the folders one at a time to view the photo contained in each individual folder.
8. The presentation/order of presentation must be documented. If the witness makes an identification, the deputy shall immediately ask him/her to state in his/her own words the level of confidence in the selection, which shall be documented. The witness, who selects a photo as the suspect, should sign and date the photo they have selected with a full signature and initial and date the other photos presented to them.
9. Witness Instruction: The person viewing the photo line-up should be told that the perpetrator may or may not be in the photo line-up and the investigation will continue regardless of whether identification is made or not.
10. The witness' selection of a photo that is not the suspect must be documented and included in any materials forwarded to the County Attorney who ultimately handles the case. Such evidence may be exculpatory to the suspect who is charged with the crime. As such it must be forwarded to the County Attorney.

Single Photo Verification- This process shall only be used where the witness is thoroughly familiar with the suspect and the deputy is merely attempting to ensure that the witness and the deputy are both referring to the same person.

Line-Ups

1. A line-up must be conducted with at least six persons who generally match the witness' description of the perpetrator and include at least some persons who are similar in appearance to the suspect.
2. All persons in the line-up must be of the same sex and approximately age of the suspect.
3. The deputy who conducts the line-up shall not be someone who is not aware of which line-up member is the suspect in the case.
4. During the process deputies shall not in any way prompt the witness toward a particular subject in the line-up.
5. Present each individual one at a time to a single witness. In the case of multiple witnesses, present the line-up to each witness separately.
6. Although suspects do not have the right to refuse to stand in a line-up, a line-up should not be conducted where the suspect's restraint conduct will set him/her apart from the other participants in the line-up.
7. Suspects may be required to speak during the line-up for comparison purposes only. If officers are going to require the suspect to speak, they must require all persons participating to speak the same words in turn.
8. Suspects may be required to put on clothing recovered from the crime for identification purposes. If deputies are going to require the suspect to put on the recovered clothing, they must require all persons participating in the line-up to put on the clothing in turn.
9. All line-ups must be documented by photographing the line-up as presented to the witness. The photo will document positions of the participants as well the inclusion of the participants.
10. If the witness makes an identification, the deputy shall immediately ask the witness to state in their own words the level of confidence in the selection, which will be documented.
11. Witness Instruction: The person viewing the line-up should be told that the perpetrator may or may not be in the line-up and the investigation will continue regardless of whether an identification is made or not.

Attorneys

1. A suspect does not have a right to counsel at a line-up which is conducted before the suspect has reached the "critical stage" in the justice process. A critical stage is reached when the suspect is arraigned, indicated or otherwise formally charge with a crime.

2. A suspect has the right to counsel at a line-up if the suspect has reached a critical stage in the justice system.
3. If the suspect has an attorney but has not yet reached a critical stage, deputies should consider allowing the attorney's presence at the identification proceeding. The presence of an attorney undercuts later claims that the process was somehow suggestive with respect to the suspect.

Policy # 25.14 PURSUIT	Related Policies:
<i>This policy is for internal use only and does not enlarge an employee's civil liability in any way. The policy should not be construed as creating a higher duty of care, in an evidentiary sense, with respect to third party civil claims against employees. A violation of this policy, if proven, can only form the basis of a complaint by this department for non-judicial administrative action in accordance with the laws governing employee discipline.</i>	
Applicable Nebraska Statutes:	
Date Implemented: 03-01-23	Review Date:

The David City Police Department Policy will allow officers pursue vehicles within the City limits of David City and may continue outside of City limits after obtaining on duty supervisor or Chief permission.

David City Police Officers will at all times weigh the dangers of citizens and their safety prior to initiating a pursuit. THE MAIN MISSION OF DAVID CITY POLICE DEPARTMENT IS SAVING LIVES AND IT MUST BE THE MAJOR CONCERN OF ALL OFFICERS.

David City Police Officers will use good judgement when initiating a pursuit and weigh these factors before pursuing:

1. Time of day and volume of traffic. If the pursuit is in residential areas and it is during high traffic (vehicles and pedestrians) David City Police Officers will NOT pursue but rather obtain all information about the vehicle, driver and crime(s) to investigate.
2. No pursuit will be initiated unless the violator is a suspected fleeing felon and has committed a crime or threatened to commit a crime to include physical harm (homicide, felony assault, sexual assault, abduction), and the officer has reason to believe that death or serious injury may result if immediate apprehension is not made of the violator.
3. All pursuits conducted the Officer will use lights and sirens, mobile audio and visual equipment for the duration of the pursuit.
4. Officers will follow State Statute 60-6, 114 (5) which states "the provisions in this section shall not relieve the driver of such emergency vehicle from the duty to drive with due regard for the safety of all persons nor shall such provisions protect such driver from the consequences of his reckless disregard for the safety of others".
5. David City Police will not use Roadblocks as a means to end a pursuit, nor will officer use their patrol vehicle to "ram" or make contact with the pursued vehicle.

6. Spike strips may be used if requested by another agency when the pursuit comes into David City, city limits. Training will be conducted prior to issuance of spike strips.

Officers engaged in a pursuit will report the following to dispatch or other law enforcement agencies immediately

- a. Vehicle license plate and description
- b. Location of and direction of travel
- c. Reason for pursuit
- d. As pursuit continues officers will update locations and directions
- e. Discontinuation of pursuit if safety of officer, citizens or property outweighs the continuing of pursuing.
- f. **Purpose:** The purpose of this policy is to provide guidelines and directions for the establishment of responsibility for the safe operation of police vehicles during a pursuit; for the initiation or discontinuation of pursuits; for the responsibility of participating officers and supervisor; and to provide the essential balancing of the necessity for the pursuit and more immediate apprehension of the fleeing subject against the risks involved with the pursuit which might include death, injury and/or property damage.

In these cases, officers should attempt to anticipate flight and utilize tactics to prevent a pursuit. If tactics to prevent a vehicle pursuit fail, tactics should be utilized to minimize the duration of the pursuit, and if possible, to influence the subject vehicle's direction in ways that reduce the risk of harm to others. Once initiated pursuits shall be monitored and assessed according to state statutes and this policy to ensure that the need to pursue outweighs the risk and dangers of the pursuit itself.

