

Nebraska Board of Parole
Business Meeting Minutes
Nebraska Board of Parole/Division of Parole Supervision
Heritage Square Building
421 South 9th Street, Lincoln, NE 68508
2nd Floor Conference Room

February 22, 2023
2:00 p.m.

The business meeting convened at 2:00 p.m. on February 22, 2023. The following persons were present: Rosalyn Cotton, Chair; Layne Gissler, Vice Chair; Mark Langan, Member; Robert Twiss, Member; Habib Olomi, Member, Nicole Miller, Attorney; Julie Micek, Parole Supervision Director; and Sue Olson, Reporter.

Three members of the public were in attendance. Mr. Dean Cole, Mr. Doug Koebernick and Mr. James Davis

I. The business meeting was called to order at 2:00 p.m. by Chair Rosalyn Cotton.

II. Roll Call:

Chair Rosalyn Cotton	Present
Vice Chair, Layne Gissler	Present
Member Robert Twiss	Present
Member Mark Langan	Present
Member Habib Olomi	Present

a. Chair Cotton announced the notice of this public meeting was placed on the Board of Parole website on February 15, 2023; and notice of publication was placed in the Lincoln Journal Star on February 13, 2023.

b. Chair Cotton announced the Open Meeting Act information is available in the room.

III. Approval of the Agenda

A motion was made by Member Mark Langan and seconded by Vice Chair, Layne Gissler to approve the agenda. Motion carried – Vote: 4-1 Vote:

Chair Rosalyn Cotton	Yes
Vice Chair, Layne Gissler	Yes
Member Robert Twiss	Abstain
Member Mark Langan	Yes

Member Habib Olomi Yes

IV. Approval of the Minutes (September 28, 2022)

A motion was made by Vice Chair Layne Gissler and seconded by Member Mark Langan to approve the minutes. Motion carried – Vote: 5-0 Vote:

Chair Rosalyn Cotton	Yes
Vice Chair, Layne Gissler	Yes
Member Robert Twiss	Yes
Member Mark Langan	Yes
Member Habib Olomi	Yes

V. Public Comment Period

The floor was opened for public comments on items listed on the agenda. Mr. Dean J Cole (2644 Washington Street) came to speak as a neighbor to the Michael's House Transition House (2648 Washington Street). He wanted to address his concerns regarding what he felt were various instances, which he presented examples, of lack of supervision and his concern regarding the clients that were sent there. He did mention that he had made calls to Parole regarding this and felt that we were working to do what we could to correct issues with our clients when needed. Ms. Micek did respond that Michael's House had not submitted the requested documents to be accepted as a facility to be used by Parole and therefore effective March 1, 2023 would no longer be an approved location for clients. Copies of testimonies and documentation were provided to the Board by Mr. Cole. Mr. Doug Koebernick and Mr. James Davis also were in attendance to observe and respond if needed regarding this topic and others on the agenda.

VI. Chairperson update - Board Chair Rosalyn Cotton

a. Prep House - Living Program Facility staffed by Parole

It is the hope this facility will open soon with a model that can continue to develop as a good option for clients in a high need group. PREP house will open following receipt of furniture and staffing and other details needed to complete prior to first client moving in. Mr. Twiss asked questions regarding staffing and what criteria would be in the selection of clients to be located to the PREP House. The Manager for the facility has been selected and staff will be 24/7. Clients will be technical violators only. It was asked if there will be an Open House and that is the intent and will be announced at a later date. Complete details can be provided to the Board when details have been finalized.

Mr. Olomi asked the question regarding if there is a conflict of interest in this transition house and the Board of Parole. The PREP house is not a transitional living program. Response from Ms. Cotton is that PREP house is a facility for violators only and the Board would have this location as an option for clients.

This is for clients already out in the community that violate and the Board does not want to send them back but could select this as another option instead. Mr. Davis added that many clients do not get the programming needed while in NDCS because of the wait time. The PREP house would be the individuals that have already gone through many options and have not succeeded and the Board can send them to the PREP house with full staffing and supervision and programming in the hope of getting the help they need to exit with a positive outcome and the last stop to not go back to being incarcerated.

