

Transcript Prepared by Clerk of the Legislature Transcribers Office
Judiciary Committee February 14, 2024

WAYNE: Good afternoon and welcome to your Judiciary Committee. My name is Justin Wayne and I-- I'm not Terrell McKinney, but I can [INAUDIBLE]. I represent the legislative district-- 13th Legislative District. I serve as the Chair of Judiciary. District 13 is north Omaha and northeast Douglas County, and I do-- self-introductions starting to my right.

BOSN: I am Carolyn Bosn. I represent Legislative District 25, which is southeast Lincoln, Lancaster County, including Bennet.

McKINNEY: I am Terrell McKinney. I represent District 11, north Omaha.

WAYNE: I like that red tie.

ANGENITA PIERRE-LEWIS: Angenita Pierre-Louis, committee clerk.

BLOOD: Good afternoon. Senator Carol Blood, representing District 3, which is western Bellevue and southeastern Papillion, Nebraska.

HOLDCROFT: Rick Holdcroft, District 36, west and south Sarpy County.

DeKAY: Good afternoon, I'm Barry DeKay. I represent District 40, which consists of Holt, Knox, Antelope, Cedar County, northern part of Pierce and northern part of Dixon County.

WAYNE: Also assisting us are our committee pages, Isabel Kolb from Omaha, who is a political science and prelaw major at UNL, and Ethan Dunn from Omaha, who is a political science major at UNL. This afternoon, we will be taking up 6 bills in the order listed on the outside of the room. On the table on the side of the room next to the, the column, you will find blue testifier sheets. If you are wishing to testify, please fill out a blue testifier sheet so we can have accurate records. If you do not want to testify but we want to have your record recorded, recorded at the hearing and your position outlined, please fill out a gold sheet. Also, I'd like to note it's the Legislature's policy that all letters of record must be received by the committee by 8 a.m. the morning of the hearing. Any handouts submitted by testifiers will, will be a part of the record as exhibits. If you are planning on giving handouts, please provide 10 copies so we can have them for the committee. If you need additional copies, please see our committee clerks before so we can make sure you have the right amount of copies. Testimony will begin with each bill with the introducer during the opening statement. After the opening

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statement, you will hear from supporters of the bill, then from opposition, followed by those in neutral testimony. The introducer will then be given the opportunity to close on their bill. If you-- before you begin your testimony, we ask that you state your first and last name, spelling your name for the record. We will be using a 3-minute light system today. When you begin your testimony, the light on the table will turn green. It'll be yellow at 1 minute and then it'll turn red and I'll ask you to wrap up your final thoughts, I would like to remind everyone, including senators, to please turn off your cell phones or put them on vibrate. With that, we can begin today's hearing with LB1096. Welcome to your Judiciary Committee, Senator Armendariz.

ARMENDARIZ: Thank you. Good afternoon, Chairman Wayne and members of the Judiciary Committee. My name is Christy Armendariz, C-h-r-i-s-t-y A-r-m-e-n-d-a-r-i-z. I represent District 18, which encompasses northwest Omaha, Bennington, a little sliver of Elkhorn. I appear today before you to introduce LB1096. LB1096 is vanguard legislation to combat child explo-- exploitation and human trafficking online. LB1096 continues efforts of the Attorney General to strengthen Nebraska statute to better protect potential victims of sex trafficking and sexual assault, particularly children. LB1096 allows protection beyond the geographic limits of current criminal jurisdictions to reach the world's most prolific purveyors of exploitation of children and sex trafficking victims. LB1096 allows the Attorney General to utilize existing authority under the Uniform Deceptive Trade Practices Act to issue, issue civil investigative demands to potentially gain substantial discovery as to the extent of material exploitative of children for depicting victims of sexual assault or sex trafficking on some of the most frequented websites on the Internet. The UDTPA allows for potential recovery up to \$4,000 per violation and significant injunc-- injunctive relief. I have Bebe Strnad, the Consumer Protection Bureau Chief in the Nebraska Attorney General's Office, testifying right after me and I'd be happy to answer any questions that the committee may have.

WAYNE: Any questions from the committee? Seeing none, thank you for being here. First proponent. Welcome.

BEBE STRNAD: Good afternoon, Chairman Wayne and members of the Judiciary Committee. My name is Bebe Strnad, B-e-b-e S-t-r-n-a-d. I'm the Consumer Protection Bureau Chief at the Office of the Attorney General. I'm here testifying in support of LB1096. In today's digital

age, survivors of sexual assault, sex trafficking, and sextortion are facing a second wave of trauma when images and videos of their assault are posted online. Survivors fight hard to get this content taken down. One survivor implored a platform to take down a video of her rape for 6 months. For all 6 of those months, the platform ignored her pleas and continued to generate ad revenue off the video. It was not until the survivor hired an attorney and threatened to sue the platform that they removed the video of her rape. By then, it was too late. After 6 months of viewership, the video was shared off the platform and remains scattered across the Internet. This bill makes manufacturing, distributing, and promoting sexual assault and exploitative content a deceptive trade practice under our UDTPA statute, which gives our bureau the ability to seek civil action against violators. With the technologies and data available today, platforms have no excuse for allowing sexual assault content to be posted. In less than a second, content can be screened, for example, for images of children being assaulted, individuals who are being trafficked. Social media companies, for example, most of them as a standard practice screen content before it is even allowed to be posted. Consumers want content to be screened. Any consumer on any website deserves to be protected from illegal sexual assault content. LB1096 would effectively make screening the norm. By preventing content from being posted in the first place, it would prevent-- it would protect survivors and hold platforms accountable. LB1096 also provides a tool for combating sex trafficking and sextortion online. In Nebraska, survivors are often exploited online by their traffickers. This tool would also ensure that platforms do not profit off of sex trafficking and assault, while also keeping open helpful investigatory channels for purposes of investigating sex crimes. The current enforcement framework burdens survivors. That is backwards. The platforms are in the best position to address this issue due to their resources. The burden should not be on survivors to prevent further exploitation. They have endured enough.

WAYNE: Any questions from the committee? Senator Blood.

BLOOD: Thank you, Chair Wayne. So I'm a little puzzled, not because I don't think that what you're saying is absolutely spot on, but federal law-- true or false, doesn't federal law already prohibit this for age 16 and under? Everything you're saying that we want to do with our legislation, isn't this already covered in federal law?

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BEBE STRNAD: So federal law makes this all a crime,--

BLOOD: Right.

BEBE STRNAD: --but it does-- it does not provide an avenue. There is a federal law that says states may enact laws to combat this level of activity at the platform level, but current-- the current law is really focused on, first of all, criminal activity. And that's the sex traffickers and the actual "sextorters." But there's nothing currently in the law that we could use, for example, to go after a platform that is ignoring of it.

BLOOD: Are you saying the HTIU or the CEO-- CEOS, that them utilizing the U.S. Attorney General or the FBI that they can't do this exact same thing? Is that what you're telling me?

BEBE STRNAD: So they could probably do something. They could probably send a cease and desist letter, but they specifically give the states abilities to go after these platforms. But it would require-- in Nebraska, it would require Nebraska passing a law for a civil enforcement action, which we currently do not have. But the law does allow in specifically states that states mix.

BLOOD: So which, which punishments are usually harsher-- civil or going to--

BEBE STRNAD: I would say criminal.

BLOOD: So then wouldn't federal law be better?

BEBE STRNAD: Well, federal law can be criminal or civil.

BLOOD: I'm sorry, what?

BEBE STRNAD: Federal law can be criminal or civil.

BLOOD: Right.

BEBE STRNAD: What we're doing here is we're creating a civil claim that would allow our bureau to represent survivors who often can't afford attorneys and who the FBI are not taking care of. I handed out two victim statements, and you're welcome to read it. These women struggled significantly and, and then their content is still online.

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One, one of those victims spent over \$1 million in the course of 10 years to get the content removed, it is still online.

BLOOD: But I didn't see where it said, and I just sped read these, did it show-- it said that they reached out to the federal government and they refused help.

BEBE STRNAD: Both of the-- both of the victims have reached out to the federal government, senators, FBI, and they have not helped them.

BLOOD: I'm sorry, say that sentence again. To the what?

BEBE STRNAD: They-- both, both of the statements indicate that the victims reached out to the federal government, including senators. They've lobbied for change. They've, they've been screaming into the wind.

BLOOD: So their federal representatives let them down, but not necessarily the FBI.

BEBE STRNAD: They reported it-- they reported it probably in every channel. I'm not sure specifically which federal channels they reported it in, but it is evidently clear that something is needed to be done for these survivors.

BLOOD: No, and, and, and I don't question that at all. What I question is redundancy. And I, I do hear what you're saying. I'm not sure I agree, but I'm going to listen really intently. So thank you.

BEBE STRNAD: Sure.

WAYNE: Any other questions? I have-- oh, go ahead.

McKINNEY: Thanks, Senator Wayne. Have any other states enacted this-- any, any, any similar laws?

BEBE STRNAD: So many states are making an effort to address this issue at the platform level. For example, we've seen in Texas, they've taken a different approach. This is a pretty unique approach in terms of state laws. Other state bureaus have more powers than we do. And so they're able to address this a little bit more efficiently and effectively. But right now, at the consumer protection level, you're seeing-- I think Texas has a law, I believe North Carolina, Arkansas, probably Utah.

McKINNEY: What if it's a offshore platform?

BEBE STRNAD: So one of the benefits of, of having this be a civil claim, and particularly a consumer protection claim, is that our consumer protection laws can reach out and take action against actors, for example, foreign scammers. Whereas, our criminal laws are a little bit more contained, I believe. I'm not a criminal attorney, but I believe they're contained within the confines of the United States.

McKINNEY: OK. Thank you.

BEBE STRNAD: Um-hum.

WAYNE: Any other questions or concerns? So-- OK, what happens if there's a, a lawsuit and a settlement? Where does that money go?

BEBE STRNAD: The civil penalties?

WAYNE: Yeah.

BEBE STRNAD: It would go on to our state settlement fund.

WAYNE: How are civil penalties that you-- your office take constitutionally go into a state settlement fund when all penalties have to go to the local school districts?

BEBE STRNAD: I believe our UDTPA penalties all go to the state settlement fund by statute, but if not it would go to the school fund. We don't get it. The consumer protection just brings it in. We don't actually get it back. If we did disgorgement, it would be the same thing.

WAYNE: So generally when your office settles a settlement and it's a penalty, our constitution says that all penalties and fines have to go to the local school districts.

BEBE STRNAD: Are you thinking of our antitrust actions? Because those--

WAYNE: No, I'm thinking our constitution.

BEBE STRNAD: So the-- under the UDTPA, all of our consumer protection cases, I believe, goes into the state settlement fund by statute. But if there's a constitutional exception, we don't care where it goes as

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long as we can take action. That's, that's your guys' world to determine where our money goes.

WAYNE: Thank you.

BEBE STRNAD: Um-hum.

WAYNE: I just think I'm gonna have to-- anyway, I think I just-- any other questions? Seeing none, thank you for being here.

BEBE STRNAD: Thank you.

WAYNE: Next proponent. Welcome.

IVY SVOBODA: Hi. Ready?

WAYNE: Yep. Go ahead.

IVY SVOBODA: All right. Good afternoon, Chairperson Wayne and members of the Judiciary Committee. I'm Ivy Svoboda, I-v-y S-v-o-b-o-d-a. I'm the executive director of the Nebraska Alliance of Child Advocacy Centers in support of Senator Armendariz's efforts in LB1096 to better protect potential child victims of sex trafficking and sexual assault. The Nebraska Alliance of Child Advocacy Centers is the nationally accredited membership organization for the 7 child advocacy centers in our state. Our mission is to enhance Nebraska's response to child abuse by providing technical assistance and support to CAC's and the multidisciplinary team members. CACs offer trauma-informed services to children and families, including forensic interviews, advocacy, medical and mental health services. Annually, the CACs in Nebraska see about over 8,000 children facing forms of abuse. Our CACs work with youth who are at higher risk of being trafficked and sexually exploited. Two of the CACs even have specialized multidisciplinary investigative teams to serve youth survivors of human trafficking, and one to serve missing youth. These teams collaborate to provide a wraparound trauma-informed response working to ensure the best possible outcomes of-- for the youth impacted by these crimes. They've reviewed over 300 cases involving children. In the Omaha metro area, collaborative investigations between Project Harmony and the Omaha Police Department has led to confirmation of 34 juvenile sex trafficking victims in the last year. 28 individuals have been arrested, leading to 17 convictions. These investigations are extremely time-intensive and often have numerous electronic devices associated with the traffickers and the youth. According to National

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Center for Missing and Exploited Children, 19% of all children reported missing in '23 who left the care of social services were likely victims of sex trafficking. Additionally, 1 in 6 of the more than 28,800 cases of children reported missing that year were likely victims of child sex trafficking. Our partners have found that most juveniles who are trafficked are marketed using online platforms. In '23, 59,000 ads for commercial sex trafficking were identified in the Omaha metro area. Many sold online were confirmed juveniles, some sold in multiple states. In addition to commercial sex trafficking, abused children are exploited in other ways using online platforms, including the exchange of child sexual abuse material and sextortion. In '23, the National Center for Missing and Exploited Children received over 186,000 reports of online enticement, including sextortion, an increase of 323%. Senator Armendariz's steadfast leadership in championing LB1096 signifies an opportunity to curtail the cycle of exploitation and I urge the committee to advance it.

WAYNE: Any questions from the committee? Seeing none, thank you for being here. Next proponent. Welcome.

JULIE SHRADER: Hi. Thanks for having me here today or inviting me here today. My name is Julie Shrader, founder and CEO of Restored Wings, previously known as Rejuvenating Women, in support of testimony-- my, my testimony in support of LB1096. Thank you, Senator Wayne and senators of the Judiciary Committee. My name is Julie Shrader, founder and CEO of Restored Wings. We support the efforts of the Attorney General and state senators to strengthen the Nebraska statutes with the addition of section (23) to the Uniform Deception Trade Practices Act as detailed in LB1096. Restored Wings's mission is to provide youth and adults involved in human trafficking across Nebraska and the country an opportunity to regain their future of hope, purpose, and productivity stolen from them from deception and exploitation. Needed are interventions as found in existing laws for the protection and treatment of minors from the innovative, evidence-based and trauma-informed support, specifically for the ever-growing population of survivors. Through RW's short- and long-term housing recovery programs, community outreach and education, we are learning together how to heal and feel engaged and respected within our communities. The lost developing years of youth compounded by ongoing victimization of carrying the burden for their perpetrators' crimes must stop. In helping to restore lives to physical, emotional, and cognitive health, the long-term cost does not have to be paid by social services, healthcare providers, and families. Being reliant on donations and

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grants limited to Restored Wings's ability to meet but a fraction of its ever-growing needs. LB1096 can help to stem the tide and return the survivors their sense of self-worth, independence, and humanity. Restored Wings is committed to giving a voice to those who are kept silent from fear, shame, and isolation. The stories I hear over the years from a multitude of survivors cause me heartache. Listening to them share how videos and photos not only caused them mental trauma, but just the beginning of being-- of the beginning of being sex trafficked. As I continue to be an advocate for survivors, I will do what I can to help them heal and become confident in who God made them to be. I would be happy to answer any questions you may have.

WAYNE: Any questions from the committee? Can you spell your name for the record?

JULIE SHRADER: Julie, J-u-l-i-e, Shrader, S-h-r-a-d-e-r.

WAYNE: Thank you. Any questions from the committee? Seeing none, thank you for being here.

JULIE SHRADER: Thank you.

WAYNE: Next proponent.

