

MINUTES
LANCASTER COUNTY-CITY OF LINCOLN JUSTICE COUNCIL
CITY-COUNTY BUILDING, ROOM 112
FRIDAY, AUGUST 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 on August 5, 2020. A copy of the Nebraska Open Meeting Act was available on the wall at the back of the room.

PRESENT: Rick Vest and Deb Schorr, County Commissioners; Kim Etherton, Community Corrections Director; Bruce Prenda, Chief Deputy County Attorney; Dave Derbin, Chief Administrative Officer; Pat Condon, County Attorney; Sheli Schindler, Youth Services Center Director; Jeff Curry, Chief Probation Officer, Adult Probation; Jeff Reed and Shannon Morgan, Probation Officers, Adult Probation; Joe Kohout and Brennen Miller, County Lobbyists, Kissel, Kohout ES Associates LLC; Mitch Herian, Soval Solutions LLC; Joe Nigro, Public Defender; Spike Eickholt, Government Liaison, American Civil Liberties Union (ACLU); Hassan Ramzah, University of Nebraska-Lincoln Police; Laurie Yardley, County Court Judge; Landon Parks, Community Corrections; Bennie Shobe, City Council; Brian Jackson, Lincoln Police Department; Yohance Christie, City Attorney; Jessica Kerkhofs, Chief Assistant City Attorney; Brad Johnson, Corrections Director; Sara Hoyle, Human Services Director; Ken Prey, Jail Administrator; Scott Etherton, Mental Health Crisis Center Director; C.J. Johnson, Regional Administrator, Region V Systems; Tom Randa, Good Neighbor Center and Leslie Brestel, County Clerk's Office

Commissioner Schorr opened the meeting at 7:30 a.m. Copies of meeting materials were made available.

Introductions were made by those in attendance.

AGENDA ITEM

1) APPROVAL OF JUSTICE COUNCIL MINUTES FROM FEBRUARY 7, 2020

MOTION: Rick Vest moved and Kim Etherton seconded approval of the February 7, 2020 meeting minutes. Motion carried unanimously.

2) INTRODUCTION OF NEW MEMBERS

Schorr welcomed Yohance Christie, City Attorney; and Hassan Ramzah, Chief of Police, University of Nebraska-Lincoln.

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

A. SAMHSA Grant Update

Kim Etherton stated the outpatient treatment Substance Abuse and Mental Health Services Administration (SAMHSA) grant was denied. The grant is intended for jurisdictions with no outpatient plan. If the funding stream reopens, she said she may resubmit the grant.

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

Kim Etherton noted the committee has not met since December.

C. Mental Health Diversion Update

Kim Etherton reported the program has 19-25 people at one time. Currently, there are 10 applications waiting to be approved. Recidivism data will be gathered for future use.

OTHER COMMUNITY CORRECTIONS UPDATES

Regarding COVID-19, Kim Etherton said Community Corrections used house arrest as an alternative to incarceration to help lower the jail population. Additionally, the house arrest numbers were decreasing due to the courts deferring new cases; however, with the deferment ending, the house arrest numbers are expected to increase.

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

A. Population Statistics and Charts

Brad Johnson reviewed a PowerPoint presentation (see agenda packet). In August, the average daily population has been 500 people or more. Individuals entering the jail are quarantined for 10 days. He noted no COVID 19 positive individuals have been part of the general population. Also, there has been a significant increase in the number of staff members tested for COVID since the presentation was put together.

Regarding the Regional Center, Brad Johnson said the pandemic had caused them to stop admitting new patients; however, they had recently reopened that process.

When asked if the County is reimbursed from the State for the impact of custodial sanction revocations, Brad Johnson answered there has been \$75,000 in grant funds received. Schorr added the grants cover less than 1% of the County's actual costs of custodial sanction revocations. Concerning post-release supervision (PRS), Jeff Curry, Chief Probation Officer, Adult Probation, said there was a 35% decrease in the number of fines placed on PRS. He felt in part this was due to a recent law change allowing PRS to be optional on Felony IV cases.

Joe Nigro, Public Defender, asked if COVID-19 testing was only being completed on those who exhibit symptoms. Brad Johnson answered yes and noted the Lincoln-Lancaster County Health Department recommended not testing everyone. The jail's medical personnel are conducting the actual COVID-19 tests and sending them to the lab. For those who test positive, individuals are housed and isolated in

the infirmary. There is not a fitness for confinement issue unless it substantially affects their breathing.

When asked about total admissions for a year, Brad Johnson stated prior to the pandemic there were over 9,000 book-ins.

Spike Eickholt, Government Liaison, American Civil Liberties Union (ACLU), inquired if there had been a reduction in staff assaults or inmate on inmate assaults. Johnson said there had been some reduction; however, there has now been an increase in that type of activity. He added the jail has run out of traditional housing space for those with mental illness which may be attributing to the increase in these cases. Kim Etherton added a brief mental health screening is conducted at booking.

Laurie Yardley, County Court Judge, said 2,500 warrants were suspended due to the pandemic which will be reactivated. The courts are working on an amnesty day where individuals with warrants can come resolve those at the courts. A tentative date of September 3 has been set. Also, there has been an increase in the number of individuals not showing up to court.

Brad Johnson stated he needs individuals out of the jail before it becomes necessary to put them in a housing unit as appropriate social distancing becomes extremely difficult.

5) JAIL TRENDS – Mitchel Herian, Ph.D, Soval Solutions LLC

Mitchel Herian, Ph. D, Soval Solutions LLC, gave a presentation (Exhibit 1). He noted high utilizers are individuals with 5 or more bookings per year. Brad Johnson added many of the high utilizers are high-need, high-risk individuals that would be in special management pods.

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

Joe Kohout, Kissel Kohout ES Associates, discussed the County's legislative priorities and interim studies. He said LB247 (Adopt the Advance Mental Health Care Directives Act) has passed which will allow competent individuals to direct their future mental health care. Additionally, there will be a \$600,000 appropriation for the development of mental health courts and \$211,000 appropriated to the Department of Health and Human Service (DHHS) Behavioral Health Division to implement and pay for competency restoration. Also, interim studies will be handled differently than previous years due to social distancing requirements.

Regarding LB1222 (Adopt the Municipal Police Oversight Act), Kohout noted the fiscal impact of the bill will vary greatly for the various municipalities. The City of Lincoln's fiscal impact is projected to be \$150,000 while the City of Omaha's is projected at over \$1,000,000. The bill will be discussed further in the next legislative session.

7) CRIME RADIAL – Bruce Prenda, Chief Deputy Lancaster County Attorney

Bruce Prenda, Chief Deputy Lancaster County Attorney, reviewed the radial (see agenda packet). It is a good visual representation of the interconnectedness of all the parts of the criminal justice system. Kim Etherton added this representation should be remembered when bringing others into discussions on the justice system.

8) AGENCY AND ORGANIZATIONAL UPDATES

A. County Attorney

Pat Condon, County Attorney, said jury trials have resumed in both County Court and District Court. Warrants that were suspended due to the pandemic are being reviewed to see what other actions could be taken on them. New attorneys have been authorized to assist with the upcoming body cameras for law enforcement. Prenda added there has been an increase in violent crimes in Lincoln, with 26 open homicide cases stemming from 11 deaths. The County Attorney's Office has 5 general criminal attorneys that handle violent crimes, and the departments has had to bring in several additional attorneys to handle the increased caseload.

Condon thanked Brad Johnson for keeping COVID-19 out of the general jail population. Brad Johnson received a round of applause.

Jessica Kerkhofs, Chief Assistant City Attorney, noted the City Attorney's Office is going through the same warrant situation as the County.

B. Public Defender

Nigro stated LB881 (Change provisions relating to criminal and civil procedure) will move competency review hearings from every 6 months to every 60 days and adds language that the defendant can move to discharge. He hopes this will help reduce the wait times at the Regional Center. Additionally, the Public Defender's Office will have court date text reminders available soon.

Concerning the jail population, Nigro said the only individuals who should be incarcerated are those who are dangerous to others. He felt there needs to be larger efforts to achieve this. He encouraged the Justice Council invite representatives from Black Lives Matter.