- g. **Policy:** The department recognizes its responsibility to apprehend criminals and lawbreakers, but it also recognizes that higher responsibility to protect and foster the safety of all persons in the operation of police vehicles under pursuit conditions. Officers in operating under pursuit conditions shall be constantly aware that no assignment is too important and no task is to be expedited with such emphasis that any of the basic principles of safety are jeopardized. Therefore, officers shall only engage in pursuits when the need for apprehension outweighs the risk to the officer and the public. Finally, officers shall be held accountable for the consequences of reckless disregard for the safety of others and violations of this procedure. In initiating any pursuit, the officer shall carefully consider the facts, the driving environment, the seriousness of the offense, the need for apprehension, all the possible consequences and the safety of all persons.

h. **Definitions:**

- a. **Emergency Vehicle:** Authorized **emergency vehicle** shall mean such fire department vehicles, police vehicles, rescue vehicles, and ambulances as are publicly owned, such other publicly or privately owned vehicles as are designated by the Director of Motor Vehicles, and such publicly owned military vehicles of the National Guard as are designated by the Adjutant General

- b. Discontinue the pursuit: the law enforcement officer ends his or her involvement in the pursuit by slowing down to the posted speed limit, turning off his or her emergency light and siren and turning off the roadway so as not to follow the suspect.
- c. Aerial support: the use of aerial surveillance to monitor a pursuit or take over the pursuit allowing vehicles to back off to a supportive role.
- d. Authorization to continue pursuit: verbal approval, transmitted over the assigned radio channel, by the supervisor and acknowledgment by the dispatcher and the officer driving the primary unit.
- e. Authorized Law Enforcement Vehicle: a motor vehicle belonging to a federal, state or local law enforcement agency with a functioning audible signal and a functioning flashing or revolving light.
- f. Boxing-in: surrounding a violator's vehicle with emergency vehicles that are then slowed to a stop, forcing the violator's vehicle to do likewise.
- g. Canalization: a technique where objects or vehicles are positioned in a manner intended to direct or redirect a fleeing vehicle into a clearly identifiable and unobstructed path.
- h. Caravan: operating emergency vehicles in a line or alongside each other in a pursuit.
- i. City vehicle: any motor vehicle that is owned, leased, or borrowed by the city.
- j. Code-three emergency call: a request for police service that presents an actual and immediate danger of death or serious bodily injury. (Should be adapted for local terminology.)
- k. Deadly force: force which creates a substantial likelihood of death or serious bodily harm.
- l. Emergency operation: driving an emergency vehicle according to state law and this procedure in response to a code-two or code-three (department coding as applicable) call or in pursuit of a fleeing vehicle.
- m. Inter-Jurisdictional Pursuit: Any vehicle that crosses into a neighboring jurisdiction, such as across municipal, county or state line.
- n. Marked police vehicle: a police vehicle displaying the emblem and marking of the police department with overhead lights and audible warning devices.
- o. Paralleling: operating an emergency vehicle on streets or a route parallel to the pursuit route.
- p. Police vehicle: a city vehicle assigned to the police department.
- q. Primary unit: The authorized law enforcement vehicle that initiates a pursuit or any other unit, which assumes control of the pursuit.
- r. Secondary unit(s): Any authorized law enforcement vehicle that becomes involved as a backup to the primary unit and follows the primary unit at a safe distance.

- s. PIT (Precision Immobilization Technique) maneuver: a controlled deliberate contact with the rear of a fleeing vehicle by a marked police vehicle with the intention of spinning the vehicle in a predetermined direction to bring it to a stop.
- t. Ramming: deliberate contact with a violator's vehicle by a marked police vehicle to force the violator's vehicle off the roadway.
- u. Roadblock: a barricade or other physical obstruction across a roadway set up to stop or prevent the escape of a fleeing vehicle.
- v. Secondary vehicle: the marked police vehicle that follows the primary vehicle in a pursuit acting as a back-up for the primary vehicle.
- w. Stop Stick/Spike Strip: a rigid column or a strip of belting containing specially designed hollow spikes which when deployed across a lane of roadway, penetrates tires, slowing the pursued vehicle usually to a complete stop.
- x. Supervisor: the supervisor assigned or assuming control of a pursuit situation.
- y. Terminate the Pursuit: The decision to discontinue the pursuit.
- z. Unmarked police vehicle: a police vehicle not displaying the emblem or marking of the police department and not having emergency warning devices to include emergency lighting and siren.
- aa. Vehicle Pursuit: an active attempt by a law enforcement officer operating an authorized law enforcement vehicle to apprehend a fleeing suspect who is actively attempting to elude the police.
- bb. Violent felony: a serious felony that involves an actual or threatened attack that the officer has reasonable grounds to believe could result or has resulted in death or serious bodily injury (e.g. aggravated assault, armed robbery, and murder, etc.)
- cc. Mobile Video Recording: (MVR): a recording device that records video and/or audio of a police event from a fixed camera mounted in a police vehicle.
- i. **Emergency Vehicle Operation:** Under Nebraska Law: Subject to the conditions stated in the Nebraska Rules of the Road, the driver of a police vehicle, when responding to an emergency call, when pursuing an actual or suspected violator of the law may:
 - a. Stop, park, or stand, irrespective of the provisions of the rules, and disregard regulations governing direction of movement or turning in specified directions; and
 - b. Proceed past a steady red indication, or a stop sign but only after slowing down as may be necessary for safe operation; and
 - c. Exceed the maximum speed limits so long as he or she does not endanger life, limb, or property.
 - d. The exemptions granted in this section does not relieve an officer from the duty to drive with due regard for the safety of all persons, nor shall the

emergency vehicle law protect the officer from the consequences of his or her reckless disregard for the safety of others.

j. Procedure:

a. Pursuit Restrictions:

