AGENDA
LANCASTER COUNTY - CITY OF LINCOLN JUSTICE COUNCIL
FRIDAY, AUGUST 7, 2020
COUNTY CITY BUILDING
ROOM 112 - CITY COUNTY CHAMBERS
7:30 A.M. - 9:00 A.M.

Location Announcement of Nebraska Open Meetings Act: A copy of the Nebraska Open Meetings Act is located on the wall at the back of the room.

AGENDA ITEM

1. **APPROVAL OF JUSTICE COUNCIL MEETING MINUTES FROM FEBRUARY 7, 2020**

   Documents:

   2.7.20 Justice Council Meeting Minutes.pdf

2. **7:30 A.M. - INTRODUCTION OF NEW MEMBERS**

3. **7:35 A.M. - COMMUNITY CORRECTIONS UPDATE**
   Kim Etherton, Community Corrections Director

   A. **SAMHSA Grant Update**

   B. **Data Collection Committee Update**
      Kim Etherton, Community Corrections Director; Pat Condon, County Attorney; Brad Johnson, Lancaster County Corrections Director

   C. **Mental Health Diversion Update**

4. **7:45 A.M. - CORRECTIONS UPDATE**
   Brad Johnson, Lancaster County Corrections Director

   A. **Population Statistics and Charts**

      Documents:

      Current Population Trends.pdf

5. **8:00 A.M. - JAIL TRENDS**
   Mitchel Herian, Ph.D., Soval Solutions LLC

6. **8:15 A.M. - LEGISLATIVE UPDATE**
   Brennen Miller, Kissel Kohout ES Associates

7. **8:30 A.M. - CRIME RADIAL**
   Bruce Prenda, Chief Deputy Lancaster County Attorney

   Documents:

   Crime Radial FINAL.pdf

8. **8:45 A.M. - AGENCY AND ORGANIZATIONAL UPDATES**

   A. **County Attorney**

   B. **Public Defender**

C. **Law Enforcement**

D. **Probation**

E. **Service Providers**

F. **Other Community Partners**

9. **NEXT MEETING - FRIDAY, NOVEMBER 6, 2020**

10. **ADJOURNMENT**

AGENDA
LANCASTER COUNTY - CITY OF LINCOLN JUSTICE COUNCIL
FRIDAY, FEBRUARY 7, 2020
605 S. 10TH ST. ROOM #137A LINCOLN, NE
7:30 A.M. - 9:00 A.M.

Location Announcement of Nebraska Open Meetings Act: A copy of the Nebraska Open Meetings Act is located on the wall at the back of the room.

AGENDA ITEM

1. **APPROVAL OF JUSTICE COUNCIL MEETING MINUTES FROM NOVEMBER 1, 2019**

   Documents:

   Justice Council Meeting Minutes 11.1.19.Pdf

2. **7:30 A.M. - COMMUNITY CORRECTIONS UPDATE**
   Kim Etherton, Community Corrections Director

   A. **$4M SAMHSA Grant Application for Assisted Outpatient Services**

   B. **Bureau of Justice Assistance (BJA) Reentry Grant Program**

   C. **Data Collection Committee Update**
      Kim Etherton, Pat Condon and Brad Johnson

   D. **Mental Health Diversion Update**

3. **7:45 A.M. - CORRECTIONS UPDATE**
   Brad Johnson, Lancaster County Corrections Director

   A. **Population Statistics and Charts**

   B. **Mental Health Fitness for Confinement**

4. **8:00 A.M. - CRIMINAL JUSTICE LEGISLATIVE INITIATIVES**
   Senator Suzanne Geist

5. **8:15 A.M. - LEGISLATIVE UPDATE**
   Brennen Miller, Kissel Kohout ES Associates

6. **8:30 A.M. - CRIMINAL JUSTICE LEGISLATIVE INITIATIVES**
   Senator Matt Hansen

7. **8:45 A.M. - AGENCY AND ORGANIZATIONAL UPDATES**

   A. **County Attorney**

   B. **Public Defender**

   C. **Law Enforcement**

   D. **Probation**

   E. **Service Providers**

   F. **Other Community Partners**

8. **NEXT MEETING - FRIDAY, MAY 1, 2020**

9. **ADJOURNMENT**

MINUTES
LANCASTER COUNTY-CITY OF LINCOLN JUSTICE COUNCIL
605 S. 10TH STREET, ROOM 137A
FRIDAY, FEBRUARY 7, 2020
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; Landon Parks, Community Corrections; Brad Johnson, Corrections Director; Ken Prey, Jail Administrator; Brenda Fisher, Corrections Programs Director; Laurie Yardley, County Court Judge; Jeff Curry, Chief Probation Officer, Adult Probation; Dean Rohner, Lancaster County Veterans Treatment Court; Hassan Ramzah, University of Nebraska-Lincoln Police; Pat Condon, County Attorney; Bruce Prenda, Chief Deputy County Attorney; Joe Nigro, Public Defender; Todd Duncan, Deputy Lancaster County Sheriff; Chief Jeff Bliemeister, Lincoln Police Department; Jeff Kirkpatrick, City Attorney; Jessica Kerkhofs, Chief Assistant City Attorney; Scott Etherton, Mental Health Crisis Center Director; Sara Hoyle, Human Services Director; Jared Gavin, District Court Administrator; Spike Eickholt, Government Liaison, American Civil Liberties Union (ACLU); Julie Fisher-Erickson, Director of Behavioral Health for Southeast Nebraska, Lutheran Family Services; Tammy Stevenson, Executive Director, The Bridge Behavioral Health; Mary Barry-Magsamen, Chief Executive Officer, St. Monica's; Steve Solorio, Youth Coordinator, El Centro de las Americas; Suzanne Geist and Matt Hansen, State Senators; Brennen Miller, County Lobbyist, Kissel, Kohout ES Associates LLC; and Cori Beattie, Deputy County Clerk

Commissioner Schorr opened the meeting at 7:30 a.m. The Open Meetings Act was posted in the conference room and copies of meeting materials were made available.

