

Lincoln, Nebraska
March 19, 2010

COMMUNITY CORRECTIONS COUNCIL
MEETING MINUTES

The Community Corrections Council (Council) met Friday, March 19, 2010, at Bryan LGH College of Health Sciences, Room 203, 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, Chair
Mike Behm
Brenda Council
Eleanor Devlin
Thomas Dorwart
Ellen Fabian Brokofsky
Darrell Fisher
Cathy Gibson-Beltz
Robert Houston
John P. Icenogle, Vice-Chair
Joe Kelly
Robert Lindemeier
Dallas Massey
Pete Pirsch
Janice Walker

Others present:

Eric Asboe
Scott Carlson
Carol Coussons de Reyes
Mike Dunkle
Steve King
John Krejci
Mike Myers
Marge Schlitt

Members absent:

Esther Casmer
Jeff Davis
Karen Flowers
Travis Parker
Frank Peak

Council Staff present:

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

CALL TO ORDER, WELCOME, & OVERVIEW

Scott Adams, Director of the Division of Behavioral Health, Department of Health and Human Services (DHHS) and Chair, called the Council meeting to order at 9:00 a.m., announced the meeting is subject to the Open Meetings Act and gave an overview of the meeting. Attendance is indicated above.

PUBLIC COMMENT

John Krejci, Emeritus Professor of Sociology and Social Work, and writer for the Nebraska Criminal Justice Review, discussed an article from the American Correctional Association, December 2009, titled 'Reentry'.

APPROVAL OF MINUTES

The February 12, 2010 meeting minutes were approved as presented.

Joe Kelly arrived at 9:10 a.m.

LEGISLATIVE UPDATE

Jeff Beaty, Policy Analyst, Council, gave an update on the Legislative Bills (LB) affecting the Council.

LB800, introduced by Senator Ashford, will procure \$350,000 from the Probation Program Cash Fund. The funds would be transferred to the Office of Violence Prevention. The bill is currently on select file.

LB1102, introduced by Senator Giese, allows for gambling on historic horse races. The revenue would be taxable and a third would go to the Compulsive Gamblers Assistance Fund, a third to the Probation Program Cash Fund under the control of the Council, and the final third will go to the Office of Violence Prevention. The bill is currently on select file.

Brenda Council, District 11 Senator, said an amendment to LB1102 creates a new fund under the control of the Council titled the Community Corrections Program Cash Fund. One percent of the first \$100 million, one and one-half percent of the second \$100 million and two percent of the third \$100 million will be divided into the three funds. The bill estimates to produce \$300 million in revenue per year.

Pete Pirsch arrived at 9:15 a.m.

Pete Pirsch, District 4 Senator, discussed LB864, the first recommendation of the LR171 Sentencing and Recidivism Task Force. An amendment to LB864 would include recommended locations and prioritization for at least one Reporting Center (RC) in each District Court district that currently lacks a center. The bill is currently on select file.

Senator Council then discussed LB913 which prohibits asking for felony convictions on government employment applications. The applicant's criminal history would be allowed to be considered after the individual has been accepted for an interview. The bill is still in committee.

Beaty then discussed LB1105, introduced by Senator Council, which would provide for the study on the cost of the death penalty. The study would be contracted and performed by the Nebraska University of Omaha. Funding for the bill would come from the Public Advocacy Commission and the Council will oversee the study and draw up the contract. The bill is out of committee, on general file, and is prioritized.

Senator Pirsch then spoke on LB510 which increases financial assistance for crime victims. Funding sources proposed include a one dollar increase to criminal court cases and a collection of five percent of net incomes for work release inmates. The bill is projected to gain \$100,000 which would double the amount of the Crime Victims Reparation Fund. The bill is on select file.

COMMUNITY CORRECTIONS COUNCIL PLANNING SUB-COMMITTEE

Linda Krutz, Executive Director of the Council, and Beaty, gave an update on the Community Corrections Council Planning Sub-committee (Planning Sub-committee) and presented the *Community Corrections Council Integrated Work Plan* (Work Plan) dated 3/11/2010.

Beaty discussed section II D of the Work Plan, Adopt a Performance Incentive Funding System for community corrections, and said the Department of Correctional Services (DCS) could document the number of offenders that were diverted into community based programs that would have gone into DCS. The offenders would have been funded at a specified dollar amount per year and a percentage of that amount could then be taken to the Legislature for an allocation to probation.

Judge Icenogle, District Court Judge and Vice-Chair, said the impression from District Court Judges is that offenders incarcerated at DCS are being offered substance abuse and mental health treatment toward the end of their sentences and are therefore giving longer sentences to ensure the treatment component occurs. Bob Houston, Director, DCS, said that offenders are currently being offered treatment and/or are entering a nine to ten month residential substance abuse program once they leave the Diagnostic and Evaluation Center.

Ellen Fabian Brokofsky, Probation Administrator, said RCs and Specialized Substance Abuse Supervision (SSAS) programs are only offered in selected areas. The data collected needs to better reflect how RCs and SSAS are impacting the flat or reduced levels of the prison population and should also be separated to reflect the reductions in the areas where RCs and SSAS are located.

Beaty discussed the new additions to the Work Plan which include: Identify potential funding sources for mental health treatment services for offenders; Expand target population and scope of treatment services for existing community corrections programs; Prepare RC expansion

plan for legislature (LB864 requirement); Develop incentives to complete programming for parole eligible offenders; and Develop standardized definitions of outcome measures for corrections programs (LB864 requirement).