- i. Only two emergency vehicles, -- a primary vehicle and a secondary vehicle, shall engage in a pursuit, unless additional emergency vehicles are authorized specifically by the managing supervisor.
- ii. Mobile Video Recordings: In emergency vehicles equipped with mobile video recorders officers shall ensure that the equipment is activated during the pursuit and remains running until a supervisor authorizes the discontinuation of the recording.
- iii. Officers shall not continue a pursuit or assist in a pursuit unless immediate authorization for the pursuit is received from the managing supervisor – if one is on duty.
- iv. Officers shall not set up roadblocks, or deploy tire deflation devices without the approval of the supervisor.
- v. Officers shall not engage in ramming, boxing-in, caravanning or driving immediately alongside a fleeing vehicle unless authorized by a supervisor.
- vi. Pursuits shall not be undertaken where the officer is operating a two- or three-wheeled police motorcycle unless the officer has reasonable grounds to believe that the suspect has been or is involved in a violent felony. Once a police vehicle becomes available, the motorcycle shall discontinue its involvement in the pursuit.
- vii. If a pursuit is discontinued by the primary vehicle, (unless for mechanical reasons), or the supervisor, then all officers shall discontinue the pursuit.
- viii. Only emergency vehicles or marked police vehicles with emergency warning devices shall initiate a pursuit.
- ix. Officers engaged in a pursuit shall not drive emergency vehicles the wrong way (against the regular flow of traffic) on a divided highway, interstate, or expressway or any other street or highway designated for one-way traffic, despite allowances in the state vehicular code. When a fleeing vehicle goes the wrong way against traffic, the primary officer shall:
 1. Parallel the vehicle in the correct lane of traffic
 2. Notify dispatch of a wrong way driver
 3. Request assistance from outside agencies to shut down vehicular traffic on the highway coming in the fleeing subject's direction

4. Have communications notify department of transportation to activate reader boards to advise motorists of a wrong way driver
- x. Officers shall not engage in a pursuit when they are transporting prisoners, witnesses, suspects, complainants or any person who is not a member of this department.
- b. **Environmental Considerations:** Officers shall carefully consider the facts and weigh the seriousness of the offense against the possible consequences of jeopardizing the safety of others by a continuous evaluation of the following at the time of the initiation and continuation of the pursuit:
 - i. Time of day and day of the week
 - ii. Lighting conditions
 - iii. Vehicular and pedestrian traffic
 - iv. Type of roadway
 - v. Condition of the roadway (e.g. dry, wet, paved, gravel, icy)
 - vi. Weather conditions (e.g. clear, overcast, rain, fog)
 - vii. Condition of the emergency vehicle and the condition and type of the fleeing vehicle
 - viii. Driving ability of the officer
 - ix. Speeds of the emergency vehicle and the fleeing vehicle
- c. **Initiating the Pursuit:** Officers shall only initiate a pursuit:
 - i. When there is reasonable suspicion that the driver of that vehicle has committed a felony, or
 - ii. When there is evidence of outrageous, reckless driving generally or possibly in association with driving under the influence and these observations precede the officer's intervention through any pursuit mode.
- d. **Responsibilities of the Primary Vehicle Driver:**
 - i. Upon receiving approval from the supervisor at the earliest possible moment, activate the vehicle's emergency warning devices from the point of initiation to that of completion.
 - ii. Immediately notify communications of:
 1. His or her unit number
 2. The location
 3. Direction of travel
 4. Speed
 5. Reasons for the pursuit
 6. The description of the vehicle being pursued

7. The number of occupants
 8. The presence of other law enforcement agencies
 9. Location at the time the pursuit is discontinued
- iii. Provide updated information regarding direction of travel, speed, and other pertinent details;
 - iv. Allow the secondary vehicle driver to assume all communications;
 - v. Abandon the pursuit if any mechanical problems develop in the primary vehicle;
 - vi. Discontinue the pursuit if the hazardous circumstances or environmental factors present an unreasonable risk to public safety.

e. Responsibilities of the Secondary Vehicle Driver:

- i. The first officer arriving to assist the primary vehicle driver shall notify communications and becomes the secondary vehicle driver;
- ii. This officer shall receive immediate authorization from the supervisor to assist in the pursuit to the extent that a supervisor is available and monitoring the pursuit.
- iii. This officer shall activate all warning devices from the point of entry into the pursuit until it is ended while following the primary vehicle at a safe distance and shall assume the radio communications for the primary vehicle driver;
- iv. This officer shall become the primary vehicle driver if it abandons the pursuit, or shall abandon the pursuit if any mechanical problems develop in the secondary vehicle.

f. Responsibilities of the Supervisor:

- i. Assert control over the pursuit.
- ii. Control the number of authorized vehicles in the pursuit.
- iii. Immediately authorize continuation of the pursuit or orders discontinuation depending on the hazardous circumstances and environmental factors present as communicated by the primary vehicle driver.
- iv. Order units to clear intersections in the likely path of the pursuit where appropriate.
- v. Ensure that not more than two (2) emergency vehicles engage in the pursuit unless additional emergency or marked police vehicle are required based on the following circumstances:
 1. The severity of the offense;
 2. The number of occupants in the suspect vehicle;
 3. The likelihood of the suspects being armed.

- vi. Direct and approve necessary tactics in the pursuit; including authorizing termination of the pursuit through approved use of force tactics.
- vii. Continuously evaluate the pursuit;
- viii. Assign additional officers to traffic control, accident investigation, foot pursuit, and/or perimeter security;
- ix. Order the discontinuation of the pursuit at any time hazardous circumstances or environmental factors present an unreasonable risk to public safety;
- x. Respond in all situations to the scene of any arrest resulting from the pursuit to control the scene.

g. Responsibilities of the Communications Center:

- i. Assure that the supervisor of the pursuit is clearly identified and that the approval to initiate or continue the pursuit is broadcast;
- ii. Assure that pursuing officers (primary and secondary vehicle drivers) request supervisory approval and that all critical information is received from the officers involved and relayed to other units;
- iii. Keep the supervisor apprised of all relevant traffic problems and other actions that might impact upon the conduct of the pursuit.
- iv. Record all information received from the pursuing officer
- v. Clear the radio channel
- vi. Conduct an inquiry of the license plate through NCIC
- vii. Notify adjacent jurisdictions of the pursuit and the potential that it may enter their jurisdiction.
- viii. Continue monitoring the pursuit.

h. Uses of force/Termination of Pursuit:

- i. Remember that roadblocks, the PIT maneuver, and Stop-Sticks or spike strips as well as the firearm, constitute seizures, i.e. a stopping of movement by a means intentionally applied. Roadblocks, the PIT maneuver, and tire deflation devices constitute a use of force. In using these tactics officers should consider:
 - 1. How serious is the offense that the officer suspects at the time they use the tactic?
 - 2. Is there a physical threat to the officer or any other person and how significant is that threat?
 - 3. Is the suspect actively resisting or attempting to evade arrest by flight?
- ii. Use of firearms:
 - 1. The use of firearms to affect the apprehension of a fleeing suspect is a use of deadly force.

