

MINUTES
LANCASTER COUNTY-CITY OF LINCOLN JUSTICE COUNCIL
605 S. 10TH STREET, ROOM 137A
FRIDAY, MAY 3, 2019
7:30 A.M. – 9:00 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: Rick Vest and Deb Schorr, County Commissioners; Kim Etherton, Community Corrections Director; Brenda Fisher, Programs Director, Lancaster County Corrections; Sara Hoyle, Human Services Director; C.J. Johnson, Regional Administrator, Region V Systems; Landon Parks, Mental Health Program Manager, Community Corrections; Dean Rohner, Probation Officer, Adult Probation; Jeff Curry, Chief Probation Officer, Adult Probation; Sadie Jensen, Holly Newton, Shawn Stanczyk, Program Coordinators, Community Corrections; Taryn Tolliver, Screening Specialist, Community Corrections; Scott Etherton, Mental Health Crisis Center Director; Tom Randa, Executive Director, Good Neighbor Community Center; Joe Nigro, Public Defender; Spike Eickholt, Government Liaison, American Civil Liberties Union (ACLU); Kerry Eagan, County Chief Administrative Officer; Terry Wagner, County Sheriff; Tammy Stevenson, Executive Director, The Bridge Behavioral Health; Jane Raybould, Lincoln City Council; Jessica Kefkhofs, Chief Assistant City Attorney; Ryan Dale, Captain, Lincoln Police Department; Bruce Prenda, Chief Deputy County Attorney; Pat Condon, County Attorney; Julie Fisher-Erickson, Director of Behavioral Health for Southeast Nebraska, Lutheran Family Services; Laurie Yardley, County Court Judge; Owen Yardley, University Police Department; Jeff Kirkpatrick, City Attorney; Riley Johnson, Lincoln Journal Star Newspaper; and Leslie Brestel, County Clerk's Office

Commissioner Deb Schorr 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 FEBRUARY 1, 2019

MOTION: Kim Etherton, Community Corrections Director, moved and Jane Raybould, Lincoln City Council, seconded approval of the February 1, 2019 meeting minutes. Motion carried unanimously.

2) LEGISLATIVE UPDATE – Commissioner Deb Schorr; Kerry P. Eagan, Chief Administrative Officer

A. 24/7 (LB335)

Kerry Eagan, County Chief Administrative Officer, reported due to objections from the Department of Motor Vehicles (DMV), the bill is unlikely to move from the Judiciary Committee this year. K Etherton added Lancaster County lobbyist Joe Kohout, Kissel, Kohout, ES Associates LLC, suggested an interim

study be conducted to address the \$80,000 cost for the State to update their software to include a special permit related to the 24/7 program.

Terry Wagner, County Sheriff, asked what Douglas County is doing with their 24/7 Sobriety program that they do not need legislation for a driving privileges permit. K Etherton responded the program cannot be operated as intended without legislative change.

B. COMMUNITY-BASED TREATMENT FOR INCOMPETENCY TO STAND TRIAL (LB240)

Eagan said Amendment 1273 has been added to LB240 (Change procedures for determining competency to stand trial) which allows for contract facilities and providers to restore competency and does not allow restoration treatment in jail settings. Senator Lathrop has indicated the revision will be included in the corrections omnibus bill.

C. THE BRIDGE LICENSURE (LB200)

Eagan stated the bill has been signed into law.

D. DUI DIVERSION (LB500)

Eagan reported LB500 (Prohibit participation in pretrial diversion programs for certain driving under the influence and driver's license offenses) is still in committee, adding that while the Board supports the bill, it is not a Board priority bill.

E. FUNDING BILLS (LB'S 446, 327, 703)

Eagan said LB446 (State intent relating to appropriations for the County Justice Reinvestment Grant Program) adds \$1,000,000 to each year of the biennium to the Justice Reinvestment grant program.

LB327 (State intent to appropriate funds for an increase in rates paid to behavioral health service providers) provides for a 4% funding increase for behavioral health service providers. C.J. Johnson, Regional Administrator, Region V Systems, added not all services will be covered by the increase as some services are anticipated to be covered by Medicaid expansion.

LB703 (Appropriate funds to the Nebraska Commission on Law Enforcement and Criminal Justice), LB247 (Adopt the Advance Mental Health Care Directives Act) and LB455 (Change medical services payment provisions relating to jails) are held in committee.

