

Lincoln, Nebraska  
June 15, 2007

**COMMUNITY CORRECTIONS COUNCIL**  
***MEETING MINUTES***

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The Community Corrections Council (Council) met Friday, June 15, 2007, 9:00 a.m., at the Embassy Suites, Lincoln, Nebraska. The meeting was open to the public and was preceded by advance publicized notice in the Lincoln Journal Star.

Members present:

Mike Behm  
Esther Casmer  
Ellen Fabian-Brokofsky  
The Honorable Karen Flowers  
Julie Hippen  
The Honorable John P. Icenogle  
Lee Kimzey  
Robert Lindemeier  
James McKenzie  
Senator Dwite Pedersen  
Senator John Synowiecki  
Janice Walker  
Kermit A. Brashear, Chair

Others present:

Jada Allenswal  
Bruce Ayers  
Robert Bell  
Mike Dunkle  
Steve King  
Patricia Langer  
Ed Lankas  
Connie Nemec  
Mike Overton  
Steve Rowoldt  
Christine Salvatore  
David Wegner

Members absent:

Scot Adams  
Catherine Cook  
Jeff Davis  
Thomas Dorwart  
Robert Houston  
Joe Kelly

Council Staff Present:

Linda Krutz, Executive Director  
Nickette Allen, SOS Temp

## **CALL TO ORDER, WELCOME & OVERVIEW**

Chairperson Brashear called the Council meeting to order at 9:05 a.m., announced that the meeting is subject to the Open Meetings act, and gave an overview of the meeting. Attendance is indicated above.

Chairperson Brashear welcomed Lee Kimzey as a new Provider member of the Council and Jim Pieper, from the Brashear Law Firm. Nickette Allen was introduced as the SOS temp assisting Linda Krutz in the position of Administrative Assistant with Tia Bachman assuming that role on June 18, 2007.

## **APPROVAL OF MINUTES**

The minutes of the March 16, 2007 meeting were approved as presented.

## **COMMUNITY CORRECTIONS FEE REPORT**

Bruce Ayers of the Crime Commission reviewed the *Community Corrections Fees Report FY 06/07* which showed an increase from the previous year in the Uniform fund of \$20,000, Probation Fees of \$2,000 and Parole fees of \$6,000. He followed with the *Financial Report for FY 06/07* and the *Summary of Probation and Parole Funding FY 06/07*. The *Community Corrections Council Appropriations Report* outlined the two year projections for the cash fund, general fund, Probation/Parole Services Study Act LB540 and the operating costs. LB 321 was explained as the appropriation bill for Specialized Courts, Day Reporting Centers (DRC), Substance Abuse, Probation Program cash fund, and for the Community Council. Bruce Ayers also noted the *Community Corrections: Payments to Supreme Court/Probation FY 06/07 Report* reflects data through the end of March 2007. April and May assessments of Probation were added to the report as reference points with the projection showing higher expenses in June.

## **UNIFORM DATA ANALYSIS COMMITTEE FUND PLAN**

Mike Overton of the Crime Commission presented a draft of the *Uniform Crime Data Analysis Committee Working Document* which detailed two primary approaches for funding specific data needs and systemic needs. Underlying data needs are comprised of: Work Ethic Camp (WEC) outcomes, Specialized Substance Abuse Supervision (SSAS) outcomes, target population, Specialized Courts, Fee-For-Treatment Voucher usage, Sentencing Guidelines Data Collection, Parole revocation, recidivism, DRCs, Felony Drug Offenders, tracking from arrest through filing and disposition, and sex offenders. Funding for FY 07/08 entails areas such as the operating costs, projects (i.e. Nebraska Probation Management Information System, NPMIS) and justice. Chairperson Brashear stated the fund has a balance of \$1 million with a \$360,000 appropriation.

## **TARGET POPULATION REPORT & SSAS UPDATE**

Mike Dunkle of the Crime Commission presented the *Target Population Report* and the *Community Corrections Data Reports of SSAS and Specialty Courts*, inclusive. Compared to 2006, the Department of Correctional Services (DCS) admissions in 2007 to date are at an 8% reduction, followed by 12% drop for first time Felony Drug Offenders (FDO) and a reduction of 16% for FDO's with sentences of three years or less. FDO's sent to Probation is fairly steady, with a slight increase, at 3%. The number of FDO's granted parole was down 12%, along with a 17% reduction sentenced to probation. Correction was made to the "Admission Highlights" located at the bottom of the front page—it should read "Overall admissions to Parole are down 12%... ". Dunkle also updated the information on page two of the report for the number of DCS

offenders for April 2007 showing a reduction of 40 individuals or 1% compared to the average population in 2006. The 2007 overall analysis of Felony Drug admissions, DCS admissions, Probation and Parole up to the month of April is showing a downward trend.

