

MINUTES
LANCASTER COUNTY-CITY OF LINCOLN JUSTICE COUNCIL
605 S. 10TH STREET, ROOM 137A
FRIDAY, NOVEMBER 2, 2018
7:30 A.M.

Advance public notice of the meeting was posted on the County-City Building bulletin board and the Lancaster County, Nebraska, web site. A copy of the Nebraska Open Meeting Act was available.

PRESENT: Todd Wiltgen and Deb Schorr, County Commissioners; Bruce Prenda, Chief Deputy County Attorney; Scott Etherton, Mental Health Crisis Center Director; Taryn Tolliver, Screening Specialist, Community Corrections; Tammy Stevenson, Executive Director, The Bridge Behavioral Health; Chief Jeff Bliemeister, Lincoln Police Department; Jessica Kefkhofs, Chief Assistant City Attorney; Kerry Eagan, County Chief Administrative Officer; Cyndi Lamm, City Council Member; Sadie Jensen, Holly Newton, Shawn Stanczyk, Program Coordinators, Community Corrections; Joe Nigro, Public Defender; Spike Eickholt, Allie Curtright, Government Liaisons, American Civil Liberties Union (ACLU); Mary Barry-Magsamen, Chief Executive Officer, St. Monica's; Brenda Fisher, Programs Director, Lancaster County Corrections; Jeff Curry, Chief Probation Officer, Adult Probation; Laurie Yardley, County Court Judge; Brad Johnson, Corrections Director; Mitch Herian, Soval Solutions; Kim Etherton, Community Corrections Director; Sara Hoyle, Human Services Director; Julie Fisher-Erickson, Lutheran Family Services; Jennifer Rasmussen, Deputy Court Administrator for Information Technology, Nebraska State Supreme Court; Nancy Hicks, Lincoln Journal Star Newspaper; Jane Raybould, Lincoln City Council; Kimberly Goins, Executive Director, Clyde Malone Community Center; Tom Randa, Executive Director, Good Neighbor Community Center; Mario Scalora, Public Policy Center, University of Nebraska-Lincoln; and Leslie Brestel, County Clerk's Office

County Commissioner Todd Wiltgen opened the meeting at 7:30 a.m. and noted that copies of the Open Meetings Act and the meeting materials were available on the counter.

Introductions were made by those in attendance.

AGENDA ITEM

1) APPROVAL OF JUSTICE COUNCIL MINUTES FOR AUGUST 17, 2018

MOTION: K. Etherton moved and Chief Jeff Bleimeister seconded approval of the August 17, 2018 meeting minutes. Motion carried unanimously.

2) FAILURE TO APPEAR (FTA) ADULT PROGRAM – Jennifer Rasmussen, Deputy Court Administrator for Information Technology

Jennifer Rasmussen, Deputy Court Administrator for Information Technology, Nebraska State Supreme Court, reported to reduce the number of failures to appear for court, the Nebraska Supreme Court will be implementing a self-registration website for individuals to provide their contact information for court date reminders. An exact implementation date was not currently available.

There was discussion on customization of the form regarding courtroom information and directions, Community Corrections continuing their reminder phone calls until further notice, sending notices of missed court dates, and partnering with law enforcement agencies.

There will be a project update at the next Justice Council meeting.

3) MEETING WITH THE REGIONAL CENTER ON DISCHARGE PLANNING – Brenda Fisher, Corrections Programs Director

Brenda Fisher, Lancaster County Corrections Programs Director, stated she and Sherri Cotter, Correctional Specialist I, met with the Regional Center clinical social workers and director about the need for better communication and a formal discharge plan for low-level offense, court-ordered individuals. Such discharge plans could include program connections to be available directly after sentencing. Since that meeting, one person who met the criteria had been admitted to the Regional Center. Fisher will provide an update when one is available.

4) DUI DATA UPDATE – Mitch Herian, Soval Solutions

A. DUI RECIDIVISM

Mitch Herian, Soval Solutions, reviewed Driving Under the Influence (DUI) recidivism rates (see Exhibit A).

Joe Nigro, Public Defender, said it would be interesting to see statistics for individuals ticketed while driving on revoked or suspended licenses both with and without DUI charges.

