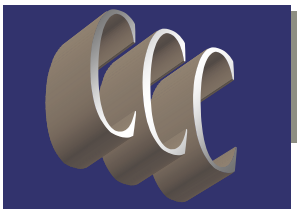
COMMUNITY CORRECTIONS COUNCIL



THE LEGACY OF THE COUNCIL IS THAT IT WILL PURSUE COLLABORATION AND COOPERATION AMONG DIFFERENT AGENCIES THAT MAKE UP JUSTICE ACROSS NEBRASKA
-JIM MCKENZIE, FORMER PAROLE ADMINISTRATOR

Volume 2, Issue 2 **May 1, 2008**

Probation and Parole Services Study

LB 540, supported by Sen. John Synowiecki, passed May 24, 2006, authorizing a study of a proposed merger of probation and parole services in Nebraska. The study was to examine the efficiencies which might be gained by consolidating probation and parole into a single agency. Similarities and differences in the needs of probationers and parolees would also be reviewed, as well as the functions performed by the two agencies.

In order to facilitate the study, the Council contracted with the Vera Institute of Justice, a non-profit public policy center, to complete the study and report back to the Council and Legislature by December 31, 2007. Vera was selected to complete the study via an RFP (Request For Proposal) process due to its expertise in the field of community corrections and familiarity with the Nebraska system from having worked with the Council in the past.

Additionally, half the cost of the study was paid for through a technical assistance grant from the Pew Charitable Trusts Public Safety Performance Project. Nebraska was one of only 13 states selected by the trust to receive a grant to "assist states advance fiscally sound, data-driven sentencing and corrections policies and practices that protect public safety, hold offenders accountable and control costs." (http://www.pewcenteronthestates.org/initiatives_detail.aspx?id=31336)

Vera began the *Nebraska Probation and Parole Services Study* in September 2007. In October 2007, Vera traveled to Nebraska to meet with focus groups and hold interviews. The focus groups and interviewees consisted of six parole officers, eight probation officers, three judges, one administrative fiscal analyst from Probation, the deputy director for the Department of Correctional Services and two senators. The Council also provided Vera with data to help with the study.

During the interviews and focus groups, concerns and question were voiced about a number of issues including the differing philosophical approaches to offender management between probation and parole, how merger might affect job seniority or status, and which branch of government was most appropriate for merger. Concerns about how a merger might affect the existing reform process within probation were also raised.

In addition to the above noted areas of contention, Vera identified a number of questions which need to be addressed in any formal merger proposal, noted that cooperation currently exists between the two agencies in question, and concluded that based upon the feedback received the timing of the merger may not be advantageous to the State of Nebraska. It is very likely this topic will be revisited in the future. For further details, visit: http://www.ncc.state.ne.us/crime_commission/organization_and_functions/comm_corr_council/announcements_reports.htm

Focusing on the Council

The Council recently took the opportunity to revisit their purpose, scope and goals with a strategic planning retreat. One fact that was reemphasized at the retreat is that the expertise and leadership is present on the Council to make significant accomplishments if it can continue to focus on collaboration and cooperation among the various agencies and entities represented.

The discussions at the retreat outlined the following goals for the council:

1) Expand community corrections programs and service capacity across the state;
2) Develop a comprehensive education strategy to better educate the public and policy-makers about community corrections; and
3) Continue to develop data capacity so that the Council can evaluate the effectiveness of community corrections programs and provide impartial information to policymakers on corrections related issues

Other areas of discussion included expanding the target population of the council beyond felony drug offenders, and examining options used in other jurisdictions such as local grant programs to encourage community based program development.

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Word From the Council

In January of 2008, the PEW Public Safety Performance Project released a study showing that in this country one out of every 100 adults is incarcerated in a jail or prison, and among adults 20 to 30 years of age one out of every 53 is incarcerated. As a nation it must be conceded that the United States' rate of incarceration, significantly higher than our European friends, is alarming, expensive, and suggestive that our criminal justice system needs to be reviewed. Governor Strickland of Ohio stated on January 26, 2008 "There isn't a person in public office that's not sensitive to the accusation of being soft on crime. But you don't have to be soft on crime to be smart in dealing with criminals."

