

**STAFF MEETING MINUTES
LANCASTER COUNTY BOARD OF COMMISSIONERS
COUNTY-CITY BUILDING, ROOM 113
THURSDAY, JUNE 6, 2013
8:30 A.M.**

Commissioners Present: Larry Hudkins, Chair
Deb Schorr
Jane Raybould
Roma Amundson

Commissioners Absent: Brent Smoyer, Vice Chair

Others Present: Kerry Eagan, Chief Administrative Officer
Gwen Thorpe, Deputy Chief Administrative Officer
Dan Nolte, County Clerk
Cori Beattie, Deputy County Clerk
Ann Taylor, County Clerk's Office

Advance public notice of the Board of Commissioners Staff Meeting was posted on the County-City Building bulletin board and the Lancaster County, Nebraska, web site and provided to the media on June 5, 2013

The Chair noted the location of the Open Meetings Act and opened the meeting at 8:32 a.m.

AGENDA ITEM

**1 APPROVAL OF THE STAFF MEETING MINUTES OF MAY 30, 2013
AND DEPARTMENTAL BUDGET HEARINGS OF MAY 22, 2013**

MOTION: Amundson moved and Raybould seconded approval of the minutes of the May 30, 2013 Staff Meeting and May 22, 2013 Departmental Budget Hearings. Raybould, Amundson and Hudkins voted aye. Schorr abstained from voting. Smoyer was absent from voting. Motion carried 3-0, with one abstention.

2 ADDITIONS TO THE AGENDA

- A. Request to Use County Logo on T-Shirt to Raise Money for the Food Bank (Exhibit A)
- B. Juvenile Justice Review Committee (JJRC) Allocation Recommendations

MOTION: Schorr moved and Raybould seconded approval of the additions to the agenda. Schorr, Raybould, Amundson and Hudkins voted aye. Smoyer was absent from voting. Motion carried 4-0.

3 LEGISLATIVE UPDATE - Joe Kohout, Kissel/E&S Associates (Legislative Consultant)

Joe Kohout, Kissel/E&S Associates, presented a legislative update (Exhibit B). He encouraged the Commissioners to continue to push for support of Medicaid expansion, stressing the financial benefit to the County. It was noted the Lancaster Senate Delegation is very supportive of Medicaid expansion, with the exception of one Senator who is concerned with capacity and cost.

4 A) BUDGET UPDATE (YOUTH SERVICES); AND B) AUDIT REQUEST FOR PROPOSALS (RFP) - Dennis Meyer, Budget and Fiscal Officer

Dennis Meyer, Budget and Fiscal Officer, gave an overview of Lancaster County, Comparison of Capital Outlay Costs, Fiscal Year (FY) 2014 Compared to FY 2013 (Exhibit C).

B) Audit Request for Proposals (RFP)

Meyer said a committee, comprised of Meyer; Liz Thanel, Accountant, County Budget and Fiscal Office; Tim Genuchi, Accounting Operations Manager, County Clerk's Office; Michelle Raphael, Accountant/Auditor, County Treasurer's Office; and Sharon Mulder, Assistant Purchasing Agent, reviewed the responses to the Audit Request for Proposal (RFP) and has unanimously recommended selection of a new Certified Public Accountant (CPA) firm, Allen, Gibbs & Houlik, L.C. (AGH) from Wichita, Kansas. He said audit costs will decrease by 10 percent with the contract. AGH will also assist the County with preparation of financial statements.

Hudkins asked whether AGH performs audits for other counties in Nebraska. Meyer said they do not, but they perform audits for a number of counties in Kansas. He said he contacted their references and all of them indicated satisfaction.

A) Budget Update (Youth Services)

Sheli Schindler, Youth Services Center (YSC) Director, discussed the potential impact of Legislative Bill (LB) 561 (Change provisions and transfer responsibilities regarding the juvenile justice system), noting two new responsibilities for the Office of Probation Administration (OPA) and possible revenues. The new revenue sources will be for 1) Those youth in Juvenile Court who are under the supervision of Probation and the

youth is adjudicated where the judge has ordered continuance of the pre-dispositional hearing for youth who fall into the categories of Nebraska Revised Statute §43-247(1); and 2) Those youth who were in the community under supervision who return to detention for violation(s) of Probation. Brittany Behrens, Deputy County Attorney, appeared and recommended the County enter into a contract with Probation, using the County's existing detention contract with HHS as the basis.

Raybould asked what would happen if the County's request for reimbursement exceeds the amount that has been appropriated by the Legislature. Schindler said she does not anticipate that the County's billings would exceed that amount. Behrens said the State is required by law to have a cap on their contracts but that amount is so high the County has never come close to meeting it.

In response to a question from Schorr, Schindler said she will need to know more about the Board's budget expectations before making a recommendation regarding the daily rate.

Schindler also presented Potential Budget Cuts for a Flat Fiscal Year (FY) 2014 Budget (Exhibit D), noting closing the Staff Secure Facility and discontinuing the provision of free drug and alcohol evaluations are options to reduce expenditures. She said perhaps the County could lease the Staff Secure Facility space to another entity that needs housing to run a program, noting if YSC's population increases significantly, it may be necessary to reopen the Staff Secure Facility. Schindler said they will continue to provide the same programs and activities to youth currently in the Staff Secure Facility but they will move to the Secure Detention Facility. Schindler was asked to apprise the Juvenile Court that closing of the Staff Security Facility is being considered. It was also suggested that she have informal discussions with other entities who may be interested in leasing that component. There was general consensus to wait until August to make any of the suggested changes.

5 HOMELESS GRANT PROGRAM EVALUATION - Liz Neeley, PhD
Objective Advantage, LLC; Kim Etherton, Community Corrections Director

Liz Neeley, PhD Objective Advantage, LLC, discussed the following documents: 1) Evaluation of Pretrial Release in Lancaster County; and 2) Findings and Recommendations (Exhibits E and F). **NOTE:** Community Corrections had identified two ways in which it could potentially improve the impact of its Pretrial Release Program: 1) Expanding the Matrix Intensive Outpatient Treatment Model to pretrial defendants; and 2) Providing an alternative to pretrial detention to low-risk homeless defendants. Piloting and evaluating these concepts was made possible through a Nebraska Crime Commission grant.

Kim Etherton, Community Corrections Director, noted most who fail the Pretrial Release Program do so because of methamphetamine abuse and the Matrix Program is specifically designed to treat methamphetamine addiction. She said it can also help with long-term alcohol additions.

Neeley said Lancaster County should explore implementation of the risk assessment instrument prior to arraignment and encourage the judges to rely on it in making decisions on whether to release defendants on bond. Etherton said Community Corrections only looks at screening felony defendants and must wait until it receives the booking report. She said some jurisdictions do the assessment at the time of booking noting there are reasons why Community Corrections does not do it that way, although they may no longer be legitimate. Etherton said they will also perform the screening at the request of a judge. Misdemeanors are not screened unless there is a mental health issue. Neeley noted that the annual cost for Pretrial Release Program is estimated to be \$115,000 and said that investment saved the County \$215,000 in detention costs in the first year of the grant and \$260,000 in the second year.

Raybould asked whether the study singles out certain misdemeanor charges as having a higher success rate if they would get pretrial release. Neeley said they could look at that but the limitation is that few misdemeanor defendants are screened at this point. Raybould suggested they look at other jurisdictions that are screening misdemeanor defendants and experiencing higher success rates if they are given pretrial release. She said they could target those charges as a start and expand it going forward. Etherton noted some communities classify domestic violence as misdemeanors and said a lot of changes would have to take place for that to occur here.

It was noted that 20% of the jail population that was screened for Pretrial Release was determined to be homeless or nearly homeless. Raybould asked how that compares to other communities. Neeley said she is not sure.

Schorr inquired about the next steps to implement the recommendations. Etherton said many can be done with limited resources. She said the big question is whether to continue to provide a housing option for those classified as homeless. Amundson pointed out that how the judges view the risk assessment is also critical.

6 AMENDMENT OF 401(a) PENSION PLAN (CONTRIBUTION RATES) - Doug Cyr, Chief Administrative Deputy County Attorney and Member of the Pension Review Committee (PRC)

Kerry Eagan, Chief Administrative Officer, noted the Fraternal Order of Police (FOP), Lodge 32 (Correctional Officers) has agreed to reduce the County's pension match from 1.5 to 1 to 1 to 1. He posed the following questions: 1) Can the pension plan be amended to allow for that; 2) Will it require recertification with the Internal Revenue

Service (IRS); and 3) What language will need to be added to the plan to accommodate the Board's desire to change contribution rates for various groups.

Doug Cyr, Chief Administrative Deputy County Attorney and Member of the Pension Review Committee (PRC), said the County can amend its pension plan to treat different groups disparately, although that's not saying it is a good direction to go policy-wise as there could be all kinds of ramifications. He recommended the Board schedule discussion with the PRC and management to determine whether the Board wants to go ahead and reduce contributions to the pension plan for unrepresented (management level) employees if it is unable to force the collective bargaining groups to accept similar reductions. Employees moving from a represented to an unrepresented position would be forced to take a reduced contribution. Cyr said he has received feedback from some of the elected and appointed officials that there is not enough difference in salary between the rank and file and management level employees to justify those type of changes. He suggested the Board look at how much it would be saving the County versus what it will cost the County in incentives to represented employees to get the unions to make concessions to allow those changes. Cyr said his review of the Commission of Industrial Relations (CIR) law indicates there is no way the County can force a union to change their pension contribution, rather you could look at different types of pension plans and if you determine one is more generous than another you could make changes to the wages of those individuals. He suggested the PRC be asked to make recommendations on these types of issues.

Raybould asked how other communities are able to enact these type of adjustments. Cyr said it depends which communities Raybould is referring to, for instance the other counties in Nebraska, with the exception of Douglas County which has a defined benefit plan, are covered by the Nebraska County Employees Retirement Act. Its pension match, which was set by the Legislature, is 1.5 to 1. The State of Nebraska has a match slightly in excess of 1.5 to 1. The City of Lincoln has a 2 to 1 match for existing employees and the lesser plan for new employees has a 1.3 to 1 match, with the 1 being 7%, which turns the City's contribution 9.1%. The County's contribution is 7.8%. There is also a provision for the City to match 0.5% in the deferred compensation plan which makes the City's lesser package 9.6%. The County does not provide a match for the deferred compensation plan. He said the CIR statutes require the County to first compare to Nebraska governmental entities and if there are not sufficient matches, it may go outside Nebraska to other comparable entities. Cyr said the entities the Personnel Department uses for comparables, for the most part, have defined benefit pension plans.

Raybould said other jurisdictions, because of financial pressures, have been able to make adjustments. She added the constituents are concerned that public sector retirement benefits are not comparable to those in the private sector.

Cyr said the public sector and private sector are not the same. Private sector employees may be eligible to receive bonuses, commissions, profit sharing and incentives. County employees receive none of those things.

Raybould said the retirement match issue has been debated for years and said she is surprised the PRC hasn't looked into it. Cyr explained that the PRC is advisory to the Board and only does what the Board directs it to do. He said he served on the PRC since its inception and said the Board has never asked it to look into this issue.

MOTION: Schorr moved and Amundson seconded to request the County Attorney's Office to prepare an amendment for the 401(a) Pension Plan and begin a review of the fiscal impacts, in consultation with the Personnel Department.

Cyr said he and Eagan will work with Prudential in drafting the amendment language.

ROLL CALL: Schorr, Amundson, Raybould and Hudkins voted aye. Smoyer was absent from voting. Motion carried 4-0.

7 BUDGET UPDATE (JUVENILE PROBATION) - Dennis Meyer, Budget and Fiscal Officer

Lori Griggs, Chief Juvenile Probation Officer, appeared and discussed how LB 561 (Change provisions and transfer responsibilities regarding the juvenile justice system) will impact Juvenile Probation, noting the need for 43 additional staff to handle the additional responsibilities (Exhibit G). She pointed out that 3B's (Ungovernable and truancy youth) were not originally included in the bill and that change will significantly increase Probation's workload.

Hudkins asked how much county aid will the State will provide. Griggs said it is projected to increase from \$1,400,000 to either \$2,900,000 or \$3,200,000 the first year for the entire State. Sara Hoyle, Juvenile Justice Coordinator, appeared and said the aid money is formula-based and counties must have a three-year juvenile comprehensive plan in place. Lancaster County is projected to receive 13.4% of the funding based on its population of youth ages 10-17. She said the funding is for Fiscal Year 2013-2014 but will likely be delayed until early 2014. Hoyle also pointed out that part of that funding is already used to fund the Juvenile Diversion Program and community-based services. She said it may be used for office space the first year and then reallocated for prevention and intervention services.

In response to a question from Schorr, Dennis Meyer, Budget and Fiscal Officer, said the County can probably cover expenses for the first hiring wave, noting Hoyle was able to find funding for 16 computers. Griggs indicated plans to have 22 probation

officers start training by August 1, 2013. An additional 11 will start by October 1, 2013 and the remaining 10 by January 1, 2014. She said the voucher money will kick in by this fall and there should be more clarity by then. Meyer noted that a contract with the State for two additional probation officers which is currently in the budget could possibly go away.

Don Killeen, County Property Manager, appeared and discussed office space options. Co-location with another department, such as the Youth Services Center (YSC), or the schools may also be an option. Killeen was asked to provide a cost estimate.

Eagan suggested contracting with Juvenile Probation for evaluations on-site at YSC. Griggs said that is a possibility.

Schorr exited the meeting at 10:45 a.m.

8 AMENDMENT OF AIR POLLUTION CONTROL REGULATIONS - Judy Halstead, Lincoln-Lancaster County Health Department (LLCHD) Director; Scott Holmes, Environmental Public Health Division Manager, LLCHD; Chris Schroeder, Senior Environmental Health Specialist, LLCHD; Brittany Behrens, Deputy County Attorney

Chris Schroeder, Senior Environmental Health Specialist, Lincoln-Lancaster County Health Department (LLCHD), gave an overview of proposed changes to the Lincoln-Lancaster County Health Department Air Pollution Control Program Regulations and Standards (see agenda packet). It was noted no fee changes are proposed.