2. Officers shall not shoot at or from a moving vehicle unless:
 - a. The officer has a reasonable belief that an occupant of the vehicle poses an imminent threat of death or serious bodily injury to the officer or another person, or
 - b. The officer has a reasonable belief that an occupant is using the vehicle in a manner that poses an imminent threat of death or serious physical injury to the officer or another person, and there is no avenue of escape.
- iii. Roadblocks: Only in the case of suspected fleeing violent felons whose escape poses a danger to life, may an officer set up a stationary or rolling roadblock, a decision that shall be approved by the on-duty supervisor. This decision to establish a roadblock shall consider:
 1. The safety of the officers
 2. The risk of physical injury to the occupants of the pursued vehicle
 3. The protection of citizens and their property
 4. That all stationary roadblocks must be clearly visible at a distance sufficient to enable approaching vehicles to stop safely. The officer in charge of the roadblock shall notify communications of the exact location.
- iv. PIT maneuver: Only officers trained in this particular maneuver will attempt to employ this procedure and shall not use this maneuver in speeds over 45 mph unless deadly force would be justified.
- v. Stop Sticks/spike strips:
 1. Only officers trained in the use of Stop Sticks/spike strips shall deploy them. Officers are responsible for making sure that their use is contained in the pursuit report. The deploying officer shall advise pursuing units and all other units that they should distance themselves from the pursued vehicle and be prepared to slow down before entering the deployment site. Other traffic shall be diverted from the site if at all possible.
 2. Stop Sticks/spike strips may only be used on pursuits entering this jurisdiction where an outside pursuing agency is actively engaged in the pursuit of a violent felony subject. The on-duty supervisor shall evaluate the request and may authorize the officers to deploy Stop Sticks/spike strips.
 3. Officers deploying spike strips should be mindful of their own safety during deployment and not take unnecessary risks in their attempt to lay out the spike strip.
- i. In all cases, officers shall employ felony/high risk traffic stop techniques at the end of pursuits.

- j. **Reasons for Discontinuation of Pursuit:** Any officer involved in a pursuit shall terminate the pursuit, and immediately notify communications of his point of discontinuation under any of the following conditions:
- i. When ordered by a supervisor, or any other higher-ranking member of the department;
 - ii. When the officer believes the level of danger created by the pursuit outweighs the necessity for immediate apprehension;
 - iii. When the risk conditions have increased and the subject's identity has been established to the point where later apprehension can be accomplished and there is no longer any need for immediate apprehension;
 - iv. When the location of the pursued vehicle is no longer known;
 - v. When motorists/pedestrians are involved in an accident as a result of the pursuit, immediate assistance shall be given. If there is only the marked primary police vehicle, then this vehicle must stop to provide assistance.
 - vi. Discontinuation of a pursuit requires the officer(s) to abandon all active attempts to stop and/or follow the suspected vehicles and officer(s) shall turn off all emergency equipment.
- k. **Inter-jurisdictional Pursuits:**
- i. Pursuits from this jurisdiction into another jurisdiction:
 1. Notify, through communications, the other jurisdiction as soon as possible of the reasons for the pursuit, the vehicle description and if assistance is requested.
 2. Agencies in close proximity to State borders who pursue across state lines may not have the same privileges afforded to peace officers within the State of Nebraska.
 - ii. Pursuits from another jurisdiction into this jurisdiction:
 1. The communications staff should determine the number of police vehicles from the other jurisdiction that are involved in the pursuit, find out the circumstances of the pursuit to include the offense, vehicle description and if assistance is requested.
 2. Supervisors will only approve assistance from this jurisdiction if the offense is in keeping with our justification for a pursuit, i.e. violent felony or reckless driving and the number is limited to only one vehicle from the outside jurisdiction. If the pursuit does not conform to this policy, officers shall not engage in the pursuit but may attempt to control intersections to promote the safety of innocent persons in the vicinity.
 3. A supervisor from this jurisdiction will proceed to the point of completion of the pursuit as quickly as possible.

4. The initiating agency will remain in control of any pursuit that crosses into this jurisdiction and will remain responsible for the pursuit.
 5. Generally, officers will not continue with a pursuit that has passed through this jurisdiction, once the pursuit has left this jurisdiction.
- I. **Report and Review Process:** The on-duty supervisor conducts an immediate investigation of the circumstances of the pursuit and shall submit a written report regardless of whether the pursuit was discontinued or terminated, or the subject was apprehended. The departmental Pursuit Report Form (or State designated pursuit form) shall be completed after any pursuit. In addition to providing the required information on the form, the supervisor will indicate in the narrative section the following:
- i. The reason or probable cause for engaging in the pursuit;
 - ii. An account of all violations committed during the course of the pursuit;
 - iii. A summary of tactics employed to apprehend the subject;
 - iv. The exact point of the discontinuation, apprehension, or termination of any pursuit.
 - v. If the subject is apprehended, there should be an account of the officer's involvement in that arrest.
 - vi. The supervisor's report additionally will include the following:
 1. Officers assigned to the pursuit and the assignment of all those involved in the pursuit in various roles;
 2. A summary of any accidents or other incidents arising from or related to the pursuit;
 3. A complete evaluation on the adherence of the pursuit's conduct to the department's pursuit policy;
 4. If the supervisor discontinued the pursuit, the time and location that the pursuit was ordered terminated.
 5. Furthermore the supervisor will:
 - a. Collect copies of reports and police vehicle video from all officers involved in the pursuit;
 - b. Order and include a copy of the communications/dispatch tapes;
 - c. Review each report to ensure that all required information is present;
 - d. Conduct an analysis of the pursuit and complete the appropriate section of the Pursuit Report;
 - e. Attach copies of the officers' reports, including his report and forward the packet to patrol commander/chief of police;

- vii. The patrol commander/chief of police will either submit the report to any Accident Review Board or determine compliance with all statutes and policies and make a recommendation for further action (various forms of discipline, suspension, letter, verbal reprimand, and/or retraining).

m. Training:

- i. Officers shall not participate in a pursuit unless they have received specialized pursuit driving training at the Nebraska Law Enforcement Training Center or at an equivalent program approved by the Nebraska Police Standards Advisory Council.
 - ii. Officers shall not be authorized to utilize any equipment or tactic during a pursuit unless the officer has received proper training and/or certification with respect to that equipment or tactic.
 - iii. Officers and dispatchers shall receive annual training on this policy.
- k. The Department shall prepare an annual report evaluating the pursuit history and frequency during that year. This report shall assess the adequacy of the written policy, training and field implementation of the Department's pursuit policy.