NATE GRASZ: Good afternoon, Chairman Wayne and members of the committee. My name is Nate Grasz, N-a-t-e G-r-a-s-z, and I'm the policy director for Nebraska Family Alliance. I want to start my testimony by thanking the senators on this committee, as well as our Attorney General's Office for the leadership and bipartisan support we have seen over the last several years for efforts to combat human trafficking that have taken our state from an F to an A grade for our laws against the sexual exploitation and trafficking of children. When our organization began working on this issue more than 14 years ago, the reception was much different than it is today. We were often told that this wasn't an issue that happens here, that it only exists in faraway countries. As we've heard again today, sex trafficking does exist here but the problems we face in eradicating trafficking now extend beyond geographic limits to the exploitation of children and trafficking victims online. And that's what this bill addresses. LB1096 is an opportunity to do real work to protect children and victims of human trafficking. Nearly a third of trafficking victims are children and by allowing our state to hold those who seek to profit from the sexual exploitation of children online accountable,

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this legislation will strengthen our state statutes to better protect potential victims and ensure justice for the survivors of these heinous crimes. On behalf of the thousands of families our organization represents and as the father of a two-year-old little girl, I'm here simply to say that this issue is real, that the work you are doing here matters, and that we must do everything we can to take power away from traffickers and deploy the necessary tools to fight back. We believe this bill is that critical next step, and we'll continue to make our state a leader in protecting children from human trafficking and online sexual exploitation. We applaud Senator Armendariz for bringing this bill and encourage the committee's support. Thank you for your time and consideration.

WAYNE: Any questions from the committee? Seeing none, thank you for being here.

NATE GRASZ: Thank you.

WAYNE: Next proponent.

TOM VENZOR: Good afternoon, Chairman Wayne and members of the Judiciary Committee. My name is Tom Venzor, T-o-m V-e-n-z-o-r. I'm the executive director of the Nebraska Catholic Conference. From the outset of his pontificate, Pope Francis has been consistently vocal that human trafficking is something we must all combat. Pope Francis has condemned human trafficking with the strongest language, recognizing that trafficking is an atrocious-- an atrocious scourge, an abarrent plague, and an open wound on the body of contemporary society. As he has further stated, the human person ought never to be sold or bought as if he or she were a commodity. Whoever uses human persons in this way and exploits them, even if indirectly, becomes an accomplice of injustice. For over a decade now, Nebraskans have come together to make our state a national leader in combating trafficking. LB1096 constitutes another important step in the right direction for Nebraska to continue battling human trafficking in our state. LB1096 will further ensure that children and victims of sexual exploitation have protections under the law and that the Attorney General is empowered to take action against entities that manufacture, produce, publish, distribute, or otherwise make publicly available any visual depiction of sexually explicit conduct, any obscene material, or any other material that is harmful to minors under certain conditions. This is an especially important method for ensuring that Internet companies are assisting to end not being complicit in human

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trafficking. And we would also like to express our gratitude for Senator Armendariz, the current and former Attorney General, the Nebraska Human Trafficking Task Force, and countless other public officials, advocates, and victims who work tirelessly to make Nebraska a safer place. And we would urge you to move LB1096 to General File. Thank you for your time and consideration.

WAYNE: Any-- seeing no questions-- any questions? Seeing no questions,--

TOM VENZOR: Thank you.

WAYNE: --thank you for being here. Next proponent. Moving to opponents. First opponent. Moving to those testifying in a neutral capacity. Seeing none, Senator Armendariz is coming to close. We have 53 letters for the record: 52 in support, 1 in opposition.

ARMENDARIZ: I want to thank you and the committee again for listening to our testimony on this bill. While there are criminal laws in place against the acts depicted on these videos, this is Nebraska's attempt to go after the platforms. Some of the very most profitable platforms on the entire Internet. This problem still proliferates across the world. The criminal penalties are not steering that activity and this is Nebraska's attempt to go after the finances behind what's driving this activity. Hopefully, that does get the attention of these platforms and we can turn the tide that way. Otherwise, this just continues to happen and we have to save the people that are caught up in this. I welcome any questions.

WAYNE: Any questions from the committee? Seeing-- oh, Senator Blood, sorry. Well, I couldn't actually--

BLOOD: That's all right, I'll start going like this.

WAYNE: Yeah. I couldn't--

BLOOD: All right.

WAYNE: --it's a weird thing. I don't know, it's weird.

BLOOD: Thank you, Senator Wayne.

WAYNE: Don't worry-- don't worry about it.

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BLOOD: So, so my family-- we've been helping people who've been trafficked since the early days. So I always find it odd that people didn't know that this was going on. I think people chose not to, to realize it was going on because it's such an ugly thing.

ARMENDARIZ: It is.

BLOOD: But I'm leading to a question, but I always kind of want to put that out there because that just always surprises me. So we're basically changing this, if I understand this correctly, to be more of a consumer issue, right, a consumer safety issue?

ARMENDARIZ: This particular bill does, does address protecting the consumer.

BLOOD: So we know that all of these things we've talked about today are crimes under the federal government and that there are at least 5 different sections that include the FBI that enforce these laws. And so if you commit these crimes, there's imprisonment, there's fines. You may have to be registered as a sex offender when it involves children receiving more severe statutory punishment. But if we make it consumer, and I think I heard Senator Wayne talking about this a little bit as well, then the money stays in the state. It doesn't go to the victims, does it?

ARMENDARIZ: I haven't asked that question. Is there-- when it's criminal, does the money go?

BLOOD: Well, but we're not talking criminal--

ARMENDARIZ: OK.

BLOOD: --in this bill if I understand it correctly.

ARMENDARIZ: So the-- so I would-- I would think that the person that's been violated can bring a civil penalty against the, the person that violated them and, and receive those funds.

BLOOD: Here's, here's my concern, is the state generating income off of something so horrible. And I've heard it said several times here, nothing's working. Nothing's working because of how we're approaching it. We're approaching it by making it a crime, which it most sincerely is, but we're not shutting down the things-- our major politicians are not shutting down the things that truly cause sex trafficking. Like,

let's talk about the College of World Series. We know that that is one of the number one times that sex trafficking comes to town when all these wealthy, older white guys and their airplanes come in and, and tapping into the sex trafficking community. We know that for a fact. We have data that shows us that. And I know that, that Mrs. Ricketts and I, Susanne Shore, and several others, you know, we did hands-on activities. If you see something, say something. I feel like we keep passing legislation. And in many cases, organizations are making money off of these victims saying that we're protecting these victims. But there's little boots-on-the-ground things that are actually being done that protect these children, especially. And it seems to be the theme in the last 3 years, let's protect the children, let's protect the children. But there always seem to be people making money off of it and I, I take issue with that. So my concern and my question again, is, is the purpose to make money for the state? And if so, that seems wrong. Or is the purpose to protect the victims, and if it's to protect the victims, why do they not get the money? That's my question.

ARMENDARIZ: The, the purpose for this bill is to actually take money from the people making money off of these victims.

BLOOD: Which we can do now without this, right?

ARMENDARIZ: That's criminal. This is civil penalties for the platform. That's how you get the money from them.

BLOOD: I, I appreciate. I'm sorry. I know that that's hard questions for you, but I-- there's just a lot of this movement.

ARMENDARIZ: There are a lot of different ways that we need--

BLOOD: [INAUDIBLE] because there are so many people that are making money off of these victims that that-- we never really help these victims in a way that is massive. And it's because everyone wants to wave their flags, but nobody wants to get down in the, the dirty stuff and that's always going to be my issue. That's not yours, so.

ARMENDARIZ: I, I agree with you that it's a multifaceted problem that needs to be addressed in a lot of different ways. This is one way. Doing nothing is not helping, so.

BLOOD: And that's fair.

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WAYNE: Any other questions from the committee? Seeing none, thank you for being here and that'll close the hearing on LB1096. Next, we'll have LB1120-- oh, oh, Fredrickson is here-- I was hoping we could skip him-- LB928. Senator Fredrickson, welcome to your Judiciary Committee.

FREDRICKSON: Senator Wayne, I would never miss you in your red suit. I couldn't skip over that. Good afternoon. Thank you, Chair Wayne and members of the Judiciary Committee. For the record, I am John Fredrickson. That's spelled J-o-h-n F-r-e-d-r-i-c-k-s-o-n, and I represent District 20, which is in central west Omaha. I'm happy to be here today to introduce LB928, a bill that will create a full-time mental health director position at the Nebraska Department of Correctional Services. I first want to tell you a little bit about how this bill came about. Last year, I introduced LR201, which studied mental health deficiencies in our criminal justice system. As a part of that study, I looked at what was happening in the Nebraska Department of Correctional Services to address mental health. One thing I learned is that the department does not have a full-time mental health director employed by the agency. I know some of you are probably as surprised as I was to hear this. The mental health director they currently have is a part-time position and is not currently provided for in statute. LB928 establishes a mental health director that shall be appointed by the Director of Correctional Services. The person who holds this position shall have relevant mental health experience and be licensed by the State of Nebraska as a physician or mental health practitioner. The mental health director shall work in collaboration with the medical director at the department to coordinate mental and behavioral health services, recommend all necessary programs for mental and behavioral health services, and ensure that Nebraskans who are experiencing incarceration receive required programming and oversee training of mental healthcare staff. The mental healthcare director shall also collaborate with community mental health providers to ensure that services within the facility and continuity of mental and behavioral healthcare services upon reentry into our communities. Other duties for this position may be assigned by the Director of Correctional Services. There is no question that NDCS has been severely short-staffed in mental health personnel. Data from last year's annual report from the Office of the Inspector General show a vacancy rate of 65% for psychologists, 100% for psychiatrists, 44% for social workers, 46% for behavioral health practitioners I, and 66% for behavioral health practitioners II. The latest quarterly reports from NDCS

confirm that these vacancy rates have not improved. I had a really great conversation with Director Jeffreys during the interim regarding their workforce development challenges. I appreciated our discussion about how the department can improve engagement with community providers. I believe that Director Jeffreys has great ideas on this front. I also know in my own discussions with providers that they are eager to be a part of the solution to this crisis. I believe it's time to rethink how we approach mental health services in our correctional services system, especially as we are now putting more and more resources into building capacity to solve our overcrowding problem. I believe LB928 can be a building block for future success, and not only elevates this position to full-time status in statute, but it provides a specific duty for the person holding this position to collaborate with community mental healthcare providers to ensure that-- to ensure service continuity. I believe this kind of approach is extraordinarily important. While establishing a strong role for the position in statute, LB928 also specifically provides for the Director of Correctional Services to develop specific duties for the position to ensure this individual works closely with the department's medical director, which is already in statute. So this bill gives the department the flexibility it needs to figure out how this newly established leadership position will work within the leadership team. I hope you will all agree that this is a position that needs to be full-time. Having adequate resources is key to successful reenter-- reentry and important in reducing recidivism. LB928 provides a leadership position in the department who can begin to get a stronger grip on the mental health problem in our correctional institutions. I ask you to advance LB928 and take this important step. And with that, I'd be happy to answer any questions you may have.

DeBOER: Thank you, Senator Fredrickson. Are there questions? Senator Blood.

BLOOD: Senator Fredrickson, I, I love this bill. Didn't they used to, like, 20, 30 years ago have a full-time mental health person?

FREDRICKSON: That's possible. I don't believe it's ever been in statute per se. I do know that the current--

BLOOD: So that would be the difference that it wasn't in statute.

FREDRICKSON: Yeah.

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BLOOD: So this makes sure that regardless of what happens and they make budget cuts that we know that that's protected?

FREDRICKSON: It would. Yes.

BLOOD: All right. Thank you.

DeBOER: Other questions for Senator Fredrickson? I don't see any. Thank you for being here. Are you going to stick around to close?

FREDRICKSON: I am planning to. Yes.

DeBOER: All right. Thank you.

FREDRICKSON: All right. Thanks.

DeBOER: Let's have our first proponent. Welcome.

ANNETTE DUBAS: Thank you. Good afternoon, Vice Chair DeBoer and members of the Judiciary Committee. My name is Annette Dubas, A-n-n-e-t-t-e D-u-b-a-s, and I am the executive director for the Nebraska Association of Behavioral Health Organizations, otherwise known as NABHO. We represent 58 member organizations across the state, which include community mental health providers, substance use providers, hospitals, regional behavioral health authorities, and consumers. And our purpose is to raise awareness and forge alliances that bolster access to behavioral healthcare for all residents across our state. We thank Senator Fredrickson for introducing LB928 and his ongoing support for behavioral healthcare. We have a real opportunity with this bill to create a correction-- a correctional system that is focused on rehabilitation as plans are made for a new facility and its staffing. With such a high percentage of those who are incarcerated diagnosed with a mental illness and/or substance use disorder, creating a facility with an eye towards treatment and rehabilitation can help to shut down that revolving door of recidivism. Part of NABHO's strategic plan was to collaborate with the Department of Corrections to understand the behavioral health services that were housed within the department and identify ways that we could form partnerships to support those inmates upon their release. We were just getting those initial steps going when COVID hit, so that kind of brought everything to a halt. But last year, we tried to get things back on track and had a meet-- meeting with Senator-- or Director Jeffreys and his staff to discuss ways that we can collaborate. In fact, they just reached out to me this last week about a committee

that they are forming that will look at delving into the current landscape of treatment options, identifying existing gaps, and collaboratively recommend strategies for improving. And they've asked for some of our members to, to join that committee. LB928 seeks to bring statutorily that full-time mental health director. Having someone who is trained mental health professional that can focus on staff training and establishing those most effective evidence-based treatment protocols will be, again, a truly a big step towards rehabilitation. We believe this also fits with the Department of Corrections' strategic planning goals of providing a mental health for it to, to meet individualized needs, to enhancing the quality and the availability of behavioral health services, revising crisis levels of care aimed at improving therapeutic outcomes and conditions, and updating and reviewing those mental health policies. Having this mental health director in place will work towards achieving those goals. We'll also help to facilitate collaboration and cooperation with community providers so there can be that continuity of care once they are released and their families can receive that support as well. And I'll quickly close here with, with the comments that Senator Fredrickson made about workforce. There is not enough workforce, and that workforce is not going to appear overnight. And so our conversations with the department are how can we, as community providers, work so that we aren't robbing from each other to fill staff positions, but really finding ways to forge those partnerships. And we think having a, a full-time mental health director with that focus will really help address that. Thank you for your time and attention and I'd be happy to answer any questions if I can.

WAYNE: Any questions? Seeing none, thank you for being here.

ANNETTE DUBAS: You bet.

WAYNE: Next proponent. Welcome.

