

Lincoln, Nebraska  
August 15, 2008

COMMUNITY CORRECTIONS COUNCIL  
*MEETING MINUTES*

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The Community Corrections Council (Council) met Friday, August 15, 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:

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

Others present:

Jacki Allensworth  
Bruce Ayers  
Joan Dietrich  
Michael Dunkle  
Steve King  
Deb Minardi  
Connie Nemec  
Michael Overton  
Simera Reynolds  
Julie Rogers  
Steve Rowoldt  
Willis Sanders  
Kimberly Shafer  
Julie Scott  
David Wagner  
Larry Wayne

Members absent:

Scot Adams

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 9:07 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 June 20, 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. Ayers stated the Parole Cash Fund has a balance of \$95,500 unallocated funds and the Council Uniform Data Analysis Fund has \$809,128 unallocated funds available for new contracts.

Ayers reported balances as of June 30, 2008. Ayers noted the Uniform Data Analysis Fund shows a balance of \$1,382,639. Probation Fees/Reimbursements show a balance of \$8,095,782. Parole Fees show a balance of \$639,318.

## **TARGET POPULATION REPORT, SPECIALIZED SUBSTANCE ABUSE SUPERVISION (SSAS) REPORT, PROBLEM SOLVING COURTS REPORT, & ADDENDUM TO POP 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 up about 8 percent thus far in 2008, but Felony Drug Offenders (FDO) admissions are down 21 percent. Probation and Parole admissions are similar to 2007 data. However, FDO admissions to Parole are down by 9 percent and FDO admissions to Probation are down 15 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 28 percent. The numbers of offenders on Parole are up 19 percent and FDO's on Parole are up 7 percent.

Dunkle then presented the *Revised - Specialized Substance Abuse Supervision (SSAS) Report*. The population of all SSAS sites is 217 offenders for the month of June 2008. Probation Admissions to SSAS represent 73 percent of the population while Parole Admissions represent 27 percent. District 4 (Douglas) and District 6 (Lancaster) are above or near full capacity. Dunkle noted a steady 43 percent increase in SSAS population from June 2007 to June 2008.

Dunkle gave the *Problem Solving Courts Report*. Of 22 courts included on the report, five are operating at or above 100 percent capacity and on average the remaining courts are operating at 65 percent of capacity. To date, 68 percent of departures from adult drug courts were graduations, 26 percent were terminations, and 5 percent withdrew.

Dunkle gave the *Revised - Addendum to POP Report*. Dunkle said this analysis is an examination of arrest data, and DCS and community corrections admissions for the period 2003 to 2007. Dunkle noted SSAS began enrolling participants in the second quarter of 2006. Problem-Solving courts have been in existence since 1997, but half the adult drug courts have been added since 2005. The total admissions to DCS, FDO admitted to DCS, and FDO's sentenced to three years or less all follow the pattern of rising admissions from 2003 to 2005, and declining admissions from 2005 to 2007.

Dunkle explained the comparison of Probation Admissions and Arrests between 2003 and 2007. Total probation admissions are down 5 percent since 2003, but FDO's sentenced to probation are down 19 percent from 2003 to 2007.

Dunkle compared Parole Admissions to Arrests during 2003 to 2007. Dunkle noted that given an offender may be paroled many years after arrest, and that many offenders are released without parole, it is not surprising that patterns of arrest and parole are the most dissimilar of all comparisons in the report.

A fifteen minute break was called by Brashear.  
The Council reconvened at 10:24 a.m.

## **PRESENTATION OF THE STRATEGIC PLAN**

Deb Minardi, Probation Administration and Larry Wayne, DCS Deputy Director of Programs and Community Services, presented the *Joint Strategic Planning Recommendations for Criminal Justice Reform in Nebraska*. Minardi said the recommendations are based on the research of "what works" which includes Organization Development, Collaboration, and Effective Intervention.

Minardi said recommendation number one is: Create public policy through organizational development. This includes the use of Evidence-Based Practices (EBP), public education and awareness for the success of an effective risk-based criminal justice system, and the use of community supervision. This also includes violations of Probation/Parole/Drug Courts being approached as a graduated response with prison as the last resort. Minardi stated this includes the development of a threat of harm risk instrument. Further technology development should be supported allowing for information sharing, and validated assessment instruments should be required for consideration by the Court for sentencing and the Parole Board for Parole Hearing decisions. Minardi said statutory language should be added or an administrative memorandum signed providing dual Probation and Parole authority between agencies.

Minardi stated recommendation number two is: True collaboration among agencies and branches is expected and core to implementing and sustaining systemic change. Development of uniform standards and coordinated case management for supervision between Probation and Parole according to offender's level of risk to the community and risk for recidivism is necessary. The development and implementation of statutory changes and protocol to uniformly apply all fees to offenders is also necessary.