COMMUNITY CORRECTIONS UPDATE – Kim Etherton, Community Corrections

A. STEPPING UP INITIATIVE SUMMIT

K Etherton reviewed her Stepping Up Initiative presentation (Exhibit A). K Etherton, C.J. Johnson, Commissioner Rick Vest, Sheriff Wagner and Joe Nigro, Public Defender, will form a workgroup to discuss how to define mental illness.

K Etherton felt the Stepping Up Summit was well received and well attended.

B. JUSTICE MANAGEMENT INSTITUTE - LOCAL ISSUES FOR TECHNICAL ASSISTANCE

K Etherton stated the Justice Management Institute will have an opportunity for technical assistance for funding. If anyone is interested in participating, contact her.

C. STATUTORY CHANGES REGARDING RELEASE OF MENTAL HEALTH INFORMATION

K Etherton suggested discussing statute changes to make the sharing of mental health information between the agencies and organizations easier. She will get more information on Open Lattice, an open-source software program that allows information sharing between different agencies. Schorr suggested a legislative interim study on statute changes.

CORRECTIONS UPDATE – Brenda Fisher, Programs Director, Lancaster County Corrections

Brenda Fisher, Programs Director, Lancaster County Corrections, reviewed the presentation (Exhibit B). She noted operation capacity is the number of individuals for which the jail is staffed. Total bed space is the number of individuals that can be housed in the jail.

Regarding the Regional Center wait times, it is possible for some individuals to be expedited to the Regional Center, which would then cause other individuals to wait longer for admittance. Of the individuals who were ordered to the Regional Center listed on this presentation, none have been returned to Corrections' custody.

Fisher noted there needs to be strategies to coordinate a discharge plan for individuals leaving the Regional Center after they have been restored to competency. The Regional Center restores competency to stand trial, not necessarily focusing on a discharge plan. With no discharge plan, individuals have a higher probability of decompensating again.

Court-ordered restoration of competencies at the Regional Center are divided as follows: 36% Lancaster County; 32% Douglas County; and 32% remainder of Nebraska.

3) SAMHSA LEARNING COLLABORATIVE – Jennifer Cimpl-Bohn, Regional Center Psychologist/Program Director

Schorr stated the learning collaborative is working to address mental illness in jails with the goals of strengthening mental health diversion, other venues for restoration of competency, coordinating release care, and sharing data across the systems. The group's priorities are reductions in the number of bed days at the Regional Center and in the number of competency evaluations issued.

Jennifer Cimpl-Bohn, Regional Center Psychologist/Program Director, said the Lincoln Regional Center (LRC) is the only place doing competency restoration services. State statute only allows restoration of competency in state-run hospitals or facilities. Referrals for competency restoration have increased 100% resulting in longer wait times for admittance.

She noted the biggest programmatic challenge is competency restoration for intellectually-disabled individuals. Intellectually-disabled individuals who are deemed possible for competency restoration

tend to remain at the LRC for long periods of time and may not be eligible for general disability services. K Etherton added the Diversion program also struggles with this population.

There was general discussion on separating restoration for mental health treatment and restoration for offense prosecution. If the goal is mental health treatment and not prosecution, there should be a way to divert those individuals from the criminal justice system. K Etherton noted diversion options would be needed as service providers are full.

Nigro stated there are mental health diversion programs in Miami where individuals who are charged with low-level offenses and have mental health issues go to stabilize. Once the individual is stable, criminal offenses are either dropped or the individual is put into a diversion program. Schorr added the program is funded by a 1% homeless sales tax.

Vest exited the meeting at 8:27 a.m.

Cimpl-Bohn said the individuals in the LRC who have misdemeanor charges tend to have higher level charges. The degree of felony charges spans the low to high range.

Bruce Prenda, Chief Deputy County Attorney, asked if the referrals are warranted and if restoration is easier to restore with the current population. Cimpl-Bohn responded the referrals are warranted and competency of restoration has a consistent restore rate. Medications and treatments have improved over the years.

4) COMMUNITY CORRECTIONS UPDATE – Kim Etherton, Community Corrections

- A. STEPPING UP INITIATIVE SUMMIT**
- B. JUSTICE MANAGEMENT INSTITITUE - LOCAL ISSUES FOR TECHNICAL ASSISTANCE**
- C. STATUTORY CHANGES REGARDING RELEASE OF MENTAL HEALTH INFORMATION**

Items A-C moved forward on agenda.

