

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

Judiciary Committee
November 18, 2008

[CONFIRMATION]

The Committee on Judiciary met at 12:00 p.m. on Tuesday, November 18, 2008, in Room 1113 of the State Capitol, Lincoln, Nebraska, for the purpose of conducting a public hearing on gubernatorial appointments. Senators present: Brad Ashford, Chairperson; Steve Lathrop, Vice Chairperson; Ernie Chambers; Vickie McDonald; Amanda McGill; Dwite Pedersen; Pete Pirsch; and DiAnna Schimek. Senators absent: None. [CONFIRMATION]

SENATOR ASHFORD: Bill, welcome. And today we are going to have...we have two appointments that we will have hearings on. First, William "Braggermann," and that's right, isn't it? Brueggemann, for the Crime Reparations Committee and then Rosalyn for the Parole Board, both incredibly important positions. And there are two other appointments, but we have only letters, which we prefer to have people (laugh) and we're...but we're glad to have Bill here and Rosalyn here. These are, in today's environment with the issues that we have to deal with in the area of crime and punishment, these are incredibly important positions. And your presence reflects how you feel about it and we appreciate it. So with that, would you like to give us a little opening statement. [CONFIRMATION]

WILLIAM BRUEGGEMANN: (Exhibit 1) Sure. My name is Bill Brueggemann. I've been with the Cass County Sheriff's Office since 1987, been sheriff since 1991. I was appointed for the Crime Commission in 1999 and also, I believe, that was my first term or seat on the Crime Victims Reparations Committee. Being on this committee, I guess, I'm real sincere. When I think that we need help these victims of innocent crime, our hands are tied financially as money is getting tighter. But there are those victims out there and it's sad that committees like this even need to be around but there's innocent victims that need to help. Financially is the only way that we can help them. And I would appreciate your consideration and your approval for me to continue to sit on this board. [CONFIRMATION]

SENATOR ASHFORD: Any questions of Bill? I think your experience is very helpful and it means a lot. So if there aren't any questions, stick around. We're probably going to vote on this right afterward, so thank you. [CONFIRMATION]

SENATOR McDONALD: I have a question. [CONFIRMATION]

SENATOR ASHFORD: Yes. [CONFIRMATION]

SENATOR McDONALD: Tell me what the Crime Victims Reparations Committee does. [CONFIRMATION]

WILLIAM BRUEGGEMANN: We as a committee, the executive director of the Crime

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Commission actually has the first hearing. There is an application process so that if there is a victim, if they are an innocent victim of a crime, and it could be a family member that maybe doesn't have the money to bury their son who was a victim, we...they go through that hearing process with the director. He will approve or deny it based on the guidelines and the policies that are set up, set forth. If he denies it and they would like to appeal it, it then comes to the committee. And they'll come in and we'll talk with them either in person or in phone conference. And they can give their case to us. They can either testify under oath or just give us the evidence and then we will consider their request. We've limited it down, when I started we had about \$420,000 or so that we were able to award with certain limitations. Because of the lack of funding we've eliminated a lot of the crimes down just to eight, I think it's about eight major crimes. And actually...so based on that, if we feel that maybe there is enough evidence there to award these people some money, whether it's financial reimbursement or help pay for their bills, we will then make a recommendation that it get approved or uphold the hearing officer's ruling. The problem in Nebraska, and as everywhere, we're probably in the lower ten percentile of 50 states on this committee for having the funds available. You know, we're limited to medical expenses like \$10,000 and stuff. We've eliminated a lot of the different crimes because of lack of money, therefore by the end of the budgetary year we're awarding money that's not there. We're giving them an IOU and hoping the next budget year comes around. I was sincere when I said that I really feel for these people that they've been victimized. But I think as a committee and whether it's the senator's, we need to find a way of either funding the program to continue it and help these people or we need to change the law and do away with the program so we don't victimize these people twice. [CONFIRMATION]

SENATOR McDONALD: Have you ever been to a point where you have not been able...you give these victims an IOU? Have you ever been to the point where you were not able to fulfill those IOUs or is it an ongoing thing you keep taking money from this year's budget to pay last years bills? [CONFIRMATION]