TIA MANNING: Hello. All right. I'm a little nervous so I will throw that out there, but OK. Hello, my name is Tia Manning. That's T-i-a M-a-n-n-i-n-g. I'm a licensed mental health practitioner, licensed professional counselor, licensed alcohol and drug counselor, and I'm here today representing the Women's Fund of Omaha as the Freedom from Violence project manager. I'm here today to highlight a pressing issue at the intersection of intimate partner violence, or IPV, as I refer to it throughout the remainder of my testimony, mental health and Corrections system. It is crucial that we address the complex dynamics

that arise when individuals impacted by IPV intersect with the criminal legal system, particularly in relation to their mental health needs. IPV is a pervasive problem that affects millions of individuals worldwide, with far-reaching consequences for victims, survivors, and communities. Research consistently demonstrates the strong correlation between experiences of IPV and adverse mental health outcomes, including depression, anxiety, post-traumatic stress disorder, PTSD, and substance abuse disorders. These mental health challenges can be exacerbated-- exacerbated, excuse me, by the trauma of abuse, as well as the stigma and shame often associated with seeking help. When individuals involved in IPV become entangled with the Corrections system, whether it's as someone who has harmed others or as a survivor, their mental health needs must be addressed with sensitivity and expertise. Too often, individuals with histories of trauma and abuse do not receive the appropriate support and resources within the correctional facilities, leading to further harm and exacerbation of their mental health struggles. It is essential that our Corrections system adopts trauma-informed approaches to address the needs of individuals impacted by IPV. This includes training staff to recognize the signs of trauma and respond with compassion and equity, as well as providing access to comprehensive mental health services to include counseling and support groups. Additionally, alternatives to incarceration, such as restorative justice programs and community-based interventions can offer more effective and humane responses to IPV by prioritizing the safety of communities and well-being of all involved. Furthermore, efforts to prevent and address IPV must extend beyond the confines of correctional facilities. We must work collaborative-- collaboratively with community organizations, mental health professionals, and survivors themselves to implement prevention strategies, raise awareness, and promote healthy relationships. By addressing the root cause of IPV and providing support of every stage of the criminal legal process, we can break the cycle of violence and promote healing for all. Together, we can create a more just and compassionate system that recognizes the inherent dignity and worth of every individual regardless of their past experiences or involvement in the criminal legal system. Thank you for your attention to this critical issue. I look forward to continuing this important conversation and working toward positive change and I'll answer any questions if I can.

WAYNE: Any questions from the committee? Seeing none, thank you for being here today. Next proponent.

JASMINE HARRIS: Good afternoon, Chair Wayne, members of the Judiciary Committee. My name is Jasmine Harris, J-a-s-m-i-n-e H-a-r-r-i-s. I'm the director of public policy and advocacy at RISE. We thank Senator Fredrickson for taking time during the interim session to dig into the topic of mental health and substance use issues in the criminal justice system. We also thank him for being thoughtful in which bills to introduce to begin addressing these two factors that contribute to the public health crisis of incarceration. According to the Bureau of Justice Statistics, about 43% of individuals incarcerated in state facilities had a history of mental health problems. Furthermore, the National Institute on Drug Abuse states there is an estimated 65% of the U.S. prison population that has an active substance use disorder. When compared to the general population, these numbers are staggering. Nebraska's correctional facilities are not exempt from having a large portion of its incarcerated individuals that have a mental health or substance use disorder diagnosis. Since Nebraska is not exempt from these issues, there truly needs to be a full-time mental health director that can focus solely on ensuring quality mental health services are being provided to the most vulnerable population that need it the most. A full-time mental health director will be able to work interdepartmentally with the reentry department to include a plan for continuum of care upon someone's release from incarceration and making connections with providers in the community. Another reason this position should be mandated full time is because this person needs to work with the Director of Corrections to create a plan to fully staff the behavioral health department. As the last report released for quarter 3 of 2023, this was the number of staff vacancies: 45 behavioral health practitioners, 4 behavioral health practitioner supervisors, 14 psychologists which includes supervisors and a director, and 3 psychiatrists which includes a director. That's a total of 66 positions that are critical to the care of people who are incarcerated. 90 to 95% of individuals will return to communities after incarceration. There are a plethora of things that they will have to deal with upon their reentering. Mental health won't stop being a factor at the door of the facilities. There will need to be assistance to help them with readjusting to being back out in society and navigating those changes. Since reentry starts as soon as the person enters the door of the correctional facilities, their mental health and well-being should be a major focus of their reentry as well. For these reasons, RISE supports LB928 and asks that committee

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members advance this bill out of committee to General File. I'll be happy to answer any questions today.

DeBOER: Thank you. Are there questions from the committee I don't see any. Thank you so much--

JASMINE HARRIS: Thank you.

DeBOER: --for being here. We'll have our next proponent. Welcome.

JASON WITMER: Good afternoon, Vice Chair DeBoer and committee. My name is Jason Witmer, J-a-s-o-n W-i-t-m-e-r. I am the policy fellow at ACLU and we are here in support of LB928. Our Nebraska Department of Corrections, NDCS, remains an overcrowded crisis, with 56% of its individuals incarcerated in our state prisons living with mental health concerns. As stated in a 2020 report by the U.S. Commission on Civil Rights. The report highlights that the absence of a defined system of care within our state prison system, which undermines the ability to ensure our mental health needs are treated appropriately in line with acceptable clinic-- acceptable clinical standards for intensity, scope, duration, and consistency. Senator Fredrickson's bill, LB928, proposes creating a full-time mental health director position within NDCS. The role could address the lack of centralized focus on mental health concerns and coordinate with the medical director, as he has stated, and other team members. This will better serve our incarcerated population. Additionally, this mental health director can address concerns such as the continued use of solitary confinement despite extensive research showing that this practice creates new mental health concerns as well as exacerbates existing mental health concerns. LB928 represents a crucial step towards ensuring mental health needs are adequately addressed within our correctional system. And with that in mind, we ask the committee to advance LB928. If there's any questions for me, I'd be happy to answer them.

DeBOER: Thank you. Are there any questions? Don't see any, thank you so much for being here.

JASON WITMER: Thank you.

DeBOER: Next proponent. Welcome.

MADELINE WALKER: Hi. Chairperson Wayne, members of the Judiciary Committee, my name is Madeline Walker, M-a-d-e-l-i-n-e W-a-l-k-e-r,

and I'm the human trafficking program coordinator with the Nebraska Coalition to End Sexual and Domestic Violence. I'm testifying in support of LB928 on behalf of the Nebraska Coalition and its network of sexual and domestic violence programs across the state. The Coalition's network of 20 programs collectively serve all 93 programs-- sorry, counties in Nebraska and are the primary service providers for survivors of domestic violence and sexual assault. Advocates within the Nebraska Coalition's network of programs provide services to all survivors of domestic violence and sexual assault, including those who are incarcerated. Many of the individuals incarcerated in Nebraska have experienced trauma, including domestic and sexual violence, throughout their lives. Research shows that people in the carceral system experience a higher number of adverse childhood experiences, or ACEs, than average. ACEs are a specific set of life events, such as child abuse and neglect, domestic and sexual violence, or the death or absence of a caregiver that when experienced before the age of 18 are associated with an increased risk of developing chronic health problems, including mental health disorders. ACEs are scored on a scale of 1 to 10, and those with an ACE score over 4 are at a substantially increased risk of developing chronic physical and mental health conditions. Nationally, 98% of the prison population has experienced at least one ACE, compared to 64% of the general population. In Nebraska, the mean ACE score for incarcerated individuals is 5.7, with 21% having a score higher than 8. In other words, most of the people within Nebraska's correct-- correctional facilities have themselves been the victims of violence. To reduce recidivism and adequately prepare individuals for reentry, the Department of Correctional Services must provide comprehensive, trauma-informed mental health services to those residing in their facilities. Appointing a full-time mental health director to the Department of Corrections would be an important step in providing these services to a population greatly in need. Keeping Nebraskans safe, both those who are incarcerated and those who are out in the community, require a commitment to mental health provided by qualified professionals using evidence-based practices. The Nebraska Coalition urges you to support LB928 and take a crucial step towards providing incarcerated individuals with the mental healthcare services they need and increasing the safety of all Nebraskans. Thank you for your time.

DeBOER: Thank you so much. Are there questions from the committee? Thank you for being here.

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MADELINE WALKER: Thank you.

DeBOER: Next proponent. Anyone else in favor of the bill? We'll go to opponents. Is there anyone who wants to speak in opposition to the bill? Neutral. Anybody in neutral? OK, I see no other testifiers. Last call for testifiers. All right. As Senator Fredrickson is coming up to close, I'll announce that there were 9 letters, 8 of which were in support and 1 which was neutral. Senator Fredrickson to close.

FREDRICKSON: Yes. Thank you to the committee. I just want to quickly share my appreciation to all the testifiers who came in today in support of the bill. Like I said in my opening, I think this is a pretty, pretty straightforward measure. I think we can all agree that a full-time mental health director is certainly needed and certainly something that we should invest in as a state in the Department of Corrections. So I would ask the committee to please advance the bill and look forward to your support and I'm happy to answer any questions you may have as well.

DeBOER: Thank you, Senator Fredrickson. Are there any questions?
Senator Holdcroft.

HOLDCROFT: Thank you, Vice Chair DeBoer. So thanks for bringing the bill, [INAUDIBLE] Senator. I noticed that there's a wide range of people who could fill, the psychiatrists, psychologists, social workers who are licensed independent mental health practitioners. Is the Director of Corrections going to make that decision?

FREDRICKSON: Yeah. So we wanted to leave that autonomy up to the department to determine who's the best fit. Our primary concern was we just wanted to ensure that it was an individual who was fully licensed in the state to either be a physician or fully licensed mental health provider of the state.

HOLDCROFT: Yeah, I noticed the salary is about \$470,000. What is the-- does that buy you a good psychiatrist or not?

FREDRICKSON: I think that's a very-- a very generous salary for, for this position. Yes. No.

HOLDCROFT: Thank you very much.

FREDRICKSON: Yep.

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DeBOER: Any other questions? Senator Bosn.

BOSN: Thank you, Vice Chair. So my questions were kind of along the same line. I see that it says the fiscal impact is \$577,000,--

FREDRICKSON: Yep.

BOSN: --but that's if-- I mean, and I'm not minimizing the work that's put in for any of the other individuals who would be qualified, but that would be in the highest paid position of any of the individuals listed. Is that fair to say?

FREDRICKSON: I would imagine so, yeah. I mean--

BOSN: And isn't it also that, right now, they pay a part-time, somebody is there some. So it wouldn't be starting a position that we don't already pay some dollars for, it would either be asking that person to become a full-time employee, thereby paying them more than what we're currently paying them or finding someone who's willing to do it full time?

FREDRICKSON: I would imagine, yeah. I mean, that's what I would assume. I don't-- I don't imagine they would keep a part-time director if they have a full-time one, so.

BOSN: OK. Thank you.

DeBOER: Other questions? Thank you, Senator Fredrickson.

FREDRICKSON: All right. Thank you.

DeBOER: That will end our hearing on LB928 and open the hearing on my bill, LB9--11-- LB1351.

HOLDCROFT: Apparently, I'm going to take over the Vice Vice Chair position.

DeBOER: Remaining members of the Judiciary Committee, my name is Wendy DeBoer, W-e-n-d-y D-e-B-o-e-r, and I represent District 10 in northwest Omaha. I appear today to introduce LB1351, which makes two changes to current statute. In Section 1, LB1351 changes one reference to the Director of Corrections from "his or her responsibilities" to "the director's responsibilities." In Section 2 of the bill, it

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removes obsolete language. This is a shell bill, we're not going to need it, so.

HOLDCROFT: Are there any questions then for Senator DeBoer? Hearing none, are there any proponents? Any opponents? Any neutral? I didn't know it was quite so easy to be the Vice Vice Chair. Would you like to close Senator DeBoer? And Senator DeBoer waives. That will conclude our hearing on LB1351. Next up, LB797. Oh, Senator DeBoer.

DeBOER: LB979.

HOLDCROFT: Is that what I said? No, I said-- LB979.

DeBOER: You had one job. No, I'm just kidding. [LAUGHTER]

HOLDCROFT: What can I say, fire me.

DeBOER: Good afternoon, members of the Judiciary Committee. My name is Wendy DeBoer, W-e-n-d-y D-e-B-o-e-r, and I represent District 10 in northwest Omaha. I appear today to introduce LB979, which would require an annual report on active cases by the Department of Correctional Services, Office of Probation Administration, and the Division of Parole Supervision. Having easily accessible and consistent data is of utmost importance for us as policymakers when drafting legislation. It is also important for advocates and citizens to have access to this data as they participate in the legislative process. Right now, the data publicly available for our criminal justice system is not as robust as I believe it should be. A 2020 report prepared by the Executive Board by the-- for the Executive Board by the Center for Public Affairs, entitled: Racial and Ethnic Disparities in the Criminal Justice System in Nebraska illustrated some of these limitations. Highlighted in the report is the lack of data available throughout one individual's interaction with the criminal justice system. Like, as across their whole life. The report identified 16 different points of contact an individual has with the criminal justice system. Data was available for only 4 of those points of contact. We certainly may have disagreements on criminal justice issues, but we know that we cannot solve problems without having accurate data. So reflecting an individual's involvement from arrest all the way through release would help us to understand what's going on. That's why in 2021, I introduced LB499. And this is a similar bill which I'm reintroducing this year as LB979. LB979 requires a report compiled by the Department of Correctional Services, Office of

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Probation Administration, the Division of Parole Supervision, to include information on age, race, ethnicity and gender of each individual involved in an active case, county of prior residence, if known, the offense of conviction, and the length of sentence imposed. Individuals' identifying information will be withheld from the report and at the report of the courts I am removing citizenship-- at the request of the court I am removing citizenship status from the bill as they do not collect this information. So I have AM2503, which reflects that change to remove citizenship status from the data. So this is a good-government-backed bill, because without good data we're unable to know if the changes that we make have any effect. So as we're looking to build a new prison, it looks like it's time to improve our data collection. When I was speaking with researchers about this bill, it sort of came from a series of discussions when we were talking with folks about how we follow-- how interactions with the system are reflected in a person's success or failure later in life. But the problem is that we have information about discrete interactions with the system, but we do not have an ability to follow that person's interaction with the system over time. So you can only see this one arrest, prosecution, and then potentially their time in the corrective system, but you can't see how-- you can't follow them longitudinally. And so if we're trying to think about how our rehabilitation is working, we can't see what programs were these people given and how they affected them over time. I don't know that we're there yet with this bill. I'll be honest. But I think we need to have a conversation about how we do that and how we follow what our-- how we measure our successes or failures with respect to the various interventions that we do in the rehabilitative process. So that's why I brought the bill. I'm happy to answer any questions that you might have.

HOLDCROFT: Thank you, Senator DeBoer. Are there any questions for Senator-- yes, Senator Bosn.

BOSN: Thank you, Vice Vice Chair. So I see your amendment here. Am I following you correctly that you're striking the citizenship status information request and can you tell us why?

DeBOER: Because the court doesn't collect it, so they would have no way of telling me.

BOSN: But doesn't the-- and Department of Corrections doesn't collect that?

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DeBOER: It's what-- the, the court doesn't collect it and this would be a request from the court.

BOSN: Well, it says the Department of Correctional Services, Probation,--

DeBOER: Yeah. OK.

BOSN: --Parole.

DeBOER: So they asked us because they don't collect that information not to ask for it and so being a good legislator I said I will not then.

BOSN: I didn't know that. OK.

HOLDCROFT: Any other questions from the committee? Yes, sir, Senator DeKay.

DeKAY: With the change of-- you know, I guess, ways that we're going to collect data stuff, how will that change the size of the fiscal note? Will it have any effect on that or not?

DeBOER: So the fiscal note would be the same. It's just taking out the-- the only thing we did was we take-- took out something and we said you don't have to report on it because you don't know anything about it because you don't collect that data. So the fiscal note should be the fiscal note.

DeKAY: OK. Thank you.

HOLDCROFT: Any other questions? Thank you, Senator DeBoer. Will you be staying for closing?

DeBOER: I believe I will.

HOLDCROFT: Proponents? Proponents for this bill?

