

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

Judiciary Committee
March 15, 2011

[CONFIRMATION]

The Committee on Judiciary met at 1:00 p.m. on Tuesday, March 15, 2011, in Room 1113 of the State Capitol, Lincoln, Nebraska, for the purpose of conducting a public hearing on gubernatorial appointments. Senators present: Brad Ashford, Chairperson; Steve Lathrop, Vice Chairperson; Brenda Council; and Burke Harr. Senators absent: Colby Coash; Tyson Larson; Scott Lautenbaugh; and Amanda McGill.

SENATOR ASHFORD: Yeah, we can have the hearing; we got to have a hearing, so. Why don't we convene the hearing on the Gubernatorial Appointment for Jeff Davis to the Community Corrections Council...reappointment to the Community Corrections Council, correct? [CONFIRMATION]

JEFFREY DAVIS: That's correct. [CONFIRMATION]

SENATOR ASHFORD: And, Senator Council, do you have any questions? I'd ask...we have Sheriff Davis' vita and I know you know Sheriff Davis already, and I do too, and now I know more about him from this. Do you have any questions? [CONFIRMATION]

SENATOR COUNCIL: I have one. [CONFIRMATION]

SENATOR ASHFORD: Yes. [CONFIRMATION]

SENATOR COUNCIL: And thank you, Sheriff Davis, for coming in. And the fact that you're here for the confirmation hearing, I guess, answers one of my questions and that is your belief that there is value in the continuing operation a Community Corrections Council? [CONFIRMATION]

JEFFREY DAVIS: I do. [CONFIRMATION]

SENATOR COUNCIL: Okay. So it would be your hope that if your reappointment is confirmed, there would be a council for you to serve on? [CONFIRMATION]

JEFFREY DAVIS: Yeah, I know that's in LB390's foresight right now. I will tell you a little bit about the...and I'll be brief, but when I got appointed to the Community Corrections Council I saw myself going there...and actually I'm the only law enforcement representative, so to speak, and so I thought I was supposed to go in there and make sure that we didn't do anything to let the bad criminal out on the street that might hurt somebody. And, obviously, I still look out for that, but the fact is, I've probably taken back more from the council than I've ever given. And I've brought some of those things back to my facility. We currently have drug court, pretrial release program, and I think we're close to having a mental health court here shortly. And the fact is that what we do on the council, at least this is my belief, and I won't speak for Senator Council, but I

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believe that we have kept the state of Nebraska from having to spend over a hundred million dollars to build another facility. And I think that's important. But I think what's as important as that is that I have taken that information back and shared it with all the law enforcement that I can. And I think that's important as a police officer. Sometimes you see this revolving door and the person you arrested three weeks ago is out on the street two months down the street and you can't figure it out. And at least I think they can take sometime knowing that maybe that person that's out there for the very first time is in a program or a treatment program that's going to keep them from coming back in that door. And I think that's what the council has stressed and has been doing. I can't take any credit for that because I've only been a member for about...this will be the second term...second full term, but they do a great job and I think it serves a necessary importance. Right now I know LB390 is out there. I also believe that if it does go away, my hope is that wherever it falls, if it's crime commission or something in that manner, that they keep that group of people. The collaboration that takes place there, the exchange of information which didn't occur before is...been tremendous. And I think, as I do, those members take that back to their constituents. We have an obligation to put the word out to the public so they understand, but be that as it may, I think it's been quite successful and I hope it continues. [CONFIRMATION]

SENATOR COUNCIL: Thank you. [CONFIRMATION]

SENATOR ASHFORD: Thanks, Jeff; thanks, Senator Council. And welcome Senator Lathrop, Senator Harr. [CONFIRMATION]

SENATOR LATHROP: Pardon me, Mr. Chair. [CONFIRMATION]

SENATOR ASHFORD: No, no. I... [CONFIRMATION]

SENATOR LATHROP: It starts at 1:30. My apologies. [CONFIRMATION]

JEFFREY DAVIS: No problem. [CONFIRMATION]

SENATOR ASHFORD: No, no, no, that's not why...I wasn't being sarcastic. I was truly welcoming you. The...well, let me also voice the same opinion, I don't think the council ought to go away either. I think that, you know, I even go back...well, Senator Council was most likely on the city council then, or maybe on the school board, but I remember when we put our first bill in on Community Corrections and it was 1989, I think, and Jim McFarland was the cosponsor of the bill with me. And we were modeling it after the Colorado...Colorado had sort of been one of the initiating states of community corrections initiatives and I think we were able to appropriate \$25,000 to start the process and then nothing really happened for awhile, then Kermit really got it going in 2000 or 1999 or whatever, I mean, yeah, to me it seems like a...well, first of all it's a good group of people obviously, and we shouldn't lose that focus. And I'm interested on

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the mental health court, and maybe Senator Council probably knows this already, but is that something that's in the planning stage now? [CONFIRMATION]

