

Transcript Prepared By the Clerk of the Legislature  
Transcriber's Office

Government, Military and Veterans Affairs Committee  
March 17, 2011

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[CONFIRMATION]

The Committee on Government, Military and Veterans Affairs met at 1:30 p.m. on Thursday, March 17, 2011, in Room 1507 of the State Capitol, Lincoln, Nebraska, for the purpose of conducting a public hearing on gubernatorial appointments. Senators present: Bill Avery, Chairperson; Scott Price, Vice Chairperson; Lydia Brasch; Charlie Janssen; Russ Karpisek; Paul Schumacher; and Kate Sullivan. Senators absent: Rich Pahls. [CONFIRMATION]

SENATOR AVERY: I'm going to dispense with the formalities of introducing everybody today. We only have one item of public business and that is the confirmation of Colonel David Sankey, who has been nominated to be the new Superintendent of the State Patrol. Welcome. [CONFIRMATION]

LT. COLONEL DAVID SANKEY: Yes, sir. Thank you. [CONFIRMATION]

SENATOR AVERY: Tell us a little bit about yourself, why you want this position and why you think you'd be good at it. [CONFIRMATION]

LT. COLONEL DAVID SANKEY: Well, absolutely. If you'd like, sir, I have some prepared testimony if you'd like me to read it here. [CONFIRMATION]

SENATOR AVERY: Yes, go right ahead. [CONFIRMATION]

LT. COLONEL DAVID SANKEY: (Exhibits 1 and 2) Good afternoon, Senator Avery and members of the Government, Military and Veterans Affairs Committee. My name is David Sankey, D-a-v-i-d S-a-n-k-e-y, and I have been appointed by Governor Heineman to serve as the Superintendent of Law Enforcement and Public Safety in command of the Nebraska State Patrol. I look forward to this opportunity to share with you my experiences and qualifications for this position as well as the opportunity to discuss the future of the Nebraska State Patrol. I was born and raised in Lincoln. After graduating from Lincoln Southeast High School, I attended Kearney State College, now the University of Nebraska at Kearney, and graduated in 1986 with a Bachelor of Science degree in criminal justice. In 1987, I joined the Nebraska State Patrol and attended the patrol's training academy where I graduated and received my commission as a law enforcement officer on December 11, 1987. Initially, I was stationed in Fremont as a trooper. I later transferred to Omaha and I worked in that same capacity. During my time as a trooper, I served as an accident reconstruction specialist. I was promoted to the rank of Sergeant in 1995, and I moved to Seward where I served as a first line supervisor. In 2000, I accepted a promotion to Lieutenant and moved to Lincoln. As a Lieutenant I served as the Commander of the Internal Affairs Division and the agency liaison to the Legislature. I was selected in 2003 to attend command school at the Federal Bureau of Investigation's National Academy in Quantico, Virginia. The following