Mario Scalora, University of Nebraska-Lincoln, asked if the data can determine the average latency period of recidivism. Herian answered yes, and he could look at that for the next analysis.

Wiltgen inquired into the toxicology rates to see if the data is showing individuals have higher blood alcohol content (BAC) levels than in the past. Herian and Chief Jeff Bliemeister, Lincoln Police Department, thought it may be possible if the data were broken down into aggravated versus non-aggravated charges.

B. HOUSE ARREST

Herian reviewed House Arrest recidivism rates (see Exhibit A). There was discussion on whether those who received a sentence combination of jail and probation or house arrest and probation were more likely to reoffend than those who received just house arrest.

C. DUI TRENDS IN LANCASTER COUNTY

See Item 4A.

5) COMMUNITY CORRECTIONS UPDATE – Kim Etherton, Community Corrections Director

BUREAU OF JUSTICE ASSISTANCE GRANT FOR ADULT DRUG COURT ENHANCEMENT (\$500,000 OVER 3 YEARS)

K. Etherton said Community Corrections received a grant addressing employment and housing issues for adult drug court participants and the opioid crisis in Lancaster County. Community Corrections will look at jurisdictions who have implemented treatment for opioids, including medicated assisted treatment (MAT).

A. STEPPING UP INITIATIVE

K. Etherton said the Stepping Up Initiative is aimed at reducing the number of mentally ill in the jail, in which participating counties complete a Sequential Intercept Mapping (SIM) exercise. Lancaster, Sarpy, Douglas and Scottsbluff counties have completed their SIM mapping. The Nebraska Association of County Officials (NACO) and National Association of County Officials (NACo) have been helping plan a Stepping Up Summit to be held at the Cornhusker Marriott in Lincoln on April 17, 2019 to educate others on the process and to get support for legislative change. Judge Steve Leifman from Florida will be the keynote speaker. Commissioners Todd Wiltgen and Deb Schorr outlined the summit plans.

OTHER BUSINESS

K. Etherton stated some 24/7 Sobriety Program legislation will be introduced this year with the intent to allow individuals a temporary operator's license to participate in 24/7. Despite the lack of legislation, over 40 people have participated in the program with 26 currently active. Wiltgen added the 24/7 Program is a County Board legislative priority.

B. BUREAU OF JUSTICE ASSISTANCE GRANT FOR ADULT DRUG COURT ENHANCEMENT (\$500,000 OVER 3 YEARS)

Item moved forward on agenda.

6) CORRECTIONS UPDATE – Brad Johnson, Corrections Director

Brad Johnson, Corrections Director, reviewed his PowerPoint presentation (Exhibit B).

Wiltgen reported the County Board has asked Scott Etherton, Mental Health Crisis Center Director, to start keeping data on Regional Center waiting periods. The Mental Health Crisis Center is seeing similar trends in length of wait time as Corrections. Nigro suggested looking at the data for Mary Lanning Hospital as well.

Deb Schorr left the meeting at 8:48 a.m.

Spike Eickholt, American Civil Liberties Union (ACLU), stated they try to send reminders to individuals about court. As far as he knew, all people who failed to appear in court do not have attorneys.

Johnson discussed the jail standards on fitness for confinement of individuals based on mental health issues. The jail is waiting on a tool to help the sergeants make mental health fitness determinations.

7) AGENCY AND ORGANIZATIONAL UPDATES

A. COUNTY ATTORNEY – Warrant Week Update

Bruce Prenda, Chief Deputy County Attorney, reported 44 individuals participated representing 51 cases, 39 of which resulted in a plea or fine payment and 12 were reset for trial or another court appearance. Another warrant opportunity will be on Tuesday, November 13 between 5:00 p.m. and 7:00 p.m.

Jessica Kefkhofs, Chief Assistant City Attorney, stated the City had 70 warrants cleared from warrant week.

Prenda stated the County Attorney's Office reviewed the data of individuals currently at the Regional Center to get a better sense if these beds and resources were being used appropriately. There were 24 individuals at the Regional Center of which 22 had County charges, five had a mix of City and County charges and two had exclusively City charges. Of the 24 individuals, four had misdemeanors and 20 had felonies. It was determined the charges were being addressed appropriately.