Introductions were made by those in attendance.

AGENDA ITEM

1) APPROVAL OF JUSTICE COUNCIL MINUTES FOR NOVEMBER 1, 2019

Item held until later in the meeting.

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

A. $4M SAMHSA Grant Application for Assisted Outpatient Services

Kim Etherton said she is applying for this grant to expand assisted outpatient therapy. She added it may be a long shot as it was written using the diversion statute, as opposed to the commitment statute.

B. Bureau of Justice Assistance (BJA) Reentry Grant Program

Kim Etherton noted the reentry program will soon begin working with women.

C. Data Collection Committee Update **–** Kim Etherton, Pat Condon and Brad Johnson

No report.

D. Mental Health Diversion Update

Kim Etherton said there will be a staff person at the jail screening those with possible mental health issues in order to connect them to services prior to them leaving the facility.

3) CORRECTIONS UPDATE – Brad Johnson, Lancaster County Corrections Director

Johnson reviewed a PowerPoint presentation (Exhibit 1).

A. Population Statistics and Charts

Johnson said there was a 4% increase in the average daily population (ADP) from last year. Operational capacity of the jail is 665.

Judge Yardley asked if there has been an impact due to a reduction in those sitting out fines. Johnson said they are working on those numbers but they are hard to gauge.

Bliemeister indicated that some of the growth is likely due to a growing community/county. It was noted that the 2040 population is projected to be roughly 400,000. Duncan suggested the County look at recent data and population trends to project needs 10-20 years out.

Condon mentioned the impact of LB 605 (Provide, change and eliminate penalties, punishments, sentencing, restitution, probation, parole and crime victim provisions and provide for post-release supervision, grants, and suspension of medical assistance for inmates) and how the inmate population is shifting from prisons to county jails.

Schorr asked Johnson to present LB 605 statistics at the next meeting.

Discussion followed on bookings and sentencings. It was noted that more felons are being sentenced to jail and the female population has increased by 18.5%. The latter caused the jail to open its last unit for about 75% of last year. Johnson indicated the unit has been staffed with overtime to date but, if this trend continues, an additional seven (7) correctional officers may be needed at a cost of approximately $460,000 per year. He said the increase in females is driven largely by drug possession, as well as felony shoplifting and domestic violence charges. Prenda added that child abuse/neglect cases also tend to increase with this population.

Schorr asked Prenda to present information at the next meeting on a sample case so the group can visualize how a higher female jail population is impacting other areas of the judicial system.

Nigro felt the Law Enforcement Assisted Diversion (LEAD) program in Seattle merits a review. He said the program allows law enforcement officers to redirect low-level offenders to community-based services instead of jail. Kim Etherton said this is a SAMHSA grant goal and if the program works, it could be expanded.

B. Mental Health Fitness for Confinement

Johnson said jail standards require an individual to be medically fit to be lodged in jail. Beginning February 24th, an individual will also need to be fit from a mental health perspective. If someone is deemed a danger to themselves or has a mental illness, they will be evaluated during Intake. If deemed not fit for confinement, law enforcement will need to find a facility for them.

Bliemeister said there have been ongoing discussions about this change. Approximately 15 people per month may fall into this category. He added officers are doing a great job already finding services but there are complexities such as arrest warrants.

Judge Yardley suggested a discussion be held with the judges soon regarding their involvement.

Schorr questioned whether there are any legal complications. Eickholt said there is still uncertainty about who is responsible for payment when a person is in custody.

Schorr asked what will happen if facilities, such as the Crisis Center, are full. Bliemeister said outcomes and costs can be tracked and presented at a future meeting.

4) CRIMINAL JUSTICE LEGISLATIVE INITIATIVES – Senator Suzanne Geist

Senator Geist discussed LB 1017 (Appropriate funds to the Supreme Court for problem-solving courts for mental health). The original plan was for a three-year pilot program to include three counties (Douglas, Lancaster and Sarpy) but it was scaled back to one county which will be chosen by the Supreme Court. The appropriation would include funding for a study to review outcomes. Geist felt this would be a good step in helping people get treatment and get back into society and she was hopeful that the Appropriations Committee would support the bill.

Prenda asked if this would be in County or District Court. While not specified in the bill, Nigro said it will likely be District Court. Prenda felt this would miss the majority of those needing assistance.

Kim Etherton said it is hard for her to criminalize mental illness. She hoped that the least restrictive intervention, such as a diversion program, would be utilized before mental health court.

Geist noted that Commissioner Sean Flowerday testified that Lancaster County might be able to offer appropriations.

Prenda pointed out that the bill does not include funding for any county staff.

In reference to LR 183 (Interim study to examine whether continuity of care and safety for individuals and the pubic can be enhanced by allowing mental health providers to coordinate with law enforcement), Geist said work is being done to see if there can be a legal and secure way to share information with law enforcement about whether an adjudicated mentally ill individual has legal possession of a firearm. She added while this would be a great tool, it is a very complicated issue.

5) LEGISLATIVE UPDATE – Brennen Miller, Kissel Kohout ES Associates

Item held until later in the meeting.

6) CRIMINAL JUSTICE LEGISLATIVE INITIATIVES – Senator Matt Hansen

Senator Matt Hansen said he has been working on competency and competency restoration for many years. He said LB 686 (from the 2019 session) would allow adjudicated individuals incompetent to stand trial to be treated on an outpatient basis versus at the Lincoln Regional Center starting in July, 2021. LB 1007 (Change provisions relating to competency to stand trial and be sentenced) would look at low-level, repeat offenders. It includes a change to the judicial review period from six (6) months to 60 days, as well as a caveat that competency can be raised at any point throughout the trial. Another goal is to have a quicker turnaround for someone whose competency is restored to get back to court instead of waiting at the Regional Center. He was hopeful this would be included in a corrections/criminal justice package. Additionally, LB 1161 would appropriate an extra $500,000 to the Department of Health and Human Services (HHS) to increase capacity for competency restoration at the Regional Center.

