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NEBRASKA COMMISSION ON LAW ENFORCEMENT AND CRIMINAL JUSTICE

(Nebraska Crime Commission)

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Jail Standards Board September 23, 2016

The Jail Standards Board met at 9:00 AM on Friday, September 23, 2016 in the Crime Commission Conference Room, 5th floor of the Nebraska State Office Building, 301 Centennial Mall South, Lincoln, Nebraska. ScottsBluff County officials joined the meeting through a video-conference feed. Public notice of the meeting was published September 9, 2016 in the *Lincoln Journal Star*.

I. CALL TO ORDER/ROLL CALL

The meeting was called to order at 8:58 AM by Chairperson Mike Thurber. The following members were **present**: Brad Alexander, Don Fritz, Diane Sabatka-Rine (for Scott Frakes), Keith Harvat, Ron Johns, Sherry Morrow, Connie Pfeifer, Jim Peschong, Kevin Stuckenholtz, and Mike Thurber. The following members were **excused**: Vesta Dack and Bruce Prenda. **Staff Members**: Denny Macomber, Dan Evans, Chris Harrifeld, Darrell Fisher, and Ann Bauers. **Others present**: Via video conferencing: Patricia Miller (Scotts Bluff County Detention Interim Director); Ken Meyer (Scottsbluff County Commissioner); Phil Kelly (Attorney for Scottsbluff County Commission); and Sherry Blaha (Scottsbluff County Commissioner)

II. APPROVAL OF APRIL 15, 2016 BOARD MEETING MINUTES

Motion

A motion was made by Stuckenholtz and seconded by Peschong to approve the minutes of the April 15, 2016 Jail Standards Board meeting. Voting in favor of the motion: Alexander, Fritz, Harvat, Johns, Morrow, Peschong, Pfeiffer and Stuckenholtz. Abstained: Sabatka-Rine (Motion carried).

III. STAFF REPORT

Macomber gave a brief report on staff activities since the last meeting. Macomber noted that this summer there has been a real push to do more training classes.

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: Antelope County Jail, Box Butte County Jail, Brown County Jail, Cherry County Jail, Cheyenne County

Jail, Dawes County Jail, Garden County Jail, Holt County Jail, Keith County Jail, Kimball County Jail, Knox County Jail, Morrill County Jail, Nuckolls County Jail, Rock County Jail and Western Nebraska Juvenile Services.

Motion

A motion was made by Peschong and seconded by Stuckenholtz to find the Antelope County Jail, Box Butte County Jail, Brown County Jail, Cherry County Jail, Cheyenne County Jail, Dawes County Jail, Garden County Jail, Holt County Jail, Keith County Jail, Kimball County Jail, Knox County Jail, Morrill County Jail, Nuckolls County Jail, Rock County Jail and Western Nebraska Juvenile Services in full compliance. Voting in favor of the motion: Alexander, Fritz, Sabatka-Rine, Harvat, Johns, Morrow, Peschong, Pfeiffer and Stuckenholtz (Motion carried)

B. Facilities Found to be in Non-Compliance

Scotts Bluff County Detention

Discussion started with the request from the Scottsbluff County Attorney Phil Kelly to have Ron Johns recuse himself from the discussion and vote concerning Scottsbluff County Detention. Over objections from the Scottsbluff County Attorney and the Scottsbluff County Commissioners it was decided by the Jail Standards Board members that Johns did not have to recuse himself from the proceedings.

The Scottsbluff County Detention Center was found to have issues at inspection with the following standards:

Chapter 15 – New Facility Design and Construction

15-008.03 Multiple occupancy cells shall provide at least forty-five (45) square feet of floor space per inmate at the cells' rated capacity and shall be equipped with at least a bunk, storage shelf or compartment, and clothes hook for each inmate at the cells rated capacity. A toilet, wash basin with hot and cold running water, drinking fountain, mirror, table, and seating shall also be provided.

15-008.04 Dayrooms Dayroom space which provides a minimum of thirty-five (35) square feet of floor space per inmate at capacity, exclusive of a three (3) foot circulation area in front of cell door openings, shall be available adjacent to all single and multiple occupancy cells in each housing unit.

15-008.05 Dormitories Dormitory units shall provide a minimum of seventy (70) square feet of floor space per inmate including both sleeping and dayroom areas and shall be equipped with at least one (1) toilet and one (1) wash basin with hot and cold running water for each eight (8) inmates or fraction thereof, one (1) shower, drinking fountain, and mirror for each twelve (12) inmates or fraction thereof, and one (1) bunk for each inmate at rated capacity, and sufficient tables and seating for all inmates at rated capacity.

Evans stated the Board should find Scottsbluff County out of compliance on the above standards.

There was a brief discussion regarding the population of detainees and the length of time they were actually housed in the facility.

