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NEBRASKA COMMISSION ON LAW ENFORCEMENT AND CRIMINAL JUSTICE

(Nebraska Crime Commission)

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Jail Standards Board January 15, 2016

The Jail Standards Board met at 9:00 AM on Friday, January 15, 2016 at the Nebraska State Office Building, 301 Centennial Mall South, Lower Level Conference Room A. Public notice of the meeting was published January 1, 2016 in the *Lincoln Journal Star*.

I. CALL TO ORDER/ROLL CALL

The meeting was called to order at 9:02 AM by Chairperson Mike Thurber. The following members were **present**: Brad Alexander (Left at 11:08 AM), Scott Frakes, Keith Harvat, Ron Johns, Willis Luedke, Jim Peschong, Bruce Prenda, Kevin Stuckenholtz, and Mike Thurber. The following members were **excused**: Vesta Dack, Don Fritz and Bill Wakefield. **Others present**: Al Povondra from CWPA. **Staff present** included: Denny Macomber, Chris Harrifeld, Dan Evans and Ann Bauers.

II. APPROVAL OF OCTOBER 23, 2015 BOARD MEETING MINUTES

Prenda noted that there are two places where there is reference to Thurber, who was not in attendance, and it should have been Johns. And the vote to table the decision on compliance for Cherry County Jail should have reflected the no vote cast by Alexander.

Motion

A motion was made by Stukenholtz and seconded by Peschong to approve the minutes of the October 23, 2015 Jail Standards Board meeting as amended. Voting in favor of the motion: Alexander, Harvat, Frakes, Johns, Luedke, Peschong, Prenda, and Stukenholtz. (Motion carried).

III. STAFF REPORT

Macomber reported on staff activities from October 1, 2015 through December 31, 2015. He also noted the dates of the annual conference this year would be April 13-15, 2016 in Kearney, Nebraska at the Ramada Inn. Jail Standards Board meeting will be April 15th in Kearney, Nebraska at 9:00 AM at the Ramada Inn. Macomber invited all the Board members to attend the evening banquet on April 14th at 6:30 PM.

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: Boone County Jail, Cedar County Jail, Colfax County Jail, Dixon County Jail, Hall County Jail, Hamilton County Jail, Madison County Jail, Merrick County Jail, Norfolk City Jail, Pierce County Jail, Platte County Detention, Platte County Jail, Polk County Jail, Sarpy County Juvenile Services, Saunders County Jail, Thurston County Jail, and York County Jail.

Motion

A motion was made by Stuckenholtz and seconded by Johns to find the Boone County Jail, Cedar County Jail, Colfax County Jail, Dixon County Jail, Hall County Jail, Hamilton County Jail, Madison County Jail, Merrick County Jail, Norfolk City Jail, Pierce County Jail, Platte County Detention, Platte County Jail, Polk County Jail, Sarpy County Juvenile Services, Saunders County Jail, Thurston County Jail, and York County Jail. Voting in favor of the motion: Alexander, Harvat, Frakes, Johns, Luedke, Peschong, and Prenda. Abstaining: Stuckenholtz. (Motion carried).

B. Facilities Found to be in Non-Compliance

Butler County Jail

The Butler County Jail was found out of compliance at inspection on:

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.

6-005-03 Restraint Equipment Restraint equipment is used only as a precaution against escape during transfer or as prevention against inmate self-injury, injury to others or damage to property. Restraint equipment is applied only for the time absolutely necessary. The use of restraint equipment, other than for routine use during transfer, is approved by the supervisor on duty and must be documented in report. Restraint equipment shall be inventoried at regular and routine ongoing intervals.

Harrifeld gave a brief summary of the inspection. Life and safety code issues have been resolved. Harrifeld recommended the Board find Butler County Jail out of compliance with regard to the standards on Restraint Equipment.

Motion

A motion was made by Peschong and seconded by Johns to find the Butler County Jail out of compliance as recommended by staff. Voting in favor of the motion: Alexander, Harvat, Frakes, Johns, Luedke, Peschong, Prenda, and Stuckenholtz. (Motion carried).