RETURNING TO ITEM 5 - LEGISLATIVE UPDATE – Brennen Miller, Kissel Kohout ES Associates

Brennen Miller, Kissel, Kohout ES Associates LLC (County Lobbyists), reviewed Lancaster County legislative priorities. A bill is aimed at building out old statutory language related to youth rehabilitation and treatment centers (YRTCs). He said Senator Vargas introduced another bill which would restrict HHS from utilizing outside facilities such as the one in Lancaster County.

LB 916 would appropriate funds for a 300-bed community corrections facility in Omaha, although, the State Corrections Director testified that this was not needed at this time.

LB 999 would require cities and villages to pay for appointed counsel for prosecutions and adjudications for violation of city and village ordinances. It was noted that Senator Wayne wants to limit this bill to the three largest counties.

Nigro questioned the status of the 24/7 bill. Miller said it was still in committee. Schorr added it would likely have to be prioritized at this point. Senator Hansen said some of the stakeholders feel strongly in favor of interlocks so this would have to be taken into consideration.

7) AGENCY AND ORGANIZATIONAL UPDATES

A. County Attorney

Prenda said the second night court had 33 cases with 31 set in advance and only two failures to appear. Schorr requested an update be provided at the May Justice Council meeting regarding the next night court. Prenda noted the number of felony correctional cases sent to the County Attorney's Office for prosecution continues to increase and these are having a dramatic effect on the Office's ability to handle other cases. He also voiced concerns about unintended consequences of introduced/passed legislation related to rearrests.

B. Public Defender

No report.

C. Law Enforcement

No report.

D. Probation

No report.

E. Service Providers

No report.

F. Other Community Partners

No report.

Other County Agencies

Scott Etherton said the rural drug addiction research center approached Region V network providers for assistance in recruiting people who are actively using for their survey.

Hoyle noted Medicaid expansion goes into effect on October 1 and wondered if anyone was working with HHS on enrolling individuals who were previously eligible for general assistance prior to their release from jail. Fisher said the jail provides forms to those approaching their release date. She added for many it will be a reinstatement of prior benefits. Hoyle added that the State was given money to enroll people so it would be good to investigate this beforehand.

RETURNING TO ITEM 1 - APPROVAL OF JUSTICE COUNCIL MINUTES FOR NOVEMBER 1, 2019

MOTION: Kim Etherton moved and Jeff Kirkpatrick seconded approval of the November 1, 2019 meeting minutes. Motion carried unanimously.

8) NEXT MEETING – FRIDAY, MAY 1, 2020

Informational only.

9) ADJOURNMENT

There being no further business the meeting was adjourned at 9:01 a.m.

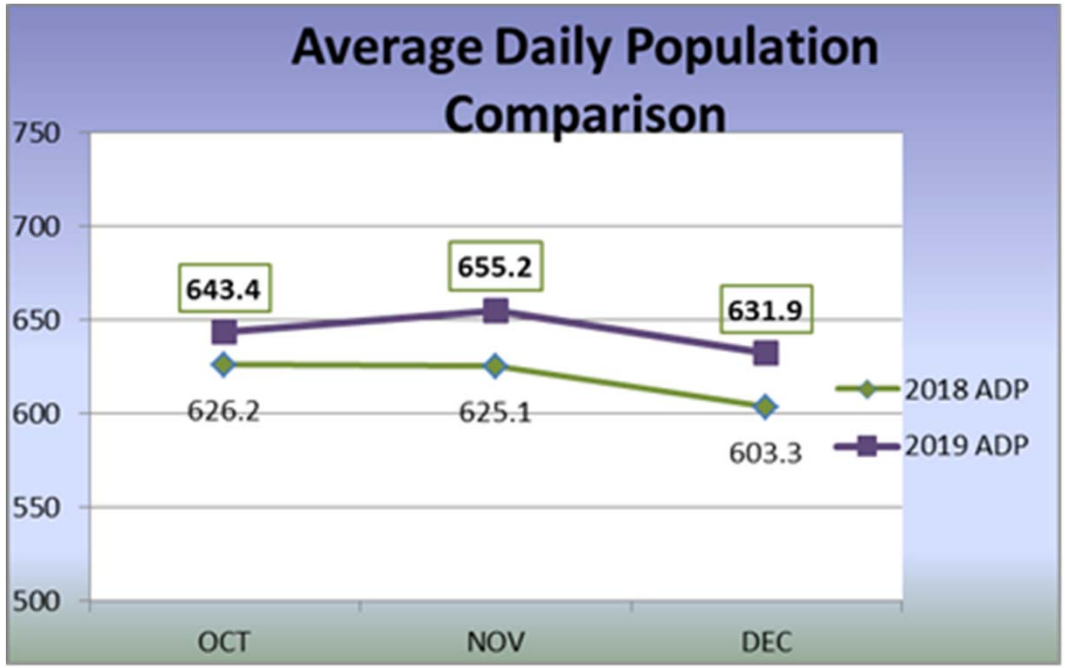
Submitted by Cori Beattie, Deputy County Clerk

