

**MINUTES**  
**LANCASTER COUNTY-CITY OF LINCOLN JUSTICE COUNCIL**  
**605 S. 10<sup>TH</sup> STREET, ROOM 137A**  
**FRIDAY, FEBRUARY 1, 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; Jared Gavin, District Court Administrator; Scott Etherton, Mental Health Crisis Center Director; Steve Solorio, Joven Noble Coordinator, El Centro; Jane Raybould, Lincoln City Council; Taryn Tolliver, Screening Specialist, Community Corrections; Kim Etherton, Community Corrections Director; Jessica Kefkhofs, Chief Assistant City Attorney; Sadie Jensen, Holly Newton, Shawn Stanczyk, Program Coordinators, Community Corrections; Sara Hoyle, Human Services Director; Kerry Eagan, County Chief Administrative Officer; Brennen Miller, Joe Kohout, Kissel, Kohout ES Associates; Bruce Prenda, Chief Deputy County Attorney; Jeff Curry, Chief Probation Officer, Adult Probation; Pat Condon, County Attorney; Tom Randa, Executive Director, Good Neighbor Community Center; Joe Nigro, Public Defender; Mary Barry-Magsamen, Chief Executive Officer, St. Monica's; Todd Duncan, Chief Deputy Sheriff; Tammy Stevenson, Executive Director, The Bridge Behavioral Health; Chief Jeff Bliemeister, Lincoln Police Department; Terry Wagner, County Sheriff; Brad Johnson, Corrections Director; Julie Fisher-Erickson, Director of Behavioral Health for Southeast Nebraska, Lutheran Family Services; Landon Parks, Mental Health Program Manager, Community Corrections; Spike Eickholt, Government Liaison, American Civil Liberties Union (ACLU); Nancy Hicks, Lincoln Journal Star Newspaper; and Leslie Brestel, County Clerk's Office

County 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 NOVEMBER 2, 2018**

**MOTION:** Mary Barry-Magsamen, Chief Executive Officer, St. Monica's, moved and Todd Duncan, Chief Deputy Sheriff, seconded approval of the November 2, 2018 meeting minutes. Motion carried unanimously.

**2) LEGISLATIVE UPDATE – Joe Kohout and Brennen Miller, Kissel, Kohout ES Associates**

**A. 24/7 (LB335)**

Joe Kohout and Brennen Miller, Kissel, Kohout ES Associates, reviewed LB335 (Authorize a 24/7 sobriety program permit for operating a motor vehicle as a condition of bail). It was noted the Douglas County Corrections Director had concerns about the bill.

Kim Etherton, Community Corrections Director, stated if a person is on the 24/7 program their bond may be reduced. In other states with this program, participants obtain an operator's license; however, Nebraska statutes do not have that option. Joe Nigro, Public Defender, stated the program has been extremely successful in South Dakota.

Pat Condon, County Attorney, explained how to get a license once it has been suspended for Driving Under the Influence (DUI) charges. He said there are immediate and known sanctions if a participant tests positive. He said if a participant fails to do a 12-hour check there is an immediate warrant for their arrest.

Sadie Jensen, Program Coordinator, Community Corrections distributed 24/7 Sobriety program statistics for Lancaster County (Exhibit A). K. Etherton added there is a \$2 per day fee to be on the program. Nigro stated the bill allows for a waiver for those who cannot afford the cost of the program.

When asked what deems an unsuccessful case, Jensen said the individual would have multiple sanctions in which the judge could remove the program and reset their bond.

Chief Jeff Bliemeister, Lincoln Police Department, asked what Mothers Against Drunk Driving's (MADD) stance is on the bill. Condon said MADD does not support the bill.

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

Kohout reviewed LB240 (Change procedures for determining competency to stand trial). There was a hearing in front of the Judiciary Committee where there seemed to be support for the bill.

## **C. THE BRIDGE LICENSURE (LB200)**

Kohout said LB200 (Change provisions relating to licensure under the Health Care Facility Licensure Act of alcoholism centers providing civil protective custody of intoxicated persons) was drafted in consultation with The Bridge Behavioral Health and the County Board. The Health and Human Services Committee advanced the bill with a clarifying amendment.