Judy Halstead, LLCHD Director, said the Board of Health and Air Pollution Control Advisory Board have approved the proposed changes.

Schorr returned to the meeting at 10:49 a.m.

In response to a question from Raybould, Scott Holmes, Environmental Public Health Division Manager, LLCHD, said none of the proposed changes will affect the County's villages in any way.

REQUEST TO USE VISITORS IMPROVEMENT FUND PROCEEDS FOR PROMOTION (NOVEMBER, 2012 THROUGH APRIL, 2013) -

Jeff Maul, Lincoln Convention and Visitors Bureau (CVB) Executive Director; Julie Lattimer, Visitors Promotion Committee (VPC) Chair

Julie Lattimer, Visitors Promotion Committee (VPC) Chair, reported on a recommendation from the VPC to approve a request to use Visitors Improvement Fund proceeds for promotion, having deemed that visitor attractions in the County are adequate and do not require improvement.

Jeff Maul, Lincoln Convention and Visitors Bureau (CVB) Executive Director, noted a survey of the adequacy of facilities is nearly complete.

MOTION: Schorr moved and Raybould seconded to determine the visitor facilities are adequate and authorize the use of the Visitors Improvement Fund proceeds for promotion.

Eagan advised the Board to take action on a regular County Board of Commissioner Meeting.

The maker of the motion and the seconder withdrew their motion.

There was consensus to prepare a resolution in the matter of authorizing use of County Visitors Improvement Fund proceeds for visitor promotion for action at the June 11, 2013 County Board of Commissioners Meeting.

Maul briefed the Board on its bid to the Nebraska School Activities Association (NSAA) to bring the State High School Volleyball Tournaments back to Lincoln, noting the NSAA will make a decision in August.

9 OLD JAIL PLANNING - Don Killeen, County Property Manager

Don Killeen, County Property Manager, asked whether the Board wants to finance the remodeling of the Old Jail facility through the County or Public Building Commission (PBC). Dennis Meyer, Budget and Fiscal Officer, appeared and said the PBC has a higher bond rating.

Raybould exited the meeting at 11:05 a.m.

There was general consensus to finance the project through the PBC.

Raybould returned to the meeting at 11:08 a.m.

There was also consensus to schedule discussion with John Kay, Sinclair Hille and Associates, Inc. on potential use of the building when Corrections vacates it.

10 REQUEST TO USE VISITORS IMPROVEMENT FUND PROCEEDS FOR PROMOTION (NOVEMBER, 2012 THROUGH APRIL, 2013) -

Jeff Maul, Lincoln Convention and Visitors Bureau (CVB) Executive Director; Julie Lattimer, Visitors Promotion Committee (VPC) Chair

Item was moved forward on the agenda.

11 ACTION ITEMS

- A. Approval of Revised Budget Summaries for Three (3) Nebraska Crime Commission Grants: 1) 12-JJ-09; 2) 12-JJ-06; and 3) 13-EG-116

MOTION: Schorr moved and Amundson seconded approval, with signature by the Chair. Amundson, Schorr, Raybould and Hudkins voted aye. Smoyer was absent from voting. Motion carried 4-0.

12 CONSENT ITEMS

There were no consent items.

13 ADMINISTRATIVE OFFICER REPORT

- A. Jail Tour (June 13, 2013)

Gwen Thorpe, Deputy Chief Administrative Officer, said the Sarpy County Board was not interested in touring the new Lancaster County Adult Detention Facility (LCADF) on that date but Mark Wayne, Sarpy County Administrator, said he would be willing to participate. Clare Duda was the only member of the Douglas County Board that expressed interest in a tour. Board consensus was to cancel the tour on June 13th and suggest that Wayne and Duda contact Mike Thurber, Corrections Director, if they are still interested in touring the facility.

ADDITIONS TO THE AGENDA

- A. Request to Use County Logo on T-Shirt to Raise Money for the Food Bank (Exhibit A)

Brittany Behrens, Deputy County Attorney, appeared and recommended that approval be subject to Board approval of the design.

Minette Genuchi, Administrative Assistant to the County Board, appeared and said the t-shirts will be made available on a pre-sale basis. She said details still need to be worked out regarding the set-up fee and handling of the proceeds.

MOTION: Amundson moved and Raybould seconded to approve the request, subject to Board approval of the t-shirt design. Raybould, Amundson, Schorr and Hudkins voted aye. Smoyer was absent from voting. Motion carried 4-0.

B. Juvenile Justice Review Committee (JJRC) Allocation
Recommendations

Schorr gave an overview of the 2013-2014 Juvenile Justice Prevention Fund Final Recommendations (Exhibit H).

NOTE: The Board will take action on the recommendations at the June 11, 2013 County Board of Commissioners Meeting.

RETURNING TO ITEM 13

B. Community Mental Health Center (CMHC) Transfer of Operations

Thorpe said she and Eagan met with representatives of Lutheran Family Services and answered questions regarding the facility. **NOTE:** It has been recommended that core behavioral health services be transitioned from the Community Mental Health Center (CMHC) to Lutheran Family Services (see May 30, 2013 Staff Meeting minutes). She said they are also working on contracts that are specific to the facility and cost report issues. Thorpe said Seim, Johnson, the Certified Public Accountant (CPA) firm working on the cost reports, have recommended one transition date for all programs.

There was Board consensus to: 1) Name Thorpe as the contact person for information regarding CMHC; 2) Send an update letter to staff and clients; 3) Have Thorpe; C. J. Johnson, Region V Systems Administrator; and the directors of Lutheran Family Services; CenterPointe, Inc., and Omni Behavioral Health provide an update on the transfer of operations on a 5-City TV program; and 4) Send vehicles that are left to the surplus auction.

It was also noted the County will need to form a Negotiating Team for the transition of services, which should include one Commissioner. Raybould volunteered to serve in that capacity.

C. Management Team Meeting (June 14, 2013)

It was noted that Brent Meyer, Noxious Weed Control Superintendent, would like to give a presentation on weeds. A roundtable discussion was also suggested.

D. Mobile Home Zoning Provision

There was consensus to schedule a briefing by the Planning Department on mobile home zoning provisions.

14 PENDING

There were no pending items.

15 DISCUSSION OF BOARD MEMBER MEETINGS

- A. Lincoln Metropolitan Planning Organization (MPO) Officials Committee
- Hudkins, Amundson

Hudkins said the South Beltway was the focus of the discussion.

- B. Human Services Joint Budget Committee (JBC) - Raybould

Raybould said they discussed the budget, payday lending, the homeless count, juvenile justice prevention funds, and investment of reserve Keno revenues.

- C. Emergency Medical System Oversight Authority (EMSOA) - Schorr

Schorr said they had a presentation on cardio cerebral resuscitation.

- D. Chamber Coffee - Smoyer, Amundson

Amundson said there is increased interest in Lincoln attractions. She said safety measures for mobile home parks, water rates, the South Beltway, and the increase in school enrollment were also discussed.

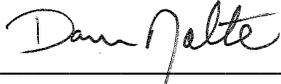
16 EMERGENCY ITEMS AND OTHER BUSINESS

Raybould noted corrections to the schedule of Board member meetings: 1) Raybould, rather than Smoyer, will attend the Public Building Commission (PBC) Meeting on June 11th, which will be held at 1:30 p.m., not 1:00 p.m.; and 2) Information Services Policy Committee (ISPC) Meeting will be held on June 13th at 1:00 p.m.

Hudkins reported on a meeting he attended with other stakeholders at the Nebraska Department of Roads (NDOR) to discuss the South Beltway project.

17 ADJOURNMENT

MOTION: Schorr moved and Raybould seconded to adjourn the meeting at 11:49 a.m. Amundson, Raybould, Schorr and Hudkins voted aye. Smoyer was absent from voting. Motion carried 4-0.



Dan Nolte
Lancaster County Clerk



Kerry P. Eagan

From: Jennifer J. Hansen-Richmond
Sent: Wednesday, June 05, 2013 3:38 PM
To: Diane K. Gonzolas; Kerry P. Eagan
Cc: Loren Roberts
Subject: Food Bank Fundraiser

Diane & Kerry,

My name is Jennifer and I work for the City Attorney's Office. Loren Roberts with the Human Rights Commission and I are teaming up for the Law Department to help with the Food Bank of Lincoln Fundraiser that is going on City and County wide. Our idea was to do t-shirts to raise money for the Food Bank and we were thinking about using the Lancaster County and City of Lincoln logos on the t-shirts and sell them City and County wide. The Food Bank of Lincoln has already stated they would love for us to use their logo on our shirts. Would it be ok for us to use the County Seal and the City of Lincoln logo for these t-shirts? If you have any questions please do not hesitate to contact us.

Thank you.

Jennifer Hansen-Richmond, Paralegal
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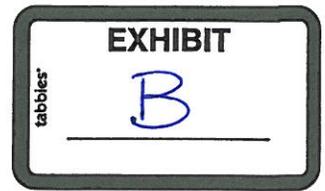
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MEMORANDUM

TO: Lancaster County Board of Commissioners

FROM: Joe Kohout 

DATE: June 5, 2013

RE: Weekly Update on the 2013 Legislature

Please accept this as the final weekly report for the 2013 Legislative Session. Yesterday was the 90th day of the 90-day session. The most astonishing item of this week was the Governor's decision not to veto any of the bills sent to him last week – including the wind energy bill, LB104 that he had intended to veto a few months ago. The session ended with the Governor addressing the Legislature.

Next week, we will provide a more detailed analysis of the priorities of the individual committees during the interim. We have compiled information regarding the priority of committees during the interim and will provide you with a report.

LANCASTER COUNTY PRIORITIES:

- 1. Oppose Elimination of the inheritance tax.** As we have reported previously no bills were introduced to eliminate the inheritance tax. Senator Wightman's LB600 – the bill that would lower rates of taxation – was heard on Wednesday, February 27, 2013 before the Revenue Committee and Chairman Hudkins testified in opposition. The bill has not advanced and was not prioritized. We believe that there will be some component of review of the inheritance tax under the LB613 review. LB613 did pass yesterday and LR155 was enacted by the Legislature. On Monday, the Committee met for the first time and will continue to do so as the months progress.
- 2. Support Expansion of Medicaid under the Affordable Care Act.** LB577 was debated on for two days on General File a few weeks ago. The bill faced significant opposition on the floor of the Legislature during debate and continues to do so. The bill did not pass this session but remains alive on General File for the 2014 session. On Tuesday, 22 senators held a press conference discussing their intent to continue to push for passage of Medicaid expansion over the interim. We will keep close to

these efforts. I appreciate Commissioner Raybould's attendance at that press conference.

3. **Eliminate Responsibility of Counties to Pay HHS Rent.** LB632 was referred to the Government, Military and Veterans Affairs Committee and public hearing was held on Wednesday, March 6, 2013. Mr. Eagan appeared in support along with NACO. The Department appeared in opposition through Kerry Winterer. After reviewing many pieces of legislation, there was not a good place for this bill to be attached this session. It will remain alive and held in the committee this interim and available for next year.
4. **Modify Right to Court Appointed Attorney in Juvenile Court.** LB342 was referred to the Judiciary Committee and public hearing held on March 6, 2013. Liz Neely appeared on behalf of the county along with NACO. There was no opposition. The bill was advanced by the Judiciary Committee and it was amended into LB561 during Select File consideration. LB561 was passed on Final Reading and signed by the Governor.
5. **Definition and Oversight for Staff Secure Juvenile Detention Facilities.** LB86 was referred to the Judiciary Committee and hearing held on March 7, 2013. Sheli Schindler appeared on behalf of the county along with NACO and Sarpy County. In the first amendment to LB561, the language from this bill was included and was maintained in the amendment adopted on Select File. LB561 was passed on Final Reading and signed by the Governor.