EXHIBIT 1

Justice Council February 7, 2020

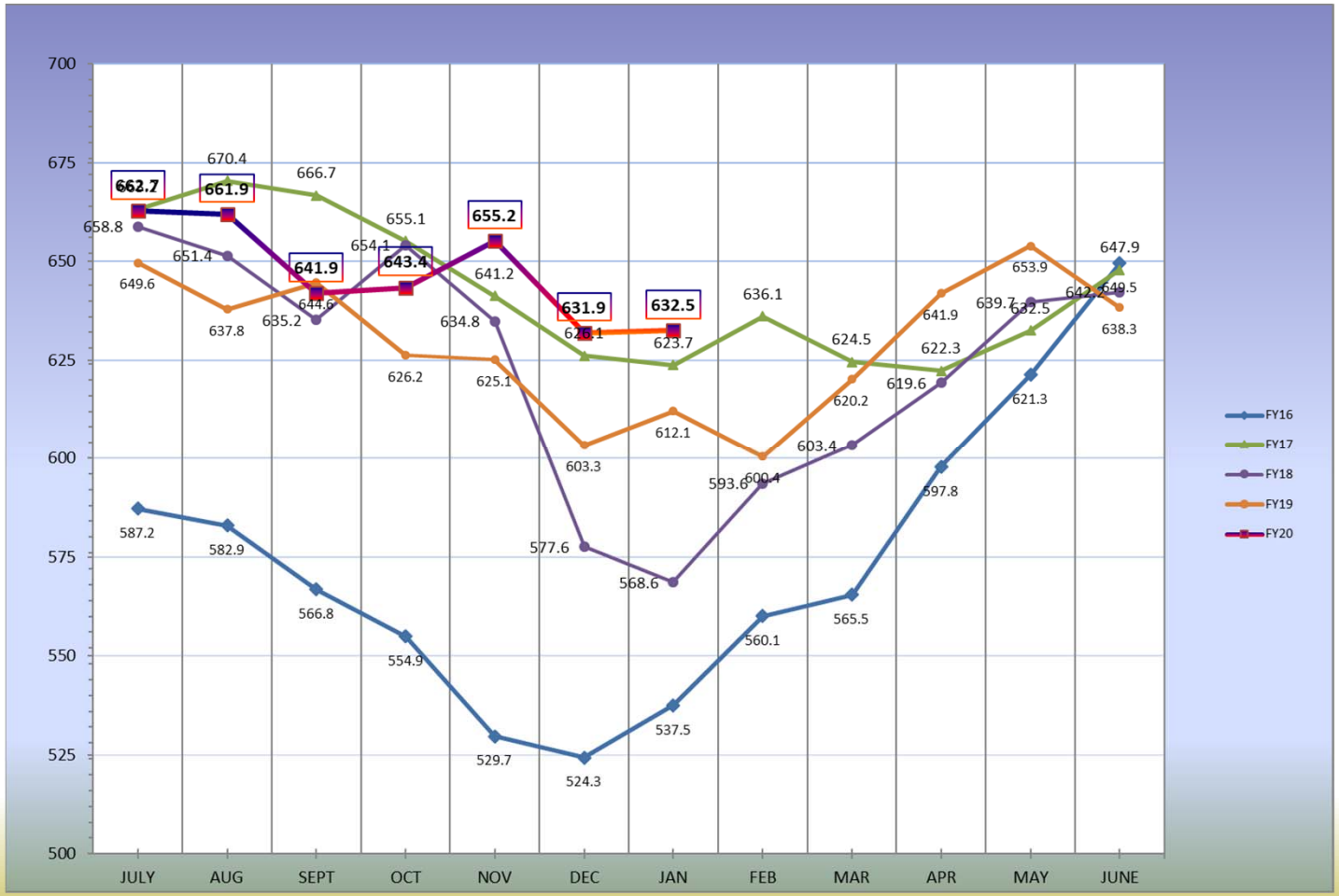
Current Population Trends

Average Daily Population

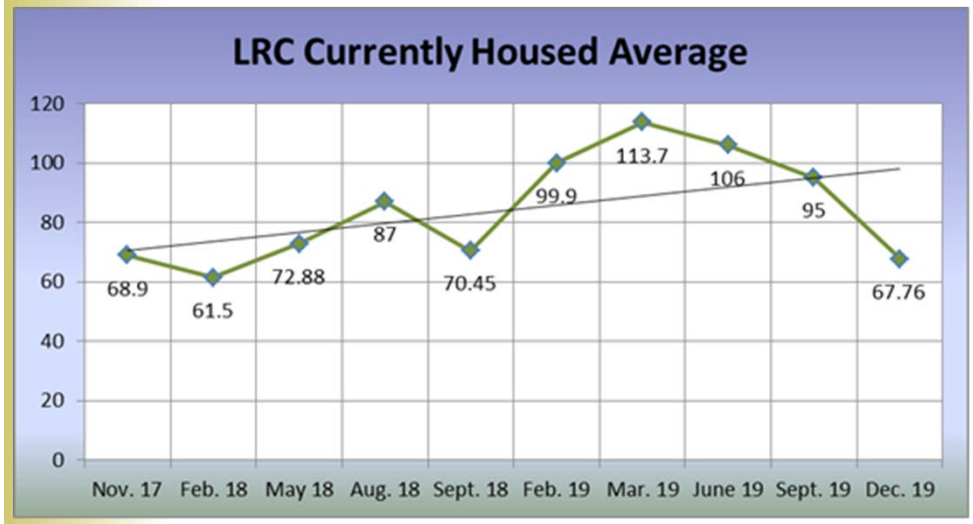


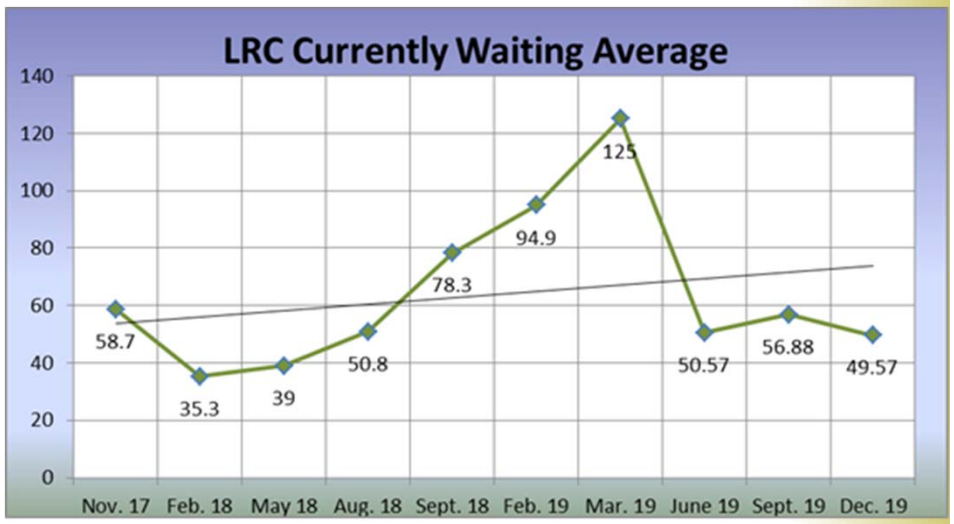
- The average daily population (ADP) for this period of 2019 was 643.5 detainees compared to 618.2 for the same period in 2018. This is a 4.1% increase.
- This period ADP consumed 96.8% of the department's operational capacity of 665.

