

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

Judiciary Committee
March 09, 2007

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The Committee on Judiciary met at 1:30 p.m. on March 9, 2007, in Room 1113 of the State Capitol, Lincoln, Nebraska, for the purpose of conducting a public hearing regarding gubernatorial appointments. Senators present: Steve Lathrop, Vice Chairperson; Ernie Chambers; Vickie McDonald; Dwite Pedersen; Pete Pirsch; and DiAnna Schimek. Senators absent: Brad Ashford, Chairperson; and Amanda McGill. []

SENATOR LATHROP: Good afternoon, folks. My name is Steve Lathrop. I'm the Vice Chair of this committee. We are going to take up gubernatorial appointments. Generally speaking, we have a light system. I'll just tell you we're going to have you--do we have to have them fill sheets out today? [CONFIRMATION]

JEFF BEATY: No, we've got all their information. [CONFIRMATION]

SENATOR LATHROP: Okay, good. We don't have to have you do that. But we will allow you, when your opportunity comes up, to have a seat. We'll have a light system. At two minutes it gives you the yellow light. You get another minute to talk. If you need more time we're probably a little flexible since we have an unusually short day today, but we are going to start with Crime Victims Reparation Committee. That's...oh, I should introduce people. Forgive me. I don't do this very often. This is Senator McDonald, Senator Pete Pirsch, Senator Schimek, and Dwite Pedersen who is from Elkhorn. [CONFIRMATION]

SENATOR PEDERSEN: Thank you. [CONFIRMATION]

SENATOR LATHROP: You're welcome. All right. Let's start with James Riskowski. Come on up. Make yourself welcome. [CONFIRMATION]

JAMES RISKOWSKI: Thank you. [CONFIRMATION]

SENATOR LATHROP: Go ahead. We'll just...if you like you can tell us a little bit about yourself and your qualifications to serve on the Crime Victims Reparation Committee. [CONFIRMATION]

JAMES RISKOWSKI: This would be my, I believe, my fourth term with Crime Victims Reparations. I've been fortunate to be one of the longer standing members of the crime commission. I'm in my third six-year term and then this would be my fourth term on Crime Victims Reparations. I was fortunate enough to serve with Senator Pirsch. [CONFIRMATION]

SENATOR PIRSCH: Maybe it's a good idea--I'm sorry to interrupt--maybe for the record just to say the name and this is James Riskowski. [CONFIRMATION]

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JAMES RISKOWSKI: Oh. Okay, yeah. My name is James Riskowski and I am from Omaha, Nebraska. And I guess, you know, I don't know what you want to know, but I have a lot of background in law enforcement criminal justice for all the years that I've worked in the industry and have been very knowledgeable about criminal justice law enforcement issues in this state and across the country as well. So...and I think the best thing is maybe just respond to questions that somebody would have that relative to background experience. [CONFIRMATION]

SENATOR LATHROP: You're probably right. Let's try that. [CONFIRMATION]

JAMES RISKOWSKI: Okay. [CONFIRMATION]

SENATOR LATHROP: I appreciate your introductory remarks... [CONFIRMATION]

JAMES RISKOWSKI: Sure. [CONFIRMATION]

SENATOR LATHROP: ...and you're on that board right now or that committee?
[CONFIRMATION]

JAMES RISKOWSKI: Yes, I am. [CONFIRMATION]

SENATOR LATHROP: And you've been there for 18 years? [CONFIRMATION]

JAMES RISKOWSKI: Yeah, I've been on 18 years on the crime commission. Well, will be 18 when I finish this term. [CONFIRMATION]

SENATOR LATHROP: Okay. [CONFIRMATION]

JAMES RISKOWSKI: Yes. [CONFIRMATION]

SENATOR LATHROP: Okay, good. Anybody have any questions? Senator McDonald.
[CONFIRMATION]

JAMES RISKOWSKI: Yes? [CONFIRMATION]

SENATOR McDONALD: Yes, do you build jails? [CONFIRMATION]

JAMES RISKOWSKI: Yes. Well, yes we do. For about 30 years, I was one of the managing principals of Dana, Larson, Roubal Architects, which is now DLR Group, and we grew that into becoming the largest criminal justice architect in the world. And did the state penitentiary down in Tecumseh, here in the state of Nebraska. Did the Super Penn in Florence, Colorado, which replaced Alcatraz. Well, as Alcatraz became Marion,

