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Governor

NEBRASKA COMMISSION ON LAW ENFORCEMENT AND CRIMINAL JUSTICE

(Nebraska Crime Commission)

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Jail Standards Board October 23, 2015

The Jail Standards Board met at 9:00 AM on Friday, October 23, 2015 at the Nebraska State Office Building, 301 Centennial Mall South, Lower Level Conference Room A. Public notice of the meeting was published October 9, 2015 in the *Lincoln Journal Star*.

I. CALL TO ORDER/ROLL CALL

The meeting was called to order at 9:00 AM by Acting Chairperson Ron Johns. The following members were **present**: Brad Alexander, Vesta Dack, Don Fritz, Keith Harvat, Ron Johns, Willis Luedke, Bruce Prenda, and Kevin Stuckenholtz. The following members were **excused**: Scott Frakes, Jim Peschong, Mike Thurber and Bill Wakefield. **Staff Members present**: Denny Macomber, Dan Evans and Ann Bauers. **Others present included**: Brad Johnson, Administrator Lancaster County Jail; Dave Scharf, Facility Manager Lancaster County Jail; and Mike Jones, Sarpy County Director of Corrections.

II. APPROVAL OF JULY 31, 2015 BOARD MEETING MINUTES

Motion

A motion was made by Stuckenholtz and seconded by Dack to approve the minutes of the July 31, 2015 Jail Standards Board meeting. Motion carried by acclamation.

III. STAFF REPORT

Macomber gave a brief overview of the staff activities during the period of July 1, 2015 through September 31, 2015.

IV. REVIEW OF ANNUAL INSPECTIONS

A. Facilities Found to be in Full Compliance

Thurber noted the following facilities have been found in full compliance and copies of their reports were included in the mailout for the members to review: Cass County Jail, Dodge County Jail, Douglas County Youth Center Secure, Douglas County Youth Center Staff Secure, Fillmore County Jail, Jefferson County Jail, Johnson County Jail, Lancaster County Youth Services Secure, Lancaster County Youth Services Staff Secure, Nemaha County Jail, Otoe County Jail, Sarpy County Jail, Sarpy County Juvenile Services, and Thayer County Jail.

Motion

A motion was made by Prenda and seconded by Harvat to find the Cass County Jail, Dodge County Jail, Douglas County Youth Center Secure, Douglas County Youth Center Staff Secure, Fillmore County Jail, Jefferson County Jail, Johnson County Jail, Lancaster County Youth Services Secure, Lancaster County Youth Services Staff Secure, Nemaha County Jail, Otoe County Jail, Sarpy County Jail, Sarpy County Juvenile Services, and Thayer County Jail in full compliance with the Standards. Voting in favor of the motion: Alexander, Dack, Fritz, Harvat, Luedke, and Prenda. Stuckenholtz abstained. (Motion Carried).

B. Facilities Found to be in Non-Compliance

Gage County Jail

Evans reported that Gage County Jail was cited on the following:

6-004.03 – The facility shall comply with the life safety codes established by the State Fire Marshal. The facility administrator shall maintain documentation of compliance from the State Fire Marshal based on an annual inspection of the facility by their personnel or authorized designee.

Staff recommends the Board find the Gage County Jail out of compliance with the Standards.

There was a brief discussion.

Motion

A motion was made by Stuckenholtz and seconded by Alexander to find the Gage County Jail out of compliance on all issues. Voting in favor of the motion: Alexander, Dack, Fritz, Harvat, Luedke, Prenda and Stuckenholtz. (Motion Carried).

Lancaster County Adult Detention

Macomber reported that Lancaster County Adult Detention was cited on the following:

Chapter 6 – Security and Control

6-005.04 Tool Control The facility shall have a tool control system, which includes the following provisions: All facility owned tools and other potentially dangerous equipment are securely stored in a locked area or outside the security perimeter. There is an accounting system to record the issuance and return of all facility owned tools and equipment. Facility employees carefully monitor the use of tools and equipment by maintenance and repair workers within the security perimeter to ensure none are left unattended, lost or forgotten. Tools and equipment are used by inmates within security

perimeter only under the direct supervision of facility employees. The loss or misplacement of tools or equipment is promptly reported to the facility administrator.