Motion

A motion was made by Pfeiffer and seconded by Fritz to find the Scottsbluff County Jail out of compliance with the above Standards. Voting in favor of the motion: Alexander, Fritz, Sabatka-Rine, Harvat, Morrow, Peschong, Pfeiffer and Stuckenholtz Abstain: Johns (Motion carried)

Miller gave an update on the proposed corrective action plan (handout) for the Scottsbluff County Detention Center. There was a short discussion on the plans and what they represented and the time frame for construction.

There was a brief discussion regarding the need for 6 months of documentation of the population numbers. It was decided those numbers should be presented at the October Jail Standards Board meeting.

Motion

A motion was made by Alexander and seconded by Morrow to approve the Scottsbluff County Jail corrective action plan, and to review the compliance status of the jail contingent upon 6 months of working numbers presented to the October meeting. Voting in favor of the motion: Alexander, Fritz, Sabatka-Rine, Harvat, Johns, Morrow, Peschong, Pfeiffer and Stuckenholtz (Motion carried)

Darrin Knepper, attorney, sent a letter regarding medication of detainees and the farming out of clients to locations far away. Harvat stated that he received the letter detailing issues regarding some of his clients at the Scottsbluff County Detention Center. Miller stated that she and the Commissioners were working with the public defender's office to accommodate them as much as possible. There was a short discussion.

Macomber stated that there were problems regarding medications and administering them to inmates not only in Scottsbluff, but in other jails. He stated that this is something that needs to be addressed in revising Jail Standards in the near future. There was a brief discussion.

Sheridan County Jail

The Sheridan County Jail was found to have issues at inspection with the following standards:

Chapter 2 – Personnel

2-003.02 Initial Training: Satisfactory completion of a minimum of eighty (80) hours of initial training provided by the Nebraska Law Enforcement Training Center or an equivalent curriculum approved by the Board, is required.

2-003.04 After the effective date of these Standards, newly appointed facility administrators and facility employees shall receive the initial training as soon as possible, and it must be completed within the first year of employment.

Harrifeld recommended that Sheridan County Jail be found out of compliance with the above standards.

Motion

A motion was made by Peschong and seconded by Pfeiffer to find the Sheridan County Jail out of compliance of the above Standards. Voting in favor of the motion: Alexander, Fritz, Sabatka-Rine, Harvat, Johns, Morrow, Peschong, Pfeiffer and Stuckenholtz (Motion carried)

Superior City Jail

The Superior City Jail was found to have issues at inspection with the following standards:

Chapter 3 – Records and Statistics

3-001 It is the policy of the State of Nebraska that each jail facility, shall utilize a computerized Jail Management System, for record keeping. In addition, each facility administrator of a jail facility shall respond to all reasonable requests for statistical information made by the Jail Standards Board for the State of Nebraska.

3-002.01 Admission/Release Form: Admission and release documentation containing the necessary descriptive information shall be completed for each inmate. This computerized documentation shall be submitted to Jail Standards according to Crime Commission specifications.

Evans recommends the Superior City Jail be found out of compliance with the above standards.

Motion

A motion was made by Stuckenholtz and seconded by Fritz to find the Superior City Jail out of compliance with the above Standards. Voting in favor of the motion: Alexander, Fritz, Sabatka-Rine, Harvat, Johns, Morrow, Peschong, Pfeiffer and Stuckenholtz (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. This was completed in June. This jail was found in full compliance earlier in the meeting.

Butler County Jail

This facility was found out of compliance by the Board during the January 15, 2016 meeting. The facility was cited on fire codes and securing and inventorying restraint equipment. Documentation has been received from the Fire Marshal's Office confirming that fire code deficiencies have been corrected.

Harrifeld gave an update and recommends that they be found in full compliance with Standards.

Motion

A motion was made by Stuckenholtz and seconded by Johns to find the Butler County Jail in full compliance with the above Standards. Voting in favor of the motion: Alexander, Fritz, Sabatka-Rine, Harvat, Johns, Morrow, Peschong, Pfeiffer and Stuckenholtz (Motion carried). (Motion carried)

Dakota County Jail

This facility was found out of compliance by the Board during the January 15, 2016 meeting. The facility was cited on standards related to facility sanitation. The Board found the facility out of compliance and directed a letter be sent to the Sheriff declaring a 30 day time frame to complete corrective action to be confirmed through an on-site evaluation by staff.

Harrifeld gave an update on the jail inspection and recommended that Dakota County jail be found in full compliance.

Motion

A motion was made by Johns and seconded by Harvat to find the Dakota County Jail in full compliance with the above Standards. Voting in favor of the motion: Alexander, Fritz, Sabatka-Rine, Harvat, Johns, Morrow, Peschong, Pfeiffer and Stuckenholtz (Motion carried)

Gage County Jail

This facility was found out of compliance by the Board during the October 23, 2015 meeting. The facility has been out of compliance since October 15, 2010 on fire code deficiencies cited by the Fire Marshal's Office. The corrective action plan approved by the Fire Marshal's Office and the Board is now complete. Evans gave an update on the status of the corrective action plan. Evans recommended that Gage County Jail be found in full compliance with the Standards.