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Indiana and now it's Florence, Colorado. And now we've grown to where work all over the country. Did Lancaster County Jail right over here, Dodge County, Douglas County, Sarpy County in the state of Nebraska and have a strong background in that area of doing those type of facilities. [CONFIRMATION]

SENATOR McDONALD: Thank you. [CONFIRMATION]

SENATOR LATHROP: Senator Pirsch. [CONFIRMATION]

SENATOR PIRSCH: Is there anything in particular that you'd like to see happen or why you want to be on the Crime Victims Reparation Committee? [CONFIRMATION]

JAMES RISKOWSKI: Well, I think--and Senator you know this firsthand--one of the things that we've grappled with that has been so difficult and the needs of the crime victims in the state of Nebraska greatly outweigh the funding. And the funding, even in its earliest days, was never very significant. And with the recent cuts that we've seen on crime victims where the funding has gone down between 75 and 80 percent of what's available to support crime victims, as a member of that commission we've continuously had to cut back on our support and assistance of innocent victims of crime. And it makes it really heart-wrenching and sort of difficult for us and that program to be very effective and meaningful to the people who have had something happen to them and are very deserving of support, especially when we look at our state compared to most of the other states around us. Nebraska, by far, provides less funding for Crime Victims Reparations than any of the adjoining states. And so we think that's very important that as a Legislature and as a state we really look out for and try and help people who are very deserving who are and have been innocent victims of crime in our state. [CONFIRMATION]

SENATOR PIRSCH: Thank you. [CONFIRMATION]

JAMES RISKOWSKI: Okay. [CONFIRMATION]

SENATOR PIRSCH: Appreciate that. [CONFIRMATION]

SENATOR LATHROP: Anyone else? I do have a question. You brought up the idea that we are not properly funding the crime victims. [CONFIRMATION]

JAMES RISKOWSKI: Yes. [CONFIRMATION]

SENATOR LATHROP: How much more money do you think we need to put into that to do a decent job at it or... [CONFIRMATION]

JAMES RISKOWSKI: That's a very difficult question. And it's one of those conundrums

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that we are caught with as a member of the CVR and that is that the tasks that we're assigned is to support and assist innocent victims of crime. And with almost virtually every meeting that we have there's extensive discussions about the lack of funding and the continued significant cuts that we've been facing in this state funding the crime victims like I talked about. You know, I believe we're down to now 75 percent less than we had as early as three or four years ago. And at that time, we were close to having funds that could support a significant number of the crime victims that have come in. And one of the things that the CVR has had to do is send letters to the Legislature as mandated by the act that we operate under and that is that if we don't have enough funds available that we send a letter to the Legislature informing them that there are not funds to meet the needs of the citizens of the state under this program. And so...but in specific dollars, that's a very complex question that I think our staff and the crime commission could address in detail. And I don't remember--Pete, we've talked about this on a couple occasions--but you know, it's a 75-25 match where the federal government will match about 75 percent. And as we've lost state funds, it's made it more and more difficult for us to fund the needs of...we have a large number of applicants that come in now that we've had to decline because of a lack of available of funds. And the specific number I couldn't say exactly... [CONFIRMATION]

SENATOR LATHROP: Are we...is state share getting less and less? [CONFIRMATION]

JAMES RISKOWSKI: Yes, it is. [CONFIRMATION]

SENATOR LATHROP: And if we had not started cutting away at this where would we be at or...I'm looking for a number. [CONFIRMATION]

JAMES RISKOWSKI: And again, that's difficult. I think we...there was a time that we had--I'm not sure this is the exact number--but we had about \$100,000 in state funds and then that provided another \$300,000 in federal funds, and we have about \$400,000. And I think right now today, you know, at a 75 percent loss, the total combined is about \$100,000 state and federal. [CONFIRMATION]

SENATOR LATHROP: Okay. So like a million dollars would be a lot of money. [CONFIRMATION]

JAMES RISKOWSKI: That would be great. [CONFIRMATION]

SENATOR LATHROP: Okay. [CONFIRMATION]

JAMES RISKOWSKI: Yeah. [CONFIRMATION]

SENATOR LATHROP: Now I'm getting a sense. Thank you. Senator Pedersen. [CONFIRMATION]

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SENATOR PEDERSEN: Thank you, Senator Lathrop. Mr. Riskowski, do not the inmates pay into this account also? Those who have private venture jobs and work release jobs, like at the Cornhusker State Industries. Don't they contribute some to that fund? [CONFIRMATION]

