

MINUTES
LANCASTER COUNTY-CITY OF LINCOLN JUSTICE COUNCIL
605 S. 10TH STREET, ROOM 137A
FRIDAY, AUGUST 2, 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, County Commissioner; Kim Etherton, Community Corrections Director; Brad Johnson, Corrections Director; Brenda Fisher, Programs Director, Lancaster County Corrections; Mitch Herian, Soval Solutions; Bruce Prenda, Chief Deputy County Attorney; Pat Condon, County Attorney; Sara Hoyle, Human Services Director; C.J. Johnson, Regional Administrator, Region V Systems; Todd Duncan, Deputy Lancaster County Sheriff; Dean Rohwer, Lancaster County Veterans Treatment Court Coordinator; Jeff Curry, Chief Probation Officer, Adult Probation; Spike Eickholt, Government Liaison, American Civil Liberties Union (ACLU); Holly Newton, Shawn Stanczyk, Program Coordinators, Community Corrections; Taryn Tolliver, Screening Specialist, Community Corrections; Scott Etherton, Mental Health Crisis Center Director; Paul Cooney, Chief Deputy Public Defender; Terry Wagner, County Sheriff; Tammy Stevenson, Executive Director, The Bridge Behavioral Health; Bennie Shobe, Lincoln City Council; Jared Gavin, District Court Administrator; Jessica Kefkhofs, Chief Assistant City Attorney; Julie Fisher-Erickson, Director of Behavioral Health for Southeast Nebraska, Lutheran Family Services; Laurie Yardley, County Court Judge; Jeff Kirkpatrick, City Attorney; Riley Johnson, Lincoln Journal Star Newspaper; and Leslie Brestel, County Clerk's Office

Commissioner Rick Vest 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 MAY 3, 2019

MOTION: K. Etherton moved and C.J. Johnson seconded approval of the May 3, 2019 meeting minutes. Motion carried unanimously.

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

No report.

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

A. DEFINITION OF MENTAL ILLNESS FOR CRIMINAL JUSTICE DATA COLLECTION AND TRACKING PURPOSES

Regarding the Gaines Center Learning Collaborative group on competency to stand trial, the State's definition of mental illness will be used for data collection and tracking purposes.

B. DATA COLLECTION COMMITTEE UPDATE – Kim Etherton, Pat Condon and Brad Johnson

Condon stated the County Attorney's Office was provided information from the jail on booked individuals who have received a mental health referral and have had 3-9 prior bookings, so that the County Attorney's Office can see how those individuals are trending with the Mental Health Diversion program. Nuisance offenses will be reviewed and discussed at the next Justice Council meeting.

K. Etherton reviewed the Community Corrections presentation (Exhibit A).

The population in Intensive Supervised Diversion (ISD) typically has a better support system than individuals in Adult Drug Court. The ISD program is a 12-month program and if individuals are not successful in ISD, they can be put into Adult Drug Court.

When asked about unsuccessful individuals on the Community Service program, K. Etherton said the recidivism rate has not been run on those individuals.

Regarding the 24/7 Sobriety program, if an individual is struggling, they can go to a pre-trial release program and be assigned a case manager.

C. ALTERNATIVES TO INCARCERATION AND COMMON BARRIERS TO RELEASE

Tolliver reviewed the felony pretrial release information (Exhibit B). The availability of treatment programs, holds from other counties, and individuals meeting the criteria of the programs are the most common barriers to release.

Fisher said there should be consideration for an inpatient treatment program within the jail. K. Etherton stated she has submitted a grant for this purpose. If the grant is approved, the program would not begin until January 1, 2020.

D. SEQUENTIAL INTERCEPT MAPPING SURVEY – Mitch Herian, Soval Solutions

Herian reviewed the grant gap analysis (Exhibit C). K. Etherton added the sequential mapping group will meet at a date to be determined.

4) CORRECTIONS UPDATE – Brad Johnson, Corrections Director

B. Johnson reviewed Corrections population trends (Exhibit D). If the increasing population trend continues, there could be cell overcrowding and the possibility of housing individuals out of the County.

Regarding the Brief Jail Mental Health Screen questionnaire (Exhibit E), K. Etherton stated this instrument has been validated for use in correctional settings. A potential next data step is looking at the number of individuals flagged and see who requires further services in the jail. B. Johnson added it does not diagnose individuals but it does flag for further evaluations. A written report goes in the individual's medical file. Individuals flagged for further evaluation should see a Licensed Practical Nurse (LPN) within 48 hours of the survey.

The statistics for the 24/7 Sobriety program were also distributed (Exhibit G).

5) AGENCY AND ORGANIZATIONAL UPDATES

A. COUNTY ATTORNEY

Condon reviewed the bonds and jail population numbers (Exhibit F). The City and County Attorneys' Offices should review the lower bonds and find other options outside of sitting in jail.

The courts are looking to hold Night Court sessions on a quarterly basis.

B. PUBLIC DEFENDER

No report.

C. LAW ENFORCEMENT

Curry discussed LB686 (Change provisions relating to Class IV felonies, post-release supervision, competency to stand trial, restrictive housing, and the long-term restrictive housing work group, create a criminal offense relating to electronic communication devices in correctional facilities, change possession of a deadly weapon by a prohibited person provisions, and provide for deferred judgments by courts) as it relates to the possibility for individuals who violate post-release supervision to be resentenced to the full sentence time in custody.

When asked for data on jailed individuals who are taking classes and will be released on post-release supervision (PRS), Curry stated there is no data as to their successfulness on PRS; however, anecdotally, they seem to be more successful.

D. SERVICE PROVIDERS

S. Etherton said the number of individuals admitted at the Mental Health Crisis Center (MHCC) this fiscal year has dropped while the average length of stay has increased.

Stevenson thanked law enforcement for their help during the fire at The Bridge Behavioral Health.

Eickholt said there is a hearing on September 13 at 9:00 a.m. for LR144 (Interim study to examine the effectiveness of cash bail and cash bonds for misdemeanors and city and village ordinance violations).

E. OTHER COMMUNITY PARTNERS

No report.

6) NEXT MEETING – FRIDAY, NOVEMBER 1, 2019

7) ADJOURNMENT

MOTION: Condon moved and B. Johnson seconded to adjourn at 8:58 a.m. Motion carried unanimously.

Submitted by Leslie Brestel, County Clerk's Office



Department of Community Corrections

FY 2018-2019 REPORT

Adult Drug Court & Intensive Supervision Diversion (ISD)

Adult Drug Court

Applied	144
Bonded in	50
Graduated	27
<u>Terminated</u>	<u>20</u>

Total served: 116

ISD

Successful	06
Unsuccessful	03
Open	11
<u>Pending</u>	<u>05</u>

Total served: 25

Diversion Services

Infraction Diversion

Successful	147
Unsuccessful	35
<u>Open</u>	<u>93</u>
<u>Total</u>	<u>275</u>
Prosec, Declined	04

Misdemeanor Diversion

Successful	719
Unsuccessful	116
<u>Open</u>	<u>348</u>
<u>Total</u>	<u>1183</u>
Denied	0
Withdrew	11
Prosec. Declined	15

Felony Diversion

Successful	69
Unsuccessful	22
<u>Open</u>	<u>37</u>
<u>Total</u>	<u>128</u>
Denied	02
Withdrew	06

Diversion programming, cont.

