

**Lincoln, Nebraska
June 20, 2008**

**COMMUNITY CORRECTIONS COUNCIL
*MEETING MINUTES***

The Community Corrections Council (Council) met Friday, June 20, 2008, 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:

Mike Behm
Kermit A. Brashear, Chair
Esther Casmer
Jeff Davis
Thomas Dorwart
Ellen Fabian-Brokofsky
Hon. Karen Flowers
Cathy Gibson-Beltz
Julie Hippen
Hon. John P. Icenogle, Vice-Chair
Joe Kelly
Lee Kimzey
Robert Lindemeier
Vicki Maca, Designee
Senator Dwite Pedersen
Senator John Synowiecki
Janice Walker

Members absent:

Scot Adams
Robert Houston

Others present:

Toni Ahrendt

Others present (cont.)

Jacki Allensworth
Bruce Ayers
Robert Bell
Scott Carlson
Joan Dietrich
Michael Dunkle
Steve King
Doug Koebernick
John Krejci
Patricia Langer
Monica Miles-Steffens
Deb Minardi
Connie Nemeč
Doug Nicholls
Julie Rogers
Steve Rowoldt
Julie Scott
Corey Steel
Larry Wayne
Dave Wegner

Council Staff:

Linda Krutz, Executive Director
Jeffrey Beaty, Policy Analyst
Nickette Allen, SOS Temp

CALL TO ORDER, WELCOME, & OVERVIEW

Chairperson Brashear called the Council meeting to order at 9:04 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 March 14, 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 stated the Financial Report was current to April 30, 2008 and did not include the months of May or June. Allocations were as follows:

Probation Offender Fees for Treatment/Programming	\$2,413,616
Council General Funds for Treatment	\$2,064,568
Probation Offenders Fees for Reporting Centers	\$ 592,818
Council General Funds for Reporting Centers	\$1,307,243
Council General Funds for Specialized Courts	\$2,085,067
Council Uniform Data Analysis Cash Fund	\$ 821,645
Parole Cash Funds	\$ 95,500

Ayers reported balances as of April 30, 2008: Uniform Data Analysis Fund \$1,303,333; Probation Fees/Reimbursements \$8,831,698; and Parole Fees \$620,533.

Ayers also presented a Historical Trend of Expenditures for the Council’s General Funds from July 1, 2006 to March 31, 2008. These Expenditures included \$2,294,924 for Substance Abuse Treatment (Probation) and \$1,275,003 for Reporting Centers (Supreme Court). An overview of the Appropriation Process was also presented to the Council which included the deadline of September 15 for budget requests for the next biennium (Fiscal Year 09/10). Ayers emphasized the importance of holding either a July or August meeting in order to comply with timelines for submitting the Fiscal Year 09/10 and 10/11 Budget.

TARGET POPULATION REPORT & COMMUNITY CORRECTIONS DATA REPORT

Mike Dunkle, Nebraska Commission on Law Enforcement and Criminal Justice, presented the *Target Population Report*. Data was collected through April 2008. Dunkle said Felony Drug Offenders (FDO) admissions to the Department of Correctional Services (DCS) showed a 20% decrease and a 40% decrease in DCS FDO admissions with three years or less. FDO’s granted Parole reflected a 9% increase.

Dunkle noted Jail Admissions also showed decreases:

Jail Admissions	-9%
Jail Admissions-Sentenced	-20%
Jail Admissions-Sentenced Non-FDO	-28%
Jail Admissions-Sentenced with FDO	-11%

Dunkle reported the first quarter of 2008 showed an increase to 194 of quarterly average monthly admissions to DCS but showed a decrease from 26% for the fourth quarter of 2007 to 22% in the first quarter of FDO's in Total DCS Admission.

Dunkle gave the *Community Corrections Data Report*. Specialized Substance Abuse Supervision (SSAS) admissions reflected 86% for probation admissions and 17% parole admissions measured through April 2008. SSAS population also shows a total capacity of 72% for the combined SSAS districts. As part of the Data Report, the Problem-Solving Courts Analysis included a breakdown of all courts, court back ground and intake, ongoing court processes, departure and termination data. Dunkle specified the statistic "25%" for "Terminated in the Departure Analysis" section was in error. (As of this time the correct number is unavailable.)

Dunkle clarified that the process of screening, eligibility determination, acceptance and admission can occur over an extended time period, making interpretation of monthly figures problematic. Karen Flowers stated there was too much information in the Problem-Solving Courts data, leading to confusion. Chairperson Brashear stated the data will be refined and constructed to duplicate the SSAS charts when presented to the Council in the future.

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

Steve King, DCS Planning, Research and Accreditation, gave the *Sentenced Admissions / Revocations / Violation of Probation / Violation of Parole Report* which included data compiled from January through April 2008. King stated DCS currently has a population of 155 inmates with a sentence of six months or less and 276 inmates with 12 months or less to serve. He also stated there were 74 Parole revocations and 32 Probation revocations.

