

**Lincoln, Nebraska  
May 1, 2009**

**COMMUNITY CORRECTIONS COUNCIL  
*MEETING MINUTES***

---

The Community Corrections Council (Council) met Friday, May 1, 2009, 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  
Brenda Council  
Jeff Davis  
Thomas Dorwart  
Ellen Fabian-Brokofsky  
Karen Flowers  
Cathy Gibson-Beltz  
Robert Houston  
John P. Icenogle, Vice-Chair  
Joe Kelly  
Pete Pirsch  
Janice Walker

Members absent:

Robert Lindemeier

Council Staff present:

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

Others present:

Eric Asboe  
Bruce Ayers  
Robert Bell  
Reagan Daly  
Joan Dietrich  
Mike Dunkle  
Andrea Frazier  
Steve King  
John Krejci  
Peggy McCarry  
Roy Mehmken  
Deb Minardi  
Mike Overton  
Maggie Peck  
Simera Reynolds  
Rex Richard  
T. Hank Robinson  
Julie Rogers  
Steve Rowoldt  
Larry Wayne  
David Wegner

## **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.

Brashear noted changes to the Agenda. The DUI Offender Target Population Proposal will be moved after the Community Corrections Programs Reports. All other Agenda items will follow accordingly.

## **APPROVAL OF MINUTES**

The March 27, 2009 meeting minutes were approved as presented.

## **COMMUNITY CORRECTIONS FINANCIAL REPORT**

Bruce Ayers, Nebraska Commission on Law Enforcement and Criminal Justice (Crime Commission), gave the *Community Corrections Financial Report*. Ayers said all Council General Funds and Parole Cash Funds have been allocated. The Council Uniform Data Analysis Fund has \$89,249 unallocated funds available for new contracts.

Ayers presented a graph of the Community Corrections Council General Fund Appropriations for fiscal years (FY) 05-06 through 08-09. Appropriations remained at \$5,456,878 in fiscal year 07-08 and 08-09.

Ayers also presented a graph for the Balance in Uniform Data Analysis Fund. The balance has grown from \$348,349 in FY 03-04 to \$1,456,196 in FY 08-09. A transfer of \$350,000 to the Training Center Cash Fund in FY 05-06 was not at the request of the Council.

Ayers then presented a graph of Annual Appropriation versus Annual Revenue. The average appropriation for FY 03-04 through 08-09 was \$360,000. There were no deficit appropriations for FYs 03-04 through 06-07. A deficit appropriation of \$383,854 was made in FY 07-08 and a total of \$607,336 appropriated funds were carried over to FY 08-09 to fulfill contracts. As of March 31, 2009 estimated expenditures for FY 08-09 was \$325,108.

## **TARGET POPULATION REPORT & COMMUNITY CORRECTIONS PROGRAMS REPORT**

Mike Dunkle, Crime Commission, presented the *Target Population Report, March 2009*. Total admissions to the Department of Correctional Services (DCS) are down 15 percent compared to the same time period in 2008. The target population of Felony Drug Offenders (FDO) is down: total admissions down 25 percent; sentenced to three years or less down 33 percent. Total parole admissions are down 10 percent, and FDO admissions to parole are down 16 percent. Total probation admissions are down 6 percent, and FDO admissions to probation are down 43 percent.

The total population of offenders in DCS for 2009 is similar to the average population for 2008. The target population of FDO is down 6 percent, and FDO sentenced to three years or less

is down 25 percent. Total offenders on parole are down 10 percent, and FDO's on parole is down 12 percent. Total on probation is similar to 2008, yet the number of FDO's on probation is down 6 percent.

Dunkle presented the *Community Corrections Programs Reports, March 2009*. Specialized Substance Abuse Supervision (SSAS) has a total population of 287 individuals. Admissions consist of: 81 percent, probation clients; 19 percent parole clients. District 9/17 (Buffalo, Dawson) had the most admissions, 6 clients, all from probation. SSAS has added 28 clients since December 2008, an increase of 11 percent, and is operating at 92 percent capacity.

Problem-Solving Courts are operating at 60 percent of capacity; five courts did not report numbers for March 2009.

### **DUI OFFENDER TARGET POPULATION PROPOSAL**

Dunkle presented the *Selected DUI Statistics, April 2009*. The number of licensed drivers and registered vehicles in Nebraska has steadily increased since 1982. In 2007, 13,437 arrests have been made for Driving Under the Influence (DUI); 10,711 convictions for alcohol related incidences; and 10,491 DUI's filed in County Courts.

