

Lincoln, Nebraska
May 21, 2010

COMMUNITY CORRECTIONS COUNCIL
MEETING MINUTES

The Community Corrections Council (Council) met Friday, May 21, 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:

Esther Casmer
Jeff Davis
Eleanor Devlin
Thomas Dorwart
Darrell Fisher
Karen Flowers
Robert Houston
John P. Icenogle, Vice-Chair
Joe Kelly
Robert Lindemeier
Dallas Massey
Travis Parker
Pete Pirsch
Janice Walker

Others present:

Jacki Allensworth
Eric Asboe
Bruce Ayers
Scott Carlson
Mike Dunkle
John Mandala
Deb Minardi
LaMont Rainey
Steve Rowoldt
Marge Schlitt
Julie Scott
Dave Sinnott
Larry Wayne

Members absent:

Scot Adams, Chair
Mike Behm
Brenda Council
Ellen Fabian Brokofsky
Cathy Gibson-Beltz
Frank Peak

Council Staff present:

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

CALL TO ORDER, WELCOME, & OVERVIEW

John Icenogle, District Court Judge and Vice-Chair, called the Council meeting to order at 9:06 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

There was no public comment.

APPROVAL OF MINUTES

The March 19, 2010 meeting minutes were approved as presented.

LEGISLATIVE UPDATE

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

LB913, LB955, LB1102, and LB1105 did not receive final approval.

Jeff Davis arrived at 9:09 a.m.

Beaty then discussed the LB's which passed and were signed into law by Governor Heineman. These LB's include:

LB510 introduced by Senator Pete Pirsch will increase funding for the crime victim reparation program through a one dollar fee increase in criminal court cases and a collection of five percent of work release inmates hourly wages.

LB771, introduced by Speaker of the legislature Mike Flood, expands the definition of assault on an officer to include Department of Health and Human Services (DHHS) personnel supervising sex offenders.

Janice Walker arrived at 9:14 a.m.

Pete Pirsch arrived at 9:18 a.m.

LB800, introduced by Senator Brad Ashford, will appropriate \$350,000 from the Probation Program Cash Fund. The funds will be transferred to the Office of Violence Prevention, Nebraska Commission on Law Enforcement and Criminal Justice (NCC).

LB864, the first recommendation of the LR171 Sentencing and Recidivism Task Force, creates a duty for the Council to develop a plan for the expansion of the Reporting Centers (RC) statewide. This task has been assigned to the Community Corrections Council Planning Sub-Committee (Planning Sub-Committee). Amendments to LB864 created additional duties for the Council including reporting annually to the legislature on the development of community

corrections in Nebraska and researching and developing standardized definitions of outcome measures for community corrections programs.

Beaty then discussed Legislative Resolutions (LR) affecting the Council. LR542 requires each committee of the legislature to look at the budgets of agencies within their subject matter jurisdiction. LR495 requires the Judiciary Committee to look at issues relating to how district probation offices are currently funded.

COMMUNITY CORRECTIONS COUNCIL PLANNING SUB-COMMITTEE UPDATE

Beaty gave an update on the status of the Planning Sub-Committee in regard to LB864. Beaty presented a map of existing RC sites and potential RC sites, and an RC expansion plan outline for Council members to review. Preliminary areas for expansion include district court districts: 1, 5, 7, 8, and 12. The Sub-Committee will give an update on the RC expansion plan at the August 6, 2010 Council meeting.

ADMINISTRATIVE OPERATIONAL POLICY

Beaty presented the revised *Administrative Operational Policy* dated 5/13/2010 for review. The following changes will be made:

Article V Meetings, Section F Motions, "...but may be seconded by a non-voting member." will be changed to read "...and seconded by a voting member."

COMMUNITY CORRECTIONS COUNCIL FINANCIAL REPORT

Bruce Ayers, Budget/Accounting Division Chief, NCC, presented the *Community Corrections Council Financial Report*. LB1 (November 2009) reduced the Fiscal Year (FY) 2010-11 budget by five percent and LB935 (April 2010) further reduced the budget by an additional two percent.