Vets Diversion

Successful	02
Unsuccessful	01
Open	01
<u>Total</u>	<u>04</u>

Mental Health Diversion

Successful	12
Unsuccessful	03
Open	19
<u>Total</u>	<u>34</u>

House Arrest

City House Arrest

Successful	430
Unsuccessful	12
<u>Open(currently)</u>	<u>14</u>
<u>Total</u>	<u>456</u>
Denied	04
Ineligible	05
No Show	17
Withdrew	03

County House Arrest

Successful	345
Unsuccessful	16
<u>Open(currently)</u>	<u>24</u>
<u>Total</u>	<u>385</u>
Denied	34
Ineligible	32
No Show	13
Withdrew	05

District Court House Arrest

Successful	13
Unsuccessful	03
<u>Open(currently)</u>	<u>03</u>
<u>Total</u>	<u>19</u>
Denied	0
Ineligible	0
No Show	05
Withdrew	0

Pretrial Release

Felony Pretrial

Successful	39
Unsuccessful	37
<u>Open(currently)</u>	<u>53</u>
<u>Total</u>	<u>129</u>
Ineligible	01
Denied	13
Withdrew	0
Pending	19
Screened	81
Sentenced	19
Bonded Out	30

Felony Pretrial w/MH

Successful	03
Unsuccessful	01
<u>Open(currently)</u>	<u>07</u>
<u>Total</u>	<u>11</u>
Ineligible	0
Denied	0
Withdrew	0
Pending	0
Screened	01
Sentenced	0
Bonded Out	30

Community Service

Fine Payment

Closed Successful	475
Closed Unsuccessful	392
Open(currently)	131
<u>Withdrew</u>	<u>01</u>
<u>Total</u>	<u>1002</u>
# Hours logged	101,153

Probation

Closed Successful	16
Closed Unsuccessful	12
<u>Open(currently)</u>	<u>17</u>
<u>Total</u>	<u>45</u>
# Hours logged	11,239

24/7

Successful 33

Unsuccessful 11

Open 04

Active 11

Total **59**

Withdrew 04

Grant Programming

Young Adult Sentence
Conversion/Loal
Reentry

Successful	03
Unsuccessful	04
Open	06
<u>Pending</u>	<u>13</u>
<u>Total</u>	<u>26</u>

Adult Drug Court
Enhancement

- ▶ Medication Assisted Treatment Planning
- ▶ Housing Options
 - ▶ Curtis Center
 - ▶ Fresh Start
- ▶ Employment Support
 - ▶ American Job Centers

Program Totals

Adult Drug Court	116
Intensive Supervision Diversion	25
Infraction Diversion	275
Misdemeanor Diversion	1183
Felony Diversion	128
Veterans Diversion	4
Mental Health Diversion	34
City House Arrest	456
County House Arrest	385
Dist. Court House Arrest	19
Felony Pretrial Release	129
Felony Pretrial Release w/MH	11
Community Service	1002
Community Service Probation	45
24/7	59
<u>Young Adult Sentence Conversion</u>	<u>26</u>
Total	3897

Drug Testing

Drug Testing Information - Community Corrections FY18-19

July 1st, 2018 - June 30th, 2019

FY17-18		
12 Panels Used	748	
7 Panels Used	2194	
5 Panels Used	7048	
Single Panel Used	11	
PBTs Used	23558	
Oral Tests Used	129	
Total Panels		
	10001	
Total PBTs		
	23558	
Total Positive Panel	523	5%
Total Positive PBT	79	0.34%

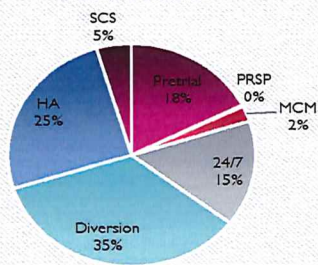
Breakdown of Testing by Individual Programs

	Pretrial	MH PT	PRSP	MCM	24/7	SCS
Total Panels	1568	194	21	227	1535	455
Total PBTs	1531	208	20	221	15816	450
	Mis DIV	Fel DIV	Vet DIV	MH DIV	ISD	Gen. DIV
Total Panels	94	2163	136	292	771	20
Total PBTs	80	2018	130	277	795	16
	Cl. House Arrest	CO. House Arrest	Dis. House Arrest			
Total Panels	983	1440	102			
Total PBTs	701	1200	95			

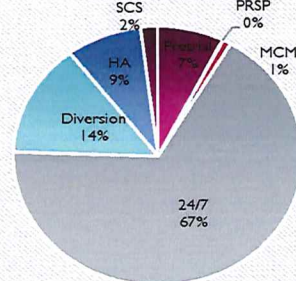
Breakdown of Testing by Combined Programs

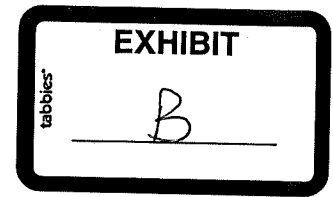
	Pretrial	PRSP	MCM	24/7	Diversion	HA	SCS
Total Panels	1762	21	227	1535	3476	2525	455
Total PBTs	1739	20	221	15816	3316	1996	450

Total Panels



Total PBTs





Felony Pretrial Release

Pretrial release is for individuals in custody with F2A (that were formerly F3), F3, and F4 nonviolent charges.

Excluded charges are Violation of Protection Order VOP, Sex Offender Registration SOR violations, flee to avoid, Terroristic threats, any assaults, Robbery, charges including any weapons at all, Sex offenses, and the like. Questions regarding specific charges are addressed case by case.

Probation revocation cases must have court ordered screening. Post release supervision violations must have court ordered screening.

Any eligible inmate will be contacted automatically by our office within 3-5 days post arraignment.

For many the process stops here. If they do not have a place to reside for supervision we do not proceed. Inmate is instructed to contact us if a residence should arise.

For these inmates community options can be explored. In collaboration with Associates in Counseling, inmates have the opportunity to access a substance abuse evaluation to seek out possible treatment options in the community. If treatment is wanted an inmate is put on a waitlist or scheduled for an evaluation. Once the evaluation is completed a residential bed in the community is secured.

If the inmate has a place to reside that is appropriate for supervision the individual is screened.

Once screened the process of approving a residence is started. The residence has to be an appropriate place for supervision. The other adults in the home cannot have any pending charges or an extensive criminal history. There cannot be another individual residing in the residence that is on probation/parole. There cannot be an open CPS case or juvenile case. The home cannot be on subsidized housing and if so the inmate must be included on the housing. Many of these guidelines are general. Of course each situation is unique and we try to look at each case individually. The home must be willing to allow us access to the home for the purpose of checking on the client and must be drug and alcohol free. Once contact is made with the perspective residence and they agree to the terms. We then set up a residence check and physically go to the home.

If a residence is approved. All information is compiled into a risk assessment and a supervision plan is written. This assessment is sent to all parties for Counsel to set a bond hearing.