In 2001, the legal Blood Alcohol Content (BAC) was reduced from .10 to .08, which correlates to the spike of 82 admissions in 2000, to 112 DUI admissions to DCS in 2001. In 2006, LB 925 incorporated a high BAC penalty enhancement along with 4<sup>th</sup> and 5<sup>th</sup> DUI offenses which correlates to the spike of 97 admissions in 2005, to 179 DUI admissions to DCS.

Probation DUI admissions have increased from 5,829 in 2000 to 8,145 in 2008. DUI's represent 46 percent of all probation admissions.

A fifteen minute break was called by Brashear.  
The Council reconvened at 10:45 a.m.

### **SSAS PROCESS EVALUATION**

Reagan Daly, Vera Institute of Justice (Vera), presented *From Policy to Practice, A Process Evaluation of Specialized Substance Abuse Supervision in Nebraska*. The process evaluation was conducted to examine the fidelity of implementation, examine factors that influenced quality of implementation, and as a pre-cursor to an outcome evaluation.

The SSAS program is designed for nonviolent FDO and DUI offenders on probation or parole. The potential clients are screened using a two stage process with a judge making the final decision. SSAS includes: intensive supervision, substance use treatment, frequent drug testing, cognitive-behavioral treatment, and graduated sanctions.

The methodology used for the evaluation consisted of a three step approach. Vera staff reviewed SSAS policies and procedures. They also analyzed administrative data including Nebraska Probation Management Information System (NPMIS) data of 352 probationers on

SSAS beginning October 1, 2007 and Reporting Center (RC) visits in January 2009. Finally they analyzed qualitative interviews with judges and clients, and focus groups with SSAS officers, parole officers, referring officers, RC coordinators, and service providers.

Maggie Peck, Vera, described the findings of the evaluation. Measurable eligibility criteria are being implemented with high fidelity: moderate-high scores, 74.1 percent, on substance abuse screening instrument (SSI); FDO and DUI offenders represent 83.8 percent of felony offenses in SSAS programs.

The most frequently used RC's programs in January 2009 were: Moral Reconciliation Therapy (MRT), 41.4 percent; General Education Diploma (GED) classes, 11.9 percent; and vocational, 5.4 percent. Services used: drug testing, 98.8 percent; transportation, .7 percent; and child care, .5 percent.

The use of graduated sanctions was unclear. Most clients were not sanctioned, and concerns were noted of officers' under-reporting sanctions. The majority, 73 percent, of SSAS clients received no sanctions; 15.1 percent received one; 7.1 percent received two; and 4.8 percent received three or more. The majority, 89.2 percent, of SSAS client's sentences were not revoked.

Peck discussed the qualitative findings of the evaluation. There is substantial support for SSAS as a whole, a strong sense of collaboration, and the clients are responsive to programs. Most client needs are being met, yet a gap in mental health resources and transportation services exists. A need for clearer and more direct communication from Probation Administration across the sites was noted. More specialized training is also needed for service providers.

The eligibility criteria could be expanded along with the conviction criterion. Peck suggested removing the exclusion for parolees who had completed in-prison drug treatment. Concerns with the supervision of parole clients arose. Clients state confusion over dual reporting requirements. SSAS officers also stated that NPMIS was not a user-friendly system.

Peck discussed the recommendations to address concerns voiced during the evaluation. Collaboration can be increased by bringing stakeholders together more frequently and developing an alumni network for SSAS clients. Communication and training can be addressed by developing and disseminating policies for supervising parole clients; developing specialized training procedures for officers; outlining supervision procedures and performance expectations in writing; and educating judges. Options for transportation and mental health needs need to be addressed. Eligibility criteria need to be revisited and options for making NPMIS more user friendly should be explored.

## **PEW POLICY FRAMEWORK**

Peggy McCarry, Vera, presented the *Policy Framework to Strengthen Community Corrections*. The rise in incarceration, probation, and parole over the past 20 years is taxing the existing corrections systems across the United States. During 2008, leading policy makers, practitioners and researchers were brought together by the Public Safety Performance Project of

The Pew Charitable Trusts' Center on the States. A package of policy-level actions for state legislatures and executives emerged from this discussion and years of research. The following is part of the initial framework for states to follow to reduce recidivism rates:

- Implement Evidence-Based Practices (EBP) to reduce recidivism. A majority of state funds should be spent on EBP programming.