C. Law Enforcement

Brian Jackson, Lincoln Police Department, reported that many of the jail lodgings are due to warrants, and that LPD is working with individuals to get deactivated warrants taken care of before the warrants are reactivated.

Hassan Ramzah, University of Nebraska-Lincoln Chief of Police, said the pandemic has slowed interactions with law enforcement on campus. Additional partnerships with agencies are being explored to assist with student contacts.

D. Probation

Curry offered to assist with Amnesty Day.

E. Service Providers

Scott Etherton, Mental Health Crisis Center (MHCC) Director, said in-patient commitments have been the lowest he has ever seen. The Regional Center has not taken anyone from the MHCC since April.

Sheli Schindler, Youth Services Director, suggested the Justice Council look at the data for high offenders that were also high users in the juvenile system. Also, there will be 7 youth who are aging out of the juvenile system that will be transferred to the jail. She added she is seeing younger youth and gang involvement is getting more actualized.

C.J. Johnson, Regional Administrator, Region V Systems, reported service providers were allowed alternative service provisions due to the pandemic. COVID-19 gap funding was built in for behavioral health service provider contracts to make sure those services were available.

F. Other Community Partners

Sara Hoyle, Human Services Director, said there is Community CARES funding available through December 31 for assistance with rent, mortgages, utilities, transportation and various other needs. Also, Project Homeless Connect will not be held this year due to the pandemic.

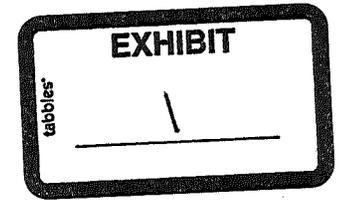
9) NEXT MEETING – FRIDAY, NOVEMBER 6, 2020

Informational only.

10) ADJOURNMENT

There being no further business the meeting was adjourned at 9:02 a.m.

Submitted by Leslie Brestel, County Clerk's Office



Lancaster County Jail Trends Analysis

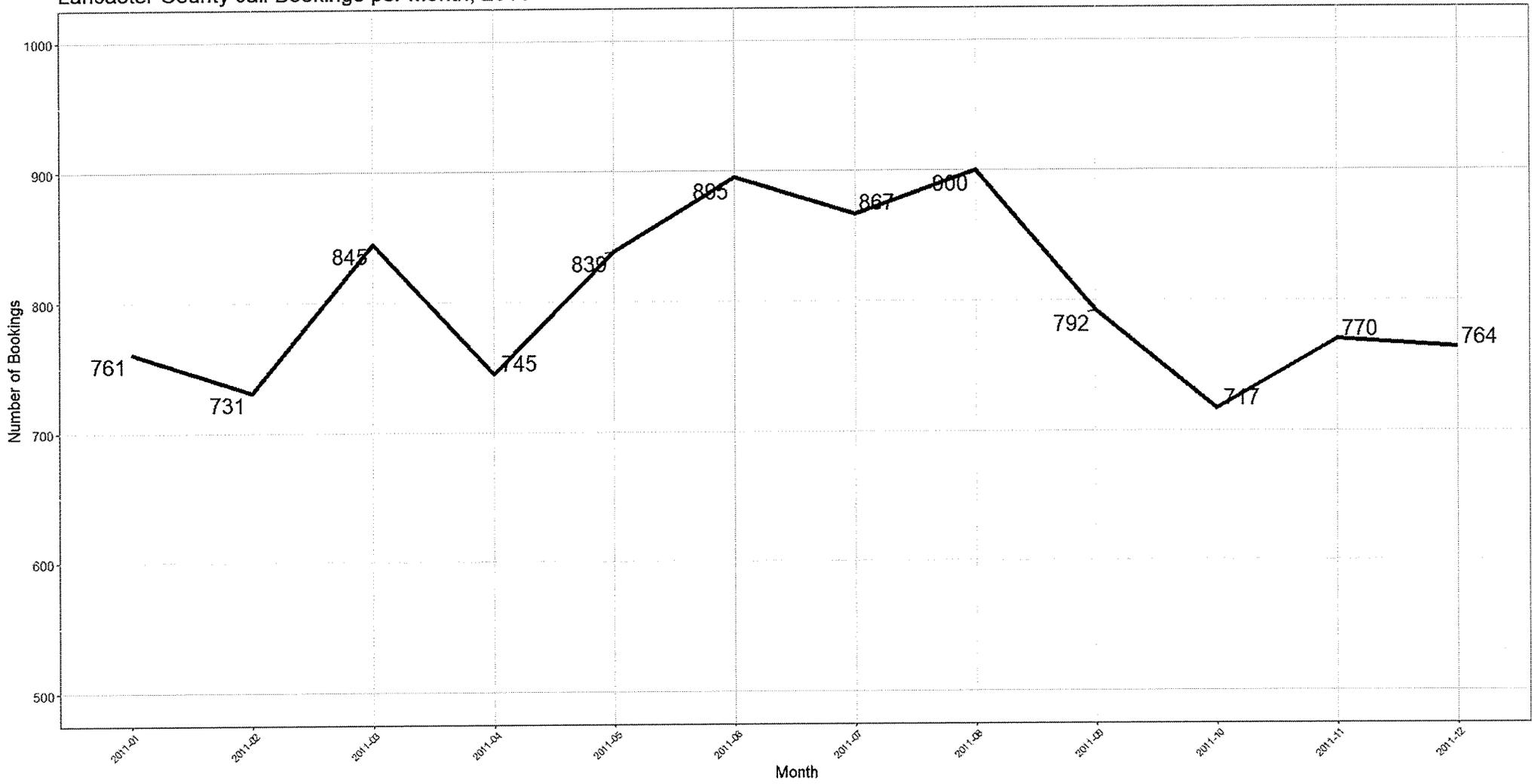
Jail Bookings, Jail Population, High Utilizers

7 August 2020

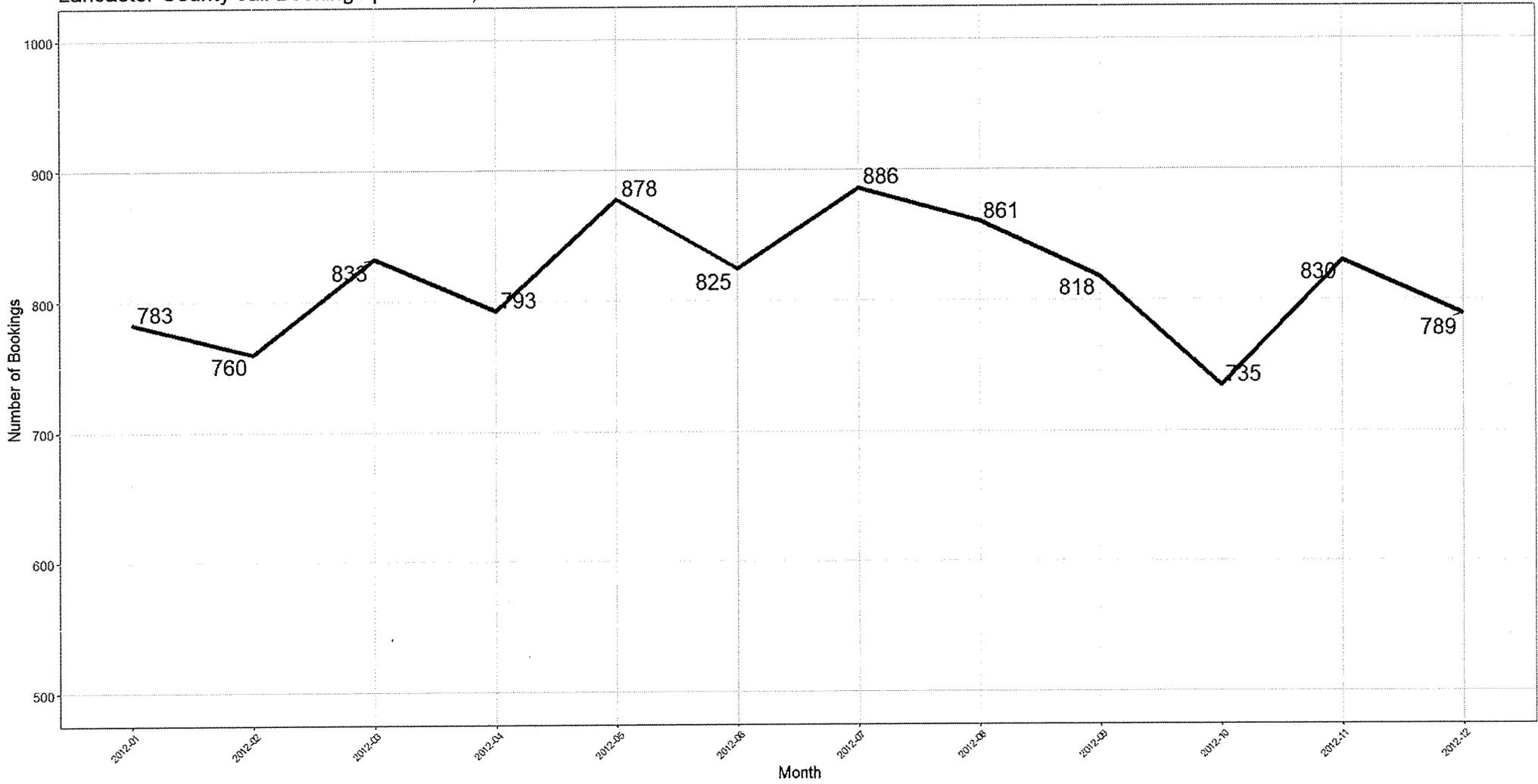
Jail Bookings Over Time
(Bookings per Month, Quarter, Year)