REENTRY COURTS & NEW CONCEPTS

Honorable John Icenogle, Vice-Chair, presented the Reentry Courts and New Concepts report regarding a new reentry court model based on the Ohio Model which has been reputed to be successful in reducing recidivism. A reentry court requires the offender to be sentenced and treatment started immediately. While the sentence is being served, a community reentry plan is established with the focus on ongoing monitoring and community-based supervision once they are released from their sentence. Discussion centered around reviewing the set up of the courts in Ohio, the data supporting the creation of the reentry court

system, the diverse target population and the need to ensure the fidelity of the project if the model would be duplicated in Nebraska.

Icenogle stressed the creation of a reentry court would need to be a collaborative effort between DCS, Probation, Parole and the courts. Council members stated interest in exploring this concept further. Ellen Fabian-Brokofsky, Probation Administrator, and Deb Minardi, Probation Deputy Administrator/Community Corrections Coordinator, noted the Office of Probation and Department of Correctional Services Strategic Planning Committee may be the appropriate place to start the discussion as collaboration between the offices is already in existence. Julie Hippen expressed her concern that a provider should participate in the discussion.

SUPREME COURT EVIDENCE BASED PRACTICES COMMITTEE

Ellen Fabian-Brokofsky reported on the *Supreme Court Evidence Based Practices Committee* formed by the Supreme Court and chaired by Judge Moran. The Committee was formed to examine and educate members of the judicial branch on issues relating to Evidence Based Practices (EBP). Fabian-Brokofsky stated EBP trainings have been productive and the judges are receptive.

*A ten minute break was called by Brashear.
The Council reconvened at 10:35.*

PROBATION COMMUNITY CORRECTIONS DIVISION

Minardi presented an update on the Secure Continuous Remote Alcohol Monitoring (SCRAM) program. Minardi's presentation concluded that SCRAM is being used as an effective and viable drinking deterrent tool that is capable of aiding in the management and control of community-based, substance abuse offenders. She explained that 81% of the clients on SCRAM have successfully complied during their period of monitoring by not consuming alcohol or tampering with the device. Robert Lindemeier asked if Fee-for-Service Treatment Vouchers (Vouchers) could be used for SCRAM. Minardi responded that Vouchers did not cover the program.

PROBATION EVIDENCE-BASED TRAINING REPORT

Monica Miles-Steffens presented the *Probation Evidence-Based Training Report*. In September 2007, an educator from the University of Cincinnati (UC) came to Nebraska to train ten of probations current case management trainers in advanced curriculum related to the Level of Service/Case Management Inventory (LS/CMI) and its accompanying youth version Youth Level of Service/Case Management Inventory (YLS/CMI).

In the first three months of 2008, almost 300 probation staff received training in case planning, evidence-based investigations policies and new assessment tools which included the following: Domestic Violence (DV) Matrix, Vermont Assessment of Sex Offender Risk (VASOR), Proxy, Level of Service Inventory-Revised: Screening Version (LSI-R:SV) and case planning. Probation offender fees supported the Motivational Interviewing Training

which entailed an eight hour training session in October 2007. Cognitive intervention training, such as Moral Reconciliation Therapy (MRT) and Thinking For Change (T4C) was also supported by the fees. Three day classes are scheduled for managers of all levels through the Department of Administrative Services (DAS) called "SuperVision".

Probation continues to seek training opportunities for its own trainers through the National Institute of Corrections (NIC) to improve programming and eliminate the need to bring in outside trainers for some tasks.

EXPANSION OF SSAS ELIGIBILITY

Larry Wayne, DCS Deputy Director of Programs and Community Services, presented a follow up to the request, initially presented at the March 14, 2008 meeting, to expand SSAS eligibility beyond felony drug offenders. Wayne provided a more detailed description of the proposed target population. The proposal would expand eligibility to individuals convicted of a felony Driving Under the Influence (DUI) offense and felony offenders on probation and parole that violate probation or parole as the result of the failed drug test or drug related arrest.

A motion was made by Dwite Pedersen and seconded by Michael Behm to approve the expansion of SSAS eligibility to include in the target population all Felony Driving Under the Influence (DUI) or Driving While Intoxicated (DWI) offenders on Probation or Parole and Probationers or Parolees who experience a drug related event. Roll call was conducted and the motion passed on a vote of 8 to 2.

JUSTICE BEHAVIORAL HEALTH COMMITTEE

Steve Rowoldt, Probation, reported on the Justice Behavioral Health Committee (JBHC) meeting held on March 12, 2008. Rowoldt indicated the minutes from March 12, 2008 and the most current member list are included in the packet. Rowoldt stated that Jim Harvey, Department of Health and Human Services, is now a member of JBHC.

Harvey and fellow partners in DHHS are currently working on a Federal grant: the Nebraska Justice-Mental Health System Collaboration Planning Project. The current planning period runs from November 1, 2007 to October 31, 2008. The planning and implementation category was submitted May 6, 2008, and if awarded, will run from 11/01/2008 to 10/31/2011. The project's theme is for collaborative partnerships to address interagency coordination and communication in order to implement system improvements for persons with mental illness in the criminal justice system.