Motion

A motion was made by Stuckenholtz and seconded by Pfeiffer to find the Gage County Jail in full compliance with the above Standards. Voting in favor of the motion: Alexander, Fritz, Sabatka-Rine, Harvat, Johns, Morrow, Peschong, Pfeiffer and Stuckenholtz (Motion carried)

Sheridan County Jail

Sheridan County has requested permission to install a new HVAC system in their grandfathered jail. Some of the installation will be a combination of old and new systems. Harrifeld stated that he has reviewed the request and it will meet the requirements of the Standards.

Harrifeld recommended that the Board approve the Sheridan County Jail request.

Motion

A motion was made by Johns and seconded by Fritz to approve the request by Sheridan County to install a new HVAC system in their grandfathered jail. Voting in favor of the motion: Alexander, Fritz, Sabatka-Rine, Harvat, Johns, Morrow, Peschong, Pfeiffer and Stuckenholtz (Motion carried)

VI. OTHER BUSINESS

A. Waiver of Initial Training - Warren Allen Walking Eagle – Cherry County

After a brief discussion it was decided to table this waiver until more information regarding the documentation of training during the last 10 years could be provided to the Board.

B. Closure of Western Nebraska Juvenile Services and Lancaster County Staff Secure

Macomber stated that since Probation has taken over housing assignment for juveniles, these facilities are not being utilized. There was a brief discussion regarding what the future will be regarding the use of secure housing for juveniles.

Alexander brought up the standards for Staff Secure facilities for juveniles. A brief discussion ensued regarding standards for Staff Secure facilities and removing juveniles from their peers. Evans suggested that Jail Standards review standards that relate to Juvenile facilities and create a section specific to Staff Secure.

Motion

A motion was made by Alexander and seconded by Johns to review juvenile standards and create standards specific for Staff Secure Facilities within Title 83. Voting in favor of the motion: Alexander, Fritz, Sabatka-Rine, Harvat, Johns, Morrow, Peschong, Pfeiffer and Stuckenholtz (Motion carried)

C. Nemaha County Letter

Macomber stated that Nemaha County sent a letter outlining their progress on revisions to their jail.

D. Cass County Initial Training Course Approval

Macomber stated he has been working with Cass County for them to create their own training courses and recommends approval of their courses.

Motion

A motion was made by Peschong and seconded by Alexander to approve the Training Course for Cass County. Voting in favor of the motion: Alexander, Fritz, Sabatka-Rine, Harvat, Johns, Morrow, Peschong, Pfeiffer and Stuckenholtz (Motion carried)

E. Jail Construction Update

1. Boone County

Macomber stated that Boone County was making modifications to their jail. He asked that the Board send a letter to the Boone County Board stating approval of their plans and encouraging them to continue.

Motion

A motion was made by Stuckenholtz and seconded by Morrow to approve sending a letter to the Boone County Board approving their plans and encouraging them to continue. Voting in favor of the motion: Alexander, Fritz, Sabatka-Rine, Harvat, Johns, Morrow, Peschong, Pfeiffer and Stuckenholtz (Motion carried)

2. Richardson County Jail

Macomber stated that Richardson County Jail has moved in and they meet all standards. Evans stated that the old facility is closed and the new facility is looking good.

3. Sarpy County Jail Construction

Macomber gave an update on the progress of Sarpy County Jail. A needs assessment has been done and recommends an addition to the current facility.

4. Seward County Jail Construction

Harrifeld gave an update on the Seward County Jail construction and a move in date is tentative for October.

5. Thurston County Jail Construction

Evans gave an update on the Thurston County Jail construction and ground has been broken.

6. Webster County Jail Construction

Evans gave an update on the Webster County Jail construction.

F. Elect New Chair and Vice Chair

Motion

A motion was made by Johns and seconded by Peschong to elect Vesta Dack as the new Chair of the Jail Standards Board. Voting in favor of the motion: Alexander, Fritz, Sabatka-Rine, Harvat, Johns, Morrow, Peschong, Pfeiffer and Stuckenholtz (Motion carried)

Motion

A motion was made by Fritz and seconded by Alexander to elect Keith Harvat as the new Vice- Chair of the Jail Standards Board. Voting in favor of the motion: Alexander, Fritz, Sabatka-Rine, Harvat, Johns, Morrow, Peschong, Pfeiffer and Stuckenholtz (Motion carried

VII. ADJOURNMENT/NEXT MEETING

The next regularly scheduled meeting of the Jail Standards Board is scheduled for **9:00 AM on Friday, January 27, 2017** in Lower Level Room A, State Office Building, 301 Centennial Mall South, Lincoln, Nebraska.

There being no further business, Chairperson Mike Thurber declared the meeting adjourned at 10:46 AM.

Respectfully submitted,



Ann Bauers
Administrative Assistant