JAMES RISKOWSKI: They contribute some to that fund. Yes, they do. And I believe there was a bill introduced a year ago, but I don't know that it made it out of committee, that would provide additional funds, because I know Bob Houston with the state of Nebraska Department of Corrections talked to me about that. That they thought that there could be additional funds that could come out of prison industries and some of those other programs that could help support this. [CONFIRMATION]

SENATOR PEDERSEN: That bill has been in committee about ten times and never has come out of committee. [CONFIRMATION]

JAMES RISKOWSKI: Yeah. [CONFIRMATION]

SENATOR PEDERSEN: I know exactly what bill you're talking about. [CONFIRMATION]

JAMES RISKOWSKI: Yeah. So I mean, and Bob... [CONFIRMATION]

SENATOR PEDERSEN: But I did want to make sure that it's on the record that we realized the inmates do now. Those who have jobs and are making salaries are paying into that account. [CONFIRMATION]

JAMES RISKOWSKI: Yeah, yeah. [CONFIRMATION]

SENATOR PEDERSEN: Subsidize that. [CONFIRMATION]

JAMES RISKOWSKI: Um-hum. [CONFIRMATION]

SENATOR LATHROP: We have been joined by Senator Chambers. [CONFIRMATION]

SENATOR PEDERSEN: Thank you. [CONFIRMATION]

SENATOR LATHROP: That does lead me to one more question then I'll get off the subject. [CONFIRMATION]

JAMES RISKOWSKI: Sure. [CONFIRMATION]

SENATOR LATHROP: Is there a ceiling on what the federal government will contribute

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to this program, the crime victims? Is it like 75 percent, but no more than...
[CONFIRMATION]

JAMES RISKOWSKI: I'd have to verify that. There could be a per cap, 75 percent up to some per cap based on population. But as we look at Colorado and South Dakota, they have substantially larger CVR programs than Nebraska has. And so that tells us that there's a lot of surplus cap that would be available to, say, Nebraska, you know?
[CONFIRMATION]

SENATOR LATHROP: Could you get me what that ceiling is? [CONFIRMATION]

JAMES RISKOWSKI: Yes, yes. I sure can. [CONFIRMATION]

SENATOR LATHROP: Okay, thank you. Any other questions? None? Okay. Thanks for coming. Appreciate it. [CONFIRMATION]

JAMES RISKOWSKI: Okay, thank you. Appreciate it. [CONFIRMATION]

SENATOR LATHROP: The next appointment is Mr. Boozer for the Nebraska Board of Parole. Good afternoon and thanks for coming down. [CONFIRMATION]

ROBERT BOOZER: Good afternoon. Okay. Good afternoon, Senators. My name is Bob Boozer and I'm here today asking for your individual support in this confirmation hearing for an additional six-year term on the Nebraska Board of Parole. I have been serving on the Board of Parole since January 1, 1997. On September 9, 2006, Governor Dave Heineman did reappoint me to an additional six-year term. This term will continue until September 9, 2012. Senators, I must say that being a former employee in the private sector for 27 years before joining the board the certainly was an adjustment period that took place as I moved from the challenges of corporate America to the challenges of the criminal justice system. The challenges are the constant need for additional offender programming, the balancing of the cry for rehabilitation of most offenders, and my strong belief in the parole process. I have taken my ten years on the Board of Parole very seriously and I do consider parole a very important function within the criminal justice system. Parole is perhaps the most misunderstood function within the criminal justice system. Many citizens do not understand that all offenders, except those sentenced to death and those serving a life sentence, have a date set when they are released from prison. In most cases, I feel that a period of time on parole is in the best interest of public safety. Releasing an offender under the special conditions of parole with the supervision of a good parole officer is, in my opinion, the best way for an offender to reenter society after serving a sentence in a corrections facility. In the ten years that I have been serving on the Board of Parole I have been involved in over 30,000 offender board reviews, over 12,000 parole board hearings, and over 3,000 violations of parole hearings. With this over ten years of experience, I believe that I have