## **D. DUI DIVERSION (LB500)**

Joe Nigro, Public Defender, reviewed LB500 (Prohibit participation in pretrial diversion programs for certain driving under the influence and driver's license offenses) and felt it could be financially successful for the County and the City.

## **OTHER BUSINESS**

Kohout gave an overview of LB247 (Adopt the Advance Mental Health Care Directives Act) and said the County has sent a letter of support.

### **3) COMMUNITY CORRECTIONS UPDATE – Kim Etherton, Community Corrections**

#### **A. SAMHSA GRANT FOR ADULT DRUG COURT PEER SUPPORT**

K. Etherton submitted a grant for funds for adult drug court peer support. Due to early post-graduation relapses, Community Corrections is proposing an Adult Drug Court post-graduation peer support program. The grant would cover the cost of a position to offer recent graduates an opportunity to be in the support program for 18-24 months. Currently, Adult Drug Court has an alumni group.

Raybould asked if the increase in reapplications is a trend. K. Etherton said 75% of the recent applicants have gone through adult drug court before.

#### **B. STEPPING UP INITIATIVE**

K. Etherton distributed and reviewed the Stepping Up Initiative flyer (Exhibit B).

There was general discussion on limited communication between providers and law enforcement, resources and federal laws. The topic will be added to the May 3 agenda.

### **4) CORRECTIONS UPDATE – Brad Johnson, Corrections Director**

Brad Johnson, Corrections Director, reviewed his presentation (Exhibit C). He stated the reserved housing unit for the female population is currently open. The current wait time to get into the Regional Center is 100 days.

Spike Eickholt, Government Liaison, American Civil Liberties Union (ACLU), stated the Nebraska-ACLU is not bonding individuals out at this time. Johnson said he will do a final bond review after pending ACLU bond cases are closed.

### **5) AGENCY AND ORGANIZATIONAL UPDATES**

#### **A. COUNTY ATTORNEY – Warrant Week**

Condon reported of the 50 cases seen during the August Warrant Week, 29 were sentenced and 16 resulted in court dates. At the November Warrant Night, 24 County cases were represented. Jessica Kefkhofs, Chief Assistant City Attorney, stated the City had 70 warrants from Warrant Week and 46 on Warrant Night.

Condon would like to discuss night court with the judges.

#### **B. PUBLIC DEFENDER**

No report.

#### **C. LAW ENFORCEMENT**

Bliemeister stated law enforcement is working on a formalized process to keep frequent problem

properties from encountering law enforcement.

#### **D. PROBATION**

No report.

#### **E. SERVICE PROVIDERS**

Barry-Magsamen reported St. Monica's is applying for a grant targeting Native American women seeking treatment. They plan to partner with the Indian Center.

Julie Fischer-Erikson, Lutheran Family Services, said there is a wait list for community support as Region V units are limited.

#### **F. OTHER COMMUNITY PARTNERS**

Tom Randa, Executive Director, Good Neighbor Community Center, gave an update on Project Uplift, which is a partnership between the Good Neighbor Community Center, the Asian Community Center, El Centro, the Malone Community Center, Legal Aid of Nebraska and the Center for Legal Immigration Assistance focusing on needs of the community populations, including legal, employment and housing issues.

#### **OTHER BUSINESS**

Nigro reported he is presenting a TEDx talk on bond reform.

#### **6) NEXT MEETING – FRIDAY, MAY 3, 2019**

#### **7) ADJOURNMENT**

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

Submitted by Leslie Brestel, County Clerk's Office.



# 24/7 Sobriety Program Stats

Lancaster County Department of Community Corrections

(10/30/2017-01/30/2019)

<b>Total PBT's</b>	<b>15471</b>	<b>Compliance</b>	<b>99.4%</b>
<b>Total SCRAM days</b>	<b>513</b>	<b>Compliance</b>	<b>100%</b>
<b>Total UA's/Saliva tests</b>	<b>1447</b>	<b>Compliance</b>	<b>99.9%</b>

Current Active	27
Closed Successful	14
Closed Unsuccessful	9
Withdrew	4
Inactive	2
Ineligible	42
Declined	20
Bonded Out	3
Pending	1
<b>Total Participants</b>	<b>56</b>