OTHER LEGISLATION:

1. **LB63 (Schilz) Change distribution of certain sales and use tax revenue.** *NO POSITION.* Brent Meyer recommended that we support this legislation because it will provide additional funding for aquatic invasive plants. It diverts ½ of the sales tax and registrations fees from motorboats to create a special fund. It was heard on March 14, 2013 before the Revenue Committee and there was a significant amount of support with no opposition. The bill did not advance this year. It will remain alive and held in the committee this interim and available for next year.
2. **LB123 (Lautenbaugh) Change distribution of indigent defense fees.** *OPPOSE.* This hearing was held on January 25, 2013 before the Judiciary Committee. This bill was indefinitely postponed by the Judiciary Committee.
3. **LB215 (Schilz) Change provisions relating to use of the County Visitors Promotion Fund.** *OPPOSE/NEUTRAL WITH AMENDMENT.* As previously reported, an amendment was offered to the committee during the hearing February 13, 2013 that addressed the concerns raised by Lancaster County. The bill was advanced with the amendment agreed to by Lancaster County. Please note that this bill was not prioritized and was not placed on the Consent Calendar. It will remain alive this interim and available for next year.
4. **LB284 (Conrad) Change provisions of the Political Subdivisions Tort Claims Act relating to actions and amounts recoverable.** *OPPOSE.* Referred to the Judiciary Committee, the hearing was on February 13, 2013. Lancaster County submitted a



- letter in opposition to the bill. Please note that this bill was not prioritized. The bill did not advance this year. It will remain alive and held in the committee this interim and available for next year.
5. **LB317 (Price) Change a duty of county assessors relating to real property valuation.** *OPPOSE.* This bill was heard by the Revenue Committee on March 21, 2013 and both NACO and Douglas County appeared in opposition. Mr. Agena indicated during a previous meeting that he may need an additional 8 people and \$700,000 to comply with this legislation. The bill did not advance this year. It will remain alive and held in the committee this interim and available for next year.
 6. **LB348 (Harr) Change provisions relating to the assessment of certain rent-restricted housing projects.** *NO POSITION.* The hearing was held on March 1, 2013. As you will recall, we indicated that we would not oppose this legislation. The bill has advanced and was declared a speaker priority. There continued to be discussions between the proponents of this bill and NACO (who appeared in opposition) but they appeared to hit a stalemate when NIFA could not provide some information requested by the parties. LB348 was debated briefly last week where Senator Chambers offered bracket motion on the bill until the end of session. The bill did not advance this year. It will remain alive this interim and available for next year.
 7. **LB381 (Janssen) Require photographic identification to vote.** *NO POSITION.* Introduced by Senator Charlie Janssen, the bill was referred to the Government Committee and hearing was held on March 7, 2013. Please note that this bill was not prioritized. The bill did not advance this year. It will remain alive and held in the committee this interim and available for next year.
 8. **LB483 (Bolz) Provide for a reentry planning program in adult correctional facilities.** *SUPPORT.* This measure was heard before the Judiciary Committee on Friday, February 22, 2013. A letter of support from Lancaster County was submitted to the Committee. This bill passed on Final Reading and was signed by the Governor.
 9. **LB613 (Schumacher) Create the Tax Modernization Commission.** *NO POSITION.* This bill was heard by the Executive Board of the Legislative Council on February 19, 2013. It was prioritized by Senator McCoy and was amended to allow for the Revenue Committee chairman to serve as chair of that Committee. The bill was the subject of a filibuster by Senator Chambers for several days and cloture was invoked. The study will move forward. An amendment was filed by Senator Krist that would place a moratorium on both occupation taxes enacted by cities and on the additional one-half cent of sales tax that was passed last year. Senator Chambers filed an amendment to repeal the additional half cent. Both Senator Krist and Senator Chambers withdrew their amendments. Senator Schumacher then offered an amendment that gave committees of the Legislature subpoena power. The bill passed yesterday.
 10. **LB636 (Wallman) Provide restrictions for application of certain herbicides.** *OPPOSE.* This legislation was heard on March 5, 2013 before the Agriculture Committee. The bill did not advance this year. It will remain alive and held in the committee this interim and available for next year.



11. **LB246 (Larson) Provide for a health care copayment for jail and prison inmates.** *NO POSITION.* The hearing was held on February 7, 2013 before the Judiciary Committee. The bill did not advance this year. It will remain alive and held in the committee this interim and available for next year.
12. **LB531 (Conrad) Change distribution of sales and use tax revenue and repeal the Build Nebraska Act.** *NO POSITION.* The hearing was held on February 27, 2013 before the Revenue Committee with significant opposition. The bill did not advance this year. It will remain alive and held in the committee this interim and available for next year.
13. **LB561 (Ashford) State findings and intent for changes to the juvenile justice system and a funding mechanism.** *NO POSITION.* This bill has been the subject of a significant amount of debate during this session. As noted above, two of Lancaster County's priority bills have been incorporated into this bill via amendment. The hearing on this bill was held on March 7, 2013 before the Judiciary Committee and is the Judiciary Committee priority bill. As previously mentioned, we worked with Mr. Eagan, Ms. Thorpe and Ms. Schindler to develop concepts that would address Lancaster County's concerns with the bill. During Select File consideration of LB561, an amendment was adopted that incorporated many changes to the underlying bill but also included the provisions of both LB86 and LB342. The bill was debated for several hours before being advanced to Final Reading where it rested until the budget was finalized. Both LB561 and LB561A passed the Legislature and the Governor signed the bills almost immediately.
14. **LB464 (Ashford) Change court jurisdiction over juveniles and indictment procedures.** *NO POSITION.* Joe Kelly requested some information on this bill. We confirmed that it was not Senator Ashford's intent to bring the bill back up this session and it will remain on Select File through the interim.

We are also attaching your spreadsheet. Please do not hesitate to contact us with any questions you might have.

LANCASTER COUNTY
COMPARISON OF CAPITAL OUTLAY COSTS
FY2014 COMPARED TO FY2013

	FY2014 CAPITAL OUTLAY	FY2013 CAPITAL OUTLAY	VARIANCE	PERCENTAGE CHANGE
<u>GENERAL FUND</u>				
COUNTY CLERK	200	200	-	0.00%
COUNTY TREASURER	21,000	-	21,000	
ASSESSOR/DEEDS	11,500	11,500	-	0.00%
ROD TECHNOLOGY	187,500	93,750	93,750	100.00%
ELECTION COMMISSIONER	-	2,000	(2,000)	-100.00%
MICROCOMPUTER FUND	140,000	110,000	30,000	27.27%
G.I.S.	17,000	10,400	6,600	63.46%
CLERK OF DIST COURT	250	150	100	66.67%
COUNTY COURT	4,805	5,965	(1,160)	-19.45%
JUVENILE COURT	3,250	3,250	-	0.00%
DISTRICT COURT	14,050	15,506	(1,456)	-9.39%
COOPERATIVE EXTENSION	6,817	6,817	-	0.00%
RECORDS INFO & MGMT	2,520	-	2,520	
COUNTY SHERIFF	254,676	222,550	32,126	14.44%
CORRECTIONS	88,350	73,050	15,300	20.94%
JUVENILE PROBATION	25,000	500	24,500	4900.00%
ADULT PROBATION	2,000	1,500	500	33.33%
COMMUNITY CORRECTIONS	10,000	11,500	(1,500)	-13.04%
JUVENILE DETENTION	36,550	550	36,000	6545.45%
EMERGENCY SERVICES	3,900	3,400	500	14.71%
COUNTY ENGINEER	252,084	272,600	(20,516)	-7.53%
TOTAL GENERAL FUND	926,452	845,188	236,764	28.01%

Potential Budgets Cuts for a Flat FY14 Budget

To meet at flat FY14 budget the Center would need to close the Staff Secure facility and end drug and alcohol evaluations provided by Child Guidance Center for the courts. If Staff Secure closes, the Center would lose the revenue source from status offenders. Other expenses and revenues would also decrease as a result of these changes.

Revenues

Closing of the Staff Secure Facility.

- Reduction of \$141,600 State Juvenile Housing (Status Offenders that can't go to detention)
- Reduction of \$4,000 School Lunch Program (serving 2 less youth per day)
- Reduction of \$145,600 Overall from the FY14 proposed budget or \$121,846 from the FY13 Adopted budget.

Expenditures

Option 1: Closing of the Staff Secure Facility.

- Reduction of \$400,074 in Salaries and Employee Benefits (reduce 6 Full-time Juvenile Detention Officers).
- Reduction of \$3,453 Reduction in Food Costs by 2 youth per day.
- Reduction of \$58,542 in Rent.

Option 2: Discontinue providing free drug and alcohol evaluations.

- Reduction of \$69,333 in Contract Service (Child Guidance).

Both Options: If both options are selected, then there would be a reduction of \$531,402 overall from the FY14 proposed budget or \$119,433 from the FY13 Adopted Budget.

Potential Savings to the County

If both expenditure options are cut, the County would have a net savings of \$385,802 from the FY14 Proposed Budget .

Evaluation of Pretrial Release in Lancaster County



The Lancaster County Department of Community Corrections identified two important ways in which it could potentially improve the impact of its Pretrial Release Program: 1) expansion of the Matrix Intensive Outpatient Treatment Model to pretrial defendants; and 2) providing an alternative to pretrial detention to low-risk homeless defendants. Piloting and evaluating these concepts was made possible through a grant from the Nebraska Crime Commission. The following report presents information regarding the impact of Pretrial Services in Lancaster County and evaluation data regarding these two pilot projects. Recommendations follow.

LANCASTER COUNTY
DEPARTMENT OF COMMUNITY CORRECTIONS:
EVALUATION OF PRE-TRIAL RELEASE PILOT PROGRAMS

INTRODUCTION

Pretrial release programs serve two primary functions: 1) improved bond decisions through the use of risk assessment instruments; and 2) supervision of moderate-to-low-risk defendants who would otherwise be jailed. As discussed below, these two functions have the potential to provide substantial benefits to the community, defendants and the criminal justice system by increasing public safety, protecting defendants' presumption of innocence, expediting court case processing, efficiently managing jail space, improving use of criminal justice and community resources, and reducing the potential for disparity in the bond decision making process (Lowenkamp, Lemke & Latessa, 2008; Van Nostrand, 2003).

Improved Bond Decisions

Determining whether to grant bond is a complex process. Depending on the jurisdiction, judges are charged to base the bond decision on their perception of the defendant's likelihood of *flight*, the likelihood of *additional charges* being filed against the defendant, and/or the likelihood that the defendant will be a *danger to the public*. In making these determinations, judges evaluate a broad range of criteria. These include the nature and circumstances of the charge(s), the defendant's family ties, employment, financial resources, character and mental condition, length of residence in the community, record of convictions, record of appearing or not appearing at prior court proceedings, and record of flight to avoid prosecution (see generally, Goldkamp, 1985; for a more recent review of state practices, see Lindermayer, 2009).

In a perfect world, judges would be provided with all necessary information and have adequate time to make bond decisions, but the reality is that judges have minimal information and time with which to make these determinations (Albonetti, Hauser, Hagan, & Nagel, 1989). Research has shown that in these instances, when information and time are limited and uncertainty is high, judges develop heuristics or "perceptual shorthands" to guide their decisions. These shorthands rely not only on legally relevant characteristics, such as offense severity and criminal history, but also on stereotypes linked to extralegal characteristics, such as race/ethnicity, gender, age, and social class (Albonetti, 1991; Demuth, 2003; Steffensmeier, Ulmer, & Kramer, 1998). Given the subjective nature of this process, it is likely that there is considerable variability in bond

decisions for similarly situated defendants and the potential for unconscious bias (Coopridger, 2009; Demuth, 2003).

Historically, courts have relied almost exclusively on the traditional monetary bail system, in which defendants can secure release if they are able to post bail in the amount set by the court. In response to research showing a startling economic bias to this system --release pending trial was obtained by those with financial resources, while the poor were more likely to be held pending trial, regardless of the actual risk posed by the defendant (Beeley, 1927; Foote, 1954; Wald, 1972) -- the field of pretrial services emerged.

Many pretrial service programs rely on pretrial risk assessment instruments to gather objective data shown to predict failure to appear or pretrial crime. Based on these assessments of risk, judges have the information necessary to make bond determinations based on risk level. **Pretrial risk assessment instruments have shown that pretrial risk can be assessed objectively so that low-risk defendants are not detained needlessly prior to trial.** While jurisdictions have developed different levels of risk based on their own research and policy goals, risk levels are fairly consistent: Defendants at the lowest risk level are typically released on recognizance, those classified as moderate risk are typically released with certain conditions/supervision imposed upon their behavior (conditional release), and those at the highest risk level are typically detained (Podkopacz, Eckberg & Kubits, 2006; VanNostrand, 2003).

Although research on judicial discretion has focused primarily on dispositional sentencing, the consequences of pretrial decisions, including bond determination, should not be underestimated. It is estimated that approximately 38% of felony defendants are detained prior to trial (Harrison & Beck, 2006). Research has shown that defendants detained before trial plead guilty more often, are convicted at a higher rate, and are sentenced to jail or prison more often than those who are released (Beck, Bonczar, & Gillard, 1992; Farrell & Swigert, 1978; Nobling, Spohn & Delone, 1998; Rankin, 1964). Even temporary incarceration is disruptive (Irwin, 1985; LaFree, 1985), limiting the defendant's ability to prepare a defense (Foote, 1954) and leading to more severe sanctions if convicted (Goldkamp, 1979). There is also considerable evidence that racial and ethnic minorities are disproportionately detained pretrial (Bynum, 1982; Chiricos & Bales, 1991; Crew, 1991). Given the aforementioned consequences of the bond determination and the large number of defendants this decision impacts, it is imperative to ensure that the bond process is efficient so that the criminal justice system can be maximized and fair so that adverse impacts upon defendants can be avoided.

Benefits

Improved bond decisions that are based on the use of risk assessment instruments can provide substantial benefits to the community, defendants, and the criminal justice system (VanNostrand, 2003). First, improved bond decisions increase public safety by ensuring that high risk defendants who pose a threat to community safety are more likely to remain detained, as opposed to the current system which uses a person's ability to pay to determine pretrial release.¹

Second, the use of objective criteria may provide greater protection of defendants' presumption of innocence. Judges who balance the presumption of innocence and the right to reasonable bail with the need to protect the community maintain integrity of the judicial process and help assure court appearance. As noted previously, the consequences of such pretrial detention can be significant (Beck, Bonczar, & Gillard, 1992; Farrell & Swigert, 1978; Foote, 1954; Goldkamp, 1979; Irwin, 1985; LaFree, 1985; Nobling, Spohn & Delone, 1998; Rankin, 1964). Arguably, by using objective criteria, the likelihood of low-risk defendants being detained prior to hearing will decrease.

Third, reducing failure to appear by identifying high-risk defendants expedites court case processing and results in considerable savings for the justice system. Failures to appear cause increased workloads for court staff, administrative costs associated with the issuance of misdemeanor arrest warrants, incarceration on minor offenses because of the defendant's failure to appear rather than because of the initial charge, and longer detention stays for those defendants in connection with other offenses (e.g., Helland & Tabarrok, 2004; White, 2006).

Improved bail decision making also facilitates efficient and equitable use of criminal justice and community resources. For example, it can reduce detention populations by identifying low-risk defendants who can be released on their own recognizance (Cooprider, 2009; Tanner, Wyatt, & Yearwood, 2007). According to the National Institute of Justice, "Programs that assess risk of pretrial misconduct in an exclusively subjective manner are more than twice as likely to have a jail population that exceeds its capacity than those programs that assess risk exclusively through an objective risk assessment instrument" (Mahoney, Beaudin, Carver, Ryan & Hoffman, 2001, p. 46). Research indicates that providing intensive services and supervision to low-risk defendants does little to change their likelihood of recidivism and occasionally increases it (Lowenkamp & Latessa, 2004). These resources arguably are better allocated to

¹ As noted previously, the traditional bond system has been criticized for its economic bias—i.e., that release pending trial is obtained by those with financial resources, while the poor are more likely to be held pending trial, regardless of the actual risk posed by the defendant (Beeley, 1927; Foote, 1954; Wald, 1972).

identification, treatment and detainment of high-risk defendants (Coopridner, 2009; Pew Center on the States, 2008).