Fiscal Year Comparison

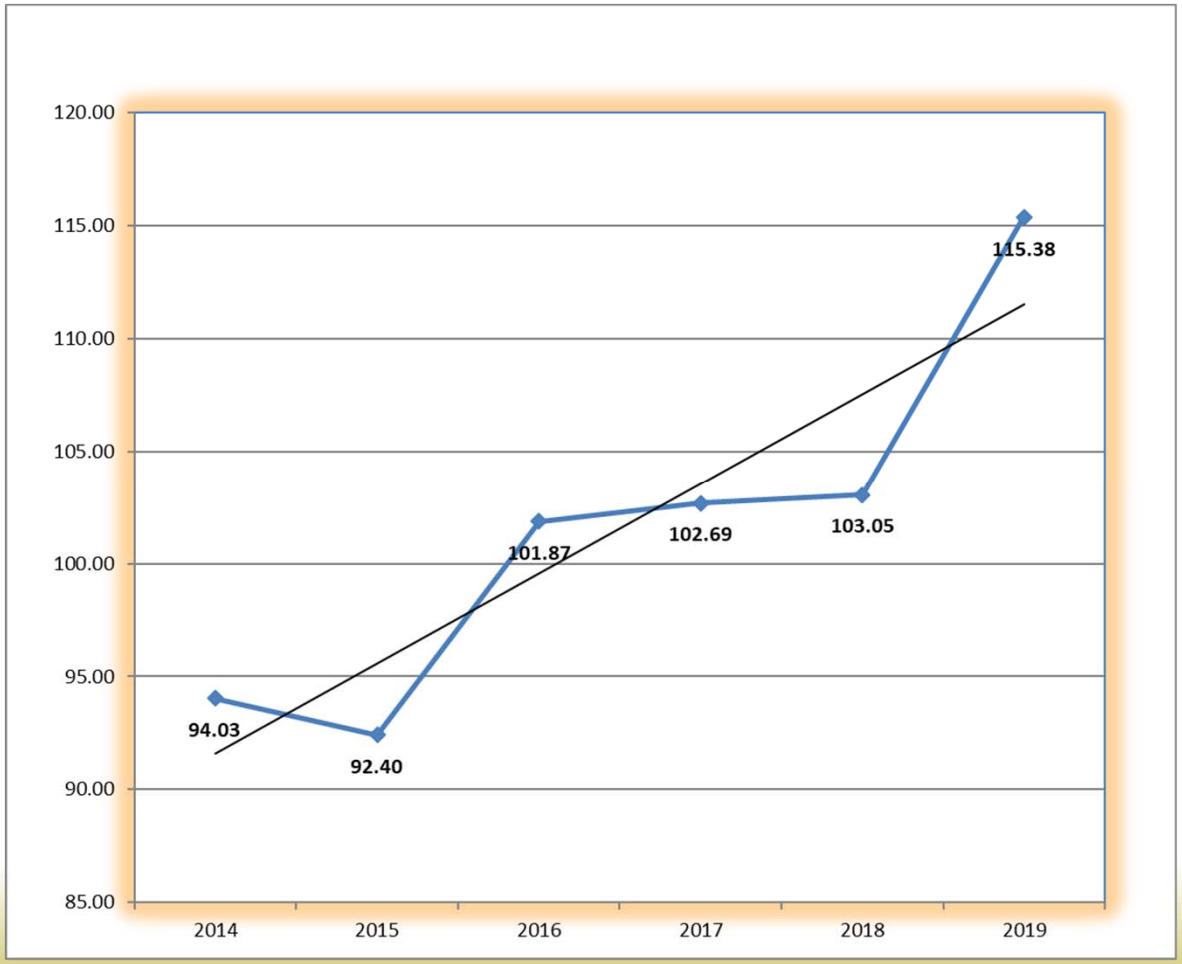


Regional Center Average Days Waiting Historical View





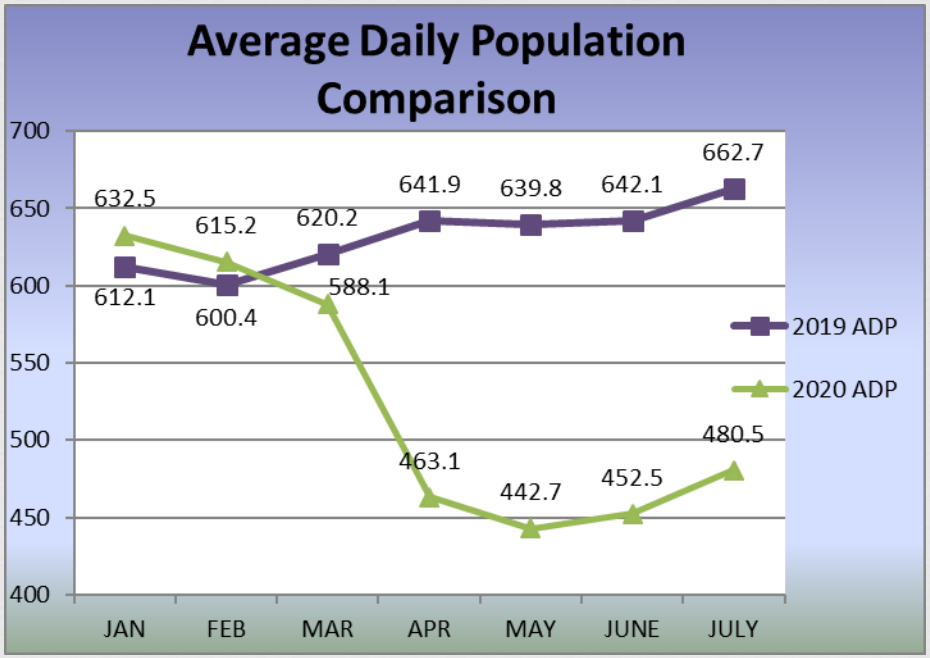
Female Population Trend



Justice Council August 7, 2020

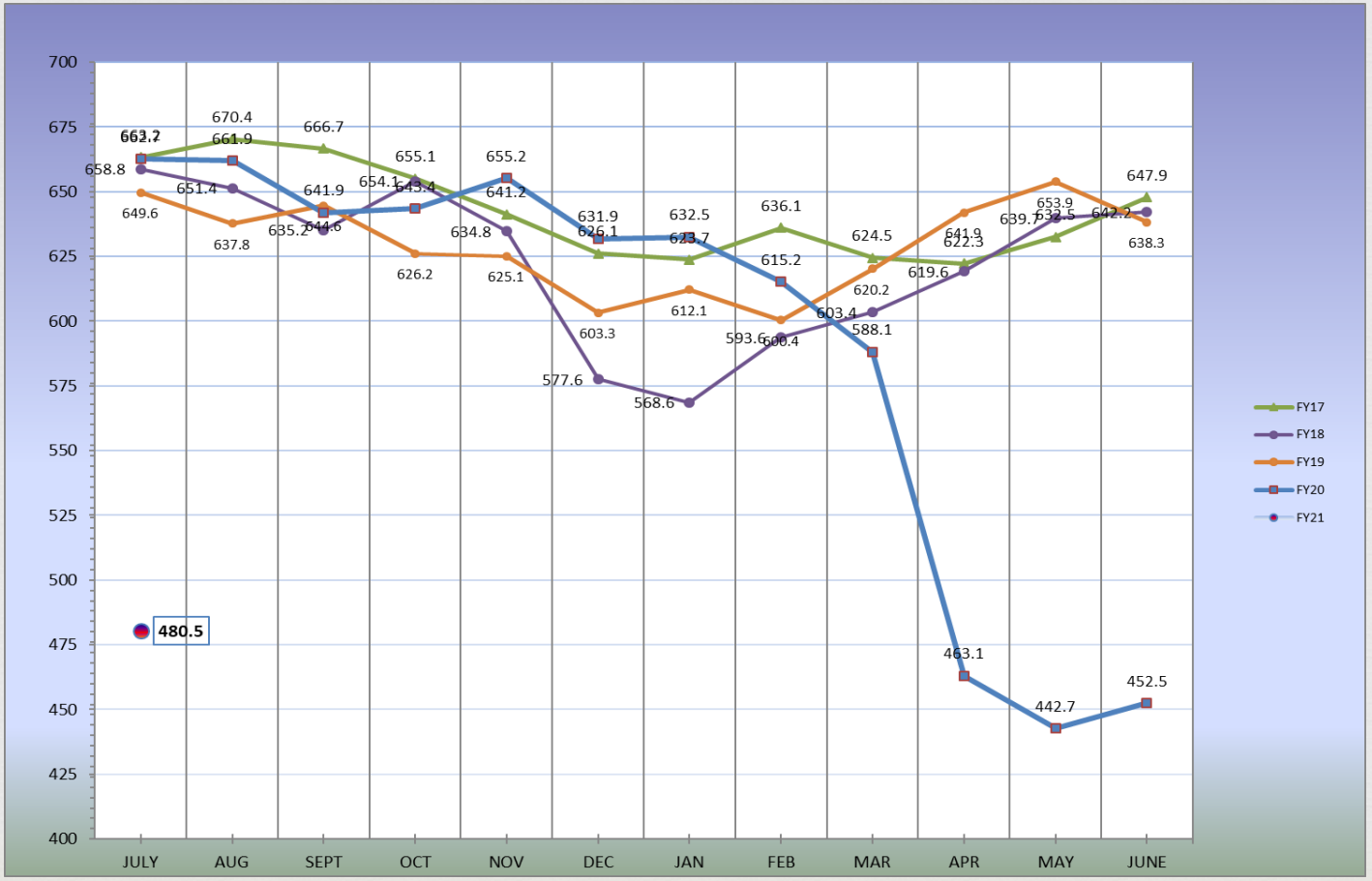
Current Population Trends