What are the trends in the number of bookings into Lancaster County Corrections?

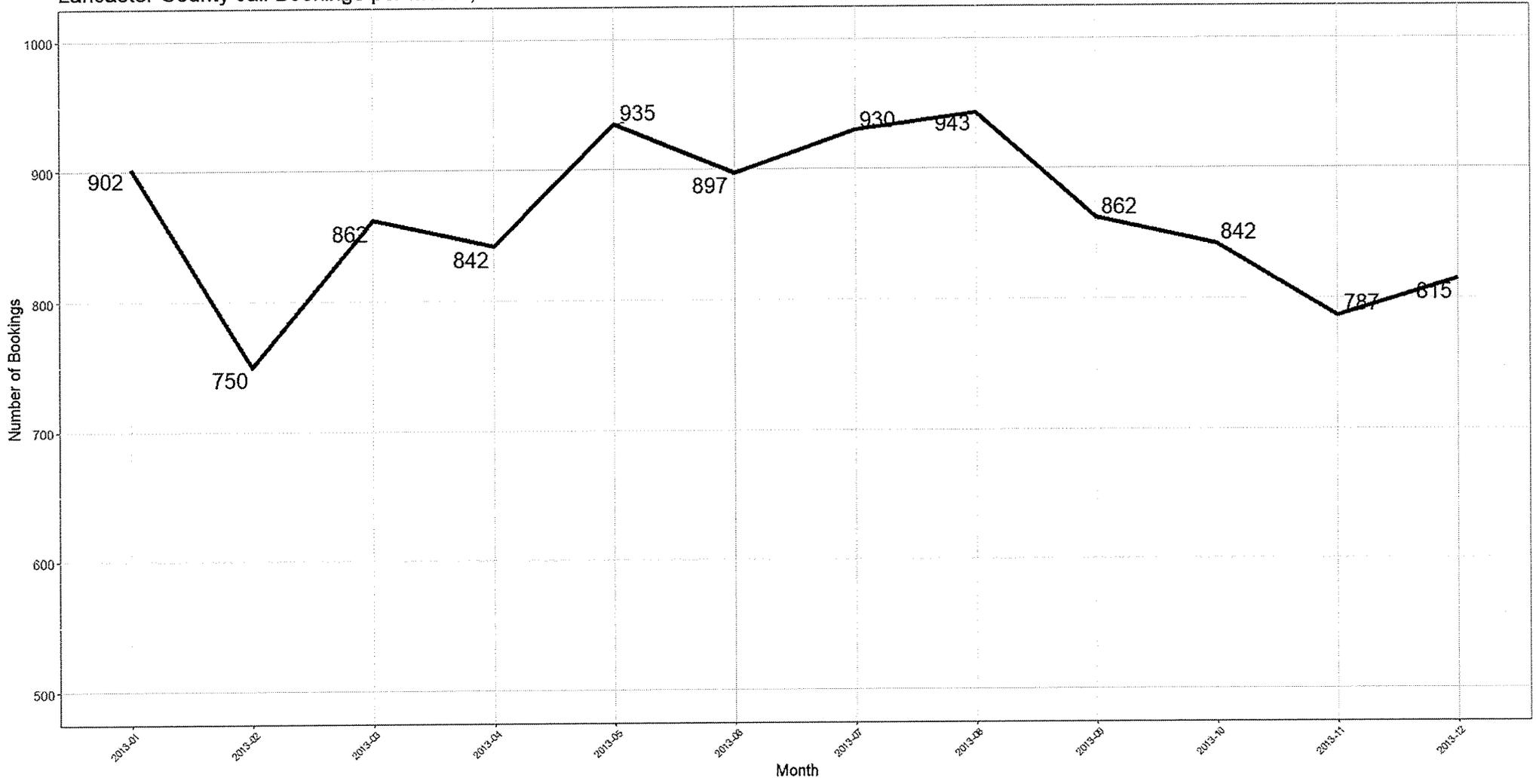
Lancaster County Jail Bookings per Month, 2011



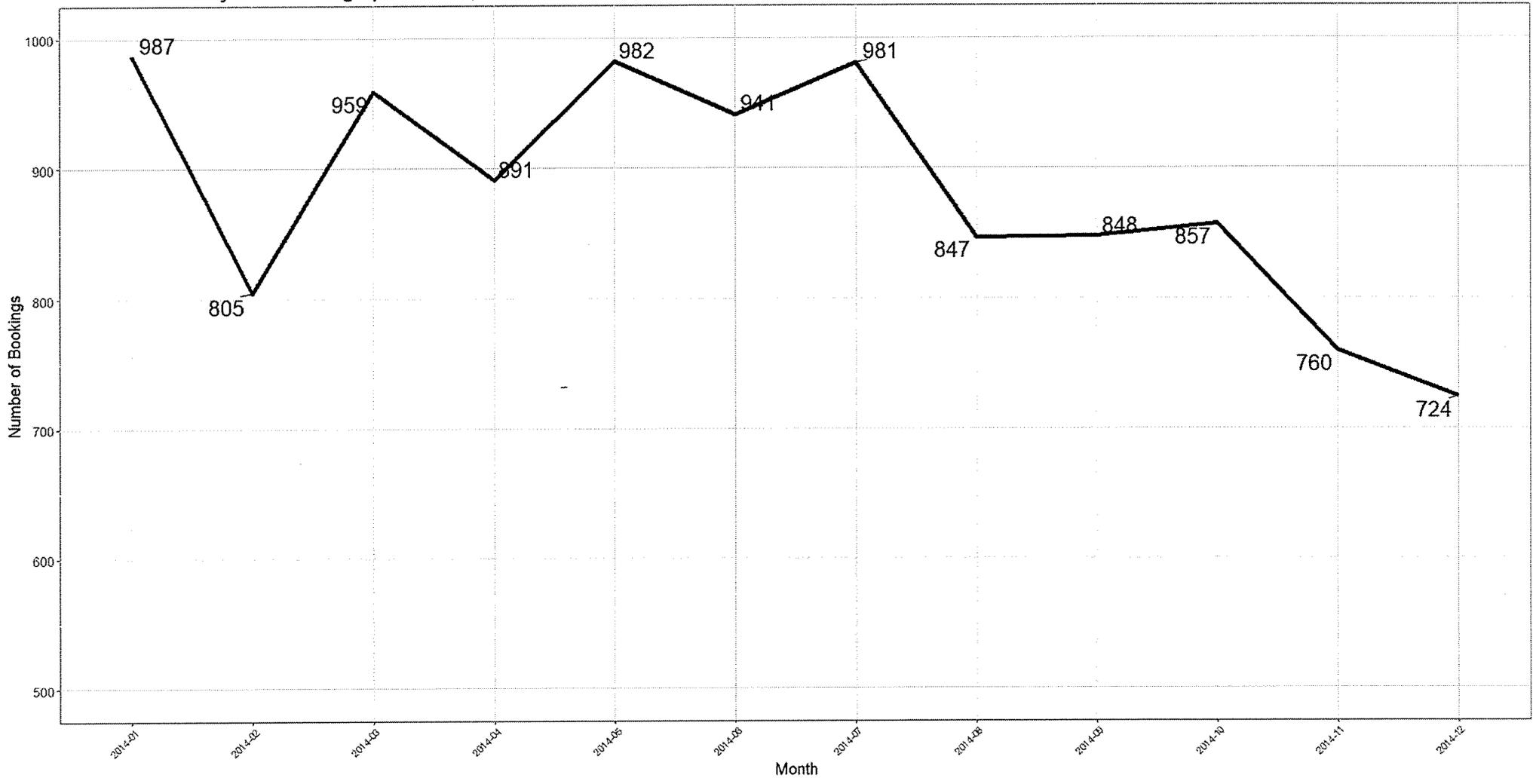
Lancaster County Jail Bookings per Month, 2012