JASMINE HARRIS: Hello, Vice Vice Chair Holdcroft and members of the committee. My name is Jasmine Harris, J-a-s-m-i-n-e H-a-r-r-i-s. I'm the director of public policy and advocacy at RISE. I just wanted to come on record that RISE is in support of LB979. I am a self-proclaimed data nerd and so all data is good data regardless of what it states. And we know in the state of Nebraska, our data collection is not the greatest and I just think this is an initial

step in that direction. As Senator DeBoer talked about not knowing the trajectory of people throughout our systems, I think we also need to include in this looking at the child welfare system, the juvenile justice system, and then how people traverse through here because there's a story that's told through this information. Back in '21-- or 2020 and 2021, and we brought in the Crime and Justice Institute to do the Nebraska Justice Reinvestment Initiative. They did a data dive into the court's information, into the Department of Corrections' information, data from Parole and Probation, and all that, to see where the pain points were for our criminal justice system here in Nebraska. And we got recommendations and everything out of that and LB50 was the result of that last year. We just saw a few weeks ago that the UNO's Center for Justice Research did another data dive that told us the same thing that the Crime and Justice Institute told us. So I think as we progress more into our future here in Nebraska, we need to really start looking at how we collect data and how do we not duplicate what we've already been doing and ensure that that data is correct. And so with that, we ask that the committee advance LB979 to General File.

HOLDCROFT: Thank you. Are there any questions from the committee?
Thank you--

JASMINE HARRIS: Thank you.

HOLDCROFT: --very much. Next proponent.

SPIKE EICKHOLT: Good afternoon.

HOLDCROFT: I can't-- I can't see the light. I think your time-- your time is up.

SPIKE EICKHOLT: You were going to [INAUDIBLE]. OK. Thank you. Good afternoon, Vice Vice Chair Holdcroft and members of the committee. My name is Spike Eickholt, S-p-i-k-e, last name is E-i-c-k-h-o-l-t. I'm appearing on behalf of the ACLU of Nebraska as their registered lobbyist in support of LB979. And we want to thank Senator DeBoer for introducing it. I think she gave a very comprehensive explanation of what she's trying to do with the bill. We just want to echo that this is an important purpose and we would encourage the committee to, to advance this bill in some form. As Ms. Harris just testified, collecting the data is important. You know in the time that some of you have been here longer versus shorter times compared to each other

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that you hear so many anecdotes regarding criminal law, criminal justice, Corrections. And it's important, I think, for this committee and this Legislature to make informed decisions to have actual data and not just stories, not just examples that are-- that are given somewhat arbitrarily to you committee members. This bill is also sort of timely and important. I was at the Executive Board over the lunch hour today and Speaker Arch and Chair Aguilar announced that there was an MOU, a memorandum of understanding, reached with respect to the Legislature and the executive branch regarding the Inspector General for Child Welfare and the Inspector General for Department of Corrections. This-- I don't know if this is going to be the same thing but it's important, I think, that the Legislature have vehicles and opportunities and means to have oversight and know what the other branches of government are doing. Not to play gotcha and not to play get you or anything like that or to be an unnecessary and hostile check on other branches of government, but it's important because you are asked to make significant financial investments in the Department of Corrections. You were just asked and just approved a significant expense for a new prison. It's likely going to have additional ancillary costs to it. And for you to have-- in my opinion, for you to make an informed decision you need to have all that information available for you. And it's not necessarily filtered by those advocacy groups or agencies that may want something from you instead. So this is a very good bill. We're going to encourage the committee to advance it and I'll answer any questions if anyone has any.

HOLDCROFT: Thank you. Are there any questions from the committee? Seeing none, thank you very much, Spike. Next proponent. Any other proponents? Opponents. Any opponents? Anyone speaking in the neutral? Senator DeBoer, would you like to close? Senator DeBoer waives closing. There were-- there was 1 letter and it was in support. And I stand relieved as the Vice Vice Chair.

DeBOER: That ends our hearing on LB979 and opens our hearing on 11-- LB1126 and our own Senator Bosn. Welcome, Senator Bosn.

BOSN: Thank you, Vice Chair DeBoer. Good afternoon, members of the committee. For the record, my name is Carolyn Bosn, C-a-r-o-l-y-n B-o-s-n. I represent Legislative District 25, which is southeast Lincoln, Lancaster County, including Bennet. I'm excited to be here today to introduce to you LB1126, the National Career Readiness Certificate Pilot Program within the Department of Correctional Services. LB1126 aims to create a pilot program that will reduce

recidivism, improve career success, and offer a second chance to justice-involved individuals. The vast majority of inmates, 95%, will reenter society at a fork in the road with one path leading back to where they started and the other to an opportunity for a second chance. By providing justice-involved individuals with the opportunity to earn the National Career Readiness Certificate, we will be encouraging them to choose the opportunity for a second chance. The National Career Readiness Certificate is a nationally portable, industry-recognized career readiness certificate that can be earned with qualifying scores across three WorkKeys assessments: one, being workplace documents; two, applied math; and three, graphic literacy. Prison-based education pays off in favorable dividends, with every \$1 invested in prison-based education yielding \$4 to \$5 of taxpayer savings from reduced incarceration costs. A clear pathway to a job paying-- excuse me, to a good-paying job is a key factor for breaking a cycle of justice involvement for both youth and adults in the correctional system. Work Ready Communities, as we're calling them, Work Ready Communities have been successfully implemented in many states and are used to scale increases in skills and credential attainment via short-term credentials in addition to large-scale remediation of adult foundational literacy and numeracy skills. Mary, and I'm going to mispronounce your last name, LeFebvre, who is the director of State Government Relations and Workforce Policy at ACT will be following me to speak to the success stories in other states as well as follow-- answer some follow-up questions. Additionally, Amy Doty from Southeast Community College, who is the director of prison education programming, will also be testifying. Southeast Community College's prison education programming department has had more than 200-- excuse me, has more than 200 incarcerated individuals enrolled in their program this spring alone. Unfortunately, their program is at capacity, but they want to partner with this group. We've had conversations about how to move that forward to provide more programming to incarcerated individuals, WorkKeys and the NCRC, which is the nationally recognized-- which is National Career Readiness Certificate, are essential to the success of reentry education programming-- programs and ensuring that individuals have the foundational skills to be trained and certified for successful job training and employment. Additionally, in anticipation of this bill, I've had multiple conversations, both with-- I'm going to call her Mary because I can't pronounce her last name, as well as individuals from Southeast Community College. I've reached out and had conversations with the director of correctional facilities. Everybody

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wants to come together and figure out a way to do this. And she'll give you the examples, but the numbers and the-- and the success rates of these programs are incredible. And so I'm happy to answer any questions you may have, otherwise, I'll let her tell the great stories that she's shared with me previously.

DeBOER: Are there any questions for Senator Bosn? I don't see any.

BOSN: Thank you.

DeBOER: We'll have our first proponent, please. Welcome.

MARY LeFEBVRE: Good afternoon, Vice Chair DeBoer, members of the Judiciary Committee. My name is Mary LeFebvre, and it is tricky to spell. It is M-a-r-y L-e-F-e-b-v-r-e, and I am honored here to represent ACT as the director of State Government Relations and also I wear another hat, the director of workforce policy. You might be wondering why someone from ACT is up here talking about something that's not a college-readiness assessment. And to be fair, we did name the company after the initial product so fair-- good on us. What you might not know is that for the past 30 years we have been measuring and certifying work readiness. What does it take to be successful in a job training program and any career pathway in any industry and certifying those levels of readiness across all of those occupations and industries during that 30-year time period. WorkKeys as a product, as an assessment, is primarily used for employers for hiring. But during all of these long decades, it's actually also being used pretty consistently in correctional programs at either the state or the local level for, again, many decades now. It's used in order to provide many things for the individual: one, for individuals who have not been in a classroom setting for some time, it gives a measure of confidence that, yes, they do have skills. They transfer to a good-paying job upon release, which we know there are already too many barriers that are faced by justice-involved individuals upon release. The foundational literacy and numeracy that are barriers for successful training in any occupation is a huge barrier in and of itself. So WorkKeys is actually used for the individuals as, again, a signal that they have the skills. It's also a signal to employers that they're hireable, that they're a good investment for training and education. We have ample research in other states and across the U.S. to show that the use of WorkKeys in the NCRC increases success in job training programs, increases likelihood of completing those industry training programs and industry recognized credentials, stacks nicely into adult

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education programs to, again, increase persistence toward completion of a, a high school diploma or equivalent program. It also provides the ability for an individual to earn up to 6 hours of college credit into a stackable, degree-bearing program. And, more importantly, we have over 28,000 employers across the U.S. that recognize and endorse the value of the credential for people that they're hiring. Last but not least, we have many states, I believe, over 31 right now, that are either at a local level or state level endorsing and using the credential as part of a community-wide effort called Work Ready Communities. There's a lot of information in the packets that we've shared with you, but suffice to say it helps second chance populations and untapped labor pool certify that, yes, their community is skilled and shovel-ready for workforce. And so this would be one small way of kind of, again, helping lift those communities up and, again, untapping those untapped populations of, of workers. And I believe my time is up and I'm here for any questions that you might have. Thank you so much.

DeBOER: All right. Let's take questions from the committee. We'll go with Senator Holdcroft first.

HOLDCROFT: Thank you, Vice Chair DeBoer. I actually have a lot of questions. So is this-- first of all, is it administered in prison?

MARY LeFEBVRE: Yes.

HOLDCROFT: Is it-- you have instructors or is it just a-- it's some kind of a test for certification?

MARY LeFEBVRE: It is a test. It's actually 3 tests. There are 3 set skill areas: applied documents, work-- workplace documents, applied math, and graphic literacy. Your score across those 3 assessments qualifies you for the credential and for different levels of the credential. So you do better, you get a higher level of the credential. And depending on the correctional institution, they can be administered securely, sometimes in a paper-pencil manner, sometimes at an educational center that might be beyond the walls.

HOLDCROFT: OK. I think it might have even taken this at Metro Community College. I mean, is it recognized--

MARY LeFEBVRE: Yes. Yes.

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HOLDCROFT: --across the various educational places? So would we foresee doing this at all the Corrections centers?

MARY LeFEBVRE: You could. I believe the bill allows for that. And I believe that the senator has, I think, an idea for, you know, the State Pen primarily, like, being the, I would say, the first location for the testing to occur. But I believe the bill allows for any institution to implement.

HOLDCROFT: Well, it looks like the fiscal bill [SIC] calls for 3 laptops and it looked like-- let's see-- well, it says 4 employment specialists and 1 Corrections program manager. Is that-- you know, this may be a question for Senator Bosen when she closes,--

MARY LeFEBVRE: Yeah.

HOLDCROFT: --but I'm just wondering how they-- where those people would be? Thank you. Thank you, Vice Chair DeBoer. I'm finished with my questions.

DeBOER: Thank you, Senator Holdcroft. Senator Ibach.

IBACH: Thank you, Vice Chair. I'm looking over some of your literature here, and this is kind of my wheelhouse, because I've done some other workforce-type bills, sponsored some bills this year. And this really kind of speaks to some of the priorities that I've had with some of these projects as well. In your literature you say-- or it says that training apprenticeships and economic development programs. Can you kind of speak to Senator Holdcroft's investment portion versus the economic impact that might be the trade out for how this program might affect or impact economic development in communities?

MARY LeFEBVRE: No, it's a very good question. So that community initiative that I was referring to, it is something that is actually-- the initiative itself and the credentials that is a part of this pilot program is something that site selectors nationally include in their state-of-the-state rankings for site selection, which means if a multinational company or large employer wants to relocate or expand in a state, there's only, I think, five metrics that they're looking at when the ranking states and this credential is one of them. It's the only workforce metric that's included. And so in aggregate, when you have a, a labor pool that's earning this credential and the community coming together to certify the workforce, that's recognized for economic development activities nationally. And so this is not

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something that just would be Nebraska. This is done in, I believe, 26 other states just in corrections. The community initiative is in over 31 states, and the product itself is already used by the Federal Bureau of Prisons as part of their early release program. So we do believe strongly that it's the best practice, but we also have the research to back up that it meaningfully impacts not just individuals, but communities and states.

IBACH: Very good. Thank you.

MARY LeFEBVRE: It's a great question.

IBACH: Thank you. Thank you, Vice Chair.

DeBOER: Other, other-- Senator Holdcroft.

HOLDCROFT: Thank you, Vice Chair DeBoer.

DeBOER: Yes.

HOLDCROFT: This is-- actually, this question came from Senator DeKay. He asked me to ask it because he's, he's a little shy--

IBACH: He's bashful.

HOLDCROFT: --but this is really higher than a GED, high school diploma, right? I mean, you--

MARY LeFEBVRE: It can be.

HOLDCROFT: --it's almost a requirement.

MARY LeFEBVRE: It can be. It starts at the very simple level. So things like making change, that's the lowest level of math that we assess. But then it starts to get pretty complex. And if anybody's been in a trade occupation that requires higher levels of math, you'll understand, like, having, like, a concept of, you know, square area is pretty important. And so it goes from simple to very complex to the highest levels that would be required for the highest level of complexity needed in a job short of a degree program. So if you're a doctor, I'm pretty sure that MD is going to be the best signal. But there's a foundational level of literacy and numeracy, numeracy that you would need to even read the textbooks in that program. That's what

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we measure. Can you read the textbook? Can you do the math to even succeed in that training program? It's a good question.

HOLDCROFT: Thank you.

DeBOER: It looks like Senator DeKay has come out of his shell.

DeKAY: I'm getting better. Would this apply-- as these are like college-level classes, would this apply toward an associate's degree or anything?

MARY LeFEBVRE: Yes. I do believe that Metro is one of the institutions of, of postsecondary education in the country right now that is allowing this to count for college credit toward a degree-bearing program, specifically their, I believe, associate's programs.

DeKAY: All right. Thank you.

DeBOER: Thank you, Senator DeKay. Other questions? I do have one for you.

MARY LeFEBVRE: Yes.

DeBOER: Senator Blood and I have been discussing this over here. So it's, you know, a collaborative question as well. On the handout that you gave us it shows Nebraska as blue. And the key for that says there are 26 states with statewide or local use of World-- WorkKeys and the NCRC within adult and youth correctional facilities. So can you tell us where in Nebraska they're already using this?

MARY LeFEBVRE: I believe through Metro that they have a partnership with local correctional institutions to use WorkKeys as part of a larger package of education programming upon release. But that it is in coordination. So, again, that would be a local effort in Nebraska.

DeBOER: So how would that be different than what you're doing here? You're saying that the Department of Correctional Services would be putting it on themselves or would be responsible for this program themselves?

MARY LeFEBVRE: It would be scaling, I believe, what, what I would consider to be a best practice in one community statewide within the state, but then also allowing those other communities or sites to

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maybe put their own flavor and type of programming on how it would be more effective for them. So if that answers the question.

DeBOER: Yes. Thank you. Are there other questions? Thank you so much for being here.

MARY LeFEBVRE: Thank you very much for your time.

DeBOER: All right. We'll have our next proponent. Welcome.

AMY DOTY: Hello. Thank you, Vice Chair, DeBoer, members of the Judiciary Committee. My name is Amy Doty, A-m-y D-o-t-y. I'm here today in support of LB1126, proposed by Senator Bosn on behalf of Southeast Community College. I am currently the acting director of our new prison education program. And I'm here, as I said, to support the legislative bill to fund and pilot the National Career Readiness Certificate Program across the Department of Correctional Services in Nebraska. The 1,400 individuals this bill seeks to provide with essential career readiness skills will open countless opportunities to meaningful employment post-release and for those individuals in our Community Corrections Centers actively seeking employment. When these individuals are employed in competitive-wage jobs, the likelihood of reoffending is significantly reduced. When we can shorten the time between release and meaningful employment, again, the chances of recidivism are significantly reduced. The ACT WorkKeys National Career Readiness Certification is an evidence-based program providing training for in-demand skills employers are looking for when asked about what they need most from qualified applicants, yet they have the least time to actually train those new employees in those skills. In alignment with the Department of Correctional Services' goals to reduce recidivism, increase reentry skills and programming, and enhance successful reintegration for the 90% of nearly 6,000 currently incarcerated individuals in state facilities in Nebraska who will, as Senator Bosn said, return to their communities in the next 3 years, this pilot program will no doubt make a significant contribution towards realizing the ambitious, admirable, and timely goals of the department. Southeast Community College, in partnership with NDCS, has recently launched our prison education program in 4 state correctional facilities to create access to higher education and the knowledge, skills, experience, and credentials returning citizens need to be successful and gain upward economic mobility. Our goals run parallel to those of this bill and we are willing to extend our existing partnership with the department to support any initiatives and

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programs whose aim it is to reduce recidivism, meet workforce needs, and serve our communities. I am available for questions. Thank you.