Supervision of Moderate to Low-Risk Defendants

The second function of pretrial release programs is to provide an effective alternative to pretrial detention. As explained above, through the use of a pretrial risk assessment instrument, defendants are assessed by risk level. Defendants at the lowest risk level are typically released on recognizance, those classified as moderate risk are typically released with certain conditions imposed upon their behavior (conditional release), and those at the highest risk are typically detained (Podkopacz et al., 2006; VanNostrand, 2003).

Pretrial Service programs nationally have taken a variety of forms but the underlying purpose is to supervise the defendants released from custody during the pretrial period by monitoring their compliance with release conditions and by helping to ensure they appear for scheduled court events.

Pretrial Service programs are not police agencies, and their capacity to supervise defendants directly is often limited by lack of both law enforcement powers and resources. Program activities, however, can play an important role in managing the risks that released defendants pose to public safety (Mahoney, Beaudin, Carver, Ryan & Hoffman, 2001). For example, monitoring released defendants' compliance with conditions of release designed to minimize pretrial crime, including curfews, orders restricting contact with alleged victims and possible witnesses, home confinement, and drug and alcohol testing. Additionally some programs provide direct "intensive" supervision for some categories of defendants by using program staff and collaborating with the police, other agencies, and community organizations.

LANCASTER COUNTY PRETRIAL RELEASE PROGRAM

Eligibility and Screening

During the study period, 339 defendants were screened for the Pretrial Release Program.² How do pretrial caseworkers decide who to screen? Each week a caseworker reviews the booking sheet to identify those with eligible offenses. The target population for Lancaster County Pretrial Services Program is Felony III and IV non-violent defendants. For guidance, caseworkers are provided with the following list of offenses to identify for screening:

Pretrial Release Ineligibility

- **Crimes of violence or crimes involving physical harm to others or crimes involving firearms** are not eligible for screening or participation, regardless of the classification of those crimes i.e., Child Abuse, Assault, Domestic Assault, Sexual Assault, Assault of an Officer, or Terroristic Threats.
- **Class 1, 1A, 1B, 1C and 1 D felonies or attempts/conspiracies of the same** are not eligible for screening or participation.
- **Class II felonies** are generally not eligible for screening or participation.
 - Exception to the general rule: Defendants with Felony II charges will be screened by the department at the request of a District or County Court Judge.

In addition to this process, Judges can also refer defendants to be screened for pretrial release. This results in the inclusion of some pretrial defendants who are outside of the non-violent Felony III and IV target population.

The Lancaster County Pretrial Release Program uses the Virginia Pretrial Risk Assessment Instrument which is utilized widely by other jurisdictions (Cooprider, 2009) and has been validated for use in both rural and urban jurisdictions (VanNostrand, 2003; VanNostrand and Rose, 2009). The risk assessment instrument categorizes

² Year 1 of the study was from April 1, 2011 through March 31, 2012. Year 2 of the study was a ten month period from April 1, 2012 through January 31, 2013.

defendants into a risk level ranging from 1-5 with 5 being the highest level of risk (see Appendix A).

During the study period, 77.6% of defendants were screened at the Level 5 risk level. Sixteen point eight percent were screened at Level 4, 3.8% were screened at Level 3, 1.5% were screened at Level 2, and less than 1% of defendants were screened at Level 1. The breakdown by year is presented below.

Table 1: Defendants Screened for Pretrial Services

Risk Level	Year 1		Year 2		Total	
	Number	Percent	Number	Percent	Number	Percent
Level 1	1	0.6%	0	0.0%	1	0.3%
Level 2	4	2.2%	1	0.6%	5	1.5%
Level 3	10	5.6%	3	1.9%	13	3.8%
Level 4	32	18.0%	25	15.5%	57	16.8%
Level 5	131	73.6%	132	82.0%	263	77.6%
Total	178	100%	161	100%	339	100%

Caseworkers screen defendants in the jail following their arraignment. In a traditional pretrial release program, screening would take place prior to arraignment so that the information obtained through the screening process could be presented to the Judge to inform the bond decision. In Lancaster County, screening is done following arraignment. When asked, caseworkers indicated that while screening defendants sooner would potentially expedite the process (and release of defendants) it would also result in a number of defendants being screened who would, following arraignment, become ineligible for the program.

Following arraignment, a caseworker provides Judges with the screening information and a recommendation for level of placement within Pretrial Services. A caseworker also attends the bond review hearing should the Judge have questions regarding the information that has been collected.

Acceptance into Pretrial Services

Once determined eligible, defendants are assigned to one of four caseworkers. Caseworker's supervision caseloads include approximately 8-10 defendants on pretrial release and approximately 35 defendants on house arrest (the house arrest program is a separate program operated by Lancaster County Community Corrections and is not discussed as part of this evaluation).

Less than half of those screened by Pretrial Services are approved by a Judge for Pretrial Release (46%). According to caseworkers there are a number of reasons why a

defendant may not ultimately be accepted on pretrial release. For example, those without a residence (the homeless population) historically have not been eligible for release (discussed in a subsequent chapter in more detail), the defendant bonded out, some defendants indicate that they do not want pretrial release and in some instances other issues arise with the case (out of county/state hold, immigration hold, sentencing on another case, etc.). Details on the number of cases that fit these criteria are not available, but the caseworker that regularly attends these hearings estimated that denial by a Judge happens approximately 20% of the time.

Because eligibility for the program has been focused on identifying Class III and IV felonies, 72.7% of those accepted into the Pretrial Release Program are at the highest level of supervision (Level 5).

Table 2: Defendants Accepted into Pretrial Services

Risk Level	Year 1		Year 2		Total	
	Number	Percent	Number	Percent	Number	Percent
Level 1	1	1.2%	0	0.0%	1	0.6%
Level 2	2	2.4%	0	0.0%	2	1.2%
Level 3	7	8.4%	9	10.1%	16	9.3%
Level 4	14	16.9%	12	13.5%	26	15.1%
Level 5	59	71.1%	66	74.2%	125	72.7%
Not screened ³	0	0.0%	2	2.2%	2	1.2%
Total	83	100%	89	100%	172	100%

³ Occasionally, the courts ask the Pretrial Services Program to assist with modified supervision. In these instances, the initial screening which captures risk level is not completed.

Levels of Supervision

The Pre-Trial Release Program has developed five levels of Supervision/Bond Condition Options (see descriptions of the potential components and the chart below).

Electronic Monitoring

Nearly every defendant on pretrial release is put on electronic monitoring. Defendants are charged \$1.50 per day plus a \$15 monthly administration fee (approximately \$60 per month). Although not a GPS model, the electronic monitoring program notifies caseworkers whether/when defendants are outside of their residence.

Daily Check In and Schedule with Caseworker

The majority of defendants are required to check in with their case workers on a daily basis (lower levels of supervision require fewer in-person check-ins). Hours of operation are Monday through Friday from 7 a.m. to 6 p.m., Saturday from 9 a.m. to 1 p.m. and Sunday from 1 p.m. to 5 p.m. During the daily check in, defendants go over a daily schedule with their caseworker and may be asked to submit to a drug test.

Drug Testing

Risk Assessment Screening results dictate how often to drug test the defendants. According to caseworkers, defendants are all typically drug tested at least once per week, but most often no less than three times per week. Drug testing may include a 5 or 12 strip panel. The 5 Panel Drug Test Strip is a multi-drug test that tests for some of the most commonly abused drugs in the United States (marijuana, cocaine, opiates, methamphetamine and amphetamine). Results are available within 5 minutes and are 99.9% accurate. Similarly, the 12 Panel Drug Test Strip tests for the most commonly abused drugs but also commonly abused prescription drugs: cocaine, marijuana, opiates, amphetamines, methamphetamines, phencyclidine, benzodiazepines, barbiturates, methadone, oxycodone, ecstasy, and propoxyphene.

Drug Evaluations

When a defendant with a substance use/abuse history is released to the Pretrial Program, staff works with a community provider to complete a substance abuse evaluation. If the evaluation calls for intensive outpatient treatment, grant funds made it possible to place the participant into the next available Matrix orientation group (discussed in more detail in following sections). In the event that the evaluation indicates a higher level of care, a caseworker will make a referral to an inpatient treatment program. Individuals whose evaluation recommends only outpatient substance abuse treatment or education will be assigned to a Choice and Change group, as the least restrictive alternative.

Choice and Change Program

Choice and Change is a program designed for criminal defendants. The purpose of the program is to address the thinking and motives that lead to criminal conduct, not just behaviors, and offer ways to change or alter such thinking, which may lead to being a more productive citizen. Choice and Change is a six week, cognitive based seminar (one hour sessions) which guides clients through an evaluation of their thinking and behaviors which have led to their involvement with the criminal justice system. Faulty beliefs (entitlement, justification, selfishness, etc.) and behaviors (“the con-game”) may be the core of the behavior. Direction toward self-responsibility, accountability, evaluation of criminal values, decision making skills, and a change plan are addressed in this seminar. A Victim Empathy component is a foundational piece of this program, where clients are invited to explore how their choices and behaviors have impacted others.

Curfew

Clients coming from District Court will have a curfew set by their bond. Many County Court cases do not include a curfew and thus, caseworkers will impose a curfew. Caseworkers indicated that a typical curfew time is 10:00 p.m. The electronic monitors assist with keeping track of whether defendants are complying with their curfew.

Employed or Full-Time Student

Judges may order a defendant to have full-time student or full-time employment status as a condition of bond. In these instances, caseworkers check to make sure defendants are either enrolled in school or are employed (or actively seeking employment).

Psycho-Educational Group

Occasionally, Lancaster County Community Corrections will offer Moral Reconciliation Therapy (MRT) (two caseworkers are trained to run MRT groups). Because successful MRT groups require a large enough group, whether or not it is offered depends on the number of pretrial defendants who would participate. MRT is a systematic treatment strategy that seeks to decrease recidivism among criminal offenders by increasing moral reasoning. Its cognitive-behavioral approach combines elements from a variety of psychological traditions to progressively address ego, social, moral, and positive behavioral growth. MRT takes the form of group and individual counseling using structured group exercises and prescribed homework assignments. The MRT workbook is structured around 16 objectively defined steps (units) focusing on seven basic treatment issues: confrontation of beliefs, attitudes, and behaviors; assessment of current relationships; reinforcement of positive behavior and habits; positive identity formation; enhancement of self-concept; decrease in hedonism and development of frustration tolerance; and development of higher stages of moral reasoning. Participants

meet in groups once or twice weekly and can complete all steps of the MRT program in a minimum of 3 to 6 months.

Other Service Referrals

Caseworkers may also refer defendants to other support services such as vocational rehab, substance abuse treatment, mental health services, etc.

Random Contacts

Caseworkers can also conduct random contacts in the field with defendants they are supervising.

Court Attendance

Caseworkers work with defendants to remind and ensure attendance at all court dates. It is a rare occurrence that a pretrial release defendant would miss a court date.

DRAFT

Pretrial Release Program: Bond Condition Options

- Level 1
 - Weekly check-in with caseworker via telephone
 - In person check-in one time per month
 - Submit weekly schedule
 - Employed/full time student
 - Psycho-educational Group
 - Random contact in the community by Field Officer
 - ** \$15.00 monthly supervision fee

- Level 2
 - Weekly check-in with caseworker in person
 - Submit weekly schedule
 - Employed/full time student
 - Psycho-educational Group
 - Drug testing/PBT if ordered, frequency determined by drug/alcohol history
 - Random contact in the community by Field Officer
 - ** \$15.00 monthly supervision fee

- Level 3
 - Electronic monitoring if ordered
 - Check-in with caseworker 2 times per week in person, 1 time via telephone
 - Submit weekly schedule
 - Employed/full time student
 - Psycho-educational Group
 - Choice and Change Program
 - Drug testing/PBT if ordered, frequency determined by drug/alcohol history
 - Curfew recommended
 - Random contact in the community by Field Officer
 - ** \$15.00 monthly supervision fee
 - ** Electronic Monitoring fee of \$1.50 per day applies, if ordered

- Level 4
 - Electronic monitoring for at least the first 30 days
 - Check in with caseworker 4 times per week in person; 2 times via telephone
 - Submit daily schedule
 - Employed/full time student
 - Psycho-educational Group
 - Choice and Change Program
 - Drug testing/PBT if ordered, frequency determined by drug/alcohol history
 - Curfew recommended
 - Random contact in the community by Field Officer
 - ** Electronic Monitoring fee of \$1.50 per day
 - ** \$15.00 monthly supervision fee

- Level 5
 - Electronic monitoring for duration of pretrial release
 - Daily check in the caseworker
 - Submit daily schedule
 - Employed/full time student
 - Psycho-educational Group
 - Choice and Change Program
 - Drug testing/PBT as ordered, frequency determined by drug/alcohol history
 - Curfew
 - Random contact in the community by Field Officer
 - ** Electronic Monitoring fee of \$1.50 per day
 - ** \$15.00 monthly supervision fee

Compliance with Pretrial Release

Incident Reports

If a defendant fails to comply with the conditions of their release (fails a drug tests, misses daily check-ins or curfews, etc.), the caseworker reports this to the Judge and attorneys involved in the case. The caseworker also articulates how the program responded to the incident (increased supervision, increased number of drug tests, etc.).

Reducing the Level of Supervision

According to caseworkers, defendants do not frequently “work themselves down” to a lower level of supervision. Reducing the level of supervision can only be done by a Judge and this reportedly only happens on occasion, as a result of a criminal defense attorney requesting a lower level of supervision.