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year I was promoted to Captain of the Professional Standards Division where I was responsible for the supervision of the Legal, Inspections and Accreditation, and the Internal Affairs Divisions. I also continued my legislative liaison duties. In 2006, I received a promotion to Major in charge of the Investigative Services Division. As the Major of Investigative Services, I was responsible for the oversight of the Criminal and Drug Divisions, the Crime Lab, Internet Crimes Against Children, the Sex Offender Registry, Auto Fraud, Alcohol and Tobacco Enforcement, the Criminal Identification Division, and the Fusion Center. January 1, 2009, Colonel Tuma appointed me to serve as the Assistant Superintendent. In this capacity I assisted Colonel Tuma with all of the duties and responsibilities related to the management and leadership of the State Patrol. I served in this capacity until my recent appointment to Superintendent. I have had the opportunity to represent the State Patrol on many boards and committees. I serve on the Police Standards Advisory Council, the Interstate Compact Council for Adult Offenders, the Midwest HIDTA, which stands for High Intensity Drug Trafficking Area, I serve on their executive board, the Supreme Court's Minority Justice Committee, and the Homeland Security Committee of the International Association of Chiefs of Police. I have been a member of the Nebraska State Patrol for 23 years. I would submit to the committee that my experience meets the four year law enforcement requirement for the Superintendent of Law Enforcement and Public Safety as required by Nebraska statute 81-2001. As a full-service state police agency, the Nebraska State Patrol's duties and responsibilities are diverse. Our role is to provide primary enforcement and investigative duties as well as support to our local law enforcement partners. There are many challenges facing the patrol in the years ahead, many of which are budgetary in nature. Although we have experienced some reductions in our sworn strength over the last several years, we continue to accomplish our mission. Through the deployment of new technology and cutting edge programs we are able to utilize our personnel and resources efficiently as possible. From the statewide wireless communications system to mobile data computers in our vehicles to digital in car camera systems, and electronic citations, the agency continues to employ the use of technology. Additionally, we are looking to deploy GIS mapping and mobile CAD, CAD stands for Computer Aided Dispatch, to aid in the efficient response to incidents. The State Patrol maintains strong relationships with our federal, state, and local partners as we work to expand the operations of our state Fusion Center. The Fusion Center is a valuable resource designed to receive, evaluate, analyze, and disseminate intelligence information. Currently, we have partnered with the Omaha and Lincoln Police Departments as well as the Federal Bureau of Investigation and the Department of Homeland Security to share information related to crime and terrorism. One example of a program that we employ to efficiently utilize our personnel and resources is called DDACTS, which stands for the Data Driven Approach to Crime and Traffic Safety. Quite simply, DDACTS is the evaluation of data. We look at the time of day and locations where there is a high potential for traffic collisions and crime to occur. We then focus our resources on those areas during those specific times to receive the greatest impact. We call it directed patrolling. At the State Patrol we are very cognizant of the current fiscal

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situation and we are working hard to provide for the safety and security of our citizens by using technology and programs to work smarter. Thank you for the opportunity to meet with you today. I would be happy to answer any questions you might have.  
[CONFIRMATION]

SENATOR AVERY: I have a rather trivial question. How high is the rank structure in the State Patrol? Is Colonel as high as you can go? [CONFIRMATION]

LT. COLONEL DAVID SANKEY: The Colonel is as high as it goes, sir, yes.  
[CONFIRMATION]

SENATOR AVERY: No stars? [CONFIRMATION]

LT. COLONEL DAVID SANKEY: No. [CONFIRMATION]

SENATOR AVERY: Okay. What would you do as Superintendent to change the department now? Or maybe you don't think there's anything that needs to be changed.  
[CONFIRMATION]

LT. COLONEL DAVID SANKEY: Well, I guess I would qualify to say this, I've worked with Colonel Tuma over the last five years very closely to put a lot of the programs and processes in place that we now utilize. So what I can offer the State Patrol is continuity. I think the agency is running very smoothly and very efficiently and we will always look to see how we can do things better and more efficiently, but I think the agency is running very well right now so I'm not looking to make a lot of changes, at least right now. [CONFIRMATION]

SENATOR AVERY: I had an opportunity to meet one of your uniformed officers on the highway not too many months ago and he was extremely polite and was generous enough to give me only a warning. [CONFIRMATION]

LT. COLONEL DAVID SANKEY: I'm glad to hear that he was polite and professional, sir. [CONFIRMATION]

SENATOR AVERY: And if I could have remembered his name I would have sent a note to Tuma, but he was very polite. [CONFIRMATION]

LT. COLONEL DAVID SANKEY: I'm glad to hear that. [CONFIRMATION]

SENATOR AVERY: Questions from the committee? Senator Price. [CONFIRMATION]

SENATOR PRICE: Chairman Avery, thank you. Thank you for being willing to serve in this capacity. I know it's pretty much going to be a headache. (Laugh) There's a lot to do

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there. What do you see as far as your manpower, current and future, what you have, and what you think you need, and that Delta, how are we going...if there is a Delta there, how would you plan to approach that so that we know what we're doing here. Sometimes when people want more State Patrol in different areas and how do you go about what your future manning document might look like? [CONFIRMATION]