DeBOER: Thank you so much. Senator Blood.

BLOOD: Thank you, Senator DeBoer-- Vice Chair DeBoer. You said you're in 4 facilities and what are those 4 facilities?

AMY DOTY: We are in the Nebraska State Penitentiary in Lincoln, Nebraska. We are in the Community Corrections Center of Lincoln. We are at the Nebraska Correctional Center for Women in York, and we are at the residential-- or excuse me, Reception and Treatment Center, section 2, here in Lincoln, Nebraska, and we are also operating a satellite location at the Center for People where Community Corrections Lincoln residents come out for programming as well.

BLOOD: When you say Reception Center, do you mean what was formerly known as the D&E?

AMY DOTY: It used to be LCC and D&E merged to become RTC. Yes.

BLOOD: When I worked there, it was LCC and D&E so--

AMY DOTY: Yeah. Yeah.

BLOOD: --I always have to clarify. OK, so I'm, I'm confused by the previous description and the introduction of this and so this may be a question for Senator Bosn but you might know the answer. So, so we're expanding it to what if we pass this bill? Because I'm hearing that it already exists and we want to expand it and make it more available, is it to all facilities or is it to-- for the people that have been released and are on parole? I'm, I'm a little confused about what we're trying to do with this half a million dollars.

BLOOD: Yeah, I believe-- of course, Senator Bosn can clarify in her closing remarks, but from the fiscal note it appears that this is being proposed to be launched in 4 different facilities as there is provisions for device-- technology and then 4 full-time FTE, which would be full-time career specialists.

BLOOD: But it's already in 4 facilities. That's, that's where I'm-- do you see where I'm--

AMY DOTY: No.

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BLOOD: --trying to connect this?

AMY DOTY: Yes. So Southeast Community College is offering a 2-year academic transfer program. So a credit-bearing, college-level associate's degree program in those 4 facilities, not the NCRC.

BLOOD: OK. Thank you.

AMY DOTY: Um-hum.

DeBOER: Thank you, Senator Blood. Other questions from the committee? I don't see any. Thank you so much for being here.

AMY DOTY: Thank you.

DeBOER: Next proponent. Welcome.

JASMINE HARRIS: Thank you, Vice Chair DeBoer. Hello, members. My name is Jasmine Harris, J-a-s-m-i-n-e H-a-r-r-i-s. I'm the director of public policy and advocacy at RISE, and we request that our testimony be included as part of the public hearing that shows RISE is in support of LB1126. I would like to thank Senator Bosn for introducing this bill that would focus on enhancing the workforce skill set of individuals who are incarcerated. And I can skip this whole paragraph because you had all these great testifiers. What we hear from many employers as we're working with people who are coming home from incarceration, is that they can teach the hard skills, but what they need are for potential employees to have soft skills when they're hired. So with the NCRC assessment being given in the facilities through this pilot program, we can begin to see what other skills individuals may need assistance with to ensure they are successful in employment opportunities when they return home after incarceration. With that support, I would like for everyone to approach this pilot program knowing there are caveats to the success of individuals who receive this certification. One being, it's just an assessment. So then after individuals find out where they are in these levels, what are we doing as far as programming to help them then bring those skill sets up? The NCRC was being offered through Heartland Workforce Solutions based in Omaha back in 2017, and there didn't seem to be as much traction in the recognition of the certification with employers here so I decided to look on the NCRC website to see what employers in Nebraska recognize the certification. And there's a list of 382 employers. But two things stand out about this list to me. Many of the employers list multiple locations which boost the number of employers

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on the list, and it's outdated with some of the businesses that are closed. So we need to make sure that's reflective of where we are today. And, two, many of the employers on the list are not second chance employers or background friendly. If LB1126 is adopted, I would like for there to be more thought put into how this is communicated to individuals receiving this certification, that this does not mean guaranteed employment with any of the recognized employers. I would also like to see more efforts towards working with business communities on why second chance employment is important for people returning home after incarceration and how they play a critical role in ensuring workforce development, public safety, and overall health and well-being for individuals returning after incarceration. As mentioned, ACT has the Work Ready Communities in the state of Nebraska to sign onto the national initiative reentry 2030. Between these frameworks and initiatives, I hope we capitalize on the movement to improve outcomes for people coming home after incarceration. So RISE supports LB1126 and asks that the committee members vote this bill to General File, understanding those caveats and that the state of Nebraska works to ensure progress in the area of employment for people with convictions. I'd be happy to answer any questions if you have any.

DeBOER: Thank you. Are there any questions for this testifier? I don't see any.

JASMINE HARRIS: Thank you.

DeBOER: Thank you so much. Next proponent. Welcome.

DIANE GOOD-COLLINS: Thank you. Good afternoon. My name is Diane Good-Collins, D-i-a-n-e G-o-o-d-C-o-l-l-i-n-s. I am the director of the 180 Re-entry Assistance Program at Metropolitan Community College, and I am here to testify on behalf of MCC's general support of LB1126. Since February 2015, MCC has provided education training and transition support to over 9,635 people through 180 RAP, a multifaceted program providing service and support to the incarcerated and reentry populations. MCC's goal is to ensure the justice-involved community has enhanced access to training and workforce development to achieve their education and employment goals so they do not recidivate. In addition to education, MCC created the largest on-campus reentry center nationwide. MCC's reentry center houses an education center, job center, computer center, and pantry dedicated to providing transition support to the reentry population in Nebraska. We

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are considered national experts. In 2023, MCC's reentry job center had 4,807 visits with a 99.8% employment rate of job seekers. These impressive outcomes are largely due to the fact that MCC has built support among over 375 background-friendly employers who understand the value of this hidden workforce. The NCRC is a valuable credential for the incarcerated population. The NCRC, an evidence-based, portable, industry recognized credential that validates work-ready skills, helps individuals with a background attain their employment goals. Overall, in Nebraska, 6,829 NCRCs have been earned and there are currently 382 Nebraska employers supporting their credential. Since March 2017, MCC has offered the NCRC assessment to the incarcerated populations at Omaha Correctional Center, Nebraska Correctional Center for Women, Tecumseh State Correctional Center, and the Community Corrections Center-Omaha. For someone releasing from prison, having the NCRC can be the key to acquiring family-sustaining employment upon release. Funding and lack of Internet capability have been barriers that MCC faces with expanding additional NCRC assessments to the incarcerated population. Currently, one team member provides a paper-pencil assessment. Without Internet use, the only option for the assessment is the paper-pencil version. With additional funding-- funding, MCC could readily expand ACT training to additional team members, increase access to the NCRC assessments, engage in long-term planning with NDCS to implement online digital assessments, raise the number of NCRCs in Nebraska, and connect more individuals with backgrounds to the workforce. I'm on my time.

DeBOER: Thank you so much. Let's see if there are any questions.
Senator DeKay.

DeKAY: Thank you, Vice Chairman DeBoer. With the 375 employees-- employers, are they all from Nebraska? Are they regional?

DIANE GOOD-COLLINS: They're all throughout Omaha metro area. Yes.

DeKAY: OK. Thank you.

DeBOER: Any other questions? I don't see any. Thank you so much for being here.

DIANE GOOD-COLLINS: Thank you.

DeBOER: Next proponent.

JASON WITMER: Good afternoon, Judiciary Committee. I'm Jason Witmer, J-a-s-o-n W-i-t-m-e-r. I'm a policy fellow at the ACLU and I am here in support of LB1126. Research has shown that the education and job readiness program significantly contributes to success of reentry into society and reduces recidivism rates. LB1126, through the National Career Readiness Certificate Pilot Program, which is a mouthful, provides incarcerated individuals with essential skills certificates necessary to achieve employment post-release. Now I want to just-- I'm just going to move on because a lot was spoken, but as was said, the Federal Bureau of Prisons has initiated this program centered towards incarcerated individuals upon release to be ready for careers. This also has case studies in Indiana, New Mexico, Michigan, and our sister state, Iowa, that have shown significant reductions in recidivism rates and improved employment prospects for participants in similar certification-- certificate programs. So I would like to point this out, specifically, so LB1126 not only addresses the immediate need for employment upon release, but sets individuals on a path towards long-term success and stability. By equipping-- by equipping incarcerated individuals with job-ready skills, LB1126 enhances the likelihood of achieving the NDCS Director Rob Jeffrey's goal that 90% of individuals released on parole will be employed within 30 days. I believe that is the-- 2030 reentry initiative goal that he spoke about and this is a pretty ambitious goal. I have worked as an employment specialist for a couple of years with the Mental Health Association before moving to the Keya House coordinator. And I worked with the individuals dealing with mental health struggles and very few of them had felonies. And I will say that those that did have felonies on a record, it is-- it is difficult to get an employer to give a person a chance. So I am excited to see where this will go. LB1126 will have far-reaching benefits for returning Nebraskans in society. So we thank Senator Bosn. And as she said, there is a lot of us together in this that would like to see this move forward and see what comes of it and then we will go from there. So we urge the committee to advance LB1126. Thank you.

WAYNE: Thank you. Any questions from the committee? Seeing none, thank you for being here. Next proponent. Proponent. Moving onto opponents. First opponent. Moving onto those testifying in a neutral capacity. Neutral capacity. Seeing none, Senator Bosn is welcome to close. As she comes up to close, we have 4 letters. All letters are in support.

BOSN: Thank you all. I appreciate your time today. I'm just going to go through a couple of things that came up through different people's

testimony and try and answer some questions. But to back up a little bit, this started with a tour that I did in Omaha with Diane for 180 RAP and really evolved from there. I think some of you were even on that tour with me and it was incredible to see the number of individuals that her program is working with and the success of that program, both in the Omaha community, but also for reducing recidivism for the individuals that she works with. To answer Senator Blood's question about, is this a duplication or are we already doing this? So what this program is, is the testing. Give them the test that allows an individual to say here's where my skills are, here's where I need improvement. The, the SCC portion of this would be to say, here's the classes I'm taking to make myself improve in the areas I didn't do where I wanted to or the classes I need to take to complete the degree in electrical work or whatever the case may be for an individual who wants to pursue things. So step one would be to have this test that's nationally recognized and then provide partnerships with the community colleges and others to allow individuals the opportunity to build on the skills that they already have. But I think, Mary LeFebvre, however you pronounce it, started off with great-- this starts with signaling to an inmate, you are-- you have skills. They are worthy skills. Let's build on them. And then it also signals to the employers, hey, this person is worthy of your investment. They've got this that they can bring to the table. Here's where we need to continue educating them. Let's take this and run with it. So the one of the questions that was asked is can we use this in all facilities? Certainly, we can. This is a pilot program that I'm asking to start small and come back to you with great numbers and great successes and hopefully myself or someone else will say look what we did in this pilot program. We should expand and do it more. The example for that, that I was provided was in Missouri. They started this in Missouri and 1 or 2 counties expanded it. And at this point it is in every county, over 100 counties, and I don't remember what the number is, but over 100 counties and 8-- while 8 counties are still in the process of implementing it, all the others have it successfully implemented and recognized in those communities. So it's, it's not just-- it's not just classes, it's not just a test, it's a partnership to build those two things together. I, I did forget to mention that this also included collaboration with the Nebraska Chamber. They support this bill. And to answer the question or the concern that was raised by, I believe it was, Ms. Harris when she testified about how do we make sure our employers know what this certificate is and recognize it as something significant? The chamber is also going to work with us towards getting employers the

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information to know more about what this certificate means, where it's being recognized in sister states and other states and how we can use it here for those purposes. So I think I answered everybody's questions. I appreciate all of your time. I certainly hope that everyone will support this bill and I'm happy to answer any questions.

WAYNE: Any questions? Senator Holdcroft.

HOLDCROFT: Thank you, Chairman Wayne. It's a pilot program, so what is your-- what is your thoughts? I mean, we got-- we're going to hire 5 people and, you know, how-- where are they going to work and exactly how is this pilot program going to get going?

BOSN: Well, this provides the, I guess, the actual boots-on-the-ground ability of how it would work. I don't know the answer to your question, but it essentially grants us the authority to even get the program started, to make the contract with ACT to provide the testing in the facilities.

HOLDCROFT: OK. Thank you.

WAYNE: Any other questions? Seeing none, thank you for being here.

BOSN: Thank you.

WAYNE: That will close on LB1126, and now we'll open on-- is this the last one-- LB1145. I'm used to being here till 10:00. All right.

IBACH: This is much more efficient.

WAYNE: Welcome.

BOSN: Thank you, Chairman Wayne and good afternoon members of the Judiciary Committee. My name is Carolyn Bosn, C-a-r-o-l-y-n B-o-s-n. I represent District 25, which is southeast Lincoln, Lancaster County, including Bennet. This is LB1145, which would move the Division of Parole Supervision back under the Department of Corrections. I would like to make sure and point out that the Board of Parole would not be eliminated. The Board of Parole was created as an independent agency by a constitutional amendment in 1968. Up until July 1 of 2016, the Division of Parole Supervision was under the Department of Corrections. LB1145 would move the Division of Parole Supervision back under the Department of Corrections. And it's my belief that by moving the department back-- excuse me, the Division of Parole back under the

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Department of Corrections, we can make a more streamlined approach for individuals as they are exiting our prison systems. This would allow us to provide a continuation of the programs, substance abuse services and mental health services from the time that an individual is incarcerated up until the time they are released including parole. Looking at Director Jeffreys' past experience in Illinois, he has the experience of being in charge of a successful parole program and it's my belief we should take advantage of his experience here as well. This committee has heard that not enough people are being released on parole and there is a backlog of eligible people not being put on parole. Director Jeffreys' previous experience encouraged me to introduce this bill which would allow a continuation of the programs and give more individuals the opportunity to be on parole. Thank you for your time and attention. I would be happy to answer any questions.

WAYNE: Any questions from the committee? Nope. We'll start with proponents. First proponent. Welcome, sir.

ROB JEFFREYS: Good afternoon, sir. And everyone else, good afternoon. [INAUDIBLE] testimony. Thank you, Chairperson Wayne and members of the Judiciary Committee. My name is Rob Jeffreys, R-o-b J-e-f-f-r-e-y-s. I am the director of the Nebraska Department of Correctional Services and I'm here today to testify on, on the-- on the support of LB1145. I am testifying on my personal experience working with corrections departments in other states and how the relationship between corrections and community supervision impacted those roles. In both Ohio and Illinois, the corrections department oversaw parole services, which also included in Ohio, where they oversaw the parole board. One objective in these roles was to align the services provided during incarceration with services providing during community supervision. For example, providing the continuum-- continuing-- the continue-- providing substance abuse use services across different points in the criminal justice system. Increased continuity helped provide the consistent experience for incarcerated individuals as they make, make their way through the criminal justice system. In addition, goal-- an additional goal in these roles was to synchronize corrections and supervision to improve reentry outcomes. In my previous roles, I used data for supervision to inform the department-- the department's practices and be responsive to what was and was not working. When I was the director of Illinois Department of Corrections, I was able to reduce the population by 24%. I reduced the number of individuals on supervision by 25%, which subsequently concluded to recidivism rate reduction by 2%. Similar proposals have been passed in Missouri in, in

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2018 and in Iowa in 2023. Iowa's transition included a review of the community supervision structures across the nation. Based-- and so based on the data that's provided across the other states, this has been a good practice to show the reduction in recidivism rate throughout.