Success or Failure on Pretrial Release

Success while on pretrial release is defined as a defendant whose case is completed (attending a sentencing hearing or dismissal of charges). Failure while on pretrial release is defined as a defendant who is returned to custody for failure to comply with conditions of the bond.

Success on the Pretrial Release Program

During Fiscal Year 2009-2010, it was reported by Community Corrections that 37% of participants were unsuccessful in the Pretrial Release Program (a 63% success rate). Looking at just the general pretrial population for the study period (and excluding the homeless population which would not have been considered for pretrial release prior to the pilot), results confirm this trend. Approximately 63% of defendants placed on pretrial release completed their supervision successfully and approximately 37% failed.

Success Rates for the General Pretrial Population

	Year 1		Year 2		Total Study Period	
	Number	Percent	Number	Percent	Number	Percent
Not Successful	19	41.3%	13	31.7%	32	36.8%
Successful	27	58.7%	28	68.3%	55	63.2%
Total	46	100%	41	100%	87	100%

The primary reasons for failure while on pretrial supervision are: a failed drug test (31.3%); the defendant absconded (21.9%); or there was some type of schedule violation (12.5%). The breakdown by year is provided below.

Reasons for Failure on Pretrial Release

Reason for Failure	Year 1		Year 2 (10 months)		Total	
	Number	Percentage	Number	Percentage	Number	Percentage
Failed Drug Test	4	21.1%	6	46.2%	10	31.3%
Absconded	4	21.1%	3	23.0%	7	21.9%
Schedule Violation	3	15.8%	1	7.7%	4	12.5%
Relapse Alcohol	2	10.5%	0	0.0%	2	6.3%
New Charge	2	10.5%	0	0.0%	2	6.3%
Curfew Violation	2	10.5%	0	0.0%	2	6.3%
Tampering with Monitor	1	5.2%	0	0.0%	1	3.1%
Noncompliant with Bond	1	5.2%	2	15.4%	3	9.4%
Warrant for arrest	0	0.0%	1	7.7%	1	3.1%
Total	19	100.0%	13	100%	32	100%

There appears to be a direct relationship between risk level and success on pretrial release. That is, lower-risk defendants have higher rates of success while higher-risk defendants have lower rates of success. Specifically, defendants with risk levels between 1 and 3 had a success rate of 91.7%, while defendants with a risk level between 4 and 5 only had a success rate of 58.6%

Success Rates by Risk Level

Risk Level	Not Successful		Successful		Total	
	Number	Percent	Number	Percent	Number	Percent
Risk Levels 1-3	1	8.3%	11	91.7%	12	100%
Risk Level 4-5	31	41.3%	44	58.6%	75	100%
Total	32	36.8%	55	63.2%	87	100%

Financial Benefits

Looking just at the general pretrial population (not including those supervised under the Homeless Pilot Project), the table below presents the number of days that defendants were supervised while on pretrial release. During the study period, the Pretrial Release Program resulted in keeping 46 defendants out of jail for 4,781 days in Year 1 and 61 defendants out of jail for 5,787 days in the first ten months of Year 2. The table below does include the number of days that 20 defendants who still had open cases have spent out of jail. Despite the fact that not all defendants were successful while on pretrial release, there was still a cost savings to having these defendants on pretrial release.

Saving in Jail Detention Costs

Year 1	Pending	Successful	Unsuccessful	Total
Number of Defendants in Year 1	0	27	19	46
Number of Days Defendants on Pretrial Release Were not in Jail	--	4,185	596	4,781
Cost had Defendants been Jailed in Another County (\$45 per day)	--	\$188,325	\$26,820	\$215,145
Year 2 (10 months)				
Number of Defendants in Year 2	20	28	13	61
Number of Days Defendant was Not in Jail	2,049	2,855	883	5,787
Cost had Defendants been Jailed in Another County (\$45 per day)	\$92,205	\$128,475	\$39,735	\$260,415

The table below compares the amount of money the county saved in jail expenses during the study period to the amount that it spent on the pretrial release program during the same period. In its current operation, the pretrial release program saved the county approximately \$100,577 in jail costs in Year 1 and \$165,324 in the first ten months of Year 2. (Although the time period was shorter for Year 2, the program served 15 more defendants in Year 2 than in Year 1).

Savings vs. Costs of the Pretrial Release Program

	Year 1	Year 2 (10 months)
Saved Costs in Jail Time to the County	\$215,145	\$260,415
Costs of Pretrial Release Program	\$114,568	\$95,091 ⁴
Savings	\$100,577	\$165,324

⁴ Cost of pretrial program was reduced by 17% to reflect the fact that two months of expenses remained.

In addition to the many benefits to the community, the justice system, and to defendants, the Pretrial Release Program clearly results in a cost savings to the County. The question then becomes how can the pretrial service program become more effective and achieve a greater financial benefit for the County and a greater benefit to the community and criminal justice system? Lancaster Community Corrections identified two important ways in which it could potentially improve the impact of its Pretrial Release Program: 1) expansion of the Matrix Model Intensive Outpatient Treatment Model to pretrial defendants; and 2) providing an alternative to pretrial detention to low-risk homeless defendants. Piloting and evaluating these concepts was made possible through a grant from the Nebraska Crime Commission. In the sections that follow, data and recommendations from these pilot programs are presented.

DRAFT

EXPANSION OF THE MATRIX PROGRAM TO PRETRIAL RELEASE

Historically, there had been a high percentage of pretrial release participants who were returned to custody because of drug or alcohol use/abuse. Over fiscal year 2009-2010, the Lancaster County Department of Community Corrections identified 80% of pretrial participants as having a known drug or alcohol addiction. An additional 10% had a known substance abuse problem. During Fiscal Year 2009-2010, 37% of participants were unsuccessful in the Pretrial Release Program. Of the individuals returned to custody, the majority were reportedly the result of repeated drug and alcohol use episodes. According to staff, this trend has been the rule, not the exception, since the beginning of the Pretrial Release Program in 2005.

Additions to pretrial programming, like requiring a motivational interviewing/Stages of Change curriculum (implemented in 2007) along with improved testing procedures and tests (implemented in 2007 & 2008), have enhanced pretrial opportunities; however, the increase in successful completions are minimal and not consistent. The Stages of Change curriculum currently being implemented, called Choice and Change, is not substance abuse treatment. Rather, it is a drug education program designed to prepare participants for positive life change and provide the facts needed to choose a different path. This level of intervention is appropriate for some pretrial participants, but it does not, however, provide the level of treatment involvement many of the pretrial defendants require for long-term change.

A major factor restricting the success of those who are able to participate in the program is the inability to focus more on the carcinogenic factors of substance abuse and addiction. Substance abuse treatment should address those factors that interfere with the offender's pro-social experiences. When treatment is part of evidence based, cognitive behavioral correctional programming, recidivism reduction rates for offenders can be appreciable.

While the exact numbers have not been tracked, caseworkers indicate that stimulants are the most common type of illegal drug being used by pretrial release participants who are returned to custody. Those individuals returned to custody for alcohol use tend to be the participants who have alcohol dependence disorder as well a stimulant use disorder. By providing evidence based treatment programming the Pretrial Release Program hopes to improve the likelihood of successful completion of pretrial release and increase the probability of long-term change.

The treatment program preferred for stimulant users is the Matrix Model Intensive Outpatient Treatment Model. Matrix treatment was developed in 1982 by researchers at the University of Southern California and clinicians at the Matrix Institute of Addictions who found that clients addicted to stimulants were challenging the existing treatment systems. Matrix Model treatment is an evidence based curriculum designed to address the specific problems and behavioral needs of clients in treatment for stimulant abuse. Participants in Matrix treatment are made to understand it will take time for their brains to heal and function normally and that this cognitive behavioral model will help them stick to treatment while this biological process is taking place. Matrix has been researched and shown effective for adults and adolescents, for both genders and for numerous racial/ ethnic groups. Developed specifically for stimulant dependence, it has also proven effective for treating opiate and alcohol dependence. A sample of the Matrix Model schedule is below.

INTENSIVE OUTPATIENT PROGRAM SCHEDULE (Exact times and days will vary)						
Week	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday & Sunday
Weeks 1 Through 4	6-7 pm Early Recovery Skills 7-8:30 pm Relapse Prevention		7-8:30 pm Family Education Group		6-7 pm Early Recovery Skills 7-8:30 pm Relapse Prevention	12-Step or Other Support Group Meeting
Weeks 5 Through 16	7-8:30 pm Relapse Prevention Group	12-Step or Other Support Group Meeting	7-8:30 pm Family Education Group or Transition Group	12-Step or Other Support Group Meeting	7-8:30 pm Relapse Prevention Group	
Weeks 17 Through 52			7-8:30 pm Social Support			
12-Step activities on site Urine testing and breath-alcohol testing conducted weekly One individual session is included in each of the programs phases						

Project Operations

Grant funds were used by Community Corrections to contract with clinicians trained in the Matrix Model to accommodate participants from the Pretrial Release Program. When a defendant with a substance use/abuse history is released to the Pretrial Program, Community Corrections works with a community provider to complete a substance abuse evaluation. If the evaluation calls for intensive outpatient treatment, grant funds were used to place the participant into the next available Matrix orientation group. In the event that the evaluation indicates a higher level of care, a caseworker will make a referral to an inpatient treatment program. Individuals whose evaluation

recommends only outpatient substance abuse treatment or education will be assigned to a Choice and Change group, as the least restrictive alternative.

The Matrix treatment model is a long-term recovery program. A pretrial defendant may find they have a sentencing date prior to completion of the treatment program. In the event this is the case, and if the defendant requests, Community Corrections will contact the court, defense counsel and prosecuting attorney and recommend sentencing be delayed until the program is complete. The participant is welcome to remain in treatment after sentencing if the sentence results in time served or does not include a term of custody. Every participant who completes the Matrix program will have a relapse prevention plan in place and will participate in a graduation ceremony where they will receive a Matrix Graduation Certificate of Completion.

The Sample

During Year 1 of the project period, 30 defendants screened positive for substance abuse and 23 defendants were ultimately accepted into the Matrix Program (76.7% acceptance rate). During Year 2 of the project period (a ten month time frame from April 1, 2012 through January 24 of 2013), 43 defendants screened positive and 34 defendants were accepted into the Matrix Program (a 79.1% acceptance rate). Of the 57 defendants accepted, 14 still had pending cases at the time of the evaluation, and so the analysis of whether or not defendants were successful on pretrial release is limited to the 43 defendants who finished their term of pretrial release.

How many participants in the Matrix Program successfully completed Pretrial Services?

Of the 43 defendants who completed pretrial release, 21 were successful (48.9%) and 22 were not (51.2%). The breakdown by year is provided below.

Success Rates for the Matrix Program (Includes Homeless Population on Matrix)

	Year 1		Year 2		Total Study Period	
	Number	Percent	Number	Percent	Number	Percent
Not Successful	11	47.8%	11	55.0	51.2%	22
Successful	12	52.2%	9	45.0	48.9%	21
Total	23	100.0%	20	100.0	100%	43

It is noteworthy, however, that of the 43 defendants participating in the Matrix program, 29 were simultaneously on the Homeless Pilot Project (discussed in a subsequent chapter). When the homeless population is removed from the analysis, the success on pretrial release for those participating is 78.5% (which is higher than the success rate for the general pretrial population) and only 34.5% for those

simultaneously in the Homeless Pilot Project.

Success Rates for the Matrix Program by Whether Defendant was in the Homeless Pilot Project

	Successful		Not Successful		Total	
	Number	Percent	Number	Percent	Number	Percent
In Homeless Pilot Project	10	34.5%	19	65.6%	29	100%
Not on Homeless Pilot Project	11	78.5%	3	21.4%	14	100%

How does the success rate of pretrial defendants on the Matrix Program compare to the success rate of the general pretrial defendant population?

While at first glance it appears that defendants that participate in the Matrix program have lower success rates than the general pretrial population (48.9% compared to 63.2%), when defendants who were simultaneously on the Matrix and Homeless Pilot Project were removed from the sample, the success rate for defendants on the Matrix Program actually exceed that of the general pretrial population (78.5% compared to 63.2%-- a 15.3% increase in the success rate).

Comparison of Success Rates by Various Pretrial Release Populations

Population	Percentage of Defendants Successful
Pretrial Population in General (Excluding Homeless Pilot Project)	63.2%
Matrix Program	48.9%
Success Rate for Defendants on Matrix and the Homeless Pilot Project	34.5%
Success Rate for defendants on Matrix (Excluding Homeless Pilot Project)	78.5%

What were the reasons that defendants in the Matrix Program failed pretrial services and how do these compare to the reasons for failure within the general pretrial services population (e.g., failure to appear for court, failed drug test, contact with law enforcement, non-compliance)?

The primary reasons for failure on pretrial release in the general population are failed drug tests (31.3%), the defendant absconded (21.9%) or a schedule violation (12.5%). There were only three defendants who failed while on the Matrix Program (excluding the Homeless Pilot Project population). The reasons for failure were one failed drug test, one defendant who absconded, and one defendant who did not comply with bond conditions.

Were there any unanticipated costs in the implementation of the Matrix Program?

Caseworkers were unable to identify any unanticipated costs of implementing the Matrix Program. The Matrix Program has been an established program in the agency and prior to this pilot project was only available for use by the Lancaster County Drug Court. In essence, the Matrix Pilot extended services beyond the Drug Court to include those needing that level of care from the Pretrial Release population.

Were there any unanticipated benefits to the implementation of the Matrix Program?

Beyond the financial benefit of increased compliance with Pretrial Release, staff relayed a number of stories that illustrate the difference that the Matrix Program made for pretrial release defendants and demonstrates how treatment can provide a long term benefit for defendants.