5) CORRECTIONS UPDATE – Brenda Fisher, Corrections Director

Item moved forward on agenda.

6) AGENCY AND ORGANIZATIONAL UPDATES

A. COUNTY ATTORNEY

Prenda stated the County Attorney's Office met with Vest to discuss the jail population.

B. PUBLIC DEFENDER

No report.

C. LAW ENFORCEMENT

No report.

D. SERVICE PROVIDERS

Tammy Stevenson, Executive Director, The Bridge Behavioral Health, stated they are working on long-term funding for The Bridge Behavioral Health. The number of clients being denied treatment by judges has increased. Additionally, individuals who are deemed medically not fit for confinement at the jail are being brought to the Bridge Behavioral Health.

E. OTHER COMMUNITY PARTNERS

No report.

OTHER BUSINESS

Sadie Jensen, Community Corrections Program Coordinator, reviewed the 24/7 Sobriety program statistics (Exhibit C).

7) NEXT MEETING – FRIDAY, AUGUST 2, 2019

8) ADJOURNMENT

The meeting was adjourned at 8:45 a.m.

Submitted by Leslie Brestel, County Clerk's Office.

Six Questions Leaders Need to Ask:

- 1) Is our leadership committed?
- 2) Do we conduct timely screenings and assessments?
- 3) Do we have base line data?
- 4) Have we conducted a comprehensive process analysis and inventory of services?
- 5) Have we prioritized policy, practice and funding?
- 6) Do we track progress?

3) Does Lancaster County have base line data?

Four Key Measures

- **Jail Bookings**
- **Length of Stay**
- **Connections to Treatment**
- **Recidivism:** What is our system-wide definition?

A current focus for Lancaster County is the collection of accurate, accessible data to include access to treatment and recidivism.