Policy # 25.01 25.15 BACKGROUND INVESTIGATIONS
<i>This policy is for internal use only and does not enlarge an employee's civil liability in any way. The policy should not be construed as creating a higher duty of care, in an evidentiary sense, with respect to third party civil claims against employees. A violation of this policy, if proven, can only form the basis of a complaint by this department for non-judicial administrative action in accordance with the laws governing employee discipline.</i>
Applicable Nebraska Statutes: 48.02
DATE: 03-01-2023

The David City Police Department will follow Nebraska statute for background investigations for employment. Included in this investigation David City Police will follow the Nebraska Law Enforcement Training Academy new hire procedure and use all forms included.

48-202.

Public employer; applicant; disclosure of criminal record or history; limitation.

(1) Except as otherwise provided in this section, a public employer shall not ask an applicant for employment to disclose, orally or in writing, information concerning the applicant's criminal record or history, including any inquiry on any employment application, until the public employer has determined the applicant meets the minimum employment qualifications.

(2) This section does not apply to any law enforcement agency, to any position for which a public employer is required by federal or state law to conduct a criminal history record information check, or to any position for which federal or state law specifically disqualifies an applicant with a criminal background.

(3)(a) This section does not prevent a public employer that is a school district or educational service unit from requiring an applicant for employment to disclose an applicant's criminal record or history relating to sexual or physical abuse.

(b) This section does not prevent a public employer from preparing or delivering an employment application that conspicuously states that a criminal history record information check is required by federal law, state law, or the employer's policy.

(c) This section does not prevent a public employer from conducting a criminal history record information check after the public employer has determined that the applicant meets the minimum employment qualifications.

(4) For purposes of this section:

(a) Law enforcement agency means an agency or department of this state or of any political subdivision of this state which is responsible for the prevention and detection of crime, the enforcement of the penal, traffic, or highway laws of this state or any political subdivision of this state, and the enforcement of arrest warrants. Law enforcement agency includes a police department, an office of the town marshal, an office of the county sheriff, the Nebraska State Patrol, and any department to which a deputy state sheriff is assigned as provided in section [84-106](#); and

(b) Public employer means an agency or department of this state or of any political subdivision of this state.

Source

- [Laws 2014, LB907, § 12.](#)

Policy # 25.22 Use of Intranasal Naloxone	Related Policies:
<i>This policy is for internal use only and does not enlarge an employee's civil liability in any way. The policy should not be construed as creating a higher duty of care, in an evidentiary sense, with respect to third party civil claims against employees. A violation of this policy, if proven, can only form the basis of a complaint by this Office for non-judicial administrative action in accordance with the laws governing employee discipline.</i>	

Applicable Nebraska Statutes:	
CALEA Standard:	
Date: 03-01-23	Review Date:

- I. **Purpose:** The purpose of this policy is to provide sworn officers with guidelines, instructions and procedures to utilize naloxone in order to reduce fatal opioid overdose.
- II. **Policy:** It is the policy of the David City Police Department to provide assistance to any persons(s) who may be suffering from an opioid overdose. Officers trained in accordance with this policy and the provisions of Nebraska law shall make every reasonable effort to use naloxone to revive victims of any apparent drug overdose.
- III. **Discussion:** This policy is intended to address one of the responsibilities of all sworn officers, which is to protect the safety and welfare of all persons and the community. In this regard, officers need to recognize the symptoms that victims who are suffering from an opioid overdose display so as to ensure that fast and effective medical assistance is dispensed. Drug overdoses are a major cause of preventable death in the United States. Increasingly, this includes prescription opioids, along with illegal opiate drugs like heroin. (Opioids are synthetic substances that mimic the narcotic effect of opium, from which heroin is derived.)
- IV. **Definitions:**
 - A. **Drug Intoxication:** Impaired mental or physical functioning resulting from the use of physiological and/or psychoactive substances; i.e., euphoria, dysphoria, apathy, sedation, attention impairment.
 - B. **EMT:** Emergency Medical Technician, medical care rendered by EMT practitioners, which ensure the provisions of emergency medical assistance in the field for those persons suffering from an illness or injury.
 - C. **MAD:** The intranasal **Mucosal Atomization Device** which is used to deliver a mist of atomized medication that is absorbed directly into a person's blood stream and directly into the brain and cerebrospinal fluid via the nose to brain pathway. This method of medication administration achieves medication levels comparable to injections.
 - D. **Naloxone:** An opioid receptor antagonist and antidote for opioid overdose which is produced in intramuscular, intranasal or intravenous forms. Use NARCAN® (naloxone hydrochloride) Nasal Spray for known or suspected opioid overdose in adults and children.
 - E. **Opioid:** An opioid is a psychoactive chemical pain medication such as, fentanyl, morphine, buprenorphine, codeine, hydrocodone, methadone, and oxycodone.
 - F. **Heroin:** A white, crystalline narcotic powder that is a highly addictive drug derived from morphine.
 - G. **"Opioid overdose,"** a medical condition that causes depressed consciousness and mental functioning, decreased movement, depressed respiratory function, and the impairment of vital functions as a result of ingesting opioids in any amount larger than can be physically tolerated;

H. Universal Precautions: An approach to infection control whereby all human blood and human body fluids are treated as if they were known to be infectious for HIV, HBV, and other blood-borne pathogens. The use of Nitrile gloves for purposes of this policy is a highly recommended best practice.