LT. COLONEL DAVID SANKEY: Okay. Well, let me start by saying, you know, like we have been reduced in our sworn strength over the last several years. But we still feel like with the programs and the technology that we use today, we can adequately serve the citizens of Nebraska with the manpower we now have. We do have some vacancies. We're hoping that we get the opportunity to fill those vacancies and at least stay at the strength that we're authorized at this point in time. We always look at where are our crime problems, where are our traffic problems, where are the...where's the population moving, and then we use that to determine where we need to put our people. And we rely on our troop commanders. We have six troop areas, so we rely on our troop commanders to evaluate the needs of their troop areas and then send the information up to us to help make a decision about where we need to deploy our manpower. [CONFIRMATION]

SENATOR PRICE: Thank you very much, sir. [CONFIRMATION]

SENATOR AVERY: Other questions? Senator Sullivan. [CONFIRMATION]

SENATOR SULLIVAN: Thank you, Senator Avery. Thank you. I'm from Cedar Rapids and I think the State Patrol training facility is in my district. [CONFIRMATION]

LT. COLONEL DAVID SANKEY: In Grand Island. [CONFIRMATION]

SENATOR SULLIVAN: Yes. So sometime I would like to visit that facility if I could. [CONFIRMATION]

LT. COLONEL DAVID SANKEY: We'll be more than happy to make that arrangement, Senator. [CONFIRMATION]

SENATOR SULLIVAN: That would be great. That would be great. Could you give us hard numbers as far as under these budget challenges that we face? What are the actual numbers of force and reductions in those numbers that you've been able to...or you've had to deal with over the last several years? [CONFIRMATION]

LT. COLONEL DAVID SANKEY: Well, we're at...our authorized strength for sworn officers is at 488 right now. [CONFIRMATION]

SENATOR SULLIVAN: Okay. [CONFIRMATION]

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LT. COLONEL DAVID SANKEY: We're going...by the end of the month we'll be down to about 472. So, like I said, we're hoping to fill that, get back to 488. You know, many years ago when the budgets were better, you know, we were up over 500. But like I said, we'll continue to work the best we can and deploy our resources the best we can with the manpower that we have. [CONFIRMATION]

SENATOR SULLIVAN: And in that process you mentioned that you, to a certain extent one of those factors is, you go where the population is. Of course, I've got some rural areas population we know what's happening out there. So how do you deal with that, and you mentioned earlier too about your relationship with local law enforcement. So does that enter into...? [CONFIRMATION]

LT. COLONEL DAVID SANKEY: Yes, ma'am, it does enter into our process of decision making. You know, we need to deploy our resources where they're most needed, where the problem areas are. But we also have to keep in mind that we are the statewide police agency and there are areas of this state that local law enforcement simply isn't available. And so we're...so we also have to be cognizant of that that even though we have to put our resources where the greatest problems are, we still have to be able to respond and be available for those areas of the state that don't have any other law enforcement coverage. And we work very closely with our sheriffs and our local police departments to develop that partnership. [CONFIRMATION]

SENATOR SULLIVAN: Thank you. [CONFIRMATION]

LT. COLONEL DAVID SANKEY: You bet. [CONFIRMATION]

SENATOR AVERY: Senator Schumacher. [CONFIRMATION]

SENATOR SCHUMACHER: Thank you, Senator Avery. What would you say is the biggest law enforcement problem the state has, or don't we have any? [CONFIRMATION]

LT. COLONEL DAVID SANKEY: Oh, gosh, we have...there are several, I would say. If you're talking about what's the biggest problem facing an agency or what's the biggest problem facing the state? [CONFIRMATION]

SENATOR SCHUMACHER: Public safety. [CONFIRMATION]

LT. COLONEL DAVID SANKEY: Public safety. We have a drug problem as you can surmise from probably the media releases. Our troopers can go out on the roads every day and stop a large load of dope, whether that's marijuana or cocaine. There's not a week that goes by that we don't...that our folks aren't out there seizing large amounts of