Rowoldt reported on JBHC's current work, the Provider survey and the work of the three subcommittees. The Curriculum subcommittee submitted another draft of the Knowledge, Skills, and Abilities (KSA's) training standards for the addictions and mental health professionals and criminal justice professionals. Fabian-Brokofsky reiterated the history of JBHC and the stakeholder collaboration which has been instrumental to the success and consistency of the substance abuse programs and the Council.

PROBLEM-SOLVING COURTS UPDATE & PROBLEM-SOLVING COURTS BUDGET

Scott Carlson, Problem-Solving Court Coordinator, presented the findings of the Problem-Solving Courts survey. The survey provided an assessment of the problem-solving courts in order to determine whether the courts are adhering to the 10-Key Components of Drug Courts, gauge the compliance with the Nebraska Supreme Court rule governing the establishment and operation of drug courts, assist with the process of identifying and implementing EBP practices and provide a framework for modifications in the Nebraska Probation Management Information System (NPMIS) to provide data to the problem-solving courts.

The survey was sent to nine Adult courts, four Juvenile courts, six Family courts, one DUI court and one Young Adult court. The 75 question survey included questions regarding program information, eligibility, program oversight, incentives and sanctions, court processes, treatment, information linkages, supervision, drug testing, fees, and community service and data collection. Areas of similarities and differences were explored for each of the previous categories.

Carlson also presented the Problem-Solving Court budget request of \$2,147,782 to the Council. These costs were broken down as the following:

Existing Probation-Based Problem-Solving Courts Personnel	\$1,053,136
Existing Non Probation-Based Problem Solving-Courts Personnel	\$ 737,106
New Problem-Solving Court Personnel for New & Existing Courts	\$ 216,540
Administrative-Salary/Benefits for Statewide Coordination & Operation	\$ 141,000

During the discussion, Janice Walker stated the budget request included the salary for Judge James Murphy, a retired judge, who was appointed to preside over the Douglas County Adult Drug Court. Thomas Dorwart asked why the Supreme Court was not funding the salary for the retired judge and inquired how the decision was made to transfer the cost to the Council. Walker responded that the decision was made after legislature provided additional funding to the specialized courts. *A motion was made by Jeff Davis and seconded by Robert Lindemeier to approve the Problem Solving Courts Budget of \$2,147,782 as presented to the Council. Roll call was conducted and the motion passed unanimously.*

PROBATION BUDGET REQUEST

Patricia Langer, Financial Officer for Probation Administration, presented the *Probation Budget Request*. The request was divided into three sections; Reporting Center Costs, Substance Abuse Treatment Costs and One-Time Programming Requests. Reporting Center sites and support staffing, client services and operational support costs total \$1,944,345. Substance abuse treatment costs for the target population total \$3,946,962. One Time Programming Requests total \$901,260 and include: on-line learning request (\$109,000) motivational interviewing training request (\$28,510), electronic case reporting (\$213,750), continuous alcohol monitoring (SCRAM \$500,000), and Moral Reconciliation Therapy (MRT) textbooks (\$50,000). Deb Minardi noted that while SCRAM is being used at the current time, technology changes quickly and Probation will want to pursue the use of the most updated “continuous alcohol monitoring”.

Icenogle questioned the \$500,000 for SCRAM and the other programming requests as one time expenditures when the request had been made before and would most likely be made again. Langer explained they are one time costs because they are expendable, in the sense that if the funding no longer existed to sustain the programs they could be easily eliminated. An additional Reporting Center, for example, involves a commitment to ongoing costs in the future for staff and operational costs and is not seen as a one-time request. Behm suggested the confusion and disagreements about the one time programming requests is due to the title. He mentioned Probation, historically, has requested these types of funds and will continue to do so.

Dorwart asked for confirmation that originally Probation had asked for eight sites to which Fabian-Brokofsky confirmed that eight sites were originally requested. Brashear noted that general funds for the eight sites were requested but were not funded by legislature.

*Brashear asked for a 10 minute break to help facilitate the discussion. Langer, Minardi, and Fabian-Brokofsky would be available for questions.
The Council reconvened at 12:24.*

A motion was made by Thomas Dorwart and seconded by Cathy Gibson-Beltz to approve the Probation Budget Plan of \$6,792,567 as presented to the Council. Roll call was conducted and the motion passed unanimously.

2010 FISCAL YEAR BUDGET

Brashear advised the Council of the need to have all budget requests and narratives ready and submitted to the Council by August 1, 2008. To this end the July meeting is cancelled but the August 15th meeting will be held and everyone should be prepared to discuss the budget.

TIMELINE

The Timeline was included in the packet.

ADJOURNMENT

There being no further business, at 12:27 p.m. the meeting was adjourned.

The next scheduled meeting of the Council is Friday, August 15, 2008, 9:00 a.m., location to be decided.

Respectfully submitted,

Nickette Allen

** A recording of the minutes is not available due to recording equipment failure.*