WAYNE: Any questions from the committee? Seeing none, thank you for being here again. Next proponent. Any other proponent? Any opponent? Welcome to your Judiciary Committee.

JENNIFER MILLER: Thank you very much and good afternoon. My name is Jennifer Miller, J-e-n-n-i-f-e-r M-i-l-l-e-r. I am currently an assistant professor at Wayne State College. My testimony today is being provided in an individual capacity and does not represent the position of the Nebraska State College System or any of its member institutions. I was the Board's data analyst and then an assistant director for the Division of Parole Supervision from 2016 to 2022. And while I have great respect for most of the staff at Corrections, placing Parole under that strained agency would be a grave mistake. Parole has made great strides since becoming independent in 2016. In my 6 years there, Parole achieved more than most government agencies do in decades. In that time, Parole successfully implemented many evidence-based practices, practices that have been shown to improve public safety. And it shows up clearly in the decreases in recidivism found in the quarterly statistical reports on the Corrections' website and is pictured in my testimony. Parole has also been nationally recognized for this work. In 2017, the National Governors Association selected Parole's seamless systems project as one of just a few to receive support with technical assistance and funding. Parole's research and training team actually received the American Probation and Parole Association's President's Award that same year for its work on evidence-based practice implementation. And since then, Parole has received millions of dollars of grant funding from the Office of Justice Programs to support innovative and evidence-based practices and programming, and this has all been done with a fraction of the budget that Corrections receives. The money appropriated to Corrections for fiscal year '24-25 would fund Parole for over 25 years at its current budget. My final point today is going to programming. According to the Nebraska Examiner, this bill is supposed to allow rehabilitation programming to continue seamlessly for an inmate from prison to release on parole. The statement assumes such programming is actively pursued and prioritized and that, frankly, is not what I saw from Corrections in my time in there. What I did see was inadequate

staffing to deliver programs, recommendations focused more on someone's remaining sentence than their rehabilitation, and resistance to sharing information on clinical programming. Last week, I learned that the violence reduction program was eliminated by Corrections. Parole independently developed a VRP aftercare program using the grant funding it received and that program was the first of its kind in the country and is now no longer a continuation of programming inside. If what is wanted is rehabilitative programming, then Parole must stand alone or it will fall victim to the same programming cuts that have been implemented by Corrections within its facilities. I've prepared this testimony following reviews of reports from Corrections, the Nebraska Center for Justice Research, the Inspector General, all the JRI reports. And whether we talk about programming, cost effectiveness, or public safety, the conclusion is the same, Parole has been successful independently.

WAYNE: Thank you. Any questions? I have one. Do you know if they're replacing VRP?

JENNIFER MILLER: What's that?

WAYNE: Do you know what they're replacing?

JENNIFER MILLER: I don't have any knowledge of what they're replacing VRP with, if they are replacing it at all. What I do know is the conversations about it were that it was eliminated and that the staff at Parole were basically notified that it was going away. Now, VPP is part of those Parole Board guidelines. Those are some of the critical programs that they consider before release. So this would be an elimination that would not just affect potential release, but also, again, that rehab-- rehabilitative program and continuation.

WAYNE: OK. Any other questions from the committee? Seeing none, thank you for being here today.

JENNIFER MILLER: Thank you.

WAYNE: Next opponent. Next opponent.

SHANE REILLY: Hi, my name is Shane Reilly, spelled S-h-a-n-e R-e-i-l-l-y. I currently am the director of the 50th Street Landing Program in Omaha. I want to thank you for allowing me this time to come to share my story and what we do with the committee. I'm an alcoholic and I'm a drug addict. My inmate numbers are 48091, 72561,

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and 77994. This does not include the period of incarceration that I had in the state of Iowa, nor does it include the period of incarceration that I had in the Federal Bureau of Prisons. Today, I have a different life. Today, I have an associates degree. I'm sorry.

WAYNE: Take your time.

SHANE REILLY: Today, I have an associate's degree with honors from Metro Tech Community College in drug counseling. I have a bachelor's degree with honors in behavioral science from Bellevue University. I am currently close to completion of a master's degree in mental health and wellness from Grand Canyon University. I've worked at both CenterPointe Campus for Hope and the Stephen Center. Currently, I-- as I stated, run a transitional living house for men coming out of prison called 50th Street Landing and that's why I'm so emotional. I'm sorry. But I know what these guys need and I know the help and I know what it takes coming out. And I know what it's like being on parole and coming out. And when the Parole ran the Department of Parole-- and the Department of Corrections ran the Department of Parole, I had no help. And I still suffer the consequences of that from my-- to this day. My kids-- some of my kids still won't talk to me, you know? I mean, it's been years, and I have accomplished a lot of things. My youngest daughter still doesn't have anything to do with me because of the crimes that I committed while I was an addict. I apologize for going off here. I know I got to get going. The purpose of me coming to testify is allowing you to see the value parole has and what community-based reentry and community-based programming can provide. None of these things were available when I came out of parole. All of my incarcerations happened when the Department of Corrections was in charge of the Department of Parole. I never received any help when I was released. I was just sent back to prison each and every time. Every time I would get out of prison, I would tell myself, it's going to be different this time. I know what it takes. I'm going to be able to do it. I know the changes I need to make to be a productive member of society. And every time I would get out and within a month I would start using drugs and alcohol again. I would get a dirty UA and I would be back in prison. I think it is worth noting that on every one of those prison numbers I mentioned to you, I also have a violation and was sent back to prison each and every time by the Department of Corrections or Parole. You see, wanting would not-- wanting did not help me to do better. I have to do better. Wanting could not help me stay sober. I had to have tools in order to stay sober. Guys don't

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wake up in the morning and say I'm going to go rob a bank. They say I need a fix and I'm going to go rob a bank.

WAYNE: I need you to wrap up here.

SHANE REILLY: The alcoholic-- excuse me?

WAYNE: I said I need you to wrap up here. Your red light is on.

SHANE REILLY: Oh, OK. Well, I'm, I'm really sorry that I got emotional and I'd like to just finish this page if I could.

WAYNE: I don't-- no, I don't-- I don't allow that, but I'm sure somebody will ask a question.

SHANE REILLY: Yes, ma'am. I'm sorry.

BLOOD: Go ahead, Senator Blood.

BLOOD: Thank you, Chair Wayne. I'm not going to ask you to read that page, but I'm going to ask you a question.

SHANE REILLY: Yes.

BLOOD: What would you say was the turning point for you that was the, here's the help, I accept the help? What finally spoke to you?

SHANE REILLY: If we don't deal with addiction at the level of addiction-- I was ready to receive help from my addiction. You know, I was hit straight in the face with my addiction and I was ready to receive help for my addiction. Since I've received help from my addiction, I haven't had a speeding ticket.

BLOOD: OK, so I'm going to-- I'm trying to really define this. OK?

SHANE REILLY: OK.

BLOOD: So you're telling me that you were ready for help, but you're not telling me what that help was.

SHANE REILLY: The help was I, I wasn't actually in county jail. And the bill that you guys passed in, I don't know, 2016 or something, I was in county jail. I had gotten out of prison and I didn't make it again. You know, my last prison number is 2013, and I failed again. And, and I went to the county jail and someone gave me an opportunity

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and they worked with me. And I went to the Arch, which is very similar to the program I run now, and I took what they had to offer and I've continued to run with it to this day, you know. The guys sitting behind me have all come here. They're all men that have failed under the old system. Yet, today they're succeeding and succeeding great. Right before I came up, I asked one of them, what did you make last year? He said, well, since May I made \$51,000. The other \$61,000, right? These guys are all guys that under the old system would have been sent back.

BLOOD: Right. What was your drug of choice?

SHANE REILLY: Whatever you put in front of me,--

BLOOD: Fair enough.

SHANE REILLY: --you know.

BLOOD: Thank you.

WAYNE: Senator DeBoer.

DeBOER: Thank you. So as I understand it, the, the idea is to move Parole. I don't necessarily know that they would change anything about parole but I don't know that. So is your concern that we weren't doing parole right those first times or is there something specific to housing it with Corrections that you think would make us unable to do parole right?

SHANE REILLY: It's been my experience from my life when I was under the system, and I was a part of the system, when I came out on parole I did not receive any help. Never. Never once. You know, I would get a dirty UA, I would be sent back to prison. That's what would happen to me. Today, I can only speak-- I haven't been on parole since they changed. You know, I changed my life, and, and I've accomplished a lot of good things. But today, I know what they do. I know what Parole does today. I work with Parole and we have great success. 100 and-- I think it was 108 men have come through my program in the past 2 years. 78 of them are succeeding. That's a huge number.

DeBOER: So you're basically saying to us, look, I know it didn't work before. I know it does work now.

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SHANE REILLY: I know it does work now.

DeBOER: Don't mess with a good thing.

SHANE REILLY: Yeah. My grandmother used to tell me all the time, Shane, if it's not broke, why are you trying to fix it?

DeBOER: All right.

SHANE REILLY: Right? This is-- this is an exact example of that because, you know, I was a product of that environment. I was a product of recidivism over and over because my addiction was never dealt with. Today-- my biggest concern in my facility today is when the new guys come in, they bring drugs with them into my facility.

DeBOER: Yeah.

SHANE REILLY: That's how much drugs are in the Department of Corrections right now.

DeBOER: Yep.

SHANE REILLY: They bring them with them into the facility, then I have to get them off of those, help them, allow them to see that there's a better way, allow them to get some help for their addiction and then we build from there, you know.

DeBOER: Really, really appreciate the work you do. That's--

SHANE REILLY: Well, thank you.

DeBOER: It's folks like you who do the work that, that really gets it done so thank you.

SHANE REILLY: Well, it's guys like these that make a difference in their life, you know.

DeBOER: Thank you so much for being here and for the work you do.

WAYNE: Do you have your whole testimony written down?

SHANE REILLY: I-- yes, I do. I didn't-- I didn't--

WAYNE: No, no. Is there anything in there confidential you don't want because I can-- I can have a-- I can have a--

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SHANE REILLY: No, please put it in the newspaper.

WAYNE: I'll have the page make copies for the committee.

SHANE REILLY: Yeah.

WAYNE: And we'll also include it in the record for you.

SHANE REILLY: Thank you.

WAYNE: Thank you. Any other questions? Senator Ibach.

IBACH: Thank you, Chair Wayne. My question is brief and it kind of feeds off of Senator DeBoer because she asks questions much more eloquently than I do. But do you feel like any of the, the past issues may have been because of the leadership in, in Corrections in the past? Because with new leadership, is it possible that we could have a, a development of, of the program to be successful?

SHANE REILLY: Sure. Any-- anything's possible. Right? But I can tell you this, from my experience, I'm dealing with guys that come out and I deal with that every day, you know. There's way more drugs in prison today than there was when I was in prison. I mean, the prison system itself is, is, is in way worse shape than it was when I was a part of that prison system. And I can say that because, you know, I did do, I think, 10 years total or 9 years total in the Nebraska Department of Corrections. Right? And so I can say that based on that and then based on what these guys come out and tell me that have just come out and the ones that bring drugs into my facility, and I say, bro, we talked about this over the phone. We're here to change, right? You know, we're going to get you to have a better life. Like, man, it's just I can't-- I can't give it up. I can't get off it because they're doing it every day in prison.

IBACH: OK. I, I appreciate it, and I applaud you for coming and testifying. We learn--

SHANE REILLY: Sorry, I screwed up.

IBACH: No, you're--

WAYNE: You didn't screw up at all.

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IBACH: No, I think you were very helpful. Thank you. Thank you, Chairman.

WAYNE: Any other questions from the committee? Thank you for being here.

SHANE REILLY: Thank you.

WAYNE: Next opponent.

APRIL SHOTPOUCH: Hi. Thank you for allowing me to be here today. I got on parole in 2013. So I've been under when it was under Department of Corrections and I've been under when it has been individualized. I can tell you when I got released in 2013, from being from a state that I'm not even from, no family, no friends here, just here you go, you're released. Got out with some mental-- meds. Hey, here's a 30-day supply. You know, talked to my parole officer. I'm like, hey, how do I continue to do this? I can't get interstate assistance because I'm a drug felon so I'm banned. And got told, basically, our hands are tied. It's like you kind of got to figure it out yourself. And so what did I do? I took myself off-- self-medicated because that's what I knew. Violated my parole. Went back for about 6 months. Came back out. Talked to my parole officer again. Hey, what can I do? Well, this is what your parole plan says. This is what you have to do. Can I get any kind of help? Basically, got told no. Just in '16 when it went individualized, I could go to my parole officer and say, hey, I need some kind of assistance. Hey, today I'm not feeling well. Hey, is there any way I can, maybe, get back in some mental health counseling? And got told let me look for resources. And that was a surprise for me. Like, wow. Like, you're going to help me now. Well, my hands are no longer tied. I felt like when they were under the Department of Corrections, they were limited on resources, limited on information they could give us as parolees, limited on the things that they could do. They had to go by their booklet that says this is what you're supposed to do. This is what you're supposed to do. This is what you're supposed to do. When they went individualized, it was the book is closed. Let me help you. Let me do this. I have been on parole since 2018. With the help of my parole officers, even other parole officers that have been in the building, I could call at any time and say, hey, today, something's not right. Hey, I'm having that urge of wanting to use. What can I do? Can you give me some more resources? And I get that. Today, I still talk to my parole officer. I didn't have the-- I didn't have Community Corrections. I didn't have the

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schooling like they've been offering today and I'm listening to all of the stuff today. I'd never had none of that. But today, I used to run two lines. I was an assembler, assembler in a paint line as a supervisor. Today, I'm a computer programmer with no educational background. I learned on the job. But I felt like when I had that one person who had my back, I guess is what you guys want to say, when they separated and who believed in me and that's when I was like, hey, I can still call her today. Like, I have people who work underneath me needing a place to live. Do you have any resources that I can help guide them? They're at Community Corrections right now. And she'll be, like, yep. She'll email me and say try these places-- try these places. It's hard and, unfortunately, it sucks when you don't have nobody in your corner. And then when you get out, you just have that one person who's there for you. And when their hands are tied, it makes it harder all around. Thank you.

WAYNE: Thank you. Can you spell your name for the record?

APRIL SHOTPOUCH: Oh, I'm sorry. April, A-p-r-i-l, Shotpouch, S-h-o-t-p-o-u-c-h.

WAYNE: Thank you. Any questions from the committee? Seeing none, thank you for being here.

APRIL SHOTPOUCH: Thank you.

WAYNE: Thank you for your testimony. Next opponent. Opponent. Opponent. Anybody testifying in the neutral capacity? Neutral capacity. Welcome. Is this the first time you've been here this year?

ROSALYN COTTON: Yes.

WAYNE: Well, we got to get some more bills to get you over here.

ROSALYN COTTON: No thank you.

WAYNE: Welcome.