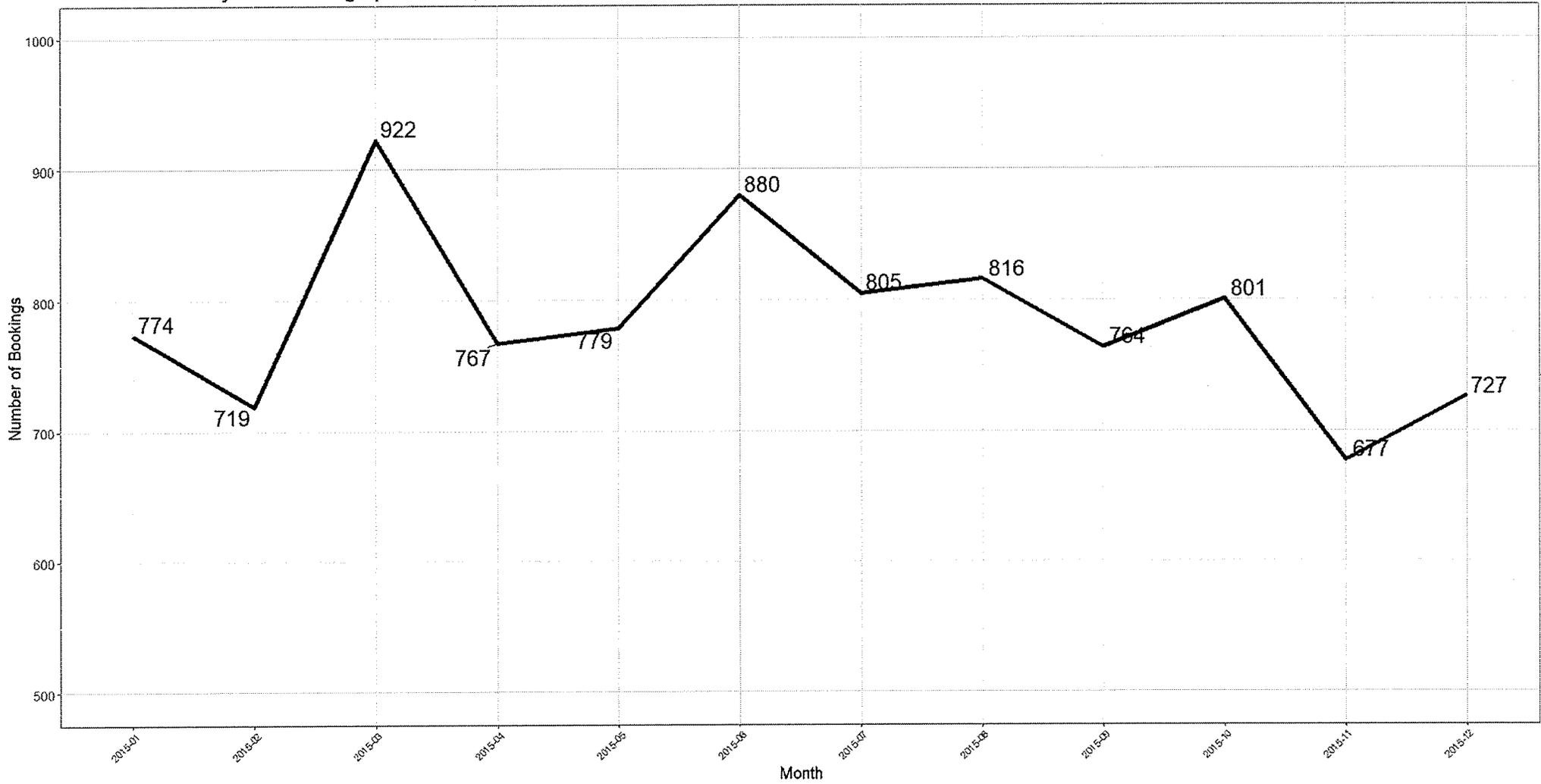
Lancaster County Jail Bookings per Month, 2013



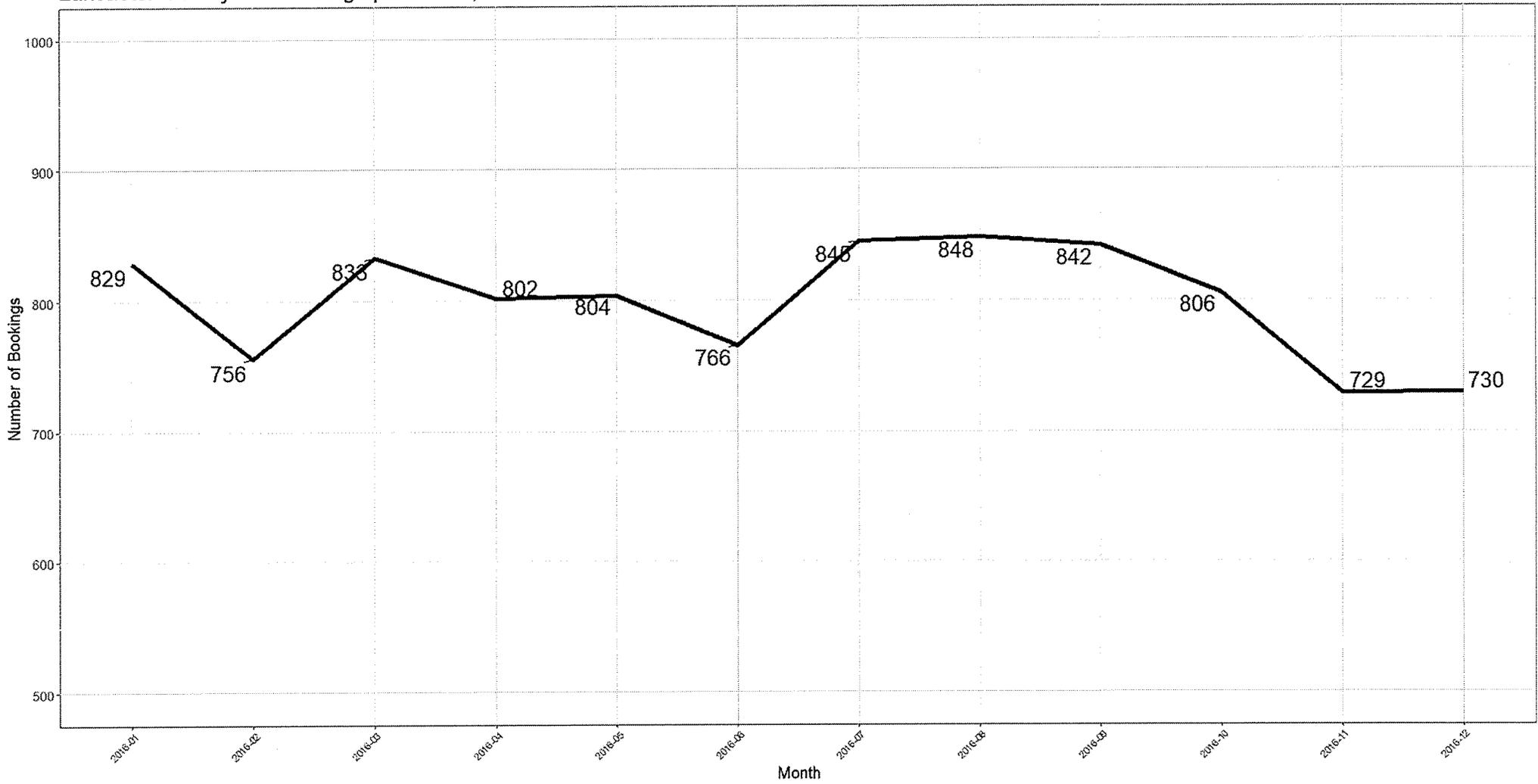
Lancaster County Jail Bookings per Month, 2014



