

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

Judiciary Committee
May 14, 2015

[CONFIRMATION]

The Committee on Judiciary met on May 14, 2015, for the purpose of conducting a public hearing on gubernatorial appointments.

SENATOR SEILER: Thank you. Thank you, folks, for being patient. I'd entertain a motion to...
[CONFIRMATION]

SENATOR EBKE: We enter into a...whatever we're doing. [CONFIRMATION]

SENATOR COASH: Start the confirmation hearings. [CONFIRMATION]

SENATOR EBKE: Yes, start the confirmation hearings. [CONFIRMATION]

SENATOR SEILER: That's what I'm saying. Okay. We've got a quorum and we're ready to start and the first one is Teresa Bittinger. Please take a seat there. Please state your name and spell it for the record. [CONFIRMATION]

TERESA BITTINGER: Thank you. Good afternoon, Chairman Seiler and members of the Judiciary Committee, my name is Teresa, T-e-r-e-s-a, Bittinger, B-i-t-t-i-n-g-e-r.
[CONFIRMATION]

SENATOR SEILER: You may proceed. [CONFIRMATION]

TERESA BITTINGER: (Exhibit) I was appointed by Governor Pete Ricketts to the Nebraska Board of Parole on February 11, 2015. I'm here today seeking confirmation of that appointment. If confirmed, my appointment would be effective through September 9, 2019. I believe my experience and training make me a worthy candidate and using our state's initiatives, along with my passion, drive, and dedication I will be a competent and responsible board member. My education includes an associates degree in business administration and a bachelor of science degree in criminal justice. I am a citizen of the great state of Nebraska, and for more than 20 years I have worked with law enforcement, the Nebraska Department of Corrections, adult parole administration, and the Nebraska Board of Parole. For three years I was a 911 emergency dispatcher and a certified jailer. I then began a career with the Nebraska Department of Correctional Services starting as a Corrections corporal and promoting through the ranks and then promoted to the position of re-entry supervisor for adult parole administration. While working inside the facilities, I worked on the security side of incarceration, as well as in unit management giving me a solid working knowledge of our prison system from both sides. I was

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with parole administration for more than three and a half years working closely with the facilities, the community, the Ombudsman's Office, Probation, and Board of Parole. This enhanced my ability to see the prison, the parole system, and the offenders re-entering into our communities in a holistic view. The citizens of Nebraska deserve to have understanding, caring, dedicated, educated, and competent professionals on the Board of Parole. I am an advocate for evidence-based practice, evidence-based policy, evidence-based decision making, and re-entry initiatives while maintaining public safety. I understand we are tasked with being fiscally responsible and keeping the public safe by enhancing the progressive reintegration of our inmates and parolees into society as productive citizens. There are, at times, a fine line between those inmates we are truly afraid of and those we are just mad at. Having the ability to look at the whole case of each inmate before a decision is made to approve or deny parole is a necessity that must take place. The people making that decision need to have a grave understanding of our state, our laws, and our prison system, Parole, our communities, and the essential need to pull all this information together to make sound decisions. As a certified jailer with the state of Nebraska, I work with jail standards to maintain compliance with ever-changing laws for housing inmates in the county jails. I built a positive relationship with the Nebraska State Patrol and the public. As a 911 emergency dispatcher, I worked with and for emergency response system for the state of Nebraska. The knowledge of utilizing and maintaining a positive working relationship with the public and all its entities is an understanding that I bring with me today. I have worked with the public in each position I've held with the Nebraska Department of Corrections from visitors, contractors, the Ombudsman's Office and his representatives, law enforcement, and attorneys and families of inmates and parolees. I am tactful and diplomatic. I thank you for your time and consideration and I will be happy to answer any questions you may have. [CONFIRMATION]

SENATOR SEILER: Thank you very much. Questions? Senator Williams. [CONFIRMATION]

SENATOR WILLIAMS: Thank you, Senator Seiler. Thank you for being here. I think you have to be aware of the situations that we have been facing over the last few years with prison overcrowding and that we have now passed LB605 which is to address that situation, how would you answer the question of how we balance and how would you balance, as being part of the Parole Board, the public safety side versus the pressure to reduce prison overcrowding? [CONFIRMATION]

TERESA BITTINGER: First and foremost, public safety will always trump any bed space or crowding issues. That has got to be at the top of the list. I do feel that the Board of Parole does need to work hand-in-hand with Parole and the Department of Corrections. But we are not going to parole people who are not ready to be paroled. And that is for their sake as well as the public safety. So that will have to come first and foremost. If they would offer suggestions, we would listen. [CONFIRMATION]

