

Transcript Prepared By the Clerk of the Legislature
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Judiciary Committee
May 17, 2011

[CONFIRMATION]

The Committee on Judiciary met at 1:00 p.m. on Tuesday, May 17, 2011, in Room 1113 of the State Capitol, Lincoln, Nebraska, for the purpose of conducting a public hearing on a gubernatorial appointment. Senators present: Brenda Council; Colby Coash; and Scott Lautenbaugh. Senators absent: Brad Ashford; Steve Lathrop; Burke Harr; Tyson Larson; and Amanda McGill.

SENATOR LAUTENBAUGH: (Recorder malfunction)...started. We're here on the gubernatorial appointment of Miguel "Mike" Gomez to the Board of Parole. Mr. Gomez, would you like to come up to the desk here? [CONFIRMATION]

MIKE GOMEZ: Thank you, sir. Thank you for grooming this audience. My name is Mike Gomez from Lincoln, Nebraska, and I'm here to request your support for...in my confirmation hearing as a member of the Nebraska Board of Parole. Governor Heineman has reappointed me to the board for another term. I have served two terms already, so. The Parole Board plays an important role in the criminal justice system. I strongly believe in parole, and, in most cases, a time on parole is in the best interests of public safety. Releasing an offender under the guidelines and the special conditions of parole is, in my opinion, the best way for an offender to enter back society after serving a time in a correctional facility. Public safety is my main concern, and the main concern of all my colleagues on the board. We rely on a lot of information to make our decisions when we parole somebody. Information has been provided to us by the Department of Corrections that includes progress report, present as investigation, and in the cases of sex offenders, we get psychological evaluations, and information from the therapeutic person that has handled their cases. I will close by asking for your support in my confirmation to this position. I take my duties with the Parole Board very seriously and will continue to perform them in a very professional manner. Thank you very much for providing this time for me to this testimony, and I will answer any question that you have at this time. [CONFIRMATION]

SENATOR LAUTENBAUGH: Thank you for your service, sir. [CONFIRMATION]

MIKE GOMEZ: Sure. [CONFIRMATION]

SENATOR LAUTENBAUGH: Are there any questions for Mr. Gomez?
[CONFIRMATION]

SENATOR COUNCIL: Just a couple, Mr. Vice Vice Vice Vice Chair (laughter). Yeah, Mr. Gomez, thanks for appearing and thanks for your willingness to serve another term on the Parole Board. As you indicated, it's a very critical role and plays a critical function in our criminal justice system. I just have a couple of questions, and as you know, I get a lot of communications from inmates. And a lot of the communications evolve around

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parole eligibility and meeting parole requirements. And one of the things that we're looking at the Correctional Department's budget and other issues, a number of the concerns that are expressed to me by inmates is their inability to timely access some of the programs that they need to meet Parole Board requirements or recommendations in order for them to actually be paroled. Have you seen any improvement in terms of scheduling or availability of programming for those inmates who are at or near their parole eligibility date? [CONFIRMATION]

MIKE GOMEZ: I will speak about the substance abuse, and the substance abuse...the Department of Corrections has expanded a program that used to be...especially for the long-term...the residential substance abuse. They used to have to wait a long time, but now, we're able to parole with the successful completion of the program, in, I would say, 90 percent of the cases and maybe more than that. When they come in front of us, they have been able to complete that program. Now, it is a little more difficult when it comes to sex offenders. That is...the number of people in the institutions, the percentage of sex offenders is greater than anybody in the other category, so there's a lot of...and they keep coming in. And that is probably one area where it probably needs to expand the program, but with their budget guidelines, you know, and it might be awhile before we can see a solution to that. [CONFIRMATION]

SENATOR COUNCIL: Okay. So let me ask you, how does the parole process then interact with...is it 1099? [CONFIRMATION]

MIKE GOMEZ: Um-hum. [CONFIRMATION]

SENATOR COUNCIL: Is it LB1099 that calls for...? [CONFIRMATION]

MIKE GOMEZ: LB1199. [CONFIRMATION]

SENATOR COUNCIL: LB1199. How do those, you know, work together, if you have someone who was convicted of a sex offense that is parole eligible, but there still may be issues about their ability to transition back without risk of reoffending? Do you look at LB1199 as an option, or does the Parole Board prefer to just, you know, not recommend them for parole? [CONFIRMATION]

MIKE GOMEZ: Well, we have our own policy. It's different than the one for the ROTC program with substance abuse. We can set somebody for a parole hearing with the successful completion of the ROTC. But we have chosen not to do that for the sex offender programming, because the sex offender programming can go from 9 to 12 months. It depends on their progress. And also, we are requiring that a psychological evaluation and all the paperwork from the treatment team as to how they have done in the program. And with the ROTC...if they don't complete the program, they know right away that they are not going home. In the sex offender programming, we are...like I

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said, we don't set them for a hearing with successful completion, because we want to see all that information before we sit in for a hearing. [CONFIRMATION]

SENATOR COUNCIL: Thank you. [CONFIRMATION]

SENATOR LAUTENBAUGH: Senator Coash? Thank you for coming today, sir. [CONFIRMATION]

MIKE GOMEZ: Well, thank you very much for listening to me. [CONFIRMATION]

SENATOR LAUTENBAUGH: Are there any proponents? [CONFIRMATION]

SENATOR COUNCIL: Proponents? [CONFIRMATION]

SENATOR LAUTENBAUGH: Anyone else speaking in favor? Anyone? [CONFIRMATION]

ESTHER CASMER: My name is Esther Casmer. I'm the chairperson for the Board of Parole. I'm here in support of Miguel Gomez being considered for reappointment. He is a very respected and valuable member to our board. [CONFIRMATION]

SENATOR LAUTENBAUGH: Thank you. [CONFIRMATION]

ESTHER CASMER: You're welcome. [CONFIRMATION]

SCOTT LAUTENBAUGH: Any questions? [CONFIRMATION]

SENATOR COUNCIL: I'll get you at another time when...(laughter). [CONFIRMATION]

ESTHER CASMER: (Laugh) Okay. [CONFIRMATION]

SENATOR LAUTENBAUGH: Thank you, ma'am. [CONFIRMATION]

ESTHER CASMER: You're welcome. [CONFIRMATION]

SENATOR LAUTENBAUGH: Any other proponents? Any opponents? Any neutral testimony? [CONFIRMATION]

SENATOR COUNCIL: Can I just for the record, let the record reflect that there are two other Parole Board members present here this afternoon, although they're not testifying. [CONFIRMATION]

SENATOR LAUTENBAUGH: Oh, and thank you all for coming. We have other

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committee commitments going on, so we had to labor to get the poor showing we have here committeewise. But we appreciate you taking the time to come down. I believe with that, that will conclude the public hearing. Thank you, sir. (See also Exhibit 1.)
[CONFIRMATION]