

Lincoln, Nebraska
October 17, 2008

COMMUNITY CORRECTIONS COUNCIL
MEETING MINUTES

The Community Corrections Council (Council) met Friday, October 17, 2008, 9:00 a.m., at Bryan LGH College of Health Sciences, Lincoln, Nebraska. The meeting was open to the public and was preceded by advance publicized notice in the Lincoln Journal Star.

Members present:

Scot Adams
Mike Behm
Kermit A. Brashear, Chair
Esther Casmer
Thomas Dorwart
Ellen Fabian-Brokofsky
Cathy Gibson-Beltz
Julie Hippen
Robert Houston
Honorable John P. Icenogle, Vice-Chair
Joe Kelly
Robert Lindemeier
Senator Dwite Pedersen
Senator John Synowiecki
Janice Walker

Others present:

Jacki Allensworth
Bruce Ayers
Robert Bell
Scott Carlson
Joan Dietrich
Mike Dunkle
Layne Gissler
Kathleen Grant
Steve King
John Krejci
Ed Lankas
Deb Minardi
Kyle Poppert
Julie Rogers
Nancy Rose
Steve Rowoldt
David Wagner
Larry Wayne

Members absent:

Jeff Davis
Honorable Karen Flowers
Lee Kimzey

Council Staff present:

Linda Krutz, Executive Director
Jeffrey Beaty, Policy Analyst
Tia Bachman, Admin. Assistant
Nickette Allen, Admin. Assistant

CALL TO ORDER, WELCOME, & OVERVIEW

Chairperson Brashear called the Council meeting to order at 9:15 a.m., announced the meeting is subject to the Open Meetings Act and gave an overview of the meeting. Attendance is indicated above.

APPROVAL OF MINUTES

The August 15, 2008 meeting minutes were approved as presented.

COMMUNITY CORRECTIONS FINANCIAL REPORT

Bruce Ayers, Nebraska Commission on Law Enforcement and Criminal Justice, gave the *Community Corrections Financial Report*. Ayers said all Council General Funds have been allocated. The Parole Cash Fund has a balance of \$95,500 unallocated funds and the Council Uniform Data Analysis Fund has \$329,128 unallocated funds available for new contracts.

Ayers reported balances as of September 30, 2008. The Uniform Data Analysis Fund shows a balance of \$1,428,609. Probation Fees/Reimbursements show a balance of \$9,579,588. Parole Fees show a balance of \$676,697.

Ayers said the Council has received permission to request an increase in the Uniform Data Analysis Cash Fund appropriation for the next biennium from \$360,000 per year to \$420,000.

TARGET POPULATION REPORT & COMMUNITY CORRECTIONS PROGRAMS REPORT

Mike Dunkle, Nebraska Commission on Law Enforcement and Criminal Justice, presented the *Target Population Report*. Dunkle said admissions to the Department of Correctional Services (DCS) are similar to 2007. Felony Drug Offender (FDO) admissions are down 18 percent and FDO's sentenced to three years or less are also down 40 percent from last year. Probation and parole admissions are similar to 2007 data. However, FDO's granted parole are down by 13 percent and FDO's sentenced to probation are down 21 percent.

Dunkle reported the number of offenders in DCS for 2008 is consistent with the average population in 2007. The FDO population is down 11 percent, and FDO's sentenced three years or less are down 29 percent. The total number of offenders on parole is up 5 percent, while the current probation total population is comparative to 2007. The number of FDO's on Parole is fairly consistent with 2007, yet the number of FDO's on probation is down by 8 percent.

Dunkle said a problem occurred in the printing of the *Community Corrections Programs Report*. The correct PDF version will be emailed to all Council members on Monday, October 20, 2008.