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become a very effective member of the Board of Parole. Board credibility and public safety are very high on my list of concerns. Out of the over 12,000 parole hearings that I have been involved in I cannot recall any of those that were parole that have caused concern or that have brought undue criticisms toward the board. I have developed a very good rapport with the offenders because they know what they can expect from me. In my many years of community work in the Omaha area I have worked long diligent hours with individuals from all walks of life, all ethnic groups, the poor, the well-to-do, and with attitudes that were as diverse as those that are seen by the board on a daily basis. In talking to offenders, I try to project myself to them more in the role of a counselor. I express the need for them to rethink the lifestyle that brought them to prison. I visit about the need for reevaluation of being law-abiding citizens, establishing goals, and the need to have checkpoints in reaching those goals. I discuss the need to pursue employment that provides a good salary along with sound benefits. I reiterate the difficult time that each offender may have at attaining that employment, but if he or she is sincere, the law-abiding, hard-working life is out there for him or her to reestablish. Each member of the board expresses strong feelings about the value of education, family, and community. We constantly remind offenders that when sentenced for a crime they not only are in prison themselves, but their entire family is also serving the prison sentence right along with them. I consider this position a distinct honor and having the responsibility of making decisions that contribute to the public welfare and betterment of the entire state a continuing challenge. We have an excellent Board of Parole at the present time. My colleagues on the board all conduct themselves in a very professional manner. We work together in the spirit of unity and everyone on the board is very dedicated to the parole process and takes their assigned responsibilities very serious. The board at the present time consists of Esther Casmer, chairperson; James Pearson, vice chair; Rosalyn Cotton; Mike Gomez; and myself. The Board of Parole has a very busy schedule. We are out of the office everyday of the week by 8:15 a.m. traveling to one of the eight state institutions to conduct offender board reviews, parole hearings, or violations of parole hearings. The board presently conducts an average of 525 to 550 cases per month. Senators, with that, I will close and ask for your support in my reappointment and confirmation to this position. I can assure you that I will continue to work hard and continue to perform my duties with the utmost professionalism. I do believe in parole and found the last ten years to be very rewarding. I have seen many parolees complete parole successfully and become law abiding citizens back in their own communities. Thank you, Senators. I'll entertain any questions at this time.
[CONFIRMATION]

SENATOR LATHROP: Thanks, Bob. Are there questions? All right. We'll start with Senator Pedersen. [CONFIRMATION]

SENATOR PEDERSEN: Thank you, Senator. Just more or less a statement. When Mr. Boozer came before us the first time I thought to myself what is a professional basketball player and a retired business executive going to do on the Parole Board.

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He's done an excellent, excellent job. I've been there with many inmates that have gone in front of him and he's respected by both the board members, the people who work in the area of corrections, and the inmates. And I thank you for what you've done, Bob. [CONFIRMATION]

SENATOR LATHROP: Senator Chambers. [CONFIRMATION]

SENATOR CHAMBERS: I'm not going to praise him that much, because he'll get the big head. But we grew up together in the same neighborhood, literally, and all I want to tell you, Bob, if the Supreme Court doesn't rule correctly on the term limits issue this is the last time I'll have a chance to support you, but I do support you this time and I wish you well. And I know you're going to do well. [CONFIRMATION]

ROBERT BOOZER: Well, Senator, I want to say that I'm going to miss you and I really wish the term limits would be reversed. [CONFIRMATION]

SENATOR CHAMBERS: We'll just see what happens. [CONFIRMATION]

ROBERT BOOZER: Okay, okay. [CONFIRMATION]

SENATOR CHAMBERS: Okay. [CONFIRMATION]

SENATOR LATHROP: Senator Pirsch. [CONFIRMATION]

SENATOR PIRSCH: Just wanted to kind of ask you about the work ethics camp. Are you familiar with that? Could you comment about your role in the past? If you have any connection with that. [CONFIRMATION]

ROBERT BOOZER: Well, those situations are really just getting started. The reentry program, community corrections, and the work ethics camp. And those are a quandary of things that are coming on to the front now to try to reduce the number of inmates in the institutions. [CONFIRMATION]

SENATOR PIRSCH: We have a bill going through this year to try to encourage the number of people who are sent to the work ethics camp and I think it has the capacity of over a hundred, and somewhere probably about only half that currently. Do you think that's a doable kind of goal? [CONFIRMATION]

ROBERT BOOZER: I think anything that's coming to front now to assist in declining the numbers within the institutions, it can't do anything but assist. You know, this is an epidemic that is taking place throughout the whole country, the increase in inmates in the system. [CONFIRMATION]