WILLIAM BRUEGGEMANN: And that's the way it's set up now is we approve them and then it just kind of works backwards and as the money comes available we'll pay. By eliminating a lot of the crimes the requests have gone way down. And when people go to Health and Human Services for help or whoever they go to, they're not directed to us as much as they used to because these organizations know there is no money there. My biggest fear is you're going to get, and we've seen it over and over where people come in and ask for help and they deserve more money or they deserve some money, some help and we tell them, you know, because we had to change some of the guidelines they don't qualify anymore. I think that, personally, I think there is a lot of liability on Nebraska that we need to fix it and do away with...either do away with the committee or find some kind of stability to financial backing. It's a difficult decision, I mean it's...nobody likes to give money out, but we either need to fix it or do away with it, in my opinion. [CONFIRMATION]

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

Judiciary Committee
November 18, 2008

SENATOR McDONALD: Thank you. [CONFIRMATION]

SENATOR ASHFORD: Thanks, Bill. Yes, Senator Pirsch. [CONFIRMATION]

SENATOR PIRSCH: Bill, where is the money or the source of the money, the \$420,000 that you do give now? Is that through a federal or... [CONFIRMATION]

WILLIAM BRUEGGEMANN: It's federal and state. The federal money is based on the amount they contribute...is based on what Nebraska puts up. So the lesser amount that Nebraska puts forth into this committee the less amount that the federal government does. I know a portion of it comes from the state penitentiary system. And I'm not sure if it's just a budgetary item that, you know, if the state needs money elsewhere or finds it more appropriate to put elsewhere that our budget gets reduced. It's difficult to try and fulfill a task when your hands are tied. I don't know if I answered your question. [CONFIRMATION]

SENATOR PIRSCH: You did. Thank you very much, appreciate it. [CONFIRMATION]

SENATOR ASHFORD: Senator Chambers. [CONFIRMATION]

SENATOR CHAMBERS: You may have answered this before I got here. How do you feel when people come and they're making a request and by all reasonable criteria it would fit within the realm of people entitled to some kind of assistance and you know that there's no money there? [CONFIRMATION]

WILLIAM BRUEGGEMANN: I've...and I did mention, I feel that we are victimizing these people twice. And I'm looking back to this mother that came from Chicago to bury her son who was a victim of an innocent crime. She had no money. And because he didn't fit the criteria that we've changed since we've reduced a lot of the crimes when normally he would have, we had to tell her that we couldn't help her and we apologized. It makes you hurt. These people are...their hearts are bleeding to you and then you got to tell them this. So it's... [CONFIRMATION]

SENATOR CHAMBERS: So, and this is not meant to be an impertinent question, why would you want to be on a commission like this which is, to my way of thinking being blunt, a sham. [CONFIRMATION]

WILLIAM BRUEGGEMANN: It's twofold, first of all I would like to help the people. I really think that we can help. But before we can do that I would like to be part of finding a way to make a stable foundation for funding. How...we've met over and over trying to come up with ideas and they usually get shot down or money is tight. I think that it takes a strong few to dig their heels in and say, I'm not giving up, it's either do it or get rid of it.

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

Judiciary Committee
November 18, 2008

And that's my goal is to either help them or let's do away with it. That's...
[CONFIRMATION]

SENATOR CHAMBERS: So you sleep well at night? [CONFIRMATION]

WILLIAM BRUEGGEMANN: Not after the hearing dates, but the rest of the days I...you get over it. [CONFIRMATION]

SENATOR CHAMBERS: And then you try not to think about it. [CONFIRMATION]

WILLIAM BRUEGGEMANN: You try not. [CONFIRMATION]

SENATOR CHAMBERS: But when you do think about it, do you feel like what you're doing, and I know you said you'd like to be there to try to find a way to get funding. Have you served on this commission before? [CONFIRMATION]

WILLIAM BRUEGGEMANN: Yes, sir. [CONFIRMATION]

SENATOR CHAMBERS: For how long? [CONFIRMATION]

WILLIAM BRUEGGEMANN: Since, I believe, '99, 1999. [CONFIRMATION]

SENATOR CHAMBERS: Okay. So you know the prospects are not good that the state is going to put any money into this commission, being practical. [CONFIRMATION]

WILLIAM BRUEGGEMANN: Correct. [CONFIRMATION]

SENATOR CHAMBERS: So where do you propose to get some additional money?
[CONFIRMATION]