*I had a male client that was 53 years old. He had previously served an 8 year sentence in prison for a string of Robberies (8) in Omaha. At the time of the new charge he had only been out of prison just over 4 years. He came to us on a class 3 felony Burglary. From my experience and from what I have seen someone who has previously been to prison and reoffends usually is sent back to prison. This is especially true for individuals that sit in jail unable to post bond waiting for disposition of their case. Prior to moving to Nebraska he had resided in Chicago where for 13 years he held the same job. Then his adoptive mother passed away and shortly after he was laid off. That is when he turned to crack cocaine. He was quickly addicted and everything fell apart. He then moved to Omaha where his biological mother lived. With that came more pain and his addiction just got worse. He was in and out of jail for petty crimes, homeless, and at his worst. That is when he committed the Robberies. These crimes were to feed his addiction. He reports that he would use the money and get crack and retreat to the streets where he lived. After his prison sentence he moved to Lincoln in hopes of getting things together. However, he never received treatment or counseling and lacked the tools to stay sober. He was very quickly back to using crack and drinking alcohol all the time. During that short time he also had a 3 year old daughter, his only child. When he got his new Burglary charge for the first time in his life he felt like he had a reason to really get sober and stay sober. Shortly after being released to Community Corrections Pretrial Release he enrolled in treatment. **After 30 plus years of battling a crack and alcohol addiction this was the first time he was given the opportunity to attend treatment.** He graduated treatment and became very involved in Alcoholics Anonymous. He attended a program to go into prisons and talk with inmates about getting it straight. He became employed full time and caught up all his child support. He was prepared to rent his own place after sentencing. For the first time in his life he was standing on his own two feet. At his sentencing there were at least 15 strangers in attendance all people he had met in AA. All people who had faith in his recovery. He was sentenced to two years intense probation. A sentence that I believe he was only able to get*

because he showed the court he wanted to get better and be sober. If he had not gotten Pretrial Release he would not have gotten out and had that opportunity. He is still sober today. Doing what the rest of us do working, raising his daughter, maintaining his own home, and contributing to our community through his experience in AA. He stops in the office to see me pretty regularly and stays in touch.

John came to us for his 4th DUI. He was not working due to the drinking, therefore could not afford treatment himself. He was on the pretrial program for approximately 8 months and completed Matrix. He did very well in the program and in treatment. He expressed his gratitude numerous times for the opportunity to participate in the program. He learned and now believes for the first time that he is an alcoholic which now steers his direction in life. While working with the program he became involved in Alcoholics Anonymous which he now continues. He gained employment and still maintains this. He was given the minimum jail sentence and the judge told him it was because of his involvement and progress in the program that he was given that sentence. John was at the work release jail serving his sentence and was released on Mondays to continue Social Support in the Matrix program. He has kept in contact with us here at Community Corrections and is doing great! He continues to express his gratitude for the opportunities we gave him that changed his life.

Additional stories illustrate how Pretrial Release can help defendants maintain their obligations to their family:

One of my success stories was a Pretrial Release client who was charged with 4th offense DUI. He pled guilty and was sentenced to 360 days in jail plus a 15 year license suspension. However, by placing him in the Pretrial Release Program prior to sentencing, he was able to maintain full time employment, pay child support, actively participate in caring for the child and successfully complete Intensive Outpatient Treatment through our Matrix Program. After reporting to jail, he was then allowed work release. These opportunities for success would not have been possible without the Pretrial Release/Matrix Program.

Today I attended a sentencing for a 22 year old man who has been to prison once before. He was born in Afghanistan and suffers from PTSD which he does not address. In our program this young man received Intensive Out-Patient Treatment, got himself a job and was sentenced to two years-probation. The Judge reported to him during his sentencing that the reason she was willing to give him a second chance was because he had completed Matrix treatment and complied with his bond while on Community Corrections Pretrial Release. This young man is the man of his house. He takes care of his mother and three young siblings.

To what extent does the Matrix Program reduce the County's costs for pretrial detention?

While the sample size is small, the Matrix Program appears to have a significant impact on increasing defendants' success while on pretrial release. The general pretrial release population (which excludes those on the Homeless Pilot Project) has a success rate of 63.2% compared to a 78.5% success rate for those on the Matrix Program (excluding those in the Homeless Pilot Project).

Based on data collected during this study, on average, a successful defendant is on pretrial release for 115 days. On average, an unsuccessful pretrial release defendant is on pretrial release for 59 days. Improving the success rate of those on pretrial release means a reduction of approximately 56 days in jail per defendant. For every defendant that goes from unsuccessful to successful release the county saves on average an additional \$2,520 in detention costs.

Following the grant period, staff resources have been reallocated to absorb the grant funded staff time to screen detainees for substance abuse. The only remaining expense in implementing the Matrix program is the \$115 cost per defendant for substance abuse evaluations, making continuation of the Matrix program even more beneficial.

EXPANSION OF PRETRIAL RELEASE TO HOMELESS DEFENDANTS

PROJECT DESCRIPTION

The Lancaster County Jail houses a high number of homeless and near homeless non-violent felony defendants who are ineligible for consideration in pretrial release based solely on their homeless circumstance. Historically, an approved residence has been mandatory for pretrial release; Community Corrections must be able to electronically monitor the defendant, which is a condition of their bond. This cannot be accomplished without some form of living arrangement. The People's City Mission was initially willing to assist these individuals but found that logistics made it difficult and the numbers were too extensive. Therefore, those who cannot return home, are about to lose their residence, or do not have a residence are not currently eligible to participate.

In FY 2009-2010 approximately 80 defendants, who were unable to post bond, were screened for the Pretrial Release Program. These defendants were held in detention because they could not secure a residence. Assuming that these 80 defendants had an average length of stay of 115 days and cost the county a minimum of \$45 a day to house,⁵ it is estimated that jail costs for the county for this population were around \$414,000 (115 days * \$45 per day * 80 defendants).

By offering local housing options, the Department of Community Corrections hoped to provide supervision to the homeless or near homeless and reduce the number of out-of-county contracts needed to house defendants and prisoners. Unnecessary detention before trial not only results in unnecessary jail costs, it also deprives defendants of their liberty. Ultimately, the community is losing potential tax revenues from individuals who could be working while awaiting trial. We cannot ignore that other consequences included prolonged family disruption, putting additional stress on children, the family unit and local community.

Through grant funding, the Department of Community Corrections proposed expansion of its current Pretrial Release Program to include housing options for felony pretrial defendants who were ineligible for release and therefore held in detention because of their homeless or near homeless circumstance.

⁵ At the time of the grant proposal, Lancaster County held contracts with three outside counties to house pretrial defendants and prisoners at a rate of \$45 per day.

Project Operation

During the initial screening by a Case Worker, defendants identified their housing status on the intake application form. All efforts were exhausted, as is currently the practice, to locate an approved residence for the defendant. If those efforts produced no option, the defendant who is homeless was flagged and evaluated further for placement in a sober living or supervised living facility which provided a one bedroom, furnished, efficiency apartment. If more than one defendant was waiting for an available unit, a lottery system was used to determine the defendant to be placed in the unit. The expense of this residence, including rent and utilities only, was paid by Lancaster County, using grant funds (\$450-\$500 a month).

Once the defendant was bonded into Pretrial Release all conditions of the bond were monitored. Pretrial participants are required to: be electronically monitored; check in at Community Corrections daily; call the drug testing line daily to determine if they should present for drug testing; present for observed drug testing by a same sexed Drug Technician, no fewer than 3 times per week;⁶ participate in substance abuse intervention class, pay monthly supervision fees unless waived by the courts or the department; follow the electronic monitoring schedule; abide by a curfew set by the court; be present at all scheduled court appearances; and, if not employed or a student, pursue employment.

RentWise Curriculum

The Pretrial Housing/Special Needs Case Worker was expected to train all housing participants using the RentWise curriculum. This curriculum takes an active-learning approach and stresses tenant responsibility. Participants earn a certificate after completing a minimum of nine hours of education. Each participant received the RentWise Workbook/Organizer. This organizer helps tenants store rental records and provides information on unit maintenance and creating collaborative relationships with landlords and neighbors. Participants in the Pretrial Release Housing Program, who obtain full time employment, will be encouraged to work toward independent living and self-reliance. There are a number of landlords and management companies in the area who recognize the RentWise certificate and are willing to work with the individual in securing an apartment or house. Two months prior to sentencing, the Homeless/Special Needs caseworker will begin making discharge plans for the participant with regard to vacating the apartment and fulfilling the requirements of sentencing.

⁶ Frequent and random drug testing is fundamental to this program. Drug testing is a primary tool used to enhance accountability and increase the likelihood of prolonged pro-social behavior.

Any major violations of bond conditions were immediately communicated to the judge, prosecuting attorney and the defense counsel. Minor violations were communicated in a monthly report to the court. Anyone utilizing the housing program who violated their bond conditions was returned to custody, thereby forfeiting their housing assignment. The housing unit was then assigned to another defendant awaiting pretrial release. Conversely, compliance with all conditions of the bond and any additional accomplishments were communicated in a monthly report to the court.

PROJECT EVALUATION

During the project period, how many defendants screened positive for being homeless?

Lancaster Community Corrections has developed a screening tool to identify the homeless population in custody (see Appendix B). The screening inquires about the length of time that the defendant has been homeless, the defendant's last place of residence, the circumstances that caused displacement from the last residence, whether the defendant is currently on any housing waiting lists, where they have been residing since displacement, whether or not they have funds to secure a rental deposit or rent, and their average monthly income.

Of the 191 screened for pretrial release in Year 1 of the Homeless Pilot Project, 41 or 21.4% screened positive for being homeless. Of the 41 defendants who screened positive for being homeless 37 were accepted into the Pilot Project (90.2%). In the second year of the pilot (a ten month time period of April 1, 2012 through January 24, 2013) 150 defendants were screened for pretrial release and 29 (19.3%) screened positive for being homeless. All 29 were accepted into the Pilot Project (100%).

How many participants successfully completed the Rentwise training?

According to caseworkers, few defendants successfully completed the Rent-wise training. The training is comprised of six modules and many of the defendants dropped out before completing the training. Exact numbers were not provided.

How many participants successfully completed Pretrial Services?

Of the 66 defendants accepted into the pilot, 6 still had pending cases at the time of this evaluation. Of the 60 remaining defendants, 40 were unsuccessful while on pretrial services (66.6%), while 20 were successful (33.3%). The table below presents success rates by year.

Success Rates for the Homeless Pilot Project

Risk Level	Year 1		Year 2		Total Study Period	
	Number	Percent	Number	Percent	Number	Percent
Not Successful	25	67.5%	15	65.2%	40	66.6%
Successful	12	32.5%	8	34.8%	20	33.3%
Total	37	100.0%	23	100.0%	60	100.0%

How does the success rate of pretrial defendants on the Homeless Pilot Project compare to the success rate of the general pretrial defendant population?

The success rate of pretrial defendants on the Homeless Pilot Project (32.4% in Year 1 and 34.7% in Year 2) was drastically lower than the success rate of the general pretrial population (58.7% in Year 1 and 68% in Year 2).

Success Rates for the General Pretrial Program vs. the Homeless Pilot Project

Population	Percentage of Defendants Successful
Year 1	
Pretrial Population in General (Excluding Homeless Pilot Project)	58.7%
Homeless Pilot Project	32.5%
Year 2 (first 10 months)	
Pretrial Population in General (Excluding Homeless Pilot)	68.3%
Homeless Pilot Project	34.8%

What were the reasons that defendants in the Homeless Pilot Project failed pretrial services and how do these compare to the reasons for failure within the general pretrial services population?

The Pretrial Release Program documented the reasons why these defendants were not successful. The primary reason for failure on the Homeless Pilot Project was because the defendant absconded (43.9%) or failed a drug test (29.3%). The percentage of defendants absconding is much higher in the Homeless Pilot Project population (43.9%) compared to the general pretrial population (21.9%), while the percentage of defendants failing drug tests is comparable (29.3% in the Homeless Pilot Project and 31.3% in the general pretrial population).

Reasons for Failure on the Homeless Pilot Project

Reason Defendant was Unsuccessful	Year 1		Year 2 (first 10 months)		Total	
	Number	Percentage	Number	Percentage	Number	Percentage
Absconded	9	34.6%	9	60.0%	18	43.9%
Failed Drug Test/Relapse	8	30.8%	4	26.6%	12	29.3%
Asked to Leave Sober Living Unit	5	19.2%	0	0.0%	5	12.1%
Non-Compliance with Bond Conditions	2	7.7%	1	6.7%	3	7.3%
New Charges	2	7.7%	0	0.0%	2	4.9%
Warrant for arrest	0	0.0%	1	6.7%	1	2.4%
Total	26	100.0%	15	100.0%	41	100.0%

It is worth noting that the lower success rate may be related to risk level. While 69.7% of the general pretrial population were identified as Level 5 (the highest risk level), 80.3% of those in the Homeless Pilot Project were identified as being Level 5 risk.

Were there any unanticipated costs in the implementation of the Homeless Pilot Project?

While caseworkers did not identify any unanticipated costs to the implementation of the Homeless Pilot Project, there were certainly several unanticipated challenges. One of the primary challenges was the fluctuation in the supply of defendants needing placements in comparison to the units available for placement. At times there were many more defendants than units available. Occasionally there were units available without a defendant to be placed. Part of balancing the supply/demand difference is related to the gender of the defendant. The pilot project originally had slotted an equal number of units for men and women. The demand for male units was higher than the demand for female units. Also, at one point during the pilot program, contracts had to be initiated with a different landlord because one of the original landlords asked to terminate the arrangement (this was not related to the behavior of the pretrial defendants but due to an infestation of bed bugs at the property).

Were there any unanticipated benefits to the implementation of the Homeless Pilot Project?

According to the Performance Standards and Goals for Pretrial Programs developed in 2008 by the National Association of Pretrial Service Agencies (NAPSA),⁷

⁷ Available online at: http://www.napsa.org/publications/diversion_intervention_standards_2008.pdf.

