

**Nebraska Board of Parole
Board Business Meeting**

August 17, 2021

1:30 pm

Nebraska Board of Parole / Division of Parole Supervision

421 S. 9th St., Lincoln NE

2nd Floor Shared Conference Room

The business meeting convened at 1:30 on August, 17, 2021. The following persons were present. Rosalyn Cotton, Chair; Layne Gissler, Vice Chair; Virgil Patlan, Member; Robert Twiss, Member; Mark Langan, Member; Julie Micek, Director of Parole Supervision; and Sue Olson, Reporter. Nicole Miller, Legal Counsel was unable to attend.

I. The business meeting was called to order at 1:30 by Chair Rosalyn Cotton.

II. Roll Call

Chair Rosalyn Cotton	Present
Vice Chair Layne Gissler	Present
Member Virgil Patlan	Present
Member Robert Twiss	Present
Member Mark Langan	Present

III. Approval of Agenda

A motion was made by Member Mark Langan and seconded by Vice Chair Layne Gissler to approve the agenda.

Motion carried – vote 4 – 0. Voting -

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

IV. Approval of Minutes (April 20, 2021)

Chairperson or Vice-Chairperson

A motion was made by Member Mark Langan and seconded by Vice Chair Layne Gissler to approve the minutes. Discussion was brought forward by Member Robert Twiss that in his opinion the minutes do not reflect accurately what was discussed last month in discussions and it is almost as if they were sanitized. No corrections or adjustments to the minutes were requested.

Motion carried – Voting --- 4 – 1

Chair Rosalyn Cotton	Yes
Vice Chair Layne Gissler	Yes
Member Virgil Patlan	Yes
Member Robert Twiss	No
Member Mark Langan	Yes

V. Public Comment Period

Chair Cotton announced the following information had been posted regarding this meeting.

- a. Notice of Publication
Lincoln Journal Star – 8/9/2021; website 8/9/2021

Chair Cotton announced that:

- b. Open Meetings Act information was available at this location.

VI. Budget Update

Julie Micek

Budget reports were sent to all Board members representing the entire fiscal year. If additional updates of the budget are needed, they can be provided. Around 56% of our budget is money for general fund for programs, services, salaries, and EM and like costs. The overage for the past fiscal year will move forward to next years budget. We were budgeted to parole more individuals, and this has not yet happened. The budget has also been offset this past year with Grants that were approved that covered several major purchases. There was a discussion involving Victim Specialist. Corrections provided these services until clients are released. Parole will be moving toward this position to also be a part of our agency to provide services for the victims when these clients are released and coming out into the community. We do receive inquiries from victims and our agency sees this as a big need not just locally but on a national level. Research is being done to determine what resources we might need. A candidate for this position would need to be a licensed social worker. Corrections provided services for the Board, but they cannot provide those same services for our officers in regard to Victims Services.

VII. Transitional Living Update

Julie Micek

There have been problems with Transitional living locations across the state. There has been several issues some of which are poor management, security, lack of programming and questionable practices. The decision was made to put out a new RFP. This will request various requirements be met. The applicants will be scored to determine if they meet the standards that we are looking for prior to placing a client. Going forward we are going to expect that we have transitional living options that have met our standards and we can avoid continuing problems.

VIII. Facility for Parole Violators

Rosalyn Cotton

Chair Rosalyn Cotton presented materials on a location currently called Mercy House in Omaha. She has spent the last year considering and researching the idea of Parole having our own Transition facility. Director Frakes included Chair Cotton in a roundtable about the same time also exploring this idea. Chair Cotton is looking at having a pilot project of around 15 individuals at this possible location to work to house violators and providing programming to get them back into the community. The pilot project would be reviewed and if it was successful, could be a stepping stone for expansion with more facilities of this type into other areas as well. The ultimate goals are keeping the violators for technicals in a facility rather than sending back, and to continue to work with them.

Chair Cotton is asking for approval to move this forward and proceed toward this pilot project. Member Patlan mentioned that many of current living situations that he has visited are poor and feels this is a good idea for us to pursue.

Member Twiss asked if this was properly zoned and commented that to move on this at this time in his opinion is premature. This was already a Region 5 facility and is zoned for our needs. It was discussed that a consultant from Burlington would be available to help with start up questions and issues that would need to be handled. Ms. Micek added that approximately 6 – 7 staff would need to be hired to work shifts and manage this project. They would be state employees so there would be benefits. We have the budget financially to make this happen. This is a big project, but this would be a great start to explore as a pilot for going forward to meet these goals. Timetable would be to have a plan in place by December. Legal council with Burlington has reviewed options with this property renting to Parole to

be used for Transitional living facility.