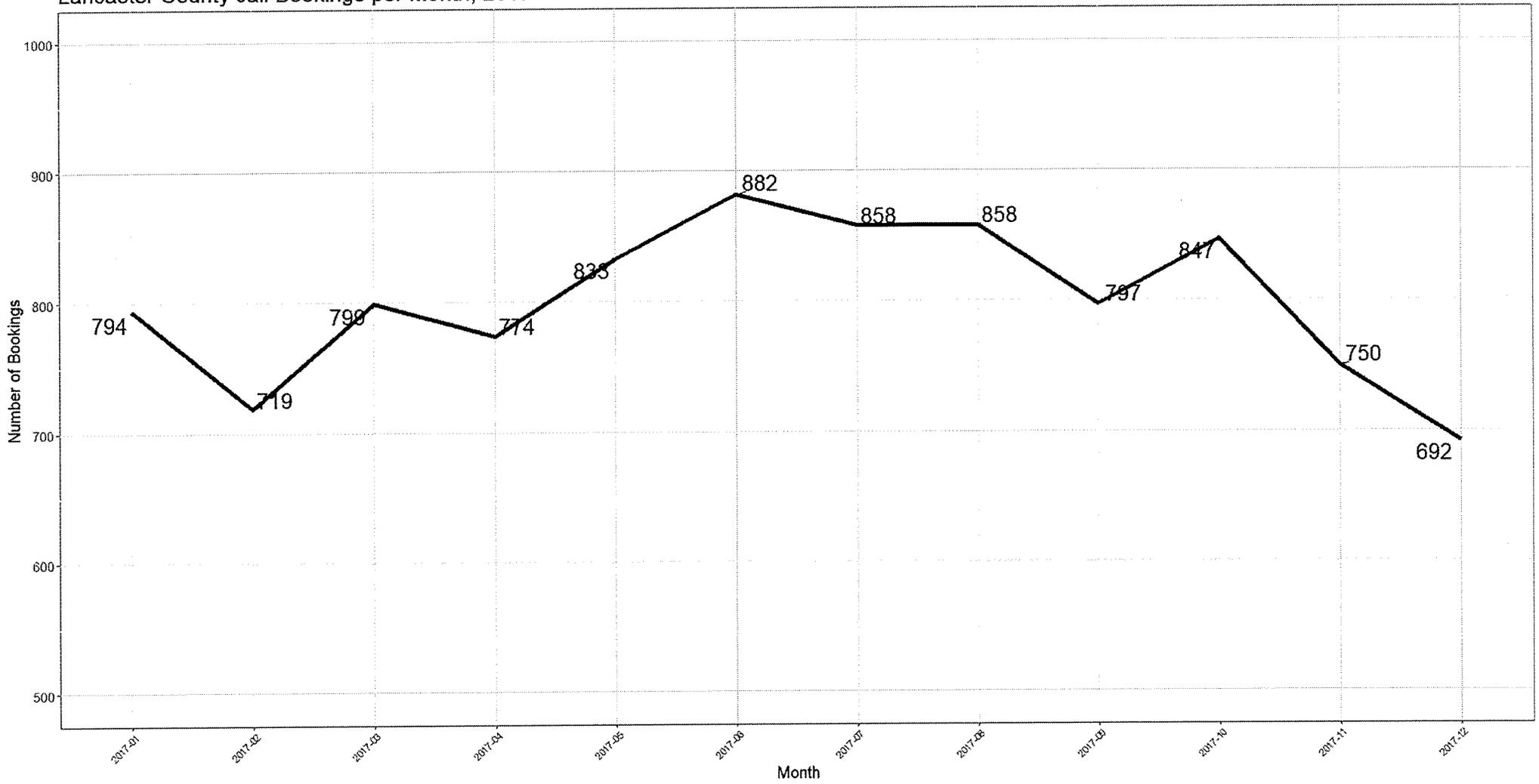
Lancaster County Jail Bookings per Month, 2015



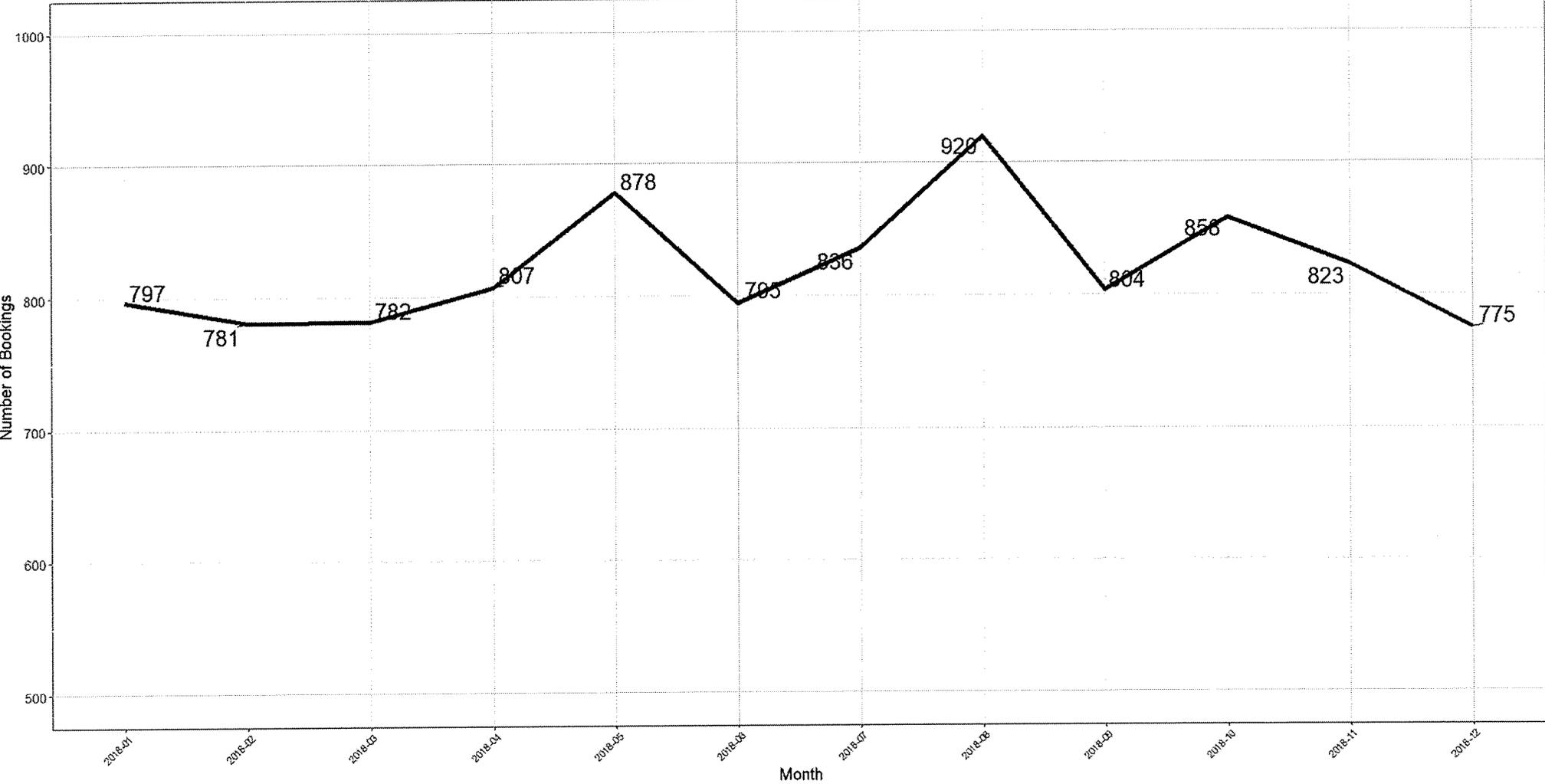
Lancaster County Jail Bookings per Month, 2016