Total Sanctions from start	98
Positive PBT's	40
Missed Tests	12
Late Tests	44
SCRAM violations	0
Other violations	2
Positive UA's/saliva	2

	Misdemeanor	Felony
Current Active	3	24
<b>Total Participants</b>	<b>13</b>	<b>43</b>

RANT Scores	Total	Current
HR/HN	30	17
HR/LN	20	10
LR/HN	1	0
LR/LN	3	0

# THE STEPPING UP INITIATIVE

A National Initiative to Reduce the Number of People with Mental Illnesses in Jails



NACCO And Lancaster County

are pleased to announce

## The Nebraska Stepping Up Summit



With Featured Speaker  
Judge Steve Leifman

Associate Administrative Judge of the  
Miami-Date County Court-Criminal Division

April 17, 2019

Cornhusker Marriott

Lincoln, Nebraska

Watch for Registration Information & Tentative Agenda to Follow at [www.nacone.org](http://www.nacone.org)

To Learn More about the Stepping Up Initiative, go to <https://stepuptogether.org/>

EXHIBIT

tabbles

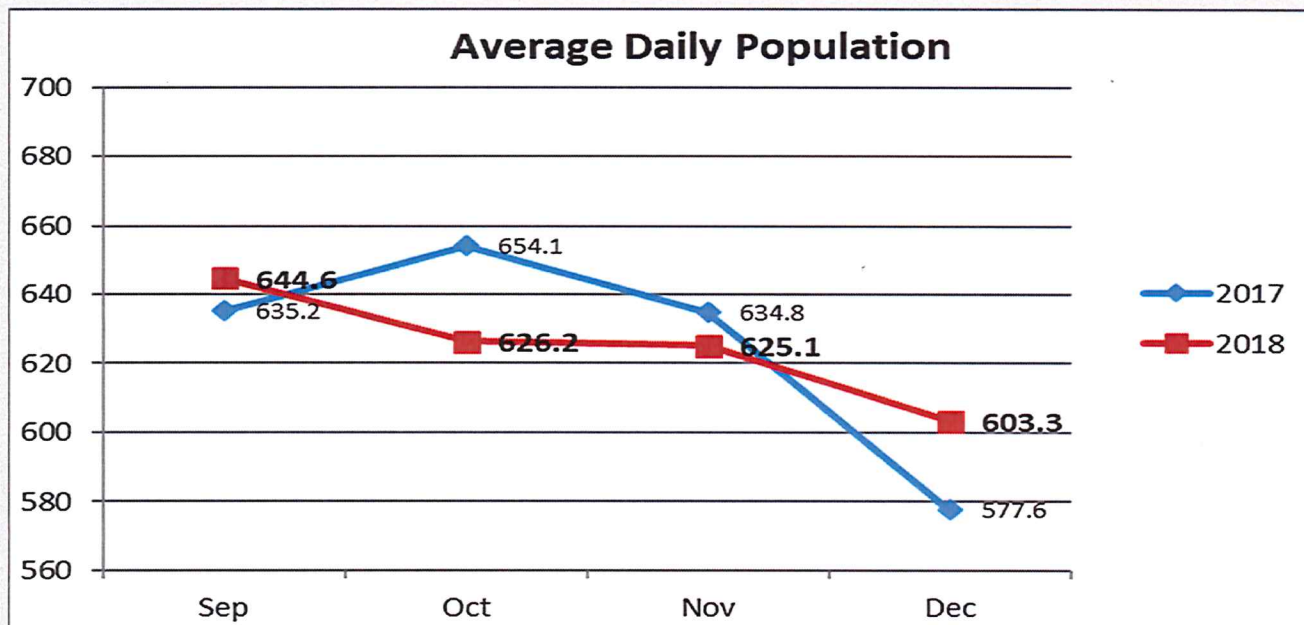
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# Justice Council February 1, 2019