WILLIAM BRUEGGEMANN: I...I'm against taxation, I mean, as far as adding an extra tax. [CONFIRMATION]

SENATOR CHAMBERS: Um-hum, I understand that. [CONFIRMATION]

WILLIAM BRUEGGEMANN: You know, we've heard, and I'm not saying I agree 100 percent, that all of that, whether these perpetrators where that's part of their court fees. You know they're already doing some time in the penitentiary. Do we hit them up again? You know, we've talked about citations do we add a dollar to a citation? Well, these people are already paying a ticket, why are they paying for somebody else's crime. From... [CONFIRMATION]

SENATOR CHAMBERS: Let me ask you this, the commission you would agree is

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

Judiciary Committee
November 18, 2008

created by statute. [CONFIRMATION]

WILLIAM BRUEGGEMANN: Yes, sir. [CONFIRMATION]

SENATOR CHAMBERS: And statutes are enacted by the Legislature.
[CONFIRMATION]

WILLIAM BRUEGGEMANN: Yes, sir. [CONFIRMATION]

SENATOR CHAMBERS: And the Legislature represents the people and express the will
of the people. [CONFIRMATION]

WILLIAM BRUEGGEMANN: Correct. [CONFIRMATION]

SENATOR CHAMBERS: Since the Legislature, acting on behalf of the people, saw fit to
create this commission, why would it be inappropriate for the Legislature to fund that
which it created and gave a mission? [CONFIRMATION]

WILLIAM BRUEGGEMANN: I think the Legislature should fund it. [CONFIRMATION]

SENATOR CHAMBERS: So then has the commission ever come before the Legislature
to ask for tax money or General Fund money? [CONFIRMATION]

WILLIAM BRUEGGEMANN: Yes, I believe they have on a couple of occasions.
[CONFIRMATION]

SENATOR CHAMBERS: I don't think the commission, because of reasons of my own,
should even exist. But I wanted to ask those questions to give you a chance to put
some things on the record. So thank you. [CONFIRMATION]

WILLIAM BRUEGGEMANN: Thank you, sir. [CONFIRMATION]

SENATOR ASHFORD: Thanks, Bill. Is there anyone else here to discuss this
appointment? The hearing on Bill's appointment is closed. Rosalyn, Rosalyn Cotton has
been appointed to the Nebraska Board of Parole for a term from September 9, 2008 to
September 9, 2014. And welcome, Rosalyn. [CONFIRMATION]

ROSALYN COTTON: (Exhibit 2) Good afternoon. Good afternoon all senators. My
name is Rosalyn Cotton and I'm here this afternoon seeking confirmation of my
reappointment by Governor Dave Heineman to the Board of Parole. I have been serving
on the board since August 1, 2005. My appointment to the Board of Parole was to fill the
balance of the six-year term of Chair, Kim Vampola. This reappointment began on
September 9 of 2008 and will expire September of 2014. Prior to my first appointment I

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

Judiciary Committee
November 18, 2008

was a criminal justice instructor. Prior to teaching I worked as a parole officer for the Department of Correctional Services. I worked for the Department of Corrections for approximately 19 years in many positions. Senators, it has been an honor serving as a member of the Parole Board. My colleagues have been supportive and we have a commendable board. We are always busy. We visit one of eight correctional facilities every day. The board is involved in over 600 cases per month. Since my reappointment I have been involved in approximately 960 offender reviews, 436 offender hearings and 126 revocation hearings. As of November 12, 2008 there are approximately 858 offenders on parole. In October of 2008, parole numbers were at an all time high with 879 offenders on parole. In my opinion, this is why I believe parole is such an important subcomponent of the criminal justice system. Prior to parole many offenders take advantage of programs provided by the Department of Corrections so offenders can make the best transition from prison into the community. The board continues to work closely with the Department of Corrections and their assistance is greatly appreciated. Parole is rewarding and I believe parole can make a difference to the offenders and their families. It is a pleasure to see many parolees successfully complete parole and become law-abiding citizens. Senators, at this time I will close and ask for your support in my reappointment and confirmation today. I hope that my lengthy corrections experience and present Parole Board experience will be taken into consideration. I will continue to use good judgment, take public safety seriously when making decisions and my efforts will provide the citizens of Nebraska safe communities. I am honored to have this opportunity to speak with you this afternoon. And again, it is an honor to serve the citizens of Nebraska and be a member of the Nebraska Board of Parole. If you have any questions I will answer them at this time. Thank you, senators. [CONFIRMATION]