A highlight of the SSAS program shows an increase of 200% in District 9/17 (Buffalo, Custer, Keith counties). There are a total of 13 officers with 24 cases per officer. Ellen Fabian-Brokofsky stated the program was on target, even though there is a need to hire new staff and complete training as more experienced staff is promoted. Fabian-Brokofsky also stated the monthly outcomes looked very promising for risk being reduced and although the judges are not mandated to use the program, they are utilizing it on an increased basis.

Dunkle corrected the timeframe of the final report, *Problem-Solving Court Numbers*, stating the start date is February 2007 not April 2007. The highlights of the report include the start up of the Scottsbluff County Adult Drug Court and the Douglas County Family Recovery Court in April 2007, with three and five being served respectively. Dunkle also announced he and Scott Carlson, Statewide Coordinator for Problem Solving Courts, are working together on a new, more complete report detailing the outcomes, processes, and individual treatment plans to create a greater comprehensive look at the Specialized Courts.

#### **TIMELINE**

The 2007 Timeline was reviewed and approved as presented.

#### **COUNCIL'S DRAFT POLICIES OF GOVERNANCE**

Karen B. Flowers commented a Vice Chair may be a good addition to the Council in order to assist with the Chair's workload and advised she preferred the current process of scheduling monthly meetings, with cancellation based on need for a meeting. Jim McKenzie also commented a Vice Chair position may be useful not only because of the workload but to create continuity if the current Chair is unable to attend a meeting or at some future time leaves the Council. Chairperson Brashear stated that prior to the next meeting each member will receive information regarding the Vice Chair position.

#### **JUSTICE BEHAVIORAL HEALTH COMMITTEE**

Steve Rowoldt, Co-Chair of the Justice Behavioral Committee (JBHC), presented the background history of JBHC, a Governor's task force committee created previously under the title Justice Substance Abuse Task force (JSAT). Approximately three years ago the Committee was folded into the Council—its basis is communication integration and cooperation between justice and treatment. At the December 15, 2006 JBHC meeting, guidelines were established and memberships created. JBHC comprises 37 members representing agencies, interest groups, providers and professionals, of which 34 positions are filled. In the future, the Provider Subcommittee, Curriculum Subcommittee, and Data Subcommittee will be presenting reports to the Council at subsequent meetings. JBHC's next meetings will be held on September 12, 2007 and December 12, 2007.

#### **COMMUNITY CORRECTIONS PROGRAM REPORT**

Christine Salvatore, the Justice Treatment Specialist for Probation, presented a PowerPoint presentation for the office of Probation Administration highlighting: 1) the Fee-For-

Service Treatment Voucher program's steady increase since January, noting in June Parole surpassed their May Voucher usage; 2) February 16, 2007 marked the implementation of the SCRAM pilot study, and; 3) the new contracts for the DRCs.

Most DRCs are offering the same services although there are a few specialty programs such as Domestic Violence and Conflict Resolution. Examples of available classes are Life Skills and Cognitive Programs. Districts 4 and 5 have pre-treatment groups available. Offenders can participate voluntarily or by court order. Ellen Fabian-Brokofsky stated the pre-treatment group helps in relapse reduction because it prepares the individual by taking him/her through the stages of denial to willingness to go through treatment. Questions arose regarding transportation to the services—Districts 4 and 5 cover taxi and bus certificates while District 17 has a contract with the taxi service for a flat fee of \$5. District 4 (Omaha) has a new DRC location office at the Omaha Community Corrections Center. Ellen Fabian-Brokofsky shared there will be a tour of the Omaha center and to contact her if anyone would like to take the tour. Lincoln has moved their DRC to 4<sup>th</sup> floor of Trabert Hall.

The 2007 Community Corrections and Addictions Treatment: An Effective Strategy for Crime Control Conference was held May 21-23 at the Cornhusker Marriott Hotel in Lincoln with over 500 attendees from areas of law enforcement, probation, parole, addictions treatment and mental health. The effort was collaboration between Probation, State Patrol, Judicial Branch of Education, Health and Human Services (HHSS), Department of Correctional Services (DCS), Nebraska Commission on Law Enforcement and Justice, Bryan/Lincoln General Hospital Independence Center, Catholic Social Services, Mental Health Regions, Community Corrections Council, Blue Valley Mental Health and Nebraska Counselors Association. The Conference was able to enlist nationally renowned speakers to present relevant topics and host panels helping to promote much needed education. Feedback of the conference was positive with only four negative responses and interest in making this a yearly event. Salvatore stated the total cost of the conference was \$71,028 of which \$33,000 was covered by registration fees (\$50/person).