Current Population Trends

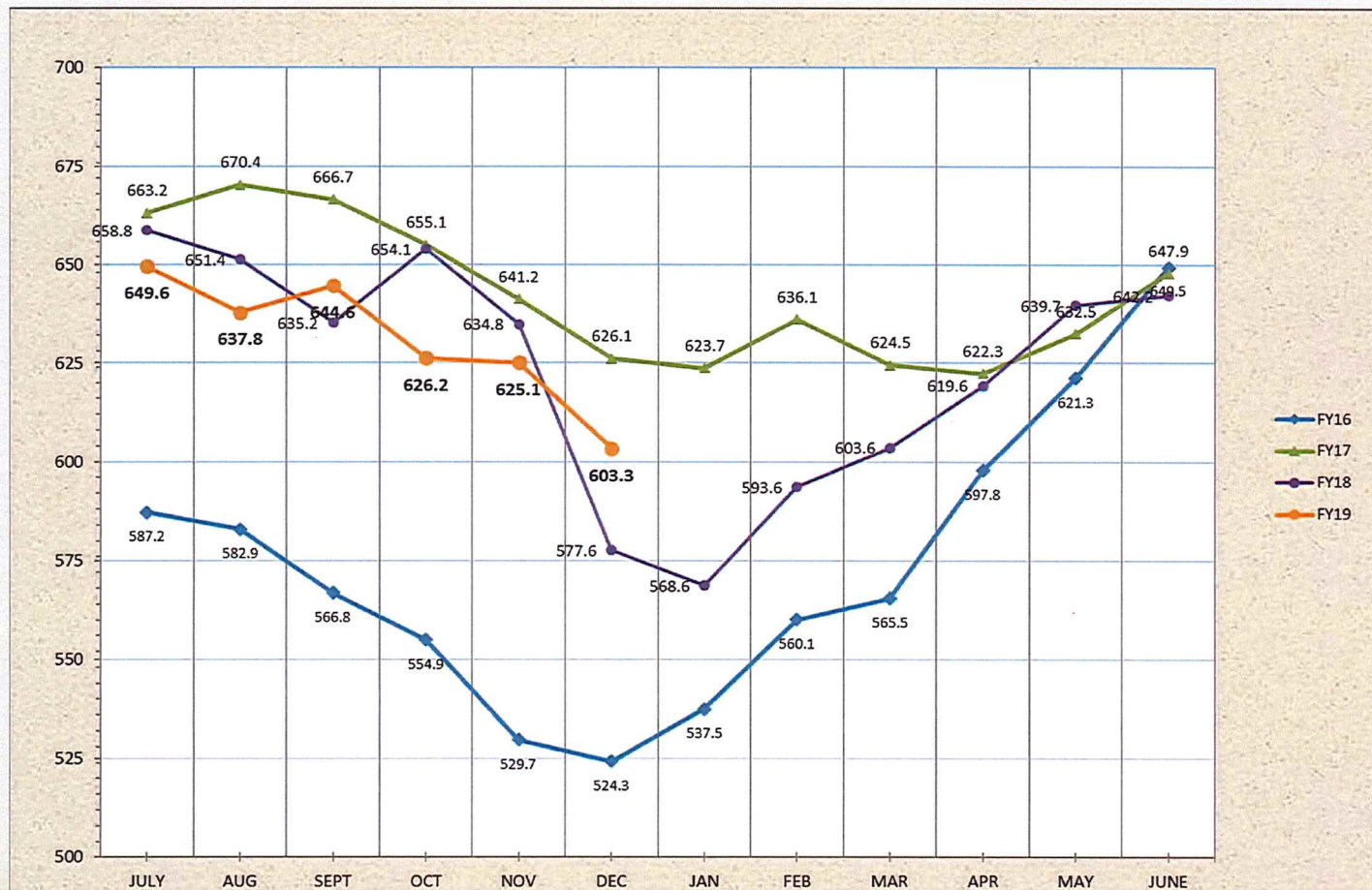
# Average Daily Population



- The average daily population (ADP) for this period of 2018 was 624.8 detainees compared to 625.4 for the same period in 2017. This is a .1% decrease.
- This period's ADP consumed 94% of the department's operational capacity of 665.