ROSALYN COTTON: No thank you, sir. Good afternoon, Chairman Wayne and Judiciary Committee members. My name is Rosalyn Cotton, R-o-s-a-l-y-n C-o-t-t-o-n, chairperson of the Board of Parole. I'm here to testify on LB1145. I'm here to give the committee some historical context and perhaps unintended consequences if this bill was to advance. The Board's mission is to make informed decisions regarding who is ready

for parole into our communities and what measures can be put in place and best mitigates risk to public safety. This involves individualized evaluation of every incarcerated individual with a parole eligibility date. The Board needs accurate, evidence-based and recent information regarding institutional behavior, appropriate reentry plans and participation in evidence-based treatment and programming as recommended by clinicians to make these determinations. From 1921 to 1969, the Board of Pardons is functioning in its parole capacity and the sole jurisdiction to grant or deny paroles, which included release under the guise of other procedure report, any document allowing incarcerated individuals to go beyond the buildings and enclosures of a Corrections facility. The Board was also authorized to appoint probation officers to assist in carrying out provisions of parole. Nebraska Revised Statutes 29-2605 to 29-2016-- 2625 also include investigation matters, interviewing witnesses, communication of convicts, and the apprehension of inmates to return to the institution. The word supervision. Post 1969, the Board of Parole has become a separate entity from the Board of Pardons. Over the years, there has been confusion due to the movement of staff back and forth between the Board of Parole and Department of Correctional Services in order to facilitate the functioning of the Board. Although in 1969, LB1307 created Division of Corrections and the Department of Public Institutions when the Office of Parole Administration created the Division of Corrections. The Parole Board was legislatively empowered to appoint the Parole Administration, who then appointed parole officers until the legislation changed in 1972. Then, with LB598, 2015, the Board resumed the power to initiate appointed Parole Administration and giving authority of the Parole Administration. What I will say is, now the, the Parole Division underneath the Board of Parole made tremendous gains, and which I am very proud. The Board has implemented decision guidelines and hands-on delivering individuals participating in clinical programming. We have individuals releasing incarceration who need assessment and treatment and services to best alleviate the risk of community safety. The Division of Parole Supervision, the Board and Parole has put in place numerous new services and technology to minimize the revolving door. A lot of work went into LB558-- LB598 that gave the Parole Board the independence in the parole arena, which translates to the community. I've included in the exhibits, 2014 memo from Public Ombudsman Marshall Lux, a discussion about Parole Board independence. This is a part of Appendix 3 to LR424 committee. The Board relies heavily on the expertise and experience and dedication of the staff. They work tirelessly to give

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the Board confidence in every way the decision made by the Board whether or not we release individuals into incarceration.

WAYNE: Thank you. Any questions from the committee? Can you help me understand? So if the person is underneath the Department of Corrections' custody-- we'll call it that-- they are parole-eligible, does custody ever shift? Like, how does that work? Like, who-- like, at what point does that person go underneath the-- talking about the inmate go underneath the, the Parole's jurisdiction?

ROSALYN COTTON: This is what happens. Once they get assessed in the RTC institution, the Board takes a look at them to see if they're eligible for parole, majority of them are normally eligible. At that particular time, the Board will consider them for parole based on institutional behavior, based on the realistic parole plan, and based on programming needs. At that particular time once the Board set them a hearing, we have to wait until they're eligible date to parole them.

WAYNE: But when you parole them, are they now underneath your jurisdiction?

ROSALYN COTTON: That is correct. Once they are paroled, it becomes the liability-- our responsibility to legally control and make sure they're doing what they're supposed to do while they're on parole. All of our special conditions that are attached to that parole condition, that parole certificate, the Board of Parole is responsible for making sure those individuals are doing what they're doing, which is one of the reasons why the Division of Parole Supervision has to do what basically the Parole Board recommends and there is no way that we will be able to do that if they go back in the Department of Correctional Services. We have no jurisdiction, no authority of what the staff do at the Department of Correctional Services, which is where we're at right now.

WAYNE: So you have a criteria for a parole plan, but you have no, no authority to provide services to the individual until they are paroled.

ROSALYN COTTON: That is correct, sir.

WAYNE: So I keep hearing about bottleneck. Is the bottleneck on the programming side of Corrections or the Parole side of release?

ROSALYN COTTON: In over the 18 years that I've been on this Board, and the last 8 years I've been the Chair, in my opinion, the bottleneck is the parole eligibility dates. If they're not within 2 years of that eligibility date, which is something that I changed back in 2015, 2016 to get them within 2 years of that parole eligibility date, they're stuck there. But I did this in order to make sure that they can get the programming needs that the Department of Correctional Services provide. But once they are between that time and the time that perhaps they can transition to work release, they are still there. One of the other things that I'm starting to see here lately is that we're having a lot of individuals waive their parole hearings. Why? Because they do not want to follow the conditions of parole today. Because the, the, the conditions of parole yesterday when I was a parole officer basically stated, you know what, what can we do? We have no service delivery. We didn't have the things that we have today. So what happened is if they violate it, we just arrested them and placed them back in custody. So the, the revocation rate was a lot higher then, than it is today. Since the Division has taken over, we have literally trended down in recidiv-- revocation and success rate has gone up. And I have to really say that's just based on the fact that now we can provide those community services in the community. I have to continue to say this: Corrections is prison. Prison is Corrections. Community supervision is Parole. You can't have both of them all under one institution because that is the message that is being sent to these individuals. We're in prison. When are we going to get out? What is it that we have to do to get out? And that's very confusing to them. So when they do get out on parole, at least we have the services already ready to make sure that they get what they need. So that's-- that is something that continues to bother me as a former parole officer and the Chair of this Parole Board. I wish there was more we can do to parole individuals, but our hands are tied.

WAYNE: So I'm gonna follow up on that. So the, the, the-- are people-- you don't have to give me exact numbers, but are, are the majority of people being turned away because they haven't got the programming from Corrections?

ROSALYN COTTON: I will not say it's majority. I will still stand behind the fact that they're not parole eligible. However, if they're not getting the programming in the prison at the time, that's why we have that cushion, that 2-year mark so that they can get the programming.

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WAYNE: But you don't have any control over that.

ROSALYN COTTON: That's correct. I do not have any control over that.

WAYNE: So then how many people in that 2-year mark after 2 years are, are deemed not parole-eligible because they haven't got the programming done?

ROSALYN COTTON: Very few. Very few.

WAYNE: All right. Have we got questions? Senator DeBoer.

DeBOER: I'm not sure I followed all of that. So he asked you what the bottleneck was, you said they're not parole-eligible.

ROSALYN COTTON: That's correct. That means they're not within the-- say, for instance, if you have an eligibility date of 2026, within that 2-year mark.

DeBOER: So in '24.

ROSALYN COTTON: In 2024, we set them a hearing for February of 2026.

DeBOER: OK.

ROSALYN COTTON: So between 2024 now and 2026, they have that time to complete their programming.

DeBOER: OK.

ROSALYN COTTON: So the bottleneck is we can't get them out--

DeBOER: OK.

ROSALYN COTTON: --because they're not eligible.

DeBOER: No. No, I don't get that.

WAYNE: I don't either. That's fine.

DeBOER: OK.

ROSALYN COTTON: Well, I want to help--

DeBOER: OK.

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ROSALYN COTTON: --and that's why I'm here today.

DeBOER: OK.

DeBOER: 2026 parole eligibility date. 2024, you meet with them. So they have the parole eligibility date of 2026. What happens between when you meet with them and 2026 that when you get to that meeting, now they're not parole eligible?

ROSALYN COTTON: No. That's when they get paroled in 2026 because that's their eligibility date. Statutorily we cannot-- the Board of Parole cannot--

DeBOER: Yeah, I get that.

ROSALYN COTTON: --release them.

DeBOER: So are you saying-- so--

WAYNE: I think what you are trying to say is, at 2026, why are people being denied parole?

DeBOER: Yeah, I mean, that's part of it.

ROSALYN COTTON: OK. So in 2026, if you think they're still being denied parole, that could be either they're not ready because of the programming or they've been removed from community for whatever, Class Is, or the fact that they're no longer-- they're no longer interested in parole. Institutional behavior in 2026.

WAYNE: The first one, not eligible for parole. What's that percentage? Is that what you're trying--

DeBOER: You go ahead and ask questions, then I'll ask questions.

WAYNE: Oh, you can go ahead. I was trying-- you were piggybacking off a question. I want to make sure I understand my own question, so I apologize. Go ahead.

DeBOER: No, no, no, you finish.

WAYNE: I don't have anything else to it.

DeBOER: OK.

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ROSALYN COTTON: I think-- I think the parole-- I think the parole eligibility date of 2026, that day that they are supposed to walk out the door and they're not able to can cause-- can-- has, has an effect on their institutional behavior or perhaps the fact that they don't want parole.

DeBOER: Well, why are they not walking out the door in 2026? If it's April 1, 2026, April 1, 2026, why are they not walking out the door?

ROSALYN COTTON: Because, one, it could be their institutional behavior so they'll eventually walk out the door.

DeBOER: They're no long-- so they're no longer eligible on April 1 because they've lost good time?

ROSALYN COTTON: Possibly. It could be that. It could be the fact that they're not interested in parole. It could be the fact that they are not ready and do not have a realistic parole plan. It could be any of that. However, they will walk out the door at some time but just not February 1 of 2026.

DeBOER: So, generally, my question is, we have all these folks in our Corrections system that are parole-eligible that are still in there. Are you telling me that they're still in there because either (a) they're not interested or (b) they don't have a good plan or (c) they didn't get the programming?

ROSALYN COTTON: Or (d) institutional behavior and it's unfortunate. Challenge that all the time. Why don't you want to parole? Why aren't you doing your programming? And why are you getting the misconduct reports and being placed in restrictive housing?

DeBOER: OK. Thank you.

WAYNE: Senator Holdcroft.

HOLDCROFT: Thank you, Chair, Chair Wayne. And I, I think we've hit on this, but the 2 years before parole eligibility is when you conduct what's called parole review with the inmate, and then you kind of lay it out for them at that point, this is what you need to do in the next couple of years to be eligible for, for parole. Is that pretty much it?

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ROSALYN COTTON: That is correct, Senator. It's called an informal interview, because statutorily we have to see them on an annual basis. So between 2024 and then in 2025, we'll see them on an informal interview and we'll discuss a realistic problem, their institutional behavior, and if they've completed all their programming.

HOLDCROFT: Thank you.

ROSALYN COTTON: So in 2026, they're ready to go.

WAYNE: Who creates their realistic parole, Parole Board plan?

ROSALYN COTTON: That starts with reentry.

WAYNE: That starts with what?

ROSALYN COTTON: Reentry.

WAYNE: So who-- who's that.

ROSALYN COTTON: That's the Department of Correctional Services.

WAYNE: So the Department of-- so if, if they don't have a realistic parole plan, that falls under the Department of Corrections?

ROSALYN COTTON: That's correct. That starts with the reentry. Exactly.

WAYNE: If they don't have programming done, that falls under the Department of Corrections?

ROSALYN COTTON: That is correct.

WAYNE: And I am assuming this person wants to do this, like, wants to be paroled? So I'm assuming that.

ROSALYN COTTON: Yes.

WAYNE: So then what percentage is-- are those two categories?

ROSALYN COTTON: Well, that I would probably say more people who are not realistic already with a parole plan.

WAYNE: Have you-- have you surveyed that? Do you say the reason you're not ready is because of department not providing resources to get it done or because you're not eligible?

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ROSALYN COTTON: No, because, because they have not ready-- have not had a realistic parole plan to submit to the Board for us to be able to parole them to that plan.

WAYNE: But they can't submit a realistic parole plan if they don't have programming to get the classes going and to set that up. Right?

ROSALYN COTTON: That's separate. That's a whole separate entity. If they have a realistic parole plan, we keep these people on, on, on parole and a hearing status. The problem is, is that, that time frame, they get all that done, then the next time we see them we will parole them.

WAYNE: Then what's the next turnaround after that?

ROSALYN COTTON: Usually 60 days. And that depends on if there's a program. If that takes longer, then we'll defer them longer. But if it's just a realistic program, it's 60 days. And we'll defer that hearing so they can come up with a realistic parole plan.

WAYNE: So if I'm understanding this right, you have no-- you have no control of who comes to your door.

ROSALYN COTTON: That's correct, unless they're ready to parole. Hope I'm making sense.

WAYNE: No, it makes sense, but-- yes, Senator DeBoer.

DeBOER: What is a realistic parole plan?

ROSALYN COTTON: Let me give you an example. If you have three drug intoxic while you're in prison, you've been assessed for intensive outpatient treatment. In my opinion, and I'm not a clinician, but I would like you to parole to a structured living facility that has to be designed and has to be worked up through reentry. Once that plan has been established, the parole officers investigate that plan. That's when we will say, OK, we will consider you for parole and parole you that next hearing date.

DeBOER: So let's say it's someone who has those things, you say you need to have a structured living facility, etcetera, etcetera, etcetera, there's no structured living facility available, so you don't parole them?

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ROSALYN COTTON: We don't parole them, we keep them on hearing status until a program plan has been developed.

DeBOER: So--

ROSALYN COTTON: And that usually takes place, it's just timing because--

DeBOER: So if I-- I've done all the stuff I'm supposed to do but there's not a spot for me so I don't get paroled because someone has not provided a spot for me. Is that correct?

ROSALYN COTTON: That's correct. It's called parole pending approval of your parole plan that you may have just submitted. It's now within the time of the hearing so you're paroled effective of the--

DeBOER: So how realistic-- so if I'm being told here's my realistic parole plan and I'm like, yeah, I got a realistic parole plan, I'm going to do the things and I do my things and I come to you and you say there's no house to receive you, therefore no parole. Like, I can understand how a person would be pretty upset by that because you told me it was a realistic plan, but it turns out it wasn't a realistic plan because there is nobody to receive me. Do you see how that might--

ROSALYN COTTON: I do see that, Senator. But here's the deal, they're not-- they're paroled pending the residence approval. What's happening here is that we don't have enough housing to parole individuals right to that facility. And even if we did, it still has to be investigated. It still has to be the realistic fit for that individual.

DeBOER: What has to be investigated? Sorry, I didn't get the part--

ROSALYN COTTON: The residence.

DeBOER: So the residence has to individual-- like you can't just say there's a number of houses that could be open to you, it's-- how-- one slot opens up and then you go and you-- can you preapprove these people? So you say--

ROSALYN COTTON: It is-- yes.

DeBOER: --if these 12 houses open then--

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ROSALYN COTTON: Yes, Senator, it is approved pending parole approval, making sure that that residence is ready for them to go to that day. We can't just let them out and not know where they're going.

DeBOER: Right.

ROSALYN COTTON: So that's why it's called parole pending approval of that residence. So they're paroled.

DeBOER: So they're going to parole--

ROSALYN COTTON: They're paroled.

DeBOER: --but they can't get out because you need them to have a slot at Senator Bosn's halfway house.

ROSALYN COTTON: That's correct.

DeBOER: And Senator, Senator Bosn's halfway house doesn't have any spots open--

ROSALYN COTTON: That is correct.

DeBOER: --so they can't get out. But Senator Ibach's halfway house does have a spot open, can they go to Senator--

ROSALYN COTTON: It will be investigated. So she has a good house for that particular individual who has been investigated under the Division of Parole Supervision, making sure it's the right fit for that individual, he gets to go to Senator Ibach's house.

DeBOER: I'm, I'm just a little concerned about calling it a realistic parole plan if it isn't actually realistic and we don't know if it's actually going to be realistic because we don't know what's going to be there. And I think if I'm a person in prison and I'm being told, do all of your things and you'll get paroled and I-- man, I work hard, I do all my things. It wasn't easy, but I did all my things and then it's on us. So we're not getting paroled because we don't-- and you're telling me the bottleneck-- it looks like the bottleneck that Senator Wayne was talking to you about isn't the whether they have programming isn't-- maybe that is a bottleneck, but it sounds like the bottleneck is having housing to go to. Is that--

ROSALYN COTTON: That's, that's part of the problem. That's part of the problem. But I will say to you, again, LB1145, that is the purpose of

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why we have to maintain the continuity and making sure that these places are the right places to go to, whether it's Senator Ibach's or Senate Bosn's residence because we need to make sure they have the right plan to go to in order to be successful.