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SENATOR PIRSCH: Is there any other challenges you see as we kind of move to this new paradigm of community corrections that should be looked at in a more stronger light by the Legislature? [CONFIRMATION]

ROBERT BOOZER: Well, I think you're going to have the opportunity, because I know some individuals are here that are taking part in community corrections. So I think they can address that better than I can on the Parole Board. [CONFIRMATION]

SENATOR PIRSCH: Oh, you bet. Thank you. [CONFIRMATION]

SENATOR LATHROP: Thanks, Senator Pirsch. Any other questions? Okay. Thanks for coming down. We appreciate it. [CONFIRMATION]

ROBERT BOOZER: Thank you. [CONFIRMATION]

SENATOR LATHROP: We appreciate your service. [CONFIRMATION]

ROBERT BOOZER: You bet. [CONFIRMATION]

SENATOR LATHROP: Are there any folks here in support of this nomination or appointment, I guess? [CONFIRMATION]

ESTHER CASMER: Good afternoon, Senators. My name is Esther Casmer, spelled C-a-s-m-e-r. I am the chairperson of the Nebraska Board of Parole and myself and my colleagues are in support of Mr. Boozer being...we'd love to have him another term. [CONFIRMATION]

SENATOR LATHROP: Would you? [CONFIRMATION]

ESTHER CASMER: Yes, we would. [CONFIRMATION]

SENATOR LATHROP: Good. That's terrific. We're glad you came down to tell us that, too. [CONFIRMATION]

ESTHER CASMER: Thank you. [CONFIRMATION]

SENATOR LATHROP: Anybody have any questions? All right. Thanks for coming down. Its great to meet you. [CONFIRMATION]

ESTHER CASMER: Pleased to meet you. Thank you. [CONFIRMATION]

SENATOR LATHROP: Okay, anyone else care to testify on this appointment? Any opponents? Neutral? Okay. The next one is going to be the Community Corrections

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Council. First up there is Kermit Brashear. Welcome back. [CONFIRMATION]

KERMIT BRASHEAR: Thank you. Senator Lathrop, members of the Judiciary Committee, my name is Kermit Brashear, B-r-a-s-h-e-a-r. I am appearing before you as a citizen appointee to the Community Corrections Council. It has been my privilege to work on community corrections issues since the initiation of the current effort through the community corrections working group, which by act of the Legislature, turned into the Community Corrections Council. Particularly, I have worked with Senator Chambers, Senator Dwite Pedersen, Senator John Synowiecki, the majority of the body who have been very supportive of community corrections and the creation of the Community Corrections Council, and especially the Appropriations Committee. I think that we have made great progress. We have come from what I call a deep water dead start. And for nine months of 2006 beginning in approximately April, the last three calendar quarters, we have had up and running Specialized Substance Abuse Supervision or the SASS program as it is known, a fee for voucher program in order to provide services to individuals, and day-night reporting centers for the intense supervision. In essentially in seven counties these programs have been initiated in the nine months, which I referenced, the Community Council and its program. And this is nothing but a very intense collaborative effort of a kind that in my personal experience, I think is unusual in government between people and branches of government in order to make certain that we are serving people as they need to be served at the local area. Eight hundred and twenty-eight people received services who would not have otherwise received services during that three calendar quarters that I referred to. We can demonstrate because we have built a data system through the appropriations of the Legislature that 102 of our targeted offenders were, in fact, diverted from maximum security incarceration to community corrections by the use of the program. So with that, I would submit...I see my time is nearly expired. (Laughter) And... [CONFIRMATION]

SENATOR LATHROP: I don't know if we turned that light on anybody else. I don't know if you noticed that. [CONFIRMATION]

KERMIT BRASHEAR: I'll submit myself to the examination of the committee. Thank you. [CONFIRMATION]

SENATOR LATHROP: I think he was looking forward to turning that light on you. Anybody have any questions of...Senator Chambers. [CONFIRMATION]

SENATOR CHAMBERS: I don't have any questions. (Laughter) But I do support the appointment. [CONFIRMATION]

SENATOR LATHROP: Okay. Senator Pedersen. [CONFIRMATION]

SENATOR PEDERSEN: Thank you, Senator Lathrop. Senator Brashear, I've been

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recently appointed to the committee. Probably going to miss the first meeting, but...
[CONFIRMATION]

KERMIT BRASHEAR: I know that you have. [CONFIRMATION]

SENATOR PEDERSEN: ...I want to know is the Community Corrections Council doing anything on post incarceration yet? [CONFIRMATION]