I. Signs of Overdose: A person who has overdosed may:

- be breathing very slow or not breathing
- have blue or purplish lips or fingernails
- be limp
- pinpoint pupils
- be vomiting or gurgling
- not wake up or respond if you try to rouse him

V. Issuance of Naloxone:

A. Naloxone for intranasal use will be issued to all sworn officers. Each kit will include:

- Instructions for administering intranasal naloxone.
- (2) single-use dose delivery devices

VI. Procedure:

A. Officers shall receive department approved and authorized training on responding to persons suffering from an apparent opioid overdose and the use of naloxone prior to being issued and intranasal naloxone kit and/or being authorized to administer naloxone.

B. Officers of this department shall receive approved and authorized refresher training on responding to persons suffering from an apparent opioid overdose and the use of naloxone every two (2) years.

C. Whenever an officer encounters a person who appears to be the victim of a drug overdose, the officer shall:

- Maintain universal precautions throughout the event.
- Contact and advise the dispatcher of a possible overdose and request EMS response.
- Keep the dispatcher apprised of the condition of the overdose victim.
- Perform an assessment of the victim checking for unresponsive and decreased vital signs.
- Check for Medic Alert tags or the like, which may indicate a pre-existing medical condition, around the wrist or neck of the victim.
- Ask witnesses, family or friends of the victim what type of drug the victim ingested.
- Observe your surroundings for any evidence of drugs that may indicate what the victim ingested such as; prescription drug bottles, heroin packages, needles and syringes.

- Prior to the administration of naloxone, officers shall ensure that the victim is in a safe location and shall remove any sharp or heavy objects from the victim's reach, as the sudden onset of immediate opioid withdrawal may result in physical symptoms such as agitation, rapid heart rate, nausea, seizures and difficulty breathing.
- Administer naloxone.
- Seize all illegal and/or non-prescribed narcotics found on the victim or around the area of the overdose and process in accordance with Department policy and inform medical personnel of the drugs recovered.
- Once used, the intranasal naloxone device is considered bio-hazardous material and shall be turned over to EMS or hospital personnel for proper disposal.

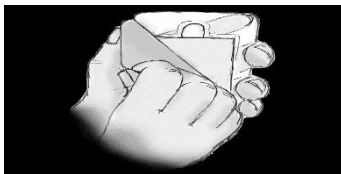
D. Administration of Naloxone:



Step #1- Ask person if he or she is okay and shout their name.

- Shake shoulders and firmly rub the middle of their chest.
- Check for signs of an opioid overdose:
 1. Will not wake up or respond to your voice or touch
 2. Breathing is very slow, irregular, or has stopped
 3. Center part of their eye is very small, sometimes called "pinpoint pupils"
- Lay the person on their back to receive a dose of NARCAN Nasal Spray.

Step #2-REMOVE NARCAN Nasal Spray from the box.



- Peel back the tab with the circle to open the NARCAN Nasal Spray.
- Hold the NARCAN Nasal Spray with your thumb on the bottom of the plunger and your first and middle fingers on either side of the nozzle.
- Gently insert the tip of the nozzle into either nostril.

- Tilt the person's head back and provide support under the neck with your hand. Gently insert the tip of the nozzle into one nostril, until your fingers on either side of the nozzle are against the bottom of the person's nose.
- Press the plunger firmly to give the dose of NARCAN Nasal Spray.
- Remove the NARCAN Nasal Spray from the nostril after giving the dose.

Step #3- Get emergency medical help right away.

- Move the person on their side (recovery position) after giving NARCAN Nasal Spray.



- Watch the person closely. If the person does not respond by waking up, to voice or touch, or breathing normally another dose may be given. NARCAN Nasal Spray may be dosed every 2 to 3 minutes, if available.
- Repeat Step 2 using a new NARCAN Nasal Spray to give another dose in the other nostril. If additional NARCAN Nasal Sprays are available, repeat step 2 every 2 to 3 minutes until the person responds or emergency medical help is received.
- Maintain constant observation of the victim and update dispatch and medical personnel on the condition of the victim.
- You should notice improvement in breathing in 2- 3 minutes.

E. Reporting: After utilization of naloxone, officers shall:

- Prepare an incident report to include a description of the individual's condition, symptoms and behaviors; the fact that naloxone was deployed; EMS response; the hospital to which the victim was transported; any narcotics seized; and the outcome of the department and EMS response.
- The on-scene supervisor or the on-duty supervisor will review and approve the report.

F. Storage and Replacement:

- A.** Inspection of the intranasal naloxone kit shall be the responsibility of the officer to whom it is issued and shall be conducted by the officer prior to each shift along with the rest of the Department issued equipment.
- B. Do not remove or test the NARCAN Nasal Spray until ready to use.**
- Check the expiration date found on the box or vial.
- C.** Naloxone will be stored in accordance with the manufacturer's instructions, avoiding extreme cold, heat and direct sunlight.

- D. Missing, damaged and expired kits will be reported to the officer's immediate supervisor as soon as the discrepancy is noted.
- E. Replacement kits will be provided to officers.

G. Training:

Training programs should meet the following criteria: Each first responder training program shall include:

- (1) The signs and symptoms of an opioid overdose;
- (2) The protocols and procedures for administration of an opioid antagonist;
- (3) The signs and symptoms of an adverse reaction to an opioid antagonist;
- (4) The protocols and procedures to stabilize the patient if an adverse response occurs;
- (5) Opioid antagonist duration;
- (6) The protocols and procedures for monitoring the suspected opioid overdose victim and re-administration of opioid antagonist if necessary for the safety and security of the suspected overdose victim;
- (7) The procedures for storage, transport, and security of the opioid antagonist; and
- (8) The method of opioid antagonist administration being taught.
- (9) The David City Police Department will train with the David City Fire and Rescue when needed for updates and to keep up to date on training.

Council member Jim Angell made a motion to approve up to \$8,000 per year for dispatch items pending an interlocal agreement with Butler County. Council Member Keith Marvin seconded the motion. The motion carried.

Jim Angell: Yea, Tom Kobus: Absent, Keith Marvin: Yea, Bruce Meysenburg: Yea, Pat Meysenburg: Yea, Kevin Woita: Yea
Yea: 5, Nay: 0, Absent: 1

Mayor Jessica Miller stated that the next item on the agenda was discussion/action concerning Arps Red-E-Mix water line to their new location.

Council member Kevin Woita excused himself from his Council seat.