If an individual is approved for the program they may be requires to:

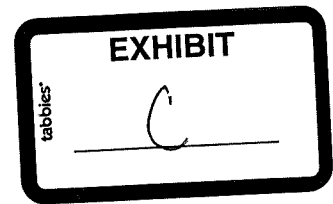
Check in daily. Typically 7 days a week. This is determined by the risk level assigned during screening. Most clients are the highest level.

Participate in substance abuse evaluation and treatment recommendation of substance abuse evaluation if warranted.

Wear an electronic monitor and submit a daily schedule of activities. Electronic monitors are monitor used to monitor a client's curfew. Available options also include a SCRAM transdermal alcohol monitoring device and a GPS monitoring device.

Abide by a curfew.

Abstain from drug and alcohol use and are required to submit to random drug testing.



Bureau of Justice Assistance Grant – Gap Analysis

Introduction

In 2017, Lancaster County Community Corrections received a Bureau of Justice Assistance Grant (BJA Grant ##2017-CZ-BX-0009) to conduct a pilot study to test the effectiveness of a sentence conversion program among young male, non-violent, moderate risk defendants in Lancaster County. One of the requirements of the grant was to conduct a Gap Analysis related to criminal justice and mental health needs within Lancaster County. Community Corrections leveraged a 2018 Lancaster County Sequential Intercept Mapping (SIM) exercise conducted by Policy Research Associates (PRA) to lay the groundwork for the Gap Analysis.

As part of the SIM exercise, PRA put forth a final set of recommendations based on the input it received from SIM participants. Those six recommendations for improvements to the criminal justice and mental health nexus in Lancaster County are listed in Table 1 below.

Table 1. PRA SIM Recommendations (Listed in order in which they appear in report)
1. Develop a Frequent User of Service Coordinating Committee.
2. Address the Incompetent to Stand Trial (IST) population.
3. Increase and improve housing options.
4. At all stages of the Sequential Intercept Model, gather data to document the processing of people with mental health and substance use disorders through the criminal justice system locally.
5. Develop more formal and coordinated screening and diversion strategies for arraignment diversion (Intercept 2) and pre-plea diversion (Intercept 3).
6. Expand jail reentry resources and access to medication and timely treatment upon release.

To better understand participants' views on these recommendations, Lancaster County Community Corrections worked with its research partner, Soval Solutions, to distribute a very brief survey asking SIM attendees to rank these six recommendations in order of importance. The survey was announced to attendees via email in late January, 2019. The survey was delivered via email to 37 SIM attendees in February, 2019. Two weeks later, non-respondents to the survey were sent a reminder to please complete the survey. A total of 19 individuals responded to the survey, which represents 51% of the total number invited to respond.

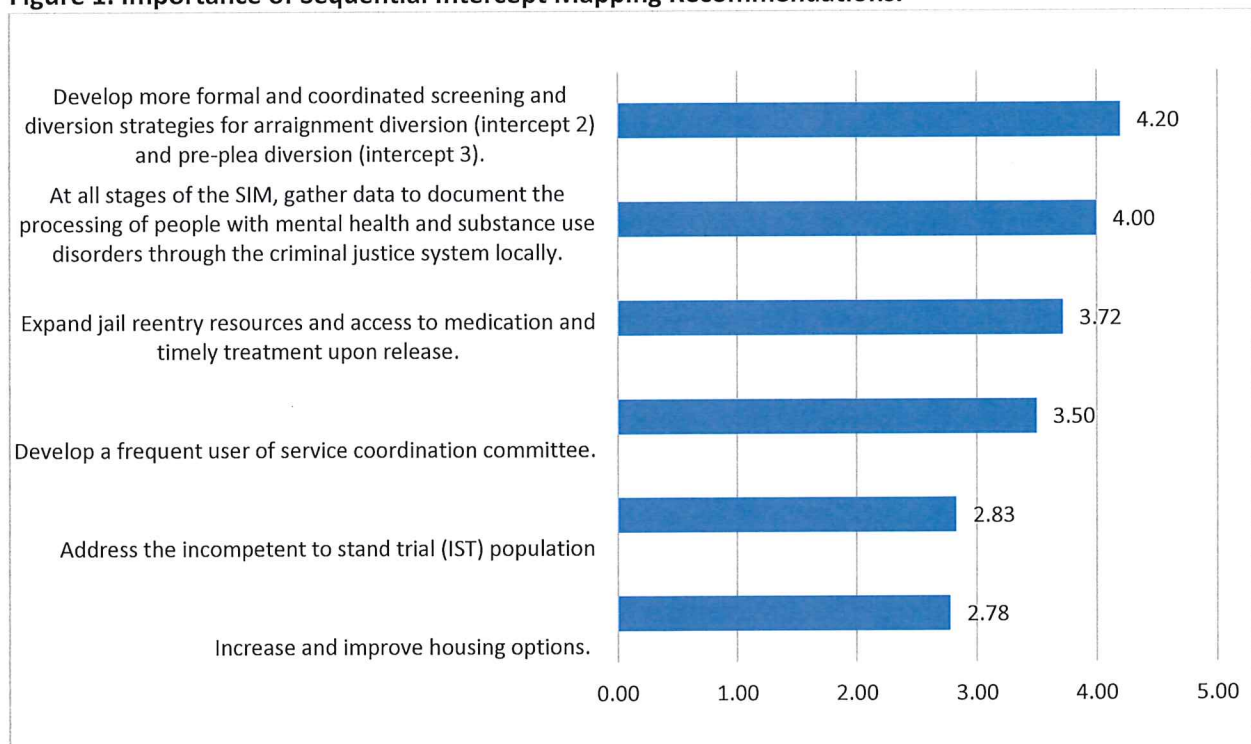
Survey Results

The first survey question asked participants to record their profession. The results are listed in Table 2. As indicated in the table, City/County Government Administration personnel most frequently responded to the survey, representing 21.1% of the total respondents. Behavioral Health and Law Enforcement personnel each represented 15.8% of the total. Criminal Justice Supervision/Case Management personnel constituted 10.5% of the total, with various other occupations comprising the rest of the sample.

Occupation	N	%
City/County Government Administration	4	21.1%
Behavioral Health Administrator	3	15.8%
Law Enforcement	3	15.8%
Criminal Justice Supervision/Case Management	2	10.5%
Criminal Justice Administrator	1	5.3%
Prosecutor	1	5.3%
Other: Education K-12	1	5.3%
Other: Funder	1	5.3%
Other: Housing and Case Management	1	5.3%
Other: Transitional Housing	1	5.3%
Other: School Security	1	5.3%
Total	19	

Respondents were asked to order the six recommendations in order of importance to them. If a respondent ranked the item as most important, it received a score of “6”; an item ranked second received a score of “5”; an item ranked third received a score of 4, and so on. The mean score for each item was then computed, with higher scores indicating higher levels of perceived importance. The results are presented in Figure 1 below.

Figure 1. Importance of Sequential Intercept Mapping Recommendations.