There was discussion on the jail's level of treatment responsibility for mentally ill individuals.

B. PUBLIC DEFENDER

Nigro suggested another warrant week before Christmas to avoid holiday arrests. He stated Project Homeless Connect helped 11 people take care of 15 warrants.

Taryn Tolliver, Screening Specialist, Community Corrections, said Community Corrections had a table at Project Homeless Connect and helped individuals apply for community service.

C. LAW ENFORCEMENT

No report was given.

D. PROBATION

Jeff Curry, Chief Probation Officer, Adult Probation, stated the number of individuals on probation are starting to level off.

E. SERVICE PROVIDERS

Tammy Stevenson, Executive Director, The Bridge Behavioral Health, said the Bridge is starting to assess individuals for discharge once they have a BAC below the legal limit and will release them if it is safe.

F. OTHER COMMUNITY PARTNERS

No report was given.

8) NEXT MEETING – FRIDAY, FEBRUARY 1, 2019

9) ADJOURNMENT

Wiltgen adjourned the meeting at 9:27 a.m.

Submitted by Leslie Brestel, County Clerk's Office.

EXHIBIT

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A

Follow Up DUI Analyses

Dr. Mitch Herian

Presentation to Lancaster County Justice Council

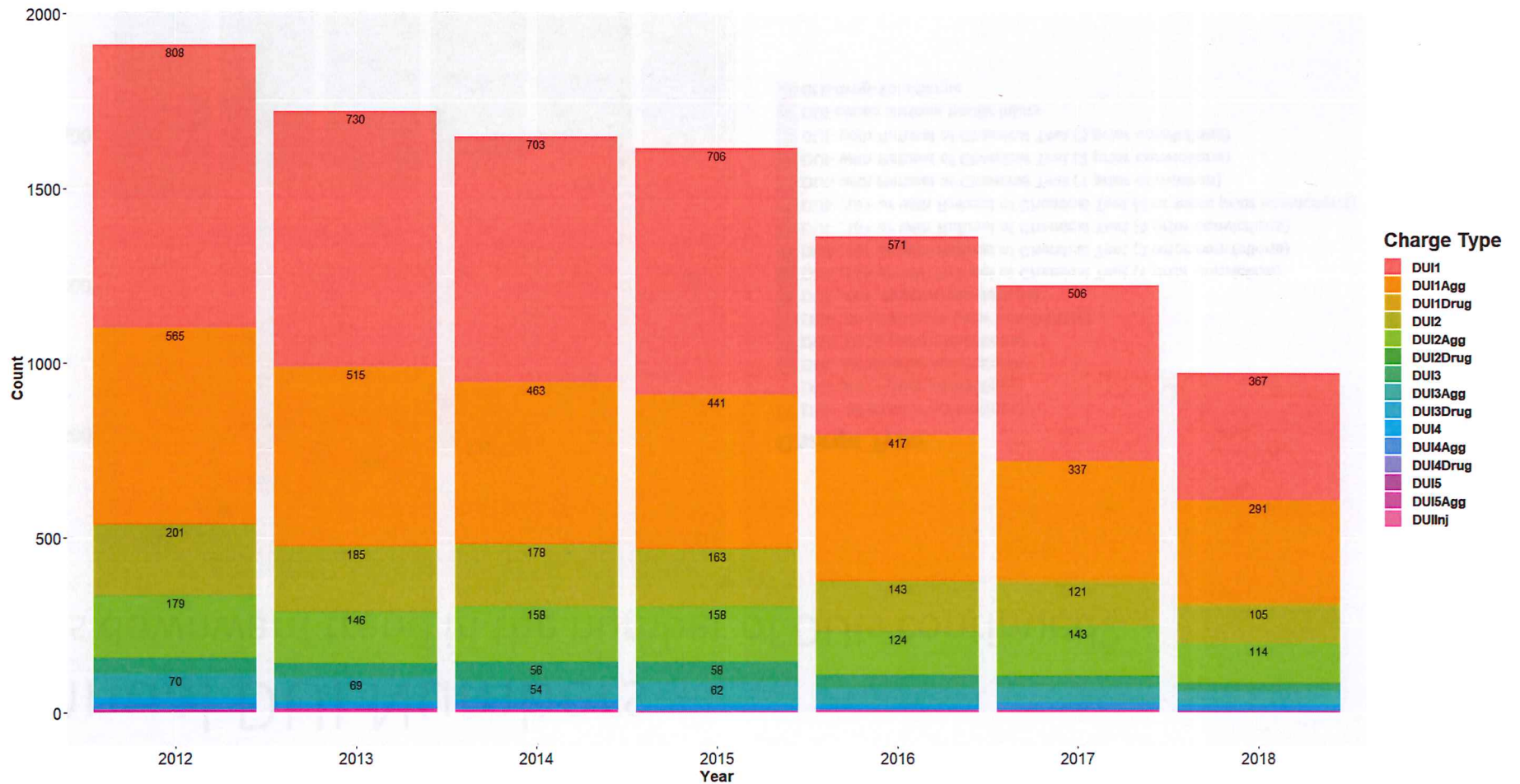
2 November 2018

mitch@sovalsolutions.com

Overview

1. Annual trends in DUIs in Lancaster County
 - Further validate the drop in DUIs observed in previous years
2. Follow-up to analyses presented on 4 May 2018
 - Considered additional traffic charges in the computation of DUI recidivism rates
 - Consider the effect of time in calculation of recidivism rates
