

# COMMUNITY CORRECTIONS COUNCIL



PERFECT IS THE ENEMY OF GOOD

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## Legislative Update: 2009 Session Comes to a Close

The 101st session of the Nebraska Legislature adjourned Sine Die on May 29<sup>th</sup>, 2009, concluding its business three days early, in only 87 days. While the session has ended, the legislature's work has not, as legislative committees conduct interim studies on issues affecting the state over the summer and fall months. Two interim studies were introduced this past session relating to community corrections, LR 171, introduced by the Executive Board of the Legislature and LR 239, introduced by Senator Pete Pirsch. Both of these studies address issues affecting the Council and its work, and council staff intend to work with committee staff to provide any information or assistance that might be helpful to the Legislature in completing its work.

### LR171

On April 24<sup>th</sup>, the Director of Correctional Services issued a statement that the inmate population within the state's correctional institutions had reached one hundred forty percent of capacity. In response to this announcement, the Executive Board of the legislature introduced Legislative Resolution 171, which calls for the creation of a Sentencing and Recidivism Task Force, made up of seven members of the legislature, to study the sentencing and rehabilitation of juveniles and adults in Nebraska correctional institutions. The purpose of this study is twofold, to examine the effectiveness of current rehabilitative programs in reducing recidivism and to study the sentencing of individuals for equality of sentencing for the same or

similar offenses across the state. A final report of the Task Force's findings and recommendations is to be presented to the Legislature on or before January 1, 2011. Below is a list of the legislators selected by the executive board to serve on the task force:

Senator Brad Ashford  
Senator Brenda Council  
Senator Robert Giese  
Senator Tony Fulton  
Senator Tom Carlson  
Senator John Nelson  
Senator Pete Pirsch

The first meeting of the Sentencing and Recidivism Task Force is to be held on July 15<sup>th</sup>, 2009 at 2:00pm in the State Capitol.

### LR 239

Legislative Resolution 239,

introduced by Senator Pete Pirsch, asks the judiciary committee to assess the effectiveness of existing community corrections programs and to determine whether the community corrections concept could be expanded to save taxpayer money, prevent nonviolent, low-risk offender recidivism, and free up prison space for high-risk and violent offenders. No hearing or meeting dates have been set for LR 239 as of the date of publication.

## The Council Welcomes Two New Members

In May 2009, Governor Heineman appointed Eleanor Devlin and Darrell Fisher to the Community Corrections Council.



Eleanor is the Executive Director of the NOVA Therapeutic Community and fills the Community Based Behavioral Health Services, District 2 position.

Darrell is the Executive Director of the Lincoln Council on Alcoholism and Drugs, Inc, and fills the recently vacated At Large position.



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# COMMUNITY CORRECTIONS COUNCIL

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## COUNCIL MEMBERS

**John P. Icenogle**, Vice-Chair, District Court Judge

**Scot Adams**, Director DHHS

**Mike Behm**, Executive Director of Nebraska Commission on Law Enforcement and Criminal Justice

**Esther Casmer**, NE Board of Parole

**Senator Brenda Council**, Nebraska Legislature

**Jeffrey Davis**, Sarpy County Sheriff

**Eleanor Devlin**, Executive Director, NOVA Therapeutic Community

**Thomas Dorwart**, Retired County Judge

**Ellen Fabian-Brokofsky**, Probation Administration

**Darrell Fisher**, Executive Director of the Lincoln Council on Alcoholism and Drugs, Inc

**Karen B. Flowers**, District Court Judge

**Cathy Gibson-Beltz**, Parole Administrator

**Robert Houston**, NE Dept of Correctional Services

**Joe Kelly**, Deputy County Attorney

**Robert Lindemeier**, Criminal Defense Attorneys Association

**Senator Pete Pirsch**, Nebraska Legislature

**Janice Walker**, State Court Administrator

## Farewell to Kermit Brashear

In October 2003, at the first meeting of the Community Corrections Council, Senator Kermit Brashear was unanimously elected chairperson of the Community Corrections Council. In the five and one half years since that first meeting, Kermit has continued to serve the Council as its chairperson and has invested his time and effort into advancing the cause of Community Corrections in Nebraska.