EXHIBIT

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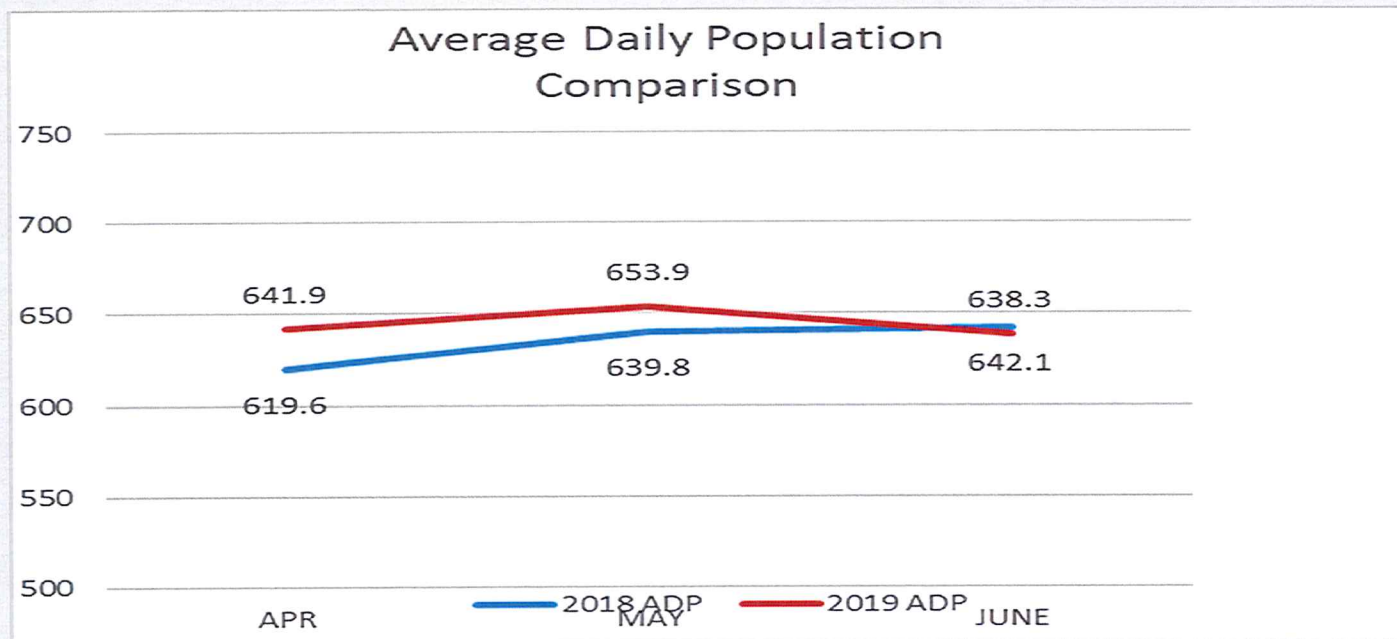
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Justice Council August 2, 2019



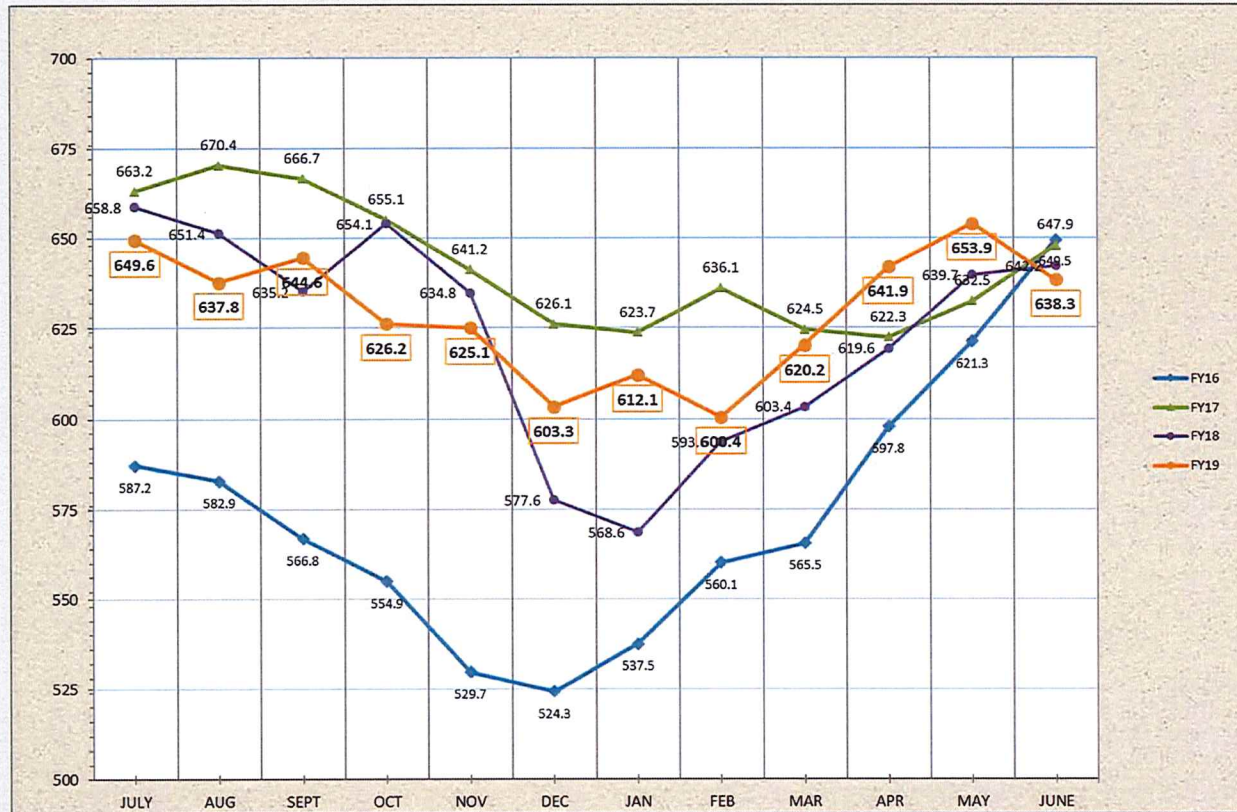
Current Population Trends

Average Daily Population



- The average daily population (ADP) for this period of 2019 was 644.7 detainees compared to 633.8 for the same period in 2018. This represents a 1.7% increase.
- This period's ADP consumed 96.9% of the department's operational capacity of 665.