SSAS PROGRAM EVALUATION

Dr. Kathleen Grant, University of Nebraska Medical Center (UNMC), presented a power point of the Specialized Substance Abuse Supervision (SSAS) Evaluation, A Study of the First Year of Implementation 3/1/06 - 2/28/07, conducted by UNMC for the Office of Probation Administration and the Nebraska Supreme Court. Dr. Grant said this study compared recidivism over a six month period between 89 offenders in SSAS and 88 probationers not in SSAS throughout the state matched by age, gender, and class of conviction.

Dr. Grant said the probationer's primary comparable characteristics were male Caucasians between the ages of 19-64, Class 4 Felony convictions, and the majority have methamphetamine convictions. Offenders in SSAS were more likely to receive cognitive behavioral therapy, incentives, positive reinforcement, and motivational interviewing. Offenders not in SSAS were more likely to receive substance abuse treatment, thinking for a change, life skills training, and 12-step groups.

Dr. Grant reported the success rate of 49 percent if the offender was employed at the start of probation increased to 66 percent if they were employed at the end of probation. This was comparative through both groups. Also, probationers in both groups were less likely to violate probation if they were given incentives and methamphetamine was the primary drug of abuse.

SENTENCED ADMISSIONS / REVOCATIONS / VIOLATION OF PROBATION / VIOLATION OF PAROLE

Steve King, Department of Correctional Services, gave the *Sentenced Admissions / Revocations / Violation of Probation / Violation of Parole Report* for the period of January through September 2008. Drug convictions accounted for 23.8 percent of DCS admissions. Out of 551 total admissions, 221 offenders were newly incarcerated from District 4, Douglas County. The majority of offenders spent less than three months in jail prior to being admitted, 315 total.

King then reported 57 inmates, 27.9 percent, violated parole with a drug offense. The largest amount of violators was from District 4, Douglas County, which accounted for 45.1 percent of the violators. Drug offenses also accounted for 26.2 percent of probation violations, with District 4, Douglas County leading with 32.1 percent of violators.

JUSTICE BEHAVIORAL HEALTH COMMITTEE REPORT

Steve Rowoldt, Probation Administration, gave an update on the Justice Behavioral Health Committee (JBHC). Rowoldt said the June 11, 2008 and September 10, 2008 meeting minutes were included in the packet. Jerome Barry, Co-Chair of JBHC, will step down in December and Rowoldt noted the need for a new behavioral health co-chair.

Rowoldt presented the Standards of Practice created by the Provider Sub-Committee of JBHC. The Provider Sub-Committee is made up of both providers and criminal justice members. The Standards of Practice is a list of expected practices to be used by registered

providers using Fee for Service Vouchers (vouchers) or who are involved with criminal justice clients.

A motion was made by Robert Lindemeier and seconded by Robert Houston to approve the Standards of Practice as presented and the philosophy behind it. Roll call was conducted and the motion passed unanimously.

Julie Hippen said the intent is to distribute the Standards of Practice to registered providers and eventually be used as internal quality assurance checks. Scot Adams asked what the consequences are for not following the standards. Rowoldt said this is a first step to show registered providers what practices are expected of them. Eventually it will be used for peer reviews. Consequences have not been established at this time.

A motion was made by Thomas Dorwart and seconded by Scot Adams to amend the previous motion and change the title to Provisional Standards of Practice. Roll call was conducted and the motion passed unanimously.

The title of the document will be changed to Provisional Standards of Practice. A new document with the changed title will be distributed to the JBHC members.

A fifteen minute break was called by Brashear.
The Council reconvened at 11:02 a.m.

2009 MEETING DATES

Brashear presented the calendar of proposed meeting dates for 2009. Meeting dates for 2009 are as follows:

February 13	August 14
March 27	September 18
May 1	October 30
June 19	November 13
July 17	December 18

PAROLE ADMINISTRATION BUDGET REQUEST

Cathy Gibson-Beltz, Parole Administrator, presented the Fiscal Year 2008-09 Cash Fund Budget Plan for Parole Community Corrections. Gibson-Beltz said the programming expenses represent the maximum contract amount that will be paid to State Probation for community corrections services provided. Operational expenses include training related to programs approved by the Council as well as other Parole Community Corrections costs.