3. Computed the re-offense rates of DUI Offenders with House Arrest sentence versus Non-House Arrest Sentence

Annual DUI Numbers (Jan. 2012 – Sep. 2018)



DUI Recidivism Follow Up

- Are recidivism rates higher when we include a broader range of relevant traffic offenses beyond DUIs?
 - Violation of Interlock Pardon
 - Tamper with Interlock
 - Drive without Interlock
 - Drive during revocation/impound
 - Drive under suspension/before reinstated
 - Drive while revoked/impounded
 - Drive while revoked from DUI/refusal
- Previous analysis showed a recidivism rate of about 10%
 - Focused on re-offenses for DUIs from 2012-2017

DUI Recidivism Follow Up

- 8,660 unique individuals in the dataset
 - Included relevant traffic offenses (e.g., interlock violations) from JUSTICE
 - 1,108 had at least one subsequent charge (12.8%)
- A total of 10,106 cases in dataset
 - 1,458 subsequent charges
 - Recidivism rate of 14.4%
- Adding additional traffic offenses results in about a 5% increase in recidivism rate

DUI Recidivism Follow Up

Time is an important consideration in computing recidivism



More recent cases are less likely to re-offend than older cases simply because less time has elapsed.

This depresses the estimated recidivism rates.

DUI Recidivism Follow Up

Time is an important consideration



More recent cases are less likely to re-offend than older cases simply because less time has elapsed.

This depresses the estimated recidivism rates.

Solution is to limit our analysis to earlier years (e.g., 2012-2014) to allow more time to pass before examining recidivism rates.

