

Lincoln, Nebraska
June 23, 2006

COMMUNITY CORRECTIONS COUNCIL
MEETING MINUTES

The Community Corrections Council (Council) met Friday, June 23, 2006, 9:00 a.m., at the Cornhusker Hotel, Lincoln, Nebraska. The meeting was open to the public and was preceded by advance publicized notice in the Lincoln Journal Star.

Members present:

Scot L. Adams
Mike Behm
William Burgess
Esther Casmer
Catherine Cook
Ellen Fabian-Brokofsky
The Honorable Karen B. Flowers
Julie Hippen
The Honorable John P. Icenogle
Joe Kelly
Robert Lindemeier
Jim McKenzie
Ron Sorensen (HHSS Designee)
Senator John Syowiecki
Janice Walker
Senator Kermit A. Brashear, Chair

Others present:

Bruce Ayers
Jerome Barry
Robert Bell
Michael Dunkle
Trent Fellers
Michael Harrigan
Steve King
Doug Koebernick
Cindy Koerber
John Krejci
Jane Martin-Hoffman
Deb Minardi
Mike Overton
Jim Pieper
Steve Rowoldt
Christine Salvatore
Ken Vampola
Larry Wayne
David Wegner
Paul Yakel

Members absent:

Aileen Gruendel
Robert Houston

Council Staff Present:

Linda Krutz, Executive Director
Julie L. Rogers
Jennifer Doné

CALL TO ORDER, WELCOME & OVERVIEW

Chairperson Brashear called the Council meeting to order at 9:00 a.m. and gave an overview of the meeting. Attendance is indicated above. Expected absences were announced. The July 21 Council meeting will be cancelled due to a number of absences.

APPROVAL OF MINUTES

The minutes of the May 19, 2006, Council meeting stood approved as presented.

COMMUNITY CORRECTIONS FEE REPORT

Bruce Ayers of the Crime Commission reviewed the Community Corrections Fees Report and the "Community Corrections Funding for 05/06 and 06/07." One month remains in fiscal year 05/06 and the next Fees Report will show twelve months of revenue. All Probation and Parole fee funds have been obligated. The unobligated funds from the Uniform Data Fund will carry over to fiscal year 06/07.

The "Community Corrections Funding for 05/06 & 06/07" showed what money was added by the 2006 legislation and what the earmarked funds will be used for. Included was a comparison of appropriations from fiscal year 05/06 and 06/07. For fiscal year 05/06, the total general fund appropriation to the Council was \$1,457,929. For fiscal year 06/07, the total general fund appropriation to the Council is \$5,754,076, which includes \$1,250,000 for Day/Evening Reporting Centers, \$2,000,000 for Specialized Courts, and \$45,000 for Recidivism Center Planning.

TARGET POPULATION REPORT

Mike Dunkle of the Crime Commission discussed the Target Population Report. For 2006 total to date, 60 FDO's have been sentenced to DCS, which accounts for 31% of total DCS admissions. Compared to 2005 data, this is a decrease of 4 admissions total to date but in May, 2006, compared to May, 2005, there has been a 5% increase in the number of felony drug offenders (FDO) sentenced to the Department of Corrections (DCS). Probation has had a 10% increase in FDO sentences in May, 2006, compared to May, 2005, data. For 2006 total to date, Probation has had a decrease of 12 FDO sentences compared to 2005.

2006 FDO admissions to Probation and DCS have decreased compared to 2005, but total admissions to Probation and DCS have increased. It is unknown what crime accounts for this.

Judge Flowers and Judge Icenogle asked that the Council not be restrictive in defining the target population of a felony drug offender and that the population should include offenders whose crimes are motivated by substance abuse. Judge Flowers suggested looking at the PSI to determine how many offenders are identified by Probation as having a substance abuse problem. Linda Krutz, Ellen Brokofsky, and Mike Overton will research a way to collect this data.

TIMELINE

The 2006 Timeline was reviewed and approved as presented.