The Nebraska Legislature created the Community Corrections Council to help the legislature become smart in dealing with criminals. Since the inception of the Council, significant progress has been made reducing the growth of incarceration in this State and providing meaningful rehabilitative programs to offenders through community effort. The council has supported, helped develop, and partially funded new and energetic programs through the judicial, probation and parole systems. These programs appear to have a significant impact in avoiding an increase in the Nebraska prison population and have reduced segments of that population for persons who are generally not considered a threat to the community. Programs have included providing intensive substance abuse supervision for probationers and parolees and the creation and maintenance of drug courts throughout the State. The programs provide rehabilitative assistance for offenders in their local communities and avoid the staggering costs of incarceration.

From its beginning the Council has fostered a dialog among the various criminal justice agencies. For the first time parole and probation programs have been blended, insuring efficiency and maximum benefits for the tax dollars involved. The agencies also now share risks assessment tools which protect the community and allow accurate evaluation of existing programs.

In addition to the overall costs savings by avoiding unnecessary incarceration, community programs have required offenders to assume financial responsibility for their lives and their families. Monies generated through employment and payment of taxes and child support provide a new and significant economic benefit to the State. Needless to say the human benefit is even greater. People who have become addicted to substances, and whose lives are controlled by those substances, are now leading productive, drug free and appropriate lives.

Although much has been done by the State under the auspices of the Council, a great deal more must occur if Nebraska is to avoid the incarceration explosion seen throughout this country. Currently the Council has begun to consider a new initiative involving individuals in the criminal justice system as offenders, but whose offenses involve mental health issues. This initiative offers a new and exciting opportunity to insure that our State is able to be smart in dealing with criminal offenders by protecting our communities and rehabilitating lives. The Council again has assumed the role of the coordinator of the many governmental and private agencies which deal with this particular population, and is, for the first time, attempting to bring all of the agencies together to design and implement the necessary programs.

Despite the past success of the Council and its new initiatives, a substantial challenge continues for our State as we recognize incarceration alone will not protect our communities or rehabilitate our citizens. Money needs to be spent now to expand successful programs, develop new programs, and avoid the expense of new prisons. We must stay "smart" and continue to build community programs so in the near future we will not see one of every 100 Nebraskans behind bars.

John P. Icenogle,
District Court Judge

A Trek Through Problem Solving Courts by Scott Carlson

I believe Problem-Solving Courts are making great strides in the lives of offenders and within the communities in which they operate. They are serving over 1,100 offenders with serious substance abuse and other related issues that would otherwise likely be adding to our already overcrowded state facilities. Additionally, drug courts are serving offenders at a much reduced cost of approximately $3,500 per offender compared to $31,000 for a prison inmate. At that low cost, those same 1,100 offenders are giving back to communities in the form of re-integrating and providing for their own families, getting better education, adding to the workforce and providing countless hours of community service.

Problem-Solving Courts are one of the fastest, if not THE fastest, growing community corrections model sweeping the nation. A national mandate by the National Association of Drug Court Professionals (NADCP) works toward a goal of establishing drug courts in every county in the United States. Although that might not be possible in a state as rurally populated as Nebraska, we do currently operate drug court programs in 10 of our judicial districts with the remaining two showing increased interest as of late. (continued on p.3)

A Fond Farewell To A Treasured Colleague, Jim McKenzie

After a 33 year career with the Department of Correctional Services, Adult Parole Administrator Jim McKenzie retired on an upward swing of new innovations in community supervision. McKenzie stated he was retiring because it was time, not because he has lost interest in community corrections and the new innovations and best practices yet to come.