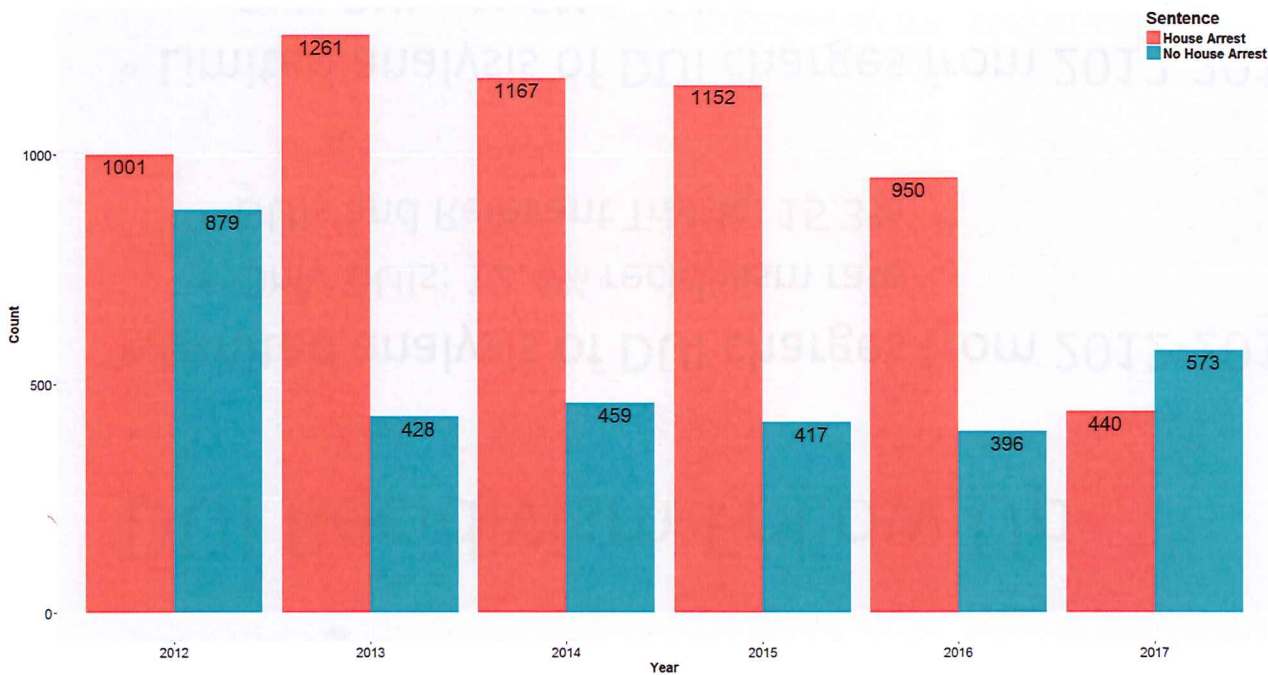
DUI Recidivism Follow Up

- Limited analysis of DUI charges from 2012-2013
 - Only DUIs: 12.4% recidivism rate
 - DUIs and Relevant Traffic: 15.3%
- Limited analysis of DUI charges from 2012-2014
 - Only DUIs: 11.5% recidivism rate
 - DUIs and Relevant Traffic: 14.3%
- Important to keep in mind that number of DUIs was much higher in 2012-2014 than in recent years

House Arrest and Recidivism

- Do DUI offenders who receive House Arrest have higher or lower re-offense rates?

Trends in House Arrests (Jan. 2012 – Oct. 2017)



House Arrests (Jan. 2012 – Oct. 2017)

No House Arrest	House Arrest	Total
3,152	5,971	9,123
34.55%	65.45%	100.00%

House Arrest and Recidivism

- There were 8,271 unique individuals in the dataset
- 5,531 received house arrest for their original charge
- 2,740 received a sanction other than house arrest
- Of the 8,271 individuals, 741 individuals ($\approx 9\%$) had a subsequent DUI charge
- Minor differences between House Arrest and Non-House Arrest

	Felony	Misdemeanor	No Subsequent Offense	Total
House Arrest	38	464	5,029	5,531
	0.7%	8.4%	90.9%	
No House Arrest	37	202	2,501	2,740
	1.4%	7.4%	91.3%	
Total	75	666	7530	8,271
	0.9%	8.1%	91.0%	100.0%

House Arrest and Recidivism

- Once again, limit analysis to years 2012-2013
- Overall recidivism rate of 12.5%
- Increase of about 3.5% from when we consider all years (2012-2017) together
- Analysis does not consider Interlock and License Revocation violations
 - Percentages will likely increase once those violations are included

	Felony	Misdemeanor	No Subsequent Offense	Total
House Arrest	26	257	1,871	2,154
	1.2%	11.9%	86.9%	100.0%
No House Arrest	23	117	1,099	1,239
	1.9%	9.4%	88.7%	100.0%
Total	49	374	2,970	3,393
	1.4%	11.0%	87.5%	100.0%

House Arrest and Recidivism

Regression Analysis

- Attempt to assess impact of House Arrest while controlling for all relevant variables simultaneously
 - No House Arrest significantly less likely to reoffend
 - Males more likely to reoffend
 - Older individuals less likely to reoffend
 - This effect goes away when we consider years beyond 2013