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SENATOR WILLIAMS: Thank you. [CONFIRMATION]

TERESA BITTINGER: You're welcome. [CONFIRMATION]

SENATOR SEILER: One of the problems we have right now...well, let me start out this way, the...we're moving Parole to become an independent agency which will be under your Parole Board. [CONFIRMATION]

TERESA BITTINGER: Correct. [CONFIRMATION]

SENATOR SEILER: So the administration of Parole, hopefully, will be under your supervision here shortly, and to give you more independence. Right now, you have about 1,352 people eligible for parole and one of the things that I hope you'll work hard with us on is programming and making those programs available because there's a lot of people eligible for parole, but they haven't had their courses or any of the training. And you're probably aware of that because of your work. [CONFIRMATION]

TERESA BITTINGER: I am, sir. [CONFIRMATION]

SENATOR SEILER: And those funds have shifted from that...and recidivism because of that is 32 percent. And we want to move that down to the low teens or zero...zero is best, but low teens by supervision and by program, so I hope you're comfortable with that change because it's going to be a little different than what you have been working with. [CONFIRMATION]

TERESA BITTINGER: I'm very comfortable with it. I see it as a very positive direction to be moving in. [CONFIRMATION]

SENATOR SEILER: Good. Good. Any further questions? Thank you very much. [CONFIRMATION]

TERESA BITTINGER: Thank you for your time. [CONFIRMATION]

SENATOR SEILER: Anyone else supporting Ms. Bittinger? Okay, thank you. [CONFIRMATION]

TERESA BITTINGER: Thank you. [CONFIRMATION]

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SENATOR SEILER: Next confirmation hearing... [CONFIRMATION]

SENATOR COASH: Mr. Chairman. [CONFIRMATION]

SENATOR SEILER: Oh, yes. [CONFIRMATION]

SENATOR COASH: You need to ask if there's anybody in opposition to the confirmation.
[CONFIRMATION]

SENATOR SEILER: Oh, is there anybody in opposition? I didn't...thank you very much. Virgil,
have a seat. Proceed to tell us who you are. [CONFIRMATION]

VIRGIL J. PATLAN: (Exhibit) Yes, sir. Thank you, Senators. [CONFIRMATION]

SENATOR SEILER: Say your name and then spell it. [CONFIRMATION]

VIRGIL J. PATLAN: Yes. Good afternoon, Senator Seiler and distinguished members of the
Judiciary Committee. My name is Virgil J. Patlan, Sr., and that's V-i-r-g-i-l J. P-a-t-l-a-n, Senior,
and I am seeking the confirmation of my nomination by Governor Pete Ricketts to serve on the
Nebraska Parole Board. First, let me introduce my wife, Rebecca, of 38 years. Raise your hand.
[CONFIRMATION]

SENATOR SEILER: Welcome. [CONFIRMATION]

VIRGIL J. PATLAN: Some of my family. I worked in law enforcement for the Omaha Police
Department for 25 years. One of my duties was a detective in the gang unit. What I found most
rewarding was finding ways for young adults and children to stay out of gangs and out of drugs
and, of course, out of jail. I joined forces with Rev. Servando Perales who is the founder of
Victory Boxing Club in Omaha. He works with our youth in south Omaha and helps keep them
off the street by offering alternatives to the gang lifestyle. Rev. Perales was also an inmate in the
federal prison system. And I am proud to say that I am past-president of Victory Boxing Club
board. As I told Governor Ricketts, my first pledge was to put the safety of Nebraskans first in
all my decisions. But I also told the Governor that I have a strong faith in God and I know men
and women can change. How does this relate to my duties on the Parole Board? It means that I
look at each inmate case-by-case basis and I look at the facts which are set before me and
determine if this person meets the criteria for parole. I'm also able to offer guidance to the
inmates which helps them get ready for parole and, hopefully, become a productive citizen of
society. Members of the Judiciary Committee, I'm grateful and honored to be considered for this

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nomination and I thank you for your time. I will answer any questions you may have.
[CONFIRMATION]

SENATOR SEILER: Questions? Senator Coash. [CONFIRMATION]

SENATOR COASH: Thank you. Thank you, Mr. Patlan, for being here. As a previous law enforcement officer, you're used to pressure? [CONFIRMATION]

VIRGIL J. PATLAN: Yes, sir. [CONFIRMATION]

SENATOR COASH: How do you feel you might deal with pressure in a parole of someone that you don't feel is suitable for parole? How would you deal with that? [CONFIRMATION]