Fiscal Year Comparison



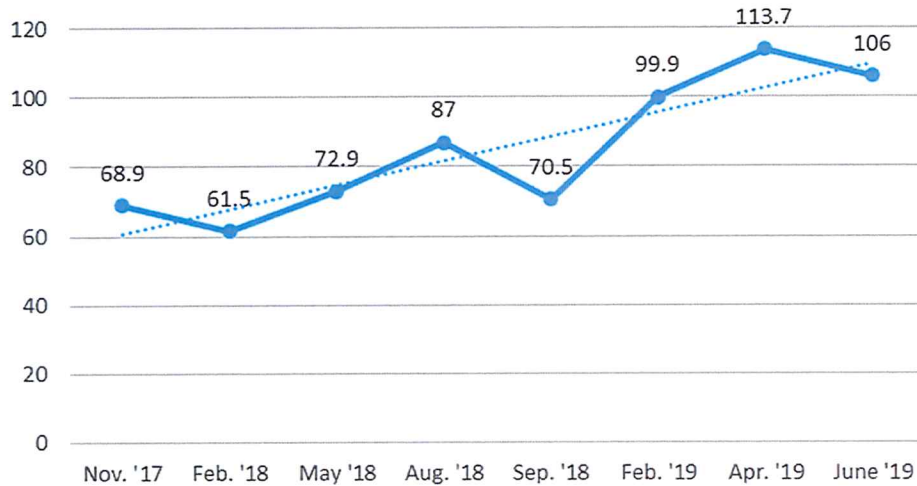
Regional Center Waiting Periods

Currently Housed at Regional Center			Currently Waiting for a Bed		
Date Ordered	Date Transferred	Days Waiting	DATE ORDERED TO	END OF QUARTER	DAYS WAITING
2/6/2019	5/20/2019	103	4/9/2019	6/30/2019	83
3/5/2019	5/22/2019	78	4/9/2019	6/30/2019	83
3/19/2019	6/4/2019	77	4/24/2019	6/30/2019	68
7/3/2018	10/29/2018	118	4/30/2019	6/30/2019	62
2/1/2019	4/24/2019	82	5/28/2019	6/30/2019	34
10/29/2018	3/15/2018	137	6/11/2019	6/30/2019	20
10/23/2018	3/5/2019	133	6/27/2019	6/30/2019	4
6/6/2018	10/4/2018	120		TOTAL	354
	Total Days	848		AVG. DAYS	50.57
	Avg. Days	106			

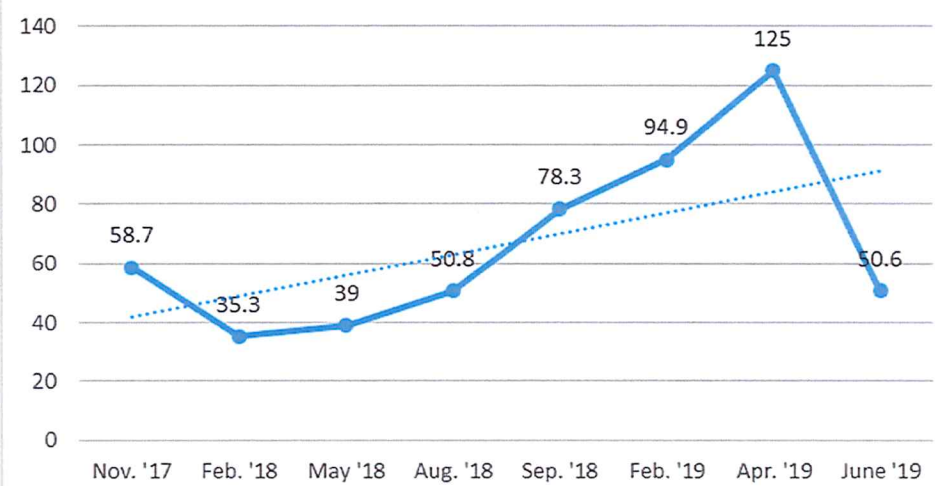
Regional Center Average Days Waiting Historical View



LRC Currently Housed Avg.



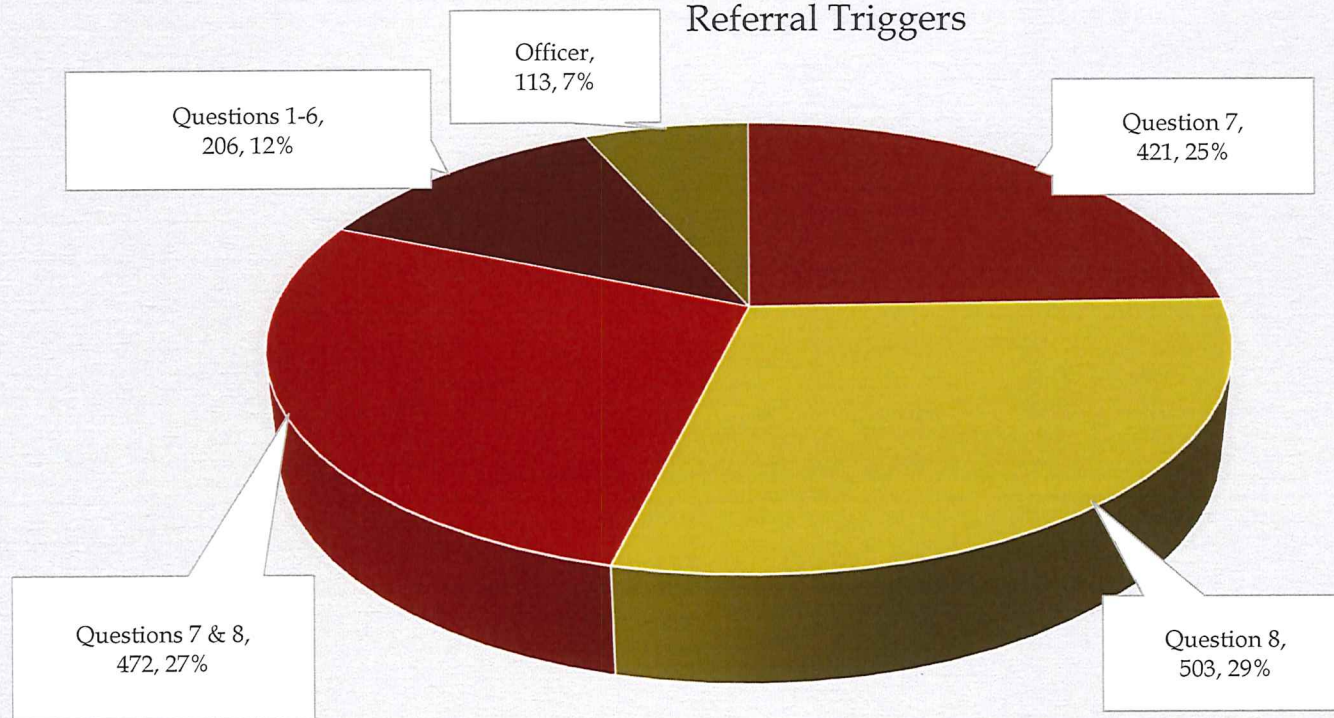
LRC Currently Waiting Avg.



Inmates referred for further mental health screening at booking between January 1, 2019 and June 30, 2019



Referral Triggers



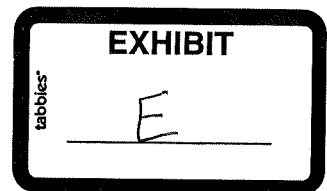
4,880 individuals were booked into custody, of that 1,715 (35%) were referred for further evaluation.

Pretrial Referrals



- Of the 1,715 bookings referred for additional mental health screening, 1,331 (77.6%) were booked as pre-trial.
- The average length of stay as pretrial was 9.86 days with the longest period being 191.08 days.

BRIEF JAIL MENTAL HEALTH SCREEN



Section 1

Name: _____ <small>First MI Last</small>	Detainee #: _____	Date: ___/___/_____	Time: _____ AM PM
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Section 2

Questions	No	Yes	General Comments
1. Do you <i>currently</i> believe that someone can control your mind by putting thoughts into your head or taking thoughts out of your head?			
2. Do you <i>currently</i> feel that other people know your thoughts and can read your mind?			
3. Have you <i>currently</i> lost or gained as much as two pounds a week for several weeks without even trying?			
4. Have you or your family or friends noticed that you are <i>currently</i> much more active than you usually are?			
5. Do you <i>currently</i> feel like you have to talk or move more slowly than you usually do?			
6. Have there <i>currently</i> been a few weeks when you felt like you were useless or sinful?			
7. Are you <i>currently</i> taking any medication prescribed for you by a physician for any emotional or mental health problems?			
8. Have you <i>ever</i> been in a hospital for emotional or mental health problems?			