	Estimate	Std. Error	z value	Pr(> z)
(Intercept)	-0.720	0.370	-1.948	0.051.
No House Arrest	-0.203	0.114	-1.772	0.076.
Felony Charge	0.118	0.220	0.536	0.592
Male	0.334	0.132	2.534	0.011*
Black	-0.088	0.340	-0.260	0.795
Hisp.	-0.227	0.338	-0.671	0.502
Indian	0.005	0.523	0.009	0.993
Unknown	-0.747	0.689	-1.085	0.278
White	-0.775	0.310	-2.504	0.012*
	-0.027	0.006	-4.646	0.000***

Signif. codes: '***' = 0.001; '**' = 0.01; '*' = 0.05; '.' = 0.1

Conclusion

1. Number of DUIs has continued to decrease from 2012
2. DUI recidivism rates increase when we include relevant traffic violations
 - Time is an important variable
3. House Arrest penalties are related to likelihood of subsequent charge
 - Effect is small
 - Males are more likely to reoffend; older individuals less likely
 - Time is an important variable

EXHIBIT

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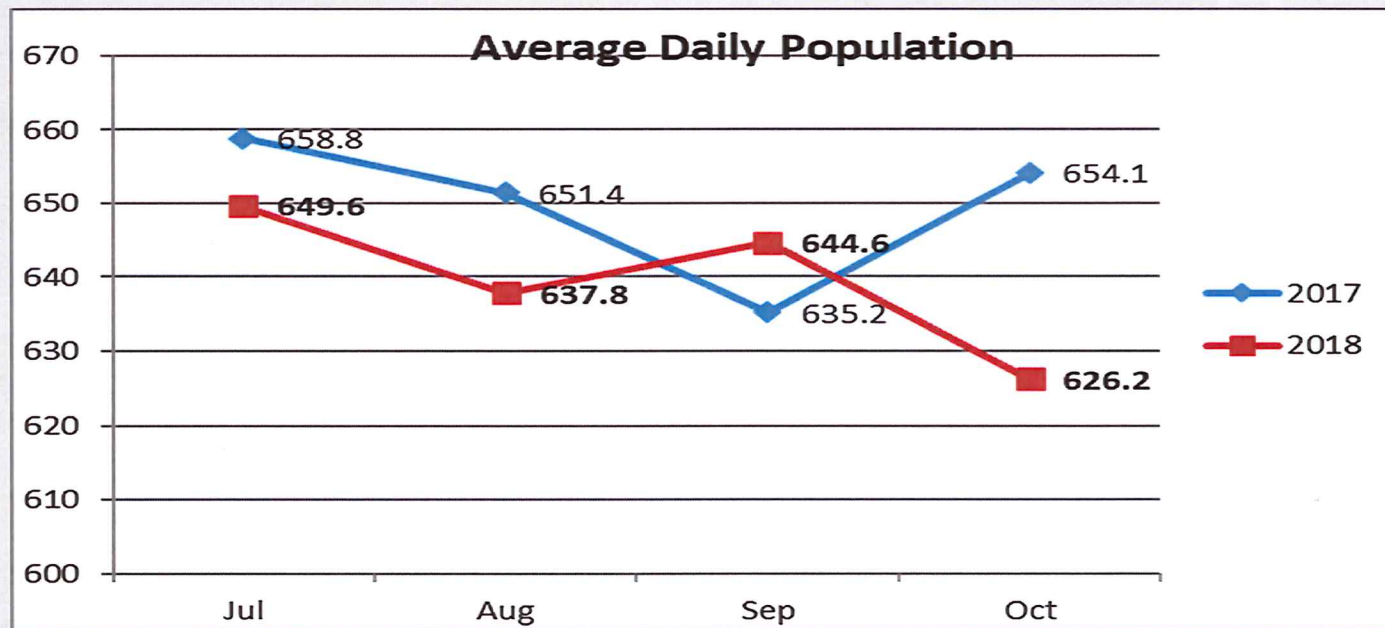
B