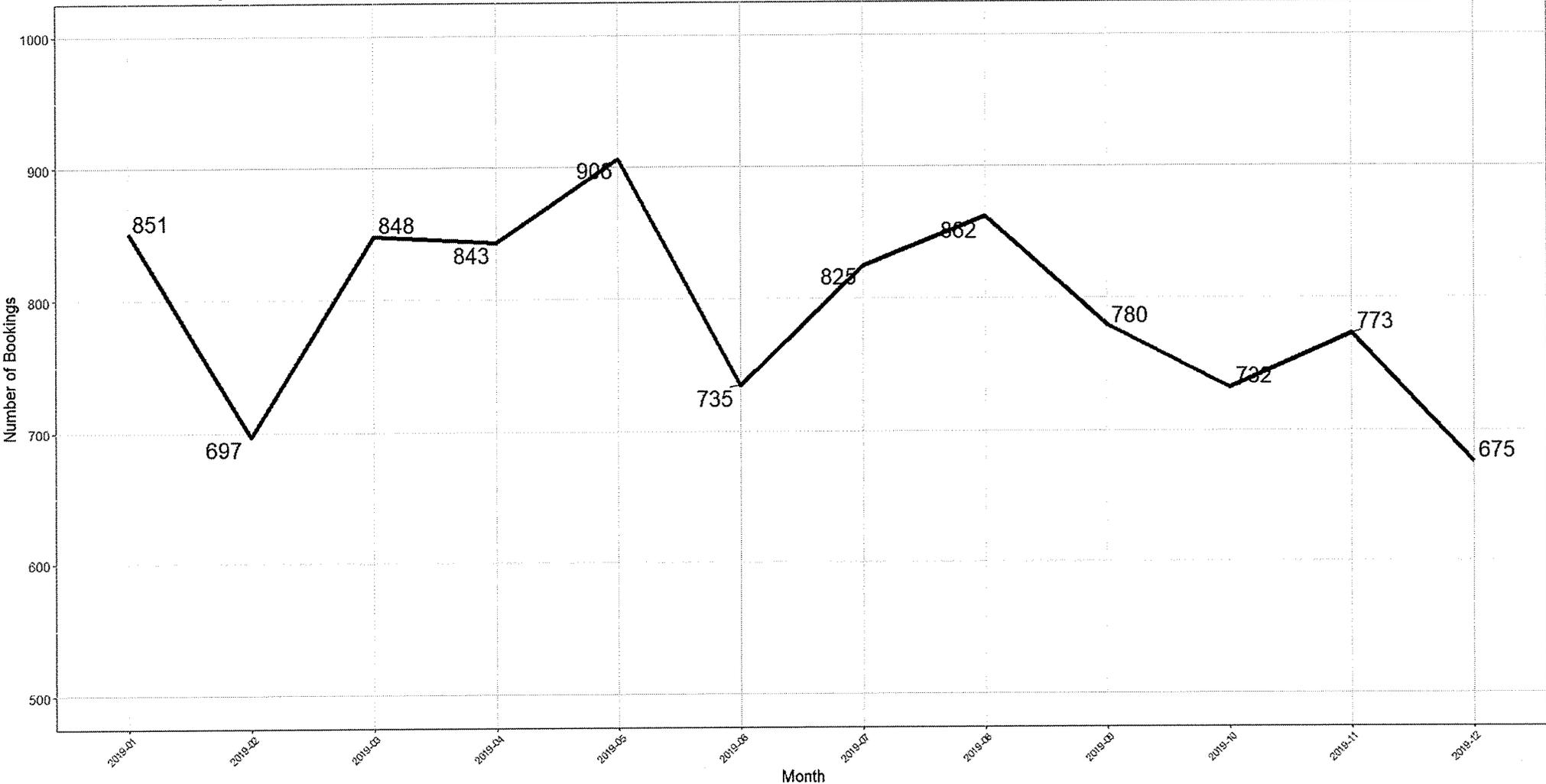
Lancaster County Jail Bookings per Month, 2017



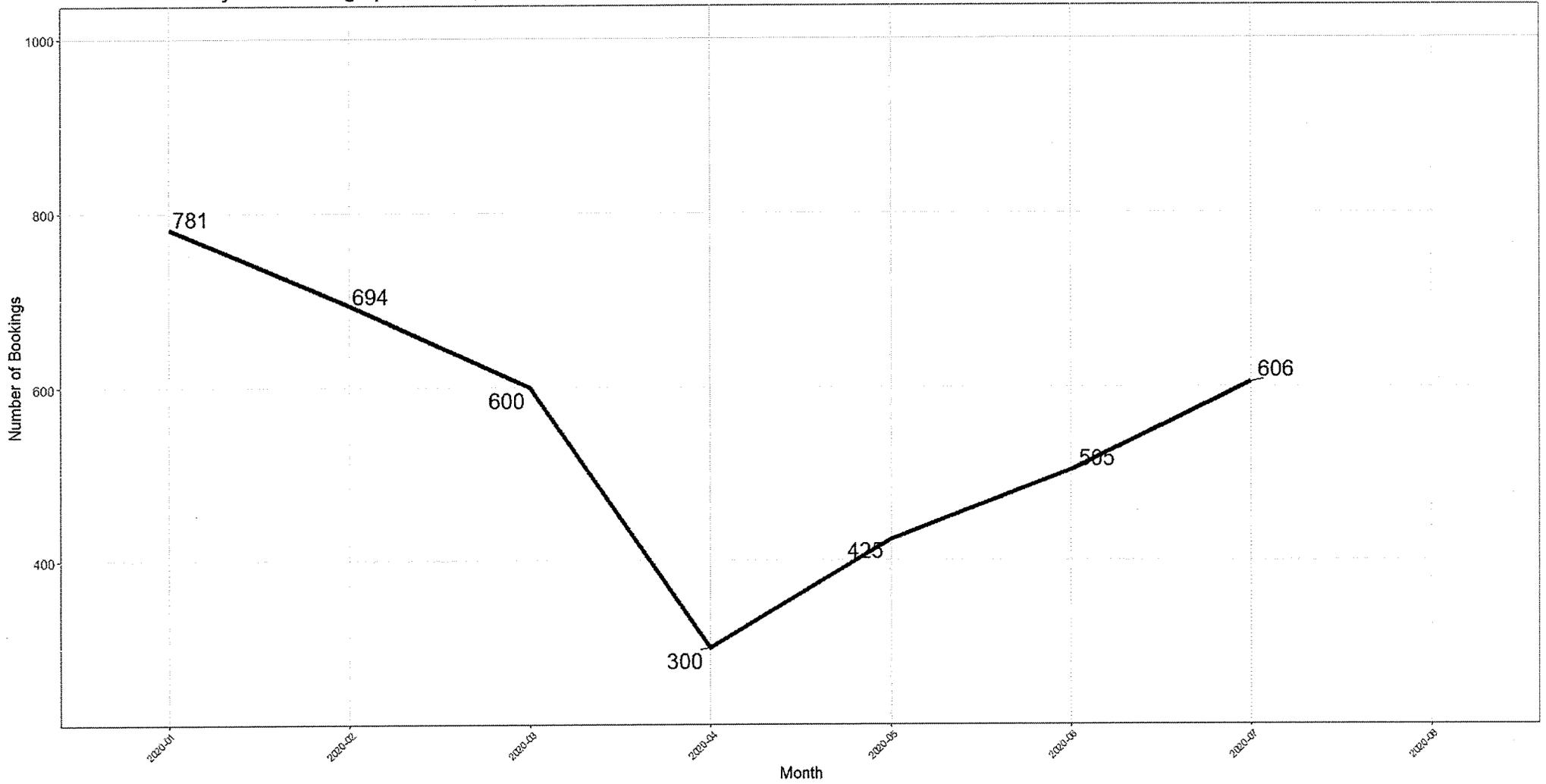
Lancaster County Jail Bookings per Month, 2018