Minardi said recommendation number three is: Criminal justice policy and practice concerning offender management must be based on interventions proven to reduce recidivism. Minardi stated an assessment is necessary and the waiver of felony Pre-Screening Instrument (PSI)'s is not in the best interest of offender risk identification and subsequent response, and should be discontinued. Targeted treatment and the assignment of offenders to specialized caseloads or treatment should not be voluntary. This also includes the use of Work Ethic Camp (WEC) for pre-parole offenders. Research and evaluation is essential to EBP and should be incorporated throughout the Criminal Justice System.

### **REPORTING CENTER PROPOSAL**

Ellen Fabian-Brokofsky, Probation Administrator and Robert Houston, Director of the Department of Corrections presented a proposal for expanding reporting centers statewide. Houston said the proposal is for DCS to be responsible for the coordinator and support staff of all new and existing reporting centers. Houston stated DCS has resources available to support the reporting centers including data research, in house attorneys, and staff for purchasing.

Houston said the four cities to be considered for new reporting centers are Scottsbluff, North Platte, Grand Island, and Norfolk. Drug courts were in all the proposed cities except North Platte, and all proposed cities have behavioral health region offices, a large client base, probation offices, parole offices, and large jails. Houston noted those were the common denominations that were looked at when selecting those four cities.

Fabian-Brokofsky requested the Council develop formal memorandums and agree to an understanding of how the reporting centers are going to operate. The concept is essentially the same as how the reporting centers and services operate today. The unique part of the concept is the collaboration between Probation (Judicial Branch) and DCS (Executive Branch).

Linda Krutz, Executive Director of the Community Corrections Council, questioned what will happen to the current staff of the reporting centers. Houston said the coordinators would be asked to work for DCS without their pay being adversely affected and will gain the benefits of working for DCS.

*A motion was made by Karen Flowers and seconded by Lee Kimzey to endorse the concept of opening four additional reporting centers in Scottsbluff, North Platte, Grand Island, and Norfolk and transferring the operation of all reporting centers to the executive branch under the Department of Corrections, and to request Robert Houston and Ellen Fabian-Brokofsky continue to develop the concept and return to the Council once additional details are in place. Roll call was conducted and the motion passed unanimously.*

John Synowiecki said there is value in having the executive branch in charge of managing the reporting centers. Synowiecki said existing State assets are out there and requested traditional programs of probation and parole offices be used as part of a reporting center. Houston said Douglas County is a good example of using existing state assets. They have the drug court, SSAS Officers, and the reporting center in one building.

Icenogle said he would like to have more time to go through the concept as a whole, and in particular the use of an assessment tool for risk of harm. Icenogle said it bothers him a great deal to use any tool that would enhance someone's penitentiary time or penalties based upon a prediction of what they might do in the future.

A decision was reached to table the discussion until the September 19, 2008 meeting to allow all Council members adequate time to review the proposed concept.

#### **CHAIRMAN UPDATE & OBSERVATIONS**

Kermit Brashear, Chairman, said a meeting was held with the Governor, his designee, the Speaker, the Judiciary Committee, and others and stated they have been working on how community corrections will look going forward. Brashear said they know collaboration works and it's been working all along. New modes of how to go forward with community corrections was discussed, and now the collaboration that the Council knows works is taking place in a new way. Brashear said the Council needs to make certain to include the legislature, law, and statutes so a formal arrangement of how control of the reporting centers is brokered. The Council also needs to decide how to get the spending authority allocated.

#### **VERA CONTINUED ASSISTANCE**

Brashear said Vera Institute of Justice is interested in continuing to assist Nebraska in future endeavors including building community corrections programs and restructuring existing ones.

#### **BIENNIUM BUDGET**

Brashear and Krutz asked if any Council members had requests for additional funds to be included in the 2009-2010 biennium budgets.

Icenogle said he emailed all Council members about creating a sentencing workshop program that involves judges, the legislature, probation staff, parole staff, and corrections staff. Judicial branch education is interested in participating, but nothing has been run by the Chief Justice, Courts, or judges as to the extent they would participate. The legislature will also need to have some input. Icenogle said the program could be beneficial across all branches of government and solidify the message of community corrections to those who have not heard it yet. Icenogle said the concept will cost some money. During a discussion with Krutz, it was noted that the Council may have the ability fund it. Icenogle suggested Council members review the email and decide whether or not to request funding at the September 19, 2008 meeting.

## **TIMELINE**

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

## **ADJOURNMENT**

There being no further business, at 12:25 p.m. the meeting was adjourned.

The next scheduled meeting of the Council is Friday, September 19, 2008, 9:00 a.m., at Bryan LGH College of Health Sciences in Lincoln, Nebraska.

Respectfully submitted,

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Tia M. Bachman  
Administrative Assistant