Kevin Woita introduced himself and addressed the Council as an employee of Arps Red-E-Mix. He stated that they are in need of water in approximately April of 2023.

Ethan Joy with JEO was present via Zoom and stated that the water line plans are at 90% and in two weeks they will be at 100%. After City Council review, the plans go to DEE for their review which usually takes between thirty to forty-five days. They would then take bids in late April to early May. They will add construction of the water line from the AKRS site to 37 Road as an alternate bid package to hopefully get that section of main finished by possibly September of 2023.

Mitch Arps introduced himself and stated that they want to pay for the water, there is just not a way to get it to them. They would, ideally, like a well in which to get water.

Discussion followed.

It was determined that there are some options to look into and the City would get back to them on some of the ideas.

Council member Keith Marvin made a motion to approve a land lease for the sewer plant land with Richard Dietrich. Council Member Pat Meysenburg seconded the motion. The motion carried.

Jim Angell: Yea, Tom Kobus: Absent, Keith Marvin: Yea, Bruce Meysenburg: Yea, Pat Meysenburg: Yea, Kevin Woita: Yea
Yea: 5, Nay: 0, Absent: 1

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BUTLER COUNTY ASSESSOR
451 5TH Street
David City, Nebraska 68632
Phone 402-367-7420 Fax 402-367-7426
e-mail assessor@butlercountyne.gov

Vickie Donoghue, Assessor
Sarah Strizek, Deputy

Shirley Vrana
Deb Adamy
Janine Dvorak

**NOTICE OF TAXABLE STATUS
2023**

February 8, 2023

36239

**CITY OF DAVID CITY
557 N 4TH ST
PO BOX 191
DAVID CITY NE 68632**

(Old Sewer Plant Land)

Pursuant to section 77-202.12, this notice is to inform you that the property described below will be subject to property taxation for tax year 2023.

Section 77-202(1)(a) provides an exemption for property of the state and its governmental subdivisions to the extent used or being developed for use by the state or governmental subdivision for a public purpose. Upon review of the property described below, this office has determined this property is not being used or developed for use for a public purpose and shall be subject to property taxation for 2023.

Legal Description of the property:

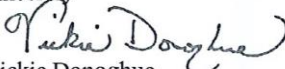
**TRACT OF LAND IN THE CORNER OF SW1/4NW1/4(50X200), CORNER OF
NW1/4NW1/4SW1/4(217.8X200) 1.23 ACRES ALL IN SECTION 30-15-3.**

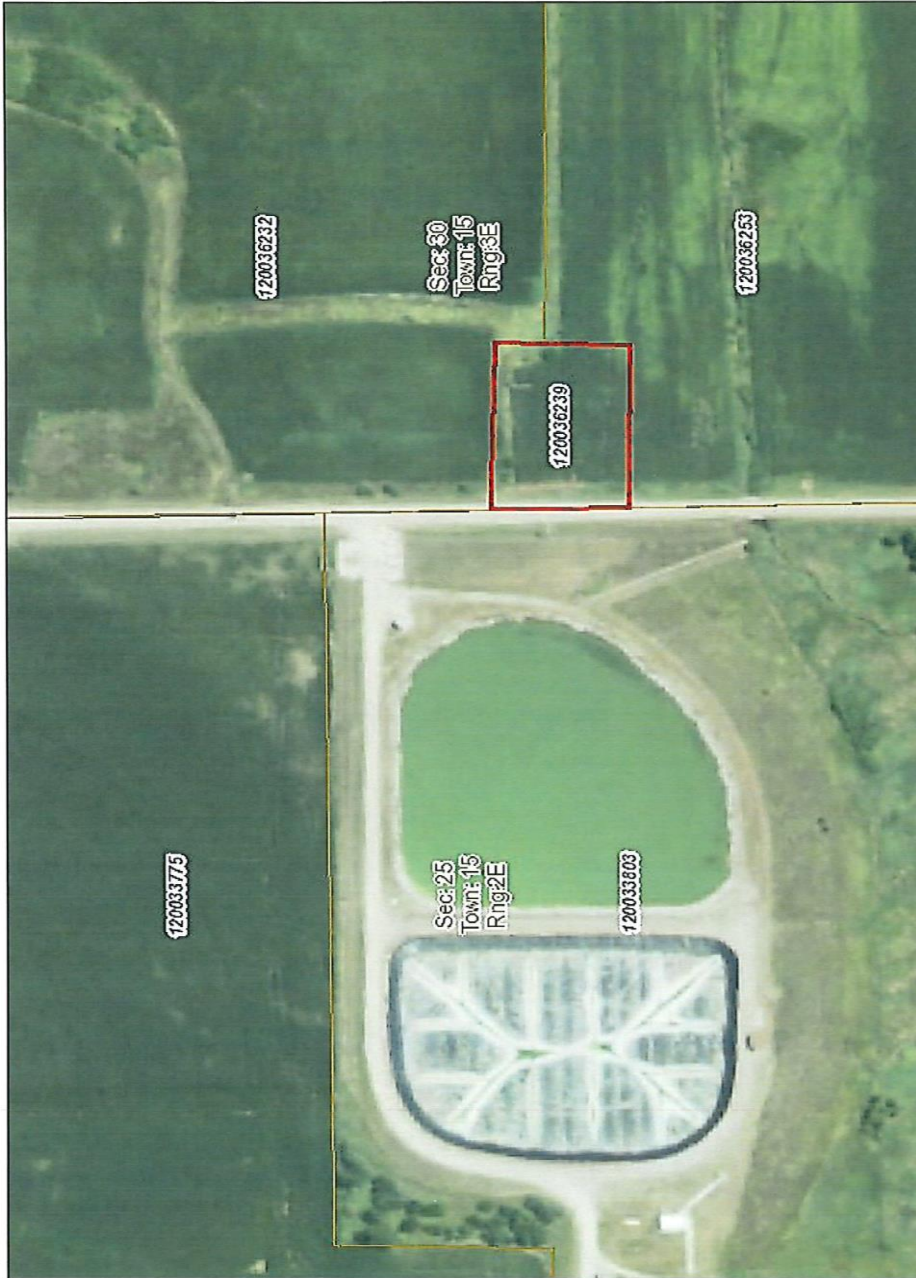
If this property is leased to another entity, and you as lessor do not intend to pay the taxes as allowed under subsection (4) of section 77-202.11, you must immediately forward this notice to the lessee.