VIRGIL J. PATLAN: Set before me is a set of guidelines and laws. I will follow those guidelines. Pressure doesn't bother me. If it's against the law, I will not do it. Those guidelines are set, they're straight forth, they have to meet criteria, and... [CONFIRMATION]

SENATOR COASH: But at the end of the day, if they come before Parole, they're eligible which means it becomes a judgement call on you and the other members of the Board of Parole whether or not that person should be given the opportunity for parole. That judgment, pressure could be put to bear on that judgment to parole someone that you feel in your judgment has qualified, because they're in front of you, but not appropriate. How do you feel you would deal with that? [CONFIRMATION]

VIRGIL J. PATLAN: I will always do what's in my heart. If I don't think he's ready for parole, I will vote no. I voted no on several occasions up to this point because I didn't feel they were ready. If pressure and someone says I have to do this, well, you know, sir, I was retired before I came here and I enjoyed retirement. I will go back to retirement and enjoy it.
[CONFIRMATION]

SENATOR COASH: Okay. Thank you, Mr. Patlan. [CONFIRMATION]

SENATOR SEILER: Any other questions? Senator Williams. [CONFIRMATION]

SENATOR WILLIAMS: I was thinking about asking these three back here the questions about this guy, but I just have one question: What motived you at this point in your career to seek this position? [CONFIRMATION]

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VIRGIL J. PATLAN: Well, when Governor Ricketts called me I was fairly happy what I was doing. But then with all the controversy, I wanted to be part of the solution. And I enjoy working with people and as...even with young people, I know there's hope. I know they can change. I know that men and women can do different things instead of crime. It's just that people have to care. When I have the opportunity...when I walked in the yard yesterday, went to a fair where the inmates were, I shook one hand and I acknowledged him as a person not as an inmate. I think that's what they need. They need to know that they are a man and that they are important. And that's what I offer, I do care. I do care about people. [CONFIRMATION]

SENATOR WILLIAMS: Thank you. [CONFIRMATION]

SENATOR SEILER: Thank you. You know we're realigning the program, you heard talk about it earlier. Does that give you any concern? [CONFIRMATION]

VIRGIL J. PATLAN: No, sir. When we started the gang unit, we started with no cars, no phones, and just a empty building. And the captain came in and said we will not fail. If you do this, we will not fail. We will gather together and do what the law says and we will be successful. And it will be something that Nebraskans can be proud of. [CONFIRMATION]

SENATOR SEILER: Thank you. Any further questions? Thank you very much for appearing. [CONFIRMATION]

VIRGIL J. PATLAN: Thank you, sir. Thank you. [CONFIRMATION]

SENATOR SEILER: Anybody in addition...thank you...come on up. Please state your name and spell it, please. [CONFIRMATION]

LENORA ISOM: Good afternoon, my name is Lenora Isom, L-e-n-o-r-a I-s-o-m. I'm here today to speak on behalf of my friend, Virgil Patlan. You were just asking him about why would he want to do this and I can tell you that Virgil is one of those guys that you see everywhere because he is everywhere and he is involved personally because he believes that that is what makes a difference. And I'm that sort of personality as well. So we tend to run into one another. I got to know Virgil because my husband is on, also, the Victory Board, the Victory Boxing Club Board, so we've gotten to know Virgil that way. Also, seen him several times when he was working in the mayor's office as security detail. He touched briefly on his support of Rev. Servando Perales and the Victory Boxing Club. I just wanted to reiterate a little bit about...I feel that Virgil is also...he's a very modest person and he does make a huge difference to the community organizations, the neighborhood organizations, and he's a resource to the city of

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Omaha. And I'm excited that he can be a resource to the entire state of Nebraska with this position. When Servando was arrested and he was sort of let out on pre-sentence investigation, it was Virgil who was called to arrest him and get him off the streets again. And Servando gave him some lip when he found him and he arrested him and he said that it's not my first time going to prison. But Virgil said to him, I hope it's your last time. And when Servando was rehabilitated, finally off the streets, it was Virgil and his wife who supported Servando financially to start Victory Boxing Club. So he is not a man just of his words, but of his deeds as well, and I couldn't be prouder to recommend him for this position. Thank you. [CONFIRMATION]

SENATOR SEILER: Any questions? Thank you. We do have a letter here from Rev. Servando that we will make part of the record supporting him. Any further support? Seeing none, anybody in opposition? Seeing none, that will close this hearing on these two. And, again, thank you for your patience. [CONFIRMATION]