Total amounts available in FY 2010-11 include:

Council General Funds:	\$5,172,661
Uniform Data Analysis Cash Fund:	\$ 325,917
Probation Program Cash Fund:	\$2,600,000 approximation
Parole Cash Funds:	\$ 90,725

PAROLE CASH FUND BUDGET REQUEST

Larry Wayne, Deputy Director of Programs and Services, Department of Correctional Services (DCS), presented the *Fiscal Year 2010-11 Cash Fund Budget Plan for Parole Community Corrections*. The programming expenses represent the maximum contract amount that will be paid to State Probation depending on the level and types of community corrections services provided. Operational expenses include training costs as well as implementation of evidence based practices or evaluation of current programs/processes.

Wayne said the cash fund budget plan includes:

	Parole Cash Fund
Programming Expenses	\$87,725
Operational Expenses	<u>\$ 3,000</u>
Total	\$90,725

PROBATION BUDGET REQUEST

Deb Minardi, Deputy Probation Administrator for Community Based Supervision, Programming and Services, presented the *Fiscal Year 2010-11 Cash Fund Budget Plan for State Probation Community Corrections*. The request was divided into three sections: Reporting Center Costs, Substance Abuse Treatment Services, and Ancillary Offender Services totaling \$7,364,953.

Reporting Center Costs include:	Council General Funds /	Probation Program Cash Fund
Site and support staffing	\$1,313,878	\$ 85,000
Client services		\$ 500,000
Operational support		<u>\$ 92,818</u>
Total	\$1,991,696	

Substance Abuse Treatment Services	Council General Funds /	Probation Program Cash Fund
Voucher target population:	\$1,798,257	<u>\$2,350,000</u>
Total	\$4,148,257	

Project Requests include:	Probation Program Cash Fund
Continuous Alcohol Monitoring (CAM)	\$1,000,000
Electronic Reporting Service (ERS)	<u>\$ 225,000</u>
Total	\$1,225,000

Minardi discussed the use of RC services by Federal Probationers. Funds paid to state probation for the services return to the General Fund. Eric Asboe, State Probation, and Beaty will research the transaction of funds and report if it is possible for the funds to be directed back to the Probation Program Cash Fund. Legislation will be proposed if an earmark is necessary to direct funds back into the Probation Program Cash Fund.

Minardi then discussed the usage of CAM. Parole clients utilize 10 percent, District Court clients utilize 22 percent, Problem-Solving Court clients utilize approximately 5 percent,

and County Court clients utilize the remaining percentage. The average length of time an offender is on CAM is 81 days and the success rate in Nebraska for clients utilizing CAM is 87 percent. Minardi will provide a copy of the report to all Council members regarding the success rate of CAM as well as research from other states regarding the long term effects and outcomes of participants who utilize CAM and those who do not.

PROBLEM SOLVING COURT BUDGET REQUEST

Scott Carlson, Statewide Coordinator of Problem-Solving Courts, presented the *Fiscal Year 2010-11 Budget Plan for State Problem-Solving Courts* totaling \$2,241,541. The majority of funds will go towards personnel. The costs include the following:

Existing Probation-Based Problem-Solving Courts Personnel	\$1,135,111
Existing Non Probation-Based Problem Solving-Courts Personnel	\$ 736,669
Administrative-Salary/Benefits for Statewide Coordination & Operation	\$ 126,500
New Problem-Solving Court Personnel for New & Existing Courts	<u>\$ 243,261</u>
Total	\$2,241,541

The total includes \$2,060,526 from Council General Funds and \$181,015 from the Probation Program Cash Fund.

A 15 minute break was called by Icenogle.

The Council reconvened at 10:12 a.m.