You, or the lessee of this property, may protest this determination that this property is not used for a public purpose. **Such protest must be in writing and filed with the Butler County Board of Equalization within 30 days of the postmark of this Notice.**

If you have any questions in this matter please feel free to contact this office at (402) 367-7420.

Sincerely

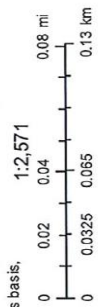

Vickie Donoghue
Butler County Assessor



February 14, 2023
10:08 AM

- Parcels
- Sections

DISCLAIMER: This map is not intended for conveyances, nor is it a legal survey. The information is presented on a best-efforts basis, and should not be relied upon for making financial, survey, legal or other commitments.



Baker County
OR/Meas.



2/20/2023

Butler County Assessor

Parcel Information	
Parcel ID:	120036239
Map Number	N/A
State Geo Code	2695-30-3-00000-000-6239
Cadastral #	N/A
Images	
Current Owner:	CITY OF DAVID CITY 557 N 4TH ST P O BOX 191 DAVID CITY, NE 68632
Situs Address:	FRANKLIN
Tax District:	88
School District:	DAVID CITY 56, 12-0056
Account Type:	Agricultural
Legal Description:	30 15 3 30 15 3 CORNER OF SW1/4NW1/4(50 X 200),CORNER OF NW1/4NW1/4SW1/4(217 .8 X 200) 1.23 AC (VACANT)
Lot Width:	N/A
Lot Depth:	N/A
Total Lot Size:	N/A

* Disclaimer: This legal description should not be used to prepare legal documents.

Assessed Values				
Year	Total	Land	Outbuilding	Dwelling
2022	\$0	\$0	\$0	\$0
2021				
2019	\$0	\$0	\$0	\$0
2018	\$0	\$0	\$0	\$0

2022 Tax Levy	
Description	Rate
CENTRAL COMM COLLEGE	0.09027200
BUTLER COUNTY	0.17805200
DAVID CITY #9	0.03500000
AG. SOCIETY	0.01000000
E.S.U.#7	0.01500000
FRANKLIN TOWNSHIP	0.10000000
DAVID CITY 56	0.78514000
LOWER PLATTE NORTH	0.03140400
56 K8 QUALITY PURPOSE	0.01830800
56 9-12 QUALITY PURPOSE	0.00104400



2/20/2023

Butler County Assessor

Agricultural Land Information					
<u>Soil Symbol</u>	<u>Landuse</u>	<u>LVG</u>	<u>Unit Value</u>	<u>Acres</u>	<u>Total Value</u>
RD	ROAD	RD	\$0.00	0.200	\$0.00
XX2	SITE	XX2	\$0.00	1.030	\$0.00
Total:				1.23	\$0.00

5 Year Sales History
No previous sales information is available (for the past 5 years).

Property Classification			
<u>Status:</u>	Unimproved	<u>Location:</u>	Rural
<u>Property Class:</u>	Agricultural	<u>City Size:</u>	No Population
<u>Zoning:</u>	N/A	<u>Lot Size:</u>	1.00-1.99 ac.

Residential Datasheet			
<u>Zoning:</u>	N/A	<u>Quality:</u>	
<u>Year Built:</u>	0	<u>Condition:</u>	N/A
<u>Exterior 1:</u>	N/A	<u>Style 1:</u>	N/A
<u>Exterior 2:</u>	N/A	<u>Style 2:</u>	N/A
<u>Bedrooms:</u>	N/A	<u>Bathrooms:</u>	0.00
<u>Plumbing Fixtures:</u>	N/A	<u>Heating/Cooling:</u>	
<u>Basement Size:</u>	0 sq. ft	<u>Min Finish:</u>	0 sq. ft
<u>Base Area:</u>	0 sq. ft	<u>Part Finish:</u>	0 sq. ft
<u>Total Area:</u>	0 sq. ft	<u>Roof Type:</u>	N/A

SEWER PLANT LAND LEASE

Richard Dietrich will lease from the City of David City the following tillable acres:

A tract of land in the corner of SW ¼ NW ¼ (50 x 200), Corner of NW ¼ NW ¼ SW ¼ (217.8 x 200) 1.03 Acres all in Section 30-15-3

The term of the lease will be from March 1, 2023 to February 28, 2028.

Richard Dietrich agrees to pay \$643.75 which is \$128.75 per year for the tillable acres or \$125.00 per acre.

The rent shall be paid as follows:

- \$64.38 on April 1, 2023
- \$64.37 on September 1, 2023
- \$64.38 on April 1, 2024
- \$64.37 on September 1, 2024
- \$64.38 on April 1, 2025
- \$64.37 on September 1, 2025
- \$64.38 on April 1, 2026
- \$64.37 on September 1, 2026
- \$64.38 on April 1, 2027
- \$64.37 on September 1, 2027

Richard Dietrich

Date

Mayor Jessica Miller – City of David City

Date

City Clerk-Treasurer Tami Comte – City of David City

Date

Council member Jim Angell made a motion to adjourn. Council Member Pat Meysenburg seconded the motion. The motion carried and Mayor Jessica Miller declared the meeting adjourned at 7:47 p.m.

Jim Angell: Yea, Tom Kobus: Absent, Keith Marvin: Yea, Bruce Meysenburg: Yea, Pat Meysenburg: Yea, Kevin Woita: Yea
Yea: 5, Nay: 0, Absent: 1



CERTIFICATION OF MINUTES
February 22, 2023

I, Tami Comte, duly qualified and acting City Clerk for the City of David City, Nebraska, do hereby certify with regard to all proceedings of February 22, 2023; that all of the subjects included in the foregoing proceedings were contained in the agenda for the meeting, kept continually current and available for public inspection at the office of the City Clerk; that such subjects were contained in said agenda for at least twenty-four hours prior to said meeting; that the minutes of the meeting of the City Council of the City of David City, Nebraska, were in written form and available for public inspection within ten working days and prior to the next convened meeting of said body; that all news media requesting notification concerning meetings of said body were provided with advance notification of the time and place of said meeting and the subjects to be discussed at said meeting.

Tami Comte, City Clerk