Section 3 (Optional)

Officer's Comments/Impressions (check *all* that apply):

- Language barrier Under the influence of drugs/alcohol Non-cooperative
 Difficulty understanding questions Other, specify: _____

Referral Instructions: This detainee should be referred for further mental health evaluation if he/she answered:

- YES to item 7; OR
- YES to item 8; OR
- YES to at least 2 of items 1 through 6; OR
- If you feel it is necessary for any other reason

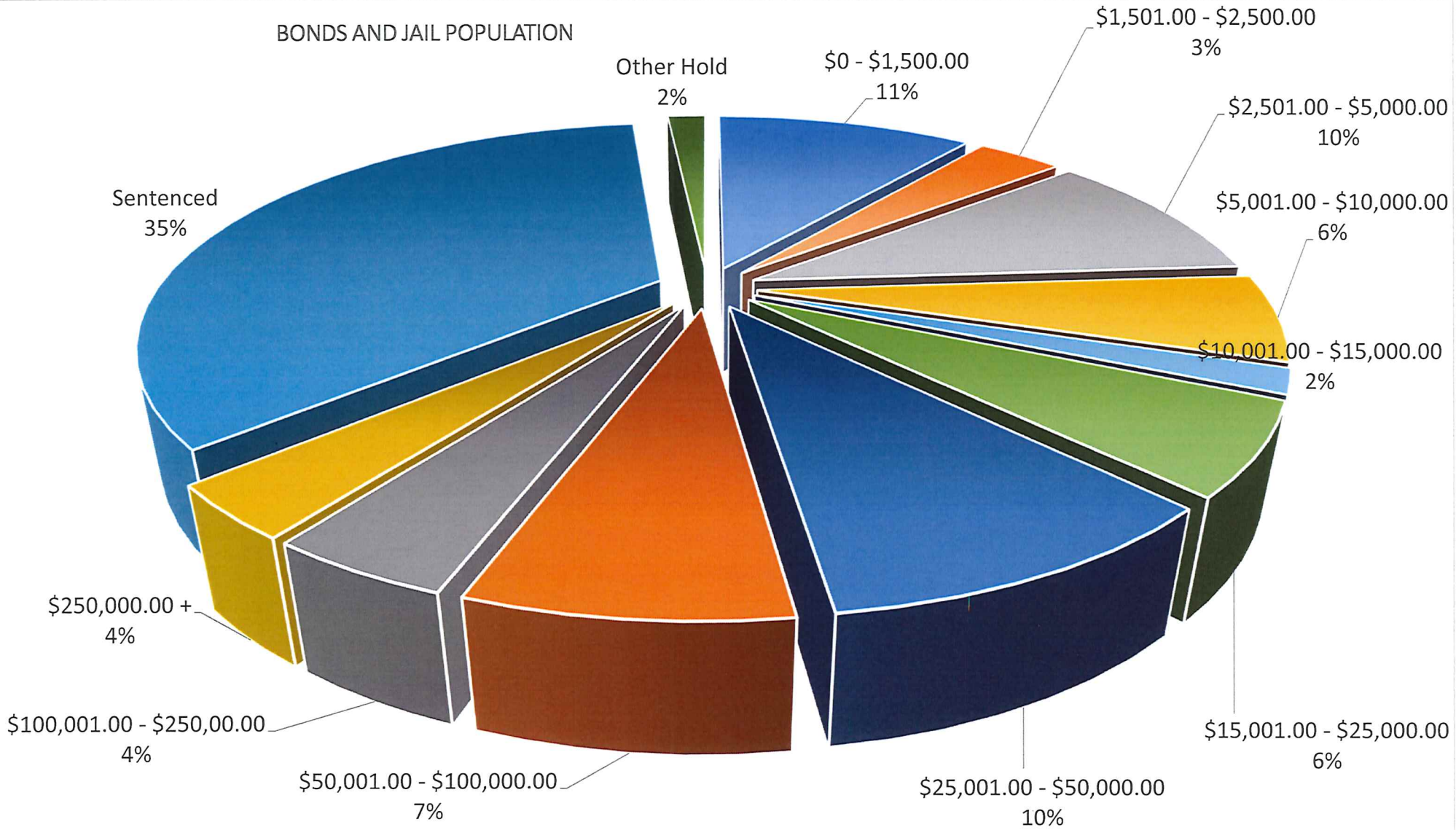
Not Referred

Referred on ___/___/_____ to _____