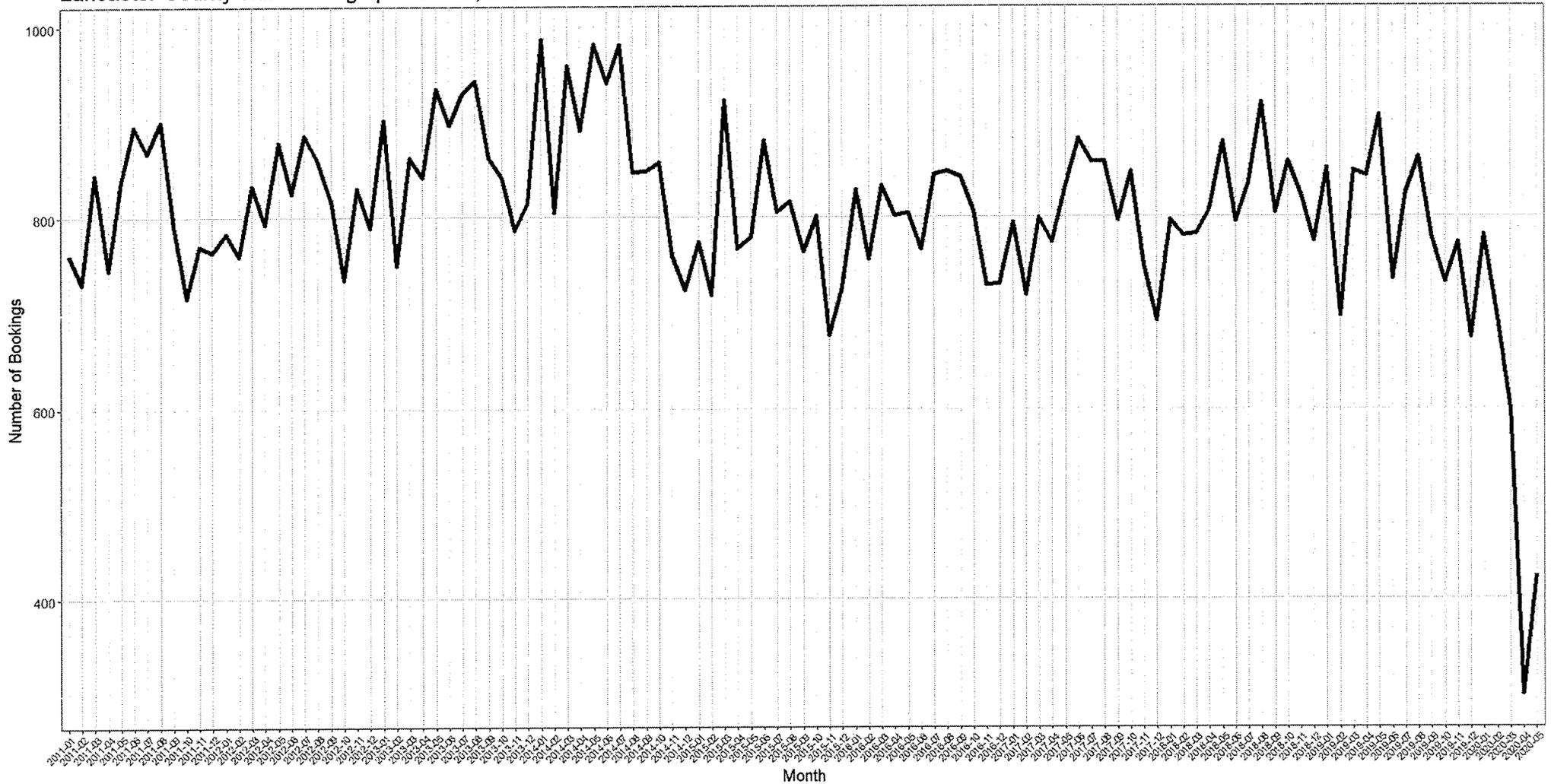
Lancaster County Jail Bookings per Month, 2019



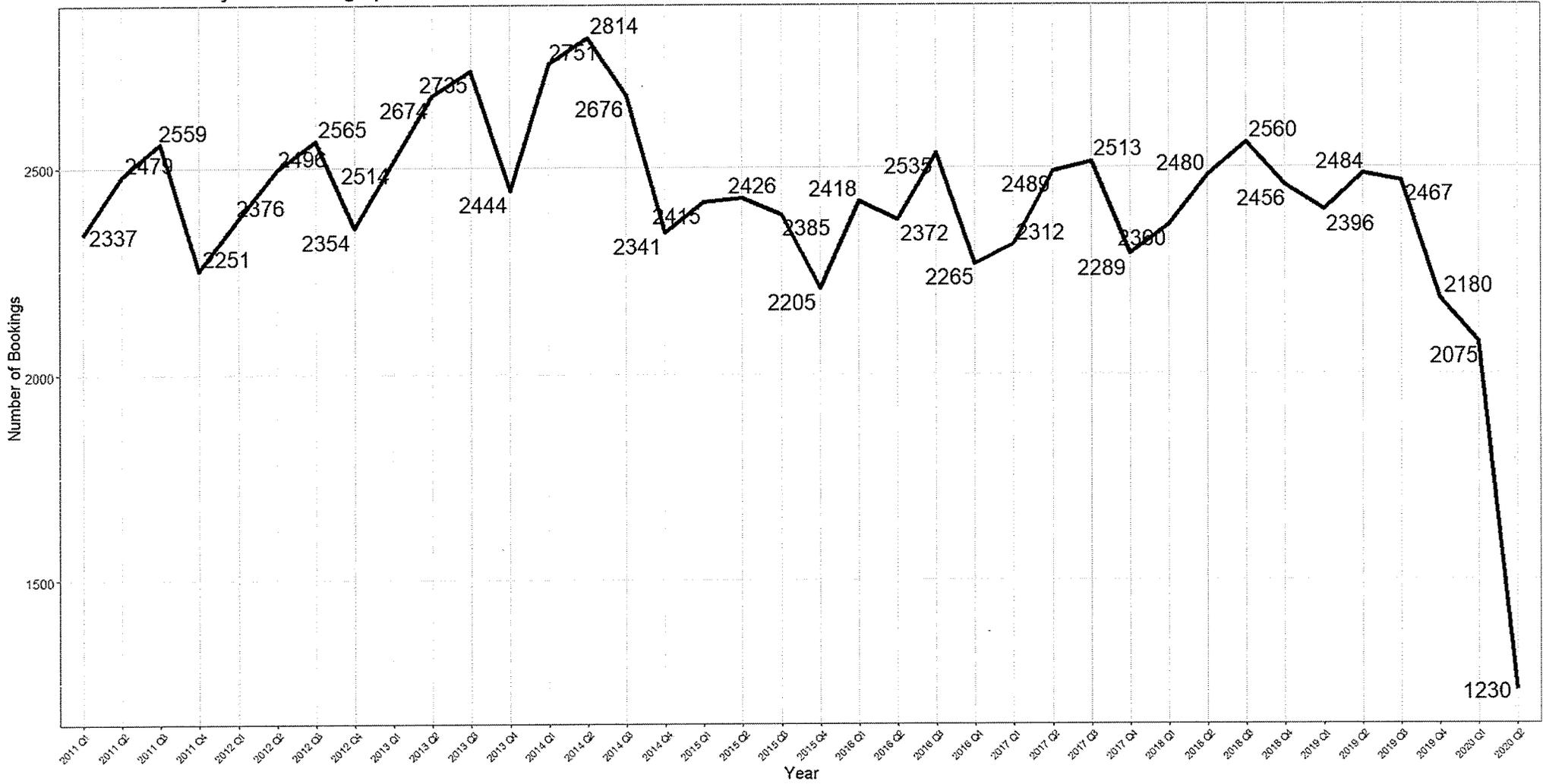
Lancaster County Jail Bookings per Month, 2020