Short term priority recommendations for approval by the Council include:

1. Prepare a RC Expansion Plan for the legislature (Item ID). The plan is required by LB864 and has been requested by the Sentencing and Recidivism Task Force. Tasked to the Planning Sub-committee.
2. Identify service gaps and needs for each District Court District (Item IC). The data used to identify where RCs should be located needs to be updated. Tasked to the Planning Sub-committee, Probation, and DCS.
3. Develop standardized definitions of outcome measures for community corrections programs (Item IIIB). Establishing common definitions of outcome measures will allow programs to be evaluated and compared more easily and efficiently. Tasked to the Evaluation and Research Steering Committee.
4. Expand community corrections mental health services for offenders (Item IB). Several tasks are focused on identifying gaps in mental health services for offenders and working with other agencies to identify possible funding sources. Tasked to the Justice Behavioral Health Committee (JBHC).

A motion was made by Mike Behm and seconded by Darrell Fisher to approve the short term priority recommendations to include: Prepare a Reporting Center Expansion Plan for the legislature (Item ID); Identify service gaps and needs for each District Court District (Item IC); Develop standardized definitions of outcome measures for community corrections programs (Item IIIB); Expand community corrections mental health services for offenders (Item IB). Roll call was conducted and the motion passed unanimously.

A motion was made by John Icenogle and seconded by Dallas Massey to adopt the Community Corrections Council Integrated Work Plan presented by the Community Corrections Council Planning Sub-committee. Roll call was conducted and the motion passed unanimously.

The Planning Sub-committee will report the results of the short term priority recommendations at the August 6, 2010 meeting. A confirmation of the recommendations will occur at the November 5, 2010 meeting in preparation for the December 2010 deadline for the Sentencing and Recidivism Task Force of the legislature.

A 15 minute break was called by Adams.

The Council reconvened at 10:49 a.m.

COMMUNITY CORRECTIONS COUNCIL FINANCIAL REPORT

Bruce Ayers, Budget/Accounting Division Chief, Nebraska Commission on Law Enforcement and Criminal Justice (NCC), presented the *Community Corrections Council Financial Report*. The projected revenue for the Uniform Data Analysis Fund is \$458,000, the Probation Program Cash Fund is \$2,426,000, and the Parole Cash Fund is \$164,000.

Ayers described the additional cuts to the Council budget currently pending before the legislature. The proposed reduction in pass through funds for fiscal year 10-11 is \$105,511, which would be split as follows: a \$27,000 reduction to the Fee for Service Voucher Program, a \$27,000 reduction to RCs, and a \$42,000 reduction to Problem-Solving Courts.

DOUGLAS COUNTY REPORTING CENTER

The report on the Douglas County Reporting Center is tabled until further notice.

GRANT SUPPORT REQUESTS

Krutz presented the Grant Support Review Committee guidelines dated September 2005. Membership from the 2005 committee needs to be revisited as the majority of members are no longer with the Council. Krutz then presented the proposed guidelines dated March 2010.

A motion was made by Dallas Massey and seconded by Cathy Gibson-Beltz to approve the proposed Grant Support Review Committee guidelines. Roll call was conducted and the motion passed unanimously.

Adams requested volunteers to be members of the Grant Support Review committee. Robert Lindemeier, Thomas Dorwart, and Scot Adams volunteered for the position.

A motion was made by Cathy Gibson-Beltz and seconded by John Icenogle to approve Robert Lindemeier, Thomas Dorwart, and Scot Adams as members of the Grant Support Review committee. The motion passed by acclamation.

ADMINISTRATIVE OPERATIONAL POLICY

Beaty presented the revised *Administrative Operational Policy* dated 3/11/2010 for review.

The following changes will be made:

Article III Membership, Section B Membership by Position, last bullet – “...and Human Services or his or” will be changed to read “...and Human Services or his or her designee.”

Article V Meetings, Section B Quorum Alternatives - A majority of members agreed that “3. Both: The presence of a majority of members and a majority of voting members constitute a quorum for the transaction of business” is the best option. Members also agreed that language

stating “A minimum of six yes votes is required to pass a motion.” should be included as well as stating “Unfilled vacancies should not count toward the total number of a quorum.”

Article V Meetings, Section D Designees, first sentence - “... in Article III of these bylaws or...” will be removed.

Article V Meetings, Section F Motions, “...vote on said motion.” will be changed to read “...vote on said motion, except for the motion to adjourn.” The motion to adjourn will be further researched for verification on whether discussion is allowed prior to adoption.

Article IX Amendments to the Bylaws – will be changed to read Article IX Amendments to the Administrative Operational Policy; first sentence - “These by-laws may...” will be changed to read “The Administrative Operational Policy may...”; last sentence - “...presented in writing by a member and read at one previous meeting of the Council.” will be changed to read “...presented in writing by a member and on the agenda.”

Article X Effective Date – “These by-laws shall...” will be changed to read “The Administrative Operational Policy shall...”

Article IX and X will be renumbered to include Article VIII that was deleted previously.

OTHER BUSINESS

Krutz said that Bob Lindemeier recently attended the National Symposium on Indigent Defense. The article relating to the Symposium is located on the Council website.

ADJOURNMENT

There being no further business, at 11:38 a.m. the meeting was adjourned.

The next scheduled meeting is Friday, May 21, 2010, at Bryan LGH College of Health Sciences, Room 203. The meeting will begin at 9:00 a.m.

Respectfully submitted,

Tia M. Bachman
Administrative Assistant