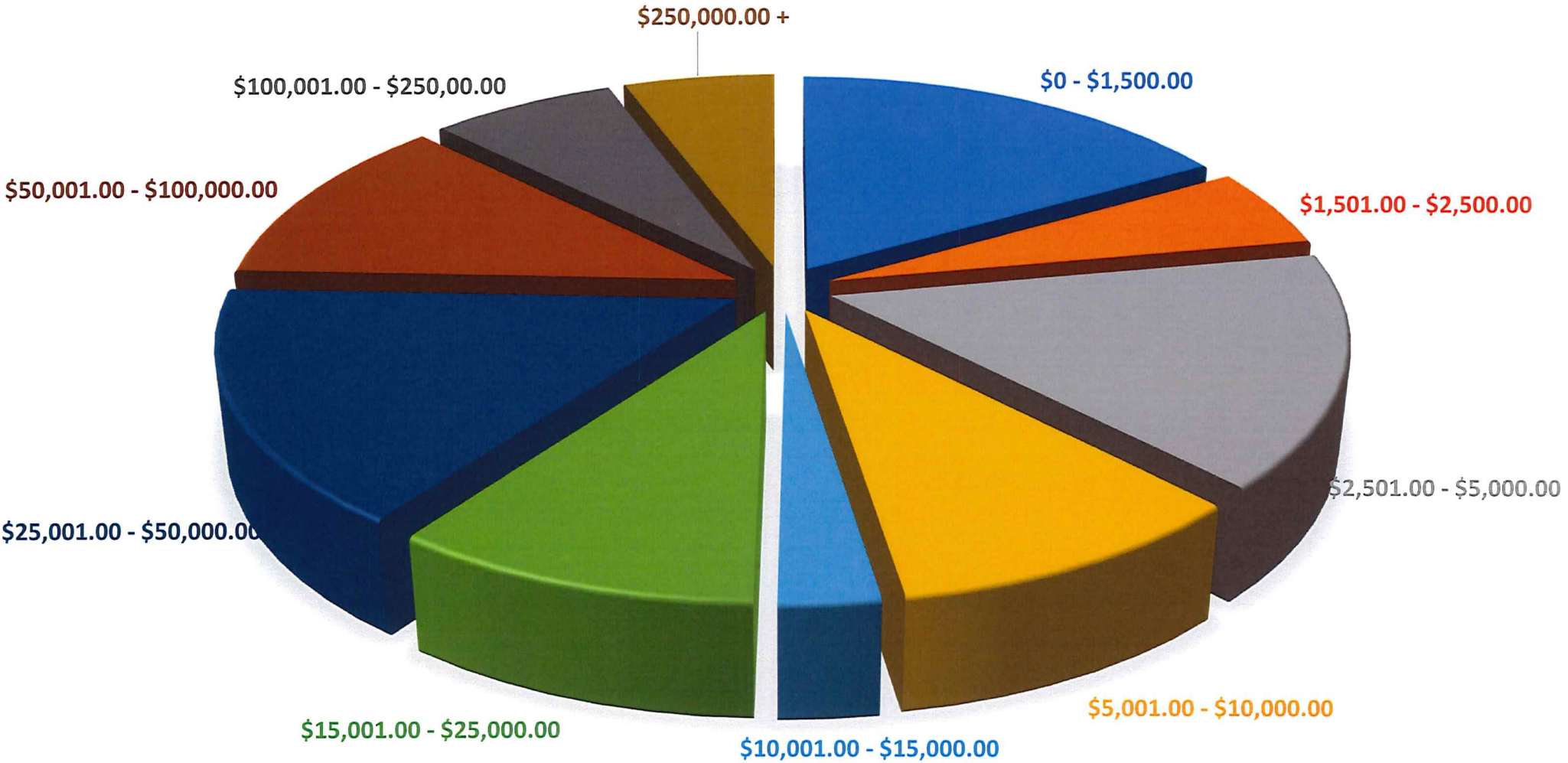
Person completing screen _____

INSTRUCTIONS ON REVERSE

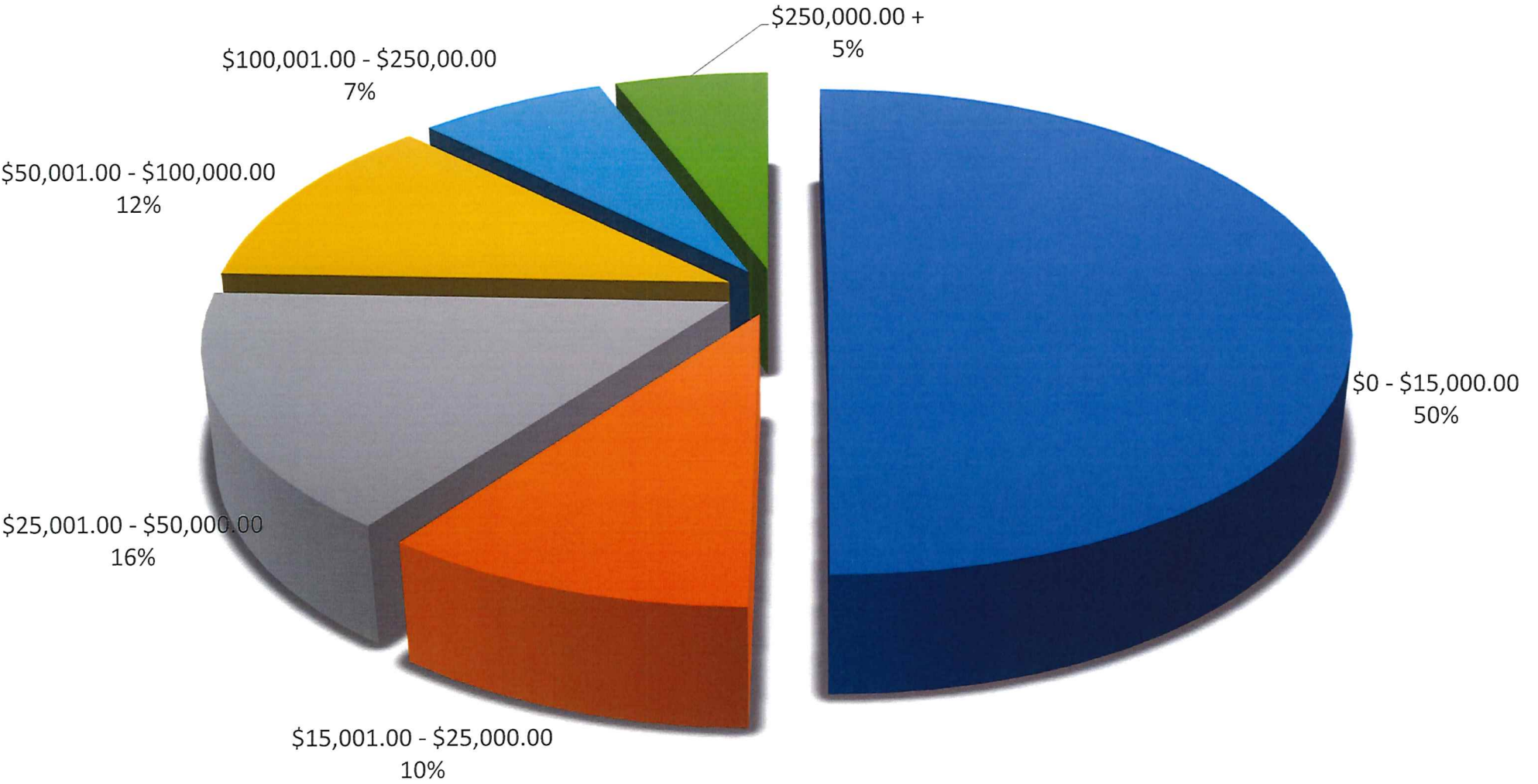
BONDS AND JAIL POPULATION



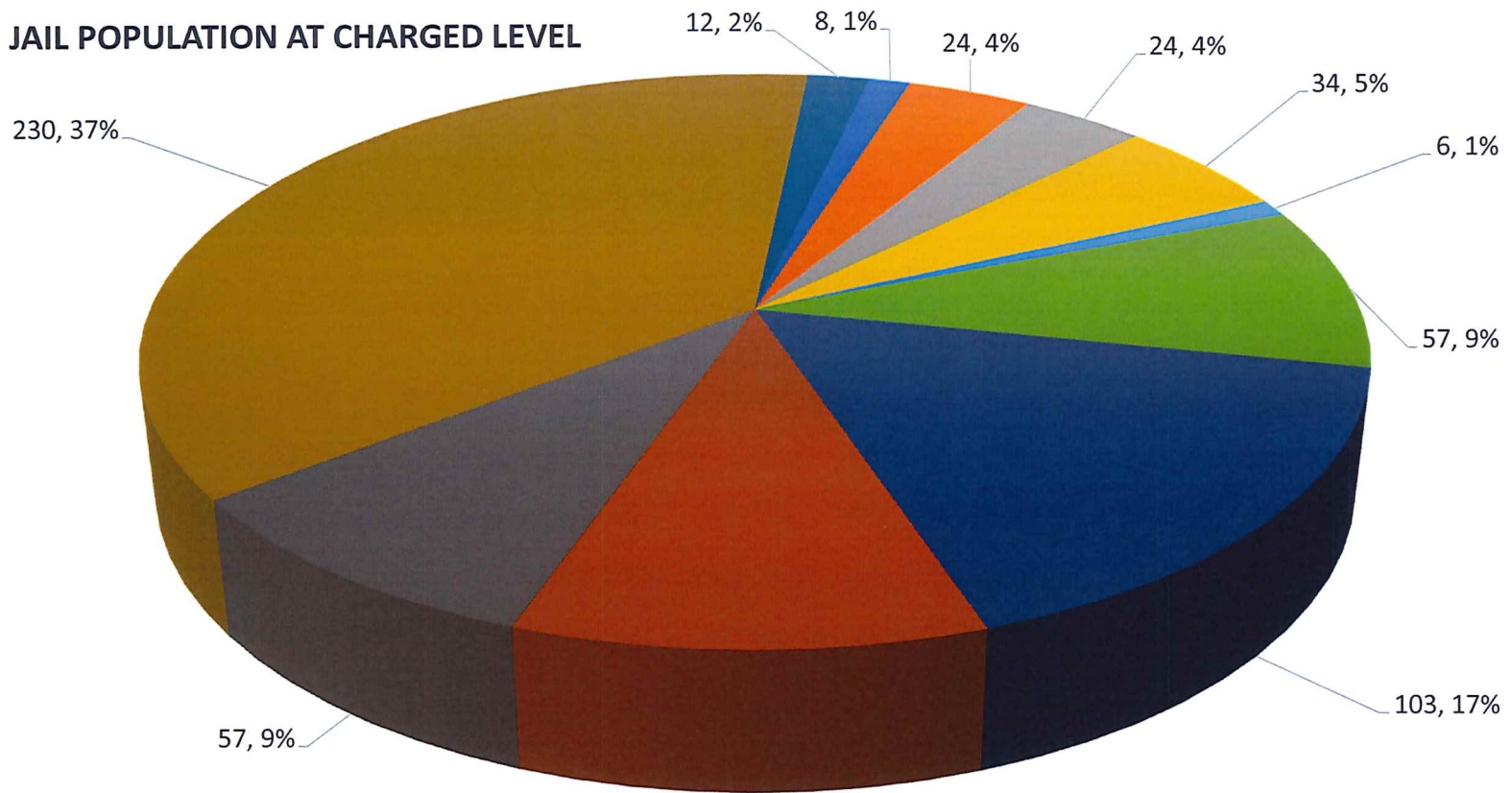
BONDED INMATE POPULATION



TARGETED BOND INFO

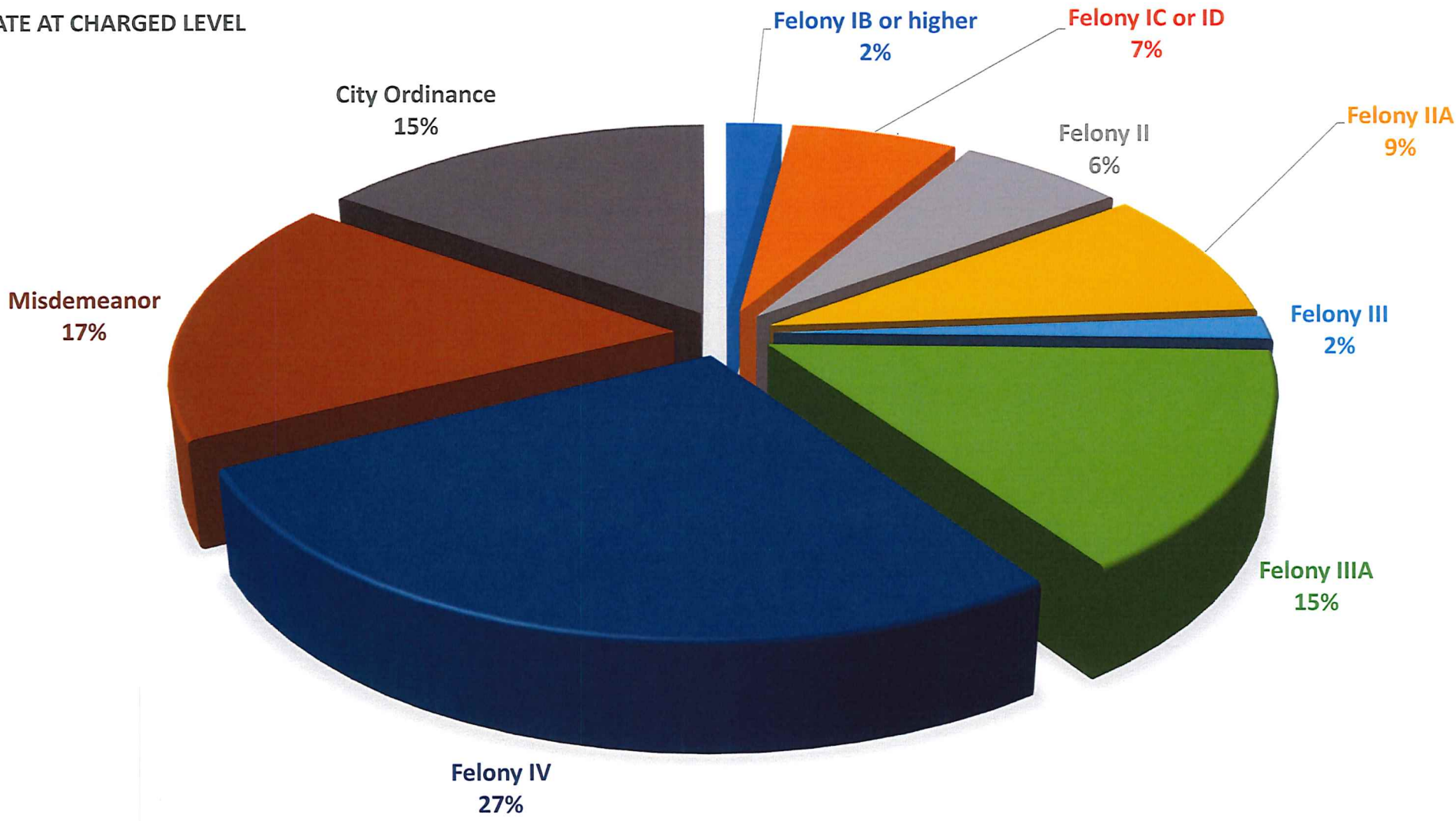


JAIL POPULATION AT CHARGED LEVEL



- Felony IB or higher
 - Felony IIA
 - Felony IV
 - Sentenced
- Felony IC or ID
 - Felony III
 - Misdemeanor
 - Other Hold
- Felony II
 - Felony IIIA
 - City Ordinance

INMATE AT CHARGED LEVEL



Continuous Statistics for Lancaster County 24/7 Sobriety Program

24/7 Stats (10/30/17 - 7/31/2019)			
Total PBT's	22694	Compliance	99.4%
Total SCRAM days	1327	Compliance	99.8%
Total UA's/Saliva tests	1873	Compliance	99.7%

Current Active/Open	16
Closed Successful	36
Closed Unsuccessful	16
Withdrew	6
Inactive	1
Ineligible	51
Declined	26
Bonded Out	4
Pending	0
Total Participants	75

Misdemeanor	Felony
20	55

RANT Scores	Total
HR/HN	44
HR/LN	26
LR/HN	2
LR/LN	3

Totals Violations from start	140
Positive PBT's	61
Missed Tests	20
Late Tests	61
SCRAM violations	1
Other violations	4
Positive UA's/saliva	2

Total Violations Breakdown