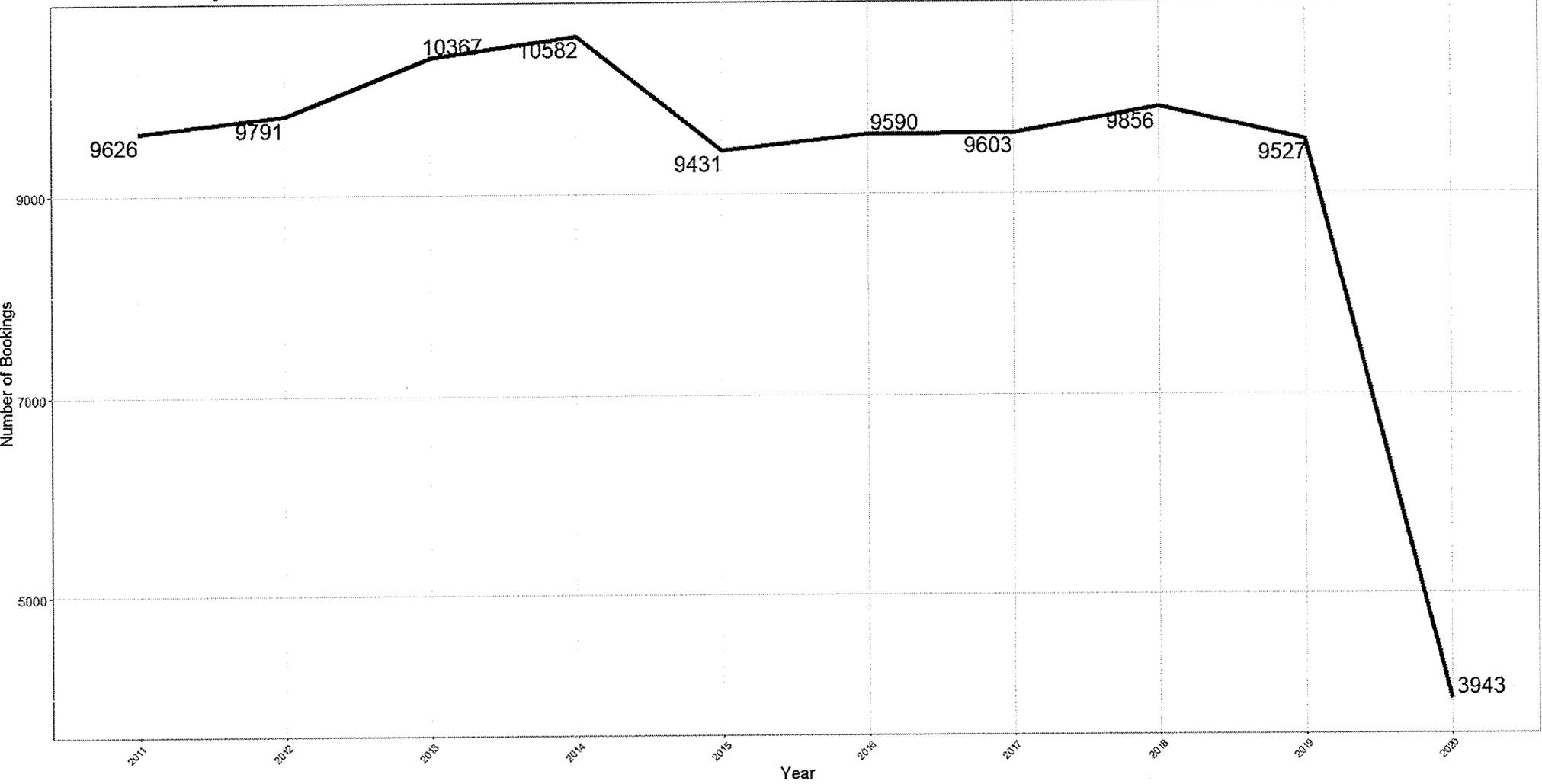
Lancaster County Jail Bookings per Month, 2011-2020



Lancaster County Jail Bookings per Quarter, 2011-2020



Lancaster County Jail Bookings per Year, 2011-2020



Jail Population

How does Lancaster County's jail population compare to other jurisdictions?

Comparison to Other Jurisdictions

- Polk County, Iowa (2019 Population 490,161)
 - 805 In-Custody as of July 13, 2020 (703 In-Custody as of April 20, 2020)
 - **164.2 people per 100,000 residents**
- Dane County, Wisconsin (2019 Population 546,695)
 - 2018 Average Daily Population: 760
 - **139.1 people per 100,000 residents**
- Shawnee County, Kansas (2019 Population 176,875)
 - 2018 Average Daily Population: 560
 - **316.6 people per 100,000 residents**
- Lancaster County, Nebraska (2019 Population 319,090)
 - Jan-Mar 2020 Average Daily Population: 612
 - **191.8 people per 100,000 residents**
- National average in 2018 was **226 inmates per 100,000 residents (BJS)**
- National average in 2019 was **230 inmates per 100,000 residents (Vera)**

High Utilizer Analysis

To what extent do “high utilizers” drive bookings and jail days?

Yearly Impact of Individuals with 5 or More Bookings from 2011 to 2020

	# of Unique Individuals Booked Into Jail	# of Individuals w/ 5 or More Bookings	Total Number of Bookings in Year	Total Number of Bookings for High Utilizers in Year	% of Bookings Accounted for by High Utilizers	Total Number of Jail Days in Year	Total Number of Jail Days for High Utilizers in Year	% of Jail Days Accounted for by High Utilizers
2011	6,502	147	9,626	971	10.1%	186,550	11,532	6.2%
2012	6,503	160	9,797	1008	10.3%	208,374	12,805	6.1%
2013	6,683	181	10,367	1227	11.8%	212,589	15,360	7.2%
2014	6,699	221	10,582	1479	14.0%	209,513	18,204	8.7%
2015	6,287	154	9,431	964	10.2%	203,360	15,420	7.6%
2016	6,390	144	9,590	864	9.0%	233,224	13,488	5.8%
2017	6,307	157	9,603	1012	10.5%	223,463	15,402	6.9%
2018	6,465	144	9,856	910	9.2%	226,078	12,623	5.6%
2019	6,228	144	9,527	923	9.7%	190,401	9,598	5.0%
2020	3,071	23	3,943	135	3.4%	78,257	1754	2.2%

When we look at the data on a yearly basis, high utilizers (those with 5 or more bookings in a year) do not appear to be a very heavy burden on the system. Year-to-year, these individuals account for about 9-12% of total bookings each year, and about 6-9% of total jail days.

As the next slide indicates, the story changes when we disregard years and look at high utilizers across years.

Aggregate Impact of Individuals with 5 or More Bookings from 2011 to 2020

# of Unique Individuals Booked Into Jail	# of Individuals w/ 5 or More Bookings	Total Number of Bookings	Total Number of Bookings for High Utilizers	% of Bookings Accounted for by High Utilizers	Total Number of Jail Days	Total Number of Jail Days for High Utilizers	% of Jail Days Accounted for by High Utilizers
31,936	5,456	92,316	49,395	53.5%	2,073,716	1,186,933	57.2%

When we disregard the yearly analysis and focus on the aggregate bookings from 2011-2020, it becomes clear that “high utilizers” disproportionately affect the system:

- 5,456 individuals were booked in 5 or more times between 2011 and 2020 (this is 17.1% of the total number of individuals booked into jail)
 - These individuals averaged 9.05 bookings during this time (about 1 booking per year)
- These individuals account for 53.5% of the total number of bookings during this time
- These individuals account for 57.2% of the total number of jail days during this time
- There were 61 individuals who had at least one booking from 2011 to 2019
 - These individuals were responsible for 1,686 bookings and 34,975 total jail days during this time

Next Steps

- Which individuals account for the greatest number of jail days?
- Examine offense types for that drive bookings and jail days.
- Use Mental Health Screen data to examine prevalence of positive screens among high utilizers.
- Consider strategies such as those outlined here:
https://csgjusticecenter.org/wp-content/uploads/2020/01/JC_How-to-Reduce-Repeat-Encounters_TwoPager8JAN20508compliant.pdf