Brad Johnson, Administrator Lancaster County Jail and Dave Scharf, Facility Manager Lancaster County Jail addressed the issues and outlined the measures they were taking to correct the problem. They noted that while the log had not been completed, supplemental daily logs were completed and available for review. There was a brief discussion.

Motion

A motion was made by Stuckenholtz and seconded by Prenda to find the Lancaster County Adult Detention in full compliance. Voting in favor of the motion: Alexander, Dack, Fritz, Harvat, Luedke, Prenda and Stuckenholtz. (Motion Carried).

Richardson County Jail

Macomber reported that the Richardson County jail was cited on the following:

Chapter 2 – Personnel

2-003-07 After the first year of employment, a minimum of eighteen (18) hours of relevant yearly in-service training is required for facility administrators and facility employees of all jail facilities.

Macomber stated that they were now current and should be found in compliance contingent on submitting evidence that the training has been completed.

Motion

A motion was made by Stuckenholtz and seconded by Prenda to find the Richardson County Jail in compliance contingent on training completion. Voting in favor of the motion: Alexander, Dack, Fritz, Harvat, Luedke, Prenda and Stuckenholtz. (Motion Carried).

Saline County Jail

Macomber reported that Saline County Jail was cited on the following:

Chapter 6 – Security and Control

6-004.03 The facility shall comply with the life safety codes established by the State Fire Marshal. The facility administrator shall maintain documentation of compliance from the State Fire Marshal based on an annual inspection of the facility by their personnel or authorized designee.

Macomber said the deficiencies had been corrected and they were now in full compliance.

Motion

A motion was made by Prenda and seconded by Harvat to find the Saline County Jail in full compliance. Voting in favor of the motion: Alexander, Dack, Fritz, Harvat, Prenda and Stuckenholtz. Luedke abstained (Motion Carried).

Washington County Jail

Evans reported that Washington County Jail was cited on the following:

Chapter 9-003.01C Contact visits between inmates and their attorneys or the attorneys' legal assistants, clergy, physicians, probation/parole officers, mental health and addiction therapists shall be in a private area or room so as to allow for confidential communication among up to four (4) people with adequate writing space. No physical barriers such as wire mesh, glazed barriers, or other physical obstructions shall be placed between inmates and any of the above specified visitors during contact visits. Such visits shall not be monitored, except that facility employees may visually observe the visitation through glazed observation panels or by means of closed circuit television as necessary to maintain appropriate levels of security.

There was a brief discussion.

Motion

A motion was made by Alexander and seconded by Stuckenholtz to find the Washington County Jail out of compliance on all issues. Voting in favor of the motion: Alexander, Dack, Fritz, Harvat, Luedke, Prenda and Stuckenholtz. (Motion Carried).

V. REVIEW OF CORRECTIVE ACTION

Box Butte County Jail

This facility was found out of compliance by the Board during the July 31, 2015 meeting. The facility was cited by the Fire Marshal's Office on fire code deficiencies. At this time no action plan has been filed with the Fire Marshal's Office to correct the fire code deficiencies. No action is required of the Board at this time.

Cherry County Jail

All action on the facilities compliance status was tabled by the Board at the July 31, 2015 meeting. The Board has concerns related to the management of this facility and voted to request information from the Jail Administration related to the County Board's operation of this facility.

There was a discussion after which it was decided to table the decision until the January meeting and request re-inspection of the facility.

Motion

A motion was made by Prenda and seconded by Luedke to table the decision on compliance until January meeting and request re-inspection. Voting in favor of the motion: Alexander, Dack, Fritz, Harvat, Luedke, Prenda and Stuckenholtz. (Motion Carried).

Gage County Jail

This facility was found out of compliance by the Board during the October 15, 2010 meeting. The facility was cited by the Fire Marshal's Office on fire code deficiencies. The corrective action plan approved by the Fire Marshal's Office and the Board is in progress. No action was required of the Board.