McKenzie started his career in criminal justice as a police officer with the Norfolk Police Department from 1968-1973. But the desire to complete a Bachelors degree in Counseling motivated him to apply to the Department of Correctional Services in 1975 for a Correctional Officer position with the now defunct Work Release Program in Norfolk. Working the night shift allowed him to attend college full time during the day at Northeast Community College. His work ethic and desire to succeed motivated him to take his first career step by laterally transferring to the position of Correctional Counselor while at the Norfolk Center. Soon after completing his degree at Wayne State College in 1980, the Post Care Program (work release) Administrator requested McKenzie laterally transfer to another Correctional Counselor position at the Lincoln work release center to assist in preparing the Center for its first accreditation audit by the American Correctional Association. He was placed in charge of the accreditation effort and the following year the Lincoln Post Care Center successfully passed the accreditation audit.

While working at the Lincoln Post Care Center McKenzie volunteered to be in charge of processing all major violations for both the Lincoln and Omaha Post Care Centers. In October 1983, he advanced to Sr. Parole officer with Adult Parole Administration, assigned to hearing duty for all major parole violations. While in this position, McKenzie was awarded Employee of the Year for the Community Corrections Division for innovating the use of teleconferencing to conduct parole violation hearings. It was estimated that this measure saved the Department approximately $10,000 annually in travel expenses.

McKenzie found hearing officer duty to be quite challenging and he always was interested in court decisions in all jurisdictions that impacted offender rights and procedure related to the revocation process. However, after 12 years in that position he was ready for a new challenge and advanced to the position of Assistant Parole Administrator. Two short years later in 1997, the opportunity opened allowing him to apply for the position of Parole Administrator. McKenzie was selected to the position which he held until his retirement. For him, the time as Adult Parole Administrator has been exciting although he sometimes missed working directly with offenders.

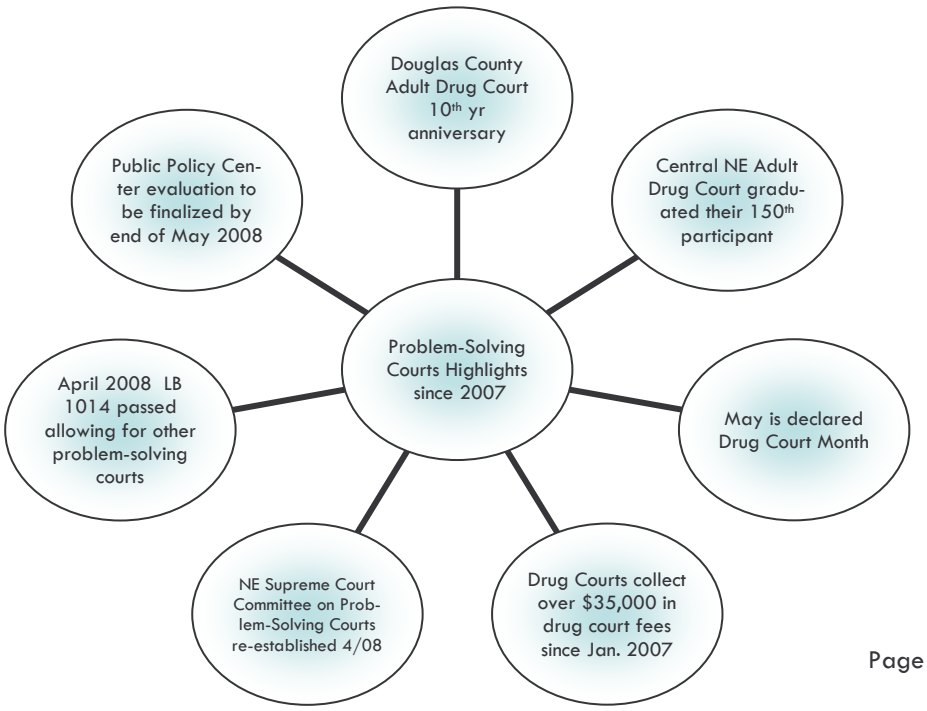
"Money was never the motivator. I always wanted to help the less fortunate."