Dakota County Jail

The Dakota County Jail was found out of compliance at inspection on:

Chapter 10 – Health Services

10-003.011 Facility/Employee Hygiene. All jail facilities shall be maintained in a clean and healthful condition. Facility administrators shall provide for daily housekeeping duties and inspections thereof when the jail facility is occupied. All facility employees shall adhere to acceptable hygiene practice.

Harrifeld reported on the latest inspection and recommended Dakota County Jail be found out of compliance with the standards related to Health Services.

Motion

A motion was made by Luedke and seconded by Prenda to find the Dakota County Jail out of compliance with Jail Standards. Voting in favor of the motion: Alexander, Harvat, Frakes, Johns, Luedke, Peschong, Prenda, and Stuckenholtz. (Motion carried).

Luedke suggested that a letter should be sent giving the jail 30 days to do the repairs and have it re-inspected. There was a short discussion.

Motion

A motion was made by Luedke and seconded by Prenda to send to the Dakota County Jail a letter stating 30 days to facilitate repair and have it re-inspected. Copies of the letter shall be sent to ICE, U.S. Marshall's office, Dixon County Jail, Thurston County Jail and Wayne County Jail. Voting in favor of the motion: Alexander, Harvat, Frakes, Johns, Luedke, Peschong, Prenda, and Stuckenholtz. (Motion carried).

Northeast Nebraska Juvenile Services – Secure

The Northeast Nebraska Juvenile Services – Secure facility was found out of compliance at inspection on:

Chapter 7 – Fire Safety and Emergency Procedures

7-002 The facility complies with the life safety codes established by the State Fire Marshal. Documentation of compliance is maintained.

Harrifeld reported no documentation has been received from the Fire Marshal's office. Staff recommends that Northeast Nebraska Juvenile Services – Secure be found in compliance with the standards related to Fire Safety and Emergency Procedures contingent upon receiving documentation from the Fire Marshal's office that demonstrates compliance.

Motion

A motion was made by Alexander and seconded by Prenda to find the Northeast Nebraska Juvenile Services - Secure in compliance with Jail Standards contingent upon notification received from the State Fire Marshal's Office. Voting in favor of the motion: Alexander, Harvat, Frakes, Johns, Luedke, Peschong, Prenda, and Stuckenholtz. (Motion carried).

Northeast Nebraska Juvenile Services – Staff Secure

The Northeast Nebraska Juvenile Services – Staff Secure facility was found out of compliance at inspection on:

Chapter 7 – Fire Safety and Emergency Procedures

7-002 The facility complies with the life safety codes established by the State Fire Marshal. Documentation of compliance is maintained.

Harrifeld reported no documentation has been received from the Fire Marshal's office. Staff recommends that Northeast Nebraska Juvenile Services – Secure be found in compliance with the standards related to Fire Safety and Emergency Procedures contingent upon receiving documentation from the Fire Marshal's office that demonstrates compliance.

Motion

A motion was made by Stuckenholtz and seconded by Johns to find the Northeast Nebraska Juvenile Services – Staff Secure in compliance with Jail Standards contingent upon notification received from the State Fire Marshal's Office. Voting in favor of the motion: Alexander, Harvat, Frakes, Johns, Luedke, Peschong, Prenda, and Stuckenholtz. (Motion carried).

Seward County Jail

The Seward County Jail was found out of compliance at inspection on:

Chapter 6 – Standards for Jail Facilities – Security and Control

6-005.02E Keys must be inventoried and logged once per shift.

6-005-03 Restraint Equipment Restraint equipment is used only as a precaution against escape during transfer or as prevention against inmate self-injury, injury to others or damage to property. Restraint equipment is applied only for the time absolutely necessary. The use of restraint equipment, other than for routine use during transfer, is approved by the supervisor on duty and must be documented in report. Restraint equipment shall be inventoried at regular and routine ongoing intervals.

Harrifeld gave an update on the latest inspection. Staff recommended that Seward County Jail be found out of compliance with the standards. There was a brief discussion.

Motion

A motion was made by Stuckenholtz and seconded by Johns to find Seward County Jail out of compliance with the above standard and that they will need to submit documentation showing 3 months of compliance with the Standard to be found in compliance. Voting in favor of the motion: Alexander, Harvat, Frakes, Johns, Luedke, Prenda, and Stuckenholtz. Peschong was not present (Motion carried).