Senator Brashear left the legislature after the 2007 session and was re-appointed to the Council in an at large capacity for a one-year term. This term expired in August of 2008 and Darrell Fisher was recently appointed by the Governor to serve in this capacity.

Included are some thoughts shared by our members:

"I respect Kermit's vision, leadership, and will, as fundamental to the development of community corrections in NE."  
- Scot Adams

"Kermit has been the driving force behind the council since it's inception. He lead us from a group with some wishful ideas through the landmines of the Unicameral to establish an organization that now has the financial and political support for Community Corrections in this state. He was both visionary and realist bringing together a variety of stakeholders to the table to reach consensus on some tough issues. Kermit you will be missed. Thank you for your leadership and hard work."  
- Bob Lindemeier

"Mr. Brashear was a key person in the development of practices that have set Ne-

braska on the path of reliable alternatives to incarceration. I wish Mr. Brashear the very best in future endeavors to which he lends his outstanding leadership skills."  
- Bob Houston

"Smooth seas do not make skillful sailors" so says an African proverb. Kermit Brashear's skill as a statesman, guiding others to work through adversity for the greater good, drove the development of Community Corrections in Nebraska. In his leadership role as Chair of the Community Corrections Council, Kermit keenly understood the human and fiscal value of a strong coordinated and collaborative approach to address prison over-crowding. His contribution was immeasurable.  
- Ellen Fabian-Brokofsky

## Word from the Council



In October of 2005, I became Nebraska's Probation Administrator and by statute a member of the Community Corrections Council. I recall thinking at the time of the daunting challenges faced by the Council. Paramount in my thoughts were the specific responsibilities the Office of Probation Administration would have in

carrying out the far-sighted collective vision of those key stakeholders responsible for crafting the Community Corrections Act of 2003, which created the Community Corrections Council.

The descriptive words "daunting challenges" under-value the reality of what actually needed to be accomplished. To implement a system of community-based services and programs that would ultimately serve non-violent offenders otherwise headed for Nebraska's costly penal institutions and jails, a paradigm shift in thinking and operations needed to occur. This monu-

mental effort would require unprecedented collaboration by all members of the Council to include not only all branches of government but also engaging private and public treatment providers, law enforcement and justice leadership from both the state and county levels.

I am reminded of Dr. Denise Herz's report *Building a Seamless System of Care for Substance Abuse Services in Nebraska: The Implementation of the Standardized Model for Delivery of Substance Abuse Services* where she wrote of the importance of the Council's work as part of Ne-

### Word from the Council continued

braska's transformation in community corrections efforts. Dr. Herz referred to the Council's emphasis on the need for "system coordination regardless of branch of government (i.e., interagency collaboration)" in order to "address a wide variety of issues presented by offenders."

From the Office of Probation Administration's perspective, building partnerships was a first priority. Collaboration was imperative in order to set direction and open meaningful dialogue directed toward meaningful solutions. One example (among several) of the kind of inter-governmental cooperation necessary to build a statewide system was the development of Probation's Specialized Substance Abuse Supervision Program in 2006, otherwise known as SSAS, and its accompanying Adult Reporting Centers. Both SSAS and the Reporting Centers are located in seven of Nebraska's communities and serve probationers as well as parolees.

SSAS was seen as a new and different approach to offender management in that it first required skillfully assessing an offender's risk to re-offend, matching the offender's specific treatment need with the appropriate treatment modality, and providing the correct "dosage" of programming and oversight to ensure an opportunity for accountability-based rehabilitation. Critical components of SSAS were an officer's ability to apply proven research-based techniques and supervision practices to offender case

management. The Reporting Centers complimented SSAS supervision by providing a one-stop shop for education classes, vocational instruction, behavioral health services, life-skill and cognitive-based programming. They also provided offenders personal on-site oversight and guidance from trained probation staff, which enhanced and supported both the probation and parole officers' ability to improve their case management.