DeBOER: How-- can't you just preapprove some and say we know that Senator Ibach's and Senator Bosn's and Senator Wayne's and-- we know all of these are good places. If there's a spot in any of those, why could we not just preapprove those?

ROSALYN COTTON: Because we don't know what's in the house at the time. We have houses that have 10 beds, but they want to put 20 people in them, that is not the appropriate way to manage supervision.

DeBOER: So you're telling me that basically our problem with getting some of these folks paroled or getting them out once they've been "preparoled" or whatever it is you call it-- sorry, I can't remember--

ROSALYN COTTON: That's OK.

DeBOER: --is that we don't have enough transitional housing. OK.

ROSALYN COTTON: That's part of the problem. But they got to be eligible to parole, but that is part of the problem. Yes.

WAYNE: Senator DeKay.

DeKAY: Thank you. Was, was LB598, was that passed to separate Board of Parole from Corrections in 2015 or what was that?

ROSALYN COTTON: That is correct, Senator.

DeKAY: Was there bottlenecking-- if we want to call it that-- bottlenecking before that? And as-- and guess just as a question, if there's bottlenecking before and there's bottlenecking going on now, why-- what are we going to change to take care of that problem?

ROSALYN COTTON: In 2015, I had just become the Chair. In 2016, this was in effect-- this was effective July 1 of 2016. And what I could say in my opinion at the time was-- there was not so much of the bottlenecking, it was just the fact that we still had many people who were just not within that parole eligibility date just to release them. But once again, I think the whole concept behind the change is to make sure that the Parole Board can still be independent and still

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manage those individuals who have been legally paroled that we have to supervise. Senator DeBoer.

WAYNE: So where I'm confused at is if-- you're going to do 2 days. The day you go in and the day you come out. And at the end of the day, there's, there's no-- there's not one person who's in control of or who influences what that looks like. So you only get those that the department provide the resources to, to create a parole plan and to provide programming. I mean, at the end of the day because the, the parole eligibility date, that's a number that's going to be there. So that's always there. They're always parole-eligible. Whether they meet that eligibility, you have no control over it.

ROSALYN COTTON: That's correct.

WAYNE: Theoretically, the Department of Corrections, underneath their classifications of community services, they, they could run transitional housing for the people who are deemed community classification. They would still be under-- so use the example of Ibach-- Senator Ibach and Bosn's house, there's nothing stopping the Department of Corrections to, to deem Senator Ibach's house Community Corrections. What I'm saying is that an individual can circumvent parole altogether if Corrections created their own Community Corrections, theoretically, right?

ROSALYN COTTON: If Corrections can-- if Corrections had their own transitional living facility, that would be for those individuals who would not be paroled. That would just be for those people who are incarcerated.

WAYNE: Yeah, but those individuals, that's anybody. You can have a parole eligibility date by your definition and not want to go on parole.

ROSALYN COTTON: Yes, that's correct.

WAYNE: Right. So I could say, all right, Mr. Jeffreys, you got this great program at Senator Ibach's house. I can literally do transitional living through them until my jam out date. Under the current scheme, that can currently happen. Right?

ROSALYN COTTON: If that's what Corrections' classification system is set up to do. I wouldn't be familiar with that because I'm on the parole side. But if he's-- if they're looking to transition from the--

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from Corrections to a transitional facility, then that would be Corrections' piece. The Board wouldn't have anything to do with that.

WAYNE: My, my concern is that, our Corrections system to Parole system is like our school system where this principal is like, all right, I'm done. And at the end of it, there's not one person who is making sure that people aren't falling through the gaps. It's like, well, I'm done with elementary school, go to junior high, high school, have a good time, but that principal at the high school is saying, well, these people are coming in and they're not ready, but they're the ones getting dinged, i.e., Parole is getting dinged by the community saying you're not paroling anybody. And you named two factors that-- well, actually, every factor you don't have control over. Right?

ROSALYN COTTON: That's correct. The only factor that I have is that they're ready.

ROSALYN COTTON: But by your definition, part of your standards is VRP.

ROSALYN COTTON: That's under our guidelines. That's correct, that program.

WAYNE: Now, if that's gone, then nobody can be parole eligible unless you guys change your guidelines to match what Corrections is saying is a suitable program.

ROSALYN COTTON: I think we're working on what is that going to be placed with at this time? What program is going to be placed that's going to be deemed evidence-based practice so that we can take that into consideration.

WAYNE: So then what happens for the 2 years that-- or a year that-- are those people now placed in parole-eligible but pending hold? I mean, what new acronym are we going to [INAUDIBLE]?

ROSALYN COTTON: Chairperson, that's a very good question. And what I'm going to hope and pray is that they will have that programming completed before their paroled within that 2 years.

WAYNE: Whatever the new program is?

ROSALYN COTTON: As long as it's evidence-based and I hope we can sit down at the table and talk about that before they move into the next level. That is my hope. Yes, it's very confusing and frustrating.

WAYNE: Can I have a flow chart? I've been here for 7 years and I'm still figuring out different silos and I just don't understand-- I don't understand the silos. I don't under-- we'll talk, I don't-- I don't want to take the hearing up with this, but it just--

ROSALYN COTTON: The flow chart for-- you want a flow chart and what would you like? I can most certainly get that for you.

WAYNE: If, if I become-- if I know in 2 years, I will be parole-eligible-- knowing that I have another 2 years after that based off of what you're saying. I don't-- I don't-- how do I get there? And then who's in charge of how I get there?

ROSALYN COTTON: The Board of Parole will-- you will walk out the door once everything is complete and you're actually eligible to walk out the door at that particular time.

WAYNE: No, I understand what you're saying, but you meet with them 2 years prior and say here goes your plan. All right, go execute it. But you have no control over that. And honestly, to some extent, the inmate doesn't either if they can't get the programming and they can't get what you deemed parole ready plan.

ROSALYN COTTON: That's correct.

WAYNE: All right.

DeBOER: So--

WAYNE: Go ahead, Senator DeBoer.

DeBOER: So I think what Senator Wayne is, is asking, and I also would be interested in, is let's talk about all the bottlenecks. So somebody-- there's a number, that parole eligibility number is a number. And that number is known when they first go into prison. So that number is there and that's a fixed thing. It doesn't change. So if you could-- it will be super helpful for me to know sort of all of the pitfalls that could happen from thereon, right? So you could just have pitfall number one, person screws up. Fine. Pitfall number two,

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no housing when they get out. Pitfall number three, don't have programming. Pitfall number four--

ROSALYN COTTON: They're not interested in parole. They wait.

DeBOER: OK, fine. You know-- and then the programming they don't control.

ROSALYN COTTON: That's correct.

DeBOER: The housing they don't control.

ROSALYN COTTON: That is correct.

DeBOER: The whether or not they're interested, they control. Whether or not they behave badly, they control. But, like, if you could go through with us and if you could give us a rough-- I don't know if Senator Wayne agrees-- but if you could give us a rough number of, like, this is about half of the people, this is about 20% of the people. I think that would help us to understand the situation that you're facing and so we could get an understanding of-- because I have never so clearly been told people aren't getting paroled because there's not a place for them to go to that we think is OK for them to go to until you just said it now.

ROSALYN COTTON: It's--

DeBOER: So if I can have those pitfalls, maybe as a legislator, I can really dig in on those places.

ROSALYN COTTON: We can do that.

DeBOER: OK. Thank you.

ROSALYN COTTON: Absolutely.

WAYNE: Any other questions? Thoughts? OK. Have a good-- thanks for coming. Have a good day.

ROSALYN COTTON: Thank you.

WAYNE: Next neutral testifier. Seeing none, Senator Bosn is coming up for closing.

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BOSN: Am I allowed to do handouts in my closing?

WAYNE: Is what?

BOSN: Am I allowed to do handouts in my closing?

WAYNE: Yeah.

BOSN: [INAUDIBLE]

WAYNE: I'm sorry, no props, Senator.

BOSN: OK. So for purposes of a clean record, I want to explain. I, I went to and participated in a lot of parole hearings over the summer. Rosalyn Cotton does a phenomenal job, and this was definitely not a bill designed to get rid of her or anyone else on the Board. So the purpose of this bill is to put the Board of Parole under the direction of the Department of Corrections. And I would ask all of you to understand that the reason that I am asking to do that is because of all the questions you just asked. All that. She didn't do this. He didn't do that. We don't have the programming. We don't have the bed availability. Now you have to wait 6 months when we can have the ability to have an individual know from day 1 what their-- what their expectations are. We are going to be responsible for implementing those expectations because we would like to have you out of here and off of the state dime. We will make you-- offer you all the programming that, that you need in order to be successful and transition with you. And I would-- respectfully, in listening to Mr. Reilly's testimony and some of the other individuals who testified to parole experiences that they had long ago where the ball was dropped and they were set up to fail, that that isn't happening anymore and this bill wouldn't change that those services should and will remain intact for those individuals to become successful into the community. I have tried to demonstrate through every bill that I brought before this committee an intention to set people up to be successful and this bill is no exception to that. The goal here is not to terminate parole or to stop the programming, but to streamline the services to ensure no gaps and allow for parole to be achieved sooner. The chart that I've handed out, I was provided-- well, I've been provided it a number of times, but today I was provided in an effort to try to explain some of the questions that Senator DeBoer was asking about how many individuals have been denied parole, didn't complete with the programming, or didn't have availability. And this is an effort to try

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and explain some of those questions. I'm happy to work with individuals on how they think this might be accomplished in a better way. But I, I do want to make sure that I explain, for those who testified in opposition, that I'm not asking to get rid of the Board of Parole. The goal here is to put it all-- the buck stops with the director, and if we think that things are going poorly, we're no longer going to blame the Board of Parole, anyone else, we're going to call in Director Jeffreys and it will be his responsibility to fix the problems that we see with those issues. And so I don't want to speak for him, but in my conversations with him he understood that that was my goal. So I'm happy to answer any questions if you have them.

WAYNE: Any questions? Senator Blood.

BLOOD: Thank you, Chair Wayne. That sounds like an awful lot of responsibility for Mr. Jeffreys on top of what he already has.

BOSN: So-- I mean, the Board of Parole will still be responsible for implementing all of these services, but it will be the responsibility of the Director of Corrections to put them in the best position to be able to do that. And if we come in and say, oh, so-and-so isn't getting vocational rehabilitation services or whatever the programming that they've changed because it's not evidence-based, whatever that program was, VRP, then we would-- he would be the individual that we would hold accountable for that. It wouldn't be us pointing the finger at Parole not paroling individuals quickly enough. It would be, we need you to provide the programming so that you can parole those individuals quicker.

BLOOD: So--

WAYNE: Any other-- sorry. Any other questions, then I saw Senator Blood getting ready to ask another one. Go ahead, Senator. I'm sorry.

BLOOD: Yeah, she just-- she's making me have more questions. So wouldn't that have been the job of the Ombudsman's Office before?

BOSN: I don't know the answer-- well, the Ombudsman's Office--

BLOOD: Because you, basically, talk about oversight. Correct?

BOSN: So, no, this will be responsible for implementation of those services. Whereas, my understanding of the Ombudsman's Office is

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separate in that they do investigations of concerns that individuals who are incarcerated have.

BLOOD: So are you familiar with how long the correctional system has been an issue in Nebraska as far as dysfunctional?

BOSN: Say your question one more time.

BLOOD: Are you aware of how long the correctional system in Nebraska has been highly dysfunctional, like decades?

BOSN: I mean, how in depth--

BLOOD: Because you're-- I'm older than you so I, I have a, a longer memory about how long it's been a problem.

BOSN: OK.

BLOOD: But it really-- it goes way back to Governor Heineman and I, I want to express my concern and I am asking a question. My concern is not that Mr. Jeffreys isn't competent.

BOSN: Sure.

BLOOD: My concern is that there are decades of issues that are still needing to be addressed. I'm not saying he is not addressing them, but they aren't going to happen in the blink of an eye. Is putting this under his purview going to really change anything in a timely manner?

BOSN: I share your frustrations to the extent that I'm aware of them. You may have more knowledge of it than I do, certainly, by virtue of the fact that I'm fairly new. What I can tell you is that when I spoke with him in my conversations and he articulated the services that he provided in both Illinois and Ohio, as they related to both Department of Corrections and Parole Supervision, his plan was in line with my goals which are to reduce recidivism and have individuals successfully paroled sooner. And so those are my two goals and I thought this is a good opportunity to try to pursue those goals.

BLOOD: Can those goals not be achieved without having him-- having under his purview?

BOSN: I'm not suggesting that they can't, no. So the extent that I've given you that impression, no. I think this is just a way to do it, in my opinion, as quickly and efficiently as we can with less of the

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finger pointing of whose responsibility is it to make sure that these individuals get the programming, get it quickly, it's available. It's all recognized by one group and then it's transitioned into the community for individuals to be successful once they're released, which is really the ultimate goal is when you're released, with all due respect, we don't want to see you again.

BLOOD: No, no. Absolutely. That's the-- one day they're going to be our neighbors. We, we want them to, to be prepared. I agree with that completely. All right. I think I'll probably chat on the floor about more of this tomorrow, so.

BOSN: Happy to do that. Yep.

WAYNE: So-- go ahead, Senator Ibach.

IBACH: Did you just say?

WAYNE: Go ahead.

IBACH: Oh, I'm sorry. So I'm looking at his-- at, at Director Jeffreys' testimony, and looking at some of the percentages where he was able to be successful in Illinois and Ohio. And I'm just curious-- and if you're looking at his reentry program and, and some of his goals that he set out, are you confident that under these guidelines and these-- with his history and with his goals that he set forth that this is a piece of that to help-- to help the whole system be more successful?

BOSN: I am very confident.

IBACH: OK. Thank you.

WAYNE: I have a question. So constitutionally there is a Parole Board.

BOSN: Say that one more time. Sorry.

WAYNE: So constitutionally there is a Parole Board.

BOSN: Yes.

WAYNE: Per our constitution, it has to be that. So play devil's advocate, why not put Corrections underneath the Parole Board? That

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way we have one agency in our constitution that is watching start to finish.

BOSN: I wasn't prepared to answer that question. I'd have to give it some thought. But I can do that and get back to you on it.

WAYNE: No, and, yeah, please do because I'm curious because it solves all the problems that you were just saying about finger pointing and everything else. It-- and make sure the end goal that is established by the Parole in our constitution can have the resources for individuals to meet their expectations, not the other way around. Right now, it seems like the department, which is an agency, not in our constitution, is dictating what the second house, as I said, should be the people overseeing the end goal, not the other way around. Literally, like the inmates running the asylum, it's the people on the inside while the Parole Board is just sitting here saying, well, I'll get what I get and hopefully I can make a decision. Why not put them in charge all the way from the top down? So that would be my question, but I understand you might not be prepared for that so I'll wait for your answer. Any other questions from the committee?

DeBOER: Senator Ibach has one.

WAYNE: Huh? Ibach, do you have another question?

IBACH: No, I-- thank you.

DeBOER: She did.

IBACH: It may have just been a gesture.

WAYNE: All right. Any other-- there was-- how many records-- letters for the record? There were 11 letters: 1 in support and 10 in opposition. And that will conclude the hearing on LB1145 and conclude today's hearings.