During his career as Adult Parole Administrator, partnerships were fostered between Parole Administration and faith-based groups, drafted the initial design of the Serious and Violent Offender Re-Entry Program, implemented active Global Positioning monitoring on sex offenders under supervision and partnered with Probation, allowing parolees to attend SSAS programs and Parole staff to share in training and other resources offered by Probation Administration. McKenzie has served on the Community Corrections Council as a voting member since its inception. Right up to his last day on the job, he was giving his best on several projects including the Parole database, budget preparation, and preparing for an accreditation audit by the American Association for Auditors.

Jim McKenzie is proud to have been a part of Nebraska leading the nation in collaboration and cooperation among agencies and individuals interested in community corrections and bids you all farewell and keep up the good work.

A Trek Through Problem Solving Courts (continued)

With the current strong involvement from the Nebraska Supreme Court, we are working toward establishing a true statewide system of drug courts operating on similar principles, guidelines and philosophies. Extensive work is being done in establishing evidence-base practices for drug courts, establishing a solid, quality data collection system to be used for evaluation and reporting, and making sure we are providing quality services to those that need them. I believe we are making great progress in our state, and hope to only continue the growth of the programs, creating ongoing quality program evaluation, and gaining the necessary resources at the state level to expand our system of Problem– Solving Courts.



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Mental Health Conference

Various state and local stakeholders took part in the two day Nebraska Criminal Justice Mental Health Strategic Planning Workshop on December 5 and 6, 2007. Policy Research Associates (PSA) from New York helped to structure the conference around the important issue of identifying prison bound offenders with mental illness. Among the stakeholders were several notable presenters: Shinobu Watanabe-Galloway, Ph.D., College of Public Health at the University of Nebraska Medical Center; Deb Minardi, Deputy Probation Administrator; Travis Parker, Director of Behavioral Health Jail Diversion Program, in Lancaster County; John Sheehan, Director of the Douglas County Mental Health Diversion Program, and; Jean Chicoine, Director of the Nebraska Homeless Assistance Program.

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The intent of the conference was to help all stakeholders understand the interception points of a mentally ill person involved with the criminal justice system, as demonstrated in the Sequential Intercept Model (Munetz, Mark M.D. and Griffin, Patricia Ph.D). Munetz and Griffin describe the points of contact as filters as the person moves through the criminal justice system. The Sequential Intercept Model consists of five interception points: 1) **law enforcement officials** are often the first on the scene of a disturbance creating the initial and most crucial opportunity for diversion; 2) **initial hearings**, which may lead to postarrest diversion; 3) **jails and courts**, it is critical to have a classification system to ensure the mentally ill are being properly treated; 4) **reentry**— this planning, or lack there of, has serious consequences for successful reintroduction into the community; and 5) **community corrections and community support services** often in the form of probation and parole.

The purpose of the article, *Use of the Sequential Intercept Model as an Approach to Decriminalization of People with Serious Mental Illness* by Munetz and Griffin is to encourage nationwide training to ensure mentally ill persons are properly diagnosed and handled accordingly to their crime and illness. It is important to realize that mentally ill persons should be held accountable for intentional crimes that are not a consequence of their mental illness. However, there needs to be a system in place to allow proper diagnosis and treatment of individuals with mental health issues.

Scot Adams, Director of the Division of Behavioral Health of DHHS, states "Behavioral Health Reform includes the idea that mental health services and substance abuse treatment need to be consumer and family-centered. They should also increase consumers' abilities to successfully manage life's challenges, facilitate recovery and build resilience. When the necessary supports and services are available, a consumer can thrive in the community. Without them, it is possible a person could end up in the criminal justice system." Nebraska Criminal Justice Mental Health Strategic Planning Workshop Report, January 28, 2008

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