No potential participant should be denied access to the pretrial diversion/intervention option based upon race, ethnic background, religion, gender, disability, marital status, sexual orientation or economic status. (Standard 3.2)

Providing a pretrial release option for defendants who are homeless is an important way to overcome economic bias in the eligibility determination. Moreover, in addition to the financial benefit discussed in the following section, staff stories illustrate the difference that the Homeless Pilot Project made for some pretrial release defendants and demonstrates a direct reduction in law enforcement contact:

A 53 year-old man who is an alcoholic had essentially been living on the streets or couch hopping for the last 12 years. He has worked from time-to-time and has attended treatment a few times. Relapsing after each treatment stay. This man participated in the Homeless Pilot Project and while he has had a few slip-ups he has done really well. In 2011 (prior to the Program) this man was in jail 45 times (this number does not count the times he has been to detox). In 2012 he was booked and released once. I know it is still early in 2013 but he has not been to jail or detox this year. He now has his own apartment and a full time job painting. His life continues to bumpy at points but he is doing much better. He has pride in himself and his own home. I do not believe since living in Nebraska for the last 12 years he has had his own place to call home.

To what extent does the Homeless Pilot Project reduce the county's costs for pretrial detention?

Looking just at the population on the Homeless Pilot Project, the table below presents the number of days that defendants were supervised while on pretrial release. During Year 1, the Homeless Pilot Project resulted in keeping 12 defendants who were successful on the program out of jail for 2,586 days and 25 defendants who were unsuccessful on the program out of jail for 950 days. The Homeless Pilot Project during Year 1 saved the county \$159,120 in detention costs. It is estimated that the annual cost of the Homeless Pilot Project was \$61,092 (see Appendix C for Project Budget). While this expense was covered by grant funds during the pilot project, if these expenses were to be paid by the County in the future (without grant support), the savings to the county would still have been \$98,028.

During Year 2, the Homeless Pilot Project, resulted in keeping eight defendants who were successful on the program out of jail for 861 days and 15 defendants who were unsuccessful on the program out of jail for 626 days. Six defendants are still on the program at the time of this evaluation; these six defendants had been out of jail for 1,106 days collectively. The Homeless Pilot Project during Year 2 saved the county \$116,685 in

detention costs. Again, the estimated cost of the Homeless Pilot Project was \$61,092. While this expense was covered by grant funds during the pilot project, if these expenses were to be paid by the County in the future (without grant funding support), the savings to the county would have been approximately \$55,593. Why such a difference between Year 1 in Year 2 in the savings to the County? Year 2 of the Pilot was a ten month rather than 12 month time period. Therefore Year 2 of the pilot had both fewer total participants accepted and 6 defendants whose outcomes are still pending (whereas all of the Year 1 defendants had had a chance to complete their pretrial period).

Savings in Jail Detention Costs of the Homeless Pilot Project

	Pending	Successful	Unsuccessful	Total
Number of Defendants in Year 1	0	12	25	37
Number of Days Defendant was Not in Jail	0	2,586	950	
Cost had Defendants been Jailed in Another County (\$45 per day)	\$0	\$116,370	\$42,750	\$159,120
Estimated Cost of the Program				\$61,092
Savings to the County had Grant Funds Not Been Utilized	--	--	--	\$98,028
Number of Defendants in Year 2 (first 10 months)	6	8	15	29
Number of Days Defendant was Not in Jail	1,106	861	626	2,593
Cost had Defendants been Jailed in Another County (\$45 per day)	\$49,770	\$38,745	\$28,170	\$116,685
Estimated Cost of the Program	--	--	--	\$61,092
Savings to the County had Grant Funds Not Been Utilized	--	--	--	\$55,593

Despite the lower success rate, the Homeless Pilot Project is still financially advantageous to the County. Having implemented the pilot, the Pretrial Release Program is now in a better position to gauge the supply/demand difference in the number of units necessary for this population. The Director feels confident that the program could consistently fill 4 male units (an annual cost of \$21,600) and 1-2 female units (charged only for the days it is used)

Findings and Recommendations

The Lancaster County Pretrial Release Program

1. One of the primary benefits of utilizing a pretrial risk assessment instrument is to help identify low, moderate and high risk defendants to guide judicial decision making. Therefore, in a traditional pretrial release program, screening to determine risk level would take place prior to arraignment so that the information obtained through the screening process could be presented to the Judge to inform the bond decision. In Lancaster County, screening is done following arraignment.

Lancaster County stakeholders should explore implementation of the screening instrument prior to arraignment. While this would result in the screening of defendants who may ultimately not be eligible for the pretrial release program, the benefits of informed/improved bond decisions are that it:

- Increases public safety by ensuring that high-risk defendants who pose a threat to community safety are more likely to remain detained, as opposed to the current system, which uses a person's ability to pay to determine pretrial release.
 - Provides greater protection of defendants' presumption of innocence (it reduces the likelihood that low-risk defendants will be needlessly detained prior to hearing).
 - Reduces failure to appear by identifying high-risk defendants.
 - Facilitates the efficient and equitable use of criminal justice and community resources. For example, it can reduce detention populations by identifying low-risk defendants who can be released on their own recognizance.
2. Less than half of those screened were ultimately approved by a Judge for the Pretrial Release Program (46%). While anecdotal information suggests that there are a number of factors that produce this low acceptance rate, capturing the reason why the defendant was not accepted could help inform future screening and supervision processes.

3. The Lancaster County Pretrial Release Program reduces the County's costs for pretrial detention.
4. On average, a successful defendant is on pretrial release for 115 days. On average, an unsuccessful pretrial release defendant is on pretrial release (and out of jail) for 59 days.
5. There appears to be a direct relationship between risk-level and success on pretrial release. That is, lower-risk defendants have higher rates of success while higher-risk defendants have lower rates of success. Specifically, defendants with risk levels between 1 and 3 had a success rate of 91.7%, while defendants with a risk level between 4 and 5 only had a success rate of 58.6%. Currently, more than three-quarters of those on the pretrial release program (77.6%) are identified as being at the Level 5 risk level.
6. Lancaster County should expand eligibility for the program (which historically has been reserved for Class III and IV felonies) to include Misdemeanor level offenses. Philosophically, it does not make sense to offer a pretrial release program to felony level defendants while denying the same opportunity to misdemeanor level (and presumptively lower risk) defendants. In other words, if the County is willing to release felony level defendants under the supervision of the Pretrial Release Program, why would it oppose offering pretrial release to misdemeanor level defendants? We believe this can be done with the current level of staffing. The pilot program demonstrates that the Pretrial Release Program was able to support the supervision of 60 additional high risk defendant during the study period (37 in Year 1 and 23 in Year 2 through the Homeless Pilot Project). Presumably, Misdemeanor level defendants would require a lower level of supervision. The program could certainly support the supervision of at least 30 additional defendants per year. (Depending on the success of these additional 30 defendants, the reduction in jail costs is estimated at \$79,650 on the low end and up to \$155,250 on the high end.⁸
7. According to caseworkers, defendants do not frequently "work themselves down" to a lower level of supervision. Reducing the level of supervision can only be done by a Judge and this reportedly only happens on occasion, as a result of a

⁸ This was calculated by multiplying the number of new defendants by the \$45 per day jail rate by the average number of days unsuccessful pretrial release defendants are out of jail (59) compared to the number of days successful pretrial release defendants are out of jail (115).

criminal defense attorney requesting a lower level of supervision. Allowing defendants who are thriving in the pretrial release program to “work themselves down” to a lower level of supervision can serve as both an incentive to the defendant and can assist with managing workloads.

8. While a great deal of data is routinely collected through the Pretrial Release Program, that data is not readily accessible to Lancaster County Community Corrections in a format that would allow them to track basic program goals and outcomes. Lancaster County’s Information Technology Department should prioritize these upgrades. For example, if the data collected by the Pretrial Release Program could have been provided in an appropriate format, this assessment could have examined a number of other areas such as: which factors predict success or failure while on pretrial release, the Matrix Program and the Homeless Pilot Project.

The Matrix Pilot Project

9. Approximately one third (33.1%) of defendants accepted into the Pretrial Release Program screened positive for substance abuse.
10. Defendants on the Matrix Program (but who were not simultaneously on the Homeless Pilot Project) had significantly higher success rates than the general pretrial population.
11. Lancaster County should continue to offer the Matrix Program for defendants who are recommended for intensive outpatient treatment.

The Homeless Pilot Project

12. Approximately 20% of the jail population that was screened for Pretrial Release was determined to be homeless.
13. The success rate of pretrial defendants on the Homeless Pilot Project (35.1%) is drastically lower than the success rate of the general pretrial population (63%). This may in part be related to risk level.
 - a. Those admitted to the Homeless Pilot Project were higher risk than the general pretrial population. While 67.9% of the general pretrial population were identified as Level 5 (the highest risk level), 80.3% of those in the Homeless Pilot Project were identified as being Level 5 risk.

14. Despite the lower success rate, the Homeless Pilot Project still proved financially advantageous to the County.
15. Historically, the reason that homeless defendants were not eligible for pretrial release was because a residence is needed to utilize electronic monitoring. However, according to program guidelines, defendants identified as Level 1 and 2 do not require electronic monitoring, and Level 3 defendants require electronic monitoring only if ordered by the Judge. As the Pretrial Release Program expands to provide supervision to lower risk defendants, homeless defendants who do not require electronic monitoring should be eligible for consideration for the Pretrial Release Program.
16. Continuation of the Homeless Pilot Project should be scaled back to better accommodate the demand for housing units (4 male units and 1-2 female units).

Appendix A: Pretrial Risk Assessment Instrument

Pretrial Release Program Information Form

Name: _____

Last

First

Middle

Date: ____/____/____

SSN: XXX-XX-____

Client would be living with: _____

Approved Residence: _____

Cell Phone #: (____) _____ Telephone #: (____) _____

Case Number(s): _____

Charging Offense(s): _____

Charge Type: _____ Felony = 1 Misdemeanor = 0

Pending Charges (at time of arrest): _____ Yes = 1 No = 0

Outstanding Warrant (in another jurisdiction): _____ Yes = 1 No = 0

Criminal History (any prior convictions): _____ Yes = 1 No = 0

Failure to Appear (two or more convictions) _____ Yes = 2 No = 0

Violent Crimes (two or more convictions) _____ Yes = 1 No = 0

Length at Residence (at time of arrest): _____ < 1 year = 1 > 1 year = 0

Employment (continuous last two years, school, etc.): No = 1 Yes = 0

History of Substance Abuse (not including alcohol): Yes = 1 No = 0

Assigned Risk: Level I (0, 1) ____ Level II (2) ____ Level III (3) ____ Level IV (4) ____ Level V (5-10) ____

Comments:

Signature: _____ Title: _____ Date: _____

Appendix B: Pretrial Release Homeless Screening Tool

How long have you been homeless?

- 2 months or less
- 3-6 months
- 7-12 months
- More than one year

What was your last place of residence?

- Own House/Apartment
- Rental
- Housing Assistance
- Place not meant for habitation
- Shelter
- Hotel/Motel
- Living w/friends
- Living w/family
- Other: _____

What were the circumstances that caused you to become displaced from your last place of residence? _____

Are you on any housing waiting lists? YES NO

Where have you been residing since your last place of residence? _____

Do you have access to funding to secure a deposit and/or rent?

- Yes deposit and rent
- Yes, but only deposit
- No I do not have access to funding for either deposit or rent

What is your average monthly income? _____

Additional Comments:

Appendix C: Budget

General Pretrial Budget during Grant Period

	Percentage of Salary and Benefits Dedicated to Pretrial Release	Cost
STAFF		
Director	10%	\$10,270.00
Case Manager	5%	\$4,317.00
Case Manager	50%	\$30,227.00
Case Manager	5%	\$3,234.00
Case Manager	25%	\$12,673.00
Case Manager	25%	\$14,224.00
Field Officer * 3	5%	\$8,043.00
SUPPLIES AND OPERATING		
Drug Testing	--	\$7,000.00
Confirmations	--	\$3,500.00
Phone	--	\$5,400.00
Medications	--	\$180.00
Contracts for Evaluation	--	\$5,000.00
Contracts for Monitoring	--	\$10,500.00
TOTAL	--	\$ 114,568

Matrix Budget during Grant Period

	Percentage of Salary and Benefits Dedicated to Pretrial Release	In-Kind	Grant	Total
STAFF				
Director	10%	\$10,270.00	--	\$10,270.00
Case Manager	5%	\$4,317.00	--	\$4,317.00
Case Manager	50%	\$30,227.00	--	\$30,227.00
Case Manager	5%	\$3,234.00	--	\$3,234.00
Case Manager	25%	\$12,673.00	--	\$12,673.00
Case Manager	25%	\$14,224.00	--	\$14,224.00
Field Officer * 3	5%	\$8,043.00	--	\$ 8,043.00
Evening Screener	20%	--	\$5,050.00	\$5,050.00
SUPPLIES AND OPERATING				
Drug Testing	--	\$7,000.00	--	\$7,000.00
Confirmations	--	\$3,500.00	--	\$3,500.00
Phone	--	\$5,400.00	--	\$5,400.00
Medications	--	\$180.00	--	\$180.00
Contracts for Evaluation	--	\$5,000.00	\$6,555	\$11,555.00
Contracts for Monitoring	--	\$10,500.00	--	\$10,500.00
TOTAL		\$114,568	\$11,605	\$ 126,173

Homeless Pilot Project Budget

	Percentage of Salary and Benefits Dedicated to Pretrial Release	In-Kind	Grant Funded	Total
STAFF				
Director	5%	\$5,135.00	--	\$5,135.00
Case Manager	--	-	--	-
Case Manager	10%	\$3,023.00	--	\$3,023.00
Case Manager	40%	\$25,872.00	--	\$25,872.00
Case Manager	--	--	--	
Case Manager	--	--	--	
Field Officer * 3	5%	\$8,043.00	--	\$8,043.00
Evening Screener	20%	--	\$2,411.00	\$2,411.00
Drug Techs	40%	--	\$7,281.00	\$7,281.00
SUPPLIES AND OPERATING				
Drug Testing	--	--	\$3,000.00	\$3,000.00
Confirmations	--	--	\$1,500.00	\$1,500.00
Phone	--	\$3,817.00	--	\$3,817.00
Medications	--	\$480.00	--	\$480.00
Contracts for Evaluation	--	--	\$10,000.00	\$10,000.00
Contracts for Monitoring	--	--	\$4,500.00	\$4,500.00
Sober Living Rent	--	--	\$32,400.00	\$32,400.00
TOTAL		\$46,370	\$61,092	\$107,462

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Findings and Recommendations

The Lancaster County Pretrial Release Program

1. One of the primary benefits of utilizing a pretrial risk assessment instrument is to help identify low, moderate and high risk defendants to guide judicial decision making. Therefore, in a traditional pretrial release program, screening to determine risk level would take place prior to arraignment so that the information obtained through the screening process could be presented to the Judge to inform the bond decision. In Lancaster County, screening is done following arraignment.