KERMIT BRASHEAR: No. Our target has been felony drug offenders who are sentenced for three years or less. We've made our first thrust and focus to be a concerted effort to divert people from prison in order that we do not exceed the emergency cap level, which was established by the Legislature at 140 percent of capacity. We're at 138 percent plus as we visit today. [CONFIRMATION]

SENATOR PEDERSEN: Is there any thought with the council looking at post incarceration in the future? [CONFIRMATION]

KERMIT BRASHEAR: Yes. To the extent resources are available and we continue to achieve success that makes us accountable to the people for the money we're spending and for the effort we're mounding, we need to expand our vision. I knew of your appointment as a new legislative representative. I look forward to serving with you if I'm confirmed. [CONFIRMATION]

SENATOR PEDERSEN: Thank you. [CONFIRMATION]

SENATOR LATHROP: Senator Pirsch. [CONFIRMATION]

SENATOR PIRSCH: Are there any other...first of all, thank you for leading, kind of pioneering this concept of community corrections in the Legislature and just had a question... [CONFIRMATION]

KERMIT BRASHEAR: I appreciate that, Senator, but I must tell you it's been a tremendous team effort by a lot of people. That is what has been so rewarding. You don't always see everyone in large numbers across the branches of government working together the way they have in community corrections and I'm proud to be a part of the effort. [CONFIRMATION]

SENATOR PIRSCH: You bet. You bet. And with regard to the green light/red light, I can only say those who live by the sword will die by its blade. (Laughter) [CONFIRMATION]

KERMIT BRASHEAR: I understand. [CONFIRMATION]

SENATOR PIRSCH: But in any event, I just wanted to ask you do you see

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anything...are there any, in the short term here, needs community corrections council, and you may want to prioritize them in whatever order, that you'd like the Legislature to be aware and responsive to? [CONFIRMATION]

KERMIT BRASHEAR: The Legislature has been extraordinarily responsive over the initiation and effort of this work and I think everybody on the Community Corrections Council is very grateful for that support. Not wanting to get at odds with any other branch of government, I will simply say that money and resources are always necessary when you're building a new system. I would respectfully suggest the reason we had no community corrections in the state of Nebraska is because we never appropriated any money for them. We are not reinventing a wheel here. This is something that has been going on in other jurisdictions ahead of us. And as you don't build prisons and as you don't hire employees and spend millions of dollars in additional payroll, we will need some of that money in order to build a system out across 93 counties, because this is a very large state and the judiciary has, understandably with their concern for public safety, made it perfectly clear that if we don't have services where the offenders are in the communities so that they can be supervised and treated in addition to serving their sentence then the judges won't put them there. And the alternative is what Nebraska has pursued for too long, which is maximum security incarceration which costs...you get different figures, but think in terms of about \$28,000 per person per year as opposed to this at \$6,000 per person per year or less. There's a lot of money to be saved, but you have to spend some money to save some money. [CONFIRMATION]

SENATOR PIRSCH: Very good. Thank you. [CONFIRMATION]

SENATOR LATHROP: I am curious about that. What kind of money do we need to spend to make this? I know you're not wanting to get crosswise with another branch of government, but I would like to ask you what your thoughts are and what we should be spending on community corrections. [CONFIRMATION]

KERMIT BRASHEAR: My honest reaction, Senator Lathrop, is at the present time we're building as fast as we can go, because for instance, probation has to hire these people and train these people in terms of SASS. And we're building...there's no question we're building a quality program that is tested and it's going to take time. It can't happen on a dime. I think we're fine now. I'm simply saying that when you spread it over 93 counties, we're going to have to continue to fund it. Hopefully we'll recognize that we're saving money so we can spend some money. [CONFIRMATION]

SENATOR LATHROP: So we don't need anymore? [CONFIRMATION]

KERMIT BRASHEAR: Not at the present time. I mean, that's been negotiated and our effort has been supported and we can do it. [CONFIRMATION]

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SENATOR LATHROP: Okay. Good. [CONFIRMATION]

KERMIT BRASHEAR: But I appreciate the question. Thank you. [CONFIRMATION]

SENATOR LATHROP: Certainly. Any other questions? [CONFIRMATION]

SENATOR PEDERSEN: I've got one. [CONFIRMATION]

SENATOR LATHROP: Oh, pardon me. [CONFIRMATION]