COMMUNITY CORRECTIONS PROGRAMS REPORT

Deb Minardi, Community Corrections Programs Coordinator, gave the Community Corrections Programs Report. Every Specialized Substance Abuse Supervision Program (SSAS) site is up and running. All Day and Evening Reporting Center (DRC) services will be available to not only SSAS clients, but other justice populations as well. Staff for DRC has not been hired yet. Probation is working to have "Training 4 Trainers," which means selected SSAS officers will train new SSAS officers. Minardi will include the number of felony drug offenders eligible for SSAS in future Community Corrections Programs Reports. Probation has received a Violence Against Women Act (VAWA) grant for a domestic violence programs service specialist.

2003 SENTENCES BY SENTENCING GUIDELINES & OSW

Mike Dunkle of the Crime Commission, presented "Comparison of 2003 Sentenced Population to Sentences by Application of the Proposed Sentencing Guidelines and OSW Recommendations." Sentencing guidelines were applied to sentenced offenders who had only drug offenses with at least one felony drug offense and had an Offender Selection Worksheet (OSW) score. In 2003, 259 FDO's were sentenced to DCS, 158 to ISP/WEC, and 242 to traditional Probation. After applying sentencing guidelines to these 659 FDO's, 18 FDO's would have been sentenced to DCS, 111 to ISP/WEC, and 530 to traditional Probation. After applying the OSW, 150 would have been sentenced to DCS, 368 to ISP/WEC, and 141 to traditional Probation. Other factors including the Pre-Sentence Investigation, factors and time since previous offenses, previous violations, mental history, and offender needs were part of the original sentencing considerations, but were not considered in this comparison.

SENTENCING GUIDELINES & PRISON POPULATION DISCUSSION

Nebraska's prisons have reached 140% of their designed capacity. Governor Heineman has been engaged in the discussion and asked Senator Brashear, Council staff, and the Policy Research Office to meet with him. Courts and judges have been supportive of community corrections. The Council now has data to support the theories of community corrections programs and because of this data, these programs are receiving appropriations to move forward with development and implementation. The Council will be able to provide information to taxpayers about community safety, the financial benefits of community corrections versus incarceration, and what to expect from community corrections in the future.

STANDARDS FOR SPECIALIZED COURTS

Janice Walker, State Supreme Court Administrator, presented the Statewide System of Problem-Solving Courts Proposed Budget Approval Request for the Community Corrections Council. The \$2 million appropriation for Specialized Courts will support personnel expenses for Specialized Courts and there will be potential to expand and develop new programs. Specialized Courts will be required to collect data so program evaluations may be conducted. The State Supreme Court will support local communities and their efforts, and will work statewide to ensure certain commonalities and standards are met. Janice Walker will look into whether the \$122,168 for the "Problem Solving Court Administration - Management Information System Phase 1" can come from the Uniform Data fund instead of the Specialized Courts appropriation. The State Supreme Court will request a general fund appropriation to cover the cost of Problem-Solving Court Administration for fiscal year 07/08 and beyond.

Council member, Bill Burgess *motioned to approve the standards and budget for the Statewide System of Problem- Solving Courts.* Scot Adams seconded the motion and the motion passed.

STANDARDS FOR DAY AND EVENING REPORTING CENTERS

Ellen Brokofsky, Probation Administrator, presented the budget for Day and Evening Reporting Centers. Standards for Day and Evening Reporting Centers were approved by the Council at the May, 2006, meeting.

Council member, Scot Adams *motioned to approve the budget for Day and Evening Reporting Centers.* Mike Behm seconded the motion and the motion passed.

PUBLIC TESTIMONY

John Krejci came forward to testify on his own behalf. Krejci distributed editorials he wrote for the Omaha World Herald and the Lincoln Journal Star regarding the Governor's veto of \$1.5 million from the proposed Community Corrections funds and an editorial from the June, 2006, Nebraska Criminal Justice Review, "The Meth Problem In Nebraska: More Reflections From A Community Corrections Perspective."

CONCLUDING REMARKS & ADJOURNMENT

There being no further business, the meeting was adjourned.

The next scheduled meeting of the Council is Friday, August 25, 2006, 9:00 a.m., in Lincoln, Nebraska.

Respectfully submitted,

Jennifer K. Doné