# Fiscal Year Comparison



# Regional Center Waiting Periods

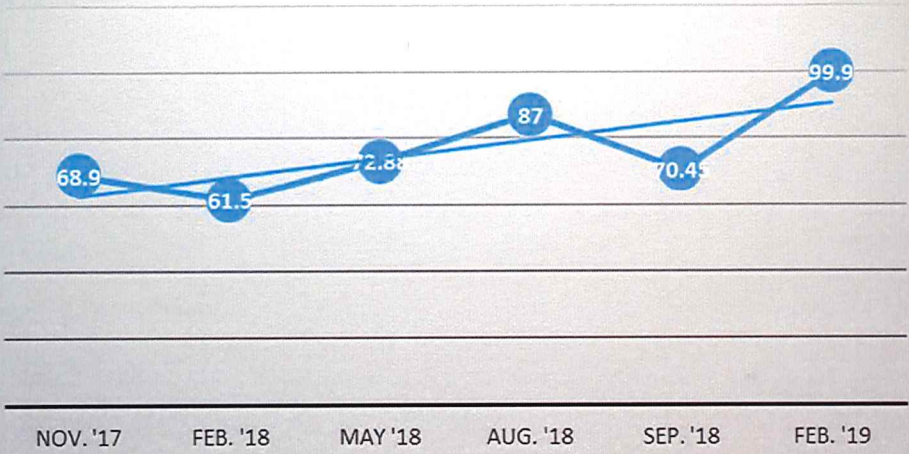
Date Ordered	Date Transferred	Days Waiting
7/12/2018	8/13/2018	32
3/30/2018	7/18/2018	109
7/20/2018	11/29/2018	131
7/3/2018	10/29/2018	118
8/22/2018	9/17/2018	26
10/22/2018	12/26/2018	66
6/27/2018	12/4/2018	160
6/4/2018	10/2/2018	120
2/15/2018	6/12/2018	117
6/6/2018	10/4/2018	120
	<b>Total Days</b>	<b>999</b>
	<b>Avg. Days</b>	<b>99.9</b>

DATE ORDERED TO LRC	END OF QUARTER	DAYS WAITING
8/14/2018	12/31/2018	140
8/17/2018	12/31/2018	137
8/21/2018	12/31/2018	133
8/22/2018	12/31/2018	132
8/23/2018	12/31/2018	131
10/16/2018	12/31/2018	77
10/23/2018	12/31/2018	70
10/29/2018	12/31/2018	64
10/30/2018	12/31/2018	63
11/2/2018	12/31/2018	60
11/28/2018	12/31/2018	34
	<b>TOTAL</b>	<b>1041</b>
	<b>AVG. DAYS</b>	<b>94.9</b>

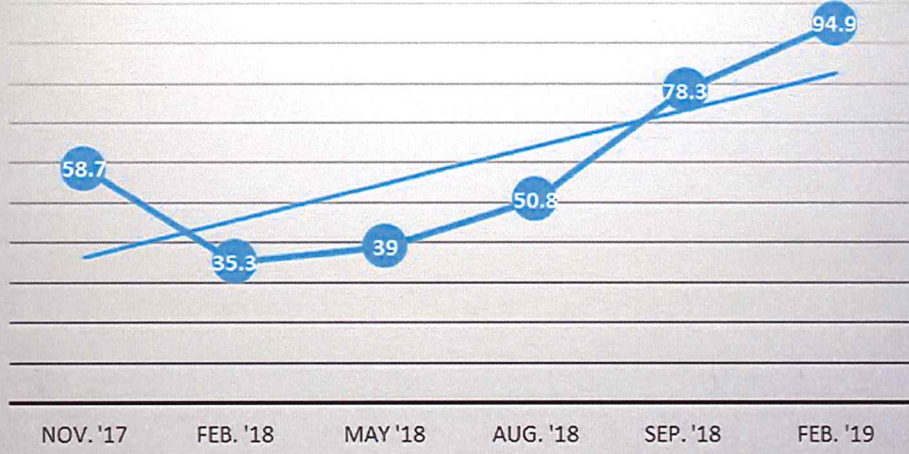
# Regional Center Average Days Waiting Historical View



**LRC Currently Housed Avg.**



**LRC Currently Waiting Avg.**



# ACLU Bond Fund



<b>October</b>		
	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
<b>November</b>		
	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
<b>December</b>		
	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