SENATOR PEDERSEN: I need to ask this, because I've been asked it myself. Senator Brashear, do you see any conflict of interest with you being the chairman of the Community Corrections Board and also being a lobbyist? [CONFIRMATION]

KERMIT BRASHEAR: I don't, but if the body does, of course that would be the appropriate decision. I think the fact is that as a citizen resident of Senator Pirsch's district, I'm still a citizen. [CONFIRMATION]

SENATOR PEDERSEN: Thank you. [CONFIRMATION]

SENATOR LATHROP: The two lines don't intersect, do they? You're not on any issues that have anything to do with community corrections? [CONFIRMATION]

KERMIT BRASHEAR: No, it's interesting and thank you for the opportunity. I had never read the lobbying statutes until I left the body. As a member of the Community Corrections Council, I can come here and speak for it on behalf of the Community Corrections Council without registering, but you cannot come and speak for or on behalf of anyone except yourself and not register, irrespective of money. Money is not the issue. The statute is very broad and simply requires for those who don't want to be at odds with the Nebraska Accountability and Disclosure Commission, it requires that you register. [CONFIRMATION]

SENATOR LATHROP: Good. I'm sure you are. Any other questions? Thanks for the answer, too. I appreciate it. Okay. Are there any...thank you. [CONFIRMATION]

KERMIT BRASHEAR: Thank you. [CONFIRMATION]

SENATOR LATHROP: Are there any... [CONFIRMATION]

SENATOR PEDERSEN: Thank you for your work, Kermit. [CONFIRMATION]

SENATOR LATHROP: Anybody here in support of this appointment? How about in opposition or in a neutral capacity? Okay, that will conclude our hearing on the Brashear

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appointment. Next will be Julie Hippen. [CONFIRMATION]

SENATOR PEDERSEN: But she's not here. [CONFIRMATION]

SENATOR LATHROP: Not here? All right. Then after that is Joe Kelly.
[CONFIRMATION]

JOE KELLY: Senator Lathrop and members of the committee. My name is Joe Kelly, K-e-l-l-y. I'm the chief deputy county attorney here in Lincoln and Lancaster County attorney. In the county attorney's office I've served and am completing a four-year term on the Community Corrections Council and my name appears today as a reappointment for a second four-year term. I have enjoyed the opportunity working with that group. You've already heard so much from our chairman, Senator Brashear or Mr. Brashear. And it really is a unique situation where you have people from all sides of our government and our citizens at large working towards these goals and with very little...a little contention from time to time, but not much beyond that. We've had good leadership and we just got a lot of people who work together well towards this common goal of reducing our prison population in a safe manner. And I am in the county attorney's slot on that committee. There is a committee for a county attorney. So I will submit it with that and would like an opportunity to serve another four years. [CONFIRMATION]

SENATOR LATHROP: Okay. Thanks, Joe. [CONFIRMATION]

SENATOR CHAMBERS: Mr. Kelly, I study history. Has anybody ever told you that you look like Abraham Lincoln's father's uncle's grandson's half stepbrother?
[CONFIRMATION]

JOE KELLY: Never. [CONFIRMATION]

SENATOR CHAMBERS: Okay. I don't think so either. (Laughter) I had to say something to you. [CONFIRMATION]

JOE KELLY: Thanks. [CONFIRMATION]

SENATOR LATHROP: Are there any other questions? It doesn't look like it. Thanks, Joe. [CONFIRMATION]

JOE KELLY: Thank you. [CONFIRMATION]

SENATOR LATHROP: We appreciate your service to the committee.
[CONFIRMATION]

SENATOR PEDERSEN: You're losing control of this committee. [CONFIRMATION]

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SENATOR LATHROP: You know what? I'm going to have to get him in a headlock here pretty soon. Okay, the next person is Scot Adams. No Scot Adams? People are shaking their head. That's the last person we have down as able to attend. Are there others here who are here on an appointment for a hearing? [CONFIRMATION]

SENATOR CHAMBERS: Or who would like an appointment? (Laughter)
[CONFIRMATION]

SENATOR LATHROP: Yeah, we'll appoint you. Okay. Dr. Alan Smith, Thomas Dowart, Catherine Cook, Jeffrey Davis, Robert Lindemeier, and Scott Arnold. No? Okay. I think that concludes our hearings today. Thank you so much for coming. [CONFIRMATION]

Chairperson

Committee Clerk