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dope off the roadways. There's a prescription drug problem in our country. That's the number one problem right now and how do we deal with that. There are, you know, in our world today after 9/11, we're always focused on terrorism. We work very hard with our Fusion Center and the Department of Homeland Security to share information back and forth. But quite frankly that's how terrorist get encountered in this country and that's how terrorism acts get stopped is by simple traffic stops by state troopers or by local law enforcement officers, and they develop information and they locate these individuals and then share that with the federal government we're able to interact a lot of terrorism issues. So those are a couple of the issues that are facing law enforcement today that we're trying to address. [CONFIRMATION]

SENATOR SCHUMACHER: On the dope issue, is that people basically running I-80 with it or is it...? [CONFIRMATION]

LT. COLONEL DAVID SANKEY: It's everywhere. You know, we encounter it on the Interstate, we encounter it on secondary highways. Sometimes it's passing through our state, sometimes our state is the destination. So it doesn't really matter because there's so much prevalence of cocaine and marijuana and methamphetamine that's out there, you know we can encounter it just about anywhere. [CONFIRMATION]

SENATOR SCHUMACHER: Now when I became county attorney out in Platte County in '79...that was a long time ago. You know, what you're describing is almost the same thing that was priority then. There was cocaine, there was marijuana and, of course, there was a determination that somehow the criminal law system was a way to handle that stuff. Is that still the case? Is criminal law still our only option, or is there any other way that we should be approaching it? [CONFIRMATION]

LT. COLONEL DAVID SANKEY: Well, I think if we're talking about illegal drugs coming into our state, then I think law enforcement and criminal law is the best way to address that. But I also think we have to look at as a society, we need to look at where's the demand coming from? And, you know, we need education and we need treatment and we need all our other partners to help address the drug issue and why is there such a demand in our country for drugs? But if you're talking about interdicting those shipments that are coming to our state or through our state, I believe criminal law is the best way to address that. [CONFIRMATION]

SENATOR SCHUMACHER: We passed a deal earlier this session dealing with K2. We no more than got that passed and I saw a television article, I think, that said that the kids were now smoking bath beads and drinking bath water with bath beads in it and they got a high from that, but they also got a tummy ache if they drank it. Are you seeing much of that weird stuff now? [CONFIRMATION]

LT. COLONEL DAVID SANKEY: I've heard of it. I've seen some Intel briefings on some

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of that. I don't know how prevalent that problem is yet. But like with anything, if you make K2 illegal, they're going to come up with something else, and so we'll have to address that as well. [CONFIRMATION]

SENATOR SCHUMACHER: Thank you. [CONFIRMATION]

LT. COLONEL DAVID SANKEY: You bet. [CONFIRMATION]

SENATOR AVERY: Senator Brasch. [CONFIRMATION]

SENATOR BRASCH: Thank you, Chairman. And thank you, and thank you for your service. [CONFIRMATION]

LT. COLONEL DAVID SANKEY: Thank you, Senator. [CONFIRMATION]

SENATOR BRASCH: Very grateful for the work you do. In our district I'm very grateful for the work that Officer Bruning does an excellent job and I'll bring up to you what I bring up to him. I feel our greatest threat at this point are the deer. (Laugh) Is there anything you can do about the deer? (Laughter) I have more fear of deer than anything else at this point. [CONFIRMATION]

LT. COLONEL DAVID SANKEY: Yeah, our troopers encounter deer once in a while as well and they do quite a bit of damage. But the deer is perhaps maybe something the Game and Parks could help us out with a little more. [CONFIRMATION]

SENATOR BRASCH: Let's hope so. Thank you. [CONFIRMATION]

LT. COLONEL DAVID SANKEY: You bet. [CONFIRMATION]

SENATOR AVERY: You may be familiar with LB190 that was passed two years ago. It's the DNA testing bill for all convicted felons. [CONFIRMATION]

LT. COLONEL DAVID SANKEY: Yes, sir. [CONFIRMATION]