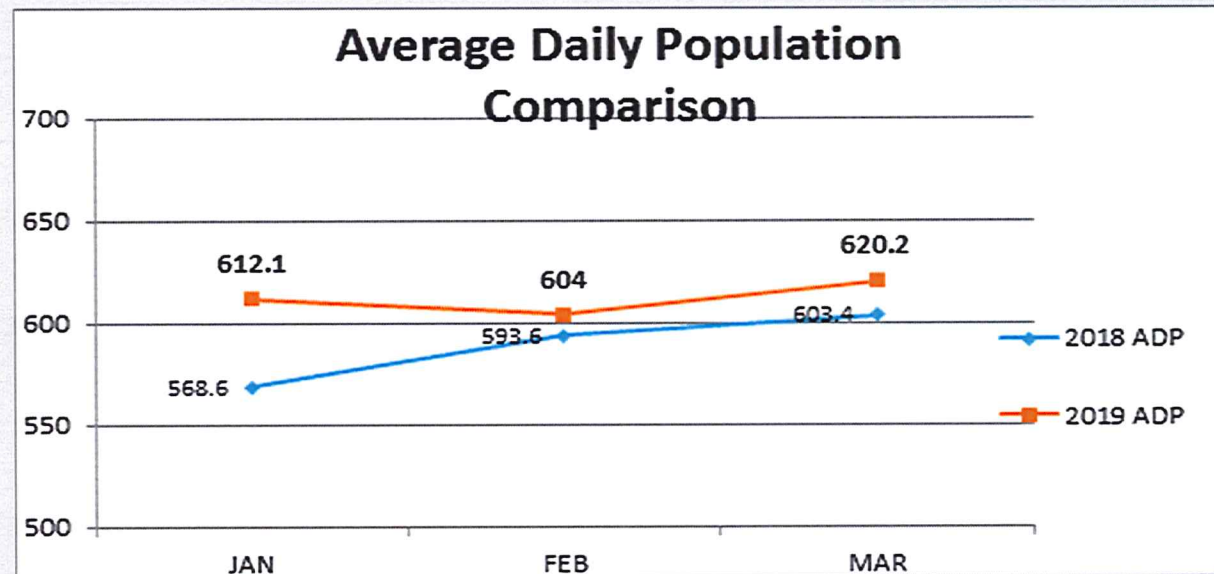
Justice Council

April 5, 2019



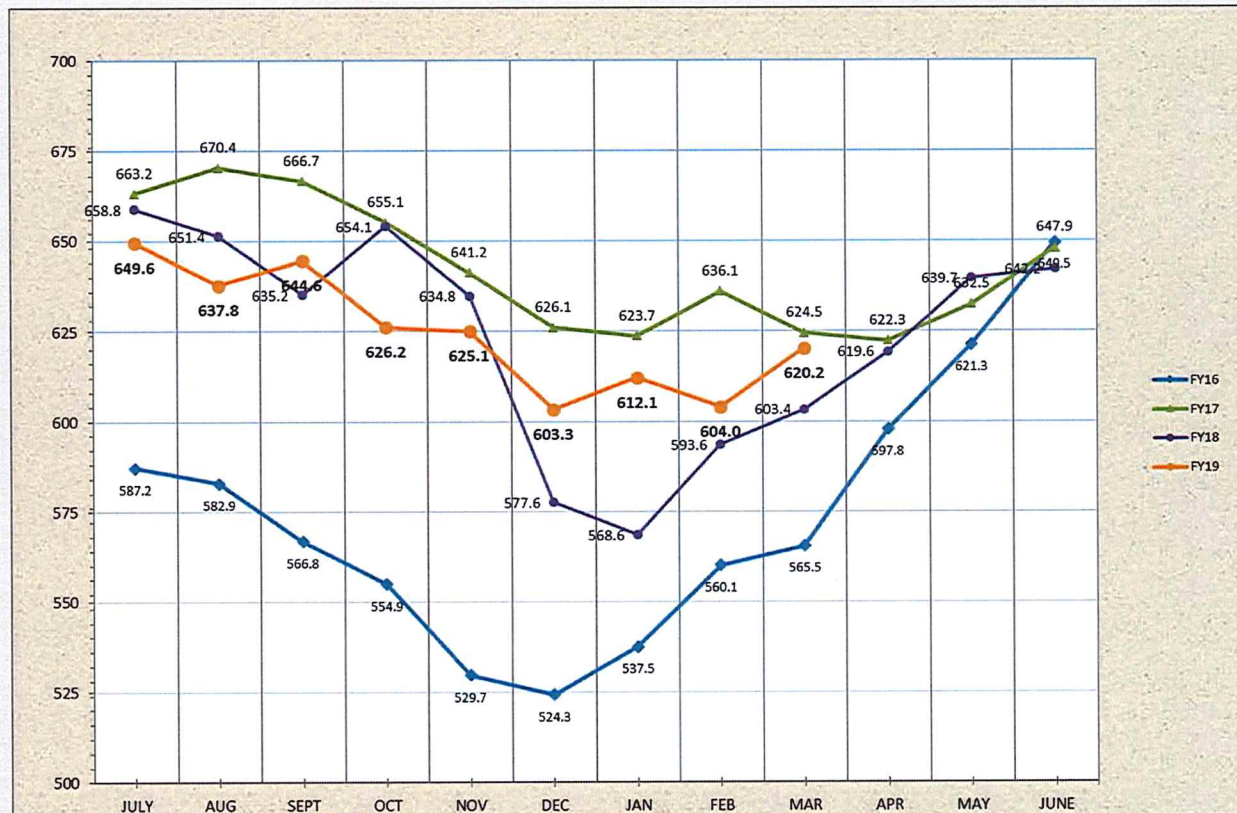
Current Population Trends

Average Daily Population



- The average daily population (ADP) for this period of 2019 was 612.1 detainees compared to 588.5 for the same period in 2018. This represents a 4% increase.
- This period's ADP consumed 92% of the department's operational capacity of 665.