Gibson-Beltz said the cash fund budget plan includes:

Programming Expenses:	\$70,000
Operational Expenses:	<u>\$25,500</u>
Total	\$95,500

Ellen Fabian-Brokofsky said there are approximately 3 million dollars for vouchers which is a combination of general fund and offender fees. Parole contributes \$70,000 of their offender fees towards the treatment vouchers. In the first six months, parolees received over \$300,000 in vouchers. The remaining funds are used by both drug courts and probationers. All parolees are eligible for vouchers while only selected populations of probation and drug court offenders are eligible. Linda Krutz said the Parole Cash Fund budget will be revisited with the Governors office for an increase during the next biennium.

A motion was made to approve the Fiscal Year 2008-09 Cash Fund Budget Plan for Parole Community Corrections to include Programming Expenses of \$70,000, and Operational Expenses of \$25,000. Roll call was conducted and the motion passed unanimously.

REPORTING CENTER PROPOSAL UPDATE

Kermit Brashear, Chairman, said the Council has the vision and the unanimous desire to become more operational and expand the Reporting Centers. At this time however, the funding is not available. All agencies are in agreement that a need to expand exists and will work together to come up with a solution, but the agencies involved also have different plans on how to move forward with the expansion of the reporting centers.

SSAS PROCESS EVALUATION

Brashear presented the Process Evaluation of Specialized Substance Abuse Supervision (SSAS) in Nebraska prepared by the Vera Institute of Justice (Vera). Fabian-Brokofsky said the report is on the implementation of SSAS in the five pilot sites. Brashear said Vera is validating the integrity and value of the programs that are in place.

A motion was made by Scott Adams and seconded by Mike Behm to authorize proceeding with Vera's continued assistance in assessing the SSAS program. Roll call was conducted and the motion passed unanimously.

COUNCIL RETREAT WORK PLAN REVIEW / PRIORITIZATION OF STRATEGIC PLAN

Brashear stated the *Work Plan / Strategic Plan Comparison* shows the overlap in recommendations from the Retreat Work Plan and the Strategic Planning Recommendations and requested the Council devise a way to combine the two plans.

Fabian-Brokofsky requested the Retreat Work Plan be presented at every meeting and members assigned tasks or projects every time. When the Council was still a working group, all participants had a stake in the outcome of the group and completed projects for the meetings. Brashear said the Council as a whole needs to participate and make the decision on how to combine these two plans.

Larry Wayne, DCS Deputy Director of Programs and Community Services, highlighted Retreat Work Plan 1.3., Expand community corrections services in each district, and said preliminary studies show the numbers of FDO's are decreasing in areas where Reporting Centers

have been established. The Reporting Centers need to be filled to capacity in the original sites and then expand from there.

Wayne said 580 inmates who are not FDO's or on parole do not receive rehabilitative services and requested an expansion of the target population to allow inmates in the Community Corrections Center in Lincoln (CCCL) and the Community Corrections Center in Omaha (CCCO) to use the services in the existing Reporting Centers and SSAS. These inmates are very low risk, and are on work release, work detail, or going into the community on furlough.

Bob Houston said the appropriations committee awarded \$200,000 for vouchers for CCCL & CCCO inmates. The Work Ethic Camp (WEC) could also be used as a Reporting Center. John Synowiecki said during his discussions with Dr. Rick McNeese, DCS, \$200,000 will not be enough to cover the cost of services for the 580 inmates.

Houston said this could free up more beds by allowing inmates to be paroled earlier. Ester Casmer, Board of Parole, said the Board would look more favorably on inmates who have received rehabilitative services and been in the community working. Houston said a community furlough program has been initiated in Buffalo County. The trial group has six inmates on a form of house arrest with treatment options surrounding them.