Justice Council November 2, 2018



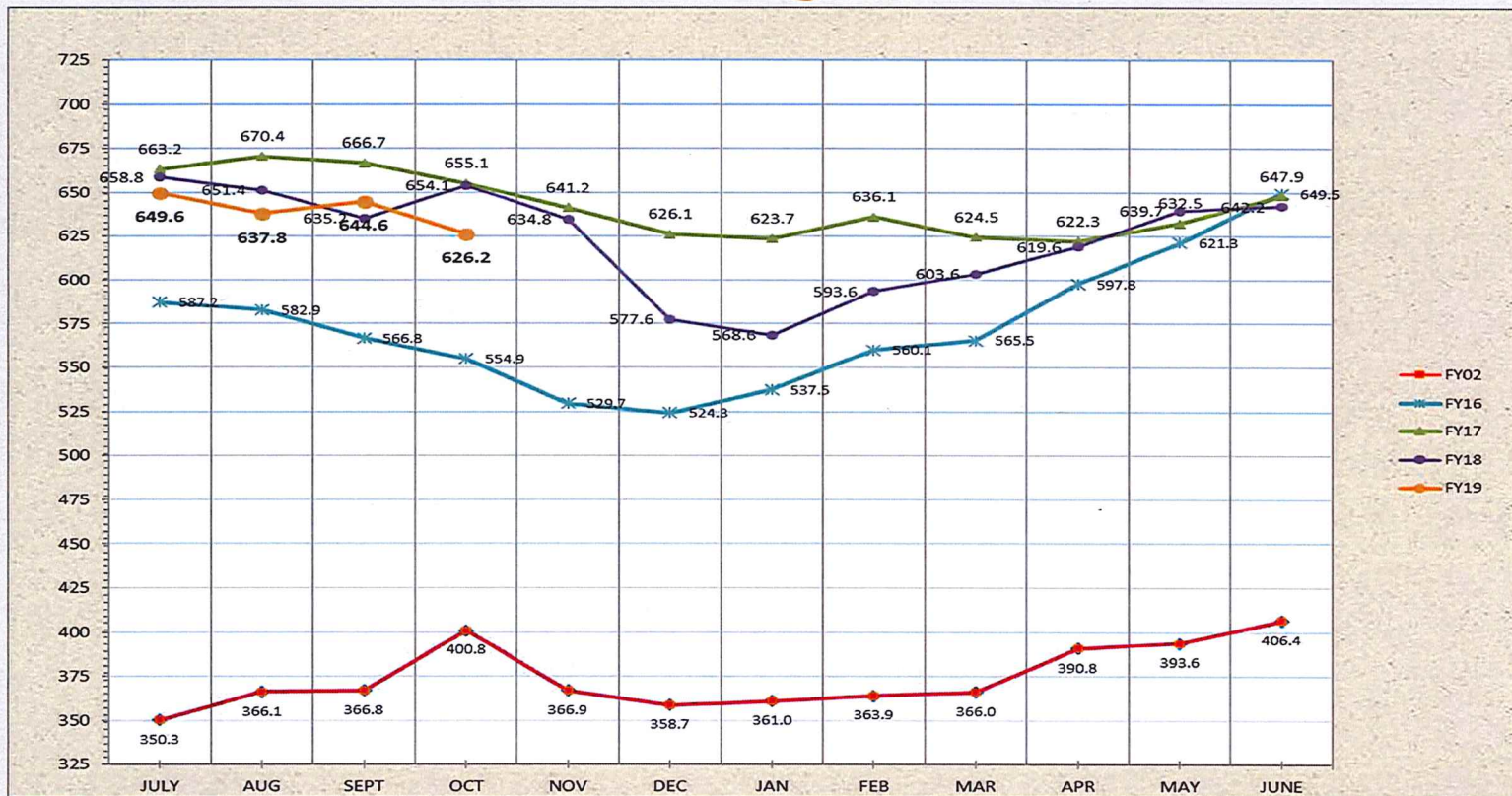
Current Population Trends

Average Daily Population



- The average daily population (ADP) for this period of 2018 was 639.6 detainees compared to 649.8 for the same period in 2017. This is a 1.6% decrease.
- This period's ADP consumed 96.1% of the department's operational capacity of 665.