V. REVIEW OF CORRECTIVE ACTION

Box Butte County Jail

The 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. Box Butte County officials have contracted with Nebraska Fire and Safety to install a sprinkler system in the jail which should address the issues cited by the Fire Marshal's Office. No action was taken by the Board.

Cherry County Jail

All action on this facility's compliance status was tabled by the Board at the July 31, 2015 meeting. The Board had 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. At the October 23, 2015 meeting the Board requested a re-inspection of this facility. Macomber gave an update on the Cherry County Jail. At the January 2016 meeting Macomber requested more time as he is working with the Jail Lieutenant and the County Commissioners to resolve the issues. There is no current Jail Administrator.

There was a brief discussion regarding personnel policies and the hiring of a Jail Administrator.

Motion

A motion was made by Prenda and seconded by Stuckenholtz to defer Cherry County Jail to the next meeting. Voting in favor of the motion: Alexander, Harvat, Frakes, Johns, Luedke, Peschong, 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 State Fire Marshal's Office on life safety code deficiencies. A corrective action plan approved by the Fire Marshal's Office and the Board is in progress. The Fire Marshal's Office will review this facility's corrective action. No action was taken by the board.

Richardson County Jail

This facility was found out of compliance contingent upon receiving documentation related to completion of annual training by staff. Documentation has been received and a full compliance letter has been sent.

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 related to admission and release information. No corrective action plan has been received from this facility. No action was taken by the Board.

Washington County

This facility was cited and found out of compliance by the Board during the October 31, 2014 meeting. 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 it. The approved corrective action plan is in progress with one item remaining. During the October 2015 meeting the Board found Washington County out of compliance on adequate contact visitation space. No action by the Board was necessary.

VI. OTHER BUSINESS

A. Training Waiver Request

Macomber recommended that the Training Waivers for Kara Marks Lammers, Cedar County Jail and Todd A. Loos, Scottsbluff County both be approved.

Motion

A motion was made by Stuckenholtz and seconded by Peschong to approve the waivers for Lammers and Loos. Voting in favor of the motion: Alexander, Harvat, Luedke, Peschong, Prenda, and Stuckenholtz. Abstaining: Johns and Frakes. (Motion carried).

B. Discuss 5 year goals and Dashboards

Macomber gave a brief update on the 5 year goals for the Jail Standards Division and explained the Dashboards. There was a brief discussion.

C. Discuss ACLU of Nebraska Report on Juvenile Solitary confinement in Nebraska

Macomber gave a brief summary of the ACLU report on Juvenile Solitary Confinement. He specifically addressed LB709, LB845 and LB675 and how they impact the points brought up in this report. There was a brief discussion.

D. Nemaha County Letter

Macomber gave a brief summary of the Nemaha County Letter. There was a brief discussion.

E. Thurston County Final Plan Approval

Evans gave a brief update on the plans for building a new jail. Evans recommends that the final plan be approved. Al Provondra from CWPA gave a presentation on the final plans for the Thurston County Jail. Provondra provided handouts for the project. There was a short discussion. There were some questions regarding the need for window glazing. Since the jail is located in the country, there does not seem to be any reason to glaze the windows.

Motion

A motion was made by Stuckenholtz and seconded by Johns to approve the final plan for Thurston County Jail. Voting in favor of the motion: Alexander, Harvat, Frakes, Johns, Luedke, Peschong, Prenda, and Stuckenholtz. (Motion carried).

F. Buffalo County Renovation Request

Macomber gave an update on the Buffalo County Jail renovation. Staff recommends that the plans be approved contingent upon receiving documents.

Motion

A motion was made by Stuckenholtz and seconded by Peschong to approve the plans for Buffalo County Jail contingent upon receiving documents. Voting in favor of the motion: Harvat, Frakes, Johns, Luedke, Peschong, and Stuckenholtz. Prenda was not present. (Motion carried).

VII. ADJOURNMENT/NEXT MEETING

The next regularly scheduled meeting of the Jail Standards Board is scheduled for **9:00 AM on Friday, April 15, 2016** at the Jail Standards Board/NCAMA Spring Jail Conference in Kearney, Nebraska.

There being no further business, Chairperson Mike Thurber declared the meeting adjourned at 11:27 AM.

Respectfully submitted,



Ann Bauers
Administrative Assistant