A motion was made by Robert Houston and seconded by Travis Parker to approve the Fiscal Year 2010-11 Cash Fund Budget Plan for Parole Community Corrections of \$90,725 to include Programming Expenses of \$87,725, and Operational Expenses of \$3,000; the Fiscal Year 2010-11 Cash Fund Budget Plan for State Probation Community Corrections totaling \$7,364,953, including reporting center costs of \$1,991,696, substance abuse treatment services of \$4,148,257, and ancillary offender services of \$1,225,000; the Fiscal Year 2010-11 Budget Plan for State Problem-Solving Courts of \$2,241,541 to include existing probation-based Problem-Solving Courts personnel costs of \$1,135,111, existing non probation-based Problem Solving-Courts personnel costs of \$736,669, administrative-salary/benefits for statewide coordination and operation costs of \$126,500, and new Problem-Solving Court personnel for new and existing court costs of \$243,261 as presented to the Council. Roll call was conducted and the motion passed unanimously.

JUSTICE BEHAVIORAL HEALTH COMMITTEE UPDATE

Steve Rowoldt, Deputy Probation Administrator in Charge of Field Services, discussed the minutes from the March 10, 2010 Justice Behavioral Health Committee (JBHC) meeting. New members include: Dallas Massey, Licensed Independent Mental Health Provider (LIMHP), Licensed Mental Health Provider (LMHP), and Licensed Alcohol and Drug Counselor (LADC); Travis Parker, M.S., LIMHP, Certified Professional Counselor (CPC); Frank Peak, Ph.D.;

Richard Thomas, Ph.D., Behavioral Health Assistant Administrator for Substance Abuse, DCS; and Joan Huss, LMHP, LADC.

Rowoldt discussed probations involvement in planning pilot sites for the Remote Recovery Project. The pilot project will be presented in June 2010. Rowoldt then discussed the task of the Provider sub-committee to develop a complete plan to include: developing criteria for service provider eligibility to provide substance abuse treatment for individuals with criminal histories; and developing a Nebraska peer review protocol to monitor substance abuse treatment services for individuals with criminal histories.

TARGET POPULATION & COMMUNITY CORRECTIONS PROGRAMS REPORT

Mike Dunkle, Systems Analyst, NCC, presented the *Target Population Report, March 2010*. Total admissions to DCS, Parole, Felony Drug Offenders (FDO) admissions to Parole, Probation, and FDO's sentenced to three years or less for 2010 are up compared to admissions in March 2009. However, Probation admissions are down by nine percent.

The average population in DCS for 2010 is similar to the average population for 2009. FDO's, FDO's with three years or less, Parole, and Probation populations are down compared to the average populations in 2009.

Dunkle presented the *Community Corrections Programs Report, March 2010*. Specialized Substance Abuse Supervision (SSAS) is operating at 106 percent capacity and has decreased by 13 participants since 2009. Districts two (Sarpy, Cass, and Otoe counties) and six (Dakota, Cedar, and Dodge counties) are gaining population, while District nine (Buffalo and Dawson counties) is losing population since their high in April 2009. District three (Lancaster county), and four (Douglas county) have experienced a recent sharp drop in population.

Dunkle then discussed Adult Problem-Solving Courts. Lancaster County Adult Drug Court and Douglas County Adult Drug Court were operating above 100 percent capacity. Adult courts had 37 new admissions in March 2010 and 8 departures. Of the departures, 13 percent were graduations and 88 percent were terminated.

Travis Parker left at 10:37 a.m.

OTHER BUSINESS

Icenogle requested any legislative requests to be sent to Linda Krutz, Executive Director, Council, and Beaty by email.

ADJOURNMENT

There being no further business, at 10:44 a.m. a motion was made by Eleanor Devlin and seconded by Darrell Fisher to adjourn.

The next scheduled meeting is Friday, June 18, 2010, at Bryan LGH College of Health Sciences. The meeting will begin at 9:00 a.m.

Respectfully submitted,

Tia M. Bachman
Administrative Assistant