SENATOR ASHFORD: Thanks, Rosalyn. Yes, Senator Pedersen. [CONFIRMATION]

SENATOR PEDERSEN: Thank you, Senator Ashford. Ms. Cotton, thank you for your services. I've known Ms. Cotton for many, many years as a parole officer and on the Parole Board. You've done a wonderful job. (Laugh) [CONFIRMATION]

SENATOR CHAMBERS: (Inaudible) I'm just kidding. [CONFIRMATION]

SENATOR PEDERSEN: She's fair, consistent, compassionate and firm, what my mother said you had to be to work with any person, and you've got it. You've done a good job. Thank you. [CONFIRMATION]

ROSALYN COTTON: Well, thank you. I do have one thing to say before I leave today. I would like to say thank you, Senator Chambers, and thank you, Senator Pedersen, for all your support. And you're going to be really missed. [CONFIRMATION]

SENATOR CHAMBERS: Thank you. [CONFIRMATION]

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

Judiciary Committee
November 18, 2008

SENATOR ASHFORD: We agree with that. Just one quick question. Tom Warren, who is the former Police Chief, has been working with me on the idea of creating more intervention programs on the street, to try to intervene and stop the violence. Do you have any just any thoughts on how those programs might work? You know how to...you've got more experience than I can shake a stick at, so... [CONFIRMATION]

ROSALYN COTTON: Well, you know, it was very interesting that you asked that question because on the way down here to work this morning, from Omaha, one of the things that I think Omaha is truly missing is that at one time we had what they called an intervention program where law enforcement, probation and parole all worked together and we did it consistently... [CONFIRMATION]

SENATOR ASHFORD: And it worked. [CONFIRMATION]

ROSALYN COTTON: ...and we were able to make things happen. [CONFIRMATION]

SENATOR ASHFORD: Right. [CONFIRMATION]

ROSALYN COTTON: And for some reason that...somewhere it got lost. And... [CONFIRMATION]

SENATOR ASHFORD: It did and it was very...it was successful and... [CONFIRMATION]

ROSALYN COTTON: Very successful. [CONFIRMATION]

SENATOR ASHFORD: ...we...it's been about 15 years, hasn't it been, Rosalyn,... [CONFIRMATION]

ROSALYN COTTON: Yes. [CONFIRMATION]

SENATOR ASHFORD: ...since those programs... [CONFIRMATION]

ROSALYN COTTON: Yes, yes. I believe that intervention begins with junior high schools, high schools and community leaders. I think if we can come together and get different people involved, I think it can be successful. But we have to start somewhere. [CONFIRMATION]

SENATOR ASHFORD: I noticed your comments about collaboration in your application. And it isn't that the people are not there to do it, it's that we need to bring them together and get them refocused. And you'd be a good person to help get them (laugh) get them refocused. Thank you very much. [CONFIRMATION]

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

Judiciary Committee
November 18, 2008

ROSALYN COTTON: Well, whatever I can do, as long as it doesn't interfere with my job responsibilities... [CONFIRMATION]

SENATOR ASHFORD: No, no, I wouldn't want... [CONFIRMATION]

ROSALYN COTTON: ...I will be more than happy to do that. [CONFIRMATION]

SENATOR ASHFORD: ...I would not interfere at all, but just to nudge you a bit. [CONFIRMATION]

ROSALYN COTTON: Okay. Thank you, thank you. [CONFIRMATION]

SENATOR ASHFORD: And we're fortunate to have you. Thanks very much. [CONFIRMATION]

ROSALYN COTTON: Thank you. [CONFIRMATION]

SENATOR ASHFORD: Any other comments about Rosalyn's nomination, appointment? Okay. Well, that concludes the hearing and we have, as I mentioned, two other appointments. But we have...I don't believe any...is anyone here to talk about the Derek Vaughn appointment or the Scot Ford appointment? (See Exhibits 3 and 4) Okay. Thanks. Thank you all. I think we're going to go into Exec Session here real quickly, so you have to go away for a short time, but not that far. [CONFIRMATION]

Chairperson

Committee Clerk