The idea for the SSAS Program and associated Reporting Centers sprang up as a public safety community corrections initiative intended to provide a prison alternative for felony drug offenders. However, SSAS implementation served a number of justice priorities and successfully crossed governmental branches as part of a seamless statewide approach to address not only prison overcrowding but also to provide:

- Additional effective sentencing alternatives for Nebraska's judges
- Dedicated appropriate services and resources for non-violent, but at high-risk to reoffend probationers and parolees
- Integration with Nebraska's Behavioral Health Public and Private networks Significant outcome data for Nebraska's legislators predicated on the value and cost benefit of increasing an offender's ability to become a productive citizen.

Developing and implementing SSAS required Executive Branch representatives from

the Department of Correctional Services, and the Office of Parole Administration to meet regularly with Judicial Branch representatives from Office of Probation Administration to collectively "think through" all aspects of programming and service delivery. Each entity was responsible for creating internal working processes for SSAS, looking for needs and gaps along a continuum, and viewing the SSAS program in the context of its benefit to the justice system, to the counties and to the state rather than to any particular agency's agenda in regard to managing a special offender population. Also essential to SSAS was implementation of the Fee for Service Voucher Program, which incorporated Nebraska's Standardized Model for Delivery of Substance Abuse Services into offender access and connectivity to Nebraska's behavioral health community.

SSAS development most especially required leadership, buy in and on-going support from the Council's Legislative Branch members to advocate for appropriate funding for new personnel and reporting center programs. It required Executive Branch members to create pathways of communication in the areas of information exchange, supervision strategies and behavioral health treatment and from Judicial Branch members to provide oversight and skill based training for not only probation officers, but parole officers as well.

This example illustrates the value of system coordination

across all levels of public and private sector operations and the importance of system coordination in regard to increased viability and successful outcomes. There were many issues, challenges and obstacles to SSAS implementation, both operational and political. However, according to University of Nebraska Medical Center researcher Dr. Kathleen Grant in her 2008 outcome study, there are promising indications the SSAS Program is on its way to meeting its goals and achieving intended outcomes. These outcomes include lower levels of recidivism and re-lapse, improved education and employment, enhanced public safety by treating offenders' substance-abuse issues so they're less likely to re-offend, and avoidance of costly prison overcrowding. The Vera Institute of Justice's process evaluation of SSAS is expected soon, so stay tuned.

The Community Corrections Council was created to coordinate the effort to develop a statewide community-based correctional focused infrastructure of services and programs premised on increasing community safety and building better citizens. The SSAS Program exemplifies the purpose of the Council and demonstrates the positive benefits of system coordination.



Ellen Fabian Brokofsky  
Probation Administrator/  
Office of the Courts and  
Probation



## Methamphetamine Remote Recovery Project

The Methamphetamine Remote Recovery Project combines recent technological advances with innovative case-management protocols to improve offenders' ability to obtain sobriety, avoid relapse and decrease drug-related criminal behavior. The target population includes those offenders situated in rural probation districts where long distances make frequent face-to-face contacts with offenders impractical, expensive, and uncertain.

Even when offenders successfully abstain from MA use, they may be only one beer away from the slippery slope of complete relapse. The technology used in this project will show when probationers engage in behaviors that could result in violations and/or the commission of crimes. This informa-

tion is anticipated to reveal trends in behavior that allow probation, traditional law enforcement, and the treatment community to engage response priorities which diminish the risk of re-offense and relapse. Instead of simply stabilizing offenders during their period of probation, blending sanctions with sound interventions during this critical opportunity for recovery increases the likelihood that MA users can sustain their abstinence even after discharge from supervision.

The MA Remote Recovery Project aims to:

Obtain a comprehensive understanding of how technology can be deployed to remotely monitor, supervise and support substance abuse treatment

for offenders on Probation;  
Develop a pilot project with Nebraska Probation which relies on technological alternatives to personal contact and modified case-management strategies blending substance abuse treatment support with accountability;  
Implement the pilot project in three rural Probation Districts involving approximately 100 offenders;  
Serve as a proof of concept for how combinations of technology and innovative supervision protocols stabilize offenders against criminal recidivism and relapse.

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