Lancaster County stakeholders should explore implementation of the screening instrument prior to arraignment. While this would result in the screening of defendants who may ultimately not be eligible for the pretrial release program, the benefits of informed/improved bond decisions are that it:

- Increases public safety by ensuring that high-risk defendants who pose a threat to community safety are more likely to remain detained, as opposed to the current system, which uses a person's ability to pay to determine pretrial release.
- Provides greater protection of defendants' presumption of innocence (it reduces the likelihood that low-risk defendants will be needlessly detained prior to hearing).
- Reduces failure to appear by identifying high-risk defendants.
- Facilitates the efficient and equitable use of criminal justice and community resources. For example, it can reduce detention populations by identifying low-risk defendants who can be released on their own recognizance.

2. Less than half of those screened were ultimately approved by a Judge for the Pretrial Release Program (46%). While anecdotal information suggests that there are a number of factors that produce this low acceptance rate, capturing the reason why the defendant was not accepted could help inform future screening and supervision processes.

3. The Lancaster County Pretrial Release Program reduces the County's costs for pretrial detention.

4. On average, a successful defendant is on pretrial release for 115 days. On average, an unsuccessful pretrial release defendant is on pretrial release (and out of jail) for 59 days.

5. There appears to be a direct relationship between risk-level and success on pretrial

release. That is, lower-risk defendants have higher rates of success while higher-risk defendants have lower rates of success. Specifically, defendants with risk levels between 1 and 3 had a success rate of 91.7%, while defendants with a risk level between 4 and 5 only had a success rate of 58.6%. Currently, more than three-quarters of those on the pretrial release program (77.6%) are identified as being at the Level 5 risk level.

6. Lancaster County should expand eligibility for the program (which historically has been reserved for Class III and IV felonies) to include Misdemeanor level offenses. Philosophically, it does not make sense to offer a pretrial release program to felony level defendants while denying the same opportunity to misdemeanor level (and presumptively lower risk) defendants. In other words, if the County is willing to release felony level defendants under the supervision of the Pretrial Release Program, why would it oppose offering pretrial release to misdemeanor level defendants? We believe this can be done with the current level of staffing. The pilot program demonstrates that the Pretrial Release Program was able to support the supervision of 60 additional high risk defendant during the study period (37 in Year 1 and 23 in Year 2 through the Homeless Pilot Project). Presumably, Misdemeanor level defendants would require a lower level of supervision. The program could certainly support the supervision of at least 30 additional defendants per year. (Depending on the success of these additional 30 defendants, the reduction in jail costs is estimated at \$79,650 on the low end and up to \$155,250 on the high end).¹

7. According to caseworkers, defendants do not frequently “work themselves down” to a lower level of supervision. Reducing the level of supervision can only be done by a Judge and this reportedly only happens on occasion, as a result of a criminal defense attorney requesting a lower level of supervision. Allowing defendants who are thriving in the pretrial release program to “work themselves down” to a lower level of supervision can serve as both an incentive to the defendant and can assist with managing workloads.

8. While a great deal of data is routinely collected through the Pretrial Release Program, that data is not readily accessible to Lancaster County Community Corrections in a format that would allow them to track basic program goals and outcomes. Lancaster County’s Information Technology Department should prioritize these upgrades. For example, if the data collected by the Pretrial Release Program could have been provided in an appropriate format, this assessment could have examined a number of other areas

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such as: which factors predict success or failure while on pretrial release, the Matrix Program and the Homeless Pilot Project.

The Matrix Pilot Project

9. Approximately one third (33.1%) of defendants accepted into the Pretrial Release Program screened positive for substance abuse.

10. Defendants on the Matrix Program (but who were not simultaneously on the Homeless Pilot Project) had significantly higher success rates than the general pretrial population.

11. Lancaster County should continue to offer the Matrix Program for defendants who are recommended for intensive outpatient treatment.

The Homeless Pilot Project

12. Approximately 20% of the jail population that was screened for Pretrial Release was determined to be homeless.

13. The success rate of pretrial defendants on the Homeless Pilot Project (35.1%) is drastically lower than the success rate of the general pretrial population (63%). This may in part be related to risk level.

A. Those admitted to the Homeless Pilot Project were higher risk than the general pretrial population. While 67.9% of the general pretrial population were identified as Level 5 (the highest risk level), 80.3% of those in the Homeless Pilot Project were identified as being Level 5 risk.

14. Despite the lower success rate, the Homeless Pilot Project still proved financially advantageous to the County.

15. Historically, the reason that homeless defendants were not eligible for pretrial release was because a residence is needed to utilize electronic monitoring. However, according to program guidelines, defendants identified as Level 1 and 2 do not require electronic monitoring, and Level 3 defendants require electronic monitoring only if ordered by the Judge. As the Pretrial Release Program expands to provide supervision to lower risk defendants, homeless defendants who do not require electronic monitoring should be eligible for consideration for the Pretrial Release Program.

16. Continuation of the Homeless Pilot Project should be scaled back to better accommodate the demand for housing units (4 male units and 1-2 female units).

Pretrial Release Program: Bond Condition Options

- Level 1
 - Weekly check-in with caseworker via telephone
 - In person check-in one time per month
 - Submit weekly schedule
 - Employed/full time student
 - Psycho-educational Group
 - Random contact in the community by Field Officer
 - ** \$15.00 monthly supervision fee

- Level 2
 - Weekly check-in with caseworker in person
 - Submit weekly schedule
 - Employed/full time student
 - Psycho-educational Group
 - Drug testing/PBT if ordered, frequency determined by drug/alcohol history
 - Random contact in the community by Field Officer
 - ** \$15.00 monthly supervision fee

- Level 3
 - Electronic monitoring if ordered
 - Check-in with caseworker 2 times per week in person, 1 time via telephone
 - Submit weekly schedule
 - Employed/full time student
 - Psycho-educational Group
 - Choice and Change Program
 - Drug testing/PBT if ordered, frequency determined by drug/alcohol history
 - Curfew recommended
 - Random contact in the community by Field Officer
 - ** \$15.00 monthly supervision fee
 - ** Electronic Monitoring fee of \$1.50 per day applies, if ordered

- Level 4
 - Electronic monitoring for at least the first 30 days
 - Check in with caseworker 4 times per week in person; 2 times via telephone
 - Submit daily schedule
 - Employed/full time student
 - Psycho-educational Group
 - Choice and Change Program
 - Drug testing/PBT if ordered, frequency determined by drug/alcohol history
 - Curfew recommended
 - Random contact in the community by Field Officer
 - ** Electronic Monitoring fee of \$1.50 per day
 - ** \$15.00 monthly supervision fee

- Level 5
 - Electronic monitoring for duration of pretrial release
 - Daily check in the caseworker
 - Submit daily schedule
 - Employed/full time student
 - Psycho-educational Group
 - Choice and Change Program
 - Drug testing/PBT as ordered, frequency determined by drug/alcohol history
 - Curfew
 - Random contact in the community by Field Officer
 - ** Electronic Monitoring fee of \$1.50 per day
 - ** \$15.00 monthly supervision fee



Juvenile Justice History

In 1998, the Juvenile laws changed to allow a youth to be committed to the Dept. of Health and Human Services and the newly created Office of Juvenile Services as a result of a law violation adjudication. Prior to 1998, this option did not exist. The options at that time were Probation or YRTC (YDC) and the Geneva and Kearney facilities were operated by the Dept. of Corrections. Juvenile Parole was also overseen by the Dept. of Corrections.

The purpose of the creation of OJS was to have a mechanism for funding treatment and services and providing placements for youth involved in law violations that are not appropriate for a commitment to the YRTC s in Kearney or Geneva. (i.e. Mental health, substance abuse, family issues, etc.)

In early 2000's, the Juvenile Court committed 30 to 40 youth per year to OJS. Last year, the Juvenile Court committed 170 youth to OJS. Probation data shows that 75% of those youth are for first time adjudications on misdemeanors. The need for funding treatment and services not otherwise available or obtainable by the parents was often the reason the youth were made state wards with OJS.

Juvenile Justice Statistics

Last year, the Juvenile Probation office completed over 600 pre-disposition reports for the Court. 400 of those cases were placed on probation.

Because youth with higher needs tend to stay under supervision longer, OJS has approximately 234 youth under their supervision in Lancaster County. Juvenile Probation has 290 youth.

LB561 details

OJS youth (234), parole youth (69) and truancy youth with HHS (190) will be the responsibility of probation. This is a possible total of 493 cases which will be fully in the oversight of Probation by July 1, 2014. In total, the Juvenile Probation caseload could be nearly 800 youth.

The year of 2013-2014 is a transition year. Cases currently under OJS or HHS and committed to OJS or HHS between now and Oct 1, 2013 will remain with them until naturally discharged or a transition process takes place between April and July of 2014.

Timeline of Important Dates

On July 1, 2013, any youth appearing for disposition where the Juvenile Court decides to commit to YRTC, will be an order of intensive supervision probation with condition that they complete the YRTC program and their temporary custody will be placed with OJS during their treatment at the YRTCs. OJS will oversee the placement and treatment at the facilities. Upon discharge, a Reentry hearing will be held in Juvenile Court for the judge to determine conditions of probation as a youth and family reentry plan will be presented to the Court. The Court can accept, reject or modify the plan as the Court deems appropriate.

On Oct 1, 2013, Probation will be taking new cases the Court may have typically sent to OJS. We will have voucher funds and processes in place to pay for treatment and other services for youth placed on probation as of Oct. 1, 2013.

By April 1, 2014, full effort will be made to transition any remaining active OJS or HHS (3b) cases by asking for review hearings and transferring oversight to Probation.

By July 1, 2014, all youth with an active case in Juvenile Court will be under the supervision by Probation.

Noteworthy differences in providing services to this population

<u>OJS</u>	<u>Probation</u>
Guardianship transferred to OJS	Parent retains guardianship
Independent authority to detain for up to 15 hours. Parole oversight and parole hearings- internal agency process within 72 hours and youth can be re-committed to YRTC-K by OJS authority.	Detention authority is for 24 judicial hours. Co. Attorney files motion and court signs. Court decides when youth are detained and when youth are released. "parole" violation will now follow this probation revocation procedure.

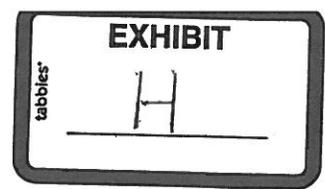
Staffing Needs

1. Officers will adequately handle the caseloads with these appropriate ratios...
 - Reentry 1-15 youth
 - Specialized 1-25 youth
 - Moderate/low risk 1-40 youth
2. Investigation Assistants will assist PDI officers who will be more involved in finding services, placements and identifying funds under a 21 day turnaround for reports with evaluations.

Staff Breakdown

- 17 Supervision Probation Officers
- 5 PDI Officers
- 5 Reentry Officers
- 2 Juvenile Justice Resource Officers
- 2 Supervisors
- 1 Placement Coordinator
- 2 Drug Techs
- 2 Investigation Assistants
- 7 Clerical
- 43 Total new staff (Current staff = 19)

3. In addition to supervision of youth, the Probation will be completing more reports for the Juvenile Court (mostly the addition of handling the truancy cases). Also, we will be coordinating evaluations for the Court in a 21 day timeframe.



2013 – 2014 Juvenile Justice Prevention Fund
Final Recommendations

Agency	Amount	Program
1. CASA for Lancaster County	\$6,500	CASA provides advocacy services for abused, neglected, truant, or ungovernable children. Funding request is for recruiting, training, and supervising volunteers.
2. Christian Heritage	\$10,000	CH provides parent/youth relationship workshops at our Detention Center, reaching 48 – 64 youth each year.
3. El Centro de las Americas	\$19,963	Request is to pay for a full-time coordinator for the Golden Warriors program; a program for 75 Hispanic/Latino high risk youth.
4. Friendship Home	\$12,500	This would cover the cost of a full-time African American Children’s Advocate reaching an estimated 75 youth ages 10 – 17.
5. Girl Scouts	\$15,000	This would help continue prevention programming at the Detention Center, Bryan Community School and Cedars.
6. Heartland Big Brothers Big Sisters	\$10,000	This project provides mentors to 15 high risk youth for 24 months.
7. Malone Community Center	\$17,000	This will support the Talented Tenth Scholars program serving 36 high risk African American youth, ages 13- 18.
8. Salvation Army	\$12,537	This would provide a safe place for up to 250 high risk teens ages 13 – 16, on Friday nights – transportation provided.
9. Volunteer Partners	\$6,500	This supports the Youth Volunteer Program which includes youth needing to complete community service hours for Probation. They plan to serve 100 youth.

Total: \$110,000

This year, 12 agencies requested \$212,160. The Juvenile Justice Prevention Fund has \$110,000 available this year. Congratulations to all recipients. Official notification will come to you soon.

*Recommended “for approval” to the County Board 6.4.13