Ellen Fabian-Brokofsky, Probation Administrator, said Nebraska is currently using EBP in its programs.

- Use earned compliance credits, 15 days for each month that offenders are in full compliance, to reduce supervision in the community. Earned compliance credits enhance motivation and promote positive behavior changes.

Karen Flowers, District Court Judge, said 'good time credit' already exists in Nebraska. There is no need to make it a statute.

- States should use administrative sanctions. Community corrections agencies should adopt a set of swift, certain and graduated sanctions and rewards to respond to violations and compliance of programs.
- Implement performance incentive funding. Financial incentives to be given to counties that improve offender outcomes measured by decreased recidivism rates and reduced technical violations.
- Performance measurement requires community corrections agencies to set up a system to track and report regularly on key performance measures as defined by the American Correctional Association (ACA) and the American Probation and Parole Association (APPA). Community corrections agencies should measure: recidivism, employment, substance use, payment of victim restitution, type of discharge from supervision, etc.

Flowers said the Council currently has the mechanism to work with grant funding, but no money exists for use with grants.

A break was called for lunch by Brashear

The Council reconvened at 12:45 p.m. under the direction of Vice-chair John Icenogle.

## **UNIFORM DATA FUND TRANSFER**

Vice-chair Icenogle made a motion to request a transfer of \$40,000 from the Uniform Data Fund to Vera as matching funds for the ongoing technical assistance they provide the council. Brenda Council seconded the motion. Council staff then informed Vice-Chair Icenogle that due to members having to leave during the meeting a quorum was not present and, as a result, a vote could not be taken. The matter was then tabled until the June meeting.

## **PROBLEM-SOLVING COURT DATABASE**

Dave Wegner, Deputy Probation Administrator, Information Systems, gave an update on the NPMIS contract and projects. Probation Administration continues to develop a design on how to integrate digital photos in NPMIS throughout the districts. Kim Bunch, Probation Administration, gave a presentation on the newly deployed Problem Solving Court Management Information System (PSCMIS).

## **METH REMOTE RECOVERY PILOT**

T. Hank Robinson, Juvenile Justice Institute, Department of Criminal Justice, University of Nebraska at Omaha (UNO), detailed the Meth Remote Recovery Project. The purpose of the project is to develop a remote supervision and substance abuse treatment program for community corrections in rural areas using recent innovations in technology and practice.

Funds will be provided from the Department of Justice Office of Community Oriented Policing Services (COPS) Meth Initiative. The project is estimated to begin in July 2009 and last two-three years.

## **COUNCIL RETREAT WORK PLAN / STRATEGIC PLAN**

The Council Retreat Work Plan and Strategic Plan are included in the Council member binder. Discussion is tabled until the June 19, 2009 meeting.

## **2009 LEGISLATIVE UPDATE**

Jeff Beaty, Policy Analyst for the Council, presented the *2009 Legislative Update*.

LB 274, submitted by Senator Christensen, authorizes the director of DCS to assign felony offenders to the Work Ethic Camp (WEC) in McCook in order to keep WEC at capacity. The bill is still on consent file and is predicted to advance.

LB 429, also submitted by Christensen, would change employment provisions of persons committed to DCS. Inmates working in a school as part of a work release or other program would have to be directly supervised by DCS staff. The bill is now an amendment to LB 63, a priority bill by Senator Ashford.

LB 659, submitted by Senator Fulton, would provide for data collection relating to persons released from incarceration. The bill appropriates \$25,200 for the study and directs the Council to contract with a private provider to collect data on 12 individuals released on parole. The hearing was held on March 26, 2009. The bill is on hold and is not expected to advance this legislative session.

Beaty also presented a short summary of penalty enhancements and new offenses before the legislative session. A full description of penalty enhancements will be presented at the June 19, 2009 meeting.

**ADJOURNMENT**

There being no further business, at 1:55 p.m. the meeting was adjourned.

The next scheduled meeting of the Council is Friday, June 19, 2009, 9:00 a.m., at Bryan LGH College of Health Sciences.

Respectfully submitted,

---

Tia M. Bachman  
Administrative Assistant