

By Jan Schultz
The Imperial
Republican

Pending action by the county commissioners, law officers in Imperial and Chase County will have something in writing stating they agree to assist each other if needed.

Members of the Imperial city council approved the interlocal agreement 4-0 at their meeting Monday night, and it's expected to be addressed by the county commissioners soon.

Police Chief Rob Browning said the interlocal agreement arose from an incident in Wauneta when assistance from the Imperial Police Department was requested by Sheriff's Deputy Justin Mueller.

Imperial Police Officer Spencer Rowley was on duty in Imperial last November, when the deputy asked Rowley to bring the city's breathalyzer equipment there.

When Rowley arrived in Wauneta, Randy Wiest, who was being held by the deputy, allegedly attempted to exit the sheriff's office vehicle and a scuffle occurred.

During the incident, Rowley's thumb was broken. Both officers were also kicked, according to the report.

In Wiest's recent preliminary hearing, the county judge failed to include the assault charge related to Police Officer Rowley as the judge bound over the case and all the other charges to Chase County District Court.

City Attorney Josh Wendell said the county judge didn't think the request for assistance from Imperial included Rowley's participation in the arrest when he was injured.

With this agreement, it specifies the certified officers of the Imperial department "are acting as deputies out there and can assist in making arrests."

In addition to the pair of charges for assault on a law enforcement officer, Wiest was also initially charged with third offense Driving Under the Influence (DUI), resisting arrest, refusal to submit to a chemical test and stop sign violation.

Browning told the council Monday that the agreement should "hopefully take care of this" in the future.

Sheriff Kevin Mueller agreed, and worked with the city in putting it together.

Both officers noted it's common for law enforcement entities to work together.

Sheriff Mueller, who served in the same office in Keith County before being elected here, said it was common for the Ogallala police to assist his office when needed. They did not have a written agreement there, either, he said.

Mueller also recalls in the mid-1980s when he worked for the Imperial Police Department that they assisted the county often then, too.

It's the first he recalled that such assistance has been challenged.

City Attorney Wendell noted the county is challenging the judge's decision. County Attorney Arlan Wine has refiled the case with all the charges directly to Chase County District Court, including the assault involving Officer Rowley. A March 26 date has been set for that hearing.

At Monday's council meeting, the issue of insurance coverage also arose. City Clerk/Administrator Jo Leyland said the city's carrier covered Rowley's medical costs related to the broken thumb. City Attorney Wendell said the agreement lets the insurance carrier know that this practice of assisting between departments is in writing. The company will be sent a copy.

**Interlocal Agreement
on law enforcement**

A. Primary Response: Imperial Police Department Officers shall provide the primary law enforcement response to any City owned or operated facilities which lie beyond the City limits in Chase County.

B. Special Requests: The Imperial Police Department shall respond to special requests for assistance by the Chase County Sheriff's Office and shall, at such times act at the direction of and as Deputized Officers of the Chase County Sheriff's Office, at locations outside of the City of Imperial corporate limits in Chase County. Imperial Police Department shall only provide the assistance requested by the Chase County Sheriff's Office only when Imperial Police Department determines that Imperial Police Department resources are sufficient to respond to such request. Imperial Police Department shall determine the sufficiency of resources to respond to request from the Chase County Sheriff's office at the time of such request.

C. Other Law Enforcement Actions: Imperial Police Department officers, while engaging in any activity authorized in this agreement within Chase County, and while acting at the direction of and as Deputized Officers of the Chase County Sheriff's Office as herein provided, shall have the authority to assist the public, make arrests, and enforce the laws of the State of Nebraska.

*Sections of Interlocal Agreement approved
by city council March 4, 2013*