Average Daily Population

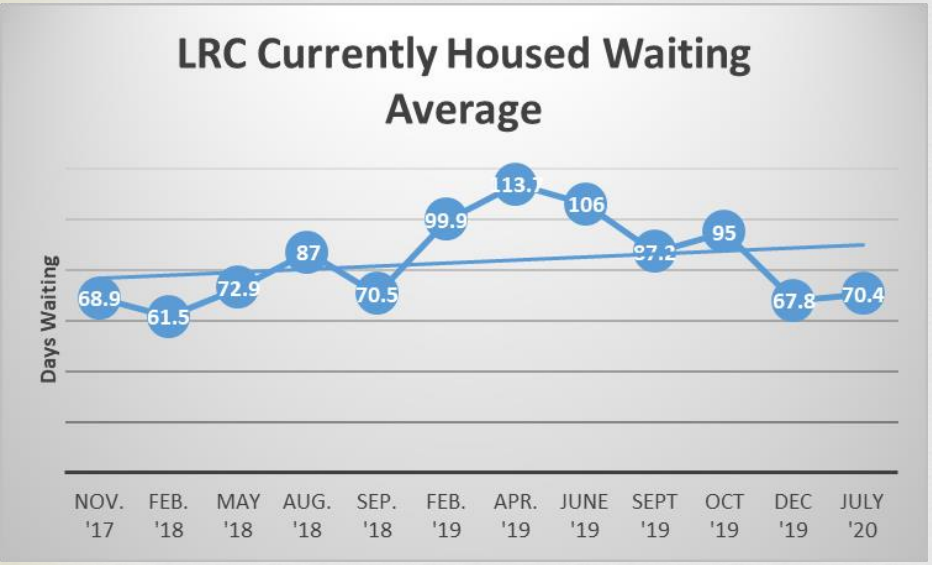


- The average daily population (ADP) for this period of 2020 was 524.9 detainees compared to 631.3 for the same period in 2019. This is a 16.9% reduction.
- This period ADP consumed 78.9% of the department's operational capacity of 665.