Brashear questioned if the criteria of the target population was changed if it would allow the inmates to use the Reporting Centers. Deb Minardi, Probation Administration, said the language in the Community Corrections Act is for probationers and parolees only. If this were to be changed it would have to be made by the Legislature.

John Icenogle, District Court Judge, questioned what range of services is being requested for the inmates. Houston said that it wouldn't be necessary to expand the criteria, but expand the status to allow the inmate population. The \$200,000 would be used for vouchers and DCS or the inmate would pay \$25 a month into the fund. DCS is increasing residential beds from 232 to 456. Mental health and education services are also increasing. Houston said DCS is attempting to keep the continuity of services from incarceration to parole.

Wayne said that still doesn't accommodate the large population of inmates who commit crimes who are under the influence of drugs or alcohol, or to support their habit who do not fall under the criteria of felony Driving Under the Influence (DUI), Driving While Intoxicated (DWI), or FDO's.

Icenogle questioned if the inmate has completed inpatient treatment, if they need to be in inpatient treatment while in the furlough program, intensive outpatient, aftercare, or only use the existing Reporting Center services. That could be the difference between \$200,000 and 2 million dollars. Wayne said the inmates complete residential treatment before transferring to CCCL or CCCO. Aftercare is 75 percent more affective with intensive outpatient treatment when completed right after successful completion of residential treatment.

Jeff Beaty, Council, stated the two Reporting Centers to be affected, Lincoln and Omaha, are the closest to capacity and experiencing growth. How long before they are at capacity with

probationers? The counties need to be involved in the discussion to some extent because they have been told that probationers and some paroles would be using the Reporting Centers in their communities. The new criteria would involve people who were ordered to be incarcerated in DCS. Bellevue Reporting Center is in the middle of a residential neighborhood and they were told there would not be sex offenders or certain groups of people receiving treatment there. What arrangements have been made and how open are the counties to have inmates in the Reporting Centers that are community based.

Icenogle said that since inmates are not disqualified from obtaining community mental health services, then the dialogue should be with the community mental health services about acknowledging that inmates are a population to be served and obtain the funding from them. Wayne said community mental health providers are not trained to deal with inmates with criminal thinking or behavior.

Joe Kelly, County Attorney, said that FDO's have predictable parole dates and asked if residential treatment could be coordinated with their release date. Janice Walker, State Court Administrator, asked if inmates in CCCL and CCCO could be paroled sooner since they are already working in the community. Wayne said that inmates are transferred to CCCL and CCCO months or years before they are statutorily eligible to go before the parole board.

Fabian-Brokofsky said that if the services for community corrections inmates are an issue, a group should look at it in the context of the continuum and bring a recommendation as an agenda item. The Council needs to be aware of the pitfalls, promises, what will work, or if there should be legislative action. The Reporting Centers, as they are now, are the first that probationers have had access to services or treatment. Houston said that DCS can provide the dollar amount needed for inmates to receive services. The capacity at the Reporting Center should also be looked at as well as the counties involved.

Julie Hippen said the Retreat Work Plan first identified the need to expand services to mentally ill offenders. The Council should work with that population before moving to the next one. Beaty noted the Short Term objectives and the Long-Term objectives sheet and said it may be an option to accomplish the items that do not require Legislative changes or extra finances first.

Fabian-Brokofsky said the Strategic Planning Committee created the Strategic Planning Recommendations as a result of number 1 on the Retreat Work Plan, Develop continuum of CC programs for adult offenders in all 12 judicial districts. Fabian-Brokofsky suggested sub-committees from the Council should be created to work on items from the Strategic Plan and report back to the Council.

Brashear said the agenda will be reordered to have the progressing items first and the fee and number reports last.

TIMELINE

Brashear noted the timeline is included in the packet. No changes or additions were made.

ADJOURNMENT

There being no further business, at 12:20 p.m. the meeting was adjourned.

The next scheduled meeting of the Council is Friday, November 14, 2008, 9:00 a.m., location to be determined.

Respectfully submitted,

Tia M. Bachman
Administrative Assistant