Fiscal Year Comparison



Regional Center Waiting Periods

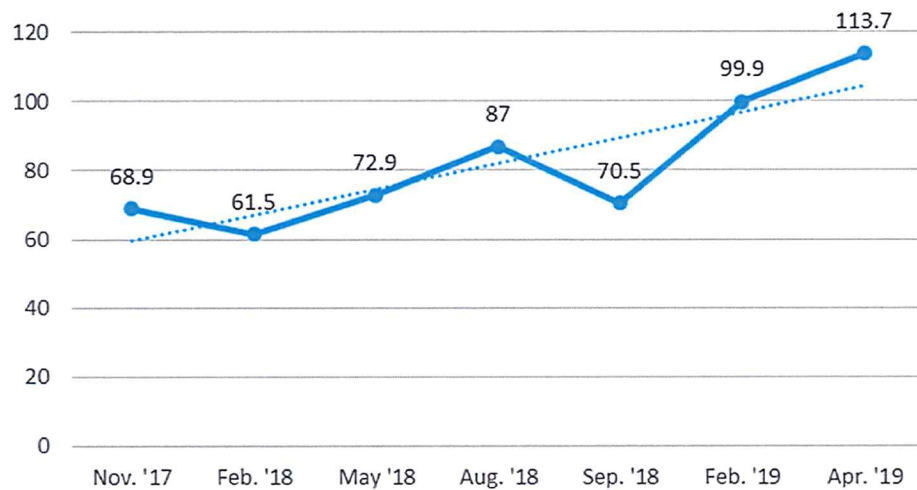
Date Ordered	Date Transferred	Days Waiting
8/21/2018	2/7/2019	170
3/30/2018	7/18/2018	109
8/17/2018	1/7/2019	143
7/3/2018	10/29/2018	118
8/22/2018	9/17/2018	26
10/22/2018	12/26/2018	66
10/16/2018	3/4/2019	140
10/29/2018	3/15/2018	137
10/23/2018	3/5/2019	133
6/6/2018	10/4/2018	120
11/2/2018	3/18/2019	136
8/22/2018	1/24/2019	156
9/12/2018	1/28/2019	138
	Total Days	1592
	Avg. Days	113.71

DATE ORDERED TO LRC	END OF QUARTER	DAYS WAITING
1/9/2019	3/31/2019	140
2/1/2019	3/31/2019	137
1/31/2019	3/31/2019	133
3/5/2019	3/31/2019	132
2/6/2019	3/31/2019	131
3/19/2019	3/31/2019	77
	TOTAL	750
	AVG. DAYS	125

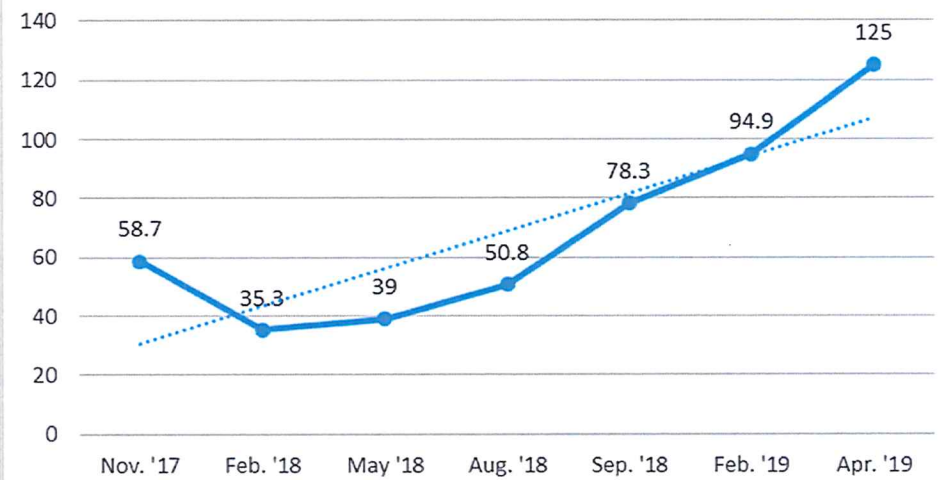
Regional Center Average Days Waiting Historical View



LRC Currently Housed Avg.



LRC Currently Waiting Avg.