JEFFREY DAVIS: Actually, we have a separate committee that handles mental health. I'm not on that committee. But the one thing I voiced at that level, at the Community Corrections level, as well as my own county, and I've said this here before, basically, there's some 26 to 30 percent of the people that are incarcerated today that are there because they have a mental health issue and, yes, they may have committed a crime, but if we fix or look at that mental health issue, same thing, they're not going to come back, they're part of that revolving door and we're not looking at that the right way. And I think the council has moved in that direction. They don't have a specific program in place at this point, but I think that's something in the near future and the committee itself reports each meeting as to that progress. Again, they have a collaborative effort of people that have been put together to look at that statistically. But it is a huge problem. Something that we don't deal with. [CONFIRMATION]

SENATOR ASHFORD: Yeah. Yeah. [CONFIRMATION]

SENATOR COUNCIL: And, Senator Ashford and I think, maybe Senator Harr can confirm this, Douglas County is moving towards, if they haven't already implemented a mental health court and that is available to individuals who there has been some preliminary assessment that is the underlying mental health condition that is causing the commission of particular crime if they can address the underlying. [CONFIRMATION]

JEFFREY DAVIS: In many of those cases, and I know we're not here for this, but I'll get back on that soap box a little bit, many of those cases, it's a simple thing that they take their meds when they're in the jail facility and they're fine, when they get out, they don't take them. And a day reporting, something of that nature where they have to come in and take them in the presence of somebody else, I got to believe the numbers would be staggering. [CONFIRMATION]

SENATOR ASHFORD: Well, and we find that in the juvenile system where they get to the end of their...well even in the adult side, where they get on the juvenile side when they reach age 19 and they're not able to access...have I got this right, yeah, they're not able to access the meds they were on as a juvenile and...for whatever reason, and they're out of the system because they're no longer under juvenile jurisdiction and they're out there and they're not getting their meds and, boom, they're right back in the adult system. I mean, that happens a lot. And then also, yeah, the ones that...some of the individuals who jam out and don't have follow-up care and they don't have their meds, so... [CONFIRMATION]

JEFFREY DAVIS: You know, I think it's kind of like... [CONFIRMATION]

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SENATOR ASHFORD: I don't know if I characterized the problem correctly, but I think it's...I know on the juvenile side it's an issue when they reach age 19.
[CONFIRMATION]

JEFFREY DAVIS: And it's kind of like we have a great juvenile detention center down in Sarpy County. [CONFIRMATION]

SENATOR ASHFORD: Yes, you do. And we need to find a way to have one in Douglas County. [CONFIRMATION]

JEFFREY DAVIS: We do, and it is great. And for every dollar that you spend at that level altering someone's behavior, the estimates are somewhere between 15 and 20 fold you save it on the other end. And it's really no different in Community Corrections and you can't be foolish and think that one of those people that is on a program that normally would have been incarcerated isn't someday going to reoffend and possibly hurt somebody. That's going to happen. That's a fact of life. But the fact is, there are hundreds of thousands of would-have-been victims, so to speak, because we've altered the behavior of those people that we've treated. And there is a big difference. It's hard to swallow that sometimes. It's hard for me to sell that, but I do that to all of law enforcement in my area so. [CONFIRMATION]

SENATOR LATHROP: It really is the problem with government which is, we don't look at those costs, we just keep cutting and cutting and cutting and today we're being lobbied by the mental health people about mental health care and where are we going to be on the appropriation for that subject matter. Very same thing, you know, when you look at Von Maur, if we don't take care of these people when they're young and change their course, or we don't get them mental health care, then we end up with Von Maur as an extreme example, but it is what happens and at one level or another.
[CONFIRMATION]

JEFFREY DAVIS: Absolutely correct. [CONFIRMATION]

SENATOR ASHFORD: Yeah, why do we do that? It's interesting because I had the same conversation at lunch with someone and I rarely eat lunch, but I was having...and we were talking about it and how we can't seem to put a...never been able to put a...in the budget process, we don't have a column for investment income. [CONFIRMATION]

SENATOR LATHROP: Life saved, life saved, money not having to spend on corrections down the line. [CONFIRMATION]

SENATOR ASHFORD: Yeah. We don't seem to do that. And why that's so complicated. They certainly do that in the private sector with opportunity cost and investment for other things. Well, Jeff, I...you...any other questions of the sheriff here?

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[CONFIRMATION]

SENATOR LATHROP: No. Thanks for coming again. [CONFIRMATION]

SENATOR ASHFORD: We will vote you on this committee and hopefully it will...this council, as soon as we find a fifth member. [CONFIRMATION]

SENATOR LATHROP: In fact, he speaks for four people. [CONFIRMATION]

SENATOR ASHFORD: Yeah, the four of us will, yeah. [CONFIRMATION]

SENATOR LATHROP: We feel reasonably confident. [CONFIRMATION]

SENATOR ASHFORD: Yeah, I feel real good about it. And again, as I told you earlier, thank you for coming all these times, and on all the other bills. [CONFIRMATION]

JEFFREY DAVIS: Thank you very much, I appreciate it. [CONFIRMATION]

SENATOR ASHFORD: I guess Frank Peak and Thomas Dorwart are not going to be here, but we have information on them, so I would close the hearings on all three. (See Exhibits 1-23.) [CONFIRMATION]