#### **DISTRICT COURT JUDICIAL SURVEY REPORT REVIEW**

Mike Dunkle of the Crime Commission presented the Executive Summary of the *District Court Judicial Survey*. Dunkle noted that 80% of judges rated the probation officer workload to be high to very high, 50% of judges rated 76% of services good or better for accessibility and cost, where as 94% of services were rated as good or better for effectiveness. On the flip side, judges noted the lack of sufficient and effective programming and supervision as a barrier to success. In final comment, Dunkle gave a brief synopsis of how rural judges rated 51% of the scale items lower than urban judges.

#### **EXECUTIVE SESSION**

In accordance with the Nebraska Open Meetings Act, Chairperson Brashear requested an executive closed session. Chairperson Brashear requested that only Council members remain in the room during closed session which began at 11:14 a.m. ***enter into closed session to prevent needless injury to the reputation of an individual, while the Council discussed membership issues.*** A motion was made by Jim McKenzie and seconded by Mike Behm to enter into a closed session. *The motion passed unanimously.*

Chairperson Brashear called the meeting back to order at 11:55 a.m.

#### **2007 LEGISLATION**

By consensus LB 540 and LB 321 were tabled and will be discussed at the next meeting.

## **BUDGETS APPROVAL**

Council members were provided proposed budgets prior to the Council Meeting with requests for comments. Chairperson Brashear stated that given the authority by statute invested in the Council, there must be approval of the budgets by Council.

Patricia Langer, Financial Officer for the Office of Probation, working with Janice Walker and Ellen Fabian-Brokofsky, presented the FY 2007-08 Cash Fund Budget Plan for State Probation Community Corrections. Probation staffing reflects the funds are for the 27 existing Full Time Employees (FTE) staff.

Chairperson Brashear entertained a motion to approve the State Probation Community Corrections Budget. *A motion was made by James McKenzie to adopt the stated Probation budget and seconded by Robert Lindemeier. The motion passed unanimously.*

Janice Walker stated the funding for the Problem-Solving Courts is basically the same as last year. Not all funds were expended last year and lapsed. Chairperson Brashear entertained a motion to approve the Problem-Solving Courts Budget. *A motion was made by Mike Behm to adopt the stated Problem-Solving Courts budget and seconded by James McKenzie. The motion passed unanimously.*

James McKenzie stated Parole is asking for \$60,000 to reimburse Probation for SSAS services provided to parolees. Chairperson Brashear entertained a motion to approve the Department of Parole budget plan. *A motion was made by Robert Lindemeier to adopt the stated Parole budget and seconded by James McKenzie. The motion passed unanimously.*

## **SENTENCING GUIDELINES FOR FELONY DRUG OFFENDERS**

Chairperson Brashear stated the request for adoption of Sentencing Guidelines by Court Rule was officially filed with the courts on February 27, 2007. Chairperson Brashear testified at the Sentencing Guidelines Hearing on April 25, 2007 but at this time there is no ruling. Both Karen B. Flowers and John Icenogle stated judges want the guidelines implemented through Legislation with approval and support from the Governor, in turn creating a higher probability of continual budgetary appropriations. This item will remain on the agenda for future discussion and updates.

## **RE-ENTRY PROGRAMMING FOR PAROLEES**

By consensus Re-entry Programming for Parolees has been tabled and will be discussed at the next meeting.

## **SEX OFFENDER TREATMENT & GOALS**

By consensus Sex Offender Treatment and Goals has been tabled and will be discussed at the next meeting.

## **DEPARTMENT OF CORRECTIONAL SERVICES POPULATION & CAPACITY**

Steve King, DCS Planning, Research and Accreditation, presented the council with a handout illustrating the impact of Probation programs. Chairperson Brashear pointed out the capacity of the Correctional Institutions had risen to 140% in 2006 at which time the Governor could have called an emergency through the Correctional System Overcrowding Emergency Act. However at the current date, the state is showing a reduction by 15% in Correctional Institution capacity.

**COMMUNICATION & EDUCATION STRATEGY**

By consensus the Communication and Education Strategy has been tabled and will be discussed at the next meeting.

**VERA INSTITUTE OF JUSTICE WORK PLAN**

By consensus the Vera Institute of Justice Work Plan has been tabled and will be discussed at the next meeting.

**PUBLIC TESTIMONY**

No one came forward to give public testimony.

**CONCLUDING REMARKS & ADJOURNMENT**

There being no further business, at 12:22 p.m. the meeting was adjourned.

The next scheduled meeting of the Council is Friday, July 20, 2007, 9:00 a.m., at the Cornhusker Marriott in Lincoln, Nebraska.

Respectfully submitted,

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Nickette Allen