SENATOR AVERY: We're having a little bit of trouble with implementation of that law. But I was wondering if you knew where we are, not so much in terms of collection of the DNA evidence, but where are we with the FBI databank? Have we kind of caught up? There was a backlog I understand in getting the data entered into the federal Codex. [CONFIRMATION]

LT. COLONEL DAVID SANKEY: Yeah, the CODIS system? [CONFIRMATION]

SENATOR AVERY: Right. [CONFIRMATION]

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LT. COLONEL DAVID SANKEY: Yeah, you're correct. There were several issues around that bill that we've been working on. The State Department of Corrections did an outstanding job of collecting the samples. [CONFIRMATION]

SENATOR AVERY: Oh, they finished theirs in no time. [CONFIRMATION]

LT. COLONEL DAVID SANKEY: They were done in...yeah, like you said, sir, in no time. There were some populations that didn't go to the State Department of Corrections that we're working on together with other agencies trying to figure out the best way to collect that information. We...at the Crime Lab we were able to, with federal grants, purchase some DNA testing robots and we were also able to get some federal funding to outsource some of those samples to the lab at UNMC in an attempt to cut down on that backlog. And so I can get back to you on the numbers exactly where we're at right now, but I think our folks are doing a pretty good job of staying up on testing the samples for the offender DNA databank that we put into CODIS. I think when you hear about DNA backlog, that's more in the casework that they do, and that involves, for example, if there's a homicide case, they'll send all those materials to our Crime Lab and so our Crime Lab has got to analyze clothing and bedding and all of those types of things where DNA is located. And that's much more time consuming. And so that's where we have more of a backlog than we do on offender samples. [CONFIRMATION]

SENATOR AVERY: Well, that was my bill, by the way, and so I have a real interest in it. I keep waiting for this big cold case that gets settled and closed because of this new law and I haven't seen it yet and I'm just eager to find out, when is it going to happen and why hasn't it happened yet? [CONFIRMATION]

LT. COLONEL DAVID SANKEY: I'm sure it will happen soon, Senator. I think it's a very positive bill and you'll see the rewards of it real soon. [CONFIRMATION]

SENATOR AVERY: Well, we do have a bill that is on General File now in this session to sort out that problem of who actually does the testing. I know it's the parolees that...or no, the probationers that we're having trouble with right now. [CONFIRMATION]

LT. COLONEL DAVID SANKEY: Yeah, it's the segment that goes on probation that we're trying to figure out the best way to get that collected. I mean, once they get it collected they'll send it to our Crime Lab and we'll get it tested right away and try to get it into CODIS. [CONFIRMATION]

SENATOR AVERY: Well, your department was not the problem. The sheriffs and the probation officers are the ones that were going at it. [CONFIRMATION]

LT. COLONEL DAVID SANKEY: Yeah, it was trying to determine who has the best



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opportunity to be with the probationers and collect those samples. So I think we're working with all of them to try and get them to our Crime Lab. [CONFIRMATION]

SENATOR AVERY: Yeah, well, let's hope we work that out. The fiscal note on that bill was pretty high. [CONFIRMATION]

LT. COLONEL DAVID SANKEY: Yeah, I saw that, yes, sir. [CONFIRMATION]

SENATOR AVERY: Yeah, and we might have a few choice words about the fiscal note when it gets to the floor. You might want to watch that. [CONFIRMATION]

LT. COLONEL DAVID SANKEY: I will watch, sir, yes, sir. [CONFIRMATION]

SENATOR AVERY: Any more questions from the committee? Thank you, Colonel. Glad to have you here and congratulations on your appointment. [CONFIRMATION]

LT. COLONEL DAVID SANKEY: Thank you. Thank you very much. [CONFIRMATION]

SENATOR AVERY: We will vote on your nomination and get you on the floor within the next, what, week? Yeah. So it will be over soon. (Laughter) [CONFIRMATION]

LT. COLONEL DAVID SANKEY: Thank you very much. [CONFIRMATION]

SENATOR AVERY: That ends the public portion of the committee's work today and we will hang around for an Executive Session. [CONFIRMATION]