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(Neb)-Harrison Attorney Named Special Attorney In New NSP Probe

By: John Axtell Posted at: 10/12/2017 12:29 PM

LINCOLN - Former U.S. Attorney Joe Stecher of Harrison has been named special prosecutor into potential criminal violations during internal use-of-force investigations at the Nebraska State Patrol. District Judge Travis O'Gorman appointed Stecher after Sheridan County Attorney Jamian Simmons declared that she had a conflict of interest.

Stecher will look into an Oct 2016 high-speed chase and crash near Gordon that killed one man and in which a Sheridan County grand jury found no wrongdoing. He told the Omaha World-Herald "a special prosecutor has the responsibility to look and see if an investigation or prosecution are necessary," and emphasized there are "no recommendation of charges or any indication that charges are imminent."

Stecher also said he doesn't know if the FBI is investigating the patrol as suggested by Gov Pete Ricketts and repeatedly stated by State Attorney General Doug Peterson. A review of State Patrol internal investigations, including the chase, by chief state human resources officer Jason Jackson led Ricketts to fire agency head Colonel Brad Rice and put 6 other members of the agency on paid administrative leave

None has been accused of any specific crime and the only person officially identified before as being put on administrative leave was Assistant Supt Lt Col. Thomas Schwarten, but sources have confirmed that others included Major Mike Gaudreault, Captain Jamey Balthazor, and Trooper Tim Flick.

Both the motion and the judge's order list Balthazor, the Troop E commander, and 3 troopers from the Northern Panhandle: Flick and Sgts. Kevin Waugh and Travis Wallace. They do not list Rice, Schwarten, or Gaudreault, the former Troop E captain who heads the Patrol's field services division. Gaudreault and Schwarten remain on paid administrative leave.

State Troopers Association President and Patrol Sgt. Brian Petersen told the World Herald he's deeply disappointed to see a special prosecutor named because the move was based on Jackson's report, which he says had factual errors and didn't interview the suspended officers.

Petersen last month had called for Waugh, Wallace, and Flick...all members of the union...to be reinstated and told the paper he'll "stand behind them 100% every day" because he's confident in what he knows about them and the cases.

Flick was the trooper involved in the Gordon crash in October of last year that killed the driver being pursued, 32-year old Antoine Ladeaux of Pine Ridge. The grand jury into Ladeaux's death cleared Flick, but questions were later raised on whether he had actually caused the crash with a maneuver intended to make Ladeaux's vehicle spin out.

Flick can be heard on his dash-cam video saying he was using a maneuver called a tactical vehicle intervention or TVI, to bump the fleeing vehicle and make it safely spin out. The official report and union leaders say that before Flick could act, Ladeaux struck the cruiser himself...initiating the fatal crash. Colonel Rice eventually concluded that a TVI was not used by the trooper.

The Patrol's now-retired head of internal affairs sent out an email saying he'd felt pressure from higher-ups to create a false narrative and had lost faith in the patrol's ability to investigate its own personnel. Gov Ricketts last month named veteran law officer John Bolduc, chief of the Port of San Diego Harbor Police, as the new superintendent of the state patrol. He begins his duties next Monday.