Norfolk City Jail

This facility was found out of compliance by the Board during the January 16, 2015 meeting. The facility was cited on standards related to the electronic submission of admission and release data, consistent with the requirements of Crime Commission criteria. During the meeting, Chief Bill Mizner submitted a corrective action plan to the Board stating that the deficiencies would be corrected in 60 to 90 days. The Board approved this corrective action plan, however no documentation was received to confirm compliance. During the May 1, 2015 meeting the Board directed staff to send notice to Chief Mizner that corrective action needs to be complete within 90 days or he should attend the July 31, 2015 meeting to advise the Board on the matter. Chief Mizner submitted an update on his correction action plan to the Board at the July 31, 2015 meeting. The Board tabled any action on the compliance status of this facility until the October meeting. As of September 14, 2015 the Crime Commission staff has been working with the Information Technology staff of the Norfolk City Jail and with the staff of Text and Data to bring this facility on line with the JAMIN system.

Staff recommended the Board finds the facility in full compliance.

Motion

A motion was made by Stuckenholtz and seconded by Luedke to find the Norfolk County Jail in compliance. Voting in favor of the motion: Alexander, Dack, Fritz, Harvat, Luedke, Prenda and Stuckenholtz. (Motion Carried).

Superior City Jail

This facility was cited and found out of compliance by the Board during the July 31, 2015 meeting. Areas of non-compliance are related to submission of computerized

documentation of admission and release information. No corrective action plan has been received from this facility. No action by the Board was necessary.

Washington County Jail

This facility was cited and found out of compliance by the Board during the October 31, 2014 meeting. Areas of non-compliance are related to housing inmates in excess of design capacity, including searches, classification, female housing, housing of intoxicated detainees, administrative segregation, exercise, confidential contact visits and personal visits. A corrective action planning meeting with jail officials was conducted March 10, 2015. Sheriff Robinson and Captain Bellamy presented the county's corrective action plan during the May 31, 2015 meeting and the Board approved. No action by the Board was necessary.

VI. OTHER BUSINESS

A. LB 482 Issues - Definitions

Macomber gave an update on LB482 and the issues regarding definitions. He noted that the Board had previously decided that juveniles should not be brought into a secure facility location, per LB 482, prior to being housed in a staff secure location. He noted that upon further review he and Dan Evans had rethought the Jail Standards position after reviewing the definition of the term "housed" as used in the statute. He recommended that the Board allow juveniles to be interviewed and booked in secure booking areas before being housed in staff secure locations. LB482 does not appear to limit the ability to complete paperwork and booking on a B3 juvenile in a secure location while in the custody of law enforcement.

Motion

A motion was made by Stuckenholtz and seconded by Harvat to approve this new interpretation of LB 482. Voting in favor of the motion: Alexander, Dack, Fritz, Harvat, Luedke, Prenda and Stuckenholtz. (Motion Carried).

B. Sarpy County Temporary Suspension of Standard Request

Mike Jones, Sarpy County Director of Corrections and Lt Brian Richards summarized the request for a temporary suspension of Standards because of remodeling. There was a brief discussion.

Motion

A motion was made by Stuckenholtz and seconded by Luedke to approve the temporary suspension of Standards Request for Sarpy County Jail during remodeling. Voting in favor of the motion: Dack, Harvat, Johns, King, Luedke, Prenda and Stuckenholtz. (Motion Carried).

C. NIRMA Memo

Macomber gave a brief summary of NIRMA's Law Enforcement Agency Coverage for liability insurance.

D. Waiver of Training Request – Hall County for Joseph Benton

Macomber gave a brief summary of the request for a waiver of training in Hall County for Joseph Benton.

Motion

A motion was made by Dack and seconded by Stuckenholtz to approve the waiver for Joseph Benton. Voting in favor of the motion: Dack, Harvat, Johns, King, Luedke, Prenda and Stuckenholtz. (Motion Carried).

E. Updates on Jail Construction and Planning

Evans gave a brief update on the various jail constructions and planning plans

F. LB605 Jail Reinvestment Update

Macomber brought to the Board an update on LB 605.

VII. ADJOURNMENT/NEXT MEETING

The next regularly scheduled meeting of the Jail Standards Board is scheduled for **9:00 AM on Friday, January 15, 2016**, in Conference Room A, Lower Level, State Office Building, Lincoln, Nebraska.

There being no further business, Chairperson Mike Thurber declared the meeting adjourned at 10:52 AM.

Respectfully submitted,



Ann Bauers
Administrative Assistant