ACLU Bond Fund



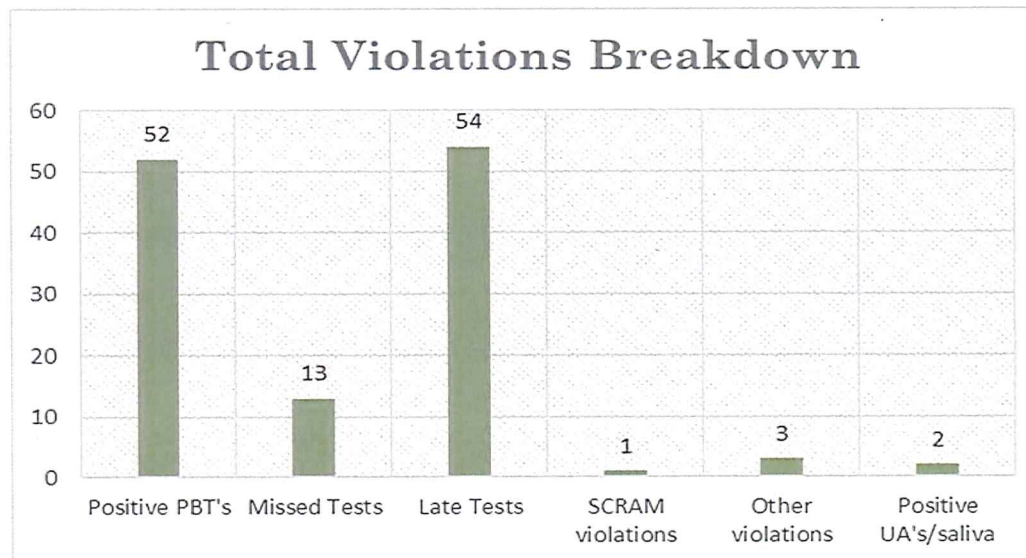
October		
	21 selected for interviews	
	12 selected for bonding	
		1 Re-lodged on warr for ACLU Case + add'l warr cases; ACLU CASE CLOSED
		1 In-cust on warr for ACLU Case + child support commitments; ACLU CASE STILL OPEN
		2 In-cust on warr for ACLU Case + new citations; ACLU CASE STILL OPEN
		1 In-cust on warr for ACLU Case + add'l warr + new citation; ACLU CASE STILL OPEN
		1 11/3 new citation-bonded; 11/8 re-lodged on ACLU warr-posted new bond for ACLU case; ACLU CASE STILL OPEN
		1 Re-lodged warr for ACLU case-ACLU bond reinstated; case still open
		1 In-cust on DC sent, ACLU bond case still valid, set for sent
		1 Re-lodged on warr for ACLU case-bond incr'd & reinstated-posted add'l; ACLU case still open
		1 FTA, gone to warrant
		1 Making appearances case still open
		1 successfully closed case
November		
	47 selected for interviews	
	32 selected for bonding	
		1 Re-lodged on warrant for ACLU Case + add'l warrant cases; ACLU case closed
		1 Re-lodged on outside warr; ACLU bond case still open and valid
		1 In-cust new warr; ACLU bond case still open and valid
		1 12/1 new warr; 12/19 new citation; ACLU bond case open and valid
		1 12/3 new citation; 12/27 ACLU case closed
		3 FTA, gone to warrant
		1 Re-lodged on new citation-bonded, ACLU bond case still valid
		1 Re-lodged on new warrant-bonded, ACLU bond case still valid
		17 Making appearances case still open
		5 successfully closed case
December		
	21 selected for interviews	
	13 selected for bonding	
		1 In-cust new citation; ACLU sent added
		2 In cust on new citation, ACLU bond still valid
		8 Making appearances case still open
		1 case dismissed
		1 FTA, gone to warrant

24/7 Sobriety Program Stats (10/30/17 - 4/30/2019)

Total PBT's	19324	Compliance	99.4%
Total PBT's	912	Compliance	99.9%
Total UA's/Saliva tests	1864	Compliance	99.8%

Current Active/Open	26
Closed Successful	27
Closed Unsuccessful	14
Withdrew	4
Inactive	0
Ineligible	44
Declined	24
Bonded Out	3
Pending	1
Total Participants	71

RANT Scores	Total
HR/HN	38
HR/LN	26
LR/HN	2
LR/LN	3



24/7 Cases Between: 10/1/2017 & 5/1/2019	Totals	Male	Female	Age					Race				
				18 24	25 35	36 45	45 55	56+	White	Black	Hispanic	Asian or Pacific Islander	American Indian Alaskan
24/7	71	59	12	2	42	18	7	2	53	10	6	0	2
Felony	53	43	10	0	33	14	5	1	42	8	2	0	1
Misdemeanor	18	16	2	2	9	4	2	1	11	2	4	0	1
Totals:	71	59	12	2	42	18	7	2	53	10	6	0	2