Questions regarding Domestic violence programming was brought up by Mr. Twiss as he said he had recently learned this was provided out of the Parole budget. This is true in that it was learned that clients needed this programming and were not getting it in the institution so Parole did step in and opened this up so that clients could receive this and then become a candidate for the Board to parole.

b. Streamlined parole initiative

Chair Cotton is reviewing the parole process. This was discussed at a previous meeting as an option for more efficiency. Whether that is in regards to reviewing of the case file deciding to see or not see the individual or set a hearing without review. Some adjustments would require statute changes. No updates except that Ms. Cotton will continue to move forward with working on this process.

Mr. Twiss asked if there was any legislation in place in regards to working on changes in this process and wondered if anyone was working on LB50 which he felt might address some the parts of the current client parole process.

c. Legislation

Appropriations hearing is tomorrow to review budget and discussions regarding the PREP house and funding accordingly.

VII. Proposed Rule 3-105

Mr. Langan

A proposal was provided by Member Mark Langan when he learned at various conferences he had attended that many Boards in other states have a Code of Conduct as well as other organizations that he has been a part. Following research of other Codes in place in other states, the included document of a proposed Rule 3-105 is included along with a list the resources used to develop this document.

Mr. Twiss questioned what prompted this document being developed and the response was that at a meeting with Jason Jackson and himself, Mr. Jackson suggested that it be written. It was pointed out that other Boards had such a document and this Board does not.

There was discussion and questions directed from Mr. Twiss, regarding the type of entity that Board is, how a Board member would be represented legally, who would be the arbiter and how false allegations would be handled.

Member Robert Twiss made a motion to table this matter and was seconded by Member Habib Olomi. Motion failed 3-2 – Vote:

Chair Rosalyn Cotton	No
Vice Chair, Layne Gissler	No
Member Robert Twiss	Yes
Member Mark Langan	No
Member Habib Olomi	Yes

Member Mark Langan made a motion to adopt Rule 3-105 and was seconded by Chair Rosalyn Cotton. Motion carried 3-2 – Vote:

Chair Rosalyn Cotton	Yes
Vice Chair, Layne Gissler	Yes
Member Robert Twiss	No
Member Mark Langan	Yes
Member Habib Olomi	No

VIII. Missing Guidelines Scores Discussion

Mr. Twiss

- a. Mr. Twiss has the concern that missing guideline scores have a large impact on client release on a timely basis. There is a problem moving forward the documentation from the courts in a timely manner to generate the guidelines. The Board can only meet with individuals as soon as these are available. We have no jurisdiction over the Court system. Mr. Davis updated that there is a process in place to add more staff and complete training to change the current delay of 70 – 90 days.

IX. Legislation Discussion

Mr. Twiss

A question from Mr. Twiss regarding LB215 was asked of Mr. Koebernick. Mr. Twiss said it was mentioned that there was no opposition to it. Mr. Koebernick clarified by saying that nothing was presented in testimony against from the Board or Parole. Mr. Twiss said he believed there is objection to this bill. Mr. Koebernick said he was not aware that there was. Mr. Twiss mentioned LB631 would have an effect on the Board.

Chair Rosalyn Cotton made a motion to table the remaining agenda to the next meeting tentatively scheduled for June 13, 2023 because of the weather.

Motion carried 4-1 – Vote:

Chair Rosalyn Cotton	Yes
Vice Chair, Layne Gissler	Yes
Member Robert Twiss	No
Member Mark Langan	Yes
Member Habib Olomi	Yes

Chair Rosalyn Cotton made the announcement that the meeting was adjourned at 4:15 pm.

This document is a summary of the minutes of the Board Business Meeting held February 22, 2023. All meetings are recorded and are available in their entirety with exact dialog upon request.

Sue Olson, Reporter