A motion was made by Chair Rosalyn Cotton and seconded by Member Mark Langan to move forward on this property as a Transitional living facility pilot project under the Board of Parole.

Motion carried – vote 4 – 1. Voting -
Chair Rosalyn Cotton Yes
Vice Chair Layne Gissler Yes
Member Virgil Patlan Yes
Member Robert Twiss No
Member Mark Langan Yes

IX. Proposed Rule Amendments Rosalyn Cotton

a. Rule § 10-102. Public Records

A Copy is provided with minutes.

Changes were made regarding photocopies fees and a change for copies to go to members of the Parole Board.

A motion was made by Chair Rosalyn Cotton and seconded by Member Mark Langan to move forward on Rule § 10-102.

Motion carried – vote 5 – 0. Voting -
Chair Rosalyn Cotton Yes
Vice Chair Layne Gissler Yes
Member Virgil Patlan Yes
Member Robert Twiss Yes
Member Mark Langan Yes

b. Rule § 4-601 Medical Parole

A Copy is provided with minutes. Change involves documentation of offender's condition.

A motion was made by Member Virgil Patlan and seconded by Member Mark Langan to move forward on Rule§ 4-601.

Motion carried – vote 5 – 0. Voting -
Chair Rosalyn Cotton Yes
Vice Chair Layne Gissler Yes
Member Virgil Patlan Yes
Member Robert Twiss Yes
Member Mark Langan Yes

X. Legislative Communication (deferred from 8/20, 10/20, 4/21) Bob Twiss
As Legal Council was not present, Member Bob Twiss requested to defer.

XI. BOP Rules / Policies (deferred from 8/20, 10/20, 4/21) Bob Twiss
As Legal Council was not present, Member Bob Twiss requested to defer.

XII. AG Report / Inquiry 17-005 (deferred from 8/20, 10/20, 4/21) Bob Twiss
As Legal Council was not present, Member Bob Twiss requested to defer.

XIII. BOP / Staff Interactions (deferred from 8/20, 10/20, 4/21) Bob Twiss

As Legal Council was not present, Member Bob Twiss requested to defer.

XIV. Disparate Treatment Amongst BOP Members Bob Twiss

As Legal Council was not present, Member Bob Twiss requested to defer. Member Twiss commented that he was denied making a motion. He added that he does not understand why a duly appointed Board member would not be allowed to make a motion. Member Virgil Patlan requested to add the comment that he felt that this happened at a point when it was tense and suggested that next time an Executive session be called and so that it could cool down and any any discussion be done in private and not in front of the public that might be present. Member Twiss said he has moved for Executive sessions and been denied and had Executive session with people in the room that do not belong. Chair Cotton stated that traditionally Administrative staff has always been present in the past at Executive session, but the public has been excluded.

XV. BOP Authority to Revoke Parole Bob Twiss

No discussion, no action.

XVI. Board Member Round Table

Member Bob Twiss noted that the Victims Specialist and Executive session had already been discussed to a degree.

Member Virgil Patlan made the comment that there is frustration in regard to custodial sanctions. Ms. Micek noted that when the AVR is received if the decision is to take that person back, it should be done then and not proceed further. If it is moved on to custodial sanctions, then statutorily it has been followed within the specifications that are given. If all Board members change their minds at the hearing, options are much more difficult and may come under challenge. Member Twiss is wondering if there is an option to change procedures. Chair Cotton asked if an addendum could be added that the Board could add additional days. Chair Cotton suggested that notes be added for all to review. The Board has the choice of time frame. Success is seen for longer days (30) rather than a shorter time frame like 15 days. Thirty days allows for time for a reset and time to find a suitable transitionally living or treatment for them.

Chair Cotton mentioned that there is need to look at other options. Ms. Micek commented that there is lot of pressure to not send clients back for technicals. The facts are that it is not usually one technical but a group of several violations that result in this outcome.

A plaque was presented to Member Virgil Patlan for his service on the Nebraska Board of Parole.

XVII. Announce Next Board Business Meeting

Chair Rosalyn Cotton announced that the next meeting is TBA at 1:30 in the Shared conference room located at Heritage Square.

XVIII Adjourn

A motion was made by Chair Rosalyn Cotton, and seconded by Member Virgil Paltan to adjourn at 2:44 p.m.

Motion carried – vote 5 – 0. Voting -
Chair Rosalyn Cotton Yes
Vice Chair Layne Gissler Yes
Member Virgil Patlan Yes
Member Robert Twiss Yes
Member Mark Langan Yes

This document is as a minutes summary of the Board Business Meeting held August 17, 2021. All meetings are recorded and are available in their entirety with exact dialog upon request.

Sue Olson, Reporter