Fiscal Year Comparison



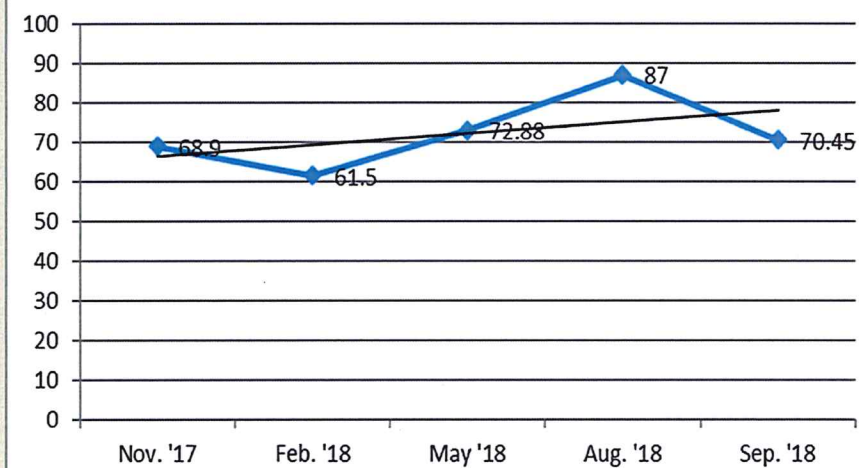
Regional Center Waiting Periods

Date Ordered	Date Transferred	Days Waiting	DATE ORDERED TO LRC	END OF QUARTER	DAYS WAITING
7/12/2018	8/13/2018	32	6/4/2018	9/30/2018	119
4/12/2018	8/16/2018	126	6/6/2018	9/30/2018	117
3/30/2018	7/18/2018	109	6/5/2018	9/30/2018	118
12/19/2017	1/29/2018	41	7/3/2018	9/30/2018	90
8/22/2018	9/17/2018	26	6/27/2018	9/30/2018	96
8/30/2018	9/18/2018	19	7/17/2018	9/30/2018	76
12/2/2015	1/5/2016	33	7/20/2018	9/30/2018	73
6/4/2018	9/26/2018	64	8/14/2018	9/30/2018	48
2/15/2018	6/12/2018	117	8/17/2018	9/30/2018	45
3/14/2018	6/14/2018	92	8/22/2018	9/30/2018	40
5/3/2018	8/27/2018	116	8/23/2018	9/30/2018	39
	Total Days	775		TOTAL	861
	Avg. Days	70.45		AVG. DAYS	78.27

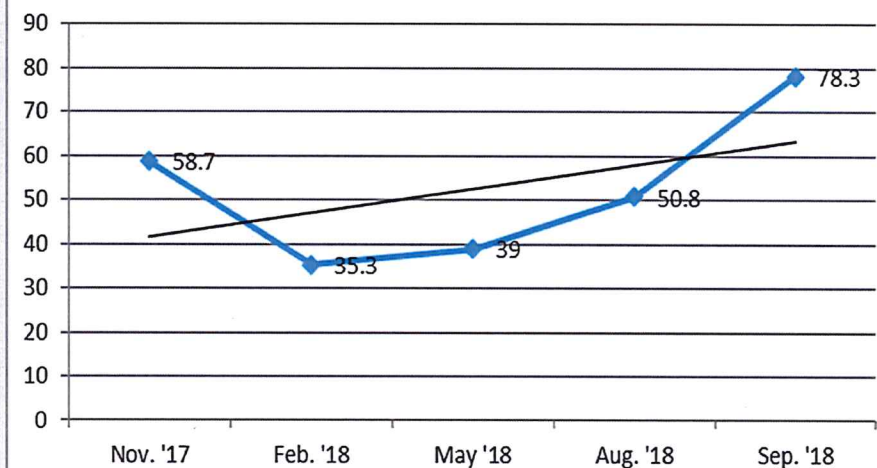
Regional Center Average Days Waiting Historical View



LRC Currently Housed Avg.



LRC Currently Waiting Avg.



ACLU Bail Fund



	Monthly ACLU Contacts	Outcomes		
July				
	20 selected for interviews			
	9 selected for bonding			
		3 successfully closed their case		
		1 case still active		
		4 back in custody	3 different case	1 same case
		1 FTA gone to warrant		
August				
	30 selected for interviews			
	10 selected for bonding			
		1 successfully closed their case		
		1 case still active		
		5 back in custody	4 different case	1 same case
		3 FTA gone to warrant		
September				
	38 selected for interviews			
	25 selected for bonding	19 felonies/6 misdemeanors		
		22 case still active		
		3 FTA gone to warrant		