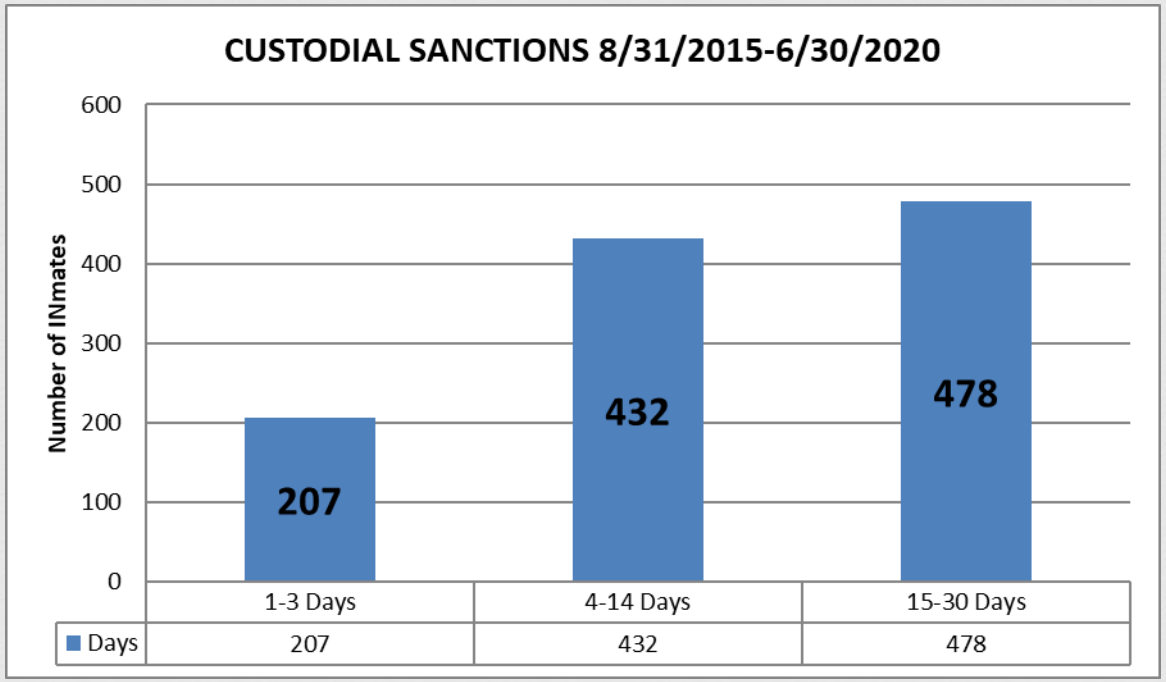
Fiscal Year Comparison



Regional Center Average Days Waiting Historical View

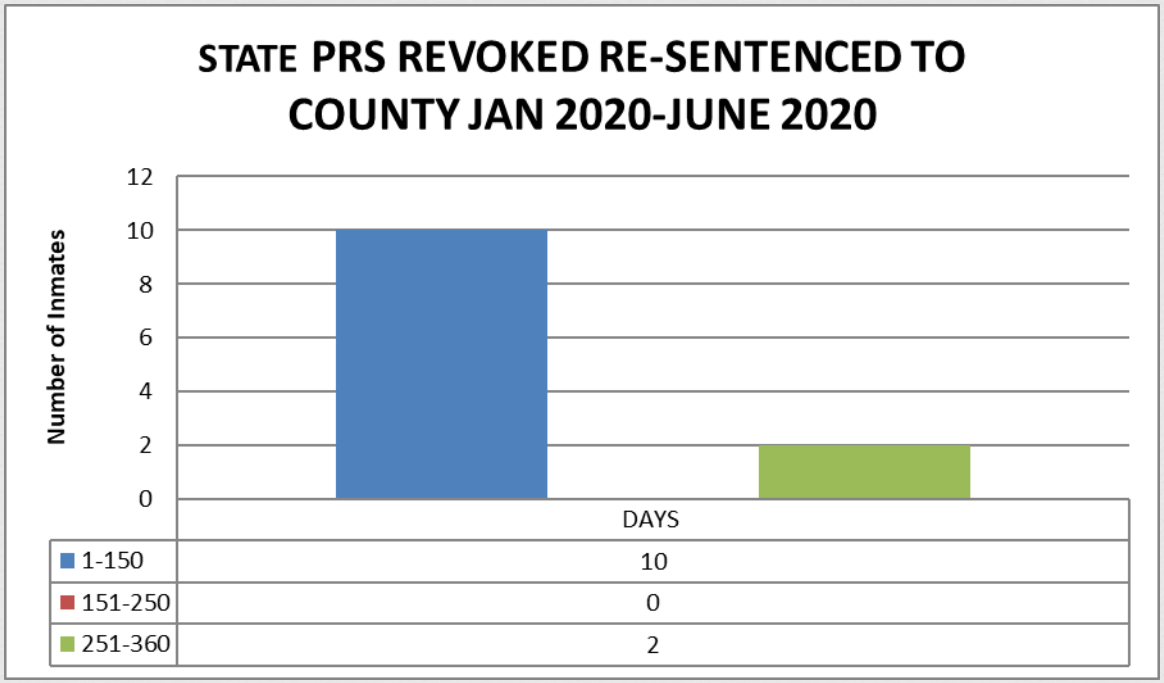


LB 605 Impact



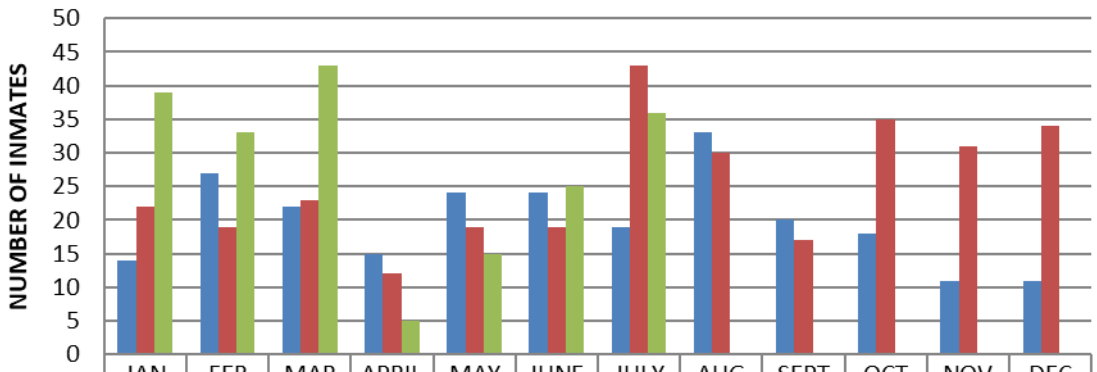
- Lancaster County Department of Corrections tracked offenders who were incarcerated for Custodial Sanctions. During the time period, 8/31/15 to 6/30/2020, there have been 1,117 custodial sanctions. These offenders served a total of 17,834 days.

State Sentencing Revocations



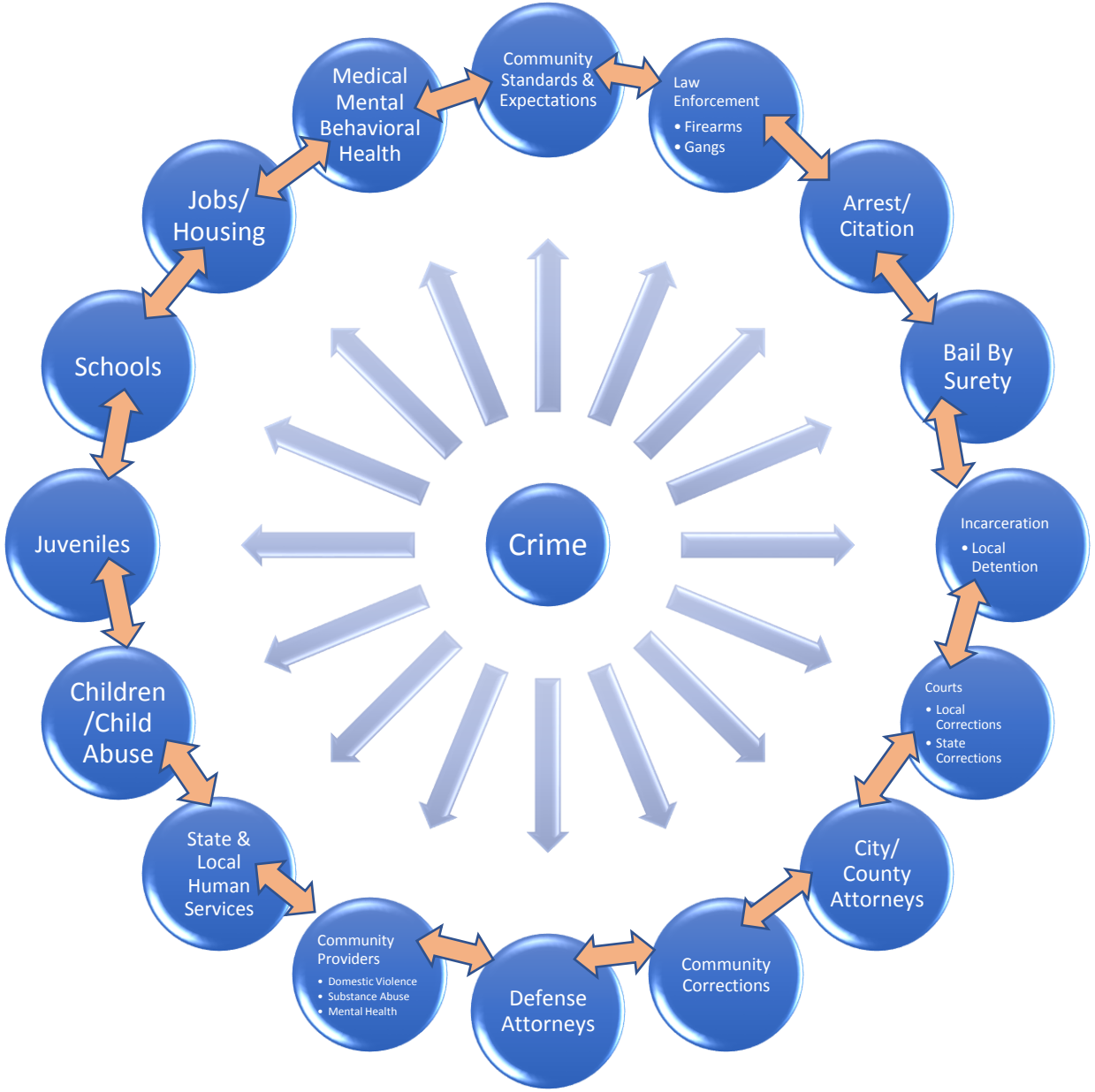
- Lancaster County Department of Corrections tracked offenders who were incarcerated for violating State Post Release Supervision. These 12 inmates had their State Post Release Supervision revoked and were re-sentenced to county time. The 12 sentences totaled 1,428 days or 119 days per individual.

Average Monthly Impact



	JAN	FEB	MAR	APRIL	MAY	JUNE	JULY	AUG	SEPT	OCT	NOV	DEC
2018	14	27	22	15	24	24	19	33	20	18	11	11
2019	22	19	23	12	19	19	43	30	17	35	31	34
2020	39	33	43	5	15	25	36					

COVID

- Have tested 115 inmates
  - 8 positive
    - 0 hospitalizations
      - 3 positive at booking
      - 5 identified during screening or quarantine period
- Have tested 32 staff members
  - 3 positive
    - 1 hospitalized

Crime Radial